

From: Private Office DETI

Sent: 27 July 2015 09:47

To: ceo

Cc: McCormick, Andrew (DETI); Rooney, Eugene; Stewart, Chris (DETI); Cairns, Timothy

Subject: Urgent - Cor Ref: COR/427/2015 : \*\*\*COR TO NOTE\*\*\* - Small Business Commissioner: Discussion Paper

Please find attached correspondence referred by OFMDFM for information.

Regards

From: [REDACTED]

Sent: 27 July 2015 09:47

To: [REDACTED]

Cc: Jackson, Neill (OFMDFM)

(OFMDFM): Assembly Section

Paul;

[REDACTED] O'Hagan, Dara

[REDACTED] McKinnon, Liam; Gardner, Jeremy; Grimason, Stephen; McNabb, Chris;

[REDACTED] McLaurin, Mark (OFMDFM); McCann, Jennifer;

[REDACTED] Private Office DETI

Subject: Urgent - Cor Ref: COR/427/2015 : \*\*\*COR TO NOTE\*\*\* - Small Business Commissioner: Discussion Paper

OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER

CORRESPONDENCE

Ministerial Correspondence

Raised By: Anna Soubry MP

Reference: COR/427/2015

Subject: \*\*\*COR TO NOTE\*\*\* - Small Business Commissioner: Discussion Paper

Referred To: PS/FM and PS/dFM (Private Office) on 27/07/2015

ACTION REQUIRED

\*\*\*REISSUE TO INCLUDE DETI IN CIRCULATION LIST\*\*\* Please see attached correspondence - to note only.

For further information etc. contact :

[REDACTED] (Private Office)

Stormont Castle Tel : [REDACTED]

Copied To For Information:

Jackson Neill

[REDACTED]  
Executive Committee Secretariat

King Brenda

Assembly Section

Reynolds Joe (Mr)

[psdirectorpf@ofmdlmni.gov.uk](mailto:psdirectorpf@ofmdlmni.gov.uk)

CC Corr

DETI Private Office

The Rt Hon Peter Robinson MLA  
First Minister  
Martin McGuinness MLA  
Deputy First Minister  
Northern Ireland Assembly  
Parliament Buildings - Stormont  
Belfast BT4 3XX



**Department  
for Business  
Innovation & Skills**

The Rt Hon Anna Soubry MP  
Minister of State for Small Business,  
Industry and Enterprise

1 Victoria Street  
London  
SW1H 0ET

T +44 (0) 20 7215 5000  
E [enquiries@bis.gov.uk](mailto:enquiries@bis.gov.uk)

[www.gov.uk/bis](http://www.gov.uk/bis)

24 July 2015

Dear Peter and Martin,

**SMALL BUSINESS COMMISSIONER: DISCUSSION PAPER**

The Government is concerned that not enough small businesses are able to settle their problems with larger corporations sufficiently quickly and inexpensively while maintaining their business relationships.

We know that some smaller firms suffer because of an imbalance in bargaining power when dealing with larger businesses. These issues can put them under additional pressure, limiting their opportunity for growth, and in some circumstances, putting their business at risk.

Creating a Small Business Conciliation Service was a manifesto commitment. We have decided to give this new service the working title of "Small Business Commissioner" to reflect its proposed remit which will include mediation and a complaints handling service as well as conciliation. The Government announced our intention to bring forward the necessary legislation this Parliamentary session in the Queen's Speech. This will be as part of the forthcoming Enterprise Bill, which we expect to introduce in the autumn, when Parliamentary time allows.

Establishing this new service will mean small businesses know where to turn when they are in dispute, or feel they are being treated unfairly. We propose the service has a remit to cover disputes about payment and other contractual supply chain disputes.

We are now in a position to publish a discussion paper on this. This paper sets out the government's current understanding of the problems that small businesses face and our thinking about possible solutions.

**Discussion Document**

The discussion paper seeks further evidence of the issues and sets out proposals for addressing these via a Small Business Commissioner. We propose that the Commissioner should have the remit to cover disputes over late payment and other supply chain contractual

disputes including pre-contract, contractual and variation issues. We are seeking views on the service playing a role in resolving disputes where a small business is the complainant.

We propose the service is set up with three key functions:

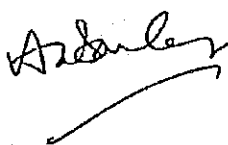
- *Providing information, general advice and signposting*
- *Resolving disputes through mediation*
- *Dealing with complaints*

It will be set up to complement other existing resolution services. In doing so it will build on the current package of measures – forthcoming transparency reforms and the strengthened Prompt Payment Code – to drive a long lasting and wide reaching change in UK payment culture and behaviour. The discussion paper proposes some solutions, and seeks answers to some questions on the issues small businesses are experiencing and the likely impact of the proposals. The paper encourages a frank and open discussion on the issues.

The discussion paper has been published today on gov.uk and will close on Friday 21<sup>st</sup> August 2015. We recognise that the matters discussed in this paper could potentially impact on both reserved and devolved areas of policy responsibility across the UK's family of nations. The Government is keen to engage and work closely with the Devolved Administrations on this, and depending on the agreed way forward, to determine if our planned legislation will require a Legislative Consent Motion.

(BIS) I would be grateful if our officials could work closely together in the coming weeks and months to ensure that this policy can work fully in a devolved context. Please contact [redacted] on [redacted]. We are developing other measures for the Enterprise Bill, and I am pleased that our officials are already discussing many of these. The Secretary of State is intending to write to you shortly with more detail.

I am copying this letter to the Secretary of State for Northern Ireland.



THE RT HON ANNA SOUBRY MP

[REDACTED]

---

**From:** [REDACTED] on behalf of HOCS  
**Sent:** 28 July 2015 08:40  
**To:** McCormick, Andrew (DETI)  
**Cc:** Pengelly, Richard  
**Subject:** 28-7-15 Note to Andrew McCormick re Small Business Commissioner (COR63/15)  
**Attachments:** TRIM: MALCOLM TO SEE - ANY ACTION REQUIRED? Small Business Commissioner;  
28-7-15 Note to Andrew McCormick re Small Business Commissioner.DOCX

Andrew,

Please see attached from Malcolm McKibbin.

Kind Regards  
[REDACTED]

[REDACTED]  
[REDACTED] Dr Malcolm McKibbin, Head of the Civil Service.

HOCS Office, Stormont Castle, Stormont Estate, Belfast BT4 3TT

Tel: [REDACTED] [pfmdfmni.gsi.gov.uk](mailto:pfmdfmni.gsi.gov.uk)

*All e-mails and attachments issued by the Head of the Civil Service Office must be filed appropriately by the responsible business area. HOCS office does not keep official records of such correspondence.*

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 27 July 2015 15:53  
**To:** HOCS  
**Subject:** TRIM: MALCOLM TO SEE - ANY ACTION REQUIRED? Small Business Commissioner

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Fao Dr Malcolm McKibben,

Malcolm,

I am forwarding a link to a Consultation launched by BIS yesterday - 26 July 2014. Apologies if you have already received a copy in your role as Permanent Secretary OFMDFM.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/448328/BIS-15-438-a-small-business-commissioner.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/448328/BIS-15-438-a-small-business-commissioner.pdf)

You will note the consultation runs for four weeks and closes on 21 August 2015 and in para 2.8 mentions involving the Devolved Administrations.

*"We recognise that the matters discussed in this paper could potentially impact on both reserved and devolved areas of policy responsibility across the UK's family of nations. The Government will engage with the Devolved Administrations, and welcomes evidence and contributions from the Devolved Administrations, businesses and business associations, and other interested stakeholders in Scotland, Wales and Northern Ireland."*

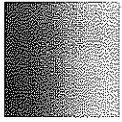
I certainly intend responding to the consultation and I anticipate my evidence will make reference to specific Public Bodies and name individuals within those Public Bodies. Your name is likely to be one that will be mentioned. All references to named individuals will of course be supported by copies of correspondence, emails, FoI responses etc.

I would expect bearing in mind your own involvement with and detailed knowledge of the "Surgical Systems Ireland issue" (OFMDFM/HoCS, Membership of Central Procurement Board) that you will want to ensure a meaningful response which properly reflects the position within the Devolved Administration in N Ireland - warts and all - is submitted to the BIS consultation

I look forward to hearing such a response has been drafted.

Regards

[REDACTED]



**Head of the Civil Service**  
**Office of the First Minister & Deputy First Minister**

**Dr Malcolm McKibbin BSc MBA DPhil CEng FICE**

Room FD.34, Stormont Castle, BELFAST BT4 3TT, NORTHERN IRELAND

Tel: 028 9037 8133 Fax: 028 9037 8205 Email: hocs@ofmdfmini.gov.uk

**FROM: MALCOLM MCKIBBIN**

**OUR REF: COR63/15**

**DATE: 28 JULY 2015**

**TO: ANDREW McCORMICK**

Please see attached memo and link to a consultation document from BIS re a Small Business Commissioner.

The document was forwarded to me by [REDACTED] who have had a long running acrimonious dispute with DHSSPS. Richard Pengelly can brief you on this.

As this is primarily a DETI related issue, I assume you will consider whether comments need to be forwarded to BIS.

Happy to discuss.

*M. Malcolm*

**MALCOLM MCKIBBIN**

**Copied list**  
Richard Pengelly



**INVESTORS  
IN PEOPLE**

**Bronze**

[REDACTED]

---

**From:** [REDACTED] dfpni.gov.uk]  
**Sent:** 29 July 2015 10:04  
**Subject:** RE: Small Business, Enterprise and Employment Act 2015

Yes, happy with that.

Thanks,  
[REDACTED]

---

**From:** [REDACTED] (DETI)  
**Sent:** 29 July 2015 10:03  
**To:** [REDACTED] (DFP)  
**Subject:** RE: Small Business, Enterprise and Employment Act 2015

[REDACTED] – just spoken with [REDACTED] and he has already spoken to [REDACTED] I think we would be in NI lead with input needed from DFP if you are content?  
[REDACTED]

---

**From:** [REDACTED] (DFP)  
**Sent:** 29 July 2015 09:54  
**To:** [REDACTED] (DETI)  
**Subject:** RE: Small Business, Enterprise and Employment Act 2015

[REDACTED]

See attached email from BIS as discussed.

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**From:** [REDACTED] (DETI)  
**Sent:** 28 July 2015 10:34  
**To:** [REDACTED] (DFP)  
**Cc:** [REDACTED]  
**Subject:** RE: Small Business, Enterprise and Employment Act 2015

Yes [REDACTED] we've been involved on both [REDACTED] and my side in DETI.

The Key aspects of the SBEE Bill dealt with by DETI from the LCM were:

- (a) Access to Finance – helping businesses by improving prompt payment and removing legal barriers to invoice finance.
- (b) Exemption from Liability for Bodies Concerned with Accounting Standards – provision to exempt bodies which carry out public functions in relation to accounting standards from liability when exercising those functions.
- (c) Company transparency – increasing transparency with respect to the owners and directors of companies.
- (d) Company Filing Requirements - companies are required to file certain information with Companies House. The Bill will simplify current filing requirements.
- (e) Company Directors Disqualification and Insolvency – improvements to the disqualification and insolvency regime.

DFP may be the lead in certain other matters of course.

In the first instance it would be best to send any queries to [REDACTED] (both copied in above) to see if the proposed changes are for DETI.  
[REDACTED]



**From:** [REDACTED] (DFP)  
**Sent:** 28 July 2015 10:23  
**To:** [REDACTED] (DET)  
**Subject:** FW: Small Business, Enterprise and Employment Act 2015

[REDACTED]

Would either of you know of the Small Business, Enterprise and Employment Act 2015 or have had any dealings with it?

I have been copied on an email where BIS have forwarded a paper on changes they would like to make to the legislation to our First and Dep First Ministers and I wondered if this is more relevant to DETI rather than DFP.

Regards,  
[REDACTED]

---

**From:** [REDACTED] (DET)  
**Sent:** 28 July 2015 10:04  
**To:** [REDACTED] (DFP)  
**Subject:** RE: Small Business, Enterprise and Employment Act 2015

[REDACTED]

Can't say I've heard of it.

You might check with or send to [REDACTED] in DETI who is in Business Regulation and [REDACTED] in DETI insolvency.

Regards,

[REDACTED]  
Accounts Branch  
Department of Enterprise, Trade & Investment  
Netherleigh  
Massey Avenue  
Belfast, BT4 2JP  
Tel: [REDACTED]  
Text: [REDACTED]  
Web: [www.detini.gov.uk](http://www.detini.gov.uk)

**Please consider the environment - do you really need to print this e-mail?**

---

**From:** [REDACTED] (DFP)  
**Sent:** 28 July 2015 09:55  
**To:** [REDACTED] (DET)  
**Subject:** Small Business, Enterprise and Employment Act 2015

[REDACTED]

Are you aware of this piece of legislation and if this is DETI's area?

I have been copied on something sent to the first and deputy first ministers from BIS which relates to this Act and I wondered if DETI need to be included in the email.

Thanks,  
[REDACTED]

[REDACTED]

---

**From:** [REDACTED]@bis.gsi.gov.uk  
**Sent:** 29 July 2015 19:15  
**To:** [REDACTED] (DET1)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

Thanks [REDACTED] I'll call you tomorrow.

Best,  
[REDACTED]

[REDACTED] Business to Business Team  
**Department for Business, Innovation and Skills (BIS)**  
[REDACTED] 1 Victoria Street, London SW1H 0ET  
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Department  
for Business  
Innovation & Skills

---

**From:** [REDACTED]@detini.gsi.gov.uk  
**Sent:** 29 July 2015 14:56  
**To:** [REDACTED] (DET1)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]

No problem, I'll be in from 8 tomorrow morning so please feel free to call then.

Thanks  
[REDACTED]

---

**From:** [REDACTED]@bis.gsi.gov.uk  
**Sent:** 29 July 2015 14:55  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]

I have a meeting at 3pm, but I'm free at 4. Alternatively I could call tomorrow morning.

Thanks

[REDACTED] Business to Business Team  
**Department for Business, Innovation and Skills (BIS)**  
[REDACTED] | 1 Victoria Street, London SW1H 0ET  
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Department  
for Business  
Innovation & Skills

---

**From:** [REDACTED] [detini.gsi.gov.uk](mailto:detini.gsi.gov.uk)  
**Sent:** 29 July 2015 14:13  
**To:** [REDACTED] (BIS)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]

Yes I can be free at 3 today if you want to give me a call.

Thanks

[REDACTED]

---

**From:** [REDACTED] [bis.gsi.gov.uk](mailto:bis.gsi.gov.uk)  
**Sent:** 29 July 2015 14:12  
**To:** [REDACTED] (DETI)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]

Thanks for your email. Would you have time for a call this afternoon to discuss the process?

Best wishes,

[REDACTED] Business to Business Team  
**Department for Business, Innovation and Skills (BIS)**  
[REDACTED] | 1 Victoria Street, London SW1H 0ET  
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Department  
for Business  
Innovation & Skills

**From:** [REDACTED] [detini.gsi.gov.uk](mailto:detini.gsi.gov.uk)  
**Sent:** 29 July 2015 11:16  
**To:** [REDACTED] (SIS)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

Thanks again for giving us early sight of the discussion paper – we are currently considering a response and we will keep you informed.

We have had previous involvement with UK-wide legislation on company law, most recently the SBEE Bill. On those occasions, we agreed that BIS would consult UK-wide on any policy proposals/draft legislation, and we would provide contact details for NI-based stakeholders which BIS could include in those consultations.

Are you content that we proceed on that basis for this discussion paper, assuming that a formal consultation will ensue from the outcome?

Many thanks

[REDACTED]  
Company Law  
Department of Enterprise, Trade & Investment  
Netherleigh  
Massey Avenue  
Belfast, BT4 2JP  
Tel: [REDACTED]  
Tex: [REDACTED]  
Web: [www.detini.gov.uk](http://www.detini.gov.uk)

**Please consider the environment - do you really need to print this e-mail?**

**From:** [REDACTED] [bis.gsi.gov.uk](mailto:bis.gsi.gov.uk)  
**Sent:** 24 July 2015 17:28  
**To:** [REDACTED] (DET1)  
**Cc:** [REDACTED] (DFP)  
**Subject:** Discussion paper: Small Business Commissioner

Dear [REDACTED]

Thank you for the useful discussion earlier. As you know, creating a Small Business Conciliation Service was a manifesto commitment. We have decided to give this new service the working title of "Small Business

Commissioner” to reflect its proposed remit which will include mediation and a complaints handling service as well as conciliation. The Government announced its intention to bring forward the necessary legislation this Parliamentary session in the Queen’s Speech. This will form part of the forthcoming Enterprise Bill, which we expect to introduce in the autumn, when Parliamentary time allows.

On Sunday we will publish a discussion paper to seek further evidence of the issues and sets out proposals for addressing these via a Small Business Commissioner. We propose that the Commissioner should have the remit to cover disputes over late payment and other supply chain contractual disputes including pre-contract, contractual and variation issues. We are seeking views on the service playing a role in resolving disputes where a small business is the complainant.

We propose the service is set up with three key functions:

- ***Providing information, general advice and signposting***
- ***Resolving disputes through mediation***
- ***Dealing with complaints***

It will be set up to complement other existing resolution services. In doing so it will build on the current package of measures – forthcoming transparency reforms and the strengthened Prompt Payment Code - to drive a long lasting and wide reaching change in UK payment culture and behaviour. The discussion paper proposes some solutions, and seeks answers to some questions on the issues small businesses are experiencing and the likely impact of the proposals. The paper encourages a frank and open discussion on the issues.

The discussion paper will be published on gov.uk and will close on Friday 21st August 2015. We recognise that the matters discussed in this paper could potentially impact on both reserved and devolved areas of policy responsibility across the UK’s family of nations. The Government is keen to engage and work closely with the Devolved Administrations on this, and depending on the agreed way forward, to determine if our planned legislation will require a Legislative Consent Motion.

I attach the discussion paper with this email. This document is under embargo until Sunday, so please do not share this document more widely. I also attach a letter sent from our Minister, Anna Soubry, to Martin McGuinness and Peter Robinson.

We look forward to working closely with you over the coming weeks and months to ensure that this policy can work fully in a devolved context. I’ll be in touch next week to discuss next steps.

In the meantime, please do not hesitate to get in contact if you have any questions or queries.

Best wishes,

  
 Business to Business Team  
Department for Business, Innovation and Skills (BIS)

 1 Victoria Street, London SW1H 0ET  
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[REDACTED]  

---

**From:** [REDACTED] detini.gsi.gov.uk]  
**Sent:** 30 July 2015 15:49  
**Subject:** RE: Discussion paper: Small Business Commissioner

Many thanks [REDACTED]

We'll keep you and your colleagues updated as soon as we can.

Regards

[REDACTED]  

---

**From:** [REDACTED] bis.gsi.gov.uk]  
**Sent:** 30 July 2015 15:48  
**To:** [REDACTED] (DETI)  
**Cc:** [REDACTED] (DETI & OFP)  
**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]  
Thanks for the useful discussion earlier, and thank you for taking this forward. For the benefit of the copy list, this is new primary legislation and it will not amend the Companies Act. You are shortly going to send a submission to your Minister, Jonathan Bell, to get a steer on how the proposal to establish a Small Business Commissioner could work in a devolved context for Northern Ireland. We look forward to receiving his feedback. You are also going to let us know which division in DETI will lead on this work. In the meantime, please send us your stakeholder list and we'll circulate the discussion paper as promised.

I'm on leave next week, so please keep [REDACTED] and [REDACTED] copied to all correspondence.

Many thanks,  
[REDACTED]

[REDACTED] Business to Business Team  
**Department for Business, Innovation and Skills (BIS)**  
[REDACTED] bis.gsi.gov.uk | W [REDACTED] | M [REDACTED] | 1 Victoria Street, London SW1H 0ET  
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Department  
for Business  
Innovation & Skills

---

**From:** [REDACTED] detini.gsi.gov.uk]  
**Sent:** 29 July 2015 14:56  
**To:** [REDACTED] (BIS & DETI)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

No problem, I'll be in from 8 tomorrow morning so please feel free to call then.

Thanks

**From:** [REDACTED]@bis.gsi.gov.uk  
**Sent:** 29 July 2015 14:55  
**To:** [REDACTED] (DETI)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

I have a meeting at 3pm, but I'm free at 4. Alternatively I could call tomorrow morning.

Thanks

[REDACTED] Business to Business Team  
Department for Business, Innovation and Skills (BIS)  
[REDACTED] | 1 Victoria Street, London SW1H 0ET  
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Department  
for Business  
Innovation & Skills

**From:** [REDACTED]@detini.gsi.gov.uk  
**Sent:** 29 July 2015 14:13  
**To:** [REDACTED] (BIS)  
**Cc:** [REDACTED] (DETI)  
**Subject:** RE: Discussion paper: Small Business Commissioner

Yes I can be free at 3 today if you want to give me a call.

Thanks

**From:** [REDACTED]@bis.gsi.gov.uk  
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**To:** [REDACTED] (DETI)  
**Cc:** [REDACTED]  
**Subject:** RE: Discussion paper: Small Business Commissioner

Thanks for your email. Would you have time for a call this afternoon to discuss the process?

Best wishes,

[REDACTED]  
[REDACTED] Business to Business Team  
Department for Business, Innovation and Skills (BIS)

1 Victoria Street, London SW1H 0ET

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for Business  
Innovation & Skills

---

**From:** [REDACTED] [detini.gsi.gov.uk](mailto:detini.gsi.gov.uk)

**Sent:** 29 July 2015 11:16

**To:** [REDACTED] (BIS)

**Cc:** [REDACTED] (DET)

**Subject:** RE: Discussion paper: Small Business Commissioner

[REDACTED]

Thanks again for giving us early sight of the discussion paper – we are currently considering a response and we will keep you informed.

We have had previous involvement with UK-wide legislation on company law, most recently the SBEE Bill. On those occasions, we agreed that BIS would consult UK-wide on any policy proposals/draft legislation, and we would provide contact details for NI-based stakeholders which BIS could include in those consultations.

Are you content that we proceed on that basis for this discussion paper, assuming that a formal consultation will ensue from the outcome?

Many thanks

[REDACTED]  
Company Law  
Department of Enterprise, Trade & Investment  
Netherleigh  
Massey Avenue  
Belfast, BT4 2JP  
Tel: [REDACTED]  
Text: [REDACTED]  
Web: [www.detini.gov.uk](http://www.detini.gov.uk)

**Please consider the environment - do you really need to print this e-mail?**

---

**From:** [REDACTED] [@bis.gsi.gov.uk](mailto:@bis.gsi.gov.uk)

**Sent:** 24 July 2015 17:28

**To:** [REDACTED] (DET)



Cc: [REDACTED]  
Subject: Discussion paper: Small Business Commissioner

(OFF)

Dear [REDACTED]

Thank you for the useful discussion earlier. As you know, creating a Small Business Conciliation Service was a manifesto commitment. We have decided to give this new service the working title of "Small Business Commissioner" to reflect its proposed remit which will include mediation and a complaints handling service as well as conciliation. The Government announced its intention to bring forward the necessary legislation this Parliamentary session in the Queen's Speech. This will form part of the forthcoming Enterprise Bill, which we expect to introduce in the autumn, when Parliamentary time allows.

On Sunday we will publish a discussion paper to seek further evidence of the issues and sets out proposals for addressing these via a Small Business Commissioner. We propose that the Commissioner should have the remit to cover disputes over late payment and other supply chain contractual disputes including pre-contract, contractual and variation issues. We are seeking views on the service playing a role in resolving disputes where a small business is the complainant.

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- *Dealing with complaints*

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I attach the discussion paper with this email. This document is under embargo until Sunday, so please do not share this document more widely. I also attach a letter sent from our Minister, Anna Soubry, to Martin McGuinness and Peter Robinson.

We look forward to working closely with you over the coming weeks and months to ensure that this policy can work fully in a devolved context. I'll be in touch next week to discuss next steps.

In the meantime, please do not hesitate to get in contact if you have any questions or queries.

Best wishes,

[REDACTED]  
Business to Business Team  
Department for Business, Innovation and Skills (BIS)

[REDACTED]

---

**From:** [REDACTED]@detini.gov.uk]  
**Sent:** 31 July 2015 15:42  
**Attachments:** Submission to Minister SBCS Letter from Anna Soubry MP.DOCX

[REDACTED]

As discussed please find attached submission to our Minister to advise re the discussion paper issued by BIS on the Small Business Commissioner.

As advised it is still very early in the process to know exactly what will come out of this and who it will sit with.

The discussion paper will be followed up by a consultation on the proposed policy way forward.

We have provided BIS with a list of organisations who may have an interest in the consultation process. You may wish to contact them directly regarding anyone you think should be included.

Regards

[REDACTED]

From: [REDACTED]

Date: 31 July 2015

cc: Copy distribution list below

To: 1. Timothy Cairns  
2. Jonathan Bell MLA

## **SMALL BUSINESS CONCILIATION SERVICE – DISCUSSION PAPER**

<b>Issue:</b>	The Department for Business, Innovation and Skills has published a discussion paper (attached at Annex A) on the creation of a Small Business Conciliation Service ("SBCS"). Anna Soubry MP wrote to FM and dFM on 24 July (see Annex B) to inform the NI Executive of BIS's plans to include measures in the forthcoming Enterprise Bill which will create the SBCS.
<b>Timing:</b>	Routine – for information only.
<b>Executive Committee Referral:</b>	Not applicable.
<b>PFG Implications:</b>	None
<b>Presentational Issues:</b>	May be of interest to local stakeholders including trade bodies such as the Federation of Small Businesses
<b>FOI Implications:</b>	Fully disclosable.
<b>Financial Implications:</b>	None.
<b>Legislation Implications:</b>	None
<b>Statutory Equality Obligations:</b>	Not applicable.
<b>Recommendation:</b>	That you note the attached letter and discussion paper.

## **BACKGROUND**

1. UK Government has made a commitment to address concerns around small businesses' ability to resolve issues with large corporations. The Department for Business, Innovation and Skills ("BIS") has suggested that some smaller firms suffer because of an imbalance in bargaining power when dealing with larger businesses. These issues can put them under additional pressure, limiting their opportunity for growth, and in some circumstances, putting their business at risk.
2. Previously, a Legislative Consent Motion was agreed by the Assembly for the Small Business, Enterprise and Employment ("SBEE") Bill which was passed by the last Parliament. One of the key measures of that Bill to which the Assembly agreed was

to allow the Secretary of State (for Business, Innovation and Skills and President of the Board of Trade) to introduce a new reporting requirement on large companies and public companies to report on their payment practices and policies.

3. Creating a Small Business Conciliation Service was a manifesto commitment for the present Government. BIS has given this new service the working title of "Small Business Commissioner" to reflect its proposed remit which will include mediation and a complaint handling service as well as conciliation. UK Government announced its intention to bring forward the necessary legislation this Parliamentary session in the Queen's Speech. This is planned as part of the forthcoming Enterprise Bill, which is due to be introduced in the autumn, subject to Parliamentary time constraints.
4. BIS state that establishing this new service will mean small businesses know where to turn when they are in dispute, or feel they are being treated unfairly. The proposed service will be given a remit to cover disputes about payment and other contractual supply chain disputes.

## **DISCUSSION PAPER**

5. The discussion paper seeks further evidence of the issues and sets out proposals for addressing these via a Small Business Commissioner. BIS propose that the Commissioner should have the remit to cover disputes over late payment and other supply chain contractual disputes including pre-contractual, contractual and variation issues. The proposed commissioner would have key functions such as provision of guidance, dispute resolution through mediation, and complaint handling.
6. BIS has designed the proposed SBCS to complement other existing resolution services. In doing so it will build on the current package of measures – forthcoming transparency reforms and the strengthened Prompt Payment Code - to drive a long lasting and wide reaching change in UK payment culture and behaviour. The discussion paper proposes some solutions, and seeks answers to some questions on the issues small businesses are experiencing and the likely impact of the proposals.

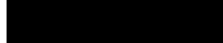
## **NEXT STEPS**

7. BIS officials have been in contact with DETI officials to explore the impact of the proposals on Northern Ireland. This will be in the context of the planned Enterprise Bill, scheduled for late 2015. DETI officials are continuing to work closely with their BIS counterparts to ensure that any necessary steps for the NI devolved administration are identified at an early stage, and actioned as appropriate.



## **RECOMMENDATION**

8. That you note the attached letter and discussion paper and agree to DETI officials continuing to work with BIS to identify the most appropriate next steps.

  
  
**Business Regulation Division**

E-mail:  [detini.gov.uk](mailto:detini.gov.uk)

### **Distribution List:**

  
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**ANNEX A – BIS DISCUSSION PAPER (ATTACHED SEPARATELY)**

**ANNEX B – LETTER FROM ANNA SOUBRY MP TO PETER ROBINSON AND MARTIN McGUINNESS (ATTACHED SEPARATELY)**

[REDACTED]  
From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [REDACTED]

---

From: [REDACTED] [bis.gsi.gov.uk]  
Sent: 31 July 2015 16:56  
To: [REDACTED]  
Subject: RE: DETI Consultation List

(BIS & DETI)

[REDACTED]  
I've shared the consultation with the relevant bodies on the list.

With thanks,  
[REDACTED]

---

From: [REDACTED] (BIS)  
Sent: 31 July 2015 15:36  
To: [REDACTED]  
Subject: RE: DETI Consultation List

(DET & BIS)

Thanks [REDACTED]

[REDACTED] can you please action a mailout to the stakeholders we have email addresses for?

Best wishes,  
[REDACTED]

[REDACTED] Business to Business Team  
Department for Business, Innovation and Skills (BIS)

[REDACTED] | 1 Victoria Street, London SW1H 0ET

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Department  
for Business  
Innovation & Skills

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From: [REDACTED] [detini.gsi.gov.uk]  
Sent: 31 July 2015 11:47  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: DETI Consultation List

(BIS)

(DETI)

[REDACTED]

Please see attached the lists of consultees/stakeholders with whom DETI usually share statutory consultations under the Northern Ireland Act 1998.

These lists may be supplemented by further lists of stakeholders and interested parties, however the attached should provide a starting point for BIS to consider consultation. I am trying to source some further contacts which I will forward as soon as possible.

Regards

[REDACTED]

Company Law  
Department of Enterprise, Trade & Investment  
Netherleigh  
Massey Avenue  
Belfast, BT4 2JP  
Tel: [REDACTED]  
Tex: [REDACTED]  
Web: [www.detini.gov.uk](http://www.detini.gov.uk)

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