



Northern Ireland  
Assembly

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**COMMITTEE  
FOR EDUCATION**

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**OFFICIAL REPORT**  
(Hansard)

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**Next Steps for Education**

27 September 2011

**NORTHERN IRELAND ASSEMBLY**

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FOR EDUCATION**

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**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Mr David McNarry (Deputy Chairperson)  
Ms Michaela Boyle  
Mr Jonathan Craig  
Mrs Jo-Anne Dobson  
Mr Phil Flanagan  
Mrs Brenda Hale  
Mr Trevor Lunn  
Mr Conall McDevitt  
Miss Michelle McIlveen

**Witnesses:**

Mr John O'Dowd	)	The Minister of Education
Mr Adrian Arbuthnot	)	
Mrs Katrina Godfrey	)	Department of Education
Mr Diarmuid McLean	)	
Mr Paul Sweeney	)	

**The Chairperson:**

Minister, you are very welcome again. We appreciate that you have taken the time, and very quickly agreed, to come to the Committee so soon after making your statement. I also place on record our appreciation and thanks for the brief that you gave to me and the Deputy Chairperson

prior to the announcement in the House yesterday.

I welcome the permanent secretary and the other officials from the Department — Paul, Diarmuid, Katrina and Adrian. You are very welcome. I am sure that, at some stage, there will be questions for Diarmuid; he is always very popular when he comes to the Committee to talk about capital. Members, the Minister has indicated that he does not intend to make an opening statement. Is that correct?

**Mr O’Dowd (The Minister of Education):**

Given the time that we have, rather than repeat the statement, it would be useful to go to questions.

**The Chairperson:**

So, we will discuss the statement as it is.

Minister, as we said, yesterday was a very important day for the Assembly. There has been considerable media attention on your statement. Perhaps I could commence by trying to tease out one issue. One Committee member — Conall McDevitt — referred to this issue in the House yesterday, and he will probably come to it at some stage. The conclusion that you came to in your statement is that, at the end of this Assembly mandate, there will be fewer schools than are currently in the school estate. That would, obviously, lead to fewer teachers and staff, both teaching and non-teaching.

From your time as a member of the Education Committee, you will recall that, as part of the proposals to rationalise under the review of public administration (RPA), we looked at an invest-to-save policy for taking 400-plus people out of administration. If I remember correctly, £50 million was being put into the budget for an invest-to-save scheme to release 420 people. Apart from changes to the common funding formula that you announced and the review of that formula that will now take place, what assessment has the Department made of the cost of such a policy? We had this figure that was the equivalent of 150 schools. If you extrapolate that, you could be talking about taking 1,000 people out of the system, and if you use the same figures as the invest-to-save scheme, that could mean that £150 million would be needed simply to allow those people

to leave the system. Yesterday, however, there was no indication of any of that in the statement. What work has the Department done to give us clarity on that issue?

**Mr O’Dowd:**

First, we will have fewer schools in the system by the end of this Assembly term. However, we will have the same number of pupils requiring education services. So, it is not a matter of using a simple equation that says that X number of schools or X number of teachers will go. Pressures were bearing down on the education budget in any case. I had asked that schools return their three-year plans earlier than had previously been envisaged. My Department is going through those reports and the reports from the boards and monitoring authorities on the implications of the budget on school finances and staffing measures. Once that work is complete and once we have the initial reports from the boards and the Council for Catholic Maintained Schools (CCMS), we will be better placed to estimate the cost of any redundancy packages that may come forward. There will be redundancy packages; the question is to the extent of those and the extent to which we can afford to pay for them. Knowing that will allow me and my officials to plan better into the future to determine exactly how much we need for redundancies.

As you said, £50 million has been set aside this year. We have contingencies for future years, because we realise that the reduction in finances going into education will, in turn, lead to a reduction in staff numbers. We will continue to plan forward as best we can, but we need the three-year plan assessment for school plans done and we need to look at the work that CCMS and the boards are doing so that we know exactly what numbers are involved. However, we should not equate the 150 schools, which is the number used for the 85,000 empty school desks, with X number of teachers and staff losing their jobs. The same number of pupils will require education.

**The Chairperson:**

Minister, you used the word “contingency”. Many people will probably argue, and this goes back to a discussion that I think we had with some of the officials last week, that it would seem that we are taking a financial implement to address policy issues. The financial situation in which schools now find themselves will be the determining factor as to whether they will survive, given that we know that we have a deficit of £10 million-plus in our schools. However, I can see no contingency in your budget that will allow you to draw on a particular budget head that has £150

million or £100 million available. Is there another resource head available to the Department that we have not yet been able to discover?

**Mr O'Dowd:**

No. Any invest-to-save costings will have to come out of the current budget. The reality is that, regardless of whether I made my announcement yesterday and we did not have a planned way forward, we would have unplanned closures of schools that would not be based on area-based planning, the needs of future planning or the entitlement framework. In fact, if I had not made that announcement yesterday, that would be my view. Any investing for savings that I have to establish will be in my current budget. I will be able to return to the Executive and seek further funds. I am not suggesting that further funds are available, but clearly, if the scale of redundancies exceeds my Department's ability to absorb them, I will have to return to the Executive with that matter.

**The Chairperson:**

I want to get to members for questions as quickly as possible, but I have two quick questions to ask. I do not want to go down the road of any of the issues to do with the rights or wrongs of the establishment of the Education and Skills Authority (ESA), but we have spent £10 million-plus on the Education and Skills Authority implementation team. What role will that team have, if any, in the work that you are commissioning with the CCMS and the education and library boards (ELB)?

**Mr O'Dowd:**

None directly. The boards and the CCMS are taking the lead on this in conjunction and in consultation with the other sectors. They are the statutory authorities in this matter, and I have asked them to conduct that work. Clearly, if there is any research that is pertinent to the task, I think that it should be made available, but the boards and the CCMS are taking the lead in conjunction with the other sectors.

**The Chairperson:**

I have one final question at this stage. I understand that the Department has lost its appeal in the High Court against the Loreto Grammar School situation. Where does that leave us with the

capital and Lisanelly issue?

**Mr O'Dowd:**

For clarification, are you referring to the case known as the Henry Brothers case?

**The Chairperson:**

Yes.

**Mr O'Dowd:**

Neither I nor my colleagues have had a chance to study the judgement yet. Once we study the judgement, we will be in a better position to inform the Committee of our views on the way forward. If the Chair and the Committee give us a chance just to study the judgement, I know that the Committee will be given a full briefing on it.

**Mr McNarry:**

Thank you. I have two questions to ask: one short one and another that is not so short. When you first attended our Committee as Minister, I welcomed you and said that I hoped to work with you during your time in office. That still stands, although it will come as no surprise that your statement has caused me a bit of concern. Nevertheless, I hope that we will work through that. How closely will you work with parties, particularly on the idea of a commission? Will parties be given details of the agenda, the criteria that they will work to and the reporting mechanisms that will be in place?

I am also concerned and worried about the independence of the commission, particularly given what looks like a directive that the commission exercise will be steered by detailed guidance from your own departmental officials, to use your words. I find that incredible. What type of steering are you thinking of? Will your officials hand out pre-meeting guidance to the commission when it meets? You have to acknowledge that there will be suspicions that it will be a case of intervention, with officials saying to the commission, "Hang on. You are not going the way that we want you to go. Here is the way that you should be going." Is that the type of steering guidance that is in mind?

On that point, I think that you share my view that independence of the commission is a basic issue. Do you not think that the independence of the commission would protect it from the accusation that it is open to interference from your own officials? I am not making that accusation, but it is liable to be made in the not too distant future

**Mr O'Dowd:**

Although I accept that we are a fledgling democracy, we are a democracy. We have come through the political agreements, and we have come through the elections. These bodies have been established through those elections. The Committee is based on statute, the Assembly is based on statute, and my role as a Minister is based on statute. All that was formed through the democratic process. I accept that there is a measure of independence, but there has to be a measure of authority. A Minister has to have the authority to —

**Mr McNarry:**

If you do not mind me interrupting you, you are abdicating authority in this, and you abdicated authority in what you said yesterday. You are saying, "It is up to the commission, it will report back to me, and I will act then". I think that you are now saying that you already have some preconceived notion of what it will report back to you.

**Mr O'Dowd:**

No. I used my authority to establish the boards and the Catholic commission's working together to bring forward viable options for schools and then to work towards area planning. Your concern is whether there will be interference from my Department. It depends on what you mean by interference. They will certainly work under terms of reference, and I will share those with the Committee and they will be open to scrutiny.

In the longer term, there is value in sitting down with the boards and the commission and discussing the area planning terms of reference, because there is substantial expertise in those bodies, and I want to make sure that they work under the right remit. However, the first terms of reference and the timescale of that work dictates that they will be issued. So, that will all be shared. I will not interfere in the body's day-to-day work, but I will want to ensure that any report that comes back to me is radical and fit for purpose. I am not interested in reports that

suggest that we need to think about something further or that perhaps we should do something; I want to know what we are going to do or that the proposals are about what we should do. Clearly, it is a definitive, time-restrained piece of work. The boards and the Catholic commission will carry it out in conjunction with the other sectors, and they will report back to me. Those reports and any indication of a change to a school's status will have to go through the development proposals, which are open to public consultation. Again, that is further scrutiny. When we reach the stage of area planning, the area plans will have to go out to public consultation, which, again, is further scrutiny from the general public.

So, all decision-making processes in this matter, and, indeed, how the decisions are reached, will be open and transparent. Will they please everybody? I suspect not. However, as long as I am sure that the decisions that I make are necessary, I will make them. I am open to scrutiny from this body and the full Assembly. That is how our democratic process works, and I will work it.

**Mr McNarry:**

Thank you, Minister, for clarifying that you will keep us informed on the agenda, criteria and reporting mechanism. I am very happy with that. Sometimes, advice is given to be taken. You said clearly that the commission exercise will be steered by detailed guidance from your departmental officials. That worries me, and I think that it worries a substantial number of MLAs as well. Maybe you will redefine exactly what that detailed guidance will be.

**Mr O'Dowd:**

As I said, the terms of reference will be shared with the Committee. If I set up a body that reported back to this Committee or the Assembly that it did not work to any detailed guidance, I suspect that you, quite rightly, would say that that body, in fairness, does not know what it is doing because I did not give it any detailed guidance. It is about how we read into the language that we use and what emphasis we wish to put on certain terms and words that we use. It is surely good practice to give a body that you have established detailed guidance on the way forward. The policies against which it will operate have been in the public domain for some time. They include the sustainable schools policy, the Every School a Good School policy and the entitlement framework and so forth. They are open to public scrutiny, people know how they



work, and they will be able to judge the findings and the reports of the body against those as well.

**Mr McNarry:**

I read into what you have said only because I am a member of this scrutiny Committee and I am here to scrutinise. I am naturally suspicious anyhow. However, I thank you for that.

I understand that the Executive are close to an agreement on a Programme for Government (PFG). What will you ask to be included in the PFG for your Department?

**Mr O'Dowd:**

It is not only the Executive who are working on the Programme for Government; it has now been sent out to all Executive members and party leaders. On behalf of the Office of the First Minister and deputy First Minister (OFMDFM) yesterday in the House, I emphasised the need for political parties and leaders to take ownership of it. I will make public my contribution to and my aims in the Programme for Government in due course. I have not yet finalised them, but they will be made public in due course.

Clearly, I want to ensure that we continue to drive towards raising standards in our education system. I want to praise all that is good and challenge all that is bad. Those are the main headings under which I will be working. I want to see RPA achieved in education. I want to see that as a goal in our education system. I want to modernise the management of how we deliver our education system here. Those will be the main headlines. However, the Programme for Government is at an early stage of development, and my Department, along with other Departments, has been asked for feedback on it. I will be involved in that feedback, and that information will be made available to the Committee.

**Mr McNarry:**

Are you saying that, if the Programme for Government comes through in a matter of weeks, which we hope will be the case, basically, the import and content of the plans that you put forward yesterday will not be able to be included in the PFG?

**Mr O'Dowd:**

The PFG is a more strategic document than the minutiae of every decision that a Department makes.

**Mr McNarry:**

This is quite a strategic statement that you made.

**Mr O'Dowd:**

The strategic statement I made fits in with the Programme for Government that we are currently working in, that is, that we have to deliver an effective, efficient Administration and Government to the people whom we serve. I believe that that fits in with the strategic aims of the Programme for Government that we are currently working in, and I have no doubt that it will fit in under the next Programme for Government that we will work in, because the aims and objectives, I assume, of all the parties sitting around the Executive table and in the Assembly are to serve the communities as best we can.

**The Chairperson:**

Before we go to Michelle, I would like clarification on one concern. If we look at the resource allocation plans that we had and the tennis court scenario, albeit that you are unlike your predecessor and do not play tennis, but the resource allocations went back and forward between education and library boards until some boards just decided to sign it off anyway, and they have signed off on something that they believe they cannot even deliver. Following on from what the vice-chairperson said, is there a risk that we could end up in the same position with regard to the work that is being commissioned by yourself and the Department via the ELBs and CCMS?

**Mr O'Dowd:**

I have worked with education and library boards for a long time, but I have never found them to be pushovers. Therefore, I do not believe that they just signed off on resource plans because I kept hounding them. They also have a statutory duty to sign off on resource plans that are deliverable. Therefore, I sincerely hope that no board has returned a resource plan to me that it believes in its hearts of hearts it cannot deliver. Boards have a statutory responsibility to deliver those plans.

With regard to my statement yesterday, one of the reasons why we moved on the resource plans was to ensure that we are spending our limited resources as effectively and efficiently as possible. Any savings generated from the outworkings of this will be ploughed back into education. They will not be shipped off somewhere else; they will go back into education. It will also allow me to go back to my Executive colleagues in a more determined fashion in the later years of the Budget and inform them that I have taken the necessary decisions on the budget but that I now require further Executive assistance if possible. Quite rightly, if an Executive Minister were to come back to the Executive, I would be asking what measures they have taken. This is part of a process of moving towards possibly year three of our Executive and saying that we in the Department of Education have re-profiled our budget and our schools estate. Hopefully, by that stage, the RPA in education will be in play, and we will say that we have done everything that we can but that we need an injection of cash into education, if that argument still stacks up at that time.

**Miss M McIlveen:**

Yesterday, Minister, when you spoke about the viability of schools, you mentioned it not only in the context of pupil numbers and finance but in that of school leadership and educational attainment. The latter is clearly the remit of the Education and Training Inspectorate (ETI), so when you ask the boards to carry out their viability audit, and they, in turn, ask for the required information of the ETI, are you confident that, first, they have the manpower to do this, and, secondly, that they will be able to provide the necessary information in the timescales that you require?

**Mr O'Dowd:**

The viability audit, I suspect, will focus on schools that are already known to the boards and managing authorities on the basis of both their work with the sectors and of previous reports and information fed back to them by the Education and Training Inspectorate. A lot of the information will be available for the viability audit. In one sense, education is a very small family, and information spreads through it quickly, but I want them to work on detailed information.

As to my statement and proposals, the Education and Training Inspectorate has been aware of my thinking on the issue for a considerable period of time, and it was involved in the discussions over the summer months on how we move this forward. If it does come to light that the Education and Training Inspectorate needs further support and we run into a situation whereby further information needs to be clarified or obtained and the inspectorate needs support, there is an onus on the Department to offer that support in whatever way it can.

**Miss M McIlveen:**

You also mentioned proposals for additional measures to strengthen the governance of schools, and you talked about examining how to broaden and strengthen the existing inspection process. Do you know what your plans are at this stage where that is concerned?

**Mr O'Dowd:**

That is specifically about the inspectorate going into a school and identifying, through that inspection, that the education in the school is so unsatisfactory that it requires a viability audit. That process is already in Every School a Good School. It has not yet been acted on, and I am now moving to ensure that it is acted on. Therefore, it is currently in the policy, and I am now telling the inspectorate that I want that option to be used and used vigorously. Once a viability audit has been carried out on that school, the inspectorate may look at various ways of supporting it, whether that is through the introduction of management to support the existing management, the replacement of the existing management, supporting or replacing the board of governors or, in certain cases, the closure of the school. Closing a school may mean that the shutters are pulled down on the building or that the existing school is closed down and re-opened under new management and a new image.

**Miss M McIlveen:**

The Deputy Chairperson mentioned timescales, but I am conscious that, in my own constituency, the previous Minister took considerable time deliberating over some business proposals. Obviously, you plan to do that at a greater pace.

**Mr O'Dowd:**

Each development proposal deserves its own time and study. You need to give everyone their

due statutory right for their proposals to be fully considered, and I will do that. I am saying that I have instructed the inspectorate to use the further option that it has, and, given that the inspectorate will use that only in extreme circumstances, when such an option such comes before me I am duty-bound to act quickly, whatever the decision may be. There are clearly serious difficulties with a school if the inspectorate gives me a damning report about it, and, in my opinion, the education of the children attending that school requires an efficient process of decision-making over a not long period of time. However, I must give people their due regard and make an informed decision.

**Miss M McIlveen:**

Thank you. Finally, when do you plan to meet the trade unions?

**Mr O'Dowd:**

My officials briefed the trade unions and the other sectors yesterday, and I met with the trade unions again today. That was a planned meeting that had been in the diary for some time, and during it the unions expressed their views on my statement and called for further information on the statement and its outworkings. Those discussions will continue. Clearly, this will have an impact on staff, and, as staff representatives, the trade unions will want to be kept informed.

**The Chairperson:**

Can we please keep moving to make sure that everyone gets in?

**Mr Craig:**

I am saying nothing.

Minister, I can make out from your statement yesterday that you outlined your way forward on how we will handle the downturn in the school estate over the next number of years. What is your opinion of recent announcements of school closures that were outside the plan? Those closures were planned without any area plan being in existence for the area where the schools are situated. Those closures were also unfortunately not looked at through the criteria that you clearly outlined in your statement, but were simply the result of a numbers game.

**Mr O’Dowd:**

In any of the development proposals that have come across my desk in the short period of time that I have been in office, I am satisfied that the right decision to close schools was made. Each development proposal looks at the unique circumstances of a school. Currently, they look at the sustainable schools model. They go through that process with regard to enrolment figures, linkages with community, leadership, etc. It is unfortunate that a number of the cases I am dealing with involve schools that, in my opinion, should have been closed a number of years ago. The development proposals should have been brought forward much earlier in the process.

I can understand, to a certain degree, why managing authorities have been reluctant to do that. My statement yesterday was as much about giving political cover and authority to managing authorities to move much quicker in schools they have identified as being under stress or pressure, as it was about anything else. The outcome of that may be that schools receive support or that they are closed.

The basis of yesterday’s statement was not how many schools I can close between now and the end of the Assembly term; it was about how to create a sustainable schools estate in a sustainable educational environment. That is the basis upon which I made the statement yesterday. I can understand, to a certain degree, the focus of the media and others on school closures, because, clearly, it can be an emotive issue. When we reach the stage of closing a school, it has to be the right decision. That is my opinion, and I believe that we have the policies upon which we can make the right decision.

**Mr Craig:**

Minister, do you believe that you can make a rational decision with regard to a school closure without an area-based plan being in situ?

**Mr O’Dowd:**

Yes.

**Mr Craig:**

The area-based plan has not taken place, due to the whole argument over ESA.

**Mr O'Dowd:**

I believe we can. I believe that there are a number of schools on the horizon that require immediate intervention, and, as I said, there are a number of options around that intervention. So I believe that the current viability of a number of schools needs to be examined quickly and needs to be brought forward quicker. The boards and CCMS are also aware of the area-planning project, and that should be a factor in their thinking. If, at this stage, an unviable proposal comes forward to me on the future of a school, I will wonder how that school will fit into a future area plan. One of the reasons why a school becomes unviable, and probably the most defining reason, is that parents, teachers and pupils have lost confidence in it, and the numbers are falling rapidly. You wonder how such schools have a future with regard to area planning. In some instances, they may well have, but I want the viability audit carried out on all the policies we have before us. The boards and the CCMS know their areas and their schools estate, and they know the lay of the land. I want them to come back to me with informed proposals, and I will make the decision.

**Mr Craig:**

Minister, I keep coming back to this, but that viability audit has not necessarily been done for some of the estate that is going out to consultation with regard to closure at this time. Is that acceptable? The reasons being given are simple. They are saying that the numbers do not stack up, it does not stack up financially and we are going to close the school. We are all sitting here talking about Dunmurry High School; I am not going to hide it. When I look through the list, I find it remarkable to see dozens of schools with intake figures that are way below those of that school. How does it stack up compared with other schools?

**Mr O'Dowd:**

I am not going to talk about any individual school, but I will speak on the broader principles of each case. Any development proposal that comes to me in the current climate or which has already been set in train is based on the sustainable schools policy and the Every School a Good School policy, and it will be subject to forward planning about how it will deliver future educational provision. I am not talking about any individual school, but the educational attainment of a number of schools is dreadful. They have lost the confidence of the community they serve. In some cases, demographic change and population shifts have meant that the school is in the wrong place, through no fault of the senior management or the teachers in the school. It

is in the wrong place, and its history is coming to an end. To leave those schools for a prolonged period or any longer is a mistake, because, given their nature, history, educational attainment and financial situation, there is no future for some of them. If, after studying a development proposal and the information that is laid before me, I come to the decision that the right thing to do is close the school, then, I believe, the right thing to do is to close the school.

**Mr Lunn:**

Straight away, Minister, let me say that we all have concerns about the statement but there is an awful lot in it to be welcomed. In particular, I welcome the momentum and impetus that you intend to give to the various processes. I hope it works for you.

Yesterday, I asked you what would happen if the boards and CCMS came up with a proposal. You answered by stating that, if they put a proposal to you to amalgamate two schools — one from each sector — you would accept it. I have never seen such a proposal, so what worries me, and I think it is more likely, is what will happen if the obvious solution is one that they, particularly CCMS, cannot stomach. What will you do in those situations? If the obvious solution is an amalgamation of two schools, one from each sector, but they cannot bring themselves to say that, will you be able to overrule them? Is there scope in this for you to overrule them?

**Mr O'Dowd:**

I do not want to start overruling plans that I have not seen. The terms of reference will refer to the sharing of the schools estate and facilities. Indeed, they will point towards the cross-sectoral amalgamation of schools. Parental choice continues in our system. Maybe your party is of the view that parental choice should be redefined, reshaped or done away with. However, the majority of parties favour parental choice. If we have parental choice, parents will choose from the menu of schools that we have.

There is a different way of delivering that parental choice. I believe that the separate ethos of each of a variety of sectors can be protected on the one site in a single school, where whatever format people choose to be educated in can be ingrained. There are examples of similar schools in Scotland and England, and I have no doubt that, if we look, we will see examples in Europe.



So it can be done. Through my terms of reference, I will actively encourage the sectors to do that. I have spoken at length about future estate planning at accountability meetings of the boards and CCMS, and they are aware of my views. I think that the methods that I set out in my statement will allow a proactive approach to be taken to the greatest ever sharing and integration of schools.

**Mr Lunn:**

I am glad that you mentioned parental choice. In the statement to the House, you said that the guidance from your Department:

“will make it clear that plans should allow for popular, oversubscribed schools to grow further.”

That is great news. It will be particularly good news for the integrated sector, which has been constantly held back in its development even though its schools are popular, successful and oversubscribed.

A private Member’s motion passed by the previous Assembly brought the word “encouragement” into the equation to replace “facilitation”. Are you totally committed to allowing integrated schools to mature and expand in the same way as other schools, given the infrastructural development restrictions that are placed on them, sometimes by budgetary considerations?

**Mr O’Dowd:**

Regardless of its area or background, I will look at any popular school that seeks to expand. Such schools are popular because parents want their children to attend them. Their educational results, leadership in the classroom and from the principal’s office, and their management have brought them to that point.

At the end of each summer, but particularly this summer, I was lobbied on the issue of how we decide on the number of pupils to be allowed into each school. Teachers and principals come to me and, rightly, say, “Look, it’s a good school; why not let them in?” However, we have to take a broad look at how that would affect the rest of the schools in that area. As I said in my statement, popular schools should be allowed to expand on the basis set out in my statement.

**Mr McDevitt:**

Good afternoon, Minister. Had you not been facing significant cuts, would you have made yesterday's statement?

**Mr O'Dowd:**

Yes.

**Mr McDevitt:**

You answered colleagues yesterday by saying that since the previous review, for example, on the investment delivery plan (IDP):

“£400 million has been cut from our capital programme by the British Government. I can proceed with my head in the sand and ignore that fact, or I can plan and move forward with that reality in the back of my mind.”

Yesterday, in the House, you said that you were guided on much of the structure of your statement by the cutbacks.

**Mr O'Dowd:**

No. That is not implied, even from what you have read out from the Hansard report. There were a number of factors to my statement, which, as I said, is based on sustainable schools and a sustainable educational environment.

The majority of the policies that I am using date back to 2006 right through to 2010, particularly the Bain report. I have not heard any party say that the Bain report is wrong. In fact, for many years, we have been told to act on the Bain report. Therefore, sustainable schools deployment has to be carried out to allow proper education to take place with the numbers required in a modern education sector. The capital build programme is an aside to that in the sense that we have lost over £400 million as a direct result of cuts by the British Government. That is a fact. I could continue and tell schools on whatever list they are on that I will get round to building them some day and continue to issue statements to that effect, or I can face the reality and say we will not be able to build them all.

**Mr McDevitt:**

So, do you have the budget to pay every teacher currently employed in a school in the North of Ireland for the next four years?

**Mr O'Dowd:**

No.

**Mr McDevitt:**

So cutbacks are a factor.

**Mr O'Dowd:**

What point are we trying to make? If I was sitting with a budget and an alternative workable budget had been brought forward, you would have a point in criticising me. However, if we want to make political statements at this stage, let us make them. The only proposal that your party brought forward was to scrap the social investment fund, which myself and Peter Robinson launched this morning and through which £80 million will be sent out to the community sector. Your proposal will scrap it.

**Mr McDevitt:**

I was actually asking about the education budget.

**Mr O'Dowd:**

We are making political statements, Conall, so let us not dance around each other. We do not have all day. You are trying to make a political point that, in some way, I am implementing Tory cuts. I will tell you what I am implementing: I am implementing policies made here in this Assembly by local politicians, and I will oversee an education system delivered by local politicians that will be effective and efficient into the 21st century.

**Mr McDevitt:**

Let me ask you a question on a policy level. If those policies have been around since 2006 and if viability audits have been an option available to your Department for some years, why do you have to instruct them to use them now?

**Mr O'Dowd:**

Because I believe there was reluctance — I understand some of the rationale behind it — among

the managing authorities to fully implement them.

**Mr McDevitt:**

Did your predecessor play any role in instructing that those policies should not be implemented?

**Mr O'Dowd:**

No.

**Mr McDevitt:**

So your predecessor was basically powerless in the face of the managing authorities —

**Mr O'Dowd:**

No.

**Mr McDevitt:**

— to get on with the policies that have been agreed by the Assembly?

**Mr O'Dowd:**

No. My predecessor had her period of work to complete in the Department of Education. I have come in to complete a different period of work in the Department of Education, and I am continuing to roll out the policies that have been put in place. Policies take time to develop. It can take up to six months or a year to develop a policy, bring it forward, consult on it and have it on the books. When I referred to policies from 2006, I meant the entitlement framework. The Bain report was in December 2006, and my colleague introduced the sustainable schools policy in 2008, and it has been worked on. I am saying that the managing authorities have to introduce much more rigour to those policies.

**Mr McDevitt:**

This is an important point, because we are trying to establish what the drivers are. It strikes me that, since the previous Minister has left office and this Minister has come into office, the financial situation has changed. Therefore, the fundamental driver behind your decisions at the moment — I am not trying to score political points, Minister; I am just trying to state a fact — is

the financial situation.

**Mr O'Dowd:**

No. You are trying to score political points. Let us remove that nonsense for a start.

**Mr McDevitt:**

No, I am not. I am trying to ask a straight question. It is the key difference.

**Mr O'Dowd:**

I will answer your question. The key difference is that we are now in a climate where I am saying to our managing authorities that sustainable schools are the way forward. The key difference is that 2013 and the entitlement framework is coming down the tracks at us. The entitlement framework is the overarching policy, and we need larger schools that are properly positioned to deliver it. The research has shown that larger schools provide better education for the students involved. I have not heard any education academic criticise the road that we are on. They may criticise how I deliver it, my mannerisms in delivering it, etc. However, no one of worth has said that the direction of travel is wrong.

**Mr McDevitt:**

OK. I have one final point; I will be very brief. Let us set aside the post-primary sector and the entitlement framework and talk about the primary sector. Under current criteria, how will you keep a school open on Rathlin?

**Mr O'Dowd:**

I am not going to get into specific schools.

**Mr McDevitt:**

How are you going to keep a school open in a rural community which, if it does not have a school, will lose its sense of identity and, possibly, its sense of community and even its possibility of operating as a community? How will you do that, given the restraints that you place around yourself financially and in policy terms?

**Mr O'Dowd:**

I have not placed any financial restraints around myself. The financial restraints were imposed upon us.

**Mr McDevitt:**

You said they were not a factor, so let us —

**Mr O'Dowd:**

They were imposed upon us.

**Mr McDevitt:**

You said they were not a factor, so —

**Mr O'Dowd:**

The £80 million that you were looking to take out of the social investment fund would not have —

**The Chairperson:**

Can we get back to the issue?

**Mr O'Dowd:**

OK. Yesterday, I invited the member to read the sustainable schools policy. It is a bulky document and perhaps he does not have time to read it, but I suggest he sits down and reads it. The sustainable schools policy is rural-proofed to take account of the needs of the rural community.

The member will note that the six criteria are quality educational experience; sustainable enrolment trends; sound financial position; strong leadership and management; accessibility, which is relevant to an island community; and strong links with the community. All those criteria go into the mix when we consider how to develop our schools. Rural communities deserve facilities and services. They also deserve proper education, not just a building.

I understand and am acutely aware of rural needs. I represent a rural constituency, and am from a rural background. I understand the rural community. I am not here to close rural schools; I am here to close schools that are no longer educationally sustainable. The first question any member needs to ask is: what is the quality of the educational experience for the young person in the classroom? It is not: do we have a building?

**Mr McDevitt:**

Minister, it remains to be seen whether you are going to close rural schools. What conversations have you had directly with the Minister of Agriculture and Rural Development, the Minister for Social Development, the Minister of the Environment and the Minister for Regional Development on the impact on communities of the inevitable outworking of this policy?

**Mr O'Dowd:**

The policy was developed with —

**Mr McDevitt:**

I am asking about the impact on communities.

**Mr O'Dowd:**

The policy was developed in conjunction with the rural sector, and after discussions with the previous Agriculture Minister and my predecessor. Catch up. The policy has been there for two years.

**Mr McDevitt:**

No one has implemented it.

**Mr O'Dowd:**

It has been implemented, but it has not been implemented radically enough. As of yesterday, it will be implemented more radically because all the educationalists of worth tell us that it is the right way to go.

**Mr McDevitt:**

But you have not had any conversations with —

**The Chairperson:**

OK. Can we —

**Mr O'Dowd:**

Why would I have a conversation on a policy that has already been developed? If I was being retrospective in my time in office, I would get nothing done.

**Mr McNarry:**

Can we have meetings that do not have the SDLP leadership or the presidential election at stake?

**The Chairperson:**

That is very interesting, but we need to move on.

**Mrs Dobson:**

Minister, I am sure that, on behalf of our constituents, we would all like to know exactly what will result in practical terms from the announcement yesterday. Does a list of at-risk schools, whose future may be in jeopardy following your statement of yesterday, exist in your Department or in any of the five education boards?

**Mr O'Dowd:**

No. The reason why I asked the boards and CCMS to conduct the work is to put in place a list of at-risk schools.

**Mrs Dobson:**

So a list does not currently exist?

**Mr McNarry:**

Can I just ask a quick supplementary question on that issue?



**The Chairperson:**

If your colleague is happy with that.

**Mrs Dobson:**

Yes.

**Mr McNarry:**

Are you saying that the boards have not already drawn up a list of closures because of the schools' serious maintenance unfitness?

**Mr O'Dowd:**

The boards have rightly kept their schools under review. They are very knowledgeable about their schools' estate and the quality of education in schools. They have an overview of the schools. However, there is no list in my Department, or that I am aware of in the boards, that refers to schools at risk.

I believe that, once the boards and CCMS sit around a table, they will very quickly be able to establish that list. However, I am not aware of one, nor do I have one.

**Mr McNarry:**

It would be very surprising if you were to learn that any number of your officials have a list.

**Mr O'Dowd:**

I believe that the Committee could go through my reports or policies, match them against schools and identify quite quickly the schools at risk.

**Mrs Dobson:**

To many anxious parents and pupils, it appears that, in striving for the next steps in education, many wrong turns were taken to bring us to where we are now. Eighty-five thousand spare school places did not suddenly build up overnight. When did the problem begin to become clear to your Department?

**Mr O'Dowd:**

It has been known since 2006 that we have too many schools. How far back do you want to go?

**Mrs Dobson:**

Why was that not acted upon?

**Mr O'Dowd:**

We have been acting on it, and that is why we have been bringing in a number of policies and why we have a sustainable schools policy, which has been consulted upon and discussed and is now Department of Education policy. There has been a slight, but not, in my opinion, dramatic rise in the number of schools that are being tackled under that policy, hence the reason for my statement. How far back do you want to go?

**Mrs Dobson:**

It just seems that 85,000 is a substantial number.

**Mr O'Dowd:**

It is a very substantial number. We have a declining population. School numbers are due to rise by 2016-17. There are demographic shifts and changes, and those factors are part of why school numbers are dropping. As I said to Mr McDevitt, I can be retrospective and look back, or I can look forward and say that we have the policies in place to find solutions. I am also open to other solutions, and that is what democracy is all about. It is easy to criticise, but it is much more difficult to come forward with a workable proposal. That comment is not necessarily directed at you, Mrs Dobson.

**Mr Craig:**

I want to come back to what the Deputy Chair said. I have become aware that, when schools fall below a certain intake level, they are no longer economically viable. At that point, there has to be an economic intervention by the Department to keep the doors open. A list of such schools is most definitely kept not only by the boards but by the Department. I strongly suspect that that is the list that will be looked at with regard to potential closure.

**Mr O'Dowd:**

Not necessarily. I am aware of some very large schools that are showing significant deficits. If you were to ask me whether those schools are required to go into the future, I would say that they are. Any school that is running a deficit has to inform its managing authority of that and why it is running that deficit. The managing authority then has a responsibility to monitor and assist the school in coming out of that deficit. Do not think that it is only small schools that are unviable; a number of schools that are significant in size have a deficit and, I believe, an educational future. In fact, I believe we need those schools for an educational future.

The boards and the Department will have lists of schools with various issues, including educational attainment, and there will be financial reports on schools, etc. However, there is no list of the schools that are at most risk. I want all of that information collated, and I want to use the local knowledge of the boards and CCMS and for them to tell me which schools are at risk, what they believe needs to happen and how they will continue the education of the young people.

**Mr McNarry:**

Do you believe him?

**Mr O'Dowd:**

With respect, Deputy Chair, are you accusing me of being a liar?

**Mr McNarry:**

I am accusing of you of not being up to scratch to do your job, if you are sitting there, barefaced, telling us that you are unaware of a list that might comprise a hit list. You actually directed us to where we might find it, and you said that your officials or anyone could find it if they were to go through it. Some of us have been doing this for some time, from when it was first announced that there were 50,000 empty seats. We have been looking at this since 35,000 empty seats ago.

**Mr O'Dowd:**

What have you been doing about it?

**Mr McNarry:**

How do you mean?

**Mr O'Dowd:**

Can you direct me towards policies that I could implement to solve the problem?

**Mr McNarry:**

Thank you for the invitation. I am glad to hear that you are open to that. They will be on your desk within a couple of weeks. I hope that you will be open to those policies, which will be an alternative to your statement.

**Mr O'Dowd:**

If those are workable and viable alternatives, you will find that my door is always open to such matters.

**Mr McNarry:**

You talked about a school that you know of that deserves to be saved. The problem, Minister, is that you are not telling us what schools those are.

**Mr O'Dowd:**

I think that it would be highly irresponsible of me, as Minister of Education, to start naming schools when I have tasked the boards and CCMS to go forward with it. I may be incompetent at my task, but I carry round in my head certain knowledge of my brief. I am aware of the state of a number of schools across the board. I take an overview of the school estate, which is only right and proper. I have been going through budgetary lines with my officials in recent days and weeks in preparation for my statement. Part of that has been looking at the financial position of a number of schools, indeed looking across our schools. I am waiting for the full report. I can assure you that I am not misleading the Committee when I say that there is no hit list for closure.

**Mr McNarry:**

I am not accusing you of being a liar; let me put that on the record. However, I have to convince at least 60% of the schools, the pupils, the teachers and the parents in my constituency that there

is not a hit list, because they believe that there is.

**Mr O’Dowd:**

Without lengthening the debate, I am a constituency MLA as well —

**Mr McNarry:**

Of course you are.

**Mr O’Dowd:**

The first thing that I will be asking any parent or teacher who approaches me is, “What is the educational quality and attainment of the children attending that school?” When I establish that, I will move on to the next stage of the debate. We should not be protecting institutions or simply protecting schools. Let us protect education, and from that will flow schools.

**Mr Flanagan:**

Minister, you are welcome. Thank you for coming to brief the Committee. It has been a useful debate. What is your opinion of the fact that you tasked the boards and CCMS to carry out a viability audit for you while CCMS has a plan that it hopes to publish in the near future? Have you had any discussions with CCMS about whether it will publish its plan or whether it will hold off until the audit is complete?

**Mr O’Dowd:**

The boards and CCMS were given finances to prepare their schools for the entitlement framework. The boards chose to use their finances in a certain way and CCMS chose to use its money to prepare a post-primary review. That work remains to be completed. However, I think that that work will assist it in going into the discussions with the boards on the way forward and what future its post-primary estate holds. I do not think that it necessarily gives them a fair advantage because I am of the view that the boards are very well informed of the current status of the schools in their estate. A lot of work and public money went into the report, and I hope that it will be published.

If CCMS went ahead and published the report in the absence of any work plan or any area

planning, what value would the report have, other than being a vision for the future? I believe that the mechanisms that I have set in place allow that plan to go into area-based discussions and out of that will flow product rather than simply being just another report on our education system.

**The Chairperson:**

Just on that point, Minister. The current status of how this operated in the past was CCMS on the one side and the boards on the other, and never the twain shall meet. You have rehearsed the classic problem that they have. You have the money that was spent by CCMS. It went on ahead and did a report and it paid no regard to or took any consideration of any other sector, and I know that from a school my own town in my consistency. It was all about that sector and it paid no regard to anything else. In the same legislation framework that we currently have, how are we going to get CCMS and the boards to bring you a plan that is comprehensive and all-encompassing?

This is the other key part: in the past five years, we have closed 31 controlled schools and had six amalgamations; and we have closed nine maintained schools and have had seven amalgamations. The controlled schools cannot take any more hits as regards a disproportionate closure. Clearly, if we continue with those two organisations not being able to come together to work, we are heading for a train wreck on the issue.

**Mr O'Dowd:**

I will not be looking at proposals based on doing a matching headcount with regard to controlled and maintained schools. I will be looking at proposals using an evidence base. That is the only way that I will be looking at them. I will not be doing a sectarian headcount one against the other. I asked both bodies to go into the same room and work on this at the same time to ensure that we achieve exactly what you have requested, which is that we have a plan that meets the needs of the controlled and the maintained sectors, and, indeed, the other sectors that we have out there. We want them to work in close conjunction with the other sectors and consult with them. So, there is an holistic plan coming forward to me. That will be the terms of reference, and that is the plan that I require them to come back with. I am not suggesting that it will be easy. I am sure that there will be lots of times when they will burn the midnight oil and have difficult and hard discussions in the room. However, I believe that that is the only way forward in planning for our

schools estate.

**The Chairperson:**

Do members have any other questions?

**Mr McDevitt:**

It is the obvious one, Minister: when will we see an ESA Bill?

**Mr O'Dowd:**

We will see an ESA Bill when I get political agreement.

**Mr McDevitt:**

When will you start the conversation to get that political agreement?

**Mr O'Dowd:**

I have never stopped the conversation. I can assure you that no representative who wants to talk to me about the ESA has been turned away from my door.

**Mr McDevitt:**

So, it is up to us to come to you with ideas about ESA?

**Mr O'Dowd:**

With respect, if you reflect back on the discussions before the establishment of the current Executive, you will remember that all the political parties around the table agreed that they would produce and submit papers and that whoever was in charge of the Department of Education would facilitate, and be open to, discussions. I have not turned away any Member of the Assembly or Minister in the Executive who wishes to discuss the review of public administration in education with me.

**The Chairperson:**

Minister, do you have to go soon?

**Mr O'Dowd:**

Yes, I do.

**The Chairperson:**

Trevor wants to come in, and then we will conclude.

**Mr Lunn:**

I just want to follow on from that point. To my mind, the ESA was all but agreed just prior to the establishment of the present Executive. I know that parties were asked to produce papers but failed to do so. However, is that really an excuse for not bringing forward another ESA Bill? You could wait for papers from the political parties until doomsday, but that is not the way that legislation is normally framed.

**Mr O'Dowd:**

There are several reasons why I want political agreement before I bring forward another ESA Bill. We cannot put staff in the education boards and managing authorities through that experience again. There are staff who are not sure about their futures, and I think that it would be unfair on them if we were to raise their hopes again by bringing forward a Bill and by taking that to a certain stage, only for parties to be parties and to turn round and say, "No, we cannot go any further". So, if we do not get agreement on an ESA Bill this time, I think that we will just have to move on without ESA.

**Mr Lunn:**

Could you instigate talks between the parties?

**Mr O'Dowd:**

I am open to all discussions.

**Mr Lunn:**

You are very keen to take initiatives.



**Mr McNarry:**

Set up a commission.

**Mr O'Dowd:**

The last thing that we need is a commission to deal with ESA. What we need is political agreement. If you look at the broader political picture over the past week or so, you will see that we have reached political agreement on several matters.

**Mr McDevitt:**

*[Interruption.]*

**Mr O'Dowd:**

Mr McDevitt, my door is open to any party that has proposals or wants to sit down and talk to me about the ESA. My office is on the first floor.

**Mr McDevitt:**

I certainly do not believe that my party's position or that of Trevor's party has changed. I want to begin a conversation, and I am conscious of the fact that I have been in this job five months, as have you, and yet no one has contacted me about having a conversation about the ESA, so I am wondering how long that is going to go on for.

**Mr O'Dowd:**

It has been useful to discuss the issue at this meeting. I will talk to anyone who approaches me about the ESA. I suggest that if the Education Committee can facilitate a discussion around ESA, it should do so. It is easy to sit back and say, "Well, nobody told me or asked me. How do I get involved?"

**Mr McDevitt:**

That was your answer.

**Mr O'Dowd:**

No, this is the big boys' playground. Everybody has to take responsibility.

**The Chairperson:**

OK. Minister, we thank you and your officials, who had an easy task, for coming here today. We appreciate it. Thank you for your time, and we wish you well.

**Mr O'Dowd:**

Before I leave, I want to put something on the record. Officials are often criticised in this institution. I want to put on record my appreciation for the work that staff in the Department of Education have carried out over the summer months. There have been many long and arduous meetings to achieve progress on education. Some people may disagree with how we are doing it, but I think that, on broader reflection, they will see that the direction of travel is the right one.

**The Chairperson:**

Thank you very much.