



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**Departmental Briefing on Outstanding
Issues**

9 February 2011

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Dr Stephen Farry (Deputy Chairperson)
Ms Martina Anderson
Mr Allan Bresland
Mr Danny Kinahan
Mr Jimmy Spratt

Witnesses:

Ms Martina Campbell)
Dr Paul Geddis) Office of the First Minister and deputy First Minister
Mr Colin Jack)
Mr Noel Lavery)

The Deputy Chairperson (Dr Farry):

Welcome everyone. We are rather tight for a quorum. I apologise that we are running a little late. We had more interest in regeneration sites than we bargained for. I am conscious that we may lose the quorum at some stage, so we will try to get through things as quickly as possible. Do you have an opening statement, or are you happy to go straight to questions?

Mr Noel Lavery (Office of the First Minister and deputy First Minister):

We have an opening statement, but we are happy to go into questions.

The Deputy Chairperson:

If things are not picked up in questions, you can plug the gaps at the end.

Mrs D Kelly:

I propose that the statement is circulated later.

The Deputy Chairperson:

Yes. It can be circulated as a written report.

I will kick off. You will be conscious that this is a catch-all session. The Committee had considerable concern about a large number of issues that are still outstanding from the Department. It is even getting to the stage that the Committee is having difficulty putting together a firm work programme for coming weeks because of a lack of certainty about when things are likely to come to us. Can you give us an outline of the forthcoming business that the Department expects to clear over the next few weeks and, indeed, through to the end of this session? That is probably in your opening statement.

Mr Lavery:

Part of it is. What I was going to say is that I am conscious that there are a number of things outstanding. As regards the Committee's work programme, I will read from the opening statement, but I am sure that you will understand. The First Minister and deputy First Minister have been asked to consider a legislative consent motion in relation to the Public Bodies Bill that was introduced in the House of Lords. It is an enabling Bill that would allow for changes to public bodies, including abolition, merger and reform, subject to further legislation making it subject to particular power. A memorandum will issue to the Committee shortly to seek its views on that. It is basically an enabling Bill that any public body in the GB legislation that has an impact here will be brought before the Assembly and come to the Committee.

The Deputy Chairperson:

That is one.

Mr Colin Jack (Office of the First Minister and deputy First Minister):

A couple of things that I will mention are the child poverty strategy and the play and leisure

implementation plan.

The Deputy Chairperson:

Is that only because you have a legal deadline to meet on child poverty that is forcing your hand to an extent?

Mr Jack:

We have a deadline to meet on the child poverty strategy but not on the play and leisure implementation plan. The consultation periods for both ended on Sunday 6 February, and we are analysing the responses. We hope to bring the child poverty strategy to the Committee for its meeting on 2 March. We hope to bring the play and leisure implementation plan to the Committee on 9 March. Those are two substantive items that we intend to bring to the Committee.

We also have some subordinate legislation that we expect to bring to the Committee over the coming weeks. There are regulations to remove the default retirement age, and we have the updating of the Fair Employment and Treatment (Northern Ireland) Order 1998. The schedule to those regulations is updated on a regular basis to add new public sector employers.

The Deputy Chairperson:

What about the cohesion, sharing and integration strategy (CSI); is that one of yours, Colin?

Mr Jack:

We expect to be able to provide the Committee with the responses that we have had to CSI and their analysis. We are not yet in a position to bring forward substantive proposals as to the way forward on CSI. We had 290 responses, and, as members will be aware, we had a very substantial programme of consultation with public meetings and so on. There was a very lively response to the consultation exercise on CSI, and we have had broad support for the key priorities in that document, but there are some fairly significant issues that we need to look at in detail.

The Deputy Chairperson:

Do you have a date for bringing that to the Committee?

Mr Jack:

I do not, at this stage, but we are working —

The Deputy Chairperson:

Are you giving us a cast-iron guarantee that that will be with us this side of dissolution?

Mr Jack:

I am not in a position to give you a cast-iron guarantee on that.

The Deputy Chairperson:

What about the summary of responses?

Mr Jack:

Yes, we can give the summary and analysis of responses, as well as the actual responses, to the Committee within the next couple of weeks.

Mr Spratt:

Change your manifesto.

The Deputy Chairperson:

That is a work in progress.

I am conscious that Paul is here; what can we expect on the review of the European division and the Office of the Northern Ireland Executive in Brussels, Paul?

Dr Paul Geddis (Office of the First Minister and deputy First Minister):

The review of the division is under way. Trade union side has indicated that it is content for the review to proceed in line with the terms of reference that the Committee gave its approval to. Gerry Mulligan is in the process of setting up a series of meetings with MEPs, representatives in the European Committee of the Regions, European Economic and Social Committee as well as Northern Ireland Departments. We also want to take on board the views of other stakeholders, for example, the Northern Ireland Local Government Association (NILGA), permanent representations and other Brussels-based organisations.

Looking to the future, we will certainly value input from the Committee about the review's findings, and the anticipated finish date is around the summer.

Mr Lavery:

Chairperson, I was conscious that you might ask the “cast-iron guarantee” question, there has been a meeting of the Barroso task force working group in the past 10 days —

Dr Geddis:

It was on 1 February.

Mr Lavery:

The group agreed a draft discussion paper on European engagement, based on the Commission's legislative and work programme and the Europe 2020 strategy. That paper is with Ministers. We hope to get that to the Committee.

The Deputy Chairperson:

While we are talking about international relations in general, we expect a briefing on the European Commission's programme of work as well. There is also the wider international relations strategy, too. Are we likely to see anything on those?

Mr Lavery:

On the former, I would hope so; on the latter, I would not like to give a guarantee.

The Deputy Chairperson:

I will take that as a polite no. I will not even bother asking about the Programme for Government or investment strategy.

Ms M Anderson:

I will ask about the equality impact assessment (EQIA) on the Programme for Government. You said that we would get a child poverty strategy briefing some time in February. Can you, on that day, if not today, let us know where we are at with the appointment of the commissioner to the child poverty commission, just so we can get an update? I do not know if you are able to furnish us with that information today. I would also like a gender equality update as well as an update on a draft sexual orientation strategy.

Mr Jack:

When you say the “EQIA on the Programme for Government”, do you mean of the first Programme for Government?

The Deputy Chairperson:

The first one.

Ms M Anderson:

Any.

The Deputy Chairperson:

One is about to expire.

Mr Jack:

We are not in a position to give you the EQIA on the current Programme for Government, but we have been monitoring the equality aspects of the Programme for Government. The equality impact assessment on the current Programme for Government has not been approved by Ministers, but, in the Department’s reporting on progress with Programme for Government targets and public service agreements every six months, it has been reporting on the equality impacts of existing policies across the nine section 75 categories. We have been doing some preparatory work at official level on the next Programme for Government, and that has included work on the equality aspects of it. We have been doing some work on a possible draft equality impact assessment.

Ms M Anderson:

Can we get some information on the reporting that has been done on the public service agreements (PSAs)?

Mr Jack:

We can look to provide that to the Committee.

Ms M Anderson:

That would be helpful.

Mr Jack:

DFP has published a draft equality impact assessment on the draft Budget for the next four years, and, in the past 10 days or so, that has gone onto the Budget website. A lot of the content of an equality impact assessment of the draft Budget will overlap with that of an equality impact assessment on the Programme for Government.

Ministers are considering an update report on the cross-departmental gender equality action plans, and we hope that that will be forwarded to the Committee shortly for consideration. OFMDFM has been working across Departments. We have had a number of seminars and workshops to consider how Departments can identify and tackle barriers to equality of opportunity for men and women. We have also been leading some complementary work, using high level equality impact assessments to help to ensure that all Departments critically identify gender impacts of their policies and activities and identify and set in place mitigating actions and policies. There is also —

Ms M Anderson:

Sorry to cut across you, but that has been a constant theme that has come up from officials. It might be because of the language that you use, Colin. I often hear you talk about how you are working to ensure that a policy or programme is not having an adverse impact and about addressing mitigating circumstances. I have not heard, at any stage, about the work that is being done to promote equality of opportunity. There is a glaring gap in the terminology and, more worryingly, in the thinking and in the application of section 75. It is about avoiding doing bad as opposed to promoting doing good.

Mr Jack:

In implementing duties generally and in all consultation exercises, Departments and other public authorities are looking at the positive equality impacts as well as avoiding the negative ones.

Ms M Anderson:

With all due respect, there is no evidence of that, Colin. We hear that a policy is being looked at to see whether it is having an adverse impact, but we do not hear that a policy is being measured to see how it will promote equality of opportunity for section 75 categories. That does not come across in any presentation. I am bringing that up because you mentioned it today, and it has been

a constant theme over the past four years.

Mr Jack:

The individual equality impact assessments of different policies usually consider how to achieve positive equality impacts as well as how to avoid negative ones. It probably requires a degree of detailed scrutiny and consideration of those equality impact assessments. I can speak only from my experience of being involved in the development of policy, and any policy review team that I have been involved in has looked at how to achieve positive equality impacts. We are also working with the Equality Commission on updating the equality schemes for the Departments and other public authorities now that section 75 has been in operation for a number of years. All Departments and other authorities are required to review their equality schemes over the next few months. That is certainly something that we will encourage them to look at in that process.

Ms M Anderson:

When you are developing a programme or project, it would be encouraging to hear about how it is going to address an issue, problem or difficulty, what it sets out to do, and how it is going to promote equality of opportunity in deprived communities and other section 75 categories based on the data that you have. I just do not hear that at all.

Mr Jack:

That is a useful point to hear, take away and share with colleagues. One specific gender equality issue that I should have mentioned that we would be bringing to the Committee before the dissolution of the Assembly is regulations to amend the Sex Discrimination (Northern Ireland) Order 1976. That is to clarify the definition of indirect discrimination and the provision for access to judicial process to ensure that our legislation is up to date.

The Deputy Chairperson:

I take it that a single equality Act is out of the question.

Mr Jack:

There is no agreement on bringing forward a single equality Act.

Ms M Anderson:

Surprise, surprise.

The Deputy Chairperson:

Is there even a stocktaking exercise being conducted on where we now stand in Northern Ireland vis-à-vis the Equality Act in GB?

Mr Jack:

The Equality Commission for Northern Ireland has done some work on looking at measures that it has recommended to Ministers and that it would like to see being addressed. Where there are specific triggers for bringing forward individual pieces of equality legislation, we are bringing those forward.

The Deputy Chairperson:

Does OFMDFM share the analysis of the Equality Commission in that respect?

Mr Jack:

I cannot speak on behalf of Ministers on that at this stage.

Mrs D Kelly:

I am very conscious that we have officials here before us and that we have only five weeks of Committee meetings left. I have heard that there are a number of regulations to come forward that were not on our forward work plan. I am very disappointed, and I think that it is unfair that the Committee will be asked to play catch-up and suffer the consequences of the delay in OFMDFM. Whether that delay is at official level or ministerial level is open to debate.

Of the list of strategies, programmes and responses that are currently before the Committee, how many are being delayed because the officials have not yet completed their work, and how many are currently sitting with the Ministers and/or their special advisers awaiting decision? You did not respond to Martina's question about the draft sexual orientation equality strategy at all. I share her concerns about the gender equality action plans. I was on this Committee three years ago, and I heard the same spiel, with all due respect.

Mr Jack:

I will answer the point about the draft sexual orientation strategy. There is a commitment in the draft programme for cohesion, sharing and integration —

Mrs D Kelly:

That is a bit like Tony Blair's stuff on the blackboard that people referred to at one time.

Mr Jack:

It is a commitment to bring forward a draft sexual orientation strategy. That has been agreed by Ministers.

The Deputy Chairperson:

That commitment goes back to 2006, and a commitment has now been made to action it in 2012 at the earliest.

Mrs D Kelly:

I remind the officials of junior Minister Robin Newton's comments in the House one day in relation to it. They were not very encouraging.

Mr Jack:

I cannot really go further than saying that the Minister is on record —

Mrs D Kelly:

Yes, but we have not got a Programme for Government. The current Programme for Government and even the draft Budget reflect that there is a commitment by the Executive to tackle disadvantage and promote equality of opportunity, yet we have two or three examples here in a short space of time — some of which Martina outlined, and the Chairperson and I have commented on — on which nothing has been done. They are not coming forward at all. We must, therefore, call into question whether the Executive is truly committed to equality of opportunity for everyone. I appreciate that I am speaking to officials as opposed to Ministers.

Ms M Anderson:

Dolores, we know where the blockage is in respect of equality and human rights in this institution.

Mrs D Kelly:

What can be done about that?

Ms M Anderson:

Do not vote for the DUP, the UUP or any of the unionists.

The Deputy Chairperson:

In the spirit of a positive proposal, could a flow chart, listing all the outstanding commitments from OFMDFM, be designed and circulated to the Committee, as that will give us a process for tracking them through the system?

Mrs D Kelly:

It would show where the blockages are.

The Deputy Chairperson:

Dolores, do not let the cat out of the bag.

Mrs D Kelly:

I am pushing the boundaries here.

The Deputy Chairperson:

Subtlety is lost on some people.

Mrs D Kelly:

I am afraid it is.

Ms M Anderson:

Can you come back to us on the question that I asked about the child poverty commission?

Mr Jack:

We will be able to answer that in the session on the child poverty strategy in March.

Ms M Anderson:

OK.

Mr Lavery:

You used the words “outstanding commitments”.

The Deputy Chairperson:

We have a list of outstanding commitments.

Mr Lavery:

It would be easier if you were to provide us with that list, and we will come back to you on those issues.

The Deputy Chairperson:

It would be extremely useful if I could have a detailed report or flow chart, next week or the following week, to show where everything stands and where everything is in the system.

Mr Lavery:

That would be helpful for everyone.

Mrs D Kelly:

How many of the strategies and issues that are before us are with Ministers and special advisers?

The Deputy Chairperson:

The flow chart will set that out.

Mrs D Kelly:

I asked the question before the flow chart was proposed, and I did not get an answer.

Mr Jack:

We are not in a position to give a detailed line-by-line response to that now, but we will look at it.

Mrs D Kelly:

If the flow chart takes account of it, that is fair enough.

Ms M Anderson:

Some people will say that Dolores is being facetious.

Mrs D Kelly:

I am not being facetious.

Ms M Anderson:

Dolores knows exactly where the blockages are. She knows as well as anyone else sitting around this table where the blockages are.

Mrs D Kelly:

The public have been told in different speeches in the House that the Executive are committed to equality, but where is the evidence?

The Deputy Chairperson:

The flow chart will give us the documentary evidence. Officials will make an objective assessment, and we are all entitled to make our own interpretation of that.

Ms Martina Campbell (Office of the First Minister and deputy First Minister):

In respect of the child poverty consultation and the play and leisure responses, the consultation closed only on Sunday, and the responses are with the officials who will analyse them. We had around 30 responses on the child poverty consultation and 34 responses on play and leisure, and we agreed to accept a couple of late responses by close of play today.

Dolores commented on regulations being held up. The regulation that I am responsible for is the default retirement regulation. That announcement was only made by the coalition Government on 13 January. They have not made their regulation yet, and we cannot move until they do so. We hope to get that to the Committee on 2 or 9 March.

Mrs D Kelly:

In reality, there is very little for the Committee to do in relation to that regulation.

Ms M Campbell:

No, there is not.

Mrs D Kelly:

It is more about rubber-stamping it.

Ms M Campbell:

Our Ministers wrote to the Committee in October 2010 when the consultation was ongoing.

The Deputy Chairperson:

We have a statutory obligation to consider it.

Ms M Campbell:

Absolutely.

Ms M Anderson:

You made reference earlier to a regulation or amendment that was coming forward.

Ms M Campbell:

That was an update on the Fair Employment and Treatment (Northern Ireland) Order 1998. We do that every year to make sure that any changes or closures of public bodies are listed. It is just a technical device.

Mrs D Kelly:

I have a vision of the sketch from 'Little Britain' where they say "I want that one" in respect of section 75. The victims' and survivors' comprehensive needs assessment was due in November 2010. What is the Committee's remit and role in that? What are we likely to see here?

Mr Jack:

The Commission for Victims and Survivors has submitted the first stage of its comprehensive needs assessment to Ministers. Ministers have responded to the commission on that report. I am not sure whether you are thinking more widely about the development of the victims' and survivors' service.

Mrs D Kelly:

We have some information on that. The deadline for getting it up and running has been extended to 2012.

Mr Jack:

If the Committee wants a more detailed update on where work is with that, we can provide that.

Mrs D Kelly:

We did ask for one.

Mr Jack:

We are at a stage where we are doing a lot of detailed work in conjunction with the sector. There have been a number of key changes to the provision for victims and survivors during the current year, such as a redesign of the funding schemes with the memorial fund, where we now have a more needs-based single-application process than in the past. We have also been involved with a strategic support fund for victims' and survivors' groups, which, again, matches provision much more closely to identified need. We have taken account of the findings from the early stages of the commission's comprehensive needs assessment in bringing that forward. The Community Relations Council, in administering that funding scheme, has taken account of the emerging findings from the commission's comprehensive needs assessment.

Ms M Anderson:

It is my understanding that that will inform the service.

Mr Jack:

Yes. We are adopting an evolutionary approach to the development of the victims' and survivors' service. We have two sets of transitional arrangements for providing support for individual victims.

The Deputy Chairperson:

I am conscious that that comprises significant work. As our schedule is fairly light next Wednesday, could you come back then for a wee bit more focussed discussion on that?

Mr Jack:

We are happy to come back to the Committee on that subject, depending on the scheduling issues.

Mrs D Kelly:

Will that session include discussion on the findings of the comprehensive needs assessment?

Mr Jack:

Yes, it probably makes sense to cover everything at one meeting.

The Deputy Chairperson:

We will try to cover all aspects that relate to victims and survivors.

Mrs D Kelly:

Is the Department looking at any actions in response to the latest findings from the outcomes of the good relations indicators?

Mr Jack:

We have recently received a further year of findings from the good relations indicators. We will be taking those into account in considering the way ahead on the CSI policy.

Mrs D Kelly:

It may be useful to timetable an update from the Department on good relations, where it sees that issue going and how it feeds into the CSI strategy.

Mr Kinahan:

The week before last we received a briefing on the sustainable development strategy, which really needs to be on this list. Are there others like it?

The Deputy Chairperson:

That strategy has probably been kicked into touch until the far side of the election.

Mr Kinahan:

Would it be useful to have it on the flow chart?

The Deputy Chairperson:

Of course it would. Everything should be on the flow chart. The Committee Clerk will provide

the departmental officials with a full list of what we understand to be the outstanding issues. Feel free to add any of your own that we have missed.

Ms M Campbell:

I omitted to say that we are hoping to get a draft of the strategy for older people, the update to 'Ageing in an Inclusive Society: Promoting the Social Inclusion of Older People', to the Committee by 23 February, if that is ok. That is with officials at the minute.

The Deputy Chairperson:

Will there be a briefing on that with officials as well?

Ms M Campbell:

Yes, there will.

The Deputy Chairperson:

Will that also include discussion on how the Department intends to create the Commissioner for Older People?

Ms M Campbell:

No, it will not, but we could probably cover that.

The Deputy Chairperson:

That may be useful.

Mrs D Kelly:

Can we have the flow chart for next week?

The Deputy Chairperson:

I am sure that we will get it as quickly as it can be produced.

Ms M Anderson:

We are going into an election, and Dolores needs a bit of ammunition.

Mrs D Kelly:

The abysmal record speaks for itself.

Ms M Anderson:

We are in a better place than we ever were.

The Deputy Chairperson:

The request has been made, and the officials are aware of our desire to see the flow chart as soon as possible. I thank Noel, Martina, Colin and Paul for their attendance and for the good spirit in which they conducted the business.