



Northern Ireland
Assembly

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Contents

Assembly Business

Public Petition: Newry, Mourne and Down District Council — Inclusion of Gullion/South Armagh in the Name	1
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Executive Committee Business

Energy (Amendment) Order (Northern Ireland) 2015.....	2
Pensions Bill: Final Stage.....	4

Committee Business

Mental Capacity Bill: Establishment of an Ad Hoc Committee.....	10
Public Services Ombudsperson Bill: Second Stage.....	10

Oral Answers to Questions

Office of the First Minister and deputy First Minister	22
Enterprise, Trade and Investment	30
Employment and Learning.....	39

Committee Business

Public Services Ombudsperson Bill: Second Stage (<i>Continued</i>).....	49
Public Services Ombudsperson Bill: Ad Hoc Committee	51
Ombudsman and Commissioner for Complaints (Amendment) Bill: Accelerated Passage	51
Ombudsman and Commissioner for Complaints (Amendment) Bill: Second Stage	53

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Cameron, Mrs Pam (South Antrim)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAlear, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDonnell, Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McKinney, Fearghal (South Belfast)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (Speaker)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (West Belfast)
Middleton, Gary (Foyle)
Milne, Ian (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
Ó Muilleoir, Máirtín (South Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Seán (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitriona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 11 May 2015

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Public Petition: Newry, Mourne and Down District Council — Inclusion of Gullion/South Armagh in the Name

Mr Speaker: Mr Mickey Brady has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. The petition that I am going to present has been signed by the local community and the Crossmaglen and South Armagh Chamber of Commerce. A petition has also been handed over to the CEO of Newry, Mourne and Down District Council, Liam Hannaway, which was accompanied by DVDs made by the BBC highlighting the unique cultural significance of the area.

It is very important that the area is recognised as a unique and important part of the new council area. It is simply unacceptable that south Armagh has been left out of the new council's name. As a distinct cultural region, steeped in the history and folklore of Ireland, it forms an essential part of the identity of the new council. The decision of the SDLP and unionists to block any inclusion of Gullion or south Armagh in the name of the new council is and was a deliberate snub to the people of the entire area.

South Armagh is an area with incredible tourism potential, and, at a time when we are trying to raise its profile, this double blow dealt by the SDLP — funding has also been taken off the project that deals with the area of outstanding natural beauty — has caused a serious backlash. Many local businesses, community and voluntary groups and individual residents have contacted me and my colleagues to register their anger at this decision in the strongest possible terms. We are calling on the council to reconsider its name and introduce something more reflective of the entire region.

The Giant's Lair in Slieve Gullion Forest Park is a very successful project that has attracted people not only from the surrounding area but from all over Ireland and from abroad. We hope that the council will recognise the depth of feeling on the issue, because those who live and work in the area have invested in and promoted it, and they are rightly angry that south Armagh has once again been cast aside.

Gullion has been a tourism success story, and the inclusion of the names of two areas of outstanding beauty was something that the new council hoped to build on. Obviously, the Mournes are another area of outstanding natural beauty, and they have been included. However, the exclusion of an entire region of the new council area has detached and isolated many who day and daily work to ensure its well-being and sustainability.

Mr Brady moved forward and laid the petition on the Table.

Mr Speaker: I will forward the petition to the Minister of the Environment and send a copy to the Committee.

Executive Committee Business

Energy (Amendment) Order (Northern Ireland) 2015

Mrs Foster (The Minister of Enterprise, Trade and Investment): I beg to move

That the draft Energy (Amendment) Order (Northern Ireland) 2015 be approved.

This statutory rule is being made under powers in the Energy (Northern Ireland) Order 2003, which prescribes that this order must be laid in draft form for approval by affirmative resolution of the Assembly.

The changes that I am bringing forward in the draft order will amend the part of the Energy (Northern Ireland) Order 2003 that deals with renewables. Renewable electricity generation in Northern Ireland is incentivised through the Northern Ireland renewables obligation, or the NIRO, as it has become known. Since its introduction in 2005, the NIRO has been instrumental in increasing renewable deployment in Northern Ireland from 3% renewable electricity consumption in 2005 to approximately 20% now. However, as part of the UK-wide electricity market reform, the NIRO, along with the other two renewables obligations in Great Britain, is scheduled to close to new generation in March 2017.

A consultation on the NIRO closure in 2017 was undertaken in 2012, and the majority of respondents at that time agreed that it would not be viable to keep the NIRO open after 2017 if the other two renewables obligations in Great Britain were to close. The proposed Energy (Amendment) Order contains powers to allow my Department to make a renewables obligation closure order. It will amend the primary provisions in the Energy (Northern Ireland) Order 2003 relating to the NIRO. Article 56(1) of the Energy (Northern Ireland) Order 2003 allows it to be amended to reflect changes to the primary legislation governing the renewables obligations in Great Britain, where a closure order has already been made.

This is purely an enabling measure. The substance of how we close the NIRO will be set out in the actual closure order, which I hope to bring before the Assembly prior to the summer recess. I issued a consultation on transition arrangements to contracts for difference and NIRO closure grace periods in March. That consultation ended on 15 April, and I hope to

publish a response shortly. That will inform debate on the renewables obligation closure order, which is planned to close the NIRO to new generation and additional capacity from 1 April 2017. Provisions for eligible generators to avail themselves of a closure grace period will also be included.

The wider question of transition to contracts for difference raises significant implications for Northern Ireland, including cost to consumers, renewable energy deployment potential and the ability to meet 2020 renewable energy targets. I recently sought views from stakeholders on those strategic issues to inform future policy decisions on the way forward for renewable energy in Northern Ireland.

In conclusion, the amendments in this order will provide enabling powers for my Department to introduce a closure order, which will also be subject to affirmative resolution and which will therefore come before the House.

Mr Dunne: As a member of the Committee for Enterprise, Trade and Investment, I support the draft Energy (Amendment) Order, which has been laid before the House today. The Committee considered the order on 14 April 2015.

The cost of energy is a very important issue that affects everyone across Northern Ireland. It is therefore imperative that we continue to look at all possible options to ensure that we maximise our potential in developing and improving our energy supplies whilst ensuring energy efficiency and affordability. With the closure of the Northern Ireland renewables obligation scheduled for 2017, it is important that renewable energy be allowed to develop in the future through the up-and-coming contracts for difference (CFDs) arrangements. We have seen a real evolution in renewable energy across Northern Ireland, and I commend the Minister for leading on the important issue of energy supply. I trust that we will continue to build on what we have achieved and focus on meeting our targets whilst ensuring a balance on cost.

Mr Flanagan (The Deputy Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for bringing forward this rule. As Mr Dunne said, the Committee considered the Energy (Amendment) Order at SL1 stage on 24 March and, subsequently, the draft statutory rule on 14 April. The Committee is content that the statutory rule amend the Energy Order 2003 to confer a power on the Department to make a

renewables obligation closure order. Therefore, it agreed that the rule be affirmed by the Assembly.

The electricity market reform will see all three Westminster renewables orders closed to new generation from 1 April 2017. The NIRO is the main policy measure for supporting the development of renewable electricity here, and it has proved very popular and successful since it was first introduced in 2005, with consumption of electricity from renewable sources having increased from 3% to almost 20% since then.

It is the view of the Westminster Department of Energy and Climate Change (DECC) that the contracts for difference, which are the main renewables support mechanism under electricity market reform, offer a means of meeting its statutory energy targets at least cost to the consumer. However, CFDs will mean a fundamental change from the NIRO, as generators will no longer have a guaranteed subsidy and will have to compete for contracts within a yearly budget allocation.

The Committee looks forward to the outcome of DECC's call for evidence on how CFDs might be implemented here and the Department's strategic issues paper regarding our strategic position on renewable energy. The Committee welcomes the Minister's recognition of developers' concerns that our late entry into the CFD process will limit opportunities within a decreasing budget imposed by the levy control framework. The Committee notes that the Department has been working closely with DECC on how generators and suppliers locally can participate in the existing Westminster small-scale feed-in tariff (FIT) following the closure of the NIRO.

The Minister has highlighted, in correspondence to the Committee, a number of concerns in relation to the transition to CFDs and has underscored the need to ensure that the CFD process takes account of the different market arrangements in the North. The fact that generators and suppliers here operate in an all-island single electricity market means that some changes will be necessary. There will be no guaranteed renewables deployment, which may make it difficult to have a separate target. EMR will result in consumers here and in Britain paying the same to support CFDs. The North's lower supplier obligation level under the NIRO, which cannot be replicated under a CFD mechanism, means that consumers here will experience an increase in the percentage of their bill used to fund renewables.

The Committee looks forward to considering the issues in detail, following consultation to ensure the best outcome for developers and, more importantly, consumers. At this stage, it is not the most exciting topic in the world; I think that people will be sick of hearing about CFDs, FITs and NIROs by the time we are finished. However, as the Minister said — I like to agree with her whenever I can — this is only an enabling power; the issue of substance has still to be discussed and decided. The Committee looks forward to playing its role in that in the future.

Mr Kinahan: I support the draft Energy Order. I recognise that, today, it is really about putting in place an end date so that we can plan. It is great to hear that the Minister has put in a grace period and has been talking to the providers. I think that most of us have been lobbied at times by the various companies in the industry. It is essential that we always keep them well advised in advance about where we are going so that they can plan on what they work on in the future.

One of my concerns is that we need to get money into research and development. We need to make sure that the technology is there for all the alternative energies, whether wind, rain, ground heating or something else, so that they are cheap when they come to happen in the future. That is something that we must not let die or fade away. When I joined the Enterprise, Trade and Investment Committee not that long ago, one of the key briefings that I had was with the Northern Ireland manufacturers' association.

One of the three main items that they wanted to raise with me is the cost of energy. That is what really matters to all manufacturing industry, as indeed it does to all of us in respect of our own homes. We must, therefore, keep the pressure on to make sure that we look at all the ways of dealing with alternative energy in the future.

I wonder whether the Minister agrees with the MP and MLA for East Antrim that climate change is something that we humans do not affect or believes that we need to take it in as a factor. We support the order.

12.15 pm

Mrs Foster: If there is one thing that comes out of this debate, it is that the Westminster election is definitely over, because Phil Flanagan is being very pleasant towards the Minister this morning. We all welcome that development.

Obviously I congratulate the new Member of Parliament for South Antrim, who spoke on the order as well.

This is an important order. As Mr Flanagan pointed out, the main change under electricity market reform will be competition. There will be no guaranteed support in terms of renewable energy or electricity. Competition will be the fundamental change under electricity market reform and the move away from the NIRO to contracts for difference. I hope that cost, renewable deployment and all of those issues will be talked about in greater detail. We put out the strategic issues paper so that the industry could come forward and bring evidence to us as to how the changes coming forward would impact on them.

This order is an enabling provision. As I have indicated, I will need to bring forward a closure order to deal with the very specific proposals around closing the NIRO in 2017, and that will be debated on the Floor of the House. I commend this motion to the Assembly.

Question put and agreed to.

Resolved:

That the draft Energy (Amendment) Order (Northern Ireland) 2015 be approved.

Pensions Bill: Final Stage

Mr Speaker: I call the Minister for Social Development to move the Final Stage and open the debate on the Bill.

Mr Storey (The Minister for Social Development): I beg to move

That the Pensions Bill [NIA 42/11-16] do now pass.

Mr Speaker: I call Mr Mickey Brady.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. The Chair has arrived.

Mr Speaker: While that is getting sorted out, the Minister may wish to make his opening remarks.

Mr Storey: There are a few comments that we want to make at this stage. The Pensions Bill proposes changes to the state pension system, private pensions and bereavement benefits. The changes are significant, and it is appropriate that I comment briefly on the main

proposals. I will endeavour to do this with a voice; I have been struggling with my voice over the last few days, for reasons that I am sure Members will understand.

In recent years, state pension age for men and women has increased as a consequence of rising life expectancy and falling birth rates. We have also seen the introduction of automatic enrolment into workplace pensions, a measure intended to ensure that most employees have access to a simple, low-cost pension scheme that will provide an additional source of pension income. With Executive agreement, I plan to introduce a further Bill prior to summer recess that will deal with private pensions.

The present Bill forms part of a wider, ongoing process of change in the pensions system and corresponds largely to the Pensions Act 2014. In particular, it introduces a new state pension and consequential matters; accelerates the increase in state pension age to 67; and replaces the existing bereavement benefits with benefit support payment for future claimants.

Part 1 introduces a new state pension to replace the current two-tier scheme, comprising basic state pension and the state second pension. It has been designed to cost no more overall by redistributing spending. It provides for a single component, flat-rate contributory pension set above the pension credit minimum guarantee for people reaching pension age on or after 6 April 2016; transitional arrangements dealing with those who reach pension age on or after 6 April 2016 and have qualifying years accrued under the current system; and the ending of contracting out for salary-related occupational pension schemes.

The objectives are as follows: a simple state pension; clarity and confidence about the support that can be expected from the state; a foundation for retirement planning and saving; and a reduction in the number of people who have to rely on means-tested benefits, such as pension credit. The new scheme will benefit, in particular, the self-employed, who will be treated in the same way as an employee for pension purposes, and low earners, particularly women who have had career breaks or caring responsibilities and who did not have time to build up a state pension or who have paid into private pension schemes for only a short time.

I think it is fair to say that there is a broad consensus that the current pension system is too complex. The proposed scheme is, I trust, simpler and more transparent. People reaching state pension age before the introduction of the

new scheme will receive their state pension in line with current rules.

Part 2 makes provision for increasing additional state pension. The Westminster Pensions Act 2014 introduced a new class of voluntary national insurance contribution, class 3A. Payment of class 3A contributions will allow people who reach state pension age before the introduction of the new state pension to increase their additional state pension under the current scheme. As national insurance contributions are an excepted matter, those measures extend to Northern Ireland. The Bill provides for the payment of extra units of additional state pension to those who choose to pay class 3A contributions.

Part 3 provides for accelerating the increase in state pension age to 67. Members are aware that the Pensions Act (Northern Ireland) 2012 brought forward the increase to age 66 as a consequence of revised life expectancy projections. In the November 2011 Budget statement, the Chancellor announced that state pension age in Great Britain would increase to 67 between 2026 and 2028, rather than between 2034 and 2036. The Bill makes corresponding provision for Northern Ireland. As a consequence, people born after 5 April 1960, but before 6 March 1961, will have a state pension age between 66 and 67, and those born after 5 March 1961 but before 6 April 1969 will have a state pension age of 67. The changes will not apply to anyone affected by the bringing forward of the increase to age 66. As with previous increases, that proposal affects the qualifying age for all pension-age benefits and the upper age limit for the receipt of working-age benefits. So, people will continue to be entitled to working-age benefits for longer.

In an ideal world, no one would want to increase the state pension age. However, while increases in life expectancy are to be welcomed, additional years spent in retirement mean additional financial pressures on state pension funding. The problem is not simply one of increased longevity. Individuals do not have their own pension pot building up in the national insurance fund. The reality is that today's contributions pay for today's pensions, and the proportion of pensioners is increasing relative to the total population. I believe there is a general acceptance that changes are inevitable. The aim is to ensure that the state pension remains sustainable.

Part 4 makes changes to state pension credit to ensure that people receive the right amount of pension credit when they need it.

Part 5 introduces the bereavement support payment to replace existing bereavement benefits for new claimants. Bereavement support payment will simplify the payment system, by moving to a more uniform structure, and the contribution conditions, with the introduction of a single rule. The intention is that support will focus on the period immediately after bereavement; aid the process of readjustment; and support those without employment to return to work.

Bereavement support payment will provide additional upfront help in the year after bereavement when it is needed most; will be available to childless people under 45 who would not have been entitled to bereavement allowance or widowed parent's allowance; and will be disregarded from capital and income calculations for entitlement to other benefits. It will be paid as a lump sum with monthly instalments. The values and payment details will be set out in regulations; however, indicative values are in the region of £4,300, comprising a £2,500 lump sum and £150 in monthly instalments for one year for recipients without dependent children, and £9,800, with a £5,000 lump sum and £400 in monthly instalments for one year for those with dependants. Longer-term support will be provided through other benefits as appropriate.

A number of measures in the Bill relate to private and workplace pension schemes, the majority of which strengthen existing legislation in respect of regulation and automatic enrolment. For example, the Bill extends powers to set minimum quality requirements for workplace pension schemes and to limit or prohibit charges to ensure such schemes are well governed and administered. It provides for the automatic transfer of small occupational pension pots when a person changes employer, which will reduce the number of dormant pots, making it easier for people to track their pensions savings and help them to plan better for retirement and secure a better income in retirement.

To conclude, the current pension system is widely accepted as being too complex. The proposed new scheme is simpler and more transparent. As I said earlier, ideally, none of us would want to increase state pension age. However, pensions and benefits must be sustainable and fair across the generations. I think that the consensus is that we cannot leave a legacy of unsustainable pension costs to be picked up by the younger generation.

I trust that Members are content with the broad thrust of the Bill. I thank the Chairman of the

Committee for Social Development. I know that it carried out a detailed and thorough scrutiny of the Bill. The Committee has made four recommendations, and I am pleased to say that I have accepted them all and my Department will take them forward. I place on record my thanks to the Committee and other Assembly Members for the positive manner in which they considered this important Bill. I commend the Bill to the House.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for bringing the Final Stage of the Pensions Bill to the House and outlining in considerable detail the Bill's purpose, content and so on, while even addressing some of the concerns that have been raised by Members of the House and a range of stakeholders.

In response to its call for evidence, the Committee received three substantive submissions. Additionally, the Committee received shorter written submissions from four stakeholders, commenting on particular aspects of the Bill. The Committee took oral evidence from four organisations. I thank those organisations that took time to engage with the Committee on the Bill. I particularly highlight the assistance provided to the Committee from the Commissioner for Older People and from Cruse Bereavement Care, in conjunction with Childhood Bereavement Network. Both organisations brought to the attention of the Committee the potential difficulties people may face in respect of changes being made by the Bill, for example, the potential impact on widowed parents with dependent children as a result of the widowed parent's allowance being replaced with a single bereavement payment, and, furthermore, how those with multiple part-time jobs or in zero-hours contracts may struggle to make the lower earnings limit that is required to trigger National Insurance contributions. They may, therefore, not reach the minimum qualifying period of 10 years' contributions to ensure a state pension.

The Committee was eager to pursue these and other issues with the Department and subsequently made a number of recommendations to the Minister. As the Minister outlined, after consideration, he has accepted in full all those recommendations. The Committee, of course, very much welcomed his decision.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

12.30 pm

In particular, the Committee welcomes that the Department has accepted the Committee's recommendation to monitor the impact on widowed parents with dependent children by replacing widowed parent's allowance and other bereavement benefits with the bereavement support payment. The Committee noted that the bereavement support payment will not extend to surviving unmarried cohabiting partners, which is currently also the case in relation to the payment of widowed parent's allowance. The Committee noted that the main reason given for that is the difficulty in officially verifying the bona fides of such relationships. However, the Committee shared the concerns of Cruse and the Childhood Bereavement Network that that might ultimately impact on the children from such a relationship. I repeat that the Committee therefore welcomes that the Department has accepted the Committee's recommendation to investigate how the verification of such relationships could be established with a view to including unmarried cohabiting partners through the bereavement support payment.

Indeed, it is fair to say that the Committee was given good support from the Department's Bill team throughout consideration, and that is reflected in the Minister's positive response to the Committee's recommendations. On behalf of the Committee, I convey my thanks to the Department's Bill team for that support. It is encouraging to see the positive impact that scrutiny by a Committee, in conjunction with stakeholder engagement, can have on legislation when a Department is prepared to work on a collaborative basis with the Committee. Hopefully, that approach can continue, and I have no doubt that it will.

In addition, the Minister brought forward a number of consequential and technical amendments. As I pointed out to the House during Consideration Stage, those amendments were provided to the Committee by the Department after the Committee had formally completed its scrutiny of and reported on the Bill. However, the Committee considered the Department's notification of the amendments at its meeting on 12 March and noted that they were, in fact, of a consequential and technical nature. At that time, no members of the Committee raised any concerns about the proposed amendments. I note that no further amendments were presented during Further Consideration Stage.

I think that we can all appreciate that everybody hopes for a healthy retirement and a good and

fair pension to ensure the security that they need and should have to enjoy that time of life. However, we must recognise that there will inevitably be winners and losers as a result of this legislation. Young people will perhaps most noticeably lose out as the retirement age increases and they find that they also have to save more towards their retirement. The Minister addressed that in his remarks.

The Committee welcomes the introduction of a single-tier pension. It provides simplicity in an otherwise very complex area. It also provides greater certainty in respect of what an individual can expect upon retirement to live on.

I conclude by thanking all the organisations that assisted the Committee in its scrutiny of the Bill, either by providing a written submission and/or an oral briefing. I also thank members of the Committee, who dedicated a significant amount of time to considering the legislation, which is part of a very complex area of public work. The Committee is happy to support the Bill through its Final Stage.

Ms P Bradley: As we know, the Pensions Bill is part of a package of reforms. This legislation will bring us into line with the other areas of the United Kingdom. The key aspect of the Bill is that it will simplify the pensions system and bring in a single-tier pension, which should make it easier for users to navigate.

There are a number of positives in the Bill. It will simplify the pensions system and provide clarity on the future of our pensions system. The Bill also allows those who previously may have been at a disadvantage under the old system to be on a more equal footing. That is people such as carers and the self-employed, as long as they meet such requirements. However, it is not perfect, as many people who act as carers are not officially notified as such. Indeed, often, those unpaid carers do not identify themselves as carers and instead see themselves as just carrying out the role of a family member.

As the Chair of the Committee said, there were concerns about the introduction of the bereavement support payment. Although those concerns and others have been addressed, I remain concerned about the disadvantage to those who are not married but are in cohabiting partnerships. I recognise the difficulty involved in identifying which relationships meet the criteria and which do not, especially in the aftermath of the loss of a partner. I also have concerns about workers who find themselves on zero-hours contracts and about whether those people will be able to access pensions.

I support all the Committee's recommendations and I believe that relatively low numbers of people will be affected negatively by the Bill, while the improvement to other people's lives will be significant. I also believe that the issue of pensioner poverty will be positively addressed. At present, our system is extremely complicated and off-putting to many who need it most. I support the Final Stage of the Pensions Bill.

Mrs D Kelly: I would like to reiterate some of the comments made by Ms Bradley, particularly on the importance of providing good and timely information to carers about how they might benefit from the provision of additional notification to the pensions department on a timely basis. I also confirm the comments of the Chairperson on how the passage and scrutiny of the Bill was managed throughout the Committee Stage. Officials came regularly and routinely to listen not only to the Committee's concerns but to those of the other stakeholders who provided assistance to the Committee on the very complex world of pensions.

As others have said, there are winners and losers but, overall, in this instance, there are more winners in this particular Bill. The provision of good, timely advice and information is of the utmost importance as we set out the consequences of the Bill passing through the House today.

Mr Beggs: I, too, welcome the Final Stage of the Pensions Bill and indicate my support and that of the Ulster Unionist Party for it. The Bill will result in many of us having to work longer before we reach the age of 67 and qualify for a state pension. The schedule for extending the qualifying age for state pension has been brought forward, and it would appear that reasonable steps have been taken to reduce anomalies in it. Few will wish to work longer before qualifying for their state pension. However, as others have said, with growing life expectancy, extending the pension age has become inevitable if we wish to have affordable pensions that meet the basic needs of our pensioners.

The Bill brings Northern Ireland into line with the Pensions Act 2014, which was agreed at Westminster. During the progression of this Bill, there has been much discussion, but the amendments have been minor and technical in nature. A simplified pension and support system for pensioners must be welcomed because it will give greater clarity and enable better planning for the future, provided that the basic needs of pensioners continue to be met.

During the passage of the Bill, it was highlighted that the state pension is related to National Insurance contributions, but that, of course, is a non-devolved matter. The final Bill will continue to provide parity with the rest of the United Kingdom. There appears to be recognition from all sides that any change to this proposal could be hugely expensive. If we were not to go for parity on pensions, it would result in additional financing being required from our limited block grant. There would be another administrative cost and, potentially, even a barrier, because it would be very costly to administer any deviation, and it may not be simply technical in any modern system. It would be very costly.

One amendment to the Bill approved at Consideration Stage was to amend the Welfare Reform Bill 2015, which has yet to come into effect, and, in fact, has yet to be agreed by the Assembly. That amendment includes pension as being excluded from a benefits cap. That has to be welcomed, but this question must be asked: if we cannot afford adjustment to the Pensions Bill to be more generous, how can we afford further adjustment to the Welfare Bill? Just as the absence of agreement on the Pensions Bill could cause turmoil to the finances of the Northern Ireland Assembly, so too will the absence of agreement on welfare reform. I support the Bill.

Mr Dickson: I also welcome the opportunity to speak at the Final Stage of the Pensions Bill. The Bill will provide the means to implement reforms to our state pension system to ensure that it is on a par with the system in the rest of the United Kingdom. The key changes are the creation of a single-tier pension system, changes to the pensionable age, bereavement support and alterations to the law around private pensions. The Alliance Party and I are content that the Bill has had appropriate scrutiny, particularly during Committee Stage. As the Chair pointed out, it is important that we recognise the work that the Committee has done in scrutinising the Bill.

With the assistance of statutory and voluntary organisations, a number of concerns were highlighted during Committee Stage: for example, the Commissioner for Older People in particular expressed concern that women might be more adversely affected than men, but, following discussions with DSD, the Committee was ultimately content that the impacts would be ironed out and resolved.

Another issue that I was keen to ensure will be effectively monitored was the increase in the years of National Insurance contributions

required to qualify for a state pension. The Committee was concerned that, in a changing labour market with many people underemployed, many will not meet the earnings threshold for National Insurance contributions, and, therefore, might not qualify for pension after 35 years because, even if they had worked, they would not have earned sufficient to make National Insurance contributions. However, I hope that, through discussions with HMRC and the Department for Work and Pensions, a solution whereby years of work can be counted towards pension entitlement will be found.

One of the most impacting changes, which was referred to by others, will be the raising of the pensionable age to 67. As a society, we need to recognise that the pensionable age needs to reflect changes in demographics and people's ability to live longer. Nonetheless, it is vital that the Department communicates effectively those changes to allow for the financial management of those approaching pensionable age. Furthermore, I am reassured by the assertion that any further increase in pensionable age will require additional primary legislation to come before us in the House.

I intend to support the Bill through its Final Stage. I believe that the changes are rational and required. Nevertheless, I must express disquiet at last week's general election results. I am concerned that an increasingly threadbare social security system will come under further strain. I, for one, am pleased that this is currently devolved to us so that we can deal with the issues and mitigate as appropriate.

I urge the Department to continue its scrutiny of the progress of the implementation, particularly the impact on groups identified as being particularly at risk of being considerably adversely affected. We must ensure that our pension system is fit for purpose and fit to meet the needs of the working environment now and well into the future in order to ensure that there are no shocks for people in 20, 30 or 40 years' time and that a pension plan today will deliver for them when they reach pension age.

Mr Storey: I thank Members for their contributions. I concur with the comments made by the Chair of the Social Development Committee about the work that was carried out. I think that the tone of this debate, on the work between my Department and the Committee, has probably been better than the tone of tomorrow's debate will be. However, the legislation is a good example of what is achievable between a Department and a scrutiny Committee of the Assembly.

I also want to place on record my appreciation of the Bill team in my Department. I assure you that I depend on them extensively because they are the experts in this field. I place on record my appreciation of the work that Gerry, his team and all involved have done.

I turn to some of the comments made by Members. I reiterate what I said about the Social Development Committee's recommendations, which is that we will take those forward. That is important because concerns were raised. It is only right that we give due consideration to the recommendations in a proper and timely way, and that is why I was very content to work towards their implementation. I look forward to doing that over the next number of months.

12.45 pm

My colleague Paula Bradley spoke about the bereavement support payment and cohabiting couples. My Department is taking forward the Committee's recommendations on carers and bereavements, and that will hopefully help to allay the Member's concerns, which I share. Whether it is on the issue of housing, welfare reform or pensions, Members have heard me say that we need to remember that, when we come to the House, we are dealing with people's lives. We perhaps want circumstances to be different in our communities and society, but we have to face the realities and deal with the circumstances as they are.

If there is one thing that I want to address in my time as a Minister, it is to have that concern displayed in the way in which we address particular issues. We sometimes have a habit of dismissing an issue when it is raised by Members or an organisation. I genuinely want to try to address such concerns. Hopefully, the new pension system will be simpler and easier to understand. I trust that the work being carried out on the Committee's recommendation will bear fruit and produce something of value.

Dolores Kelly referred to carers. Again, my Department will take forward the Committee's recommendation. Like many Members, I know the important and invaluable contribution that carers make to our society. No one in the House should underestimate that important role, which they play day and daily.

Mr Beggs brought us back to reality. Yes, as some mentioned, and, I suppose, we could not not mention, we have had a general election. There have been interesting outcomes on many fronts, but Mr Beggs brought us back to the

reality of where we are with welfare reform. There are those who would like to bury their head in the sand and ignore the fact that there was an agreement made at Stormont House. Then there are those who think that welfare reform is something that we can just wish away. The reality for us all is that that cannot be the case. There will have to be serious engagement and decisions made in a very short period so that we can, if possible, move the issue forward.

Mr Nesbitt: I thank the Minister for giving way. On your warm and appropriate words about carers, there is serious speculation that the new Government at Westminster intend to tax carers' allowances as part of the £12 billion recouplement from the welfare budget. Will the Minister join me in saying that we will do whatever is necessary to resist the introduction of any such draconian measure in Northern Ireland?

Mr Storey: The lesson that we all learned from the election is to be careful about speculation. We had all sorts of speculation and all sorts of people telling us who were going to be the winners, and we saw who were the losers. We saw pundits put fairly and squarely in their place. Despite all their attempts to tell us what the outcome of the election was going to be, it was a different outcome.

However, the Member raises a serious point. My party has made it abundantly clear that, through representation in the House of Commons, and by joining with his colleagues there, we will do everything in the best interests of the people of Northern Ireland. My colleague Jeffrey Donaldson also made the position on carers clear at the weekend. This party will ensure that we have effective implementation of what is right and fair. If it is not right and fair, my party will oppose it, and that applies to carers.

Mr Dickson mentioned National Insurance requirements. As working lives grow longer, the 50-year-plus will soon be the norm, and the 35-year requirement for a full pension should be attainable. Those issues continue to be of interest to us.

I remind everyone of the daily contribution that is made through the provision of pensions in Northern Ireland. In Northern Ireland in 2012-13, we paid out almost £37 million every week in state pensions, so it is obviously an important issue. When we discuss the important issue of welfare and the annual £4.4 billion that comes into Northern Ireland for that, we should

remember that over half of it is provided to our pension system. That sets the issue in context.

I conclude by thanking all involved. This is an important Bill, which will help to safeguard the pensions system in Northern Ireland in the coming decades. Once again, I place on record my gratitude to the Chair, the Committee for Social Development and Members across the Assembly for their contribution to the progress of the Bill.

Question put and agreed to.

Resolved:

That the Pensions Bill [NIA 42/11-16] do now pass.

Committee Business

Mental Capacity Bill: Ad Hoc Committee

Mr Principal Deputy Speaker: The motion will be treated as a business motion, and, therefore, there will be no debate.

Resolved:

That, as provided for in Standing Order 64C, this Assembly appoints an Ad Hoc Joint Committee to consider the Mental Capacity Bill; and to submit a report to the Assembly by 28 January 2016.

*Composition: Democratic Unionist Party, 4
Sinn Féin, 3
Ulster Unionist Party, 2
Social Democratic and Labour Party, 1
Alliance Party, 1*

Quorum: The quorum shall be five members except when no decision is taken or question put to the Committee, when the quorum shall be four.

Procedure: The procedures of the Committee shall be such as the Committee shall determine. — [Mr Swann.]

Public Services Ombudsperson Bill: Second Stage

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I beg to move

That the Second Stage of the Public Services Ombudsperson Bill [NIA 47/11-16] be agreed.

I note that this is the first Bill to be introduced by a Statutory Committee of the Northern Ireland Assembly since its inception in 1998. This is the result of work by the present Committee for the Office of the First Minister and deputy First Minister, which built on work begun by the Committee in the previous mandate at the invitation of the ombudsman and with the support of the Office of the First Minister and deputy First Minister. The work has been informed by the views of stakeholders who engaged with the Committee, and I am sure that the work will be continued by Members during today's debate, at Committee Stage and during the amending stages. The focus of today's debate is the principles of the Bill, and I

do not propose to dwell on the detail in these opening remarks.

In broad terms, the Bill merges and reforms the current offices of Northern Ireland Ombudsman and Commissioner for Complaints into a new office of the Northern Ireland Public Services Ombudsperson (NIPSO). It is a new office with a new name — ombudsperson — that the Committee favoured because it was clearly gender neutral. However, it will continue to be an office whose principal purpose is to investigate maladministration in the listed public authorities.

I know that, from their experience in assisting constituents, Members will be well aware how the current legislation on the ombudsman and the Commissioner for Complaints works. The main focus of my opening remarks will be on those areas where the Bill will introduce change. However, it should be noted that key elements of the current roles remain, and I feel that it would be useful for me at this stage to summarise them briefly by placing in context the changes that the Bill will introduce.

The first element is injustice resulting from maladministration by listed authorities. That remains the main mischief that the Bill aims to address. Next is the power to investigate complaints of injustice arising from the exercise of clinical judgement in health care. That is retained. The current offices are not authorised to question the merits of a decision taken without maladministration by a listed authority in the exercise of discretion. That will continue to be the case, the only exception being narrow categories of professional judgement in health and in social care. Next, if the person aggrieved has a right of complaint, appeal or review to a tribunal or a legal remedy via the courts, the NIPSO must not investigate. However, there will continue to be discretion to investigate if, in the particular circumstances of the case, it is not reasonable to expect the person aggrieved to resort to the available remedies.

Like the ombudsman and commissioner, it will be for the NIPSO to decide whether to begin, continue or discontinue an investigation and to determine whether the conditions for launching an investigation have been met. That discretion will continue. Investigations will continue to be conducted in private, and the investigation report will normally be shared only with the person aggrieved and the listed authority and staff involved. The investigation report will normally remain confidential. In investigating a complaint, the NIPSO will have the same powers as the current offices to compel the

attendance of witnesses and the production of documents; namely, the same powers as the High Court. Where the NIPSO upholds a complaint, he or she may recommend that action be taken by either party and may recommend that the listed authority make a payment to the person aggrieved. The recommendations of the ombudsman and commissioner are not legally binding, and that will remain the position. In the vast majority of cases, a listed authority respects the office's statutory authority and independence and complies with the recommendations. We expect that to continue.

One of the major changes that the Bill will introduce, which is a key principle informing it, is a new, closer relationship between the ombudsperson and the Assembly — with the legislature, rather than with the Executive. At present, the Assembly has no role in the appointment of the Assembly Ombudsman or the Commissioner for Complaints. OFMDFM initiates the recruitment and puts forward a candidate for formal appointment by Her Majesty. OFMDFM has power to approve the expenses and the ombudsman's staffing complement. At the same time, the ombudsman can investigate complaints of maladministration by OFMDFM. There is no suggestion that OFMDFM has ever sought to exert influence, but Members will appreciate the potential for conflicts of interest to arise or, indeed, to be perceived.

The NIPSO Bill reflects the Committee's view that there is an alignment of interests between the role of ombudsperson and the Assembly. The Assembly and its Committees hold Ministers, Departments and other public bodies to account, and those are broadly the same bodies that the NIPSO will be investigating. In a number of places, the changes proposed reflect the relationship between the Assembly and the Comptroller and Auditor General.

That alignment is reflected in the Bill's provision that the Assembly Commission will undertake a fair and open competition to identify a candidate for nomination; that the formal appointment by Her Majesty will follow on from the Assembly's nomination; and that the Assembly Commission will set the NIPSO's salary by order, subject to an upper limit, and will also set other terms and conditions. The NIPSO's budget will be submitted to the Assembly's Audit Committee, which will in turn have the power to lay the NIPSO's estimate. The Audit Committee does that for the Comptroller and Auditor General. Removal of the NIPSO on grounds of health or misconduct would require an Assembly motion, and such a motion must have the approval of

two thirds of all MLAs. The NIPSO will lay an annual report in the Assembly, as at present, but there is greater clarity and power to report to the Assembly in a variety of circumstances.

The NIPSO's closer relationship with the Assembly and greater distance from the Executive support the explicit statement of independence in clause 2. That reflects the statement of independence regarding the Comptroller and Auditor General in the Northern Ireland Act 1998.

1.00 pm

The ombudsperson is not subject to the direction or control of a Minister or the Secretary of State, nor of the Assembly or Assembly Commission — with the relatively limited exceptions listed in clause 2(2).

No system is perfect at reconciling the independence of an office with the clear need for accountability, not least in the effective and proper use of public moneys. The Committee is mindful that the Assembly Commission is itself a body that the NIPSO can investigate. However, many of the Commission powers are exercised in the appointment process and, with a fixed term of seven years, the NIPSO should not feel constrained in any investigation of the Commission. The Committee considered that the variety of political parties represented on the Commission, and its ability to engage external expertise and experience where appropriate, should enable it to manage situations where conflicts may arise.

The Committee considered that a single seven-year term of office was long enough to allow a new appointee to have real impact; it would also straddle Assembly mandates and Executives. One single non-renewable term will bolster the independence of the new office, avoiding even the perception that an incumbent NIPSO might have one eye on reappointment.

Schedule 1 includes a number of measures to address potential conflicts of interest, such as eligibility for appointment to the office, taking up other positions while in office and working for a listed authority during a period after leaving office. The Bill also makes provision for the Assembly Commission to allow the NIPSO to hold another appointment if the Commission is satisfied that it would not affect their ability to discharge the functions of the office or their independence.

In light of the abolition of the existing offices, schedule 2 makes the necessary transitional arrangements for seconded and employed staff

to transfer from the existing offices to the NIPSO. It also makes provision for investigations begun under the existing legislation to continue under that legislation, which would be operated by the NIPSO and his or her staff until all such complaints had been dealt with.

There are a number of measures in the Bill that will simplify access to the NIPSO: you will be able to complain directly to a single office, without having to check whether the public body is within the remit of the ombudsperson or the commissioner. The Committee also agreed, in merging the current offices, that an aggrieved person could approach the NISPO directly and need not go through an MLA, as required currently under the Ombudsman Order. The Bill retains provision for MLAs and others to act on behalf of an aggrieved person.

The NIPSO Bill provides that complaints can only be made about listed authorities that have functions relating only to Northern Ireland. The Committee is satisfied that these requirements provide sufficient control over the ability to bring a complaint without the separate residency requirement in the current legislation.

The Bill also provides that the ombudsperson may specify the form in which complaints must be made and any particulars that complaints must contain. The Committee considered that this would provide for flexibility to enable the NIPSO to accommodate developments in communications technology.

The current legislation provides protection from defamation action for the ombudsman in reporting to the Assembly, communications with MLAs and reports of investigations sent to the complainant or listed authority. The NIPSO Bill retains this absolute privilege. The Ombudsman Order also provides absolute privilege for MLAs in communicating with the ombudsperson or with the complainant. The Committee agreed that the NIPSO Bill should extend this protection to statements by a person aggrieved:

"made in communication with the ombudsperson in connection with an investigation."

Clause 7(5) provides that where a representative acts for a person aggrieved, references in the Bill to "person aggrieved" are to be construed as including the representative.

The Bill also makes a number of changes with a view to encouraging earlier resolution of complaints. The Bill provides that listed

authorities can refer a complaint to the NIPSO — not to evade their responsibility to deal with it, but to speed up the resolution of a dispute where, for example, it is clear that the aggrieved person will not be satisfied with an internal complaints process, which may still have stages to run. Rather than exhaust its internal process, the listed authority may refer the complaint to the NIPSO if it has been unable to resolve it. The NIPSO, of course, has discretion whether to accept it.

The Committee was keen to encourage complaints to the NIPSO coming forward sooner rather than later and agreed that listed authorities, when their internal complaints procedure is exhausted, must give notice of that fact to the person aggrieved and inform them that they can refer the matter to the NIPSO if they remain dissatisfied.

The person aggrieved then has six months from the date of that notice in which to refer their complaint to the NIPSO, rather than the current time limit of 12 months from the day on which the person aggrieved first had knowledge of the matters alleged in the complaint. The listed authority's notice must inform the person aggrieved about the six-month time limit and provide details of how to contact the NIPSO. The NIPSO will also have discretion to investigate a complaint received outside the time limit if there are special circumstances that make it proper and appropriate so to do.

The Bill provides further potential for early resolution through an explicit power for the ombudsperson to take informal action to resolve a complaint, which can be in addition to, or instead of, formal investigation. This is a power available to the Welsh ombudsman and one that the Committee believes has the potential to speed up resolution of complaints. The purpose of investigation remains largely unchanged: to investigate complaints and decide if the matter properly warrants investigation and whether the allegations are, in substance, true; and, where desirable, to bring about a settlement. The NIPSO Bill provides that bringing about a settlement may include recommending action to be taken by the parties or recommending that the listed authority make a payment to the person aggrieved.

Members will be aware that the Commissioner for Complaints' power to investigate complaints in the health field is not restricted to maladministration. It can include the merits of a decision to the extent that it was taken in consequence of the exercise of clinical judgement. The Commissioner is assisted by an appropriate expert in such investigations.

Members will also be aware that health and social care in Northern Ireland is provided through the same public bodies: the health and social care trusts. The Committee's Bill accordingly makes provision for the NIPSO to consider not just complaints about decisions based on clinical judgement, but also complaints based on professional judgement in the field of social care, putting social care investigations on the same basis as health care.

There are a range of social care professionals, including those with formal social work and other qualifications, social workers and social work students, managers in homes, and care assistants. The Committee considered the Health Minister's request that the provision be limited to qualified social workers. The Committee noted that provision similar to what the NIPSO Bill proposes has existed in Wales without creating any difficulties. The Committee considers that a complaint about the exercise of professional judgement in the field of social care must correspond to the qualifications, training and experience of the member of staff whose action is being considered. There can be no question of judging a care assistant by the standards applicable to a qualified social worker. The Committee has engaged with the Health Minister in relation to these issues and on the approach that the Committee envisages. A helpful and constructive response was recently received from the Minister, which the Committee will be considering at its meeting this week.

The Bill will give the Ombudsperson a new power to investigate, on his or her own initiative, where there is evidence of systemic maladministration — for example, where an analysis of individual complaints suggests there is a systemic problem in a listed authority, or across a number of authorities. The Committee considers that this new power has the potential to enhance the effectiveness of the office by allowing systemic problems to be tackled in a systematic way. Concerns were raised by the Health Minister regarding the potential for this power to change the focus of the office away from dealing with individual complaints, and that it could lead to duplication of the work of other oversight bodies and thereby create confusion. The Committee considered options to manage the use of the own-initiative power. The Bill provides that the Audit Committee will consider and lay the NIPSO's estimate, and that the OFMDFM Committee will engage with the Audit Committee regarding oversight of the own-initiative function. The OFMDFM Committee was satisfied that the financial oversight role of the Audit Committee, and the NIPSO's

engagement with it, would ensure appropriate and proportionate use of resources. The own-initiative power will not commence until 1 April 2018, by which time the relationship with the Audit Committee should be well established.

The NIPSO will be required to publish the criteria to be used in assessing whether to launch an own-initiative investigation. Engagement with the current Ombudsman's Office indicates that value for money would be a key consideration. The NIPSO is required to produce a proposal for an own-initiative investigation, showing how it meets the published criteria, and to submit that proposal to the listed authority in question. As I mentioned a minute ago, the Health Minister has written again to the Committee on the issue, and we shall be considering that response later in the week.

The Bill follows the existing legislation by listing in schedule 3 all the bodies within the NIPSO's investigative remit. The Bill will bring some new bodies within that remit, including the following: Queen's University and the University of Ulster, for complaints of maladministration by students; further education institutions; grant-aided schools; the Comptroller and Auditor General; and the Northern Ireland Assembly Commission

The Minister of Education raised a concern that including schools could affect the work of tribunals with a range of remits affecting education at school. The Committee understands that, following engagement with his officials and with written clarification from the ombudsman's office, the Minister is now content with the proposal to bring schools within the remit.

The Minister for Employment and Learning was supportive of bringing further education institutions within the NIPSO's remit. In relation to Queen's and Ulster University, the Minister asked that commencement be postponed until a review of their complaints procedures had been concluded. While welcoming the review, the Committee did not agree that that should delay access by students to the NIPSO in relation to complaints of maladministration.

Access already exists for Open University students in Northern Ireland to the Office of the Independent Adjudicator in England and Wales, and the Bill does not change that. The Committee agreed that it would be confusing to have parallel mechanisms for Open University students.

As well as bringing areas within remit, the Committee considered removing the public-

sector employment remit of the existing offices. At present, public-sector employees can complain to the ombudsman at the conclusion of their own internal grievance or disciplinary proceedings. The public-sector employment remit was introduced in 1969 to provide a mechanism for dealing with complaints of discrimination.

The Committee consulted on the provisions in the current legislation that allowed public-sector workers to complain about pay or disciplinary matters. Most respondents were in favour of removing that remit, but some, including the Equality Commission, advised caution. The Committee considered the Equality Commission's advice, but concluded that the need for the public-sector remit had largely been superseded by the intervening development of comprehensive employment protection and anti-discrimination legislation, supported and enforced in the tribunal system and the courts by the Equality Commission and its predecessors.

The Committee also noted that the public-sector employment remit provided redress for the staff providing public services, rather than the citizen receiving those services, and, as such, it sat slightly oddly with the role of a public services ombudsperson. Given the range of alternative redress available to public and private sector employees, it is difficult to justify an additional level of redress for public-sector employees. Accordingly, the Bill removes the public-sector employment remit.

In a number of areas, the Committee had to reconcile differences of approach between the Ombudsman Order and the Commissioner Order. Where possible, the Committee's approach was to level up, whether that was in terms of protection for the person aggrieved or the powers to be given to NIPSO.

Under the Ombudsman Order, a listed authority is not entitled to rely on legal privilege to withhold documents from the ombudsman, such as any relevant legal advice. On the other hand, the Commissioner for Complaints does not have a right to see privileged records, although some public bodies do share their legal advice with the commissioner on a voluntary basis.

The Committee, in merging the remits and powers of the two existing offices, considered that, where possible, the NIPSO investigation should have access to as much relevant information as possible. Accordingly, the Bill makes provision for disclosure of legal advice by listed authorities to the NIPSO, subject to

certain safeguards to prevent that legal advice being used against the public body in legal proceedings.

The Committee considered provision in the Ombudsman Order that disappplies, for the purposes of an ombudsman investigation, any obligation on persons in the service of the Crown to maintain secrecy or other restrictions on disclosure of information. Again, that approach ensured that the ombudsman had as much relevant information as possible in reaching a decision. The Committee agreed that the Bill should make similar provision in relation to investigations by the NIPSO across all listed authorities.

The Committee noted that both the Ombudsman and Commissioner Orders contain provisions for the Secretary of State and heads of Northern Ireland Departments to serve notice that certain information disclosed for the purposes of an investigation should not be disclosed any further by the ombudsman or the commissioner. Such a notice can be served by the Secretary of State or a head of Department where they are of the opinion that disclosure would be prejudicial to the safety of Northern Ireland or the United Kingdom, or otherwise contrary to the public interest.

The Committee agreed by a majority that the NIPSO Bill should make similar provision, substituting "Northern Ireland Minister" for "head of a department".

Some members were opposed in principle to a non-disclosure power. However, a majority of members considered the power reasonable in the context of ensuring that the NIPSO had sight of as much information as possible when reaching a decision.

1.15 pm

The Secretary of State raised a concern regarding the proposed power for her to issue a non-disclosure notice, namely that she would not normally be aware when listed authorities in Northern Ireland were disclosing information to the NIPSO that might touch on matters for which the Secretary of State remains responsible. Given that the subject matter of complaints to the NIPSO will relate to services provided by listed authorities discharging devolved responsibilities, it was considered unlikely, although not impossible, that the information disclosed would touch on the Secretary of State's areas of responsibility. Following lengthy engagement with the Secretary of State and her officials, the

Committee agreed, again by majority, that clause 41 should include provision that the NIPSO and the Secretary of State must enter into a memorandum of understanding concerning the exercise of their functions in relation to this clause.

The Committee was keen to minimise any duplication of investigation by public bodies whose remits might overlap. Provision for cooperation was welcomed in stakeholders' consultation responses. The Bill requires that, where the NIPSO considers that a matter could be the subject of investigation by another ombudsperson, the NIPSO must consult that other ombudsperson and may cooperate with them. This duty to consult and the power to cooperate apply not just to other UK ombudspersons and the Irish ombudsman, but to other public bodies with an investigatory function, such as the Equality Commission, the Human Rights Commission, the Commissioner for Older People and the Commissioner for Children and Young People.

The Commissioner Order includes provision for a right to a hearing with counsel and solicitor, examination in chief and cross-examination of witnesses in certain circumstances. Those circumstances are where there may be an adverse report affecting a listed authority or individual. The Committee, in merging the offices, did not consider that this should be automatic, and accordingly the Bill provides that the NIPSO may determine whether any person may be represented in the investigation by counsel, solicitor or otherwise.

The Committee noted that the Commissioner for Complaints was permitted to investigate complaints about public-sector procurement exercises, up to and including the decision to award a contract. The ombudsman could consider Departments' tendering exercises but not their actual decision to award. In response to the Committee's proposal that the commissioner approach should apply across all public bodies, the Department of Finance and Personnel highlighted that procurement was a highly regulated area and suggested that the courts were the appropriate mechanism for resolving procurement disputes and that an alternative mechanism risked creating confusion and increasing costs. However, there was no suggestion that the operation of the Commissioner for Complaints had created any problems in its application to bodies in the commissioner's remit. The Committee was also mindful that its proposed approach was also favoured by the Committee for Finance and Personnel. Accordingly, the Bill will extend this approach across all listed authorities.

As at present, the NIPSO will produce an investigation report, normally sent only to the parties to the investigation. The Bill includes a new power to publish an investigation report where the NIPSO considers that it would be in the public interest so to do. There was a broadly positive response to the Committee's consultation on the approach adopted in Wales, where the listed authority was required to publish the report and advertise so in the local newspapers. However, there was some concern about the costs of advertising on this scale.

The Committee also considered that the confidentiality of investigations and reports tended to encourage greater openness in the investigation and resolution of complaints. Where this confidentiality was to be waived by publication, there should be a corresponding justification for such a step. Investigation reports are normally confidential to the parties to the complaint, and the Committee agreed that, where the NIPSO proposes publishing in the public interest, the rationale for this must be set out in a notice served on those who would normally receive the investigation report — the complainant, the listed authority and the staff involved. The Committee considered that this was a potentially useful power to afford the NIPSO. Where the NIPSO launches an own-initiative investigation, he or she must lay the report on that investigation in the Assembly and publish it.

The Bill also makes provision for a special report to the Assembly where the NIPSO has investigated and found that a person aggrieved has sustained injustice and that this has not been or will not be remedied or adequately remedied; for example, where a listed authority decides not to follow NIPSO's recommendation. An appropriate Assembly Committee may wish to follow up with the listed authority in question regarding that decision. The NIPSO's recommendations are not legally binding, and a body that disagrees with the NIPSO's findings and recommendations may choose to make its case to the appropriate Assembly Committee rather than comply.

While a special report by the NIPSO to the Assembly may provide some satisfaction for a citizen who has suffered injustice, the Bill also makes provision for the person aggrieved to take the NIPSO's investigative report as the basis for a claim for damages from the County Court. In those proceedings, a report of the NIPSO is to be accepted as evidence of the facts stated in it unless the contrary is proven. A provision to apply to the County Court exists in the Commissioner Order but not the

Ombudsman Order, and the Committee was keen to ensure that that option continued to be available and was extended across all listed authorities. The Bill also makes provision for the NIPSO to request the Attorney General for Northern Ireland to seek relief in the High Court in cases where the NIPSO is of the opinion, following an investigation, that there is systemic investigation in a listed authority and that it is likely to continue unless the High Court grants relief.

Following the Executive's review of arm's-length bodies, the Department of Justice, having consulted its stakeholders, asked the Committee to include provisions in the NIPSO Bill for the office of Northern Ireland Judicial Appointments Ombudsman to be held by the person holding the office of NIPSO. There are a relatively small number of complaints — one a year on average. The Committee for Justice was content with the proposal, the Assembly Ombudsman was also content and the Committee agreed to include the necessary provision in clause 49 and schedule 6. A number of eligibility considerations affecting the role of Judicial Appointments Ombudsman will be retained. They will not, however, limit the range of persons eligible for appointment as the NIPSO. For example, if the NIPSO is a lawyer, he or she cannot personally carry out certain Judicial Appointments Ombudsman functions but can delegate them to a member of staff or other appropriate person who is eligible to carry them out.

The Local Government Act (Northern Ireland) 2014 provided for investigation and adjudication by the Commissioner for Complaints of complaints of breaches of the local government code of conduct and referenced the provisions of the Commissioner Order that applied to code of conduct investigations. Schedule 7 to the NIPSO Bill amends the Local Government Act so that it now refers to the corresponding provisions in the NIPSO Bill.

In light of advice sought, the Committee is satisfied that the Bill is compatible with the Human Rights Act 1998. The Committee is also satisfied that the NIPSO's recommendations will not create binding obligations and will not therefore be dispositive of civil rights.

The Committee has been mindful, in developing its policy and bringing forward the Bill, of the difficult public expenditure climate in which it was proposing change. It commissioned the Assembly's Research and Information Service, with the cooperation of the ombudsman's office, to prepare an assessment of the financial

implications of the proposals. Removing the public-sector employment remit will produce significant savings that are estimated at some £131,000 per annum. However, bringing schools, further education colleges and universities within the NIPSO's remit will require additional resource and have recurring costs, as will the remit to consider complaints about professional judgement in social care. The expected ongoing annual cost from 2017-18 is estimated at £346,000.

It is also probably realistic to expect that the new remits will generate an initial surge in complaints before the level of complaints settles down. The Bill staggers the commencement dates for the new bodies coming within remit to assist the management of those anticipated peaks.

Members should be aware that, while the existing offices of ombudsman and Commissioner for Complaints are distinct statutory offices, they are operationally highly integrated. It is unrealistic to expect the immediate rationalisation savings that one might expect when merging completely separate organisations, each with, for example, separate finance, human resources and so on.

The Bill represents evolutionary and not revolutionary change. It retains the strengths of the existing legislation, proposes progressive developments that have been adopted elsewhere in the United Kingdom and Ireland, reconciles the differences in our current legislation and levels up protection for citizens as consumers of public services. It provides for and encourages cooperation with other public oversight bodies, which increases effectiveness and avoids waste. It brings the ombudsperson into a closer relationship with the Assembly, which reflects our shared interest and duty in holding Ministers, Departments and other public bodies to account. On behalf of the Committee for the Office of the First Minister and deputy First Minister, I commend the Bill to the House.

In a personal capacity, I finish by thanking all the members of the Committee for their attention and cooperation in bringing the Bill to this stage. I pay particular tribute to Bronwyn McGahan and the Sinn Féin members because I understand that there are certain procedural elements to bringing this forward that give them difficulty. They have managed to do it without compromising their republicanism but, at the same time, without blocking the Bill. For that, I am very grateful.

Mr D McIlveen: By comparison with the previous contribution to the debate, mine will be

very short because the Committee Chair's speech was a very good summing up of what has been discussed in Committee. What he says is right: there was relative unanimity in the direction that we wanted to take the Bill. It is probably fair to say that the vast majority of the public will probably not see a vast difference in what happens, but, procedurally, this work tidies up a lot of loose ends, and we should broadly welcome that.

The point that was made about the role of the ombudsperson is very important, and it is one area where I would like to have seen the Bill perhaps go a little further. I know that we are only at Second Stage and there may be room to look at this later, but the role of the ombudsperson is to deliberate over maladministration; it is not to deliberate over malfeasance or whether the law has been broken. Therefore, I struggle a little to get my head around why the ombudsperson is exempted from taking up a case if it has previously gone to court. Obviously, a court is there to judge very definitely on whether the law has been broken. It is not there to make deliberations about whether there has been maladministration. Therefore, to me, it is entirely sensible that, if a decision has been taken by a judge as to whether or not the law has been broken, there should still, in my view, be the opportunity for the ombudsman to make a deliberation as to whether there has been maladministration. Perhaps we can consider that in the future.

As far as cost is concerned, the Department has indicated that the changes will have a small additional cost. I think that it is in the low tens of thousands but, certainly, for the improvements that this legislation will make there is a strong case that that cost should be met and that the office of the ombudsperson should be allowed to continue.

The Chair was very kind in his description of the small amount of disagreement that took place in Committee around certain aspects of the Bill. I may not be just so kind, if you will allow me, Mr Principal Deputy Speaker. There is a strange dynamic in all the Committees of the Assembly in that there is one party in particular that seems to constantly oppose anything that has any degree of Britishness about it, yet somehow manages to continue to be part of an Executive who effectively administer British law that can be enacted only when it is assented to by Her Majesty The Queen. That, to me, seems an unusual dynamic, and I think that the vast majority of people looking in on this place would find it highly confusing. Whilst we welcome the fact that there was no red button

pushed on this legislation over that issue, it is right that Sinn Féin should be challenged as to why it continues to take that stance.

The immediate priority is to get a new NIPSO in place; the tenure of Mr Frawley is rapidly coming to an end. Obviously, a little later, we will look at that issue in more detail, and, therefore, I will not labour the point at this stage.

We broadly support the aims and principles of the Bill and will certainly not stand in the way of its passage today.

1.30 pm

Ms McGahan: Go raibh maith agat. I, too, support the general principles of the Bill. Like the previous contributor, I will speak only briefly, as the Chairperson has given a comprehensive overview of the Bill. I thank the staff for all their hard work to date.

As already stated, the purpose of the Bill is to combine the offices of the Assembly Ombudsman and the Commissioner for Complaints in a single office. During the consultation process, it was identified that having a single ombudsman's office would provide a more efficient, effective and streamlined service as well as improving accessibility. The office will have the power to resolve complaints of maladministration as well as improving public administration. As already outlined, public service employment issues will not be within the remit of the NIPSO office because of the existing routes to resolving employment disputes through, for example, the Equality Commission.

Sinn Féin supports the principles of the NIPSO Bill. However, from its very inception, we opposed two of the policy recommendations, the first of which was the recommendation of the formal appointment of the ombudsman by the English queen on the nomination of the Assembly. While Sinn Féin agrees with bringing the ombudsman closer to the Assembly, we did not want the formal appointment of the ombudsman to be made by the English queen. I am probably stating the obvious on that one. Secondly, Sinn Féin opposed the recommendation on the non-disclosure of information. During the evidence sessions, it was identified that this recommendation had not been utilised, and, therefore, we opposed it on that basis. Furthermore, we had political concerns about the potential for parallel processes, by which I mean that what are referred to as national

security issues could kick in. Other members of the Committee did not share our concerns, and the Committee agreed the recommendation by a majority.

The NIPSO remit includes a wide range of listed authorities, including further education and higher education institutions. Another positive aspect of the Bill is that the residency requirement for complaints has been removed. If anybody who visits the North has a bad experience, at least they will have the opportunity to make a complaint. That is a welcome protection. On that basis, we support the principles of the Bill.

Mr A Maginness: I welcome the opportunity to take part in the debate. I do so in place of my colleague on the OFMDFM Committee, Mr Alex Attwood, who sends his apologies for being unable to attend today because of family matters.

I listened carefully to the Chair's fairly lengthy introduction to the Second Stage. The Bill is to be welcomed, and the SDLP supports the basic principles underlying it. In particular, the legislation attempts to create a fusion of the statutory offices that have been referred to. It will create one statutory office, which will inevitably create, in our view, a higher level of accountability in relation to complaints. It is important that we achieve that, and, by bringing the Bill together, we are well on the road to doing so. The SDLP fully supports that principle. The business of accountability in public office is very important, and the Bill creates the potential for doing that. The Committee should be congratulated for its good work on the Bill. It was lengthy and, I suppose, tedious work but, nonetheless, it was important. The Committee, ably assisted by its staff, achieved a lot.

The two offices — the Assembly Ombudsman for Northern Ireland, as provided for in the Ombudsman (Northern Ireland) Order 1996, and the Northern Ireland Commissioner for Complaints, as provided for in the Commissioner for Complaints (Northern Ireland) Order 1996 — will effectively be combined. The Committee considered the proposal at length, and the SDLP was at the heart of that to ensure that the Bill contained appropriate and robust accountability mechanisms for the public. It is important that the public be reassured that those mechanisms are robust and this is not just some sort of a gesture to the public around accountability. These must be robust mechanisms that will achieve the desired result, which is accountability.

In my dealings with constituents, the role of the ombudsman has played an important part in reassuring people who believe that they have been let down by public bodies that there is a way of achieving some sense of justice. Obviously, this is not a judicial process, although it has quasi-judicial aspects, but the members of the public who came to see me about dealing with the ombudsman are people who felt entirely frustrated by the way in which they had been treated. As a public representative, I have been heartened by how the ombudsman's office has tackled these sometimes difficult and complex issues. It is important that we build on that and that the Bill improve on that.

The Bill has been brought forward entirely by the Committee — again, I compliment the Committee — and that proves the strength of Committees' ability to take on legislation by themselves. That is an important reminder to all Committees in the House. Reflecting on the powers of our Committees here, I venture to suggest that they are probably unique within these islands in how they can initiate legislation in this way. That is not something that we have taken advantage of in the House, but the Bill is testament to the fact that a Committee can do it and do it in a very worthwhile way.

The report on the Committee's consideration of the Bill is lengthy but comprehensive. It is a testament to the work carried out by the Committee in supporting and improving the Bill from its inception right through to today's Second Stage.

A key tool that the legislation will afford the ombudsman is the ability to self-start investigations. I am not sure whether that in itself is unique, but it is certainly unusual. It will be an important addition to the capacity of the ombudsman's office. I look forward to seeing that in practice if and when the legislation comes into being. No longer will a matter need to be referred to the ombudsman from an external party. It will be able to be initiated from within the ombudsman's office. As I said, that is an extremely useful tool and one that will provide reassurance to the public out there.

It is truly right that all the authority vested in the two current statutory agencies — the Assembly Ombudsman and the Commissioner for Complaints — should be placed within the one remit. That is not to create a one-stop shop for rights but to maximise authority and input it into one organisation, which will lead to better results for the public.

The late intervention by the Secretary of State must have taken most colleagues by surprise. It was a very late attempted intervention in the progress of the Bill by the Secretary of State, and it was regrettable. An issue was raised about the circumstances in which national security may somehow be compromised by the operation of the ombudsman here as envisaged in the Bill. At no time has the operation of an ombudsman infringed on national security, so it is difficult to understand the Secretary of State's reasoning on the matter. No doubt the matter will be expanded on as the debate proceeds, but it seems to us in the SDLP to be a very unnecessary intervention at a very late stage indeed.

It is important to note that the new body, which, obviously, is a bigger body with a higher level of function, will need to be properly resourced. In dealing with all the bodies and offices that investigate on behalf of you, me and the public, it is important that they receive proper resourcing, without which you cannot have an effective use of the capacity of that body.

I conclude there. Once again, congratulations to the Committee and its staff for their sterling work on the Bill. Congratulations also to the draftsmen for their monumental efforts in the preparation of the Bill.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. Our Committee first examined the issue of legislative proposals for the office of the ombudsman in 2012, when it received a briefing from Dr Tom Frawley. Although the briefing concentrated on the role of the ombudsman's office in public procurement issues, the discussions covered some general issues about the unique role played by the office. However, given the remit of the Committee for Finance and Personnel, I will restrict my comments today to the provisions in the legislation relating to the role of the office in matters concerning public procurement.

During the briefing to the Committee, the ombudsman helpfully outlined the apparent confusion about the dual office function and role that meant that, whilst the commissioner role is free to consider complaints about procurement carried out by public bodies other than Departments, the power of the ombudsman to investigate procurement by Departments is limited to the process leading up to the decision to award a contract, not the award decision itself. That divergence is due to limitations on the ombudsman's ability to investigate procurement issues. The Ombudsman (NI)

Order 1996 contains a statutory bar excluding the ombudsman from investigating procurement complaints about Departments and their agencies, whereas there is no such bar in the Commissioner for Complaints Order 1996. The Committee was concerned that that anomaly in the powers of the office could mean that Departments that spend a substantial amount of public funding are dealt with in a different manner from other public bodies. At that time, the Committee for Finance and Personnel welcomed the proposals from the Committee for OFMDFM to close that gap and the recommendation that the Public Services Ombudsperson enjoy the same remit in such cases. I understand that, more recently, the Minister of Finance and Personnel lodged an objection to any change in the position regarding procurement by Departments, citing legal and practical problems and stating that it would

"only serve to confuse the processes for challenging and seeking redress against actions taken by contracting authorities"

and that it was likely to be expensive and legally questionable.

He went on to say that it was his strong view that the ombudsman's role should relate only to matters where Departments and centres of procurement expertise fail to meet their service standards when administering procurements and that it should not extend into those areas where remedies are already readily available through the courts.

1.45 pm

In terms of the concerns that the Minister raised, I know that the Committee for OFMDFM took evidence from Dr Frawley on those issues and noted that the Department of Finance and Personnel's response did not highlight any problems with either the Commissioner for Complaints' remit or how it has operated. I further note that the Committee was of the view that SMEs may not necessarily have the resources available to pursue public procurement complaints against Departments through the courts, given the high legal costs involved. Whilst the Finance and Personnel Committee has not had the opportunity to consider those differing perspectives on the practical outworking of the public procurement provisions, perhaps they will be explored in more detail today or later in the legislative process.

Mr Allister: I generally welcome the Bill. I commend the Committee for bringing it forward. It would seem that the Department's indolence made that necessary, because this is a matter that has been in the ether for a decade or more. Here we are, finally, with the Committee getting the Bill to the Floor. I particularly endorse and welcome the fusion of the two ombudsman posts, which I think is efficient and necessary. However, I have four reservations about the Bill; there are four areas where I think it is weak and needs to do better.

The first relates to how it deals with our universities. Clause 18 is careful to permit the ombudsman to examine only issues pertaining to complaints by students. That means that other complaints rest with the university visitors. There, I think, is the first problem. University visitors in this jurisdiction are not independently appointed or independently paid. They are appointed by the universities themselves. Thus, the university, through the surrogacy of a visitor, is being judge in its own cause. I do not think that that lends to transparency and the modern expectation that a thoroughgoing, obvious independence should be attaching to the investigation of any complaints touching upon our universities. All that the Bill does is to take within the ambit of the ombudsperson complaints by students. It leaves within the ambit of the visitors complaints by employees and staff in the universities. There have been a number of those of quite considerable significance. I am aware of one on quite an extensive issue in one of our universities at the moment. However, it can be dealt with and will be examined only by the visitors.

Do the visitors do the job that you would expect of them? I tabled some questions to the Department for Employment and Learning and discovered that, in the five years up to and including the last academic year, of 14 cases, Queen's University visitors determined 12 in favour of the university. That is a very high success rate for the university. In the Ulster University in the same period, there were 19 cases, 10 of which were adverse in their findings to the university. That is more what one might expect. The fact that, of the 14 in Queen's University, only two were adverse to the university raises a serious issue in my mind about the effectiveness, thoroughgoingness and transparency of the investigative process touching upon staff in our universities.

Therefore I think that it is a mistake for clause 18 not to include employees of the university, as well as students, within the ambit of the ombudsperson. I do not think it good practice, or desirable, that, in 2015, universities should

self-appoint those whom they remunerate to investigate complaints against themselves. I think that that in-house dimension is something with which the House should be uncomfortable. This is an opportunity to address that matter in the Bill and to deal with that anachronism.

Mr A Maginness: I thank the Member for accepting the intervention. I hear what the Member says, and it is worthy of further consideration throughout proceedings, particularly at Consideration Stage, but would not the position of a non-student — an employee — be covered by relevant employment legislation, which, in any event, would, perhaps, be more effective than even the intervention of the ombudsman?

Mr Allister: There certainly is the industrial tribunal process, but there are complaints in the universities about how postings are filled and how funds are allocated, touching upon the efficiency of various staff etc. Staff who have complaints of that nature feel a grievance as to how they have been dealt with in their position in the university. They can only have recourse to the visitor. My point is that the visitor is a university appointee, and that is not a healthy or a good situation. So, if it is right to give students who complain of maladministration by the university access to the ombudsperson, and I believe that it is, why not give that access to employees of the university who complain of maladministration by the universities? That is the point, and that, I think, is an issue that the House needs to look at further.

My second area of concern relates to the matter that arises in clauses 34 and 35 relating to the publication of reports. As things stand, and the Bill is not going to change it, a maladministration complaint is made, a report is compiled, and the report is released to the complainant and to the Department complained against, but, otherwise, does not see the light of the day. Yes, it might be referred to in an annual report, but it is not available to the public or to the media. Given the transparency expectations, that, I think, is wrong. The Bill introduces the concept of publication at the behest — at the initiative — of the ombudsperson, where he thinks that that would be in the public interest. That should be reversed, and the status quo position should be to publish and, if there are particular circumstances where you do not publish, the ombudsperson can take that course of action.

Let me illustrate it with a significant complaint. We all know about the situation pertaining to the Presbyterian Mutual Society (PMS). A very serious complaint was made by someone to the

ombudsman about how DETI conducted itself pertaining to PMS. The ombudsman found, in quite scathing terms, against the Department, but the ombudsman had to warn the complainant not to publicise the findings. That, surely, is wrong. Why should a Department get away in the smoke by virtue of the cloak of secrecy that attaches to these reports?

If a Department is found guilty of maladministration, why is that not publicised, advertised and made available to be commented on in a regular fashion, as it is in Wales or elsewhere? It seems to me fundamentally flawed and wrong that the Bill is going to sustain that cloak of secrecy of findings in reports. In that case, why should the public not have known what the ombudsman found in the PMS complaint? That is but one example of many. I think that the public were entitled to know, would expect to know and would expect us, as their representatives, to fight for that transparency and to fight to have it in the Bill. That is a flaw in the Bill.

I am disappointed that the Bill settles for the status quo of not having any enforcement powers for recommendations by ombudsmen. It simply works on the premise that the Department is likely to accept the recommendations. Yes, in most cases that has happened, but not in every case. Here I declare an interest as a complainant in a case against the Minister of Education about how he dealt with correspondence from me, and his refusal, for political reasons, to deal with it expeditiously. The ombudsman ruled in my favour, but the Minister boldly rejected the recommendation, refused to act on it and arrogantly proceeded with his former course of action. Is it right that an ombudsman can make a finding of maladministration and make a recommendation, and a Minister, if he wishes, can ignore it and continue as if it never happened? I do not think that it is right. The Bill should include an enforcement provision to ensure that Departments act on recommendations. That is absent from the Bill.

Mr Principal Deputy Speaker, I am unlikely to finish before Question Time at 2.00 pm. If you wish me to pause there, I will.

Mr Principal Deputy Speaker: I interrupt the Member because Question Time is at 2.00 pm and the Member may be invited to continue his remarks after Question Time. I suggest that the House takes its ease until after Question Time — sorry, until 2.00 pm.

The debate stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Women's Sector: Funding

1. **Mrs McKeivitt** asked the First Minister and deputy First Minister to outline the support they can offer to organisations in the women's sector that may be forced to close due to lack of funding. (AQO 8105/11-15)

Mr M McGuinness (The deputy First Minister): Mr Speaker, with your permission, I will ask junior Minister McCann to answer the question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): The First Minister and deputy First Minister recognise the vital role that the women's sector has in the community. Junior Minister Bell and I have been remitted by the Executive to undertake a liaison role with the Departments and NICVA to consider the unintended consequences of reductions in funding by Departments that impact on the voluntary and community groups and on Executive priorities.

We plan to meet the women's sector to get a clear understanding of the impact of the reduction in funding on its organisations. We accept that there are challenges ahead in these times of severe austerity. One impact appears to be the reduction in childcare funding. We recognise that affordable childcare is a major concern for women's groups and is essential in securing gender equality in employment and training. We plan to raise these issues with the Minister for Social Development, who has lead responsibility on behalf of the Executive for the voluntary and community sector and whose Department has historically provided funding to women's groups in particular. In addition, our officials will work closely with colleagues in the relevant Departments and with stakeholders to establish and assess the actual likely impacts of the budget cuts. We would not wish to support the expansion of childcare services in some areas while watching childcare services decrease in others.

Mrs McKeivitt: Given the public knowledge that it is a fact that a lot of women's organisations

face closure, can the junior Minister outline a plan to meet gender obligations in light of that information for the women's sector?

Ms J McCann: As I said in my first answer, we have undertaken in the Executive to liaise with NICVA on the voluntary and community sector in general. The women's sector, as you say, is very much impacted by funding because it, in particular, has been impacted by the funding that has been cut in DSD, for instance, from the women's centres childcare funding; in DEL, from the European social fund; and, in Education, from early years. We are very conscious that that sector is really impacted.

I have met members of the women's sector on several occasions in recent months. Junior Minister Bell and I were to have a meeting with the women's sector today, but it has been postponed until next week at the representatives' request so that they could better prepare a presentation. I know that other MLAs will be asked to come to that. We are trying to work as closely as possible because, as I said, we are aware of the vital role that the women's sector plays in education and in all sorts of areas of work. We are keen to see that those impacts are headed off as well as possible.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Can the Minister outline how the new liaison role with NICVA, as remitted by the Executive, will work in practice?

Ms J McCann: We are currently considering how best to take that role forward, and our discussions with NICVA will help to inform that thinking. As I said, there have been a number of meetings, and I know that individual Ministers have also met NICVA. We want to work closely with all the sectors across the voluntary and community sector and ensure that good lines of communication are formed so that Departments are aware of the consequences and the impact.

As I said, the community and voluntary sector is sometimes particularly affected in that it depends on a cocktail of funding from different Departments. That can sometimes be their lifeline. We are aware of this and hope to continue to meet and communicate with the community and voluntary sector, particularly the likes of the women's sector and other groups that are responsible for suicide prevention and intervention and that. That is the way that we hope to take this forward.

Mr Speaker: I inform Members that questions 9 and 10 have been withdrawn.

Disabled People

2. **Mr G Robinson** asked the First Minister and deputy First Minister whether their Department has added or adapted indicators as a result of the consultation on the strategy to improve the lives of people with disabilities 2012–2015. (AQO 8106/11-15)

Mr M McGuinness: We have developed a draft annual indicator set for the disability strategy, covering the strategy's 18 strategic priorities. The draft indicators were developed with input from key stakeholders including, among others, Disability Action, Children in Northern Ireland, the Northern Ireland Association for Mental Health, the Equality Commission, other Departments and academics. We recently conducted a consultation on those draft indicators, and that ran between 24 November 2014 and 27 February 2015. Statisticians are now working on the analysis of the responses obtained during that consultation and hope to complete that work in the coming weeks. Once complete, the analysis will inform the production of a final annual indicator set.

Mr G Robinson: Does the Minister agree that consultation provides a more accurate picture of what changes are required for practical benefit to people with disabilities?

Mr M McGuinness: Consultation is obviously very important, and we have been diligent about how that is done. Since the publication of the Executive's disability strategy in February 2013, we have taken forward a number of actions to improve the lives of people with disabilities and their families and carers. We are currently considering further projects submitted by Departments to deliver outcomes under the strategy. The proposed projects cover a range of disabilities and ages, from children through to older people.

From our perspective, it is very important that we not only consult but are involved in disability awareness and advocacy. We are in the lead on disability awareness in the advocacy signature project under the Executive's disability strategy, and we have held events to increase the level of debate and discussion around what is a very important issue for people who are, unfortunately, disabled.

Social Investment Fund: North Belfast

3. **Mr Humphrey** asked the First Minister and deputy First Minister for an update on the North

Belfast social investment fund. (AQO 8107/11-15)

Mr M McGuinness: Three projects in the Belfast north zone worth £5.4 million have received letters of offer. A further letter of offer for an increasing community services cluster, worth £2.7 million, has still to issue. That brings total funding committed in the zone to £8.1 million or 90% of the £9 million allocated to the zone. Work is ongoing on the last project within the zone's affordability limit. It is on community services, which is around the issue of refurbishment.

Mr Humphrey: I thank the deputy First Minister for his answer. What tangible and real difference does he believe the social investment fund will have, not just in my constituency of North Belfast but throughout Northern Ireland?

Mr M McGuinness: I think that it will have a major impact on communities. As we said from the very beginning, this was not about having a top-down approach; this was about us making it clear that there was a sizeable fund available and, essentially, as a result of that, asking people to come forward with their ideas from a grass-roots level to bring forward suggestions about how community life could be improved. That covers a wide range of issues, such as education, young people and infrastructure projects and how we can improve and refurbish existing properties in different parts of the zones that exist throughout the North.

There were teething problems from the very beginning because it was an innovative idea, and public money was being spent, so we had to be sure that we were approaching all of this sensibly. The experience has been useful for everybody, not least for people at grass-roots community level. It has been hugely beneficial, but it will be only over the next while — the letters of offer are out now; there are still some to be done, but the majority are out there — that people will begin to see the physical changes taking place in their communities. That is a good thing.

Mr A Maginness: I thank the deputy First Minister for his answer and welcome the fact that over £8 million will be invested in certain projects in North Belfast. However, given the divisions, the long history of violence and suffering in North Belfast and the current divisions between communities, will the deputy First Minister assure the House that, whatever projects are promoted, they will do their utmost

to bring communities together and provide an alternative to the division of the past?

Mr M McGuinness: I agree 100% with the Member. As we go forward with the proposed schemes relating to the social investment fund, it is vital that they are designed to ensure that everybody in North Belfast and other areas can benefit in a way that ensures increased cross-community participation. It is absolutely crucial that we do that. A big effort has been made by those responsible for bringing forward the projects to recognise the importance of ensuring that there is an opportunity for the community to come together. We know that there are particular problems associated with North Belfast that we do not experience in other zones, so it is incumbent on all of us as we go forward to ensure that the sizeable resources that are being made available are used in a way that improves people's lives and brings people more closely together.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's answer. Being a member of the SIF group in the southern area, I welcome the projects and the opportunity to work on it. What steps has the deputy First Minister taken to ensure that the remaining SIF projects in the northern zone and other areas get help through the economic appraisal process?

Mr M McGuinness: The majority of projects have received letters of offer, and we are focusing our efforts on the 22 projects that have not yet reached full approval stage. The appraisal process, whilst lengthy, is important to ensure that money is allocated to projects that will meet evidenced need, achieve maximum impact, deliver the outcomes intended and represent value for money. We remain committed to ensuring that all projects within affordability levels are approved and commenced as soon as possible. To achieve that, a new multidisciplinary business case unit has been established that includes economic and financial expertise. Staff in the unit are proactively engaging directly with project promoters and lead partners to resolve outstanding issues and to gather the necessary information. We are confident that that will allow for further projects to be approved in the very near future.

Gender Equality Strategy

4. **Mrs D Kelly** asked the First Minister and deputy First Minister for an update on the delivery of the gender equality strategy 2006-2016. (AQO 8108/11-15)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister McCann to answer this question.

Ms J McCann: The current gender equality strategy, which is due to end in 2016, sets out an overarching framework to promote gender equality. A review of the strategy was undertaken during 2013, and, in January 2014, we approved the development of a new gender equality strategy. Work on the new strategy is under way and a pre-consultation period has commenced. Meetings have taken place with a range of key stakeholders and the gender advisory panel to update them on progress and to involve them in the development of the new strategy. A discussion document was circulated to the gender advisory panel to enable it to put forward suggestions and recommendations. The discussion document has now been revised and will be circulated to the panel ahead of the next meeting. The next gender advisory panel meeting is scheduled for June 2015. The current strategy will remain in place until the new one is developed and operational.

Mrs D Kelly: I thank the junior Minister for that information. Can she give us a flavour of where some of the gaps and weaknesses are in the gender equality strategy and where some of the key targets will be for the incoming strategy?

Ms J McCann: A number of concerns were revealed during the review. One of them was probably the overarching one about the aims and objectives and how those directly linked into the action plans in the strategy. Another one was transgender issues, where it was felt that there was a gap and that there was not enough focus on those issues.

It was decided that the actions had to be more measurable. We are now moving towards an outcomes-based model when doing evaluation and monitoring. That model is being used across the piece, for instance for the SIF projects and the signature projects in Delivering Social Change. As you pointed out, there were concerns, but we are looking at them.

2.15 pm

Mr Maskey: How representative is the advisory panel of the community, voluntary and transgender sectors?

Ms J McCann: As I said, development of the strategy is under way, and the pre-consultation period has commenced. The strategy will require full public consultation and Executive

approval. We will also keep in contact with the gender advisory panel. One criticism of the panel was that it did not include people who represented the grass-roots level. We looked at that, and that will be addressed in the forthcoming months.

Mr Kinahan: In light of comments during the election regarding LGBT matters, does the Minister not feel that it is essential that not just strategies but actions are needed to ensure that no discrimination at all exists?

Ms J McCann: I start by congratulating the Member on his success in the election. Given that the transgender issue came up in the review, we need to ensure that the gender equality strategy looks at people from all backgrounds. We want to see all people treated with equality and respect, whatever their gender, religion, political persuasion or sexual orientation.

Educational Standards

5. **Mr Beggs** asked the First Minister and deputy First Minister how the Delivering Social Change signature project for improving literacy and numeracy has achieved its goal of helping children in primary and post-primary schools who are currently struggling to achieve basic educational standards. (AQO 8109/11-15)

Mr M McGuinness: The Delivering Social Change literacy and numeracy signature programme has provided up to two years of additional teaching resource to support schools in their work to improve educational outcomes for our most disadvantaged children and young people. Anecdotally, we are aware of innovative approaches developed by schools. We have received positive feedback about the impact that the additional teaching support has had on pupil outcomes.

As part of their self-evaluation of the programme, 76% of primary schools supported by the programme stated that it had been successfully implemented for literacy and/or numeracy support. In the post-primary sector, 68% of schools stated that it had been successfully implemented for GCSE English, and 76% for GCSE maths.

A report by the western region's education authority on the first year's implementation of the programme has been finalised and will be published later this month. The Education and Training Inspectorate is due to report at the end of May on its evaluation of 80 schools in the programme. Copies of those reports will be

placed on the Department of Education website as soon as they are available. Ahead of their publication, the Department of Education has provided headline data from analysis of the 2013-14 summary annual examination results for year 12 pupils. The data identifies that, in the 2013-14 academic year, 45.4% of pupils in Delivering Social Change supported schools achieved five or more GCSEs at grades A* to C or equivalent, including GCSE English and maths, which was an increase of 6.1 percentage points from 39.3% in 2012-13.

Mr Beggs: The deputy First Minister mentioned the importance of additional educational support for teachers, and that has to be welcomed. Does he share my concern and will he advise about what has been done to make sure that our young people's level of attendance is improved? In too many areas, there are high levels of absenteeism and referral to educational welfare officers. Too many of our young people are not reaching their potential. What is the Office of the First Minister and deputy First Minister doing to work with local communities to try to improve attendance at school?

Mr M McGuinness: That question is more appropriate for the Minister of Education, but, as a former Education Minister, I accept that there are huge challenges in relation to young people who are not turning up at school. There is a huge responsibility on the Department of Education, through its attendance officers and through the school principals and so forth, to ensure that everything is being done to encourage people to come into education. Parents also have a huge responsibility to ensure that their children are turning up for school and being educated.

I will certainly pass on the Member's remarks to the Minister of Education. No doubt, at a future stage, he will be able to give you much more detail on the work that his Department is doing to try to rectify that problem.

Mr Campbell: Given the success of the signature project, has the Office of the First Minister and deputy First Minister turned its mind to how that success can be replicated?

Mr M McGuinness: From the very beginning, we made it clear that the work that we do through the Delivering Social Change strategy is about planting seeds. The hope is, from our perspective, that we will get the individual Departments that have a responsibility in these areas to take up the mantle of progressing these issues. The Delivering Social Change

signature project on improving literacy and numeracy is a two-year programme scheduled to finish at the end of June 2015, and we are considering its future.

Central funding for all the signature programmes was, as I said, intended as seed funding, with projects to be mainstreamed within departmental budgets should they be deemed successful. It is obvious that this programme has been deemed successful. The First Minister and I have been in schools and spoken to teachers. They explained to us the remarkable progress made with many pupils who were previously, in their view, lagging behind. So, the value of this has been tested, and it is very, very important that we carefully consider how we can take it forward.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answers. Leading on from the previous question, I wonder whether the Minister accepts that this is an excellent example of Departments working together that has led to tangible results. How can we build upon that?

Mr M McGuinness: One of the objectives associated with the Delivering Social Change framework was to ensure greater collaboration and more effective joined-up working between Departments. The Department of Education was the sole lead Department on this programme on literacy and numeracy, and it worked with the Western Education and Library Board to implement it.

Our Department, OFMDFM, has been responsible for overseeing the development, implementation and evaluation of all Delivering Social Change signature programmes. A more ready example of signature programme collaborative working is the nurture unit programme through which the Department of Education and the Department for Social Development have worked together to develop 20 new nurture units, which help to support the social, emotional and behavioural development of young children as well as providing an opportunity to challenge some of the barriers that can contribute to low educational attainment.

These are excellent projects, and early indications are that they are getting real results. My original answer points to that, with a 6.1% increase in attainment levels following this programme.

Mr Rogers: I thank the deputy First Minister for his answers. What plans are in place to disseminate the good practice and to begin to help the three in 10 who do not reach an acceptable standard of numeracy and literacy?

Mr M McGuinness: That is the challenge. We all know that there are particular difficulties in education, centring on a long chain of underachievement in post-primary education. As a former schoolteacher, the Member will be as conscious as I am of the reasons that that is the case. I will not go into them in this answer, except to say that, between us and the Department of Education, we are focused on the challenges that we face with the education matters that the Member has raised and are consistently seeing how we can improve performance. There has been a very definite improvement in performance over the past 10 to 15 years, but we have to keep that going.

Summer Camp Programme

6. **Mr McQuillan** asked the First Minister and deputy First Minister to outline how the summer camp programme 2015 grant pilot has been promoted. (AQO 8110/11-15)

Mr M McGuinness: Mr Speaker, with your permission, junior Minister McCann will answer the question.

Ms J McCann: The summer camp pilot programme 2015 has been widely promoted. It was advertised in the three main daily newspapers — the 'Belfast Telegraph', 'The Irish News' and the 'News Letter' — on 15 April. It was also advertised on the Department's website, tweeted from our Twitter account and placed on our Facebook page. Over 2,500 stakeholders were also advised when the programme opened, and other key partners, including the Community Relations Council, the Department of Education, the Department of Culture, Arts and Leisure, the Rural Community Network, the Education Authority and local councils, were asked to circulate the information to their stakeholders. The programme closed for applications on Friday, and the assessment and selection process has not yet been completed, but we are on track to meet our target of delivering 100 camps in 2015.

The programme is about building positive relationships among young people aged 11 to 19 from diverse backgrounds across all parts of our community. Camps should be fun and offer a range of age-appropriate activities according to young people's interests, but good-relations-

based learning must be at their heart. Camps must be run on a cross-community basis and at a local or regional level. They will offer young people an opportunity to get to know one another and all the ones from different parts of their community and to have fun, try new experiences and help build longer-term relationships.

Mr McQuillan: I thank the junior Minister for her answer. Can she tell me how many applications there were and how many she received from the East Londonderry constituency?

Ms J McCann: I do not have the exact figures, but I will certainly get them to the Member in written form. There were quite a number of applications, and, as I said, the programme only closed on Friday. Applications are being looked at now.

Ms McGahan: Go raibh maith agat. Can the junior Minister outline how we are meeting our international obligations under the United Nations Convention on the Rights of the Child (UNCRC) in the design of the summer camps?

Ms J McCann: The summer camps have been designed with due regard being paid to the UNCRC. First, the camps are open to all young people, regardless of their religion, gender, ability or ethnic background. That is in keeping with articles 1 and 2, which state that everyone has those rights and that government must protect young people from all forms of discrimination. As part of the co-design process, a small youth co-design team was established to run in parallel with a full summer camps design team. The youth team met OFMDFM officials on four occasions, and its views fed directly into the larger co-design team meetings to ensure that young people's views were taken into consideration at all stages of development of the programme. That, too, is in keeping with article 12 of the convention, which states that government shall respect young persons' right to say what they think and to have their views taken seriously.

Commissioner for Older People: Budget

7. **Mr Dickson** asked the First Minister and deputy First Minister for their assessment of whether the Commissioner for Older People in Northern Ireland's budget is sufficient to allow all legal action on behalf of older people to be initiated. (AQO 8111/11-15)

Mr M McGuinness: With your permission, Mr Speaker, junior Minister McCann will answer the question.

Ms J McCann: The Commissioner for Older People's main aim is to safeguard and promote the interests of older people. The commissioner is provided with a budget of £822,000 for 2015-16, and it is for her to allocate, including to decide whether or not to initiate legal action on behalf of older people. The commissioner applies criteria for acceptance of requests for individual assistance and applies a further set of criteria should the request include or necessitate legal funding or action. Neither set of criteria takes into account the cost of a case or the available resources in a legal funding budget. The commissioner has confirmed that she has not declined to offer assistance or take legal action in part or full on the basis of cost.

Mr Speaker: I am sorry. There is not time for a supplementary question. That ends the period for listed questions. We will now move on to 15 minutes of topical questions.

2.30 pm

Voluntary and Community Sector: Executive Support

T1. **Mr Swann** asked the First Minister and deputy First Minister for an update on what steps are being taken to correct the perception of the voluntary and community sector that it is no longer getting the full support of the Executive. (AQT 2441/11-15)

Mr M McGuinness: We are all very conscious of the budgetary situation. Some £1,500 million has been taken out of the block grant in recent years, imposing enormous pressures on Departments and on front-line services, not least on the voluntary and community sector. The First Minister and I recently met NICVA to hear at first hand about the problems that it is experiencing. We will continue with that engagement, because we think that it can be beneficial. NICVA appreciated the meetings and the level of engagement, which allowed us to explore how we can continue to support the community and voluntary sector and how it can interact with us at a time of great fiscal challenges for all of us.

Mr Swann: In that case, does the deputy First Minister agree that some of the £2 million a week paid in fines as a result of his party reneging on its agreement to welfare reform

would be better allocated to the voluntary and community sector?

Mr M McGuinness: The Member is well aware of our position on the welfare cuts that the Tory Party is attempting to impose on our people. He should be, because he is a member of a party that supported the Tories when they were elected five years ago. Of course, the Member belongs to a party that represents the Tories in this Assembly.

The reality is that the decisions my party has taken are about supporting disabled children, severely disabled adults, the long-term sick and families with large numbers of children. Obviously, the issue needs to be resolved. There were discussions some weeks ago, which were interrupted by the general election. I believe that, in the aftermath of the election and of Question Time today, we will be involved in further discussions on how to move forward.

You also need to be conscious that the Stormont House Agreement did not deal in any way whatsoever with the recent announcements of £30 billion more cuts, £12 billion of which will be in the area of welfare. That is an issue for all of us, and I made an appeal at the weekend that we all work together to try to protect people as best we can and also to combat the activities of a Government that has been elected with a majority.

Remember: I predicted there would be no kingmakers in the Assembly, which turned out to be the case. Some people asked me whether I would eat my words, but I think that they are eating theirs.

Erne Hospital Site

T2. **Mr Elliott** asked the First Minister and deputy First Minister for an update on the former Erne Hospital site going into council control, given that it seems quite a long time since their visit to Enniskillen almost two years ago and that progress is very slow. (AQT 2442/11-15)

Mr M McGuinness: Following on from the junior Minister's congratulations to Danny Kinahan on his election as MP for South Antrim —

Mr P Robinson: Why did you not congratulate Gregory? *[Laughter.]*

Mr M McGuinness: I might even get round to that. I certainly think that it is appropriate not only to congratulate Tom on his success in

Fermanagh and South Tyrone but to point out that our candidate got 23,000 votes, which is more than every one of the other 17 MPs elected in the North, including Gregory. Congratulations are due to Tom, Danny and Mickey Brady as new MPs and to all other Members of the House, some of whom are double-jobbing.

Mr Speaker: You have almost a minute left to answer the question.

Mr M McGuinness: The Member is absolutely right about our visit to Enniskillen and our meeting with local interests, including the council. There have been ongoing discussions involving a range of officials and, indeed, Departments about what is a very important site in the area. Obviously, what have come to bear in the last two years are the very severe economic challenges that we are all dealing with. I will certainly try to get an update for you in your capacity as the new MP or as the MLA for the area — whichever decision you make. We will forward that information to you so that we can, as I hope to in every area that has an MP, work closely together with elected representatives at council, MP and Assembly level to ensure that we are utilising to the best of our ability the resources that are available, including that site in Enniskillen.

Mr Elliott: I welcome the deputy First Minister's roundabout way of congratulating me, but it is welcome all the same. I hope he is not thinking that I will consider relinquishing my seat as a Westminster MP so that they can have another go at it.

On the back of his answer, can the deputy First Minister identify where the blockages are that are holding up the progression of that site to a public-service sector and whether any Department is not progressing it?

Mr M McGuinness: In short, it will come as no surprise to anybody to hear me say that one of the major blockages is the very severe fiscal situation that all the interested groups that are keen to develop that site have to deal with at the moment. As you know, there are quite a number of interested groups, including the council, the Department for Employment and Learning and others. Particularly in the context of a new Government being elected in London, whatever about the threats that are coming through the further cuts to our Budget within the comprehensive spending review and whatever negotiations take place around the new comprehensive spending review, we will have to consider all that very seriously, both at

Executive level and, indeed, in the different interest groups that are keen to relocate to that site.

Desertcreat Community Safety College

T3. **Mr McGlone** asked the First Minister and deputy First Minister to clarify whether a paper has been presented to them on the future options for the Desertcreat Community Safety College. (AQT 2443/11-15)

Mr M McGuinness: I think that the Member is well aware of my interest in the situation at Desertcreat. It is an issue that has to be brought to the Executive, and it has to be brought to the Executive by a number of Ministers, not least the Minister of Justice and the Minister of Health. No paper has yet been submitted to the Executive. When it is, it will certainly be considered. The Member will be very keenly aware that the First Minister and I met with a delegation from the area some weeks ago and restated our determination that the Community Safety College would be located at the Desertcreat site. That is still my position.

Mr McGlone: Mo bhuíochas leis an Aire as an fhreagra, in ainneoin nach freagra é. Thanks very much to the Minister for his answer, even though it was not the correct answer. That being the case, what is the obstacle preventing the paper at the Office of the First Minister and deputy First Minister being presented to the Executive? That was the question I was asking in the first place. Was the paper presented to the Office of the First Minister and deputy First Minister by the DOJ?

Mr M McGuinness: The position is that the existing training facilities of the Police Service, Prison Service and Fire and Rescue Service are not fit for purpose. A joint facility for all three services will undoubtedly improve training opportunities and strengthen interoperability.

Based on advice and recommendations from the programme board, the NICS steering group commissioned a review to clarify the training needs of all three services in the changed financial climate. An interim report was provided to the steering group at the end of February detailing the programme board's assessment of all training needs as estimated by the three services. On the basis of that report, the Minister of Justice and the Minister of Health, Social Services and Public Safety will report further to the Executive. Parallel with that, the steering group has asked the

programme board to begin developing a revised business case, subject to the decision of the Executive. The First Minister and I await the contribution to all of that from the Ministers whom I have just named. It has not yet come.

Greek Default

T4. **Mr B McCrea** asked the First Minister and deputy First Minister if they are aware of the potential for Greek default and whether that would have any implications on how the Government should handle austerity. (AQT 2444/11-15)

Mr M McGuinness: I am finding it difficult to understand what that question means, but, if you are talking about austerity, obviously, we are in very challenging circumstances. It has been anticipated that we will face an austerity agenda right through to 2018-19. From our perspective, given the already huge challenges that we face, there is a huge responsibility on all of us in the House, but specifically among the five parties in the Executive, to be clearly seen to be working together in the interests of society.

As I said earlier, the fiscal situation is very worrying indeed. During the Conservative Party conference, the Chancellor of the Exchequer — who has now been reappointed — spoke about the £30 billion worth of cuts. The challenge that that poses for all the devolved Administrations is very clear to everyone. You just have to look at the way in which the Scottish National Party, which has had an overwhelming success in the election, is now majoring on austerity. All of us will be affected by it, not just people on welfare. In the run-up to the election Tory Ministers refused to say where the £12 billion will actually fall. That needs to be considered. We need to hear what the plans are. Do not forget that there are other cuts of £18 billion. No doubt they will be directed at front-line services, the Education Department, the Health Department and other Departments.

Mr B McCrea: There is a growing consensus that the constraints placed on the Greek Government by the European Brussels group are too tight and that there will have to be some form of loosening, because it is not possible to introduce the cuts in pensions and social welfare in Greece and see a democracy survive. If there is a loosening of the terms offered to Greece, what steps will the deputy First Minister take to make that argument for Ireland, Northern Ireland, and the rest of the United Kingdom to find a way of taking the worst edges off austerity programmes?

Mr M McGuinness: Of course, the Greek Government are dealing with the European Union, and we are dealing with a British Government that are very anxious to remove us from the European Union, so whatever flexibilities the European Union is prepared to give to Greece do not appear to be on the radar of the now established new Tory Administration with an overall majority.

I said some weeks before the general election that the cuts that we have been dealing with are crucifying our Executive. Now we are promised more cuts over a very short period of two or three years. I think that what all of that argues for is for all of us in this House and within the Executive to work together.

2.45 pm

It will come as no surprise to anybody in this House that my view is that the 18 MPs who were elected, if they all went to Westminster, would not make a blind bit of difference to where the Tories are coming from — not a blind bit of difference. What will make a difference will be a united front from our Executive and all the parties in this Administration in making our case. There is no doubt that the Scots will make their own case. Others in Wales will also make their case. The hope, certainly for all of us, has to be that what is happening in Scotland will have an impact on the Cameron Government and that they will recognise the historic nature of what is happening in that part of the world. I hope that the Cameron Administration will recognise the folly of this society, in particular, in its context of emerging from conflict, not experiencing the fruits of peace, through very damaging cuts to our front-line services.

Enterprise, Trade and Investment

Mr Speaker: I inform Members that questions 3, 5 and 8 have been withdrawn.

Retail: North and South

1. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for her assessment of the recent Northern Ireland Independent Retail Trade Association and Retail Excellence Ireland report 'Building Retail: North and South'. (AQO 8090/11-15)

Mrs Foster (The Minister of Enterprise, Trade and Investment): I am aware of the report and its recommendations. I have written

to the chief executive of the Northern Ireland Independent Retail Trade Association (NIIRTA) to say that I would be happy to meet him to discuss the report. The retail offering, clustered alongside food, hospitality and entertainment, enhances the overall visitor experience and creates opportunities for business growth, employment and increased visitor spend.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I thank the Minister for her answer. What discussions will she have with her colleague in the Dublin Government to progress some of the report's recommendations?

Mrs Foster: I thought that it would be wise if, first of all, I met the members of NIIRTA in Northern Ireland to discuss the report and see what their take on it was. Of course, we recognise that the retail sector is a very important sector for the economy in Northern Ireland. Indeed, the wholesale and retail sector is our largest sector in terms of both economic output and jobs. Sometimes that is overlooked when we talk about sectors. Of course, as a Department, we do not generally get involved in retail. However, in line with our economic strategy, we welcome all opportunities to promote investment in the local economy and to try to support sustainable job creation and economic growth. At all times, my door is open to meet representatives from the retail sector, as I have done in the very recent past.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire chomh maith. I thank the Minister. In the light of the uncertainty that has already been created on the issue of Europe through the return of the Tory party to absolute power in Britain, will the Minister accept the report's key recommendation that a North/South retail forum should be established to bring together key retail business groups and relevant Ministers to ensure that there is effective communication around key policy issues, such as Europe?

Mrs Foster: I have to say that I am not sure that the Prime Minister would characterise his power as absolute: I do not think that any politician has that in his gift. In terms of the report's recommendations, as I indicated to Mr Sheehan, I will meet the chief executive of NIIRTA to talk through the recommendations and indeed to see what is best for the retail sector in Northern Ireland because, of course, that is what I am always interested in.

Mr Dunne: Does the Minister recognise the need for town-centre regeneration for towns like

Bangor that have suffered a lack of retail activity and investment? What is her assessment of initiatives like the business improvement districts (BIDs) initiative that we have heard so much about?

Mrs Foster: As the Member will know, the BIDs initiative has been taken forward, first of all, by my colleague Nelson McCausland and, now, by the current Social Development Minister. I was very pleased to see that Ballymena had stepped forward and said that it wanted to be involved in the scheme. That is a good indication of the vitality in that area and what they want to do.

The economic strategy contains actions aimed at revitalising town centres, and representatives from different chambers of commerce across Northern Ireland have spoken to me on many occasions. Most recently, representatives of Belfast Chamber of Commerce came to speak to me about what they believe is the best way forward for the city centre. It is very good when members come together and bring forward creative and innovative ideas. We, in central government, obviously do not have all the answers. We want to work with local government and, indeed, the retail fora that are out there.

Broadband: West Tyrone

2. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment for an update on the provision of broadband in rural West Tyrone. (AQO 8091/11-15)

Mrs Foster: Many Members will be aware that my Department has made significant investments in broadband infrastructure across Northern Ireland, including in west Tyrone. Indeed, due to previous investments, superfast broadband services are available from over 150 fibre-enabled cabinets there. Building on that, my Department awarded a contract to BT in February 2014 for the delivery of the £23.6 million Northern Ireland broadband improvement project, which will bring more choice and improved broadband speeds to over 45,000 premises across Northern Ireland, including those in rural areas of west Tyrone, by 31 December 2015.

To date, improvements have taken place in the exchange areas of Ballygawley, Beragh, Bready, Carrickmore, Castlederg, Dromore, Drumquin, Dunnamanagh, Fintona, Gortin, Mountfield, Newtown Stewart, Sion Mills and Tulnacross and have impacted on almost 6,000

premises. Further details can be found on NI Direct.

On 27 February 2015, my Department also contracted BT to deliver the superfast roll-out programme, which will deliver superfast broadband services to 38,000 premises across Northern Ireland, including areas of west Tyrone, by 31 December 2017. That £17.1 million project has commenced with an extensive survey and design process that will take several months to complete. Further details will be published on the NI Direct website as they become available.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her comprehensive answer. She will know that I organised a public meeting in Eskragh some months ago, which was attended by representatives of BT and satellite broadband providers. I understand that DETI officials, who were unable to attend the meeting, were to discuss their input to all of that.

Will the Minister undertake to write to me to detail in an even more comprehensive way — drilling down to further detail about the various exchanges — the precise measures that are planned for the 2015-16 year to improve broadband coverage in rural west Tyrone?

I was delighted to hear the Minister speak musically of all those townlands and villages. It was beautiful to hear that.

Mrs Foster: I thank the Member. I will of course write to him, although I provided quite a lot of detail on what is happening up until the end of this year. Rolling on to 2017, we have the superfast roll-out programme, which will be finished by 31 December 2017. I am happy to write to him and, if he has any specific issues that he wants me to look into, I am happy to do that.

Mr Byrne: I thank the Minister for her update on the situation on broadband in west Tyrone. Will she assure the people of west Tyrone that we will have a reliable broadband service within the next 18 months? What can she say about the other deficit that we have, which is the lack of reliable mobile services along the A5 from outside Omagh to six miles on the Belfast side of Dungannon?

Mrs Foster: I thank the Member for his question. I hope that I have set out what we are doing with the interventions in and around broadband.

I am glad that he asked me about mobile coverage. I asked officials about this very recently because I had received a few complaints about mobile coverage dropping in some areas in the west. I received quite a comprehensive update, and I am happy to share it with the Member if he wishes me to do so. I will not go through all the details; I would not have the time to do so, and the Speaker would not allow me to deliver it all. Ofcom has indicated that, at June 2014, only 1% of premises in Northern Ireland were in a complete 2G or 3G not-spot. That will come as a surprise to a lot of people, particularly in the west of the Province. We know that, when we travel around, we often get cut off and cannot access a signal. So, I have those details and I am happy to share them with the Member.

Mr Middleton: The Minister has touched on this aspect, but, in many parts of Northern Ireland, mobile coverage seems to be deteriorating, with an increase in the number of not-spots across the country. What can her Department do to improve mobile coverage?

Mrs Foster: That is recognised, and not only by DETI. The United Kingdom Government have initiated a £150 million mobile infrastructure project, which will attempt to deal with the not-spot problem. It is expected that the mobile operators, all of which are participating in the initiative, will take the opportunity — as well as dealing with the 2G problem — to try to future-proof their equipment to make sure that it can deliver 3G and 4G services and beyond. Around 70 mast sites have been provisionally identified for Northern Ireland, and I hope that, once the masts are in position, they will help with the problems that those of us who live in the west have to endure.

Mr B McCrea: Just following on from that point, will the Minister give us an assessment of the effectiveness of the roll-out of the 3G/4G initiative and tell us whether, when it is fully deployed, it will be able to deal with the rural black spots in broadband provision?

Mrs Foster: We will be able to deal with that through those additional mast sites, if they are positioned correctly. I know that the company that has been employed by the Government has taken some time to identify those mast sites in order to get the maximum out of them. I am hopeful that that will help. However, topography will always present a problem in some parts of Northern Ireland, and that is where future issues lie. I suppose that we will have to wait and see whether new technology develops to deal with those issues.

Mr Humphrey: I thank the Minister for her answers so far. She will have heard of the acquisition of Windsor House by the Hastings group. What is her Department doing to encourage the development of new hotels in Northern Ireland and in Belfast in particular? Does she believe that there is enough demand for them?

Mrs Foster: I had better answer the question first.

Hotels: Belfast

4. **Mr Humphrey** asked the Minister of Enterprise, Trade and Investment what her Department is doing to help to encourage the development of new hotels in Belfast. (AQO 8093/11-15)

Mrs Foster: My Department, in conjunction with Tourism NI and Invest NI, has recently reviewed its policy position around support to tourist accommodation providers. The aim is to help grow and develop our tourist accommodation sector to ensure that it supports and enables the provision of a sufficient accommodation supply to meet the demands of our key tourism markets. That policy review has now been completed, and I intend to issue it for public consultation shortly. The review specifically considers the need to encourage hotel development in Belfast and the potential for support through a tourist accommodation loan fund. In addition to financial support, Invest NI and Tourism NI offer a wide range of advice and guidance to tourist accommodation providers on issues such as IT, e-business and marketing, as well as statutory requirements and the certification process.

Mr Speaker: I want to see how quick you are on your feet, Mr Humphrey.

Mr Humphrey: Take two. The Minister will have heard that the Hastings Hotels group has acquired Windsor House and plans to turn it into a hotel. What is her Department doing to increase the number of hotels in Northern Ireland and in Belfast in particular? Does she believe that there is a need and demand for them?

Mrs Foster: I very much welcome the fact that the Hastings group has purchased Windsor House. Knowing the expertise and professionalism that that group exhibits in the sector, it will make a fabulous hotel of that property. The evidence that has been gathered from the review tells us that there is a lack of

four-star and five-star hotel accommodation in our key tourism areas right across Northern Ireland. The main concern highlighted in the policy review is that we may be approaching a position of undersupply of hotel accommodation in Belfast to accommodate our growing tourism aspirations, especially with the opening of the Waterfront Conference Centre in 2016. That is just next year. Research estimates that there will be a potential undersupply of up to 1,000 beds by 2020. That is after taking account of known developments in the Titanic Quarter etc.

So, in that context, I very much welcome the fact that the Hastings group has seen fit to purchase that property. I hope that we help other companies to make similar decisions in the near future.

3.00 pm

Mrs Overend: I thank the Minister for her response and the information that she has provided. How much does she feel this decision could be attributed to the relative strength of the euro and dollar exchange rates in terms of room pricing? Does she agree that all Northern Ireland MPs should be arguing for a reduction in VAT on tourist accommodation right across the UK?

Mrs Foster: I hope that all our newly elected MPs will do so, although four of them will not be there to make the case for us. Fourteen of them will be there, and I hope that they make the case for a reduction in VAT right across the United Kingdom. That would help not just Northern Ireland but other regional areas of the United Kingdom that have difficulties in attracting tourists.

We have this growing deficit because of the success of bringing tourists to Northern Ireland and, indeed, of having very successful events in Northern Ireland, as the Member will be fully aware. The advent of the Waterfront conference centre in 2016 means that we really need to deal with this matter quickly. If we are trying to attract very large events to the Waterfront conference centre, we need to be able to have the accommodation to deal with that. I hope that there are some business developers out there who will see this as a very good opportunity.

Mr A Maginness: I thank the Minister for her answers. Notwithstanding the good news in relation to the acquisition of Windsor House by the Hastings group, there will still be a fairly significant deficit of beds in 2020, and the Minister referred to that. Is there not a more

radical approach that she could take in order to remedy that potential deficit?

Mrs Foster: I am sorry; I thought that the Member was going to give me a suggestion when he said that I could be more radical. As I said, we are going to put this out to consultation. Some people may come forward with ideas as to how we could deal with that. Of course, we have access to financial transaction funding, which we may be able to use if people are having difficulties with access to finance for new developments. We have been looking at that in relation to grade A office accommodation in Belfast and throughout Northern Ireland. Those are the sorts of ideas that I am very willing to look at. I am not sure that it is an issue in relation to finance, but I am sure that we will find out what the real issue is in the coming months.

Office Accommodation: Funding

6. **Mr McKinney** asked the Minister of Enterprise, Trade and Investment whether she plans to offer funding to developers to stimulate the development of new grade A office accommodation, beyond short-term intervention. (AQO 8095/11-15)

Mrs Foster: I announced on 21 April 2015 that Invest Northern Ireland plans to develop a scheme to help ensure that Northern Ireland has adequate grade A office accommodation. This proposal to provide loans was launched on 1 May 2015 through a non-binding expressions-of-interest exercise. Stakeholder engagement suggested that any intervention should be short term and light touch in nature, providing the stimulus that will allow the market to recover. Any scheme would be reviewed annually, but it is currently envisaged that it will not extend beyond 2017.

Mr McKinney: I thank the Minister. How many expressions of interest have been received by Invest NI to date in relation to the scheme?

Mrs Foster: I do not have that detail, but I am happy to write to the Member. Invest NI has those details, but I have not received them in the Department yet.

Mr D McIlveen: I thank the Minister for her answers so far. She will be aware, obviously, that there is a large amount of potential space outside Belfast as well. I represent Ballymena, which is a thriving private-sector town. What support will her Department give for grade A office space outside Belfast?

Mrs Foster: There will be the same advice, assistance and access to loans for the people who want to develop in Ballymena as there will be in Belfast or Londonderry. The scheme is the same throughout Northern Ireland. We want to be able to make sure that we have grade A office accommodation right across Northern Ireland. It is a bit of a chicken-and-egg situation because if people want to invest in a particular area but there is not grade A office accommodation, they will go elsewhere to find it. We need to make sure that there is a choice for inward investors when they come. I have heard from all sides of the House on previous occasions that they want investment to come to their particular region, so we need to make sure that there is accommodation right across Northern Ireland.

Mr Kinahan: I was glad to hear the Minister outlining the scheme. Could the scheme fit to the Centre Point in Newtownabbey? That would be an ideal location for grade A office space.

Mrs Foster: There are other plans for Centre Point in Newtownabbey. I know that he will not mind me mentioning that his predecessor in Westminster was very active in relation to Centre Point. Invest NI has made some progress on that, and there should be some good news coming out of there in the future. We hope that that will start to push Centre Point along, because it has concerned us that it has not been developed in the fashion that we would have liked.

Flights: Germany/Austria

7. **Mr Lunn** asked the Minister of Enterprise, Trade and Investment for an update on any discussions she has had with stakeholders concerning direct flight routes to Germany and Austria. (AQO 8096/11-15)

Mrs Foster: I have met representatives of a number of airlines to explore opportunities for improving our air access to key markets. Direct access to Germany in particular is a priority, but discussions about specific air routes and airlines are of a commercially sensitive and confidential nature.

Mr Lunn: I thank the Minister for her answer. I take from that that there is no point in asking her about a timeline for any of those discussions. Vienna is well known as the gateway to Eastern Europe. Are there any discussions going on with places apart from Germany, such as Vienna or Brussels?

Mrs Foster: A route to Brussels has always been something that I would have loved to have seen develop, not least for colleagues who have to travel there because it is sometimes very difficult to access. Of course, the traffic is very niche; there is not a big load factor in terms of planes. As for Eastern Europe, easyJet has announced a route to Split in Croatia. I am looking down the list of other developments that have taken place. Belfast International Airport's Wizz Air flight to Poland is now twice weekly. We are developing a range of flights. Obviously, I would like to see more coming. The new KLM flight to Amsterdam begins, I think, on Monday, so that is a very good addition to what is happening.

Going back to the question, Germany is a priority market for us in Northern Ireland. It is a key market for not only tourism but trade and exports. In 2013, we benefited from 51,000 German visitors. There is very large potential in that market. German tourists travel throughout the world. I feel that we should be getting more Germans coming to Northern Ireland, particularly when you see what we have to offer here.

Mr Ross: The Minister previously announced that the Routes Europe conference will be coming to Belfast in 2017. Will the Minister outline just how important that conference coming to Belfast is and how previous hosts have benefited from not only the amount of people coming over for the conference but in attracting new routes in the future?

Mrs Foster: It is a very significant announcement. I was delighted that, in a competition of, I think, six cities, we have been able to attract Routes Europe 2017 to Belfast. It is a major conference in and of itself, but it also brings key decision makers from airlines, airports and tourism authorities and gives them the time and opportunity to negotiate, build relationships and plan further air routes. Other cities that have hosted Routes Europe have had up to six new routes announced during the conference for that destination, so I am very hopeful that, when Routes Europe 2017 comes to Belfast, we will see more routes coming into Northern Ireland off the back of it.

Mr Speaker: I call Mr Danny Kinahan. You are obviously intent on getting all your questions in before you leave us.

Mr Kinahan: Absolutely. Will the Minister guarantee that the flight routes being considered are planned to fit the respective airports and that we will keep in mind all the

time that we need to try to make sure that our airports are competing with Dublin and that there is no bias involved, even in respect of our two local ones?

Mrs Foster: There is certainly no bias from me towards the International Airport, the City Airport or the City of Derry Airport. They have worked together quite well on some of the programmes that we have been working with them on. I know that the international airports take a particular view on air passenger duty (APD), which has not been accepted by the Executive. They have provided us with another report on that, the Mott MacDonald report. We are looking at that, although it causes us some concern that some of its statistics appear to come from Scotland as opposed to Northern Ireland. I say to the Member very clearly that there is certainly no bias. We work with all the airports because we want all the airports to develop. We want more flights coming in because the more direct access we have, the more tourists we have coming to Northern Ireland.

SMEs: Finance

9. **Mr McCarthy** asked the Minister of Enterprise, Trade and Investment to outline the programmes that provide access to finance for small and medium-sized enterprises. (AQO 8098/11-15)

Mrs Foster: Invest NI has put in place a £170 million Access to Finance initiative to ensure that SMEs with high growth potential are not held back because they cannot access finance. Through the suite of funds, Invest NI is able to offer financial assistance for businesses seeking between £1,000 and £3 million over a series of funding rounds. The initiative has six separate funds: the NI small business loan fund; techstart NI; the growth loan fund; Co-Fund NI; development fund 1; and development fund 2. Four provide equity, and two provide loans.

Mr McCarthy: I very much welcome the Minister's response. I am sure that the Minister will agree with me that small and medium-sized businesses are the backbone of the economy of Northern Ireland and that, too often, it could be said that, despite all the grants available, obstacles are put in the way when they make an application. Will the Minister ensure that as few obstacles as possible are put in the way of all applications so that we can make progress and provide for the economy of Northern Ireland?

Mrs Foster: I may have accepted that criticism in the past, but I have tried to cut down on the red tape in Invest NI. I have done that insofar as is possible because, of course, it is public money, and you have to ensure that the proper procedures are in place. Particularly successful in that regard have been the innovation vouchers and the finance vouchers, whereby small and medium-sized businesses can apply for assistance of up to £1,000 with very little form-filling or red tape. The small and medium-sized business community has really welcomed those initiatives.

The further up you get and the more money you spend from a public accounts point of view, the more bureaucracy there is involved. I hope that the new Government at Westminster will look at this again and try to deal with some of that bureaucracy, particularly at a European level. If you look at the Horizon 2020 initiative, you will see that the amount of bureaucracy involved is eye-watering. We need to be able to deal with those issues as well.

Mr Speaker: Mr David McIlveen is not in his place. Mr Stewart Dickson is not in his place. I call Mr Paul Frew.

Electricity Grid: North Antrim

12. **Mr Frew** asked the Minister of Enterprise, Trade and Investment how she will ensure that further essential investment can be delivered on the 11kV and 33kV electricity grid to enable businesses in North Antrim to achieve a supply and export electricity generated on site. (AQO 8101/11-15)

Mrs Foster: I sympathise with businesses experiencing difficulty in obtaining grid connections and understand the frustrations that they feel. I recently met those responsible for our infrastructure on these and related issues covering the whole of Northern Ireland. I will continue to engage, emphasising the need to find solutions. Any solutions need to take account of the current regulatory funding settlement, which concluded that asking consumers to pay more to meet developers' connection costs was not in the public interest. I should also acknowledge that our success in meeting the Executive's 20% renewable electricity generation target has made it more difficult to obtain new connections to the grid. I urge any new developer to consult NIE's heat map before committing resources.

Mr Frew: I thank the Minister for her answer on what is a very serious issue, not least for my North Antrim constituents.

Given that NIE was given some £458 million in the most recent price review and received £46 million through the European regional development fund, how can the Minister ensure that that money is being spent in the right places and at the right time so that businesses in my North Antrim constituency will be able to grow and get some relief by generating their own energy?

3.15 pm

Mrs Foster: As the Member knows, probably better than most because of his position on the Enterprise, Trade and Investment Committee, it is not my position and, unfortunately, not within my power to direct NIE to particular parts of the Province. It is a joint exercise with the regulator, the system operator, NIE and the Department. That is why I have brought all those bodies together. We had a constructive meeting when I brought them together, and I intend to bring them together again and again until we try to deal with these very complex matters. It was not a one-off meeting but something that will happen every couple of months.

Mr Speaker: Thank you, Minister. That ends the period for listed questions. We now move on to topical questions.

A5 Western Transport Corridor: Economic Benefits

T1. **Mr McAleer** asked the Minister of Enterprise, Trade and Investment for her assessment of the importance of the proposed A5 western transport corridor to the local economy. (AQT 2451/11-15)

Mrs Foster: Undoubtedly, there are those in the region who have indicated to me that they would very much welcome progress on the issue. I am thinking particularly of the Chamber of Commerce in Omagh and the business community in Strabane. Of course, it is not a matter for me directly. Those indications were communicated to me as recently as two weeks ago when I had the opportunity to visit the Member's constituency and McColgan's in Strabane. McColgan's told me that progress would really assist it, particularly as it sends a lot of product down that very route.

Mr McAleer: I thank the Minister for her answer. Can she confirm that the project remains an Executive priority?

Mrs Foster: As far as I know, it is an Executive priority, but the Member would be better addressing that question to the Minister for Regional Development. All that I know is that it is certainly still a matter of interest in that region and that people would like to see a decision made either way so that there was certainty on the matter.

Rugby World Cup 2023

T2. **Mr Sheehan** asked the Minister of Enterprise, Trade and Investment for an update on the Irish Rugby Football Union's bid for the Rugby World Cup in 2023. (AQT 2452/11-15)

Mrs Foster: The Rugby World Cup bid is progressing well. I think that there will be further announcements made in the very near future on how we are taking forward the bid. It is something that we are all behind and want to see happening, because, of course, it will have an impact right across Northern Ireland and the Republic of Ireland. It will be a huge event for the whole island.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for that answer. Given the fact that the Casement Park development is included in the Irish Rugby Football Union's bid to host the World Cup in 2023, can she confirm that that development is an Executive priority?

Mrs Foster: I am rather amused, Mr Speaker, that the past two questions have been about other Ministers' priorities, but, as far as I know, yes, the Casement Park development is still an Executive priority.

Mr Speaker: I call Mr Barry McElduff.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I hope that you are all keeping well.

Investment: Omagh

T3. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment for a further update on her Department's efforts to secure land in and around Omagh for the purpose of inward investment, given Invest NI's active efforts in recent months. (AQT 2453/11-15)

Mrs Foster: I am glad the Member has recognised that we are being active. I brought an update to the House at, I think, my previous Question Time. Unfortunately, I do not have anything further to add, but, after Question

Time, I will enquire from the chief executive of Invest NI as to whether there is anything further. Certainly, I have not been briefed on any further developments on Omagh, but I am as keen as he is to see moves on the issue. When I was up in Strabane two weeks ago, I could see how McColgan's was using the land that it had to develop. I am sure that he was delighted to see the 43 new jobs being announced in Strabane just two weeks ago.

Mr McElduff: I thank the Minister for her strong interest in Omagh, Strabane and the West Tyrone constituency. Following the review of public administration, may I encourage the Minister to engage directly with Fermanagh and Omagh District Council and with the DOE Planning Service to see whether additional flexibilities can be achieved in the future to identify land suitable for inward investment in the Omagh area?

Mrs Foster: The Member probably has as much influence on Fermanagh and Omagh District Council, given its make-up, as I have. I will certainly say to the chief executive and the director of development that it is a priority and that we need to see more land being made available for industrial development in that area.

Economic Recovery

T4. **Mr McNarry** asked the Minister of Enterprise, Trade and Investment whether, given this morning's statement by the Ulster Bank's chief economist that Northern Ireland's recovery has stalled since last November, which is very disappointing, this is a blip or a sign of ongoing difficulties. (AQT 2454/11-15)

Mrs Foster: I thank the Member for his question. The purchasing managers' index today suggested that our two biggest sectors — services and manufacturing — boasted solid growth for the second month in a row. However, some of the other indicators were less positive over the past month. Of course, this is only one survey — a very important one that we all take notice of — but, even from the bank and Richard Ramsey's point of view, there are still other strong indicators, such as unemployment continuing to fall for the twenty-seventh month in a row, job numbers growing for the eleventh consecutive quarter and consumer confidence being at a seven-year high. Although some indicators cause me concern, others show that we are still moving in the right direction.

Mr McNarry: I thank the Minister for her answer. I have always recognised,

congratulated and acknowledged her performance as a Minister. However, 20% of our 18- to 24-year-olds are unemployed, and 80% of that age group earn less than the living wage. Given the news that we have had this morning, what is your message to young people when we have evidence of fluctuations in the economy?

Mrs Foster: I did not mention that we have to acknowledge the exchange rates pressure that we are facing. There is no getting away from the fact that that is an issue for us in Northern Ireland. Although we do not have any levers over it, we must acknowledge and try to take action to deal with it.

In respect of unemployment among young people, we are, of course, engaging in our economic inactivity strategy, which puts in place actions to deal with something that has happened not just over the past couple of years. We have a legacy of economic inactivity, and, unfortunately, we are at the top of the regional table for that. We are listening carefully and taking action through the economic inactivity strategy.

Agrifood: Going for Growth Strategic Action Plan

T5. **Mrs Overend** asked the Minister of Enterprise, Trade and Investment, in the week of the Royal Ulster Agricultural Society's Balmoral show, for an update on the Going for Growth strategic action plan for the agrifood sector in Northern Ireland. (AQT 2455/11-15)

Mrs Foster: I am pleased to tell the Member that we continue to work strongly alongside the industry. Some very significant announcements have been made not only of employment through the agri-industry over the past year but of strong strides in research and development. We have announced the new marketing body, and I note the comments that were made at the weekend about that. I assure everyone in the agrifood industry that the last thing that I want to be involved in is trying to tell them how to run their businesses. That is up to them. We will try to facilitate what we can for them and to get them access to new markets, particularly in China. The Minister of Agriculture and Rural Development and I are particularly focused on China at present.

Mrs Overend: I thank the Minister for that positive response. From my time on the Committee for Enterprise, Trade and Investment, I remember that the Minister appointed a go-to person in Invest Northern

Ireland to look at Horizon 2020 and its funding opportunities. Will the Minister consider having in Invest Northern Ireland such a single go-to person with particular knowledge of funding opportunities to work specifically with agricultural businesses and to grow the farming sector in Northern Ireland?

Mrs Foster: The agri sector and food sector is the only part of industry in Northern Ireland that has its own division in Invest NI, and that is headed up by a senior official called John Hood. So, there is already a person in place to deal with all those issues. John has been out meeting a number of agrifood companies throughout Northern Ireland, and I am sure that he will be at the Royal Ulster Agricultural Society show this week. I hope that we are all looking forward to that, because it is always a tremendous time for the whole agri sector to come together and, I hope, to celebrate what has been a good year. Yes, there have been difficulties, particularly in the dairy sector, but I hope that, yet again, farmers will come together and that we can engage with them and hear what they have to say about their industry.

Exports: Sterling Exchange Rates

T6. **Miss M McIlveen** asked the Minister of Enterprise, Trade and Investment what impact she believes a strong pound sterling in comparison with the euro will have on exports from Northern Ireland. (AQT 2456/11-15)

Mrs Foster: That is, of course, our main challenge in terms of the eurozone. At present, particularly with a lot of our smaller companies, their first point of export is the Republic of Ireland. Therefore, they are in a difficult place at the moment. We will try to assist them, but we hope that some equilibrium will come about again in the near future. Of course, it is of benefit to people who are leaving and going on holidays to the eurozone, but, for me, the export market is the key market, and that is one of the reasons why we are looking at other markets throughout the world where this does not affect us.

Miss M McIlveen: I thank the Minister for her answer. Can she give an update on the export strategy that her Department is developing?

Mrs Foster: Again, we are taking that forward in conjunction with the different sectors. As I indicated in my answer to Mr McNarry, Richard Ramsey described the manufacturing sector as, I think, going through a "purple patch" at the moment. Hopefully, we will continue to assist it. Again, it has to be industry led, because there

is no point in politicians telling industry where it should be exporting to. It is for the industries to tell us where they want to go and for us to assist them to get their export product to that market.

Employment: Foyle

T7. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment for an update on the work that the Executive are currently doing on maximising job opportunities in the Foyle constituency. (AQT 2457/11-15)

Mrs Foster: I think that the Member is referring to the Executive subcommittee on regional opportunities. Of course, we will be looking not only at Foyle but at other constituencies in other regions of Northern Ireland, but she is right to say that we are concentrating on that region at present. At the last meeting, we looked at Invest NI's work, but we also looked at some of the other factors, including infrastructure and connectivity from a digital point of view. Those discussions are ongoing. I think that it is a very helpful forum, and I hope that it is one that will continue for other regions of Northern Ireland as well.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for her answer. Can she give us an assessment of what the emerging themes for Foyle might be? Will we see a subregional strategy for the city and the wider region?

Mrs Foster: One of the themes coming from the north-west is on economic inactivity, and she will know that that is a big problem in the north-west. It is my hope and, I am sure, the hope of the Minister for Employment and Learning that the strategy that we have outlined and some of the actions in it, including competitive pilots, will help to deal with those issues into the future.

Infrastructure is also a theme that is developing. Some of the infrastructure, particularly roads, should be focused on as well, and I think that the chamber of commerce in the city shares that view, as it has also indicated that.

Jobs Fund

T8. **Mr Douglas** asked the Minister of Enterprise, Trade and Investment for her assessment of the jobs fund. (AQT 2458/11-15)

Mrs Foster: The jobs fund would not have happened had it not been for devolution. It has made a real difference to thousands of people

across Northern Ireland. We have been able to assist some very small jobs fund announcements. As few as two and three people have been able to be employed because of the jobs fund intervention, and that goes right up to large jobs fund initiatives. It has been a tremendous success for Northern Ireland and a success for devolution.

Mr Douglas: I thank the Minister for her answer. Can the Minister outline what response or progress there has been in east Belfast through jobs created?

Mrs Foster: I do not have the specific figures, although I know that we have made an impact in east Belfast and right across Northern Ireland. I am happy to provide the Member with those figures in writing after today's Question Time.

3.30 pm

Employment and Learning

Mr Speaker: We now move on to questions to the Minister for Employment and Learning. Questions 5, 6, 7 and 9 have been withdrawn.

Education: Adults with Learning Difficulties

1. **Lord Morrow** asked the Minister for Employment and Learning what progress he has made on the development of post-19 courses for people with learning disabilities in further education colleges. (AQO 8061/11-15)

14. **Ms P Bradley** asked the Minister for Employment and Learning what support exists for adults with learning difficulties to gain access to full-time education. (AQO 8074/11-15)

Dr Farry (The Minister for Employment and Learning): Mr Speaker, with your permission, I wish to group questions 1 and 14 and request an additional minute for the answer.

In relation to provision for those with learning difficulties, many students are able to participate in the full range of mainstream provision, with additional support provided by colleges and assisted by my Department's additional support fund, which gives £2.5 million per annum to provide technical and personal support. The fund provides an additional £2 million per annum to help colleges to facilitate tailored, discrete programmes for students

unable to access mainstream provision due to the nature or degree of their learning difficulty. The fund was recently increased by £1 million per annum to ensure that all students with the ability to participate in further education provision received the additional support required to help them to do so. In 2013 and 2014, over 3,500 students were supported through the fund, of whom over 2,000 were aged 19 and over.

The aim of college provision and of the additional support fund is to enable access and provide support to students to help them to meet their individual goals through further education and progress towards employment or, in some cases, independent living. Colleges maintain close contact with local schools and related professionals to ensure that provision is relevant and appropriate to the needs of the potential students and to ensure that all students are aware of the opportunities available in further education.

My Department's Training for Success programme is also delivered in further education colleges. The programme offers participants the opportunity to gain relevant work experience and professional and technical skills, as well as the personal and behavioural skills required to progress into employment in their chosen field. Participants with learning difficulties or disabilities receive a range of additional support from colleges and external support suppliers contracted by my Department. My Department's Careers Service has a partnership agreement in place with post-primary schools, including special schools, to support the schools' careers education programme. Careers advisers play an active role in the transition planning process of young people and adults by providing impartial careers guidance on the range of opportunities available to them, including further education.

Following concerns about transitions to adult provision for young people with severe learning disabilities, my Department undertook a range of actions aimed at improving our provision. I also raised the issue with the Bamford inter-ministerial group on mental health and learning disability, which agreed that my Department would lead a cross-departmental group of officials to consider current gaps in provision. The group will discuss progress on the work undertaken by officials at its next meeting on 13 May 2015.

Mr Speaker: Before I call for a supplementary question, may I correct my information about the questions that were withdrawn? The Minister will recognise questions that he intends

to group. The correct questions that were withdrawn are 8, 10 and 11.

Lord Morrow: I thank the Minister for his comprehensive reply. I look forward to getting Hansard tomorrow to go through that reply again. It was quite lengthy, but I thank him for it. I have a concern about the issue, particularly in places such as Fermanagh and South Tyrone. Can the Minister assure us that there has been and will be an equal distribution of places right across all the further education colleges, particularly in Fermanagh and South Tyrone?

Dr Farry: I am happy to say to the Member that that is our intention. Whether we will be able to achieve it in practice, I am a little less certain. One of the things that we have undertaken — the Member will be aware of it — is an audit of provision across the colleges. It is up to colleges to organise provision in their campuses and to ensure that there is an appropriate balance. We will not always have an equal distribution of courses, particularly in this very particular area, across all the colleges. In light of the constituency that the Member represents, he will be acutely aware that geography and distance come in to play. Often, young people will have to travel some distance to access their college, and that is why transport is of particular importance. One of the aspects that is receiving the particular attention of the inter-ministerial group is the work that we can do around transport issues, especially trying to highlight the opportunities that exist and providing support for people to ensure that they can access the courses that are available across the different campuses and colleges.

Ms P Bradley: I also thank the Minister for his comprehensive answer. In my question, I looked at full-time employment as well. We know that all our children are different, whether they have a learning difficulty or not; some go on to further education and, for others, that is not what they want to do. Does the Minister agree that there is a role within the public sector? I know that some councils and other public bodies have schemes that are open to children with learning difficulties. Does the Minister believe that there is a role for that and that it should be more uniform?

Dr Farry: I certainly concur with the Member's sentiment that we should encourage all businesses and organisations, including the public sector, to open up work placements in that regard and to ensure that they are progressive employers that offer permanent positions. The Member may also be interested to know that we are close to finalising for public

consultation a draft disability employment and skills strategy. That will cover all aspects of the work of my Department in supporting people with disabilities, with a particular focus on trying to ensure that we are able to facilitate people into work and to support people in work. People with learning disabilities are clearly a major client group within the existing disability employment service and will be very much at the heart of the emerging strategy.

Mr Rogers: Minister, have you ruled out the possibility of other partner organisations delivering the courses? Will they be the sole responsibility of the Northern Ireland colleges network?

Dr Farry: The provision, particularly with respect to disability issues, is shared between our colleges and the community and voluntary sector. Without jumping too far ahead, I will say that disability is a key aspect that is supported through the European social fund. Recently, we made announcements in that regard that included a considerable number of organisations working in the disability sector. Across both further education provision and what the community and voluntary sector does, albeit with a different focus and in different areas, we are looking to get strong coverage. However, it requires partnership, and it involves work beyond the statutory sector.

Ms McGahan: Minister, will you consider operating a pilot scheme under the economic inactivity strategy in Fermanagh and South Tyrone to address the barriers of those with disabilities who want to go into employment?

Dr Farry: Certainly, the emerging economic inactivity strategy will be open to facilitating that type of intervention. At this time, I cannot give a guarantee that a particular type of project will occur in a particular area. We are looking at a series of competitive pilots to test different types of intervention, and then we will see how we can upscale those. Given the nature of that competitive piloting process, we will be looking for a number of small-scale and geographically focused interventions. What the Member suggests is certainly consistent with the strategy, but, once we go for open calls to the community and voluntary sector and others, we will see whether such projects can come forward, and then decisions will have to be made on which ones we will resource. Obviously, the available resources that are put on the table will be a key factor in how far we can go in supporting different types of intervention for testing.

Mr Kinahan: My original question was to ask the Minister whether he felt that the current transition process was fit for purpose and delivered to the same standard. He seems to have massive changes coming in, which is excellent. However, will he guarantee that that is where he is trying to move to, so that we have a transition process that is fit for purpose and is delivered to the same standard across the whole of Northern Ireland?

Dr Farry: First of all, I congratulate the Member on his election to Parliament last week.

The question the Member asked is perfectly reasonable and has not been entirely answered so far. There are concerns with the transition process; it is only realistic to say that that is the case. Lord Morrow and many others have highlighted it over this Assembly term. When people leave school, there is a perception that they fall off a cliff when they move from the security and certainty of the school environment to a much more uncertain world in which there is a mix of provision through day centres provided by health and social services, further education colleges, support from the community and voluntary sector resourced through the European social fund or, indeed, what are, in practice, gaps.

One reason we have the inter-ministerial group under the Executive's mental health and learning disability subgroup is to better map out the different interventions that Departments can bring to the table. My Department has major responsibilities in this regard. The Departments of Health, Education and Regional Development, among others, have key responsibilities as well, so we are looking for a partnership approach to address the issue. To be realistic, we are somewhat hampered by lack of resources, given the pressure on budgets. At this stage, probably most of the actions will be focused on better coordination and information to ensure that existing provision is fully utilised and that people are fully aware of the opportunities that exist.

Employment: Barriers

2. **Mr Milne** asked the Minister for Employment and Learning what action he is taking to remove the barriers faced by the blind, partially sighted and deaf communities in gaining employment. (AQO 8062/11-15)

Dr Farry: My Department provides a range of services that help to remove barriers to employment for people with disabilities, including those with a sensory impairment or

disability. Specialist advice and guidance is provided by careers advisers working with colleagues from the employment service to agree the most suitable provision that will help people to overcome their disability-related barriers to work.

My Department provides additional and specialist support, as well as significant funding, to enable access and participation in pre-employment programmes such as Training for Success and the further and higher education courses available throughout Northern Ireland.

With regard to specific employment interventions, my Department's disability employment service manages and delivers high-quality pre-employment and in-work support programmes that are helping more than 2,000 people with disabilities, including those who are blind or deaf, to find and sustain paid employment each year. Those programmes include Access to Work, Workable, Work Connect and the condition management programme.

The Department has a dedicated occupational psychology service that provides employment assessments for employers and disabled people, including those with sensory disabilities. The Department also provides funding to a number of organisations that support people who are blind, partially sighted or deaf, through a range of training and employment projects under the European social fund disability strand.

Officials have been working in partnership with local disability sector representatives on the development of a new employment and skills strategy for people with disabilities. A draft strategy, including a range of proposals, is due to be issued for public consultation over the coming months. The purpose of the strategy will be to improve the skills, employability, job prospects and careers of people with a full range of disabilities throughout Northern Ireland.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí go dtí seo. I thank the Minister for his answer thus far. Is his Department aware of or even exploring international best practice on how such barriers to employment can be overcome?

Dr Farry: I am happy to confirm that that is the case. Work undertaken to date on developing the new strategy has been informed by some international examples and best practice. We are keen to learn from how things are done in

other societies. If you look at our work on apprenticeships and youth training, you will also see that type of approach in action.

Mr McKinney: I thank the Minister for the detail in his answer but could he —

Mr Speaker: Speak into the microphone, please.

Mr McKinney: Apologies. Does the Minister believe there are sufficient incentives for employers to afford any necessary adaptations to employ partially sighted or blind people and people from the deaf community?

Dr Farry: Incentives and resourcing are features of some of our programmes, such as Access to Work and Workable. We are keen to ensure that those are being used as effectively as they can be.

3.45 pm

This is about more than simply providing the infrastructure to ensure that people with disabilities can flourish in the workplace; it is about tackling attitudes from employers. Instead of seeing a situation where the employment of someone with a disability is somehow an inconvenience or a burden, this is about ensuring that people understand that this is about equality in the workplace and recognising that people with disabilities are often more dedicated to their workplace and are more productive than many of their peers. We need to ensure that we can attract and draw upon the fullest pool of talent available to society.

Apprenticeships: Update

3. **Ms Lo** asked the Minister for Employment and Learning for an update on higher-level apprenticeships. (AQO 8063/11-15)

Dr Farry: In June 2014, I published, 'Securing our Success: The Northern Ireland Strategy on Apprenticeships'. The strategy provides an opportunity to facilitate economic and social progress and will be key in transforming our skills landscape and securing our economic success.

My Department is piloting higher-level apprenticeships across a number of sectors, with the aim of testing their effectiveness to meet the specific skills needs of local employers. Higher-level apprenticeship pilot projects are in progress in sectors including

engineering, ICT, accountancy, life sciences and professional services. At present, 130 higher-level apprentices are employed across 46 companies. Employers involved in the higher-level apprenticeship pilot projects include PwC, Deloitte, Norbrook, Terex and Moy Park.

As part of my Department's successful change fund bid, we intend to take forward further higher-level apprenticeship pilots over the next 12 months. Officials from my Department have been working closely with colleagues from universities and further education (FE) colleges to raise the profile of higher-level apprenticeships and encourage the development of proposals for further pilots. I anticipate that approximately 400 new higher-level apprenticeship places will be available from September 2015, and I look forward to making further announcements regarding individual apprenticeship opportunities over the coming months.

Ms Lo: That is to be welcomed. Higher-level apprenticeships are very much valued by young people. Those who do not go to university appreciate the opportunities they provide. How is the Minister going to identify new opportunities for the higher-level apprenticeships?

Dr Farry: Essentially, there is a twin-track process in place around identifying new opportunities. At the heart of that lies the employer, because it is the employer that will shape where opportunities lie in the job market. Let us bear in mind that apprenticeships are jobs, albeit jobs where people are on a training contract.

We have a number of sectoral partnerships emerging under the strategy, and they are taking an almost top-down approach, working with colleges, employers and sector skills councils, where appropriate, to map out where new opportunities can arise. At the same time, a lot of our colleges and universities are voting with their feet and are going out and creating new opportunities from the bottom up. They have some very direct responsibilities for engaging with employers and seeing where emerging opportunities are developing.

So, between those two approaches, we are rolling out a considerable number of new opportunities. If anything, we have been really encouraged by the energy that is coming forward and the interest that we are seeing from all of the different stakeholders in what is a very new and innovative approach to providing skills for the local economy.

Mr Byrne: I welcome the Minister's statement and congratulate him on his efforts to get higher-level apprenticeships working. Can the Minister assure the House and industry in Northern Ireland that the need for fabrication engineers in technician-based engineering will be met through these apprenticeships eventually, given that many employers are having to rely on skilled technical people from Poland, Latvia and other eastern European states?

Dr Farry: I am happy to give the Member encouragement in that regard. The development of apprenticeships is to be driven by employers where skill vacancies exist. So, if there is a particular problem in fabrication engineering, through partnership with, for example, the South West College as far as the Member's constituency is concerned, we could see the emergence of that type of apprenticeship. Employers can feel free to approach South West College with a view to seeing whether higher-level apprenticeships can be developed in that particular area. I will certainly encourage those types of conversations to take place.

Mrs Overend: I thank the Minister for that information. I note some of the large companies mentioned in his first answer. When the Minister first floated this matter, he indicated that there may be a need for incentives for employers to support higher-level apprentices. Is this still an option to encourage small businesses to take apprentices?

Dr Farry: Yes, very much so. By way of context, it is important to recognise that, in virtually every jurisdiction, we see a situation where it is disproportionately the bigger employers that are more actively engaged in the apprenticeship form of training. This is the case in many of the Germanic countries and Scandinavian countries, and, often, small and medium-sized enterprises see obstacles in their way or maybe do not see that they have the scale to support training.

I am very clear that, in all contexts, apprenticeship training is relevant to businesses and that everyone should consider it, but, given the need to encourage, in particular, SMEs to engage, we are looking at a number of different approaches, whether that is shared training or some degree of financial incentive. Work is under way in that regard. As the Member will appreciate, an action plan is attached to the strategy as we roll it out over the next year to the full roll-out in September

2016. That issue about financing and incentives is one of the projects in that action plan.

Employment: Support

4. **Mr G Robinson** asked the Minister for Employment and Learning to outline the support available for people with a disability under the Enabling Success: Supporting the Transition from Economic Inactivity to Employment proposals. (AQO 8064/11-15)

Dr Farry: One of the key groups that Enabling Success will seek to help is that of people with work-limiting health conditions or disabilities who, with appropriate support and accommodations from an employer, should be able to work. The strategy will directly seek to support this group towards and into the labour market through a series of voluntary interventions that will be delivered through the following projects. Project A will develop an outcomes framework through a co-design approach with key stakeholders to inform a competitive pilot testing process. Project B will develop a regime of competitive pilots to test the effectiveness of a number of small-scale initiatives in improving outcomes for people in the target groups. Project C will deliver and evaluate a control group pilot for people with work-limiting health conditions or disabilities. Project D will help to develop targeted support and incentives to encourage employers to hire and upskill people from the target groups. Project E will put in place new measures to promote the financial advantages of employment, raise awareness levels of transitional benefits protection and better communicate the rules on how to reclaim benefits to encourage transitions to the labour market.

The strategy will work alongside existing disability service provision, such as the job introduction scheme and the condition management programme, through my Department's disability employment service. In addition, the Department is finalising a new disability employment strategy for Northern Ireland. This aims to cover the entire journey from full-time education through to paid employment for people with significant disability-related labour market barriers. The strategy will target people of all ages but will have a focus on young people who are participating in education, training and pre-employment programmes who require additional and longer-term support.

Mr G Robinson: I thank the Minister for his answer. Will he undertake to explore the

reasons why some people with hidden disabilities, despite receiving support, find the transition to economic activity problematic?

Dr Farry: Very much so. The economic inactivity strategy has identified that there is a considerable number of people with disabilities who have either ruled themselves out or have been ruled out of the labour market. However, we assess that a considerable number of them do have the capacity to engage in some degree of work, and many of them would benefit either from some direct support or incentives to encourage them back into the labour market. That pool is much bigger than the target group for the disability employment strategy directly, and that, in a sense, reflects the fact that a lot of disability can be hidden in society. It is no less challenging in terms of participation in the world of work, and, hopefully, a number of the new competitive pilots that we develop will try to address that particular issue.

Mr McCallister: Will the Minister detail the exact funding available to his Enabling Success strategy and, in particular, to the part of it dealing with learning disabilities? Does he agree that, if it is an unfunded strategy, it might well do little to help the economically inactive and is in danger of becoming another unfulfilled Executive promise?

Dr Farry: The issue of funding largely falls into the 2016-17 financial year. We are looking at the initial roll-out of the strategy over the coming months. There was a successful bid to the change fund by the Department for Social Development to commence one of the pilots. We will bid in the monitoring rounds for finance to enable work to commence on a number of strands this financial year. Bearing in mind that this is an Executive strategy and that we are very conscious right across all political parties of the need to ensure that we begin to address what is a major structural problem in our economy, I am encouraged about the prospects of the money coming forward this year, and then of a full budget line being provided not just to my Department but to others in the 2016-17 financial year.

European Social Fund

5. **Mr Sheehan** asked the Minister for Employment and Learning how many organisations in West Belfast had their application for the European social fund rejected. (AQO 8065/11-15)

6. **Mrs McKeivitt** asked the Minister for Employment and Learning for an update on the

application and award process of European social fund monies. (AQO 8066/11-15)

7. **Mr Humphrey** asked the Minister for Employment and Learning for an update on the European social fund process. (AQO 8067/11-15)

9. **Ms Sugden** asked the Minister for Employment and Learning for an update on the allocation of the European social fund. (AQO 8069/11-15)

Dr Farry: Mr Speaker, with your permission, I wish to group questions 5, 6, 7 and 9 — I would have included questions 8 and 11 as well, if the Members were here. I request an additional minute for the answer.

The European social fund (ESF) is an open and competitive funding programme. Following the conclusion of the most recent application assessment process, the Department offered funding to 68 applicants. That funding equates to over £112.6 million for the first three years of a seven-year programme. Organisations will receive contributions in the form of 40% from the European Commission, 25% from DEL and 35% from private or public sector match funding.

As £180 million worth of applications were originally submitted to the programme, it was inevitable that the Department could not fund all applications. There was insufficient funding to offer all applicants who had scored above the quality threshold.

Of the organisations indicating that they wish to deliver provision in West Belfast, seven applicants have been offered funding in the youth priority, eight in the unemployed and inactive priority, and nine in the disability priority. Sixty of the successful applicants were from the community and voluntary sector, with the remaining applicants coming from the statutory or private sectors. Funding to the community and voluntary sector equates to approximately 92% of the total offered.

The new programme aims to further drive up skill levels, and this investment in projects across Northern Ireland will provide opportunities to people who face the greatest barriers to work and learning. The funding will help individuals to fulfil their potential by giving them better skills and job prospects. Specifically, the programme will support over 10,000 young people not in education, employment or training; 24,742 participants who are unemployed or economically inactive;

and 7,266 people with a disability. Additionally, the programme will provide assistance to 2,340 families.

Despite a challenging process and time frame, the Department has been able to complete the ESF assessment process to allow funding to be offered from 1 April.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. I am sure the Minister is aware that West Belfast is one of the most socially and economically deprived and disadvantaged constituencies anywhere in these islands. The loss of funding to these organisations is a body blow to the constituency. Can the Minister do anything to ensure that the essential services provided by these groups are not lost to West Belfast, and will he give a commitment to meet some of the groups that have lost their funding?

Dr Farry: First, I am happy to meet groups to discuss the outcome of the process, but let me clear, as I was in my original answer: we have listed a large number of projects that will be working in the West Belfast constituency. When the Member talks about organisations that have lost their funding, it is important that he and, indeed, the House bear in mind that this is an open and competitive process. While some of the groups that went into this may well have had pre-existing funding from the fund, there was no guarantee — nor, indeed, should anyone have had the expectation — of continued funding from what is a competitive process.

4.00 pm

All organisations were judged on their merits. I am satisfied that we have a reasonable geographical balance across Northern Ireland, including west Belfast, which factors in the degree of deprivation in that area compared with some other parts of Northern Ireland. While we cannot guarantee an outcome for particular organisations, overall we have to recognise that the programme has delivered, and we are talking about an expanded programme over the next seven years, compared with what happened previously. We are talking not about cuts but about more money being spent through the different strands of the fund. What we cannot guarantee and manage is that particular organisations will be winners compared with others in a process that is judged on the merit of the applications coming forward.

Mr Speaker: On the matter of the time difficulty, can the Minister indicate, where suitable, that a written answer will be provided? I am conscious that four questions have been grouped and that the individuals have been sitting very patiently. Perhaps you would indicate how you wish to answer. I am wasting more time than I have.

Dr Farry: Sure, OK.

Mrs McKeivitt: Does the Minister have accurate figures for the number of people who lost employment as a result of unsuccessful applications to the ESF?

Dr Farry: I am not able to give figures for the individual organisations. They could be collated through any HR1 forms that come through showing redundancies. However, some organisations might be doing different work as well, so it is not entirely clean to disaggregate the job losses that come from not being funded. I again stress that, while we have the unfortunate situation that some organisations lose money and staff, equally, jobs are being created in other organisations elsewhere in the community and voluntary sector because we have expanded funds. Different organisations are taking forward projects from those under the previous round.

Mr Speaker: I apologise to Members who did not get the chance to speak. That took longer than I could afford.

That ends the period for listed questions, and we now move on to topical questions.

Parent Meetings

T2. **Mr G Robinson** asked the Minister for Employment and Learning whether he has any plans to hold educational parents' evenings in the East Londonderry constituency similar to those held in Omagh, Ballymena and Londonderry. (AQT 2462/11-15)

Dr Farry: Sorry, I missed the question. Could you repeat it?

Mr G Robinson: Yes. Has the Minister any plans to hold educational evenings in my East Londonderry constituency similar to those in Omagh and Londonderry?

Dr Farry: I am not entirely clear what the Member means by "educational evenings". I know that, over the next number of weeks, we are running a number of events involving

parents on the importance of good careers advice and the opportunities that exist. They will occur at a number of particular points across Northern Ireland. If that is what the Member is asking, my answer is that we are certainly happy to review the success, or otherwise, of that initiative and see whether we can expand it to other parts of Northern Ireland, including the Member's constituency.

Mr G Robinson: Thanks very much for that answer. There may be some parents with transport problems. Is there any chance of having a word with Mr Kennedy to see whether transport could be provided?

Dr Farry: As long as Mr Kennedy is paying, I am happy to raise the issue with him.

Zero-hours Contracts

T3. **Ms McCorley** asked the Minister for Employment and Learning whether, given the views submitted through recent public consultation, he has sought to engage with trade unions and employers on the issue of zero-hours contracts. (AQT 2463/11-15)

Dr Farry: Yes, I have had engagement with trade unions on a range of aspects of employment law. The Member will appreciate that a Bill has been drafted, and, hopefully, we will shortly get approval from the Executive to introduce it. We also have a paper with the Executive, for which we are awaiting approval to enable us to take forward a range of legislative interventions to regulate zero-hours contracts in Northern Ireland. I would like to think that it will be signed off by the Executive in the very near future.

Ms McCorley: Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for that answer. Does the Minister agree with me that, in ending zero-hours contracts, the focus should be on large multinational companies that do not face the same difficulties as smaller local enterprises?

Dr Farry: We are doing some work on mapping the use of zero-hours contracts in Northern Ireland. Not every company or organisation engages in them. Indeed, when zero-hours contracts are deployed, they are deployed in a range of different settings, and people's attitudes to them will be different depending on their personal circumstances. They are more prevalent, for example, in the tourism and hospitality sector and in health and social care. We are not seeing a situation in which they are

more prevalent in large businesses than small businesses. If anything, SMEs depend more on the flexibility from the employer's perspective that comes from zero-hours contracts. Hopefully, when legislation comes before the Assembly, we can have proper, full discussions around the issue. I certainly encourage the Member to speak to her party's Ministers on the Executive to ensure that we can get things moving so that we can get the Bill into the Assembly and have a proper discussion on the matter.

Redundancies

T4. **Mr Elliott** asked the Minister for Employment and Learning for an update on whether there will be any compulsory redundancies, given the significant reduction in his Department's budget, and, if there are to be any, whether he has given any consideration to trying to reduce the number of any such redundancies. (AQT 2464/11-15)

Dr Farry: First, I congratulate the Member on his election to Parliament last week.

I am very keen to avoid compulsory redundancies, but we should raise the issue in the following context. First, departmental job reductions are based entirely on the voluntary exit scheme. We are conscious, however, that we fund our colleges and universities. We are in an advanced situation with a particular voluntary exit scheme for the further education sector. Again, that is based on voluntary exit. Universities' relationship with the Department is of a slightly different nature, but, again, I am hopeful that they will address the necessary and unfortunate issue of staffing through means other than compulsory redundancies.

Mr Elliott: I thank the Minister for that and for his good wishes. Has he given any thought to the protection of jobs in the regional colleges, particularly the South West College, where there is a lot of progressive work ongoing with local businesses, so that any redundancies are minimised?

Dr Farry: As much as I would like to answer the Member in the affirmative, it is simply not possible to give that type of assurance. We are facing extremely difficult and challenging cuts across all my Department's service areas, including the further education colleges. We are trying to be as strategic as we can in how we approach things and with the future work of colleges themselves. They will want to ensure that, consistent with the emerging further education strategy, they are able to focus their

resources, including staffing, on areas that are most relevant to the economic development of Northern Ireland and the particular areas that they service.

Conservative Government

T5. **Ms Lo** asked the Minister for Employment and Learning what impact the return of a Conservative Government is likely to have on the work of his Department. (AQT 2465/11-15)

Ms Lo: I follow my party colleague the Minister's congratulations to Tom Elliott on his success in the recent election.

Dr Farry: I thank the Member for that question. I suppose that, while we are on the subject of congratulations, we should first congratulate David Cameron and his colleagues on their return before we turn to slate them on the impact of a number of their decisions. All of us have immediate concerns about the impact of what may be deeper spending cuts to the Northern Ireland block grant, as well as the impact on the rest of the UK and the implications for investment in skills that will arise from the cuts.

I note that, although we are seeing an overall economic recovery across the UK, it is one that still features relatively low productivity, and the best way of addressing productivity is through investment in skills. Therefore, there is a very strong imperative across the UK as a whole to continue investing in skills. There may well be some opportunities from new approaches around, for example, tax incentives for employers around apprenticeships, or, indeed, other funding schemes that we may be able to draw on. Equally, I am concerned about what could become a much more radical approach to employment law with its deregulation. That would be out of keeping with the approach that we take in Northern Ireland, where we try to balance the interests of employees and employers and create a more harmonious approach.

I am also concerned about the approach that has been taken on immigration. We are very keen to ensure that we can attract overseas students to our colleges and that we are able to retain them in our economy. That economic rationale has been rather undercut by the approach taken on immigration by the UK Government to date. I fear that that may get worse in the immediate future.

Ms Lo: I share the Minister's concern about the immigration restrictions on foreign students. I

am aware that the university intake of overseas students has dropped in recent years because of the restriction by Westminster. What power do we have in Northern Ireland to mitigate these restrictions?

Dr Farry: I am happy to continue to make representations to the Home Office and others. Our universities feel very strongly about the issue, as do universities elsewhere in the UK. It does not make a lot of sense. We have a situation whereby two narratives are cutting across each other. One is based on a tougher immigration policy, and the other is about economic growth. I want to focus on economic growth.

In a similar vein, the potential withdrawal from the European Union that is now on the cards would have a dramatic impact on Northern Ireland, not only on the economy in a general sense but on the financing that we receive from Europe through, for example, the European social fund and the specific support that we receive through Peace moneys. We also need to be mindful of that.

As for other mitigating measures, we need to continue to pay regard to what is happening in Great Britain on employment law while using devolution to find local solutions that carry support across the community.

On a more encouraging note, we have, in the past, had good cooperation between the skills Ministers in the four nations. I would like to think that, under the new Administration, that type of collaborative approach will continue on skills and qualifications.

Mr Speaker: Mr Tom Buchanan is not in his place.

Skills Potential

T7. **Mr Anderson** asked the Minister for Employment and Learning what plans he and his officials have to work with the UK commission to maximise our skills potential following the recent appointment of Mr Mark Huddleston as the new Northern Ireland Commissioner for Employment and Skills. (AQT 2467/11-15)

Dr Farry: We do ongoing work with the UK Commission for Employment and Skills. I appointed Mark Huddleston to fulfil an important role on behalf of the Department and Northern Ireland. In recent years, the commission has undergone a major review by the Department for Business, Innovation and Skills. Its remit

has been endorsed, but, at the same time, narrowed. It is more about research and advocacy issues than direct service delivery. It is important that, in particular, we learn lessons from what is happening in other jurisdictions and take advantage of that research base.

While I am on the subject, I pay particular tribute to Bill McGinnis, who is the outgoing Northern Ireland skills commissioner and skills adviser, for his sterling work on behalf of Northern Ireland over the past number of years, not only through that skills role but through a whole range of other public-service roles.

Mr Anderson: I thank the Minister for that response. In view of the key importance of skills and innovation to the economy, what other steps is he taking to ensure the development of an appropriately skilled workforce?

Dr Farry: I imagine that I will incur the Speaker's wrath by going on for half an hour to set out virtually everything that we do as a Department. Let me say briefly that the Department as a whole is focused entirely on investing in skills and bringing people closer to the labour market, whether that be through apprenticeships and youth training or what we do through the colleges, higher education institutions and universities. It is all about making the economy much more efficient, matching supply and demand better and ensuring that we have more high-level skills and a stronger footprint in STEM subjects.

Universities: Investigation of Maladministration

T9. **Mr Allister** asked the Minister for Employment and Learning whether, in this age when transparency is expected, he is satisfied that it is acceptable in the university sector that maladministration is investigated by visitors appointed and, indeed, remunerated by the university, and would it not be preferable that that provision in its whole, and not just for students, should pass to the new ombudsperson. (AQT 2469/11-15)

4.15 pm

Dr Farry: Obviously, the universities are not directly run by the Department. We are a primary funder of theirs, and we can develop a higher education strategy. The investigation of complaints of maladministration is certainly worth considering. As the legislation that the Committee for the Office of the First Minister

and deputy First Minister is bringing forward progresses, the House will no doubt discuss that in much greater depth over the coming weeks.

Mr Allister: Would the Minister be supportive of an amendment to widen the scope of the Bill to include complaints by not just students but employees within universities?

Dr Farry: We would need to see the text of that amendment before we could reach a judgement on whether we would support it.

Student Support

T8. **Mr Ó hOisín** asked the Minister for Employment and Learning whether he is confident that he can implement any changes to the way in which students are paid their support funds and loan instalments before the end of this Assembly mandate. (AQT 2468/11-15)

Dr Farry: I think that I said in response to a number of Members that we are happy in principle to take forward a consultation on that. I appreciate the arguments that have been made for it, but there are some contrary arguments about administration and students' ability to spend money up front on some of the costs that they face. Two opposing viewpoints need to be considered, but we are certainly happy to test it as part of a consultation. If appropriate and if time permits, yes, we will look to deliver change within this mandate.

Mr Speaker: Thank you, Minister. Time is up. We will return to the previous debate. The House will take its ease while we change the top Table.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Committee Business

Public Services Ombudsperson Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Public Services Ombudsperson Bill [NIA 47/11-16] be agreed.
— [Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister).]

Mr Deputy Speaker (Mr Beggs): I call Jim Allister to continue his remarks before the Question is put.

Mr Allister: Thank you, Mr Deputy Speaker. I said at the beginning of my remarks that I had four areas of reservation about the Bill. I had effectively dealt with three of them, but in the light of the exchange that I just had with the Employment and Learning Minister, I want to return to my point about universities. It seems to me that there is a lacuna that the Bill needs to address. Indeed, having listened to the Employment and Learning Minister, it certainly sounds as though he is not opposed to that, as such. Indeed, that does not surprise me because, in response to a question for written answer that he provided to me on 9 February, he indicated his expectation of the Bill. In that answer, he stated:

"the Office of the First and deputy First Minister Committee plan to introduce a Northern Ireland Public Service Ombudsman Bill to the Assembly in 2015 which will include Higher Education complaints within its remit."

Yes, it does, but only from students. The expectation from the Minister for Employment and Learning when he gave that answer in February seemed to be that the Bill's remit would go wider than complaints from students. If that was his expectation, I strongly support the idea that he was right to take that view and that the Committee should also come to that view in its further consideration of the Bill. If it extended that to employees, as well as including student complainants, I think that it would be a great advance in transparency and in the equal dealing of maladministration within the higher education sector.

I move on to the fourth point that I raised about the Bill, which relates to clause 41, where there

is a provision, which some people have referred to in a different context, in relation to a Minister being able to claim national or public interest in preventing the disclosure of a document. I draw attention to the fact that clause 41, as drafted, does not just refer to Ministers being able to stop something being disclosed because it

"would be prejudicial to the safety of Northern Ireland or the United Kingdom",

which might well be understandable, but it goes on to include that wonderfully all-embracing phrase:

"or otherwise contrary to the public interest".

Of course, what is "contrary to the public interest" can very often be in the eye of the beholder. Therefore, what we have in this clause is a provision that the First Minister and the deputy First Minister, all the Executive Ministers and the Secretary of State, can take refuge, for the purpose of obstructing disclosure, by saying that disclosure would be contrary to the public interest.

It is interesting that the Bill goes on, apparently at the Secretary of State's initiation, to put in the requirement for a memorandum of understanding between the Secretary of State and the ombudsman as to how any such powers of restraint would be exercised, but it does not — I question why — impose a parallel provision for a memorandum of understanding in respect of local Ministers. Why should there not equally be a memorandum of understanding concerning the exercise of the functions under this section by the First Minister and the deputy First Minister, or any Minister, so that the ombudsman and the Ministers might clearly understand, through that memorandum, what might be the boundaries of the phraseology "contrary to the public interest"?

It is not the first time that some of us feel that such language has been abused. Tomorrow, we debate a report from the Social Development Committee relating to the special adviser and Red Sky. In that, a fact-finding inquiry was carried out by DFP, but that report, in its entirety, was not provided to the Committee. Why? Because the Minister took it upon himself, "in the public interest", to redact it. My point is that some of us might take a lot of persuading that this cover of doing something "in the public interest" is not open to abuse. Therefore, to hedge against abuse, I suggest that there needs to be, equally, a memorandum of understanding applicable to local Ministers, as there would be to the

Secretary of State. In that way, perhaps, better protection could be given.

Mr Nesbitt: I thank the Member for giving way. I sense that he is coming to the end of his four points, so, on behalf of the Committee, let me say this very briefly. On the universities, the Member has exchanged with the Minister. On publication, let me say to him that there is the facility for the ombudsperson to publish because it is in the public interest. The reason that the default position is only to publish to the interested parties is that the evidence is that the public, the listed authorities, are much more open and transparent when that regime is in place.

With regard to enforcement, it is important that the ombudsperson be separate from the courts and not looked on as a legal officer. To that extent, I ask the Member to bear in mind that, under our proposals, when the ombudsperson comes to a determination, it is up to the complainant, who has the facility, to take that to a County Court and use it as evidence for enforcement.

Finally, on disclosure, we have a memorandum of understanding only with the Secretary of State because she will be looking after areas of national security. As for local Ministers and the work of the ombudsperson, this is about people saying, "I was delayed in getting a hospital appointment." There is no national security interest there.

Mr Allister: I am grateful to the Chairman for responding. In turn, I will respond to one or two of those points, perhaps in reverse order. On the last point, he said that the memorandum of understanding with the Secretary of State will refer only to national security, but that is not what the Bill says. The Bill says:

"a memorandum of understanding concerning the exercise of their functions in relation to this section."

This section deals not just with that which is prejudicial to the safety of the nation but with that which is contrary to the public interest. Any reading of clause 41(4) would anticipate that the memorandum of understanding is going to embrace public interest as well. Where would be the harm in nailing this down with all those potentially wanting to take refuge in public interest, to have a memorandum of understanding that affects them all? That does not really diminish the point that I was seeking to make.

On the point about publication, I take the point that people cooperate and are more ready to come forward if they think that a report will never see the light of day, but there is also very much the public interest of us all, and the public, learning of maladministration incidents and how things are improving etc on the back of that. Surely there is a happy medium, which would be the default position of publication with names and personal details redacted on request, and the safeguard that, if the ombudsman thinks it is not in the public interest to publish anything, he goes through the procedures that are set out in the Bill for the current default position.

It seems to me that publication, with the option of redaction, on the ombudsperson's website would meet the public expectation of transparency and deal with the situation. I gave the example of the complaint against DETI over PMS being upheld against DETI and yet remaining secret, because it could not be published. Why should the public not know the basis of the complaint, the basis of the findings and where the Department got it wrong? Why should that be concealed from anyone? If you had a default position of publication with redaction to protect personal details, then the public would be adequately informed. I suggest that the Committee might further consider that in due course.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): As Deputy Chair of the Committee, I am pleased to be able to make the winding-up speech in today's debate. The Chairperson has set out comprehensively the proposed role, remit, eligibility, terms and resources of the new office, and we have seen today from the contributions of MLAs the cross-party endeavour and support that has taken the Bill to this stage, notwithstanding objections raised by Sinn Féin in relation to two particular issues and, indeed, some concerns and proposed amendments that have been put forward, particularly in relation to universities.

Ombudsmen occupy a unique constitutional position. Few countries operate without one, and many have more than one. The office first appeared in Northern Ireland in 1967, and in a relatively short period it has become an established and essential part of our constitutional and administrative arrangements. Members of the public have received much help and assistance and redress of public sector maladministration from the Northern Ireland Ombudsman. I am sure that many MLAs have received helpful assistance from that office on

behalf of constituents, and we look forward to seeing that work improving and going forward.

The Bill will introduce a number of important changes, such as own-initiative investigations, which are also being considered for the corresponding offices at Westminster and in the Welsh Assembly. Hopefully this will add a higher level of accountability for public office and public administration in Northern Ireland.

In closing, I thank all the Members who participated in the debate today. The Committee looks forward to further engagement with colleagues on the Bill and in particular with the Ad Hoc Committee, which will, with the Assembly's approval, scrutinise the Bill and report to the Assembly. I also express the Committee's thanks to Ministers, Assembly Committees and stakeholders who made valuable contributions to the development of the Bill being discussed here today. In particular, I thank the current ombudsman, deputy ombudsman and their team for their encouragement to commence this project and continuing support for it. I also add particular thanks to the Committee staff and the Bill Office team, who have put in hours of invaluable work towards the Bill. Their work will ensure that we see robust legislation completed.

I hope that today's debate and Members' contributions will help to inform further work on the Bill. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Public Services Ombudsperson Bill [NIA 47/11-16] be agreed.

4.30 pm

Public Services Ombudsperson Bill: Ad Hoc Committee

Mr Deputy Speaker (Mr Beggs): The motion will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That, as provided for in Standing Order 53(1), this Assembly appoints an Ad Hoc Committee to consider the Public Services Ombudsperson Bill; and to submit a report to the Assembly by 30 June 2015.

Composition: Democratic Unionist Party, 4; Sinn Féin, 3; Ulster Unionist Party, 1; Social Democratic and Labour Party, 2; Alliance Party, 1.

Quorum: The quorum shall be five members except when no decision is taken or question put to the Committee, when the quorum shall be four.

Procedure: The procedures of the Committee shall be such as the Committee shall determine. — [Ms Ruane.]

Ombudsman and Commissioner for Complaints (Amendment) Bill: Accelerated Passage

Mr Deputy Speaker (Mr Beggs): In accordance with Standing Order 42(4), the motion will require cross-community support.

**Mr Nesbitt (The Chairperson of the
Committee for the Office of the First Minister
and deputy First Minister):** I beg to move

That the Ombudsman and Commissioner for Complaints (Amendment) Bill proceed under the accelerated passage procedure.

At the outset, I highlight to the House that, for a motion for accelerated passage of a Bill, Standing Order 42(3) requires me to explain to the appropriate Committee the reason or reasons for accelerated passage; the consequences of accelerated passage not being granted; and, if appropriate, any steps I may have taken to minimise the future use of the accelerated passage procedure. Had OFMDFM been the sponsor of the Bill, the explanation required by Standing Order 42(3) would, naturally, have been provided to the OFMDFM Committee. However, this is a Committee Bill dealing with statutory offices for which OFMDFM has responsibility. In those circumstances, there did not appear to be an appropriate Committee. I wrote to the Speaker seeking his advice on that point and explaining why the Committee was seeking accelerated passage. The Speaker agreed that, in the specific circumstances pertaining to this Bill, there is no appropriate Committee. The Speaker advised the Business Committee and provided it with a copy of our rationale for seeking accelerated passage. The Business Committee was content for the motion to be included on today's Order Paper and for me to provide the explanation that the Assembly requires under Standing Order 42(4).

We have just had the Second Stage debate on the Public Services Ombudsperson (NIPSO) Bill. The Ombudsman and Commissioner for Complaints (Amendment) Bill will provide the time needed for the Assembly to consider and progress the NIPSO Bill. As Members heard, the NIPSO Bill will abolish the offices of Assembly Ombudsman and Commissioner for Complaints and create the new office of Northern Ireland Public Services Ombudsperson or NIPSO. However, commencement of the substantive provisions of the NIPSO Bill will not occur until 1 April next year.

The current Northern Ireland Ombudsman and Commissioner for Complaints holds office in an acting capacity with effect from 31 August last. The Ombudsman (Northern Ireland) Order 1996 and the Commissioner for Complaints (Northern Ireland) Order 1996 — the 1996 Orders — provide for the offices to be filled by an acting office holder for up to 12 months. The current acting appointments, which were made by Her Majesty at the request of OFMDFM, will come to an end on 31 August 2015, at which point there will be a vacancy in the offices that will frustrate the purposes of the 1996 Orders. The Committee seeks accelerated passage of the Bill to manage that risk and to ensure that it passes through the Assembly well before the summer recess and secures Royal Assent in good time for the appointment, extension or renewal of acting office holders under the 1996 Orders before 31 August. That is the primary reason for seeking accelerated passage.

The secondary reason for seeking accelerated passage is that this is a very short, single-purpose Bill, and the debate on this motion and the debate at Second Stage and at the amending stages should provide adequate time for scrutiny by the Assembly proportionate to the complexity of the Bill. The Bill has just three clauses. Clause 1 provides that, in the acting ombudsman provisions of the 1996 Orders, the references to "12 months" are to be substituted with references to "24 months". Clause 2 provides for retrospective effect to avoid any argument or difficulty arising regarding the ability to renew, extend, reappoint or make a new appointment and to give freedom regarding the choice of mechanism. Clause 3 states that the Bill will come into operation on the day after it receives Royal Assent and provides the short title.

I also wish to explain the consequences of accelerated passage not being granted. Should accelerated passage not be granted by the Assembly, there is a greater risk that the Bill will not secure Royal Assent in time to avoid a

vacancy in the current offices. As a precaution against such a risk, OFMDFM has made preparations for a recruitment exercise to make a permanent appointment under the 1996 Orders. In order to attract suitable applicants, it is likely that such an appointment would have to be offered for at least a three-year term. As the NIPSO Bill will abolish the current offices, the commencement of the NIPSO Bill would have to be postponed or the Bill amended to provide that OFMDFM's appointee under the 1996 Orders became the first ombudsperson.

It is a key aspect of the Committee's policy that the NIPSO is accountable to the Assembly rather than the Executive and that this is reflected by the Assembly Commission undertaking the recruitment exercise for the NIPSO. The Committee's strong preference is for a continuation of the acting appointment and for the first ombudsperson recruitment to be undertaken by the Assembly Commission. OFMDFM has indicated that it is content that the Bill, if accelerated passage is granted, adequately manages the risk of a vacancy in the offices of ombudsman and commissioner. However, OFMDFM will keep the progress of the legislation under review and may revert to its plans for recruitment under the existing legislation.

In terms of any steps that the Committee has taken to minimise the future use of the accelerated passage procedure, I can assure Members that, should the Committee bring forward more legislation, it will of course be mindful of the constraints within which the Assembly operates, including time constraints, and will strive to avoid any future use of the accelerated passage procedure. I commend the motion to the House.

Mr D McIlveen: As with the last debate, I will keep my remarks extremely brief. I concur entirely with what the Chairman of the Committee has said. I do not think that the public would find it acceptable for one moment if the temporary appointment came to an end at the beginning of August and we were left with a severe gap in between. That would be very difficult to deal with. It is bad enough trying to deal with a recruitment process under existing legislation, but, if we were in parallel processes trying to manage a vacancy along with trying to get new legislation through, that could prove very convoluted. It is something that we really must avoid at all costs.

While I would certainly not want to discourage a thorough scrutiny of the legislation, it is, as the Chairperson said, only three clauses at the moment. The challenge is now there to us as

Committee members and indeed the whole House to bring the matter to as swift a conclusion as we can.

Certainly, I understand that the Department is very confident that, if accelerated passage goes through, there is no good reason why it should not be in a position to be recruiting and have a new person in place, or at least ready to be in place, by the end of July. Therefore, the onus is back on the House to make the right decision. I support this entirely.

Ms McGahan: Go raibh maith agat, a LeasCheann Comhairle. My remarks will be short and sweet, like those of the Member who has just spoken. I support the accelerated passage of the amendment Bill. The Chair outlined in detail the nub of the problem and the potential consequences for the Committee if we were not to run with this process. So, in that context, it is important that the Committee does not face any barriers in proceeding with the NIPSO Bill.

Mr A Maginness: The SDLP is in agreement with the proposition.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I will make the winding-up speech on the debate. I support the motion that the Ombudsman and Commissioner for Complaints (Amendment) Bill proceeds under the accelerated passage procedure. The Chair has set out well the reasons necessary for this procedure, and there seems to be cross-party support for that proposal in the House. I hope that Members agree with the Committee's view that permitting the amendment Bill to proceed by way of accelerated passage provides the best means of managing the risk of a vacancy arising in the current offices whilst work on legislation to create the new office of the Public Services Ombudsperson is being completed. I commend the motion to the House.

Mr Deputy Speaker (Mr Beggs): Before we proceed with the Question, I remind Members that cross-community support is required for the motion.

Question put and agreed to.

Resolved (with cross-community support):

That the Ombudsman and Commissioner for Complaints (Amendment) Bill proceed under the accelerated passage procedure.

Ombudsman and Commissioner for Complaints (Amendment) Bill: Second Stage

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I beg to move

That the Second Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill [NIA 48-11/16] be agreed.

I am conscious that we have just debated the Committee's motion that the Bill proceed under accelerated passage. In moving that motion, I provided some detail on the Committee's reasons for bringing the Bill and its provisions, as well as the reasons for seeking accelerated passage.

By way of background, and for the benefit of Members who were maybe not present for some of the earlier debates, the Committee's Public Services Ombudsperson Bill will abolish the current offices of Ombudsman and Commissioner for Complaints with effect from 1 April 2016. Subject to Assembly approval, the powers and responsibilities of the current offices will be merged into the single new office of Public Service Ombudsperson, or NIPSO.

The current Ombudsman and Commissioner for Complaints holds office in an acting capacity. He was appointed for 12 months, with effect from 31 August last year. The Ombudsman (Northern Ireland) Order 1996 and the Commissioner for Complaints (Northern Ireland) Order 1996, which I will refer to as the 1996 Orders henceforth, provide for the offices to be filled by an acting office holder for up to 12 months. The current acting appointments, made by Her Majesty at the request of OFMDFM, come to an end on 31 August of this year, at which point there will be a vacancy in the offices, which will frustrate the purposes of the 1996 Orders.

On 31 August 2015, the NIPSO Bill will still be in passage through the Assembly, and the amendment Bill will avoid a vacancy in the current offices and provide the time needed for the Assembly to consider and progress the NIPSO Bill and for the commencement of the NIPSO Bill's substantive provisions, due for 1 April next year.

The Committee considered whether the issue could be resolved by any other means. The first option considered was whether any enabling powers in the 1996 Orders could be exercised to address the issue. However, the

Committee concluded that that was not possible.

A second option considered was for OFMDFM to conduct a recruitment exercise, enabling a permanent appointment under the 1996 Orders. In order to attract suitable applicants, it is likely that such an appointment would have to be offered for at least a three-year term. As the NIPSO Bill provides for the abolition of the current offices on 31 March 2016, its commencement would have to be postponed for the three-year term or amended to provide that OFMDFM's nominee, under the 1996 Orders, became the first NIPSO. It is a key aspect of the Committee's policy that the NIPSO is accountable to the Assembly rather than the Executive, and that is reflected in the Assembly Commission undertaking the recruitment exercise for the NIPSO.

4.45 pm

The third option considered by the Committee was to amend the provisions of the 1996 Orders dealing with the appointment of acting officers, substituting "24 months" where "12 months" appears. This would have required a short amending Bill. The Committee's strong preference is for a continuation of the acting appointments, for the first ombudsperson recruitment to be undertaken by the Assembly Commission and for the appointment to be made on the nomination of the Assembly rather than by OFMDFM.

The Committee has engaged with OFMDFM in relation to proceeding, by way of a short Bill, to amend the relevant provisions of the 1996 Orders. Ministers indicated that they were content that, if granted accelerated passage, the amendment Bill adequately manages the risk of a vacancy in the offices of ombudsman and commissioner. However, OFMDFM will keep the progress of the legislation under review and reserves the right to revert to its plans for recruitment under the existing legislation.

The Bill has three clauses. Clause 1 provides that, in the acting ombudsman provisions of the 1996 Orders, all references to "12 months" are substituted by "24 months". Clause 2 provides for retrospective effect, to avoid any argument or difficulty arising regarding the ability to renew, extend, reappoint or, indeed, make a new appointment, and will provide flexibility regarding the choice of mechanism. The Committee considered that retrospective effect was justified as the provisions in this instance are administrative, in place for a short time, do not affect the rights of the citizen, and quickly

and pragmatically resolve a problem that might otherwise arise. Clause 3 states that the Bill will come into operation on the day after it receives Royal Assent. It also provides the short title.

I hope that Members will agree that the Bill provides a pragmatic and straightforward means of avoiding a vacancy arising in the current offices and will provide the time needed for the Assembly to consider and progress the NIPSO Bill in a timely and appropriate manner. I commend the Ombudsman and Commissioner for Complaints (Amendment) Bill to the House.

Mr D McIlveen: I do not see the need to prolong the debate. All I need say is that my party will support the Bill as drafted.

Ms McGahan: Go raibh maith agat, a LeasCheann Comhairle. Like the previous contributor, Sinn Féin supports granting the Bill its Second Stage.

Mr A Maginness: I concur with my colleagues. This is a sensible way forward and we support it.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I commend the Ombudsman and Commissioner for Complaints (Amendment) Bill to the House.

Question put and agreed to.

Resolved:

That the Second Stage of the Ombudsman and Commissioner for Complaints (Amendment) Bill [NIA 48-11/16] be agreed.

Adjourned at 4.49 pm.

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