

Northern Ireland Assembly – Committees - Introduction

Types of committees

There are 4 types of committees:

Statutory Committees, which have been set up to advise, assist and scrutinise Ministers and their Departments;

Standing Committees, which are established as permanent committees of the Assembly and undertake specific roles as set out in the Assembly Standing Orders;

Ad hoc Committees which are set up from time to time to deal with specific time bound issues; and

Joint Committees which consider matters of concern to more than one committee.

Committee Powers

The committees get their powers from three sources:

1. The Belfast Agreement

“There will be a committee for each of the main executive functions of the Northern Ireland administration.... The committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated... They will have the power to....”

Paras 8 & 9 of Strand One of the Belfast Agreement

2. The Northern Ireland Act (1998), which allowed for the implementation of the Agreement, stated that provision would be made for ...

“establishing committees of members of the Assembly to advise and assist each Northern Ireland Minister on the formulation of policy with respect to matters within his responsibilities as a Minister... (and) conferring on the committees powers described in paragraph 9 of Strand One of the Belfast Agreement.”

Section 29 Northern Ireland Act (1998)

NB: The Northern Ireland (St Andrews Agreement) Act 2006 amends the 1998 Act to establish a statutory committee for the Office of First Minister and deputy First Minister and to establish a new standing committee to review functioning of the Assembly and Executive Committee. This committee is known as the Assembly and Executive Review Committee.

3. Assembly Standing Orders (rules)

“The Assembly shall establish Committees to

- (a) discharge duties in relation to Departments (Statutory Committees); and
- (b) carry out any other functions deemed necessary.

Role of committees

Statutory Committees

There is a Statutory Committee for each Government Department. Following the 2016 Assembly elections, the number of government departments was reduced from 12 to 9 and there was a corresponding reduction in the number of Statutory Committees.

The roles given to these committees under the Belfast Agreement and the Northern Ireland Act are extensive. They have a legislative role; a scrutiny role; and they have advisory and consultative roles. At Westminster there are committees which deal with legislation only and other, 'Select Committees' which have an investigative or inquiry role. In the Northern Ireland system, Statutory Committees perform both these roles plus the advisory role.

Specifically, the statutory committees have the power to:

- consider and advise on their Department's budget and annual plans in the context of the overall budget;
- approve secondary legislation and take the Committee Stage of primary legislation;
- initiate inquiries and make reports;
- consider matters brought to their attention by Ministers;
- initiate legislation; and
- call for persons and papers. If an individual who is summonsed refuses to attend, or refuses to produce the documents required by the committee, they may be found guilty of an offence and fined or imprisoned for up to three months.

Given the absence of a formal opposition like that which operates at Westminster, these committees are the main method by which the Assembly holds the Executive to account.

Qs for discussion

In what other ways does the Assembly hold the Executive to account?

What impact might the reduction in the number of Statutory Committees have on their effectiveness in carrying out their roles?

How will the establishment of the Official Opposition impact the work of Committees?

Standing Committees

The Standing Orders of the Assembly set out specific roles for each of the standing committees, of which there are currently six:

The standing committees are:

- The Business Committee - arranges the plenary business;
- The Audit Committee – agrees the annual spending plan of the NI Audit Office and scrutinises its annual report and accounts;
- The Committee on Procedures - reviews Standing Orders and Assembly procedures;
- The Standards and Privileges Committee - deals with matters relating to privileges and the conduct of members;
- The Public Accounts Committee – scrutinises the use of resources by Departments and government agencies; and
- The Assembly and Executive Review Committee – this was established under the Northern Ireland (St Andrews Agreement Act) 2006 to examine a range of matters relating to the functioning of the

Assembly and the Executive Committee.

Like statutory committees, standing committees have the power to send for persons and papers.

Ad Hoc Committees

From time to time, the Assembly establishes Ad Hoc Committees which meet for a temporary period to consider specific issues such as a piece of legislation on a reserved or excepted matter, over which the UK Parliament has legislative authority. These committees usually have about two months (with some exceptions) to carry out their work and report to the Assembly.

While ad hoc committees have tended to deal with proposed reserved legislation, such as criminal justice legislation before these powers were devolved in April 2010, ad hoc committees can deal with any issue determined by the Assembly. In 2012, one was established to consider the controversial Welfare Reform Bill and whether or not aspects of the Bill conformed to equality legislation in Northern Ireland (eventually dealt with at Westminster under the Fresh Start proposals); An Ad Hoc Committee was also set up to take the Committee Stage of the Public Services Ombudsman Bill which has been brought forward by the Committee for the Office of the First Minister and deputy First Minister (see *"How significant is the power to initiate the legislation?"* below).

Some Ad Hoc Committees are also **Joint Committees**

The establishment of a joint or concurrent committee is one of the two ways in which matters of concern to two or more committees can be considered by the Assembly. Committees can also sit concurrently (together) to consider such matters. The Committee for Agriculture and Rural Development and the Committee for Health, Social Services and Public Safety met concurrently to consider the problem of contamination of beef products by horse and pig DNA. The Health and Justice Committees formed a joint Committee in May 2015 to consider the very large Mental Capacity Bill.

Committees assist the Assembly in its work as a Legislature:

- by taking the Committee stage of legislation and considering subordinate legislation;
- in calling Ministers to account, through their work on inquiries and scrutinising the work of Ministers and Departments; and
- by the consideration of departmental annual budgets and plans.

Statutory committees are an important part of the checks and balances built in to our system of devolution that ensure power sharing.

- The Chairpersons and Deputy Chairpersons of committees are appointed under the d'Hondt system.
- The Chair or Deputy Chair of a committee should not, if at all possible, be of the same political party as the Minister.
- The membership of each committee is representative of the make-up of the parties within the Assembly and most committees comprise members from at least five of the political parties.

Despite this wide range of views across the political spectrum, working relationships within committees are usually harmonious between the different political parties and party political differences seldom surface during committee meetings. Members of all political parties work constructively in committees to carry out their legislative and scrutiny roles. Committees strive to reach consensus on issues, based on the evidence gathered in their Bill and Inquiry investigations. A committee that acts as one voice reinforces its cohesion and power.

Committees are keen to foster close working relationships with Ministers, officials and others to benefit the public. However, they will not compromise on their scrutiny role or the role they play in calling Ministers to account. **NB:** Rick Wilford has described the relationship as a 'critical partnership'. See Education Service video:

http://education.niassembly.gov.uk/post_16/academic-reflections-northern-ireland-assembly

The legislative role of Committees

Committees take the Committee Stage of primary legislation introduced to the Assembly by Ministers, individual MLAs or another Committee*. Most legislation is Executive legislation i.e. [introduced by a Minister](#). In the 2011 to 16 mandate, 60 primary Bills passed by the Assembly were introduced by Ministers, 5 by individual MLAs and 2 by a Statutory Committee – the Committee for OFMdfM – re the creation of a new post of Public Services Ombudsman.

A Bill goes through several stages in the legislative process. For most Bills, after the Second Stage debate on the principles of the Bill, if the Assembly agrees with the main objectives of the Bill and votes to consider it further, it is passed to the relevant committee for detailed scrutiny. This is called the Committee Stage. The committee gathers evidence on the Bill *and reports its findings to the Assembly, with recommendations for any amendments it thinks should be made. The report informs the Consideration Stage where the Assembly debates and votes on all proposed amendments.*

A Committee Stage of a Bill involves commissioning research, inviting the public and interested groups to give their views on the Bill in the form of written and oral submissions, and examining the Bill line by line, clause by clause. *The Committee will receive briefings by the Department (or other sponsor) on the policy objectives underpinning the Bill and may seek clarification from the Minister/Department, or other sponsor, on specific aspects of the Bill or issues raised by witnesses to the Committee Stage.* Committees may also convene focus groups and undertake stakeholder evidence events designed to engage hard-to-reach groups including, for example, parents or children and young people etc. If the Committee believes, on the basis of its deliberations on evidence gathered, that amendments are required, it will usually, in the first instance, ask the Minister to make the necessary changes. If the Minister is unwilling to do so, the Committee itself will table the amendments at Consideration Stage, when the Assembly debates and votes on proposed amendments. Amendments are also often tabled by individual MLAs who may or may not be Members of the relevant committee.

How significant is the power to initiate legislation?

This power means that a committee can draft a bill (primary legislation) and introduce it in the Assembly. This is a way for committees to directly achieve changes they want to see, perhaps as a result of an inquiry.

One committee bill was introduced in the first mandate of the Assembly, but fell due to suspension in October 2002. In November 2010, the Committee on Standards and Privileges (Standing Committee) and the Assembly Commission (corporate body of the Assembly) jointly introduced the Assembly Members (Independent Financial Review and Standards) Bill. Passed in March 2011, this Bill concerned the establishment of an independent panel to determine the salaries and allowances of MLAs. It also created the post of Assembly Commissioner for Standards whose role is to carry out independent, objective investigations into complaints against Members.

In April 2015, the first Statutory Committee Bill was introduced. The Committee for the Office of the First Minister and deputy First Minister introduced *The Northern Ireland Public Services Ombudsman Bill* to merge and reform the offices of the Assembly Ombudsman and the Northern Ireland Commissioner for Complaints into a new office to be known as the Northern Ireland Public Services Ombudsperson. <http://www.niassembly.gov.uk/Assembly-Business/Committees/Office-of-the-First-Minister-and-deputy-First-Minister/legislation/Northern-Ireland-Public-Services-Ombudsman-Bill/>

When a statutory committee sees the need for new legislation in a particular area, it will usually, in the first instance, try to persuade the Minister to introduce a bill. The bill drafting process is time-consuming and expensive, and departments have the systems and skills to hand to do this more easily. If the Minister does not agree to do this, then the Committee may bring it forward. This power to initiate legislation is also a tool for statutory committees to hold Ministers to account. By introducing a bill, a committee is making the point that legislation is needed in a particular area and, in the absence of action by the Minister, the Committee has to act independently. (Example: the Committee for OFMdfM did ask OFMdfM to bring forward a Public Services Ombudsman Bill but it declined to do so.)

Therefore, when considering the effectiveness of Committees in relation to their legislative role, it is arguably more effective for a committee to persuade the Minister to introduce legislation, or to influence

policy development at an early stage.

Committee Inquiries

Undertaking inquiries is a very important part of a committee's responsibilities. It allows a statutory committee to set its own agenda, rather than react to what is coming from the department. The committee can choose any topic from within the department's areas of responsibility and the issue should affect people across Northern Ireland rather than in just one or a few constituencies. In the course of its work, the committee may have noticed an issue or problem that requires attention. Interest groups, or even individuals, might lobby a committee to inquire into a particular issue.

Once the topic is agreed, the committee puts out a call for evidence, in the press and on the Assembly website. It will also write directly to relevant organisations and interest/pressure groups. Anyone can submit their views on the issue, by post or email, and all submissions will form part of the evidence considered and be included in the committee's report to the Assembly. The Committee will invite some groups or individuals to give oral evidence at a committee meeting, when MLAs will have the chance to ask questions. Experts will also be consulted and the committee will make use of the Assembly's research service to provide further information and evidence.

Following this investigation into the issue, the committee will draw conclusions and produce a report, making recommendations regarding what needs to be done to address the relevant issues. The report will be published and debated in the Assembly Chamber with the Minister usually present to make a response. The Assembly usually votes in support of the report and the Minister is then under pressure to act on the recommendations. The Minister is required to provide a written response to the report within 3 months. An active committee will keep bringing the issue back to the House, eg, via a committee motion for debate, in order to keep pressure on the Minister to act.

In the last mandate, some committees undertook reviews – mini inquiries, rather than lengthier 'full-blown' inquiries – an effective way of looking at issues within the time available to the Committee if the Committee has a busy legislative agenda.

Q. Compared with direct rule, what has the establishment of these committees meant for Ministers, officials, chief executives, NDPBs? (Non-Departmental Public Bodies and agencies, e.g. Labour Relations Agency, Invest NI and the Tourist Board).

- Closer and more detailed scrutiny of policies.
- Closer and more detailed scrutiny of subordinate and primary legislation.
- Intensive questioning about departmental budgets and annual plans. Not all of this is adverse – the combined pressure brought by local Ministers supported by their committees can mean changes for the better in terms of budget allocation, so committees can be allies as well as adversaries.

The Public Accounts Committee (Standing Committee) has an important role to play in investigating how public money is spent.

- Many interest groups and lobby groups recognise that Assembly committees are an important part of the system and are, in many instances, more accessible and open to persuasion than Ministers and officials.

Scrutiny of policy, legislation and budget expenditure is much more open and transparent than in the past. Most committees carry out most of their work in public session. The vast majority of meetings are held in public. This means members of the press and public can attend committee meetings if they wish and, if meetings take place in the Senate Chamber or Rooms 21, 29 and 30, they are broadcast live on the internet and on BBC Democracy Live - where you can also access an archive of past meetings. Meetings in other

rooms are audio recorded. The office of the Official Report (Hansard) takes Minutes of Evidence in some committee meetings, generally for those parts of meetings that involve the consideration of legislation or taking of evidence as part of a committee inquiry. Committees have a closed session (not open to the public) if they are finalising a report and don't want their conclusions and recommendations released until they officially 'sign off' and publish the report. They might also close if a witness is giving evidence on a sensitive issue. Committee reports are laid in the Business Office within 24 hours of being agreed and published within 2 weeks. Some reports may be embargoed and therefore may not be publicly available until a number of weeks after they have been agreed.

Committees also make an effort to hold meetings outside Parliament Buildings, so that the public has the opportunity to attend meetings in their local area. As part of their evidence gathering role, committees sometimes go on external, fact finding visits to relevant locations in Northern Ireland and, occasionally, outside Northern Ireland.

Q. How do committees cope with such a wide range of responsibilities?

There is a danger that committees could be flooded with work from the Departments, which would not allow them to carry out their scrutiny and policy development roles. To prevent this happening, committees undertake strategic planning and draw up a forward work programme at the start of each session. Time is built in for the Committee Stage of legislation that is expected to be introduced to the Assembly that falls within the committee's remit, which will include taking evidence and reporting to the Assembly.

Committees will also decide early in a new session what major scrutiny work should be done and whether to conduct a formal inquiry. Committees are selective about the issues which they will look at and do not respond to everything a Department sends their way, becoming more adept at setting their own agendas and managing the burden of work by being strategic in approach. They realise that, to be effective, they have to be selective and they prioritise their time effectively. Committee forward work programmes are posted on the Assembly website and are updated regularly. As mentioned earlier, reviews or mini inquiries, provide a faster way of considering issues.

Despite what some members of the public and the media might think, when the Assembly is in operation, MLAs are extremely busy. They have to attend plenary sittings and deal with party business and constituency work. Most are members of 2 or 3 Assembly committees. The time that each member can devote to the work of a particular committee is therefore limited and it is the role of committee staff to ensure that the time allocated for meetings is used as constructively as possible. A committee meeting lasts on average around 2 – 3 hours each week.

NB: Towards the end of a mandate, Committees usually experience a heavier workload due to an increase in the number of bills introduced to the Assembly by Executive Ministers as they seek to complete their legislative programmes before dissolution. For MLAs, This also means more time spent debating legislation in the Assembly Chamber. In the 2011-16 mandate 35 of the 67 Bills passed by the Assembly were passed in the last year – 2015-16.

Q. What have the committees done?

During the 2011-16 mandate, over 2500 committee meetings took place, 192 externally. Committees made almost 300 study visits and published 174 reports (on legislation, inquiries and reviews).

Committees scrutinise Departmental budgets on a quarterly basis.

Examples of **reviews**, or mini inquiries.

For example, the Committee for Agriculture and Rural Development have carried out 5 thematic reviews, into: Bovine TB (2012); The Food Supply Chain (2012); Tree Disease (2013); and Farm Safety (2013), the Department's Anti-poverty and Social Inclusion Programme (2014-15). In the case of the latter, the Department produced a 'Position Paper', with 10 recommendations for improvements to the programme. The paper was debated on 2 March 2015. On 2 June, the Committee wrote to the Minister expressing concern at lack of urgency in addressing the recommendations. Eventually, out of 10 recommendations, 8 were fully accepted by the Department, one was accepted subject to the availability of resources and one was partially accepted. In 2015-16, the Justice Committee reviewed and reported on Justice in the 21st Century: Innovative Approaches for the Criminal Justice System in Northern Ireland, which recommended the establishment of 'problem solving courts'.

During the mandate, full inquiries have been held into a range of subjects:

Education Committee - School Councils (2011-12), Education and Training Inspectorate and School Improvement (2013-14) and Shared / Integrated Education (2014-15)

Enterprise Trade and Investment Committee - Developing the NI Economy through Innovation, Research and Development (2011-12)

Finance and Personnel Committee –Sickness Absence in the NI Public Sector (2013-14) and Flexible Working in the NI Public Sector (2013-14)

Committee for the Office of the First Minister and deputy First Minister – The Together Building a United Community Strategy (2015)

The *Committee on Procedures* reported on the following inquiries and reviews: Review of the current organisation of the Assembly's business week e Northern Ireland (May 2014); Inquiry into Topical Questions (March 2013); and Inquiry into Standing Orders for Principal Deputy Speaker (June 2011). The Committee has also made amendments to the Standing Orders and procedures of the Assembly, including facilitating Topical Questions, outlining procedures for dealing with Legislative Consent Motions and electing a Principal Deputy Speaker. In September 2016, the Committees brought motions to change Standing Orders to include procedures for dealing with hybrid legislation, affecting more than one Department and therefore requiring scrutiny by more than one Committee.

Justice Committee – Victims and Witnesses - experience of the Criminal Justice System (2011)

Environment Committee – the Management of Used Tyres in Northern Ireland (2011-12)

Culture, Arts and Leisure Committee – Creative Industries (2012-13); Child Protection and Safeguarding across the CAL remit (2013); and Inclusion in the Arts (2014).

Committee for Regional Development – Benefits of Cycling to the Economy (2013-14), which looked at the economic impact of cycling in respect of health, sport, tourism and the environment.

Committee for Employment and Learning – earlier in the mandate considered Careers Education, Information, Advice and Guidance in Northern Ireland and, in 2015-16, Post School Special Educational Need Provision in Education, Employment and Training for those with Learning Disabilities.

The representative role of Committees

When Committees consider legislation or undertake inquiries, they seek the views of the general public and interested stakeholders/interest groups. If the issue is particularly relevant to young people, they will be consulted via focus groups and/or an online survey. Get involved. If you have an interest in or views on an inquiry issue, write in to the relevant committee and your submission will form part of the evidence

used by the Committee to form their views on the issue. Anyone or any group can respond to a consultation and responses vary from short emails to long papers. The Assembly website's homepage will keep you up to date on current inquiries and calls for evidence. Committees have also used focus groups and online surveys to gather the views of particular groups, such as young people. For example, the Education Committee used focus groups to hear the views of students on Anti-Bullying legislation (2015-16), School Inspections (2015) and Shared and Integrated Education (2015).

The advice and assistance role

Most of the detailed work of the Assembly is done in Committees. They take the Committee Stage of legislation (most legislation comes from Ministers). Statutory Committees contribute to policy development, and scrutinise policies and actions of Minister/Departments, including spending.

It's not all scrutiny in a watchdog fashion. The committees also advise and assist the Ministers. Co-operation at early policy development or draft legislation stage can make things much easier later on. During the 2011-16 mandate, over 2500 committee meetings took place, 192 externally. Committees made almost 300 study visits and published 174 reports (on legislation and inquiries and reviews).

'Party animals'?

Membership of committees reflects party strength in the Assembly, as does membership of the Executive (D'Hondt). While it may be argued that with the same parties in each, effective scrutiny is difficult and party loyalty can threaten effective scrutiny. However, it is important to remember that the majority of members on a committee are not from the Minister's party. Furthermore, Committees' legislation and inquiry reports are *evidence based*. Committees consult experts, stakeholders and the general public to formulate their conclusions and recommendations. Sometimes, but not often, parties will feel strongly about an issue and committee members from that party will not support the Committee's stance when the issue is debated in the Chamber. While this can happen on a 'bread and butter' issue, it is more likely to happen in relation to a politically sensitive issue. Following the Social Development Committee's report on an inquiry into BBC Spotlight allegations about the actions of the former SD Minister, Nelson McCausland, the majority on the Committee concluded that he had acted inappropriately in relation to Housing Executive Maintenance contracts. However, DUP Committee members did not agree and a *Minority Report*, giving their views was included in the Committee's report to the Assembly.

Powers of Committees - Section 44 Notices

The Regional Development Committee asked the Minister for full disclosure of a departmental report into the underestimation of the budget for the Coleraine to Derry/Londonderry railway line. The original estimate of the project was £20m and this doubled to £40m. The Minister refused to supply all the information requested by the Committee so the Committee asked the Speaker to issue a Section 44 (NI Act 1998) notice. This was issued but the Minister still refused to comply so, under Section 45 of the NI Act, the issue has been referred to the Director of Public Prosecutions to investigate. Given that the Minister has said that he will supply the information at a time of his choosing, it is unlikely that charges will be brought. However, the Committee feel that they should be, as an example to other Ministers. If charges were brought against the Minister, there could be a fine of up to £5k or a prison sentence of up to 3 months!

The Social Development Committee also issued a Section 44 Notice during their Inquiry into allegations arising from a BBC NI Spotlight programme aired on 3 July 2013, of ministerial impropriety or irregularity relating to NI Housing Executive managed contracts. The Minister supplied the necessary documents but they were heavily redacted (large sections blanked out). The Minister also said that the documents were not supplied in reaction to the Notice but because, by that stage, permission had been granted by relevant parties.

A note about the Public Accounts Committee (PAC)

The Public Accounts Committee (a Standing Committee of the Assembly) has an important scrutiny role. It holds senior government officials to account for the spending decisions that they have made and, through this process, ensures that there is a better delivery of services to the taxpayer. Unlike other Committees of the Assembly, it has the full-time support of the Comptroller and Auditor General (C&AG) and his staff in the Northern Ireland Audit Office.

The main statutory function of the Committee is to consider accounts and the reports by the C&AG. Inquiries based on the C&AG's reports form the major part of the Committee's work. Its scrutiny of these reports is a key sanction against failure by Departments and public bodies to spend taxpayers' money properly and wisely. It can also play a major role in promoting good practice across the Executive and ensuring that, where mistakes are made, lessons are learned. The proceedings of PAC involve taking evidence on the C&AG's reports. The work of the Committee is often reported in the news.

Find out More For further information on Committees see Committee Legacy Reports for the 2011-16 mandate on the website.

Go to the Committee pages of the Assembly website

<http://www.niassembly.gov.uk/Assembly-Business/Committees/>

Watch our **new 2016** videos 'Academic Reflections' on the Northern Ireland Assembly with Prof Rick Wilford (QUB) and Prof Cathy Gormley-Heenan (UU)

http://education.niassembly.gov.uk/post_16/academic-reflections-northern-ireland-assembly

Watch Committee Chairs discuss issues relevant to young people in the 'Issues' section of our *Race to Stormont* resource <http://education.niassembly.gov.uk/racetostormont/>

Watch committee meetings live on the Assembly's main website

www.niassembly.gov.uk