

EXPLANATORY MEMORANDUM TO
THE SUPERANNUATION (NORTHERN IRELAND PUBLIC SERVICES
OMBUDSMAN) ORDER (NORTHERN IRELAND) 2016

2016 No. 339

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance to accompany the above named statutory rule which is laid before the Northern Ireland Assembly.
- 1.2. The statutory rule is made under Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 and is subject to negative resolution procedure in the Assembly.
- 1.3. The Order is due to come into operation on 11 October 2016 but shall have retrospective effect from 01 April 2016 by virtue of Article 3(7) of the Superannuation (Northern Ireland) Order 1972.

2. Purpose

- 2.1. The purpose of this Order is to make pension provision in the Principal Civil Service Pension Scheme (Northern Ireland) for employment by the Northern Ireland Public Services Ombudsman.
- 2.2. Article 3 of this Order revokes the Superannuation (Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) Order (Northern Ireland) 2015.

3. Background

- 3.1. The Office of the Northern Ireland Public Services Ombudsman (NIPSO) was established in April 2016. It replaces and expands the functions of the former offices of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints, bringing them together into a single statutory office.
- 3.2. An Order (SR 2015 No. 347) had previously been made to add employment in the Office of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints to kinds of employment listed in Schedule 1 to the Superannuation (Northern Ireland) Order 1972.

- 3.3. The Department has obtained legal advice from Departmental Solicitors confirming that any change in name requires a legislative change to ensure the legislation reflects the correct title of the post which is included in the scheme.
- 3.4. Departmental legal advice has also confirmed that SR 2015 No.347 (relating to employment by Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints) be revoked. SR 2015 No.347 remains in force from 1 July 2015 until the 31 March 2016, therefore employees in both bodies who joined between 1 July 2015 and 31 March 2016 will be protected.

4. Consultation

- 4.1. The provisions of Articles 3(4) and (7) of the Superannuation (Northern Ireland) Order 1972 under which the statutory rule is made do not require that the Department carry out formal consultations prior to its introduction.

5. Equality Impact

- 5.1. The Department's Equality unit have advised that as this is merely a technical change to the name of the organisation, and not the setting up of a new organisation with new personnel, then the previous screening for the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints will suffice. The purpose of screening is to identify those policies that are likely to have an impact on equality of opportunity and/or good relations and a change of name and extension of the previous office's remit is not going to affect the screening outcome. The initial policy screening recommended that an Equality Screening exercise is not considered necessary since the introduction of the legislation will not differentially impact adversely on any of the groups identified at section 75 of the NI Act 1998.

6. Regulatory Impact

- 6.1. The rule imposes no costs on business, charities, social economy enterprises or the voluntary sector. A Regulatory Impact Assessment is not considered necessary.

7. Financial Implications

- 7.1. There are no financial applications for the Department as contributions for pension provision are met by the employee/employer.

8. Section 24 of the Northern Ireland Act

8.1. The Departmental Solicitor's Office has advised that the Order is within the scope of Section 24 of the Northern Ireland Act 1998 and is therefore within competence.

9. EU implications

9.1. None.

10. Parity or Replicatory Measure

10.1. Not applicable

11. Additional Information

11.1. Margaret Coyle at the Department of Finance (telephone 02871 319202 or email margaret.coyle@finance-ni.gov.uk) or Peter Philip (telephone 02871 310706 or email peter.philip@finance-ni.gov.uk) can answer any queries regarding the Regulations.