

Official Report (Hansard)

Monday 23 January 2012
Volume 71, No 3

Contents

Assembly Business

Matters of the Day

Security: Dissident Terrorism.....113

Executive Committee Business

Pensions Bill: First Stage116

Committee Business

Committee Membership.....116

Strangford Lough.....117

Private Members' Business

Schools: Pupils Living in Poverty.....133

Oral Answers to Questions

Office of the First Minister and Deputy First Minister.....140

Justice145

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Royal Jubilee Maternity Service, Belfast: Neonatal Unit152

Private Members' Business

Schools: Pupils Living in Poverty (*continued*).....155

Irish Veterans of World War II167

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

to arrive not later than two weeks after publication of this report.

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Ms Martina (Foyle)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Clarke, Willie (South Down)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Doherty, Pat (West Tyrone)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark H (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Dr Stephen (North Down)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Gildernew, Ms Michelle (Fermanagh and South Tyrone)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lewis, Ms Pam (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Dr Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Maskey, Paul (West Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Ritchie, Ms Margaret (South Down)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Ross, Alastair (East Antrim)
Ruane, Ms Caitríona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 23 January 2012

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Durkan: On a point of order, Mr Speaker. With regard to the Speaker's ruling on a question for urgent oral answer to the Minister of Health, Social Services and Public Safety this afternoon, I wonder if the Speaker could revise that ruling and make provision for a ministerial statement on the subject instead, so that the depth and breadth of public feeling on the issue can be dealt with and, hopefully, allayed in the House.

Mr Speaker: I thank the Member for his point of order. I have not decided on the question for urgent oral answer yet. It might be worthwhile for the Member to take some advice from the Business Office on changing the wording of the question, if that is what he requires. Certainly, have a chat with the Business Office on the issue.

Matters of the Day

Security: Dissident Terrorism

Mr Speaker: Mr Gregory Campbell has sought leave to make a statement on dissident terror activity, including the bomb attacks in Londonderry, a matter that fulfils the criteria set out in Standing Order 24. I will call Mr Campbell to speak for up to three minutes on the subject, and I will then call Members from the other parties, as agreed with the Whips. Those Members will also have up to three minutes in which to speak on the matter. Members will know that there will be no opportunity for interventions, questions or a vote on the matter. I will not take any points of order until the item of business has been concluded. If that is clear, we shall proceed.

Mr Campbell: There was a double bomb attack in Londonderry last Thursday night. Although no one was injured on that occasion, many people, particularly elderly and vulnerable people, were inconvenienced and had to leave their home for a significant time. The attack is but the latest that the police have indicated to be the work of dissident republicans. People have been targeted, property has been attacked, and police officers and soldiers have been murdered in the course of the past three years. As on other occasions, there has been total and universal condemnation of the attacks, which is good, and no one should minimise the absolute nature of that condemnation. However, total condemnation has not stopped the attacks. Indeed, as I said, we are into the third year of such attacks.

It is patently obvious that the groups behind the attacks simply do not get it. Therefore, we have to get them. Previous attempts at bombing and murder failed, and so will this one. These people do not understand that a 30-year

campaign failed. Why do they think that a three-year campaign might succeed? The fact is that they do not get it and will carry on with their activities, putting lives in jeopardy and taking innocent lives.

The wider context behind this attack and others is that Northern Ireland is beginning a series of commemorations. There will be a series of commemorations and other events over the course of this decade, but the people behind this attack are determined that only the type of event that they approve of will be held. The targeting of the Visitor and Convention Bureau in Londonderry exemplifies the indication of where they are going with their attacks.

Our determination to never allow them to succeed must prevail. They will cease their activities when they are unable to carry them out because they are in prison. They will go to prison when there is sufficient information that leads to evidence and a strong case against them in a court of law. I do not plan, Mr Speaker, to test your patience by going down the court of law route, but, unfortunately, in recent days, we have seen examples of cases where justice needs to be elaborated on.

Mr Speaker: I remind the Member of the time.

Mr Campbell: The information is out there. Dissident republicans do not operate in a vacuum; they live, move and socialise in areas where 90% of the community oppose what they are doing. Those who have information must give it to the police. It must end, and end it shall, because they will never, ever win.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. It is right, appropriate and, indeed, fitting that this Assembly sends a very clear and united message to those who carried out the bombing attacks in Derry last Thursday. The sentiment of the Assembly also reflects and echoes the sentiment of the people in Derry throughout the community. Despite seeing the anger and frustration of the people in the city last week, we also saw their absolute determination. I pay particular tribute to the emergency services on the ground, the City Centre Initiative and many community groups, all of whom ensured that, whatever the disruption, particularly for elderly people, facilities were made available throughout Friday.

The actions of those who carried out the bombings on Thursday stand in stark contrast

to the actions of those who ensured that there was minimum disruption. We also saw a very clear message from across the city — from civic society, church leaders, the community and voluntary sector and the sporting and cultural organisations in the city. Those are the people who have spent the past number of years ensuring that a united voice was shown by the city at every opportunity. It is with that spirit in mind that we will go forward.

We will ensure that our city prospers, that we bring in the right amount of investment and that we bring sporting and cultural activity to the city, despite what some people tried to do last week. Our city has spoken with one voice under the direction of the One Plan. That is the message that we want to send from the Assembly and from the political representatives of the city. We speak with one voice, and we will speak with one voice as we go forward.

Mr Kinahan: The Ulster Unionist Party sends its sympathy to everyone in Londonderry. We are glad that no one was hurt, and we realise that we all must support all the businesses there and support everyone working together. We must all send a message to the dissidents that such activity must stop: there is no place for it, no place at all. I appeal to everyone in the House and in any other political establishment and to the public in general to work together to make sure that the dissidents have no room to move and that they will never win.

It is sad to see the fleadh pulling out of Londonderry and next year's City of Culture. That is especially sad after the great push last week to launch tourism in Northern Ireland.

It was with mixed pleasure that we saw the result in the Massereene case last week. It is good to see that the PSNI will carry on until everybody has been caught, but it is sad to see the noble families involved having their agony prolonged. Let us get the message across to everyone, not just all of us here, that there is no room for dissidents. We have gone a great way forward; let us keep going in that direction. There is no room for them.

Mr Eastwood: I am glad to be able to stand here in condemnation of the activities of the very tiny minority of people who committed the crimes in our city last week. It is good that the whole House is sending one very clear message to those people that they will never, ever succeed and that they represent absolutely nobody in our

city and in our country. This is the place in which we prove to them that democracy works. This is the place in which we prove to them that their antics and ideas are redundant and past their sell-by date.

I stood in that hotel with the elderly residents who, in their pyjamas and without their medication — one man was without his proper oxygen tank — had to be taken from their homes in a hurry last Thursday night. They are the victims of the so-called dissident republicans. They are the people who have been attacked.

I want to send a very clear message to those people. They profess to love their country but spend every day trying to destroy it. The democratic will of the people of this country is the only way by which we can achieve any of our aims. We all have a responsibility in here. The only way that we can prove to those people that violence does not work and democracy does is to provide the investment and jobs necessary to get Derry off its knees.

I want to send a clear message to the people who would stop the greatest celebration in the world of Irish culture — Fleadh Cheoil na hÉireann — coming to Derry. They should realise very, very soon that that is the only way to prove to those people that they will never win. We all have a responsibility to bring about the change that is necessary in this society and in our city. First and foremost, we need to bring the fleadh to Derry.

Mr Dickson: I thank Members for the opportunity to comment on this today.

The campaign of terrorism conducted by dissidents must stop and must stop now. Others have referred to those who were put out of their homes and properties last week. It is totally reprehensible for those organisations to continue down this route. We must, at every opportunity, challenge the rationale for their behaviour. That is exactly what we are doing in the House today: challenging their rationale. There is no rationale for their behaviour. As for the people being hurt by this, the collateral damage on this occasion was, as others have said, the elderly, the vulnerable and those on medication. That is unacceptable. The only people in the city of Derry being hurt by this activity are their neighbours.

Mr Allister: All terrorism is wrong. The bombing of Londonderry at the weekend was utterly

wrong. So too was the perpetual bombing of that great city by the Provisional IRA, which set the template for what has been carried on in that regard. There was no justification then, and there is no justification now. Those who seek to distinguish — to justify former terrorism while condemning present terrorism — stand themselves condemned because of the inconsistency in their position.

Some people ask why it is continuing. In part, it is continuing because those who do the present bombing look at the former bombers and conclude that it worked for them. They see a reward for terrorism. Indeed, if they look into this House at this very moment, they will see sitting on the Front Bench a lady from Londonderry convicted of conspiracy to commit explosions in coastal resorts throughout Great Britain. They see no difference between what she did and what they do. They conclude that it worked for her and her party, so why not for them? That is one of the reasons why terrorism continues.

We also discover today in Peter Hain's memoirs that there are other contributors to the success and reward of terrorism and that that included the buying off of those who hitherto said they would not bring into government convicted terrorists, buying off through financial inducements and through flattery — the oldest trick in the book.

12.15 pm

Mr Agnew: On behalf of the Green Party, I join others in condemning the attacks. For too long, the preaching of hate was accepted in this society, and violence was justified. Unfortunately, those attacks continue as a legacy of that.

We heard a lot over the weekend about the impact that the attacks will have on the view of Northern Ireland from outside and the impact they may have on tourism, especially with the City of Culture coming up and 2012: Our Time, Our Place. I want to say a little about the impact on the residents of Derry, those directly affected by having to be moved from their home, as was mentioned, the wider city and, in fact, the wider region of Northern Ireland. As Members will know, my constituency was the victim of such an attack when a bomb was planted at Palace Barracks in Holywood quite recently. I empathise with the people of Derry because that shook me out of the complacency of peace. That is a

complacency where we should hope to be and one that we should hope to get our society back to because we should not have to live with this constant terror, fear of attacks and violence and, indeed, the fear of hatred that unfortunately still exists in small pockets of our society. There is an onus on us all, in this House or in the wider community, to promote peace and mutual respect wherever we go and to condemn violence and intolerance wherever we see them.

Mr McClarty: Thank you, Mr Speaker, for allowing me in on this. Like everyone else here, I condemn those who carried out the two attacks in Londonderry last week and, indeed, subsequent attacks in Ballykelly and elsewhere. They have no future in this Province. Hopefully, the people will tell them that loud and clear, and I know they will. Unfortunately, however, we can speak here till we go blue in the face, and those who carried out those acts will not listen.

The security forces should take action to rid us of this cancer in our community. The people who were affected are ordinary, decent people. The infirm, the old and young children are the people who were affected last week and continue to be affected. In 2013, we will have the UK City of Culture. Indeed, there was the prospect of more economic activity in Londonderry with the fleadh, which is not now going to happen. Londonderry has lost out big time. Those who carried out those acts cannot succeed and will not succeed.

Executive Committee Business

Pensions Bill: First Stage

Mr McCausland (The Minister for Social Development): I beg to introduce the Pensions Bill [NIA 3/11-15], which is a Bill to make provision relating to pensions; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Committee Business

Committee Membership

Mr Speaker: As with other similar motions, this will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Ms Sue Ramsey replace Ms Michaela Boyle as a member of the Committee for Health, Social Services and Public Safety; that Ms Jennifer McCann replace Ms Sue Ramsey as a member of the Committee for Enterprise, Trade and Investment; that Ms Michaela Boyle replace Mr Conor Murphy as a member of the Committee for Agriculture and Rural Development; and that Mr Conor Murphy replace Ms Jennifer McCann as a member of the Public Accounts Committee. — [Ms J McCann.]

Strangford Lough

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Ms Lo (The Chairperson of the Committee for the Environment): I beg to move

That this Assembly recognises the environmental importance of Strangford lough and the economic contribution it makes through employment, leisure and tourism; and calls on the Executive to introduce, as a matter of urgency, measures to protect and restore its modiolus habitat in a way that meets the requirements of the EU habitats directive (92/43/EEC); and further calls on the Executive, when implementing such measures, to ensure that people who derive an income from the lough are not economically disadvantaged.

Mr Speaker, I wish you and all Members a happy Chinese new year: Kung Hay Fat Choy. I wish people to note that I am working today, even though it is a public holiday back home.

On behalf of the Committee for the Environment, I am delighted to open the debate. I welcome the chance to speak on this important issue. Problems in Strangford lough are not new; they have been accumulating over the years. That is why the Committee saw the need to table the motion. It is time to resolve the problems to the satisfaction of Europe and those who use the lough.

The beauty and uniqueness of Strangford lough is well recognised locally, at European level and internationally. It is an area of outstanding beauty, an area of special scientific interest (ASSI), a special protection area under the birds directive and a special area of conservation under the habitats directive. In addition, it is internationally recognised as a Ramsar site. Biogenic or living reefs formed by generations of modiolus — horse mussels — are one of the main reasons why the lough is considered to have such a unique habitat. The Committee believes that we have a duty to protect the characteristics that make it so special. However, as we all know, people earn a living from the lough, and we have a duty to safeguard their future.

As a result of a complaint to Europe about the way in which the lough was being managed back

in 2003, the Commission started infraction proceedings. In response, trawl fishing was banned. By 2008, a £1 million restoration plan was in place, and the Commission closed the infraction case. However, a recent report concluded that the decline of horse mussels had not been halted by the management intervention and that modiolus reefs remain much reduced in extent, density and condition. That strongly suggests that not enough has been done to protect that precious site. It also raises questions about the value for money of the restoration programme. When the Minister replies to our motion today, perhaps he will let us know exactly how much was spent on the restoration programme and why it did not deliver.

The Environment Committee recently considered a response from the independent chairperson of the group that was established to oversee the implementation of the restoration programme. He told the Committee that he was frustrated because a main part of the plan was not implemented, namely to introduce total protection for the remaining modiolus biogenic reef sites within one year of the adoption of the plan and for damaged reefs to be identified and protected from further damage. He went on to say that any new restoration plan should introduce more extensive no-take zones, where modiolus reefs would be fully protected, as soon as possible. However, what the Committee found most surprising was that the chairperson of the group had never been asked for his opinion by the Department of Agriculture and Rural Development (DARD) or the Department of the Environment (DOE) before they halted the restoration plan in 2011.

I believe that we all recognise the key problem in the case. Although DOE is the competent authority for protecting the lough, it cannot compel another Department to carry out what it believes needs to be done. DARD's aim is to assist the competitive development of the fishing sector of Northern Ireland's economy. Understandably, it is wary of measures that will impact on that role. Each Department is working towards its own goals. However, in this instance, lack of a joined-up approach puts Northern Ireland at risk of incurring major fines — fines that could quickly outweigh the cost of the restoration programme and the lough's fishing value put together. Therefore, a way must be found in our governance system to get the balance right and address the problem quickly.

*(Mr Principal Deputy Speaker [Mr Molloy]
in the Chair)*

The Committee is not naive in thinking that addressing the issue will not impact on those who fish the lough. It fully recognises that exclusion zones would have an impact. However, if managed properly, they would allow restoration of the lough. Evidence from other UK regions where no-take zones have been established suggests that fishing improves in surrounding areas as fish spill over from protected areas. As the motion recognises, the Committee certainly does not want to destroy people's livelihoods. However, if the lough is not restored, its fishermen will have nothing to catch.

Certain things can and should be done to restore Strangford lough to ensure that it meets its potential for leisure and tourism and to ensure a future for its fishermen. The challenge now, as it has been for many years, is for Departments to work in a co-ordinated manner for the benefit of the lough and all who use it. What is needed is a viable restoration plan that will be implemented in full and constant monitoring to ensure that it is working. That will inevitably cost money, but, when the cost of restoration is compared with infraction fines, it is clear what must be done.

I will now speak as an MLA and not as Chairperson of the Committee. Strangford lough is an area of such significance and importance that its protection must be a primary focus. In November 2011, the Ulster Wildlife Trust made a second complaint to the European Commission on the basis that, six years after formulation of the restoration plan, it was clear to the trust that little, if any, action had been taken by DARD to implement the terms of the plan. The trust stated that it believes that there has been a systemic and deliberate failure to honour the commitments set out in the restoration plan that has seriously compromised the protection of the modiolus reefs in Strangford lough and undermined wider compliance with the habitats directive in Northern Ireland.

It is imperative that DARD and DOE work together to continue the project to fruition. We need to achieve all the plan's short-, medium- and long-term objectives in order to provide full protection for the remaining and damaged biogenic reefs. We must stop pussyfooting around with half-hearted measures.

Two small fisheries exclusion zones introduced last March, five years behind schedule, are clearly inadequate. Furthermore, the European Commission will not be satisfied. It will be constantly on our backs, and we will be living in the shadow of the threat of infraction proceedings.

12.30 pm

If we require more restrictions on the fishing industry, we need to look at feasible measures to compensate those who will be affected in the short term. Compensation to this relatively small industry based in the lough would pale in significance to the fines the EU will impose, making it a much more economically viable option. The short-term pain would ultimately benefit fishing, tourism and the ecosystem of the area.

Strangford lough is a national asset, and restoring its rich, wide life is vital to the continued ability of the lough to —

Mr Allister: Will the Member give way?

Ms Lo: No, I am sorry; I am coming to the end.

Restoring its rich, wide life is vital to the continued ability of the lough to keep its international designations and sustain local industries. I look forward to the rest of the debate.

Miss M McIlveen: I support the motion and do so from the perspective of a representative of Strangford constituency. In that context, five minutes is probably not long enough to speak about my own area. However, I hope that, in that time, I can give a balanced view to the debate. At this stage, I thank the Committee for the Environment for tabling the motion and the Chair for her comments.

Strangford lough boasts some of the most breathtaking views in Northern Ireland and has a unique ecosystem, and I am not just a little bit biased in respect of that. However, in a tourism context, it is probably as underused as it could be, but it is still a valuable asset, generating hundreds of jobs and producing an important income for the area.

The lough is home to over 2,000 marine and plant species, and, given the importance of the area, as the Chair said, it has been designated as a special conservation area, a special protection area, a Ramsar site, an area of special scientific interest and a marine nature reserve. It is one of the most important

breeding sites on the entire island for common seals and some grey seals.

The lough offers wonderful vantage points from which to view a wide range of birds, such as terns, herons, redshank, curlew and, of course, brent geese, which flock in their thousands to the Wildfowl and Wetlands Trust site at Castle Espie during the autumn. The area is also renowned for its walking and riding trails, which some Members in this Chamber should take advantage of.

As an Assembly, we should not underestimate the value of horse mussel beds, which are the subject of this motion. While they are not commercially fished themselves, the modiolus reefs provide nursery beds for other species. It is recognised by environmentalists that damage to those reefs also impacts on the delivery of ecosystem services, where the mussels act as a powerful natural water filtration system, which is vital to the livelihoods of local people through tourism, recreation and fisheries.

The lough has a rich history of fishing and boasts a wide range of species, including prawns, scallops, cockles, oysters, herring, flounder, mussels and mackerel. However, today, the focus of the fishermen is on velvet crab, brown crab, European lobster, Dublin Bay prawns and buckie whelks. The pots used in the lough are light prawn creels. Around 23 vessels fish pots in Strangford lough. Six of those are full-time, and the value, at point of first sale, of the pot fishery is estimated at around £140,000.

I understand that the fishermen have sought to work closely with DARD to ensure that a sustainable fishery remains and that commercial species are enhanced. That work has included the drawing up of a voluntary code of practice for fishing static gear in Strangford lough, a proposed Strangford lough pot fishing management plan and an agreement with DARD on the sea fisheries exclusion zones, which were introduced in March 2011 to protect horse mussels and are in addition to the closed areas specified in December 2001. However, there is a view that that is perhaps too little, too late.

The fishermen would say that extending the total protection zone and maintaining the ban on the use of mobile fishing gear, as recommended by Queen's University's modiolus restoration research project, would spell the end for their industry. Although, at first view, the value of the catch does not seem high, we should

underestimate neither the value of the industry to those involved in it nor families in the area's reliance on such fishing.

The motion was tabled in the context of the recent report by the Ulster Wildlife Trust on the Executive's failure, under the EU habitats directive, to restore the habitat in Strangford lough. I am also aware that the Ulster Angling Federation made a complaint against the Department of Culture, Arts and Leisure (DCAL) about salmon nets under the same directive. One of the major concerns that I have, and that the Assembly faces in its ability to deliver services to the wider population, is the prospect of another huge EU fine. That could be millions of euros that would come directly from our grant and inevitably impact on the delivery of services in education, health and so on. Such a sanction must be avoided, and finding the Department that is to blame for the current situation is secondary to finding a resolution.

The Executive need to take action on both those matters.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Miss M McIlveen: In particular, DARD and DOE need to work with a common purpose to ensure that the environment in which the horse mussels can thrive is maintained and that those who derive an income from the lough are not deprived of their livelihood. Thank you.

Mr W Clarke: Go raibh maith agat, a LeasCheann Comhairle. I serve on the Committee for the Environment and the Committee for Agriculture and Rural Development. Therefore, I can see both the purely environmental view and the views of those who are trying to make a living from the lough's assets, whether through fishing or tourism.

Everyone wants to protect Strangford lough. The Member who spoke previously outlined the environmental and scenic qualities of the lough. It also has massive potential for the Strangford constituency and my constituency of South Down. Everyone wants to see the lough fished in a sustainable manner. I met representatives from the fishing sector on Friday, and they put their views to me. They feel that they have been mistreated at times, particularly in 2003 when a ban was imposed on mobile gear fishing — mainly dredging and trawling. Indeed, I corresponded with the direct rule Minister at the

time, Angela Smith, about that ban. By their nature, trawling and dredging will have an impact on the seabed. However, pot fishing is a different and more sustainable type of fishing, and one that the fishing sector was encouraged to become involved in by the Department of the Environment and the fisheries section of the Department of Agriculture and Rural Development. The fishing community has tried its best to impose a voluntary code of practice on the sustainability measures put in place. That includes minimum size catches and the creation of its own no-fish and throw-back zones.

The fishing community has suffered great financial losses. No compensation was offered at the time of the ban on mobile fishing gear. That matter has yet to be resolved, and there is a bit of anger in the fishing community. However, the community also takes a pragmatic view and acknowledges that the horse mussel reefs have to be protected, and urgently. The two Departments have done work together to look at an extension of no-fish zones in Strangford lough. Although it is not happy with the proposition, the fishing community realises that it has to bring something new to the European Commission tomorrow, when the matter will be discussed.

The fishing community also wants to know why the horse mussels are dying. It does not feel that pot fisheries are having a damaging impact on horse mussels; rather, it feels that pollution is to blame and that there should be a greater emphasis placed on outflow pipes in and around the lough.

They also believe that climate change, a factor which was mentioned in the university's report, may have an impact on all species in the lough. That has not been looked at genuinely. We need to take temperature readings in the lough, and we need to look in more detail at the different species and predators found there. It is my understanding that starfish, which are in abundance in the lough, are one of the main predators of the mussels.

Mr Wells: The evidence shows that starfish move in after an area has been denuded of its horse mussel community. It would be wrong to blame starfish, because in those areas in which horse mussels have survived, there is no issue with starfish. Dredging has to take the main blame for what has happened.

Mr W Clarke: I have no difficulty in conceding that dredging has an impact on the habitats and

on wildlife on the seabed. However, commercial mussel fisheries in Carlingford bring in pot fisheries for their expertise and subsidise them to fish for predators in and around their commercial fisheries. It is obvious that there is a way to approach the matter.

It is OK for people to talk about closing fisheries and say that the impact will be small, but the impact will be big if you have a mortgage or a bank loan to pay, or you have to pay your crew. We are already facing pressure from European fisheries, which is killing our fishing industry. Where we have the opportunity to have proper management structures in place, particularly for pot fisheries, we need to take it.

We need to manage our fisheries in a sustainable manner. I believe that the fishing community is crying out to be part of that project; it is saying that it wants to be involved when the DOE is carrying out tests. The community is never asked to take part in collecting data.

Mr Principal Deputy Speaker: The Member must bring his remarks to a close.

Mr W Clarke: People could be paid a few pounds to collect data, and the DOE must look at that.

Mr Kinahan: As the Committee for the Environment knows, I am very keen to speak on this matter, and, particularly, to have the motion put forward in the Assembly, as I felt that the Committee never had enough time to explore all the different avenues, whether those be protecting the environment or looking after the fishing rights. We have to find our way through the middle of that, whether it is about protecting the lough bed or the fishermen's living. Our job as politicians is to get an answer to that quickly. It should be easier, I believe, than the manner in which we are doing it. At times, it is a story of bad leadership and dithering, despite well-intentioned people in many areas. We have to find some way of making that happen.

We have all been brought up to believe that fish is good for us. We all want to see the fishing industry expand and do better in the future. Today, as some will know, we are also looking at stopping salmon netting; not to stop salmon being netted, but to protect it so that it is there for us and for fishermen in the future.

Those of my age and older grew up through the cod wars and battles in Europe over fishing. We know that, underlying everything, we have to find a balanced way to go forward. It is hard for a man from County Antrim to praise County Down, but Strangford lough is a fantastic place and is significant to the world. I always enjoy a good rapport in debates involving Down versus Antrim. I live in a great county, but in Strangford lough we have a very special feature; a world feature. It is a Ramsar-designated wetland; it is a marine nature reserve; it is an area of specific scientific interest; we could go on. It is very special, and we have to find a way forward.

12.45 pm

We have heard from everyone in the debate that horse mussels, or modiolus modiolus, are vital to the lough bed and to the fish of the future, and we have to find our way forward. One million pounds has been spent, yet all we have are two small protection areas, a failing — so we are told — modiolus bed and a possible exclusion box, which is yet to be agreed. Worst of all, we are faced with a very possible large infraction fine. We have to find some way forward and be able to decide, whether or not the problem is caused by global warming, what we will do. We have to be able to decide whether it is pollution and what we are doing about that. We have to find our balance with nature.

There are only 23 different fishing groups and a turnover of £140,000, so it may seem small, but we have to find a way forward that allows both to exist. We cannot duck the issue. We need both Departments to set up and work together in a dynamic fashion so that we resolve the issue. Tomorrow, we may know whether what we are doing is enough, but we should be much more dynamic and ready to work immediately the moment that they have finished. We should be working with the fishermen and all of the stakeholders in Strangford lough and finding that way forward.

We have to get away from that wishy-washy world that we sometimes get into in this Building of no timelines and no dynamism. We have to sit down, get all of the facts quickly and find the way forward. I am sure that those fishermen are keen to help us, whether they fish outside the box when it is agreed or whether it is made smaller. They will be keen to help, whether that is in having a role in mending and helping to mend the lough bed or even in working with

us in the inshore fishing around the outside. There is a huge future there; £140,000 a year seems a small sum, and we should be spending more, protecting the lough and finding the right way forward. That should be done with all of us working together with a time frame and trying to get it resolved in a time period such as six months to make it a success for everyone.

Mr Dallat: I thank the Chairperson of the Environment Committee for tabling the motion on such a special day. I wish her and the Chinese community every happiness at the beginning of the year of the dragon.

Reconciling the needs of the environment and the rights of those who are making a living out of the fruits of the sea has never been an easy task, and I suspect that it gets no easier. However, given the horrendous damage that has been done to the environment in modern times, the need to protect the environment — in this case, Strangford lough — finds acceptance with most people, particularly the fishermen who make their living from the lough.

The history of complaints has been well charted by the Ulster Wildlife Trust, whose members are conscious of the need to protect the modiolus reefs. Their continuing interest in driving home the need to implement EU habitats directive 92/43/EEC is highly commendable. Other organisations have been directly involved in the work that has been necessary to better understand the issues surrounding the modiolus reefs, particularly the Strangford lough modiolus restoration committee, which was chaired by Professor Raymond Seed when he was a lecturer in marine biology at Queen's University. He cites as the main frustration the failure to implement the major criteria in the original plan. His explanation for that failure relates to my remarks at the beginning of my contribution to the debate; the need to reconcile the care of the environment with the rights of those who make a living from the fruits of the sea. Quite frankly, we should have moved on from that debate if the professor's assessment is true. The time for juggling and playing politics with the ecology of Strangford lough is well and truly over.

The motion asks the Assembly to recognise the environmental importance of Strangford lough and the economic contribution it makes through employment, leisure and tourism.

Doing that in a way that does not disadvantage the economic prosperity of those whose living

is made from fishing the lough is the Houdini trick that many do not believe is achievable. Postponing decisions is certainly not an answer. That only postpones the day and, in the meantime, may result in the reefs being permanently damaged beyond redemption. Modiolus reefs must be fully protected, as advocated in the initial restoration plan that was submitted to the European Commission and recommended by Strangford lough's modiolus restoration committee.

In my opinion, the failure to continue to fund and to implement the Strangford lough modiolus biogenetic reef restoration plan was an error of judgement on the part of the Department of Agriculture. The map work should not be five years behind, and there are other aspects of this matter, which, I am sure, will be covered in the debate; indeed, some already have been.

At the end of the day, all of us want the same thing for the environment, and that is a better understanding of the importance of investing in and protecting life in all its forms in Strangford lough and elsewhere. We can do that, but the need to do so must be voiced by the Assembly. It should not be done under the threat of infraction proceedings from the European Commission. It should be brought about as the result of a genuine desire to protect, for future generations, that which has been passed on by a previous generation that, dare I say it, may have better understood the need to protect rather than destroy and create rather than kill off. Always remember that there is a much higher price to pay for destroying the environment than can possibly be derived from exploiting it.

Mr Frew: The Committee for Agriculture and Rural Development has an obvious interest in the motion. With that Committee's agreement, I met the Chairperson of the Environment Committee on 12 December to discuss matters of mutual concern, including enabling legislation for national parks and the Ulster Wildlife Trust's letter of complaint to the European Commission about the management of Strangford lough as a special area of conservation, on which we agreed that both Committees would work together. Therefore, it was a bit of a surprise to find the motion on the Order Paper. Nonetheless, it is here, we are debating it and it is good that we have the debate at this time.

Although I do not speak for the Agriculture Minister, I know that her reply to the Committee stated her disappointment at the timing of the complaint to the Commission from the trust. However, the trust felt that it had no other place to take its complaint. I explained to the Chair of the Environment Committee that, having seen the terms of the complaint, the Agriculture and Rural Development Committee immediately wrote to ask the Minister to comment on the issues raised by the trust. I provided Ms Lo with a copy of the Minister's reply.

The Agriculture Committee was concerned by the complaint but found the Minister's reply somewhat reassuring. We were told that the Department had invested £1 million in the ongoing restoration research project. The Department's research had indicated that pot fishing had little effect on the horse mussel reefs. Regardless of that, the Department introduced two non-fishing zones in March 2011. Members should also remember that mobile fishing gear, used for such as trawling and dredging, was banned around 1993. A total ban on the use of mobile gear in the lough was imposed in 2003.

The trust sees that as being inadequate. However, the fishermen take a different view, and we should not forget the wider tourism and leisure interest in the lough and the need to up our game in that regard. The Agriculture Committee sees that a balance needs to be struck, and it has no problem with the spirit of the motion. Everyone needs to act responsibly. Protecting a natural asset, such as Strangford lough, is in the interest of us all and of future generations. We want, and need to see, a win-win solution.

I am sure that, if he speaks in the debate, Mr McCarthy, in particular, as a member of the Agriculture Committee, will stress the importance of fishing responsibly, in a way that respects the environment and is sustainable. That is a view that he has articulated in Committee, and it is shared by members of the Committee.

The Committee understands that DARD officials continue to work closely with the Northern Ireland Environment Agency. We are led to believe that proposals are well developed and the respective Ministers are due to consider a draft revised restoration programme. Maybe, in responding, Minister Attwood will confirm

that and give an indication as to when he and Minister O'Neill expect to agree the terms of the draft and when it will be referred to the Commission. It must strike a balance for the good of the lough and all of the livelihoods that it supports.

There must be a full investigation into the problems of the reduced horse mussel reefs. The fishermen would tell you that they are not to blame for that condition. Indeed, it could well be down to global warming and pollution, not fishing. It would be a shame if there was a ruination of livelihoods, only to realise, in a couple of years or 20 years, that the problem was not fishing after all. It is vitally important that there be a full investigation of all the facts and figures to see exactly where it all lies. If it is partly down to fishing, we should accept that and put a plan in place to take it forward in that way. If the Minister is able to provide evidence that action is being taken, I am sure that it will reassure the Assembly in that regard. If there is a lesson here, it is that we in the Assembly must see —

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr Frew: — our Departments and Ministers working together much more closely on issues like this one.

Mr Bell: I should clarify that I am making my remarks as an MLA for Strangford and not as a junior Minister in the Northern Ireland Executive. I also declare a family membership of the National Trust. I join Anna Lo in wishing the Chinese community every success for the new year. As Anna knows, I have an academic relationship with Xinjiang University, so, for all those who are listening on the internet from there, we wish our oldest ethnic community every success and happiness in the incoming year — the year of the dragon.

When we speak of Strangford lough, we need to be careful, because you are into an area where angels fear to tread. It is an area of iconic natural beauty. It is also an area where many livelihoods which have been affected by the damage to the fishing industry in the last number of years have had to swim against the tide — if I can use the analogy — to survive.

There are three things that we need to do. It is about the sustainability of Strangford, which we are all agreed on. It is about protecting

the biodiversity of Strangford lough, which is one of the most biodiverse regions in Europe. That is not hyperbole. It is one of the icons of biodiversity. Thirdly, this has to be a debate about balance — balancing the needs of the recreation industry, the tourism industry and the fishing industry against the environmental needs of the lough. If we can get a win-win situation that recognises the need to protect the modiolus — the horse mussels, which we agree we need to protect — but that does not unnecessarily damage the other interests and livelihoods there, we will have protected the jewel in the crown of Northern Ireland, which is Strangford lough.

In the December fisheries negotiations, we all kept a careful eye on what was going to happen. As was said, Strangford lough is predominantly a pot fishery. The main target species are the nephrops, the velvet crab, the brown crab and the lobster. With the exception of the nephrops, which were kept to the 2011 quota, everything else was allowed to go ahead, so it was quite a successful negotiation.

When we speak of one of the most diverse marine ecosystems in Europe, and of mussels that can range from 35 mm to 200 mm, one simple statistic conveys the need for the debate today.

One mussel will filter about one litre of water every hour, and 1,000 mussels can filter 24 tonnes of water every day. That, if anything, underlines the need for protection of the species.

1.00 pm

I would like to thank Minister Attwood, who met me privately as a Strangford MLA. I appreciate that we come from different parties and argue on most things. However, there is a level of agreement on this issue, and I appreciate his hard work and interest in the area. The agreement is that we balance protection against the needs of fisheries and recreational and tourism interests.

The year 2012 will be a massive year for Northern Ireland. It is absolutely pregnant with potential. I, as a Strangford MLA, want to draw down the tourism benefit that we will get from visitors going to the lough. If you travel down the lough, particularly as the sun is rising or setting, you will see a myriad of colours, and you will be in one of the most beautiful areas in the world. However, I underline to the Minister the

need to seek a balanced approach between the competing interests.

Mr Allister: Speaking of balance, does the Member agree that it would tilt the balance in the wrong direction if, in addition to the trawl ban, we heed the preposterous suggestion that there should be a ban on creel fishing, given that it is one of the most environmentally friendly types of fishing that you can undertake and that AFBI has reported that there is no indication of adverse impact from creel or pot fishing? Does the Member agree that, whatever else the Ulster Wildlife Trust might have done right, it has got it sadly wrong in demanding an end to pot fishing in Strangford lough?

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr Bell: I strongly concur with the import of what you say and, equally, with what the Chairman of the Agriculture Committee said. There are other reasons too. It is important that we do not throw out the baby with the bathwater. The fishermen and community in Strangford who I speak to are very much in favour of sustainability and protection of the ecosystem. It is in the interests of their livelihood to ensure that this natural species is there to filter the water. We need to balance that against global warming and pollution and certainly not to punish the fishing industry —

Mr Principal Deputy Speaker: Draw your remarks to a close.

Mr Bell: — unless there is evidence. There will be fierce objections from many on these Benches if that happens. We need a win-win situation, and I believe that it is achievable.

Mr Nesbitt: I support the motion and speak as another Member of the Legislative Assembly for Strangford. I believe, from memory, that some 11 of us put ourselves forward to be elected to the House for Strangford last May. The range of political views was quite a stretch, from the United Kingdom Independence Party at one end to Sinn Féin at the other, which is a fairly decent definition of a political spectrum. Yet I imagine that one issue on which we could all have agreed is that we want the best for Strangford lough.

The trick is to define what we mean by the best. The Assembly and its Executive say that we put the economy at the heart of everything that we do. If that is so, let nobody belittle the fact that

the fishermen who earn a living from the lough do so at great cost to themselves. I do not want to hear anybody tell the House that the value of the fish caught in Strangford lough is only £140,000, nor do I wish to hear, as others have reported, MLAs whispering elsewhere that we are talking about only a couple of dozen vessels and a few people. That £140,000 is very hard-earned money; they may think that it is much harder earned than the salary of a politician.

If we are putting the economy at the heart of all we do, we must support the fishing fleet in Strangford lough, no matter how small that fleet may be. However, to truly support it, we must also protect it from damaging its own future and ensure sustainability, as we have already done. Putting the economy first means that we must recognise the lough's potential for tourism, sailors, cruiser yachtsmen, windsurfers, divers, staycationers and all the rest.

We must also be constant and tireless in monitoring how these activities impact on the lough, on its fish stock and on the marine environment that sustains that stock. If we find evidence that the fishing fleet or anyone else is damaging the long-term viability or sustainability of the lough, we must act as we have acted before. However, the question is whether this is the right time to act. If we have the evidence base that says that something or someone is damaging the lough, then, yes, it is time, but do we have that evidence?

Queen's University was paid a significant sum of money to produce a research paper on *modiolus modiolus* and the threat to the horse mussel reefs. I did not read definitive evidence that any current legal human activity is a threat to *modiolus modiolus*. In fact, given that the horse mussel thrives by filtering water through its system, as my colleague the Member for Strangford pointed out, I believe that the absolute extremes of scientific theory may suggest that the mussel has suffered because we no longer pump raw sewage into the lough. You may see mussels on the menu in the restaurant today, but, if those are *modiolus modiolus*, I suggest you choose the vegetarian option.

The Ulster Wildlife Trust has taken a very serious step in referring this matter to Europe. I spoke with their representatives last week about this, and I am convinced that they believe they had no choice. That is because they believe that two devolved Departments have consistently failed

to work in harmony to fix the problem. If the Ulster Wildlife Trust is wrong and we end up paying what they agree could be tens of millions of pounds in infraction fines, I hope they will come with me to Newtownards at the head of the lough and down the peninsula where they can explain to the unemployed why the money that could have created jobs has been denied them. However, if they are right and the fault lies with the Department of Environment and the Department of Agriculture and Rural Development, then shame on those Departments. Let their senior civil servants visit Strangford to explain why the money we could have spent on roads, schools and social housing is being bundled up to be sent back to Europe. Our agriculture and fisheries Minister visits Brussels every December to argue against further cuts in quotas for our fleets in the Irish Sea. The argument is always based on contestable, if not straight dodgy, scientific evidence.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr Nesbitt: Let not inconclusive scientific evidence or a lack of joined-up government be our downfall in this matter; rather, let us demonstrate today to all those with an interest in the lough our capacity for joined-up, common-sense government.

Ms Ritchie: In supporting the motion today, we must adopt a balanced approach to the management, care and future of Strangford lough. I represent South Down, which is at the southern tip of Strangford lough. My constituency is between two loughs: Strangford lough and Carlingford lough. It is important that this balanced approach reflects protection for those from all of the communities along the lough who derive their income from it.

Today we have a Minister who, when faced with infraction proceedings, has been probably the first Minister to seek to protect and restore this important marine habitat of horse mussels. That must be recognised because this issue has probably been lying around the Department for many years. Minister Attwood has been the first person to grab it, deal with it and have a concern for the local marine environment and the unique ecosystem that is Strangford lough.

There is irrefutable evidence that Strangford lough is an area of outstanding natural beauty. Its unique environment, combined with the diversity and abundance of wildlife, have also

led to its being a protected conservation site. It has an EU designation as a special area of conservation. However, we must not forget that the lough is used daily by local communities.

The ferry service is essential to communities in the Strangford and South Down constituencies because the ferry is the same as a road system. It prevents two constituencies from being divorced and cut off from one another in the local economy. The lough is also important to tourists, those involved in recreational activity and those involved in the sustainable pot fishery.

The habitats directive forms the cornerstone of Europe's nature conservation policy, and it is built around two pillars: the network of protected sites and the strict system of species protection. The existence of the horse mussel in Strangford lough has contributed to the lough's protected status. Having talked to the Minister about this issue, I understand that the horse mussel is important to the future generation and, perhaps, procreation of fish. Therefore, those involved in pot fishery need to reflect on that issue.

We also need to reflect that many who live on the lough shore derive an income from it. Various reports, one from Queen's University, found a continuing decline in that vital habitat and recommended immediate action for total protection of the remaining reefs. Imagine what the Great Barrier Reef is like and think of this as similar but on a smaller scale. There is an abiding and compelling need to protect it. However, we must also take it on board that the report does not show pot fishing to have had any negative impact on the modiolus reef beds. There is also a report by the Agri-Food and Biosciences Institute, from which the fishing industry derives a lot of its scientific information, that provides considerable evidence that pot fishing does not harm those important biogenic reefs.

It is important that the views of the fishermen are also reflected. They feel, notwithstanding the issues raised by Members who have spoken previously, that they are making all possible efforts to ensure that there is a sustainable fishery and the lough is properly protected. For hundreds of years, fishermen have worked the lough, fishing for a range of species. However, we need to ensure that, in all of this, we have a truly sustainable future for the lough, its

environment and the diverse wildlife on which sustainable fisheries rely.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Ms Ritchie: I have no doubt that the Minister will demonstrate in his response how it is possible to protect the lough with the communities, Ards and Down district councils and wider government working together with those involved in recreation, tourism and the pot fishery to ensure the protection of the horse mussels and people's incomes.

Mr Wells: Strangford lough is often described as a body of water entirely surrounded by committees. That is part of the problem. I speak as someone who was a member of the Ulster Wildlife Trust's ruling council for four years in the 1980s and worked for the National Trust for 10 years. Both organisations are obviously extremely interested in this subject.

What we allowed to happen to the horse mussel community in Strangford lough is an absolute tragedy. We allowed that unique ecosystem to be destroyed, and, in large parts of the lough, it was effectively wiped out. We cannot lecture the Governments of Brazil, Congo and other countries about cutting down the rainforest when we, a so-called civilised western democracy, had not the political will to save one of our own unique habitats. To a large extent, it was destroyed.

1.15 pm

I understand that, from a fisheries point of view, there is a community living off Strangford lough, and it is important to recognise that. However, equally, as far as farming is concerned, we as a society have decided, under the common agricultural policy, to proscribe a list of farming operations, so that farmers cannot do them. We say that we will restrict the removal of hedgerows, the drainage of wetlands and the grubbing up of woodlands. In return, we pay, quite rightly in my opinion, the farming community a significant subsidy of around £300 million a year. That has been good for the farming community and good for the environment, and I hope that, under the common fisheries policy, we will be able to negotiate an equally favourable deal. I do not see why it is not possible to say to the fishing community that certain aspects of what it does may endanger what is left of the horse

mussel community and that, in return for its co-operation, we will pay it sufficient compensation so that it is not out of pocket as a result of that decision. Already, the management of sensitive sites (MOSS) agreements under the Northern Ireland Environment Agency compensate farmers for further restrictions to protect wildlife and landscapes. I do not see why the same principle should not apply to fishermen.

The Ulster Wildlife Trust has been driven to act. It feels that the situation has become so bad that it has to go back to Europe to ask for further infraction proceedings. If that happens, we will end up paying far more money out of the taxpayers' pot than if we adequately compensate the fishing industry in Strangford. We are not crying wolf any more, because we have seen through the single farm payments that, when Europe starts imposing fines, it means business. We have only to look at what happened under the single farm payment regime to see what happens when Europe really gets its teeth into taking action. Therefore, I feel that we have to act now.

I do not see extending the exclusion zones as negative. All the evidence from places such as Lundy off Devon and Ramsey on the Isle of Man shows that large exclusion zones in which no fishing is allowed act as breeding grounds for fish species that can be caught in the rest of the body of water, which, in this case, would be Strangford lough. There are indications of huge increases in, for example, lobsters and scallops when fishing in certain areas is banned. Ultimately, it is to the benefit rather than the detriment of the fishing community.

Throughout the debate, Members have talked about balance. The balance should be in favour of the ecosystem on which the fishing industry is dependent. We have to take some brave decisions. The current exclusion zones, which were enacted in March 2011, are totally inadequate for the protection of the horse mussel community. The recommendation is that those be extended quite dramatically. That would still leave areas of the lough that could be fished and the necessary viable area set aside for the protection of that unique habitat.

I lay the blame for the situation purely at the feet of the Department of Agriculture and Rural Development. It did not work closely with DOE to bring about a coherent policy to stop us getting to this point. I believe that there was a will in

DOE to deal with the issue. The problem was that it had to work with DARD, which dragged its heels for years, resulting in the mess that we are in now. Either we take a decision now to bring about the orderly protection of modiolus or have something thrust upon us from Europe that could be particularly nasty. Therefore, we have to act and act immediately.

Mr Weir: As a son of County Down and one who was born and has lived all his life on the Ards peninsula, albeit at the top end, and as I am sandwiched between two other sons of County Down, I acknowledge — in slightly less begrudging terms than Mr Kinahan did — the valuable ecosystem and beauty of Strangford lough and, indeed, the need to preserve it. Undoubtedly, the mussel beds are not only beneficial in themselves but act as a means to an end. Their first identification in the Strangford lough area was midway through the 19th century, which predates even Kieran McCarthy's involvement — by at least a few years.

At this late stage in the debate, much has already been said. As my colleague Mr Wells was pointing the finger strongly at DARD and exonerating DOE, I wondered whether the Minister might be working that into his speech. Members have talked about whether the Ulster Wildlife Trust was fully justified and thought that it had no other course of action to take or whether there is some resentment at its taking the issue to Europe. Some of us have concerns, in a wider context, about Europe having an over-reaching role. In many ways, however, those questions are irrelevant, because we are where we are.

Unless further action is taken, we will undoubtedly face infraction proceedings. As indicated by Mr Nesbitt and others, the impact on the wider economy of money being diverted from necessary services towards infraction proceedings is something that we need to face up to. It is also the case that, had various things been done many years ago, we would not be in the position that we are in. However, there is a need for action.

The key word in this debate seems to be “balance”. Some Members may have a slightly different view about where the balance is to be struck; I suspect that Mr Wells is at one end of the scale and there may be others at the opposite end of the scale.

Mr Wells: Mr Allister.

Mr Weir: I am not naming any names.

There are two key aspects to striking a balance. First, as has been said, there is willingness by the fishing community to embrace change and to go further than it did before, but that has to be reasonable and proportionate. Indeed, there needs to be some expansion of the protected zones here. Others in the House have greater knowledge of exactly what type of fishing can and cannot happen; I feel that I am in no position to judge that. However, I believe that, if government agencies work closely with the fishing community, there can be an agreement that everybody can buy into. It is a matter of striking that balance.

Having spoken to the Ulster Wildlife Trust, I know that they have little doubt about where they apportion the blame on the issue. It is an issue on which we need to see a joined-up approach between the DOE and DARD, and we need to sing from the same hymn sheet, certainly from tomorrow onwards, when we meet the European Union. The NGOs that I have spoken to believe that the DOE has made a strenuous effort and has, indeed, taken action; however, there is a feeling that that has not been matched by DARD. Therefore, it is important that we have a balanced, practical and reasonable approach, one that guarantees the proper implementation of a plan. The principal criticism of where we are is that good plans were drawn up but were not fully implemented.

The Minister is fond of saying that he wants to ensure that he is in power, not just in government; it is one of his regular catchphrases. To some extent, the problem that the DOE has had with the issue is that it has been in government but has not had the full power. It has been carrying the responsibility for the issue but without the opportunity to fully implement actions on it. I look forward to the Minister's comment on it, but I think that one of the key tests of the Assembly is the extent to which we are able to harness DOE, DARD and, on some other related issues, DCAL to produce a positive way forward that the fishermen can buy into and that can help to provide environmental protection and enable us to stave off what would be very damaging infraction proceedings. They would damage the reputation of Northern Ireland, its environment and its economy. I am happy to support the motion. I look forward to actions that have to be taken in the days ahead.

Mr McCarthy: I want to say at the outset that fishermen are willing, able and waiting to discuss this matter with the Department — or Departments, I should say. They have come up with something. There is no one in this Building today more passionate about Strangford lough and its environs than me: and why not? My front door is less than 60 ft from the lough's edge, so I live, sleep, eat, smell and do everything in relation to Strangford lough, and I want to see Strangford lough and its environs protected. As other Members said, it is Northern Ireland's prize possession and most certainly has to be protected and enhanced. I pay tribute to the organisations and groups, including the users, who continue to promote and preserve everything that is good within and around that truly wonderful location.

The motion speaks of "the environmental importance" and "the economic contribution" that Strangford lough makes through employment, tourism, leisure and fishing etc. Those are all exceptionally important in our communities, particularly in these times of high unemployment. This Assembly has a duty to provide jobs and opportunities to all in the community, and Strangford lough has the potential to do just that in various ways.

I have heard the Minister of Enterprise, Trade and Investment, Arlene Foster, speak on numerous occasions of the beauty of Strangford lough and the tourist opportunities that it can provide. That is correct, provided, of course, that what happens is done correctly, with no detrimental effect on the lough or its environs. I am particularly concerned about its environs. I am desperately concerned at this time and have raised the issue with Minister Attwood. There is a new development at Killyleagh, and there are worries about effluent getting into the lough. I think that Willie Clarke mentioned that problem. There is also a planning proposal for development on high ground on the Portaferry side of the lough, just outside Newtownards, which, if allowed, would have a devastating effect on the skyline and the lough's coastline. Those things must be avoided. I appeal to Minister Attwood to stop the destruction before it goes any further. We want to encourage visitors and tourists, and they do not want to look at monstrosities of apartments.

As a member of the Agriculture and Rural Development Committee, I was informed of the concerns of the Ulster Wildlife Trust. We raised the problem, as our Chairperson said, with

Minister O'Neill. She responded with an analysis of her Department's restoration plan and how, with the agreement of local fishermen, two non-fishing zones were introduced. AFBI Northern Ireland has assessed pot fishing in the lough. It states that pot fishing had little adverse effect on the modiolus, a clear case of saying that the fishermen are not to blame for the situation we find ourselves in or the slow restoration of the reefs. A similar experiment was carried out in Wales, and exactly the same thing was said after that investigation.

I support DARD in not implementing an excessive non-disturbance zone. I have a copy of the plan. We should await the joint initiative from DARD and DOE under the headings of protection, intervention and monitoring. In all those areas, the local fishermen are fully supportive, and I welcome Minister O'Neill's acknowledgement of the livelihoods of fishermen and others who depend on Strangford lough as their main means of income. That DARD commitment is in line with the final sentence of the motion:

"to ensure that people who derive an income from the lough are not economically disadvantaged."

[*Interruption.*] No, I will see you at the end. I want a healthy, vibrant, lively and clean Strangford lough. I woke up this morning, and the litter on the lough outside my front door was unbelievable. We had had strong winds. The users of the lough need to take that on board. People can make a living from Strangford lough, partake and enjoy their leisure and sporting activities on a lough whose water and coastline is protected.

Mr Principal Deputy Speaker: Bring your remarks to a close.

Mr McCarthy: I will not support a total ban on fishing that will leave more people out of work and on the scrapheap. We must not add to the already desperate plight of fishermen in Northern Ireland, including Irish Sea fishermen. I hope that Strangford lough can overcome those problems. I know that both Ministers are dedicated to ensuring that we have a good clean Strangford lough for locals, fishermen and visitors.

Mr Attwood (The Minister of the Environment): I welcome the debate. Before commenting on it, I convey my best wishes to the Chinese community and all the community on the Chinese new year.

Given that we are talking about issues involving the welfare of fishermen, it is only appropriate that I acknowledge the recent deaths off the coast of Cork. Even as we speak, two bodies are still to be recovered following that terrible tragedy. I pass on my sympathy and that of the House to all those involved.

I welcome the debate. The Hansard report should be circulated among all members of the Agriculture and Rural Development Committee and the Environment Committee and among senior officials in both Departments. I have a sense that the content of the debate was qualitatively different from what might have been anticipated in some circles. The Hansard report should be required reading for all senior officials in the Departments, both on my environment side and in DARD fisheries.

I think that something was beginning to converge around the Chamber, which it is important to hear here and tomorrow at the meeting in London between DARD and DOE officials and European Union officials to discuss the matter.

1.30 pm

Anna Lo said that this was the time to resolve the issue. I concur in this regard: although I understand Ray Seed's frustrations and, indeed, looking at the history of this matter, the reason for frustration, nonetheless I want a message to be sent clearly from the Chamber on the eve of the potential infraction meeting in London that work is ongoing, there is an urgency for more work to be commenced and this is the time when Departments and this House are determined to resolve this matter once and for all.

In addressing the matter, we have to be on the right side of the habitats directive; we also have to be on the right side of the avoidance of infraction and on the right side of protecting our environment. It is against those three standards that we should be judged.

I acknowledge what Anna Lo, Danny Kinahan, Michelle McIlveen and others said, namely, that in Strangford lough we have a unique piece of nature in Europe. There is no more protected zone in Europe than Strangford lough. Of the 2,000 species in Northern Ireland, 1,500 are found in Strangford lough. Over and above all its other designations, it is one of only three marine nature reserves in Britain and the North of Ireland. That is the scale of what we have in Strangford lough.

As I keep saying — a bit like my other phrase about being in Government and being in power — we are uniquely blessed in this part of Ireland in the scale and volume of built, natural and archaeological heritage that we enjoy. It gives character to our lives and creates enormous economic, tourist and other opportunities.

As Arlene Foster and I learned last week, the SeaGen tidal project is now viewed as the birthplace of tidal energy and a world reference point for tidal energy as part of the wider narrative of renewables being, arguably, the single biggest economic opportunity that this part of Ireland has.

People spoke about the modiolus modiolus, or, more widely, the biogenic reefs in Strangford lough; it is our own small version of the Great Barrier Reef. That is its importance in international and European understanding. Although it may be small in scale, it is very important in the ecology of that area. However, the modiolus, or biogenic, reefs in Strangford lough measure in various places the mere size of a dinner plate, whereas decades ago they measured 7ft x 4ft x 3ft in places. That is the scale of the deterioration that has been suffered in the lough over all these years, and that was touched upon by many Members.

In understanding how that has come about, however, let us disregard some of the reasons suggested as contributory factors in the debate: there is no evidence over recent years of an increase in pollutants in Strangford lough as was suggested by, perhaps, Paul Frew. If there are pollutants, they are nitrate-related, but there is no evidence in recent years of any increase. That is the view of the DOE and DARD. Therefore, in assessing how we have come to this, let us filter out the suggestions that do not measure up to the science.

For reasons outlined, I do not intend to detain the House. Over the past 20 years, because of concerns about what was happening to the modiolus in Strangford lough, there have been various interventions to try to mitigate the impact. Crucial to that was the 2006 restoration plan that was drawn up because of the damage that was being caused to the modiolus and which was submitted to Europe. We should be judged against that, and we should judge ourselves against that, as regards mitigating the impact of what was going on. To answer Paul Frew's question: a revised version of the restoration plan was submitted to Europe earlier this month,

and we await further word back from Europe about its judgement of that plan, part of which, no doubt, tomorrow's meeting will deal with.

We have to judge ourselves against the 2006 plan. We cannot wish it away or pretend that it does not exist, and we cannot pretend that Europe will disregard it. The plan stated that, within one year, the areas in the lough that continued to have modiolus should enjoy total protection zones. That is what our direct rule Government said that we would do. We have to judge ourselves on that fact alone, and we will be judged on whether that and all the steps that we have taken since are sufficient to convince Europe that we are on the right side of infraction.

We need to get our heads round the issue of infraction. The minimum fine that would be visited on the United Kingdom as part of infraction proceedings — and rest assured that the London Government will pass it on to us — is £7 million, with the risk of £500,000 a day thereafter. If the fishing industry in Strangford is worth £140,000 a year, as Mike Nesbitt said, or £190,000, it would take 35 years to pay off the minimum fine that Europe might impose. Although the work of fishermen is very valued and is an income stream for those who work the lough, we, as Government, have to be responsible and recognise that the scale of penalty compared to the scale of financial benefit to people in the lough is, arguably, disproportionate.

In anticipation of the meeting tomorrow with officials in London, I will outline the remedial measures that have been, and are being, put in place to reassure the House and Europe that work is being done and that the pace and scale of what we intend to do will now escalate. As Members have indicated, there are two total protection zones in the lough already. DARD and the DOE have agreed that there will be two more zones. Michelle McIlveen may or may not be accurate when she says that it is too little too late, but there will be two more zones in which all fishing will be banned. My Department, arising from the new agreement with —

Mr Wells: Will the Minister give way?

Mr Attwood: Yes.

Mr Wells: Obviously, we welcome the additional two zones. However, as the Minister has seen from the map that was circulated by the Ulster Wildlife Trust, the present no-take zones are tiny

in comparison with the area formerly occupied by modiolus. Will he give us some indication as to the extent of new zones that he is advocating?

Mr Attwood: Yes. I will share that information with the Environment Committee. There are two new boxes, beyond the two that are part of Strangford lough, in which there will be a no-fish zone. One of them is quite awkwardly shaped, which gives rise to a whole range of enforcement issues, but that is another day's work. There are two further areas that capture significant parts of the lough.

I do not deny that that is still less than the recommendations of the scientific report from Queen's last May, which suggested that the middle section of the lough in totality should be a no-catch zone. I recognise that. However, Members, including Mr Wells, have touched on the issue of how Departments — the DOE and DARD in particular — manage that. I recognise that the scale of our proposals is not the same scale as scientists' proposals. Nonetheless, it is a more significant intervention in respect of no-fish zones in Strangford lough than any that has taken place heretofore. We will see very quickly whether that keeps us on the right side of European infraction proceedings and convinces the European authorities that despite our uncertain progress on the matter over the past number of years, we will now create certainty, avoid doubt and do all that we need to do on the issue.

The third matter, which I was about to deal with before Mr Wells's intervention, is that the Department of the Environment is drawing up by-laws that will govern diving, anchoring and mooring in the lough. In that regard, I want to acknowledge the fact that we have had useful conversations with the yachting fraternity to ensure that it is reassured. Given what people have said about Strangford being a unique asset in Europe, its positive development and exploitation for fishing, recreation and other purposes needs to be scoped out fully.

The fourth point is that we have undertaken proactive restoration measures. Some modiolus reef is being translocated from pristine sites to other parts. There are indications that translocation has had some early success. In going forward, there will be more experimental work on artificial restoration. Modiolus larvae will be grown artificially in an effort to encourage its growth and development in the lough. In that regard, I say to the House and to Europe that

if one judges where we are at present against the restoration plan in 2006 and measures that against the Queen's University scientists' recommendations of May 2011, we are further down the road than we were previously. However, we have not finished that journey. Consequently, tomorrow, I will put the best interpretation of our current position and the best argument to officials in London. I accept that although we are closer to favourable conservation status, which is the ultimate test, than we were, there is a long way to go.

I acknowledge the fishing industry's needs. However, I agree with Mr Wells's sentiment, which is that if there is to be sustainable fishing anywhere, including in Strangford lough, the degradation of the lough's fishing opportunity requires a revised approach. Remember that, not too long ago, people collected oysters and caught 200 lb skate in Strangford lough. All that commercial fishing is gone now.

That leads to my final point: unless DARD and the DOE manage those issues together, we will always be on the wrong side of best practice. Until there is a marine Bill, marine plans for Strangford lough and elsewhere, and, in my view, a marine management organisation that gathers together all interests in an effort to resolve disputes and best protect the marine environment, we will continue to be on the wrong side of best practice.

Mr Hamilton: I am pleased to conclude the debate on behalf of the Committee for the Environment, which brought the motion to the Floor. I want to make a few points on its behalf. It is clear from the contributions, for which we are all very grateful, that the sustainability of Strangford lough interests people beyond the Strangford constituency and, indeed, South Down. We had contributions from Members for North Down, South Belfast, North Antrim, South Antrim, East Londonderry and West Belfast. Everybody spoke about the need for a sustainable Strangford lough. They all agreed that Strangford is a beautiful place. I believe that I heard them say that it is much more beautiful than their own constituencies. Therefore, I think we can agree that progress. That is good.

1.45 pm

There has been real value in having this debate because it sends a message not only to the Minister and DARD, but, hopefully, to Europe, that this legislature is taking the matter

seriously and requires and expects action to be taken off the back of it. That is an important message, and, if nothing else comes out of the debate, that is a valuable thing that we have done today.

It was a balanced motion in its crafting, and you saw that reflected in a balanced debate. It has always been very important for me representing the constituency that we need to have not only a sustainable lough but a sustainable fishing industry. I want to point out that the Committee will continue to take an ongoing interest in this subject, and we are scheduled to take evidence from some fishing interests, the Ulster Wildlife Trust and the Department. Therefore, this issue does not end for the Committee for the Environment today or for the Committee for Agriculture and Rural Development. We will continue to monitor it carefully, particularly as the outworkings of the agreed plan go forward, and the resulting conclusions of Europe in respect of that. Therefore, the Committee will continue to take a very close interest in the issue.

I do not need to repeat what everybody else said, but Strangford lough is a real gem and is a huge asset to this country. As many Members said, it has had virtually every possible marine designation attributed to it, and that is something that we should be deeply proud of.

During my time as an elected representative here and elsewhere, I have done everything that I possibly can to try to promote the area more, because, even though it is a gem, it is a hidden gem for many. I do not think a lot of people appreciate it and I do not think some of us living there appreciate just how much beauty we have on our doorstep and the diversity that there is in the lough.

It is in nobody's interest who wants to promote the lough not to have a healthy, sustainable lough in the longer term. There is no doubt that damage has been done to the modiolus and to the horse mussel beds, and we could have a debate from now until eternity about the actual cause of that. There is no conclusive scientific proof of the exact cause of some of the ongoing damage, but, without a doubt, nobody can dispute that we need to find a solution because we have the risk of infraction charges coming down the line. However, that solution needs to be balanced, and, as well as restoring the modiolus, it needs to include a future for the fishing fleet.

Fishermen sometimes feel a bit like pantomime villains because of the way the debate has been conducted in the past, and they feel that they are the bogeymen, are somehow to blame and are the only cause of this problem. I think that is an unfair characterisation. When we talk about the fishing fleet, it is worth pointing out that it is a small fishing fleet. It is not the huge Spanish fishing trawlers that you hear about. These are tiny boats. There are 23 vessels in total and only six people are engaged in it on a full-time basis.

Mr Wells: Will the Member give way?

Mr Hamilton: Yes, very briefly.

Mr Wells: Does the Member agree that it was noticeable that there was no mention of additional compensation in the Minister's contribution? If further restrictions are to be brought in, compensation should be introduced to mitigate the loss of income that could arise. It would have been helpful had the Minister outlined what that is going to be.

Mr Hamilton: Yes. I heard the Member mention compensation earlier. I am sure that the fishermen would not be against compensation, but it would be interesting to see what the compensation is for and whether any is available. We will maybe touch on some of those points later.

Pot fishing now seems to be the target for some as to what should be eliminated to save the horse mussel beds. We have had a ban on trawling and dredging. Many Members said that there is no conclusive proof that pot fishing is doing the damage that people say. There are various studies, and our own AFBI produced a report that said that no evidence has been found in relevant scientific literature at this time to prove that pot fishing activities cause damage to modiolus. The Welsh Government also engaged in a study on modiolus and found that the prohibition of all fishing gear would be seen as a disproportionate response with regard to fisheries management and that officials believe that such a measure would unfairly disadvantage fishermen using static gear for no overall benefit to the reef.

The meeting with the European Union tomorrow was mentioned, and the Minister said that he could rule out certain causes for damage. Again, there is some debate about that, but Europe and the agenda that is being put forward to the meeting tomorrow for discussion states that

the key impacts on the modiolus appear to be disease, climate change, eutrophication from agriculture sources and pot fishing. Therefore, even at that level, there is some dispute as to what the principal and other causes are. Those things need to be borne in mind.

The contribution of the fishing fleet to the wider economy cannot be missed. People come to Strangford lough for a variety of reasons. They come for the leisure pursuits that Paul Frew mentioned or the scenery that Michelle McIlveen talked about. However, some also come for the cuisine. We have chefs such as Danny Millar at Balloo House, who not only prepares local produce in his restaurant but extols its virtues on national television. We also have wily entrepreneurs such as Bill Wolsey who bought the Portaferry hotel. He did that in the knowledge that that he could tell his customers that the produce that they eat was caught in the lough that everyone can see from the restaurant and landed at the harbour just outside. Therefore, the fishing fleet makes a wider contribution. The hundred-and-something-thousand pounds contribution that was referred to is only a point of sale; it bears no resemblance to the wider economic contribution. People come to the area because of the cuisine and because they are offered what is caught —

Mr Agnew: Will the Member give way?

Mr Hamilton: I will if you are very brief.

Mr Agnew: I thank the Member for giving way. I will try to be brief. Does he agree that, if we are to continue to derive employment and enjoyment from the lough, the sustainability of the modiolus population and other species in the lough is essential? Does he also agree that it is important that we have no-fishing zones for that reason?

Mr Hamilton: I will come to that in a second. I repeat that it is no one's interest for the long-term sustainability of the lough to be lost. However, if we seek to create exclusion zones that are one third of the size of the fishable lough in the interest of sustainability, but they decimate and probably ruin the fleet, there will be no one left to benefit from that future sustainability. We need a balanced approach.

The vilification of the fishing industry in Strangford lough has sometimes ignored its willingness to compromise. As Kieran McCarthy and others mentioned, the fleet has come

forward with its own proposals for greater closed areas and has agreed to subscribe to a voluntary code of practice. Also ignored is the work that the fleet has done in the restoration of oyster, scallop and lobster stocks in the lough. The vilification of the small number of fishermen in Strangford lough is unfair and unjustified.

There is a real fear of infraction proceedings. It has been avoided before, and it is unfortunate that we are now in that position again. I understand the argument that was put forward by the Ulster Wildlife Trust and that it felt that it had nowhere else to go. However, I question the way in which that organisation took its action. If its whole idea was to bring greater concentration and focus to the issue, it should have come to the Committee for the Environment. We could have had that debate without the fear of infraction, and the millions of pounds that that could suck out of our Budget and the Northern Ireland economy, hanging over us. I am one of those who subscribe to the view that we have enough problems from Europe without inviting further ones, as the Ulster Wildlife Trust has done.

As Mr Kinahan mentioned, we could blame bad leadership. However, at this stage, it is not important who we blame. We need to take decisive action quickly and find a solution that will restore and protect the modiolus. That solution must also ensure that the fishing fleet — it fishes produce of high quality and of huge value to the local economy and which is exported and served in fantastic restaurants around the world — is protected. We must find a solution that is as balanced as the debate has been.

Question put and agreed to.

Resolved:

That this Assembly recognises the environmental importance of Strangford lough and the economic contribution it makes through employment, leisure and tourism; and calls on the Executive to introduce, as a matter of urgency, measures to protect and restore its modiolus habitat in a way that meets the requirements of the EU habitats directive (92/43/EEC); and further calls on the Executive, when implementing such measures, to ensure that people who derive an income from the lough are not economically disadvantaged.

Private Members' Business

Schools: Pupils Living in Poverty

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to 1 hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Flanagan: I beg to move:

That this Assembly notes that one child in four is living in poverty; calls on the Minister of Education, with support from the Executive, to target extra resources at pupils living in poverty to enable them to succeed at school; and further calls on the Minister to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential.

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom an rún a mholadh agus a rá go bhfuilimid sásta glacadh leis an leasú.

I am happy to bring the motion to the Assembly for discussion, and we are happy to accept the amendment. The context for the motion arises from a Save the Children event that was attended by MLAs. The young ambassadors involved chose the topic “less opportunity in education for those living in poverty.” My party intended that Daithí McKay would move the motion today, but because of events last Friday, he is now busy worrying about the traumas of being a new father and having a son, as opposed to worrying about child poverty. Nevertheless, I am sure that it is still at the forefront of his mind.

First, the evidence is there in black and white that academic selection discriminates according to social class, and that working-class children are affected most as a result of selection. Recent figures released by the Department of Education totally expose the fallacy that grammar schools accept pupils on the basis of academic ability. Indeed, those statistics demonstrate that a child's chances of attending a grammar school are dictated by the affluence

of the area in which they live rather than their academic ability.

There are large swathes of the North in which academic selection is no longer used and where, in recent years, some grammar schools have dropped it altogether. The sky did not fall in when that happened. Those schools are still of an educationally high quality and they continue to deliver for their students. The debate on post-primary schools needs to move away from academic selection and on to the need for children to be able to choose a wider variety of subjects at Key Stages 4 and 5 to fit their individual needs. Education needs to be primarily about the needs of the child and not those of particular institutions.

The fact is that those who are born into a less well-off community are of equal ability to those born into more affluent areas. The differences are solely environmental, and those include the gross and outdated mechanism of academic selection. The Department of Education has put a number of initiatives in place to address the important issues of child poverty and under-attainment, such as the extended schools programme, the expansion of free school meals, and school uniform grants. Other initiatives, such as the education maintenance allowance provided by the Department for Employment and Learning, have proven to be successful and need to be supported and extended, where possible.

A recent report by the Joseph Rowntree Foundation showed that, despite government policy aimed at keeping the cost of primary school uniforms as low as possible, parents often reported spending about £50 on each child's uniform, excluding the cost of shoes. Some of the older children were keenly aware of the cost to their parents of school uniforms. There was also evidence to suggest that some schools, even in highly disadvantaged areas, displayed an inflexible attitude to uniforms. Their policies forced children to wear blazers that must be purchased from certain retailers at a cost of more than £100. School trips often proved expensive; there were examples of children being encouraged to go on skiing trips costing over £1,000. That is not feasible for people from disadvantaged backgrounds.

Children and parents generally welcomed healthy eating policies in schools but felt that school dinners did not provide enough tasty and healthy options. The poor quality of meals in some

school canteens meant that children who might rely on the school dinner as their main meal of the day refused to eat what was on offer. The cost of school dinners was prohibitive for families who were not entitled to free school meals but who had several children at school. Dinners in school are very expensive, with very little to be got for less than £3.50, unless you take one of the specials. They often bear no comparison with the quality of dinner available, for example, in the Assembly restaurant. The fact that prices are often lower here is astounding. Coupled with that, a pint of milk is more expensive in schools than it is in this Building. That needs to change, and I look forward to seeing some progress on that in the future.

A significant number of boys in the most disadvantaged schools were shown to start disengaging from school at the ages of nine or 10. That shows the extent of the problem that we are facing. The evidence has also shown that the impact of poverty on children's attainment levels is more extreme by the age of 10. In 2001, around 40% of pupils in schools with high levels of free school meals provision were not reaching level 4 in English or maths at Key Stage 2. By 2010, that figure had dropped every year and now sits at around 30%. In 2000, around 30% of pupils who were entitled to free school meals left without five GCSEs or the equivalent at grade C or higher.

(Mr Speaker in the Chair)

That figure continued to rise until 2005-06, when it started to fall. It now sits at around 17%, a figure that is still far too high and which is twice the average for all pupils. However, it shows that the current initiatives are working and that, perhaps, more can be done. I look forward to hearing more about the ongoing review of the current funding arrangements for schools to see how progress can be made on that.

2.00 pm

Outcomes in the education system cannot be measured solely by exam results. The real value of such measures can be determined only by the wider impact on society as a whole. One way in which I would like more progress is through the use of school facilities to serve the entire community outside of the school's traditional opening hours. That would have a particularly beneficial impact on deprived and disadvantaged communities and on isolated rural communities such as many in

my constituency. I look forward to hearing the Minister's response to that.

Every child should be given the same opportunity to succeed at school. Failure to achieve in public exams damages future job and training opportunities. Some Departments have made efforts to resolve that, but all Departments need to step up to the mark together to ensure that child poverty issues are addressed. The current British Government policy is adding to the problem and leading to greater child poverty. Those policies are making a bad situation worse. Job cuts, wage cuts and cuts to social welfare are adding to the pain without curing the disease. Economic growth is the only way to address a fiscal deficit. The Tory-led austerity drive is hurting ordinary families while driving the economy further into recession. The Executive need to put forward their own agenda to address child poverty and economic recovery to improve the lives of all our citizens.

Mr McNarry: I beg to move the following amendment: Leave out all after the first "poverty;" and insert:

"further notes that early offers of family help and support can improve health and educational outcomes, reduce youth offending and increase lifetime opportunities; calls on the Minister of Education, the Minister of Justice and the Minister of Health, Social Services and Public Safety, with support from the Executive, to target extra resources at pupils living in poverty to enable them to succeed at school; and further calls on the Minister of Education to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential."

I am pleased to present the amendment to the House, and I am grateful to the proposers of the motion for tabling a debate on what is an extremely important matter. The amendment seeks only to add to the motion, and I trust that the House will welcome the opportunity to add strength to what is, as I have said, an issue of significant importance. Underneath the message that is contained in the motion and the amendment lie deep-rooted anxieties, about which society is perplexed, embarrassed or unwilling to fully admit the extent of the problem. I suspect that it is a cocktail of all three.

That said, the subject matter remains a blight on society and an uncomplimentary comment on non-action to promote a positive, collective response to put it right. The issues confronted

in the motion and the amendment do not begin at school but at home, and, lamentably, for too many young people, they remain with them throughout their adult life. Let it be said that, while there may be a world of difference between living in poverty and being poor, in our society, we are not talking about third-world poverty but about poverty as we know it. I trust that we are also saying, as I certainly am, that all people, quite rightly, have their pride and their dignity. Of course, we all have our dreams. Therefore, if the amendment is to mean anything to the Ministers who are mentioned and to the collective of the Executive, it can and should be supported. Accordingly, if the amendment is to jerk minds and penetrate through to those on whom it is calling for action, it must also reach out and demonstrate to them that people in poverty can go beyond dreams and think of reality. Today, I hope, the Assembly is calling for better opportunities to be given to children to enable them to realise their full potential.

Because problems facing children who live in poverty are complex, they cannot simply be dealt with in an education context. That may be part of the solution, but it is far from the whole solution. We have to recognise that schools often have to battle against a youth culture outside the school that elevates ignorance and sneers at education and learning. Tackling what has become a systemic and deeply seated problem in our society as a whole will need a broader remit and context than simply an education one. That is why the amendment broadens the motion's scope to include those wider societal issues. Those issues include the gang culture that pervades many poorer, working-class districts; the exploitation of young people by unscrupulous criminal elements; the dumbing-down effects of popular culture and youth culture; and that terrible sense of hopelessness and worthlessness that is induced by inter-generational unemployment and deprivation.

Way back in 2002, Norman Warner of the United Kingdom's Youth Justice Board said:

"Not only do the truants offend far more the nature of their crimes is ... more serious."

The links between truancy and crime are well established and have been the subject of many academic papers, including, for example, those, of the youth out of the education mainstream (YOEM) initiative in the United States. There, truancy is seen as a stepping stone to

delinquent and criminal activity. A recent report compiled by the Los Angeles County Office of Education (LACOE) on factors that contribute to juvenile delinquency concluded:

“chronic absenteeism is the most powerful predictor of delinquent behavior.”

Truant students are at a higher risk of being drawn into behaviour that involves drugs, alcohol or violence. A California deputy attorney general who handles truancy cases said that he had:

“never seen a gang member who wasn't a truant first.”

I think that that applies in our community as well.

Several studies have documented the correlation between drug use and truancy. Sticking with America, a report from the University of Maryland found:

“51 percent of female juvenile detainees not in school at the time of their arrests tested positive for drug use.”

Another study, by the US Department of Justice's drug-use forecasting programme, reported:

“more than half ... of a group of 403 male juvenile arrestees in San Diego ... tested positive for drug use when taken to juvenile hall. Not surprisingly, those who did not attend school were more likely (67 percent versus 49 percent) to test positive for drug use than those who did attend.”

Closer to home, in the Ards council area of my Strangford constituency and in parts of affluent North Down, the truancy level is 138 per 1,000 pupils, with less than 85% school attendance. In the council area, there are desperate black spots. Per 1,000 pupils, Ballyrainey's truancy level stands at 260 truants; Central's at 215; Comber East's at 152; Donaghadee South's at 203, Glen's at 300; Gregstown's at 150; Loughries's at 173; and Millisle's at 145.

Mr Speaker, you will be astounded, as will be my constituents and those of North Down, to read those figures. I was astounded. Those are figures that are not normally associated with the constituency that I represent, but they are there and they are facts.

I would like to touch on one aspect of the motion. Recently, it was revealed how far the Programme for Government had met its child poverty targets. The First Minister and the deputy First Minister said that they measured poverty in three ways: relative, mixed and

absolute. Absolute child poverty decreased dramatically from 29% to 19% under the first Assembly mandate, between 1998 and 2003. Thereafter, absolute child poverty levels flattened at 16% to 17% during the second mandate, apart from a dip in the final year — 2006-07 — when it fell to 12%. However, absolute child poverty once again rose to 16% to 18% in 2007-08. In 2008-09, it was 17%. In 2009-2010 — the most recent year for which figures are available — it rose to 18%. So to characterise child poverty levels as one child in four living in poverty is not strictly accurate. I refer Members to the work of the Office of the First Minister and deputy First Minister in the first mandate, when the drop in absolute child poverty levels from 29% to 19% — a drop of almost 35% — was dramatic. I am not making any particular party political point in that reference, but clearly there was something done at that time that was right and that was impressive. We, as an Assembly, need to re-examine our predecessors' work from that time to see what different circumstances, if any, exist today.

Absolute child poverty levels now stand somewhat lower than one child in five, but let me be very clear: no matter what the level of poverty is, there is no doubt that it is too high. No one wants to see underachieving children from low-income backgrounds, or any background, succeed more than I do. I want to see every child's potential fully realised, and that is what the amendment and the motion are about. I happen to believe that the House and its Executive really care about such an issue. That is why, with your permission, I am asking the Assembly to support the amendment to the motion.

Mr Storey: I support the amendment tabled by the Ulster Unionist Party, and thank the Member for the comments that he made in speaking to the amendment. I thought that, when we had the unceremonious removal of the previous Education Minister, we were embarking on a new era in education — an era in which there would be a constructive, informed debate around the issues of education. Unfortunately, it seems that it has not reached as far as Fermanagh, because the proposer of the motion, instead of addressing the core issues at the heart of his proposals, took yet another opportunity to have a go, a swipe and a dig at a sector in our education system, namely, the grammar schools.

Blame it on someone. Pin it on whomever you like, but do not give any blame to the party

that happens to have had the portfolio for Education for the last five years. It is everybody else's fault, but it is not mine, Jack. I say to the proposer of the motion that it is regrettable that the tone and content at the start of his proposals were way off the mark. We only have to look at the Bench opposite and ask those who are so vociferous in attacking the grammar system how many parents opposite had the benefit of having a grammar school education.

Let us move on to a question that was posed by the Member. He asked: what has the Department of Education done? We now have a range of policies — it was called a suite of policies by the previous Minister. Those were going to be so pivotal in changing the outcomes for our children. Let us look at some of them. Let us look at what the Minister announced last week in the House around preschool admissions. The Minister believes, on the premise of what he said, that, if you have a sector that is, according to the inspector, not achieving the outcomes that are desired in the way that it should, namely the voluntary and community sector, as opposed to the statutory sector, what you do is give that sector more money. So the answer to all our ills is found in addressing the disparity and inequality of funding.

I doubt that that is the rationale that is being used, but if that is the real reason. If that is the premise, why are we not addressing the disparity in the funding that is going to our primary schools as opposed to our post-primary schools? That would hit the issue of the problem that the Member rightly addressed — that one in four of our children, 30%, are leaving primary school without having reached level 4 of attainment in numeracy and literacy. We need to have an open and honest debate around that issue. I am seriously concerned that the Minister's proposals that he set out last week around preschool admissions will not address the outcomes but might satisfy some elements within the sector. That is not the way to make policy.

2.15 pm

'Count, Read: Succeed' has the potential to be a vehicle to improve children's outcomes in numeracy and literacy, but it will not do it of itself. The Minister knows and his officials, who are present in the Chamber, know that I brought to the Minister a project relating to a number of schools in south Ballymena in my own constituency, including Camphill and

Ballykeel. I specifically asked the Minister to look at a CARTS project, which would give those schools an additional tool to deliver better outcomes for their young people. What did the Department say? It said, "It does not add value. You are not able to do it within the confines of the classroom from 9.00 am until 3.00 pm. We are sorry; it just ain't going to be funded." The bottom line is that we were not asking for one penny. We were not going to the Minister asking for money. A process and plan to deal with a problem was in front of the Minister. It was not costing the Department of Education a single farthing, but it said, "Sorry; it does not fit."

Either we are prepared to deal with poverty and underachievement —

Mr Speaker: The Member's time is almost up.

Mr Storey: — or we are prepared to allow the blame game to continue and to take responsibility away from where it rightly lies, which is in the Department of Education.

Mr McDevitt: I join colleagues in expressing our best wishes to Mr McKay as he departs on a new set of responsibilities in this life.

The SDLP is happy to support the motion and the amendment. I congratulate the proposers of the motion, because it is very timely that we are debating the impact that some of the actions of Ministers are having on children, particularly the most vulnerable and marginalised children in our communities.

Like many colleagues on the Education Committee, I have the privilege of visiting schools from time to time. Since early December, the invites have been coming in thick and fast. In fact, in the past week, I spent time in three primary schools in south and west Belfast. Those primary schools are in what would be described as deprived areas, where the vast majority of children would be considered poor. The story in those schools is a very stark one: it is a story of regression. I am told by teachers and parents that where there were school counsellors, there are now none; where there were homework clubs, there are now none; where there was in-school speech and language therapy, there is now none; where there was a pupil:teacher ratio on the right side of 30 pupils, there is now the absolute certainty of a pupil:teacher ratio on the wrong side of 30 pupils. So the sad reality of life in our region is that, for primary-school children from our most

deprived backgrounds, things are worse today than they were last year. The unfortunate and sad consequence of our budgeting process is that they are likely to remain in a very bad place.

If we are serious about child poverty, we also have to be serious about funding primary schools, particularly schools in our most deprived neighbourhoods. Frankly, we also have to be very courageous about wanting to extend rights to children in this region, not deny them. Surely the right that we should be debating today, at a time when child poverty is such a significant issue, is the right of every three-year-old to have proper access to a preschool and nursery place. Surely the signal that the Executive and the Minister of Education should be sending is that he is interested in installing in children the rights that will protect them from poverty rather than presiding over cuts that are delivering them further into poverty. It is not acceptable to bring motions to the House that identify the problem if, in your actions as a fully participating party in the Executive, you are not willing to fund the things that will address that problem.

Mr Storey: I thank the Member for giving way. I think that he has hit the nail on the head.

The motion is probably a precursor to what the Minister will announce over coming weeks, and that is probably the real reason why it is before the House.

Mr Speaker: The Member has an added minute in which to speak.

Mr McDevitt: I thank Mr Storey for his prophecy. It is Monday, of course; that might have been a matter for yesterday's events. Let us hope that that is the case and that the motion is, indeed, teeing us up for some good news. However, in the primary schools that I have visited in the past two weeks, the damage has already been done: the speech and language therapists are gone; the counsellors are no longer there; the homework clubs are not taking place; and the breakfast clubs are under threat. What we will be left with is the basic architecture of a school, with a higher number of pupils in every classroom. That is the most disadvantaged way in which to address child poverty and the most unilluminated way in which to try to teach children who are at the most disadvantage.

Let me conclude by saying this: if the motive behind today's motion is, indeed, to say that things are going to turn, I will be the first to welcome it. However, I think that I have a duty

to come to the House and tell colleagues how things are today, and the sad reality is that child poverty in this region is worse today than it was a year ago.

Mr Lunn: We also support the amendment. As Mr McNarry said, it broadens the scope of the substantive motion and acknowledges that other contributions are needed to impact on the problem.

The amendment and the motion both call on the Minister:

"to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential."

For me, that raises this question: is there an implication that schools have not been doing that up to now or, at least, doing their very best in the constrained conditions in which they work? The motion is from Sinn Féin and is directed at a Sinn Féin Minister, which is quite unusual. So perhaps the Minister can indicate what, if anything, he thinks schools could have done in recent years beyond what is already happening.

The amendment refers to family help and support, lifetime opportunities, health outcomes and the need to reduce youth offending, and there is recognition of the fact that the problem goes way beyond anything that schools can do. That points to the obvious contradiction that the motion would perhaps be better directed at OFMDFM, which, at least, has reporting responsibility under the Child Poverty Act 2010. Merely asking for the targeting of extra resources at pupils living in poverty to enable them to succeed at school misses the point to some extent.

Child poverty is a complex problem; it goes way beyond income differentials or education outcomes. It is about entire communities being marginalised from the mainstream, with children growing up not just in difficult financial circumstances but, in fact, entirely isolated. They have poverty of connection, poverty of aspiration and poverty of certainty about their position in their community. It is easy to trot out statistics, but establishing the real quality-of-life impact on the children themselves and, indeed, on society as a whole, from which those children are marginalised, is in all our interests, and I think that it will take a lot more than extra resources to tackle that.

We have put money towards tackling child poverty for decades, particularly in the decade after the agreement. However, it has made almost no difference. The difference will not be made by the amount of money that we throw at the problem but by the efficiency with which we use that money and, importantly, by the efficiency with which we allow other people, probably more expert than us, to use it. The issue is identifying the actual pathways to poverty and tackling them to prevent differentials and inequalities occurring in the first place. No one expert in the matter seriously disputes that, for a start, that means — I think that we all agree on this — targeting resources at early years. A child's prospects are already largely determined by the age of three, so intervention is required in those very early years. We must recognise that intervention does not necessarily mean state intervention. Often, the best programmes — such as Dr B's, which is run by Barnardo's; Sure Start, which we all applaud; and some of the Bryson services — are delivered by the third sector. They are delivered best when those organisations are allowed to get on with things rather than being hindered by constant administration.

The motion says nothing that is not already in the Programme for Government. We can all sign up to improving literacy and preschool education, but we should ask ourselves exactly how we propose to do that. Additional resources are already pledged in the Programme for Government. When the Minister responds, I would like to hear precisely what the signatories to the motion would do with those additional resources. Would they seek to tackle family breakdown? Would they focus only on educational outcomes? Would they aim to enable parents to get into work and be positive, socially integrated role models? Would they look at tackling addiction or parental debt?

As for the schools side, I have to say that the motion leans towards the assumption that schools are solely responsible for tackling child poverty. Schools are responsible for delivering the curriculum. Is the implication that parents do not have a responsibility? I do not think so. Is the suggestion that we should not look at the role of youth clubs, community groups or even churches in all of this, and perhaps empower them? The real issue is precisely what we are going to do about pupils living in poverty and, just as importantly, what other agencies and individuals can do about it.

The motion is deficient in its focus solely on government money and government-funded schools. We all have a responsibility, not least as parents and communities. We cannot afford to ignore that fact in any way. We support the motion and the amendment, but I look forward to the Minister's response.

Mr Speaker: As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. The debate will continue after Question Time, when the next Member called to speak will be Michelle Mcllveen.

The debate stood suspended.

2.30pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: Question 6 has been withdrawn and a written answer will be made.

Ministerial Subcommittee on Children and Young People

1. **Mr Lynch** asked the First Minister and deputy First Minister when the ministerial subcommittee for children and young people last met. (AQO 1093/11-15)

Mr M McGuinness (The deputy First Minister): A Cheann Comhairle, with your permission, I will ask junior Minister Anderson to answer that question.

Ms M Anderson (Junior Minister, Office of the First Minister and deputy First Minister): The ministerial subcommittee on children and young people, which Jonathan Bell and I jointly chair as junior Ministers, last met on Wednesday 11 January 2012.

Mr Lynch: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. Will the Minister give us an update on membership and attendance at the meeting?

Ms M Anderson: Membership of the ministerial subcommittee includes all Ministers. Five Ministers were in attendance at the most recent meeting on 11 January. Departmental officials represented those Ministers who were unable to attend. The five Ministers who were in attendance at the ministerial subcommittee on 11 January were Education Minister John O'Dowd, Agriculture and Rural Development Minister Michelle O'Neill, Culture, Arts and Leisure Minister Carál Ní Chuilín, junior Minister Jonathan Bell and me.

The Office of the First Minister and deputy First Minister (OFMDFM) has appointed a policy lead on children and young people, and she will assist us in co-ordinating the work across Departments.

Mrs Overend: I thank the junior Minister for her answer. A priority for the subgroup should be ensuring adequate provision for young people in care. What engagement has she had with organisations such as the Voice of Young People in Care (VOYPIC) and Kinship Care to ensure that targeted interventions are made?

Ms M Anderson: I met one of those groups as an MLA. However, a number of subcommittees within the ministerial subcommittee are working on that. We cover a number of areas. For instance, the ministerial subcommittee on children and young people is focusing on five priority areas: safeguarding, NEETs, special educational needs, early years and vulnerable young people.

As I said, OFMDFM has recently appointed a lead who is working on matters in relation to children and young people, and that should be of some assistance to the organisations which you mentioned. We intend to discuss a number of proposals to streamline the work across Departments to deliver improved outcomes for children and young people at the ministerial subcommittee meetings scheduled for April and June.

Mr Lyttle: I thank the junior Minister for her answers so far. Was the child poverty action plan discussed at the last meeting? Is it possible for her to give us an update on it?

Ms M Anderson: I am sure that the Member is aware that there are two ministerial subcommittees. One, which junior Minister Jonathan Bell and I co-chair, deals with children and young people in a 10-year strategy. There is also a ministerial subcommittee, co-chaired by the First Minister and the deputy First Minister, which deals with poverty and social inclusion. For that, Jonathan Bell and I co-chair the stakeholders' forum. In those meetings, we have dealt with departmental and non-departmental members and with the action plan on child poverty. However, a question has been scheduled for today which asks about child poverty.

Mr Agnew: Although the creation of the ministerial subcommittee on children and young people was welcome, it is time that we moved beyond Ministers and Departments simply talking to one another and towards working together. Does the junior Minister agree that a statutory duty on Departments to collaborate on the planning, commissioning and delivery of children's services would help us do that?

Ms M Anderson: There have been many discussions on that particular subject, but OFMDFM has put a policy lead in place and we believe that that is one mechanism through which we can get a co-ordinated and collaborative approach across Departments. Our Department has responsibility for progressing work on key children and young people's policies under the auspices of the Executive's overarching 10-year strategy for children and young people. Through that strategy, we aim to ensure that, by 2016, all children and young people will be fulfilling their potential. We will achieve that by improving outcomes for children and young people in six areas. To that end, we have developed an outcomes model that has gone to all Departments, and we hope that it will assist us in targeting the most vulnerable. We have gone past the stage of discussions and are progressing work in that field so that we get the outcomes required for the most vulnerable children.

Police Ombudsman

2. **Mrs D Kelly** asked the First Minister and deputy First Minister when they will be advertising for applications for the post of Police Ombudsman. (AQO 1094/11-15)

Mr M McGuinness (The deputy First Minister): Advertisements inviting applications for appointment to the post of Police Ombudsman were published in the press in mid-December 2011, with a closing date for returned applications of 20 January 2012. Further details of the vacancy and application packs have been available from the websites of OFMDFM and the Office of the Police Ombudsman. It is planned that interviews will be held in February.

The Member asked us, in AQW 3993/11-15:

"to detail the timescale for the recruitment to the post of Police Ombudsman."

Our response referred to the totality of the appointment process rather than to specific plans for press advertising. At that time, we were still finalising the full arrangements for taking the process forward.

Mrs D Kelly: I thank the Minister for that update and a somewhat different response from that to my earlier question. Who was consulted on the decision to appoint an interim ombudsman?

Mr M McGuinness: That is the responsibility of the Department of Justice. As the sponsoring

Department, it has the responsibility of ensuring the continuity of the functions of the Office of the Police Ombudsman. On 17 January, the outgoing Police Ombudsman announced his intention to delegate his statutory functions to appropriate levels within his office, pending the appointment of a new Police Ombudsman. He also announced that he did not intend to resign formally until the new Police Ombudsman was appointed. That is the third position on the timing of his resignation that Mr Hutchinson has adopted since last September. He adopted his latest position on the basis of legal advice that he received. His legal advice differs from that provided by the Attorney General to the Department of Justice. We have seen that advice, which confirms to our satisfaction that the Office of the Police Ombudsman can continue to function during a vacancy.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I want to pick up on the deputy First Minister's final point. The legal advice given to the current ombudsman led him to say that he could not resign until the new ombudsman was in post. Has the deputy First Minister any view on the legal opinion that he received?

Mr M McGuinness: It was the Department of Justice that sought legal advice from the Attorney General. Having seen that information, we are satisfied that the Office of the Police Ombudsman's continuing to operate during a vacancy would not in any way affect its functions. Obviously, it is a very unusual situation. As I said, Mr Hutchinson's current position is the third that he has adopted on the timing of his resignation since last September. We are now informed that he took his latest decision on the basis of legal advice that clearly conflicts with that of the Attorney General. Be that as it may, the situation needs to be dealt with, and our work of pursuing the appointment of a new Police Ombudsman continues. Applications are closed, and we look forward to the completion of interviews in February and to receiving from those responsible for those interviews a report on the most suitable candidates. In the aftermath of that, the First Minister and I will decide who will take up the post.

Mr Hussey: Does the deputy First Minister believe that there was undue political interference in the work of the current Police Ombudsman, Mr Hutchinson?

Mr M McGuinness: There has been a lot of discussion about this over the past number of months and, indeed, years. There have been a number of situations that brought the whole debate around the Police Ombudsman into considerable public controversy. Much has been written about that. I am not going to dwell on past events. We have to deal with the reality, which is that we are now faced with a situation where there is a responsibility to appoint a new Police Ombudsman. That work will be pursued diligently by those who have responsibility to put that in place. I look forward to the appointment. Obviously, anybody coming into such a position and all those involved in such an appointment have to reflect on the past and on the duties and responsibilities of the Police Ombudsman in a way that allows that office to get on with its work. That is vital to community confidence and to recognising the challenges that lie ahead, in the context of not just the work of the Police Ombudsman but the far bigger question of how we deal with the past.

Referendums

3. **Mr Dallat** asked the First Minister and deputy First Minister whether their Department has a policy on whether it is the right of a devolved Administration to determine the timing and parameters of a proposed referendum within a devolved region. (AQO 1095/11-15)

Mr M McGuinness: This is a matter that is within the context of the devolution settlements and the relevant legislation. We do not, therefore, intend to offer comment today on what might be the views of Scotland or Wales on their respective legislative powers concerning the holding of referendums. We are subject to the provisions of the Political Parties, Elections and Referendums Act 2000, which provides a broad framework of rules to regulate the conduct of any referendum held as a result of an Act of the Westminster Parliament. In addition, the position for us in relation to the holding of a referendum on constitutional matters is clear: the 1998 Act contains specific provisions relating to the holding of a poll in relation to a change to the current constitutional position. The commissioning of such a poll is the responsibility of the Secretary of State in response to the perceived wishes of a majority of those eligible to vote.

Mr Dallat: Mr Speaker, I thank the deputy First Minister for his very comprehensive reply.

Does he agree with me that it is the right of any nation to have mechanisms in place to decide its future and can he assure me that we are still in line for a united Ireland in 2016? *[Interruption.]*

Mr Speaker: Order. I will leave it to the deputy First Minister to respond, but supplementary questions need to relate to the original question. This particular supplementary question certainly has taken some legs. I really have to say that to the Member.

Mr M McGuinness: There will be a lot of people wondering what the Member has done in the past to achieve a united Ireland. *[Interruption.]*

Mr Speaker: Order.

Mr M McGuinness: The issue of the Scottish referendum first came into our domain when the First Minister and I attended the meeting of the British-Irish Council in Dublin. While a lot of very important issues in relation to youth unemployment and the misuse of drugs were discussed, we all had the sense to know that such a big media attendance at the event suggested that the press conference afterwards was not going to be about youth unemployment or the misuse of drugs but would be about Scotland, Alex Salmond and the dispute that his Administration are in vis-à-vis 10 Downing Street. My sense at that time was that the issue could be used to create divisions in this House, within our Executive, or even between the First Minister and me. All of us should resist the temptation to be drawn in to something that will be decided elsewhere. We have our own duties and responsibilities. We have our own agreements, stretching back to 1998 and through to the St Andrews Agreement and the Hillsborough agreement. What we do is abide by the agreements that we have made and get on with our duties and responsibilities. What happens elsewhere has to be a matter primarily for the people concerned. My attitude is that we would be best advised to steer clear of it.

2.45 pm

Victims and Survivors Service

4. **Mr McElduff** asked the First Minister and deputy First Minister for an update on the Victims and Survivors Service. (AQO 1096/11-15)

Mr M McGuinness: The Victims and Survivors Service remains a key issue for our Department, and we are committed to making available all resources to ensure that the service is established by 1 April 2012. Key milestones have been achieved to date, and the transition arrangements are in hand to ensure that there will be no gap in support to victims and survivors. Specifically, an interim management team has been established to develop the service. The team will continue to liaise with the sector to ensure that the service is focused on meeting the needs of victims and survivors.

The First Minister and I requested that junior Ministers chair monthly meetings with the commission and officials to ensure that the service is delivered. The First Minister and I also maintain regular contact with the commission on the issue. It is our intention to make a statement to the Assembly on the further detail of the service in the near future, and the OFMDFM Committee is scheduled to discuss progress towards the establishment of the service on 8 February.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Aire as ucht a fhreagra. I thank the Minister for his answer. I ask him to provide additional detail on the interim arrangements for the service.

Mr M McGuinness: An interim transitional management group has been established and is making arrangements to liaise with the sector to provide it with more detailed information on how the new Victims and Survivors Service will operate. The group will also work with the sector to establish the capacity of the groups that have been supported by OFMDFM in anticipation of the service being established. Funding is in place to ensure that there is no loss in provision, so any individual or group in receipt of funding should see no difference in the service being provided. Interim staffing arrangements will soon be announced to ensure that the sector has the confidence to engage fully in the development of the new service, and the First Minister and I will make a statement providing more detail on that.

Mr I McCrea: Will the deputy First Minister give an assurance that victims of terrorism will be put front and centre of any new service? Will he join me in condemning the mindless terrorist attack on Ballymacall Orange hall at the weekend?

Mr M McGuinness: It is important that all victims are put front and centre of our efforts to deal with what is a very sensitive issue. I absolutely join the Member in an outright condemnation of the burning of the Orange hall. I do so without reservation.

Mr Nesbitt: Will the deputy First Minister assure the House that the staff of the Northern Ireland Memorial Fund and of the victims section of the Community Relations Council will be offered jobs in the new service, thereby ensuring that the skills, experience and expertise that they have gathered through the years will be retained and not lost?

Mr M McGuinness: As we move forward with our new arrangements, it is important that we do not lose the experience that has been gained over the years in dealing with that important issue. However, there will be rules and regulations on how it will be dealt with. No doubt, as the situation progresses, all of that will be taken into account.

Mr A Maginness: The establishment of a Victims and Survivors Service has been long in gestation, and we look forward to its imminent birth. However, half a million pounds was unspent in this area of government activity, and that has —

Mr Speaker: I encourage the Member to come to his question.

Mr A Maginness: Yes. Sorry, Mr Speaker, but you are putting me off. *[Laughter.]* The half a million pounds that was not spent has now been spent on staffing needs, even though the service that the deputy First Minister outlined is not yet in operation. Will he please explain that?

Mr M McGuinness: OFMDFM budgeted to have the Victims and Survivors Service operational by the end of 2011, but a delay in establishing it has led to some of the money earmarked for it in the current financial year being returned. Money handed back does not affect the funding going to individual victims or groups working in the sector.

Institutional Child Abuse

5. **Mr Doherty** asked the First Minister and deputy First Minister for an update on the historical institutional abuse inquiry.
(AQO 1097/11-15)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister Anderson to answer the question.

Ms M Anderson: Go raibh míle maith agat.

Since I last updated Members in December on the progress that has been made in addressing historical institutional abuse, further work has been carried out to implement the decision to establish an inquiry, acknowledgement forum and advocacy service in support of victims. We have identified the legislative requirements to give the inquiry panel the necessary powers to compel people and documents. Officials have been instructed to begin preparation to bring statutory proposals to the Assembly for consideration. We are considering potential candidates for the inquiry panel, and that work is being actively pursued. Work is under way to establish an acknowledgement forum, through which victims and survivors will have the opportunity to recount their individual experiences to the inquiry in a sensitive and confidential environment. Potential candidates have been identified, and we are in discussions with them. We are working to identify premises for the inquiry in Belfast city centre and in Derry. We are committed to establishing an advocacy service that will provide support for victims and survivors before, during and after the inquiry. Currently, interim arrangements are in place.

Mr Doherty: Go raibh maith agat. I thank the Minister for her answer. The Minister will be aware of concerns regarding legal costs, given the experience in the South with the Ryan inquiry. Can she indicate the extent of the legal involvement in the process envisaged here?

Ms M Anderson: We understand and share the concerns that the Member has flagged up. The inquiry will be victim-centred and non-adversarial in its approach. In our discussions, the victims made it very clear to us that they are not on trial and so should not need lawyers. To quote a submission from the Survivors and Victims of Institutional Abuse (SAVIA): "We are not looking for the equivalent of a Ryan inquiry. The time, the expense, the over-lawyering and the dodging that took place right up to the end did more harm than good to the victims. We need to ensure effective support is in place. Money spent on support is better placed than money spent on lawyers."

In our wider consultation, everyone has made it clear to us that we need to guard against the

cost of the over-involvement of lawyers in the process. However, to ensure that victims have the necessary support to provide evidence to the inquiry, we will offer legal support to assist them. We do not envisage that the cost of the inquiry will bear any resemblance whatsoever to the legal fees paid out in the Ryan inquiry.

Mr Campbell: Obviously, the wider community has considerable sympathy for the victims of the abuse that the historical institutional abuse inquiry will look into. However, does the junior Minister understand the concern in the wider community that cost may well be a significant factor, particularly when many of those who were abused were abused at the hands of those who worked in the Roman Catholic Church's institutions in Northern Ireland, but the wider community might be expected to pick up the tab?

Ms M Anderson: It will be up to the inquiry panel to make findings with regard to who was at fault and the nature of the abuse. I am very conscious of the fact that there is concern about the cost of the inquiry. On considering all the evidence, we believe that the inquiry panel will provide a report to the Executive detailing institutional or state failings in their duties towards children in their care. The inquiry panel will make recommendations on redress and reparation to be provided to meet the needs of victims and survivors.

Mr Cree: I thank the junior Minister for her response so far. Given that the inquiry has been on the agenda for a long time, can she indicate what the budget is for the inquiry and what the details of the costs involved are?

Ms M Anderson: The business case is still being actively pursued and considered. You also mentioned the time frame for the inquiry. I believe that the First Minister and deputy First Minister acted very promptly once the matter was brought to their attention. It was agreed with the victims and survivors groups that we needed to bring the matter to a conclusion as soon as possible but that it was also important that we take the time to ensure that the process was right and mistakes were not made now that might cause any undue delay or prolong the suffering at a later stage. It is very important that we do not re-traumatise the victims. The inquiry and investigation will conclude within two and a half years of the commencement date. The chairperson will be required to provide a report to the Executive within six months of its conclusion.

Mr Speaker: Question 6 has been withdrawn.

Social Investment Fund: Consultation

7. **Mr W Clarke** asked the First Minister and deputy First Minister when they will publish the results of the social investment fund consultation. (AQO 1099/11-15)

Mr M McGuinness: The public consultation on the social investment fund proposals ended on 23 December 2011. During the consultation period, six public events were held, at which initial proposals were outlined and then discussed in detail. Attendance at those public events was high, with almost 240 participants.

During the consultation period, our officials also met a number of key statutory bodies and other Departments. That was with a view to ensuring that the social investment fund complements other area-based initiatives. We received over 300 formal consultation responses, which our officials are analysing. That will help to inform final proposals for operational arrangements for the fund.

Although several key issues have already emerged, it would be wrong for me to detail those in depth until all the input to the consultation is fully reflected on. We hope to be in a position to publish a consultation report in the coming months. In parallel, we will develop and bring to the Executive final proposals with a view to having the fund fully operational as soon as possible.

Mr W Clarke: The Minister said that there were over 300 responses. In the light of that, will he give us an assurance that there will be no delay in allocating funds, and that the allocation will not have to wait until all other areas have their plans agreed?

Mr M McGuinness: It is important to acknowledge that the unspent moneys have been reprofiled. They have not been lost, thus retaining the overall value of the fund at £80 million. That is in contrast with the past when funding was lost because it was unable to be spent within particular timelines. Our decision to reprofile is a demonstration that we are genuine in seeking to assist those in greatest objective need.

Of course it is important to make the social investment fund operational and to get money on the ground to meet the needs of communities as soon as possible. Many

respondents focused on the distribution of funds. It is our intention to put in place mechanisms for allocating money as early as possible so that communities can get on with tackling poverty and deprivation and to avoid any underspend in future years.

Mr Swann: With regard to the social investment fund, will the deputy First Minister outline the definition of “dereliction”, which, according to the draft PFG, will be allocated half of the £80 million of the total fund?

Mr M McGuinness: It is very important that people recognise that we are dealing with an issue where in many different parts of the North there is an incredible amount of dereliction. With regard to the employment situation in different communities, there is a huge body of work to be tackled and undertaken.

The social investment fund is designed to face up to all the challenges that are clearly there. In the consultation, we sought the views of local communities because we believe that local communities know best. In the course of the consultation, we will take on board all the views, including the different interpretations, of local communities about what social dereliction and unemployment mean for them. At the end of that process, after analysis, we will put together programmes that fit the particular circumstances in individual areas. They will not be the same right across the North. In all those areas, we will find considerable differences.

3.00 pm

Justice

Mr Speaker: Question 3 has been withdrawn and requires a written answer.

Prisons: Full-body Searches

1. **Mr McCartney** asked the Minister of Justice to outline the steps that have been taken to find an effective and less intrusive method than the full-body search in prisons as outlined in recommendation 8 of the prison review report. (AQO 1107/11-15)

9. **Mr Eastwood** asked the Minister of Justice what progress is being made in relation to recommendation 8 of the review of the Northern Ireland Prison Service. (AQO 1115/11-15)

Mr Ford (The Minister of Justice): With your permission, Mr Speaker, I will answer questions 1 and 9 together.

Significant progress has been made on the implementation of the prison review team's recommendation 8. Prison Service officials conducted an extensive review of the capabilities and limitations of full-body imaging scanners. The review is now complete. I received a copy of the report at the end of last week and, following discussion with officials, will consider the findings and whether there is any scope to consider a pilot of alternative search technologies in Prison Service establishments.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle, gabhaim buíochas leis an Aire as a fhreagra.

I thank the Minister for his answer. If the technology that he is appraising takes us to a higher threshold than the current full-body search, will he implement it?

Mr Ford: I thank Mr McCartney for that question. I can certainly assure the House that, if it is possible to find a technology that provides greater dignity for prisoners and prison staff in dealing with the issue of contraband being smuggled in or out while maintaining the absolute essential that is the security of prison establishments, the Prison Service and I will be willing to move, if that is the case.

Mr Eastwood: It is reassuring to hear that answer from the Minister. Of course, we all know that security is a given when we are finding any answer to the problem. Can he assure the House that the issue of resolving the protest at Roe House is one of his top priorities?

Mr Ford: I thank Mr Eastwood for that positive comment. Finding an alternative to full-body searching was covered in the prison review report. Dame Anne Owers and her colleagues were absolutely clear that it is an issue on which she urged the Department to take action in the interests of prisoners and staff in all three prison establishments. Although we are certainly committed to resolving the outstanding difficulties in Roe House, the Prison Service is conducting itself in accordance with the agreement of August 2010 as best it can in current circumstances, including dealing with the issues around full-body searching.

Mr Givan: The Minister will be aware that Colin Duffy was campaigning on the issue at the weekend. Does the Minister want to comment on his release from custody? What is the Minister doing to review how the criminal justice system managed that case?

Mr Speaker: Order. I know that Members have imaginative minds when it comes to supplementary questions. Certainly, that supplementary question has very little to do with the original question. I will leave it to the Minister to decide whether he wants to answer, but, on this occasion, the Member has gone outside the original question.

Mr Ford: I will deal with ministerial responsibilities. I will leave it to the judiciary to deal with its responsibilities.

Mr Nesbitt: Will the Minister update the House on the scope, scale and substance of any ongoing negotiations about full-body searches and tell us who has been involved?

Mr Ford: I thank Mr Nesbitt for his interest, but there have been no discussions in the terms as he put them. The Prison Service has carried through recommendation 8 of the prison review report. It has sought alternative technologies and has looked at practice elsewhere. I will study the report, which I received only at the end of last week, in detail with officials to see whether it is possible to make progress.

Mr Dickson: Will the Minister confirm that the commitments that he gave in August 2010 about searching are being met?

Mr Ford: Yes. The commitments that were given about reducing searching in Maghaberry prison were carried through as best they could be by the Prison Service. However, no commitment was given not to include full-body searching on entering and leaving prison. That remains the situation in all three prisons in Northern Ireland, as it is elsewhere in the United Kingdom. That continues to be the position in the absence of suitable alternative technologies.

Prison Service: Exit Scheme

2. **Mr Moutray** asked the Minister of Justice for an update on the Prison Service exit scheme. (AQO 1108/11-15)

Mr Ford: The voluntary early retirement scheme was launched on 8 November 2011. Following

its launch, 636 staff expressed an interest in applying to it. On Friday 20 January 2012, individual calculations of payments were issued to those 636 individuals. They have until 17 February to submit a formal application to leave under the terms of the scheme.

Mr Moutray: I thank the Minister for his response. Along with other Members, I am aware of complaints emanating from Prison Service members with regard to what is perceived to be poor advice and communication on tax implications and national insurance contribution issues connected to the scheme. How many staff have indicated that they wish to participate in the scheme? Will the Minister undertake to ensure a full and detailed consultation on tax implications and national insurance contributions?

Mr Ford: I was unaware of the level of concern that Mr Moutray has expressed. I repeat that, to the best of my knowledge, no individuals have formally expressed their application to leave since they received their terms and conditions last Friday. If there is an issue about tax and national insurance, it may be that the Prison Service is not the best body to give advice to its employees. I will certainly look into that.

Ms J McCann: Go raibh maith agat, a Cheann Comhairle. The Minister mentioned 17 February in his answer. When will a timeline be available to show when sufficient numbers of staff will actually leave under the exit scheme and the new recruits, who are needed to change the culture in the Prison Service, will be brought in?

Mr Ford: I thank Ms McCann for moving the process on a little bit. Certainly, the timing of individual releases will very much depend on progress on implementing the strategic efficiency and effectiveness (SEE) programme in general, particularly with regard to the grades, specialisms and expertise of individual members of staff. Staff will be kept informed as details come to light. Clearly, at this stage, when no formal applications have been made at all, it is not easy to give that level of detail. I have no doubt that Committee members will hear more about it in coming weeks.

Mr B McCrea: Minister, I was surprised to hear your answer to Mr Moutray's question. Are you sure that you are unaware of concern among prison officers about the tax implications of the exit scheme? When will you be in a position to

tell us exactly how many people will take up that offer?

Mr Ford: I am slightly surprised by the Member's question. I said what I said to Mr Moutray because it is fact. That is the basis on which I answer questions in the House. We will know how many people have applied when applications formally close on 17 February. The House will be informed of the position then.

Mr Allister: In regard to the prison reform package, I note that the present Justice Minister is the First Minister's first choice to continue in that post, even though the First Minister threatened to resign a few weeks ago over his attitude to symbols. Does that indicate that the Justice Minister has abandoned futile attempts to change the badge, name and symbols of Her Majesty's Prison Service?

Mr Speaker: Order. Once again, the Member knows fine well that he is totally out of order. The question that he has asked the Minister has absolutely nothing to do with the original question. Let us move on.

Mr A Maginness: Can the Minister reassure the Assembly that, for the full implementation of the exit package scheme for prison officers, there will be a full and comprehensive settlement with prison officers' representatives on restricted practices and overmanning, so that there is a full balance in relation to the scheme?

Mr Ford: Mr Speaker, I fear that Mr Maginness has just managed to slide within your boundaries by asking that as a supplementary question. Of course, the issue of how the Prison Service is managed as part of the SEE programme's ongoing reforms will be absolutely essential. Discussions are ongoing with the Prison Officers' Association and the Prison Governors Association on the details of the reforms and restructuring at this stage. However, the specific terms of the exit scheme are, of course, something for individuals to apply for rather than for formal negotiation with the unions.

Mr Speaker: Question 3 has been withdrawn.

PSNI: Recruitment Contracts

4. **Mr McElduff** asked the Minister of Justice to outline the value of contracts awarded to the PSNI for the employment and deployment of

agency, consultant and associate staff in the PSNI in each of the last five years.
(AQO 1110/11-15)

Mr Ford: The awarding and management of contracts by the Police Service is an operational matter for the Chief Constable, for which he is accountable to the Policing Board. I am reassured by the active interest that the board is taking in examining the issue. I believe that the Assembly and the public should have confidence that the accountability mechanisms for the PSNI are working effectively.

Mr McElduff: I thank the Minister for his answer. Public expenditure of this scale is surely and most certainly his concern. Will the Minister expand on his recent communication with the PSNI regarding those contracts? Essentially, what is being done to address the growing concerns that public money is being misused?

Mr Ford: I am not sure what communications the Member refers to, but I can only repeat the point: it is the job of the Policing Board to hold the Chief Constable accountable, and 10 Members of the House are members of that board. I will not interfere with the operational responsibility of the Policing Board, and I respect the current policing architecture, which leaves those issues specifically for them and the Chief Constable.

Mr S Anderson: I thank the Minister for his answers so far. To what extent does the Minister feel that the use of consultants and others has been caused by the loss of so much policing expertise and experience through Patten?

Mr Ford: I thank Mr Anderson for the question, but I regret that he is also asking me to intrude on the responsibility of his colleagues and other MLAs and nine independent members of the board.

Mr Hussey: Does the Minister fully support the comments of the Deputy Chief Constable about the associates:

"They do absolutely fantastic work in some very challenging areas and their experience and expertise is of huge benefit to us. It makes eminent sense to employ staff of significant experience for a short period of time on a time bound contract. We have a plan to manage our reliance on this down over the next year but there will be some areas where we still need to maintain expertise for a period beyond December 2012 that we cannot provide out of our resources."

Mr Speaker: Do we have a question from the Member?

Mr Hussey: Sorry?

Mr Speaker: Do I detect a question there somewhere?

Mr Hussey: The question was that I quoted directly from the Deputy Chief Constable and asked the Minister if he fully supports her comments.

Mr Ford: Mr Hussey also had an inventive question. Although the Deputy Chief Constable, like the Chief Constable, is qualified to comment on operational matters, I am not.

Mr McDevitt: Can I — *[Interruption.]*

Mr Speaker: Order. I would like to hear this Member ask a supplementary question that might relate to the original question.

Mr McDevitt: Such confidence, Mr Speaker. I declare an interest as a member of the Policing Board, so as to make sure I do not incur your wrath twice. Does the Minister fully support the principles and full implementation of the Patten report? Does he further agree that it is abnormal, to say the least, that, of the 399 people currently deployed in the PSNI as associate staff, 304 are former members of that service who received severance payments under the Patten scheme?

Mr Ford: Mr McDevitt asked two questions. With regard to the first, as Minister of Justice, I fully support the arrangements for policing architecture, which were in place when I came into office and continue in place, including the role for the Policing Board and the operational responsibilities of the Chief Constable and his team. He asked a second question, which is for himself and his colleagues on the Policing Board.

Jury Service

Mr Hamilton: Mr Speaker, let us see if we can get an answer from the Minister on this one.

5. **Mr Hamilton** asked the Minister of Justice whether he has given any consideration to a review of jury service. (AQO 1111/11-15)

Mr Ford: The Member will be aware that I am currently consulting on the question of the upper age limit for jury service. The closing date for that consultation is 10 February, after which

I will consider the responses and report to the Assembly's Justice Committee.

I also intend to consult on the eligibility for jury service of people suffering from a mental disorder. As it stands, there are differing opinions on the definition of mental disorder and whether it properly serves the purpose of excluding and including the right people for jury service. I will announce a date for that consultation in due course.

Regarding the operational aspects of jury management, the Member will also know that the Criminal Justice Inspection Northern Ireland (CJINI) carried out a review of the management of jurors and published its report in April 2010. The report found that the Northern Ireland Courts and Tribunals Service was meeting the demands of the system by providing sufficient juror numbers to ensure the smooth running of criminal trials. It also noted that a customer service ethos had been applied to jurors to ensure that their experience of the system is positive and that the ongoing internal evaluation and review of jury administration and management by NICTS is in line with good practice. A survey conducted by CJINI during the inspection found that 93% of jurors reported a good or satisfactory experience of jury service. Given the positive messages in that report, I do not consider it necessary to undertake a review of jury service at this time. However, the Courts and Tribunals Service reviews the operational arrangements periodically to identify scope for improvement.

3.15 pm

Mr Hamilton: I thank the Minister for that answer. In taking forward any review, will he consider the issue of the employers and employees who can be inconvenienced by the lateness of notification of their need to appear on a jury the next day? That has been brought to my attention and, I am sure, to the attention of colleagues in the House. Will he show some sympathy to those individuals in how the operational structure of jury service is administered in Northern Ireland?

Mr Ford: I thank Mr Hamilton for his supplementary question, which, I accept, deals with a significant issue for a small number of people. There is an operational difficulty in that it is generally not possible to state who will be required for the next day's jury service until a specific day's business has been completed. The Courts and Tribunals Service has been

exploring ways to manage juror management to make it better. For example, following the reduction in the right to challenge specific jurors, it has limited the number of jurors who are required and, in some cases in some County Court divisions, it has split jury panels into two, so that not as many people are necessarily on standby. A further survey will be conducted over the next few months, starting from next month, which will seek specific views on those issues and on the possibility of reducing the time for which a jury panel is in place from four weeks to two weeks. We trust that that will provide some reassurance to the Member about what is sought.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Will the Minister assure the House that he is fully committed to the retention of trial by jury and that any changes to the system will be minor and will support the continuation of that system?

Mr Ford: I am so astounded by a second relevant supplementary question that I can hardly answer. I remain absolutely committed to the concept of trial by jury. Clearly, we are all aware of a small number of circumstances in this jurisdiction in which that is not possible. However, it is my belief that jury service is one of the best ways to guarantee free and fair trials for all. It forms a part of our democratic system which we should alter at our peril.

Mr Cree: The Minister referred to the 2010 'Management of Jurors' report. Will he advise the House what progress his Department has made in responding to the recommendations contained therein?

Mr Ford: I am unsure of Mr Cree's specific references. However, if he wishes to write to me, I will follow them up.

Anti-social Behaviour Orders: East Belfast

6. **Mr Newton** asked the Minister of Justice how many anti-social behaviour orders were issued in the East Belfast constituency in 2010-11. (AQO 1112/11-15)

Mr Ford: I have been advised that no anti-social behaviour orders (ASBOs) were issued in the East Belfast constituency in 2010-11. It is the responsibility of the relevant authorities — the Northern Ireland Housing Executive, the Police Service of Northern Ireland and the district

councils — to make a decision, on a case-by-case basis, as to whether it is appropriate to make an application for an anti-social behaviour order.

Although ASBOs have a role to play in tackling antisocial behaviour, it is important to stress that they do not provide the full answer. Members will be aware that, in Northern Ireland, we have adopted a staged approach to tackling antisocial behaviour. Through that, anti-social behaviour orders are used in a proportionate manner, alongside other measures including community-based projects, such as the Street by Street project that, I know, the Member is aware of in his constituency, support programmes, mediation, diversionary activities, verbal and written warnings and acceptable behaviour contracts. That staged approach has contributed to a reduction of over 20% in the incidences of antisocial behaviour across Northern Ireland since 2008 and a reduction of over 17% in East Belfast. The community safety strategy, which I intend to launch in March, will aim to build on that success as we work towards achieving safer, shared and confident communities.

Mr Newton: It will come as a shock to residents of East Belfast who suffer antisocial behaviour that not one anti-social behaviour order was issued. However, I accept what the Minister says, and I pay tribute to initiatives such as Street by Street and to Alternatives for the work that it does. I ask the Minister to support such initiatives through the PSNI to continue to address the levels of antisocial behaviour.

Mr Ford: I welcome Mr Newton's comments. I can assure him that the Department and its agencies will continue to work, as they have been doing. That work has shown a significant reduction in antisocial behaviour over the past three years.

Mr Copeland: Does the Minister have a view on whether the reorganisation and renaming of district policing partnerships will ease the way in which we currently look for solutions in dealing with those found guilty of antisocial behaviour?

Mr Ford: One of the key driving forces behind the creation of the new policing and community safety partnerships, which bring together the functions of CSPs and DPPs, is that it will enable a more joined-up approach. It will enable the police to operate as partners alongside other agencies and ensure that a holistic approach is taken to tackling problems such

as antisocial behaviour. The proof will be in the pudding, and there will be a lot of responsibility at local level, but I trust that Mr Copeland's prediction is correct.

Mr Lyttle: I thank the Minister for his response and welcome the 17% reduction in antisocial behaviour in East Belfast in recent years. I join colleagues in commending the work of East Belfast Alternatives and Street by Street in those efforts. In addition to the new policing and community safety partnerships, what work is his Department doing to encourage collaboration across Departments to tackle antisocial behaviour?

Mr Ford: Antisocial behaviour is covered, in large measure, by what the Department of Justice is leading on, which is collaborative working in disadvantaged areas with the involvement of other agencies and Departments. Specifically, at this stage, that involves six pathfinder areas, including Ballymacarrett. Since the pathfinder areas were established in the middle of 2011, there has been a particular focus on youth provision, both physical and infrastructural, and youth engagement. However, there are different issues that show that, if we are to tackle some particular problems where there is a significant incidence, we really need the joined-up working of which the Member spoke. There is no doubt that the Department of Justice has been able, since devolution, to work in a more joined-up way with other Departments that will have even greater effect.

Mr Agnew: I have recently had it confirmed that two premises in Dundonald are using Mosquito alarms as part of their attempts to tackle antisocial behaviour. What is the Minister's view of the use of such alarms, and has he any plans to regulate their use?

Mr Ford: This is the first that I have heard of it from the Member. If he has the details of specific premises, I would be interested to hear about them. It is certainly my understanding that there are major problems with Mosquito alarms being used in areas where, for example, young children might suffer from their use without being aware of the reasons why. We need to be very careful before individuals who have commercial premises to protect conduct such activities. If the Member wants to follow up with details, I will happily respond.

Non-molestation Orders

7. **Mr Boylan** asked the Minister of Justice for an update on the process for obtaining a non-molestation order to ensure maximum protection for vulnerable people. (AQO 1113/11-15)

Mr Ford: Domestic violence is a serious problem, and I want to ensure that maximum protection is afforded to vulnerable people who are the victims of such violence. In December 2010, I announced a change in the legal aid rules to provide increased assistance for victims of domestic violence. I authorised the Legal Services Commission to waive the upper earnings and capital limits for persons applying for non-molestation orders (NMOs), and that means that more people now have access to legal aid in order to protect themselves and their family from domestic violence. Although a contribution towards costs may be required, it will be a fixed, one-off amount that should ensure that victims of domestic violence need no longer worry about the financial implications of seeking an NMO for their protection.

During a 12-month pilot, the waiver meant that legal aid was granted to 104 applicants who previously would have been refused legal aid and might otherwise have found it difficult to afford to apply for a non-molestation order. I have now indicated that the waiver arrangements are to be continued on a permanent basis. I am pleased to say that those new arrangements have been largely welcomed, particularly by Women's Aid, which works closely with many victims of domestic violence.

Mr Boylan: Go raibh maith agat. I thank the Minister for his answer. Given the high levels of domestic violence here, can he give the House assurances that any change in the process of serving non-molestation orders in respect of domestic violence will be carried out by the PSNI?

Mr Ford: I thank Mr Boylan for the question. I cannot give such an assurance, because some matters will be operational issues for the Chief Constable. However, I have discussed the issue with the Chief Constable. I have put to him the view that has been widely put to me about the benefits of non-molestation orders being served by a police officer in uniform rather than by any other agent of the court. The police have advised that any changes in the method of service will be introduced only when they and the Courts and Tribunals Service are satisfied

that the new arrangements are reliable and fit for purpose. That remains the position until we see that arise.

Mr I McCrea: I welcome the Minister's commitment to continuing the waiver. Will he join me in calling on everyone who has been affected by domestic violence to come forward to the PSNI or other relevant authorities to try to ensure that it is removed from our society?

Mr Ford: I agree with Mr McCrea. I hope that anyone who is a victim of any kind of crime will take the information to the Police Service. With domestic violence, there is a particular difficulty and danger that some individuals may feel so threatened that they cannot report it. However, it is clear that, by improving access to NMOs and by other work that we are doing to support victims, we are putting in place all that we can to make that easier for victims. It is a matter for each individual, and I hope that individuals will hear what Mr McCrea has said.

Mrs Overend: Can the Minister provide an insight into what the problems are with the serving of non-molestation orders? Why is there some consideration of that being changed?

Mr Ford: I thank Mrs Overend for the question. The issue is that, because of the number of police officers available in Northern Ireland to carry out particular duties compared with the number that there were some years ago, there are pressures on operational policing in a number of areas. That is why the Chief Constable believes that it would be possible to move away from the current system, since, elsewhere in these islands, police officers are not involved in serving non-molestation orders. He is fully aware of the concerns that are felt across the community and the benefits that are seen from police involvement in that.

Youth Justice Review

8. **Mr Beggs** asked the Minister of Justice to outline his plans to implement the recommendations contained within the review of youth justice system report. (AQO 1114/11-15)

Mr Ford: The public consultation on this report and its recommendations has only recently closed, and, indeed, we are still awaiting responses from a small number of organisations that requested an extension. It would therefore be premature to comment on the way forward

at this stage or to discuss specific plans for the implementation of any of the recommendations.

I am very pleased with the number of formal responses received to date, several of which are from organisations that represent and have direct engagement with children and young people. The Department has held public meetings on the report and its recommendations, as well as commissioning separate pieces of work from different sectors and constituencies, including those representing children and young people, older people, parents and victims.

Overall, the level of response and obvious thought that have gone into the comments received to date reflect a clear understanding of and widespread interest in this important subject. I assure Members that taking forward the outcome of the review is a priority for me and for the Department. However, it is important to emphasise that a number of the key recommendations are cross-cutting and engage the responsibilities of other Departments. In developing any plans for implementation, I will therefore consult ministerial colleagues to agree the way forward and how we might work in partnership to deliver the required outcomes. The Committee for Justice has a significant interest in the issue, and I look forward to sharing my emerging conclusions with Members and taking their views as part of the implementation process.

Mr Beggs: The Minister of Education previously had a children's strategy. Will this Minister agree that, to reduce the number of young people coming into conflict with the criminal justice system, it is important that there be an all-encompassing strategy, involving health, education and justice?

Mr Ford: I agree with Mr Beggs that it is incumbent on all of us to work together, particularly in the area of prevention, in which, as he highlighted, Health and Social Services, along with Education, has a greater role than Justice in preventing young people coming into the justice system and assisting them out of it when they become involved through criminal activity. That is the point of the partnerships that we have been trying to work on, whether by CWDA, PCSPs or the ongoing work in this area.

3.30 pm

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Royal Jubilee Maternity Service, Belfast: Neonatal Unit

Mr Speaker: I have received notice of a question for urgent oral answer under Standing Order 20A to the Minister of Health, Social Services and Public Safety.

Mr **Wells** asked the Minister of Health, Social Services and Public Safety for an update on the situation at the neonatal unit at the Royal Jubilee Maternity Service, Belfast.

Mr Poots (The Minister of Health, Social Services and Public Safety): First, I have expressed my deepest sympathy to the parents and other members of families who are grieving the loss of their babies, and I reiterate that in the House. I am sure that that sympathy is extended from the entire House.

So far, the pseudomonas bacterium has been found in six babies associated with the outbreak in the Royal Jubilee Maternity Service neonatal unit. Of those babies, three died in the neonatal unit and one recovered from pseudomonas but later died from an unrelated cause. Two babies have recovered from the infection and are still in the neonatal unit. Further tests for pseudomonas have not shown any new cases of infection in the outbreak, and the total remains at six. The neonatal network is managing well. Some mothers due to give birth or babies who require special neonatal care may be transferred to another unit, as would be normal practice. That will be on the basis of specialist clinical advice to ensure that babies receive the most appropriate care.

All the babies in the unit have now been screened and parents have been informed of their baby's result. At this stage, five babies who have the pseudomonas bacterium on their skin have been identified, but that is not causing active infection. Babies continue to receive the neonatal care that they require. As a precautionary measure, the babies' skin may be screened again as the situation requires to see

if they are carrying the bacterium. All necessary precautions are being taken to avoid the spread of infection.

Bio-decontamination of the intensive care part of the neonatal unit at the Royal Jubilee Maternity Service is now complete. The affected area in the unit at the hospital will remain closed while a team of specialists continues to attempt to identify the most likely source of the infection. All other maternity services and wards at the Royal Jubilee Maternity Service are fully operational and working as normal. Expectant mothers should attend their appointments as scheduled.

Pseudomonas bacterium is an organism that can be found in many natural environments, including soil and water. Infections are seen mainly in immunocompromised and debilitated patients. Outbreaks of *pseudomonas* have occurred in intensive care facilities around the world, because patients in such facilities are frequently immunocompromised. The trust, the Public Health Agency (PHA) and the Department are continuing to manage and monitor the situation, and a teleconference is in progress at present. The situation is evolving and further updates will be issued.

Mr Wells: I thank the Minister for his answer. I concur with him: this must be a devastating thing to happen to the three families involved who, having come through the grief of having a premature baby, faced the ultimate horror of their child dying.

The Minister spoke at length about the situation in the Royal neonatal unit. What steps has his Department taken to ensure that there is no trace of or problems with that particular infection in other neonatal units? What is being done to make absolutely certain that the infection does not spread outside the Belfast hospital?

Mr Poots: In conjunction with the Chief Medical Officer, the PHA has developed guidance to ensure that there is regional consistency in case definition, in reporting requirements and in screening advice. That guidance will be implemented across all the trusts.

Ms S Ramsey: Go raibh maith agat, a Cheann Comhairle. I take the opportunity to thank the Minister and the Belfast Trust for the information that they have got out to elected

representatives and the community over the past days.

Like the Member who spoke previously, I have sympathy for the parents and the families of those who have been affected but also for the staff of the hospital, because they are directly affected too. Minister, you mentioned expectant mothers. I think that there is a need to continue that positive work with expectant mothers, because I have spoken to a number of them in the past few days, and they are genuinely afraid to attend the hospital, either because of a lack of information or because of misinformation.

In the media over the weekend there was a suggestion that the large turnover of cots could play a part in the problem. If that is wrong information, it would be useful and important to get the right information out there, so that we stay away from all of the rumours.

Mr Poots: Cots do not tend to have a quick turnover in the neonatal unit, because children tend to need the type of care that they get there for at least a number of weeks or, in many instances, for months. The turnover of cots in the neonatal unit is not potentially the problem. We have identified a number of potential problems, and we will get a report back tomorrow, all being well, on the potential for it to have come from a water source problem. That has been the case with other outbreaks of *pseudomonas* elsewhere. That is currently being investigated, so we cannot suggest at this stage that that is the cause of the problem, but it is certainly one of the areas that are being investigated.

Being a micro-organism, it can live even in very clean environments. Obviously the issue of hand hygiene is absolutely critical, not just for staff but for people who are visiting those facilities. I urge people, whatever hospital facility they are visiting, to use best practice as set out by the hospitals, because we need to ensure that hospital-acquired infections are reduced. It can often be members of the public who introduce those infections to the facilities. In relation to this particular facility, we will continue to identify where the problem has come from, and, hopefully, we will get to the nub of it in the not-too-distant future.

Mr McCallister: I welcome the Minister's response and thank Mr Wells for tabling the question. I want to associate myself and my party with the Minister's words of sympathy to the families. Few things in life are more

emotive or distressing than the death of a child, particularly a young baby. It is a truly awful chapter for the hospitals and those families involved. They should be assured of our thoughts and prayers as they face the future.

I want to ask the Minister about the ward. When was it last subject to an Regulation and Quality Improvement Authority (RQIA) inspection? Does he have any concerns about the fact that there was a two-week interval between the first death and the ordering of the full deep clean?

Mr Poots: I will be making a full statement tomorrow, when I will deal with the issue of the RQIA, and I will be able to give the Member greater clarity on the time that elapsed between the first death and the instruction for a deep clean. One death does not constitute an outbreak. It was not until the second death happened that it constituted an outbreak. Although a baby lost its life in Altnagelvin in December, that particular strain of pseudomonas appears to be wholly different from the strain that caused the first death in Belfast. Indeed, it appears that not all of the strains in Belfast are identical. It is a very complicated micro-organism. It is difficult to get concise and precise answers for every question at this stage because it is all developing.

What is important is that, at this stage, we have dealt with all of the children in the unit to identify whether the problem exists with a number of children. We have been able to discover that no babies are currently infected by pseudomonas but that we currently have a number of babies who are carriers. That does not pose a particular threat, but, nonetheless, those babies are all being treated with antibiotics, and that is the right thing to do. We will give further details on some of those issues in the statement tomorrow.

Mr Durkan: I thank the Minister for his answers, and I commend him on his handling of this very sensitive issue. I also take the opportunity to extend our very deepest sympathy to the families who have lost babies and to offer our ongoing support to them and to staff in neonatal care across the North. What is the capacity, in units and bed numbers, for neonatal care in Northern Ireland? In the aftermath of this awful series of incidents, does the Minister believe that that capacity is sufficient? How many babies and families have had to be sent for care outside the jurisdiction?

Mr Poots: I thank the Member for his kind remarks: I am just attempting to deal with it as best I can. Thankfully, we are working with very good staff. I take this opportunity to commend the staff in the unit on the work that they have done. It has been a very difficult time, but they have sought to get on top of the problem and to provide parents with adequate assurances. I believe that there is now greater confidence in the facility among parents and staff, and that is good.

We have 105 neonatal cots available across Northern Ireland, which would normally be more than sufficient. Even at this point, not all facilities are being fully utilised. However, three different levels of care are provided in neonatal units, and some of them are at maximum capacity. I understand that we have taken up the offer of care provision outside this jurisdiction in a couple of instances. Although we will seek to avoid that, we will also seek to ensure that mothers will give birth in facilities in which they have full confidence. We want to get the neonatal unit back to the point at which it can operate at full capacity. Many babies are being treated in it in a very safe way at this stage, and I trust that that will continue.

Mr McCarthy: I thank the Minister for his update on this very traumatic and sad occurrence. The Alliance Party joins him in offering its total sympathy to the families who have suffered enormously. I think that the Minister said that this bacterium has not been in Northern Ireland until now. Is he satisfied that the board and the Department were prepared for such an emergency?

Mr Poots: I have to correct the Member: I have not, at any point, said that this bacterium has not been in Northern Ireland before. The bacterium is very prevalent; it is probably in the Chamber and being carried by many of us. As I indicated, it is a micro-organism. It thrives in damp environments, and Northern Ireland is a very damp country. The bacterium thrives in water and in soil.

The bacterium is very prevalent but has no impact on people whose immune systems are normal. However, it can have a very devastating impact on people with very low immune systems. Obviously, the babies in the neonatal unit have little immunity with which to fight these infections, and therein lies the problem. This bacterium will almost certainly be in other hospitals across Northern Ireland. That is not a

reason to panic, because it will have little or no impact on those facilities. It will have an impact on people with very low immune systems. We have to do our utmost to ensure that those people are adequately protected and cared for. We have had a problem at the Royal Jubilee Maternity Service. We have had an outbreak which sadly and very tragically led to the loss of life. We are doing our utmost to ensure that there is no further loss of life, and we are hopeful that that will be the case. I hope to be at a stage in the near future where I can move beyond being hopeful to being confident that that is the case.

3.45 pm

Mr Speaker: No other parties have indicated that they want to ask the Minister a supplementary question. There will be a further opportunity to ask questions tomorrow, when the Minister will bring a fuller statement to the House. Let us move on.

Private Members' Business

Schools: Pupils Living in Poverty

Debate resumed on amendment to motion:

That this Assembly notes that one child in four is living in poverty; calls on the Minister of Education, with support from the Executive, to target extra resources at pupils living in poverty to enable them to succeed at school; and further calls on the Minister to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential. — [Mr Flanagan.]

Which amendment was:

Leave out all after the first "poverty;" and insert

"further notes that early offers of family help and support can improve health and educational outcomes, reduce youth offending and increase lifetime opportunities; calls on the Minister of Education, the Minister of Justice and the Minister of Health, Social Services and Public Safety, with support from the Executive, to target extra resources at pupils living in poverty to enable them to succeed at school; and further calls on the Minister of Education to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential." — [Mr McNarry.]

Mr Allister: On a point of order, Mr Speaker. I want to take you back to the beginning of Question Time, with questions to the deputy First Minister. You will recall that the first question was from Mr Lynch. The reason I draw attention to that fact is that Standing Order 20(7) indicates: "the first question may not be from a member of the same party as the Minister to whom it is addressed".

We all knew that it was the turn of the deputy First Minister to answer questions for OFMDFM today. I am therefore surprised that the first question was from a Member of that Minister's party, given the content of Standing Order 20(7) and given that the knowledge was that questions would be to the deputy First Minister. Will you cast some light on that?

Mr Speaker: I certainly will. I remind the Member that questions to the Office of the First Minister and deputy First Minister are to the office, not to the First Minister or deputy First Minister as individuals. That, therefore, was quite in order. I hear what the Member is saying, but that was quite in order. I have reminded

the House in the past that questions to the First Minister and the deputy First Minister are, as I say, to the Office of the First Minister and deputy First Minister.

We will now return to the debate on pupils living in poverty. I call Michelle McIlveen.

Miss M McIlveen: I support the amendment and concur with many of the remarks made by previous Members. Like the Chairman of the Committee, I am disappointed by the tone of the Member who moved the motion. He used this very serious issue as a ruse to raise the subject of academic selection incorrectly and, might I say, inappropriately. What bothers me most about that is that it distracts from what could and should have been the core of the motion, namely that poverty is a very real and genuine issue in society and one which we all have a duty to address.

(Mr Deputy Speaker [Mr Dallat] in the Chair)

The latest figures show a 3% increase in the number of children experiencing poverty this year compared with last year. Much has already been said about the reduction in funding to schools, the disparity in funding to primary schools, and the need to target funding at schools in disadvantaged areas and at nursery provision. There is a real need to assist families who find themselves, often through no fault of their own, in poverty.

In preparation for this debate I wanted, rather than duplicating what has been said, to look particularly at the need to assist parents in poverty and children in care. The most recent studies have shown clearly that poverty most strongly affects children's education and cognitive outcomes, even more than health or behavioural outcomes. It is on education achievement that poverty has the most impact. Perhaps even more importantly, the studies show clearly that parental qualifications, particularly those of the mother, are the most powerful predictor of a child's education outcome. Of all the factors that influence intergenerational poverty, poor education achievement is the most significant. Unless we turn around the education outcomes for poorer children, they will stay poor and will most likely pass that experience of poverty on to their children.

The Child Poverty Action Group advises that that trend is becoming more ingrained among children and young people who have experienced poverty

over the past two decades. As a result, they are much less likely to move into well-paid employment and, therefore, they will suffer greater effects from poverty well into adulthood. Those points were made by Mr McNarry. The chances for today's children and young people to move out of poverty in adulthood are lower than they were for those born 50 years ago; that is quite stark. To change outcomes for children living in poverty and to break the cycle of intergenerational poverty, we must do more to ensure their education outcomes.

A key element in improving attainment in education for those children and, therefore, their life chances is to provide the kind of early parental help and support that will make a difference. That must mean offering help to parents during pregnancy and enabling them to understand how their earliest interaction with their babies can affect their life chances. That really brings it out of the remit of the Department of Education and makes it an Executive issue.

A range of research has shown a direct connection between the number of books in a household and how well children do educationally. If parents have not had a great experience at school, they will not have received early support themselves. That support must be given to them to show them how to interact with their child in a way that supports early learning. It is critical that there are policies and programmes that support library use, for example, and reading to children at home to improve outcomes.

Wearing another hat, I emphasise the importance of libraries, particularly in disadvantaged areas, and outreach programmes that will really engage parents who may not otherwise use them or have access to books. The role of local libraries in our communities must be developed and grown.

I have spoken many times on issues of concern around looked-after children. Although we have seen some small improvement by way of better outcomes, they remain one of the most vulnerable groups of children and are more significantly at risk of poverty than almost any other child. In 2009-2010, 17% of children who left care achieved more than five GCSEs at grades A to C compared with 70% of school leavers in general, while 43% of all children who left care had no qualifications at all, compared with only 2.1% of school leavers in general.

Poor education outcomes for children and young people in care are directly linked to higher

levels and intergenerational patterns of poverty, so it is essential that we look at creating new sources of funding to support better education programmes. Those programmes already in place, such as Fostering Achievement, the Letterbox Club and the new personal education plans, must be built on to ensure that we make better use of the resources that we have for that most disadvantaged group of children.

Mr Deputy Speaker: Bring your remarks to a close, please.

Miss M McIlveen: I look forward to seeing some definitive policies and funding coming forward to make some real change.

Ms Ruane: Ar dtús, cuirim fáilte roimh an rún seo. Ceapaim go bhfuil sé an-tábhachtach go bhfuil muid ag plé leis an ábhar agus go bhfuil ról le himirt ag gach duine sa sochaí.

I welcome the fact that we are debating the motion. We have to deal with these important issues and ensure that every person plays his or her role. We have heard the statistics. Sinn Féin believes that the most effective way to eradicate poverty and to deal with disadvantage is to target on the basis of need. No one should be under any doubt that access to excellence in education, whether preschool, primary school or post-primary school, is the way forward. Access to a broad-based curriculum that puts the child rather than the institutions at the centre is the way forward.

It is even more important that money is invested wisely and fairly when resources are scarce and that we use it to stamp out the deep inequalities in our system. Sinn Féin has held the Education portfolio since 1998, and Martin McGuinness, John O'Dowd and I are proud of the role we have played in bringing about badly needed changes to the system to ensure that young people get the education and qualifications they deserve and need to progress. However, no one is complacent. We have a lot of work to do.

The fact that the percentage of young people getting five GCSEs is increasing and that the Programme for Government aims to continue that trend must be welcomed, as must the fact that the percentage of children getting a preschool year is increasing and is now in the high 90s. I welcome the Minister's pledge to increase that further. A few short years ago, the statistics showed that figure to be only

43%, and I think that, rather than people being selective in what they quote — I refer to Conall McDevitt's comments — they should give credit where credit is due. I welcome the fact that all parties now accept that, although we have excellence in our system, major parts of it need to improve. Even that more mature debate is to be welcomed.

I welcome the fact that Michelle McIlveen mentioned libraries. I absolutely agree with her. Access to technology and computers is almost more important than libraries, and I welcome the fact that the Department has rolled out over 30,000 computers into primary schools. Equality in technology will be important for children and young people.

In the South of Ireland, Delivering Equality of Opportunity in Schools (DEIS) schools operate in disadvantaged areas and currently get additional resources and teachers. The current Minister of Education moved to reduce some of that, but, thankfully, because Sinn Féin tabled a private Members' debate in Leinster House in which it pointed out the importance of continuing with DEIS, we hope those schools will continue to get funding. I mention that because we can learn a lot from what is happening in the South in relation to the DEIS schools, as, indeed, schools and the Administration in the South can learn from us.

I welcome the fact that the North/South Ministerial Council continues to focus on standards and underachievement. I urge the Minister to intensify that focus, and I know he will. We should be learning from countries at the top of the Organisation for Economic Co-operation and Development (OECD) tables, for example Finland, and also Poland, where performance has shot up. That is good to see. We need to learn from those countries and what they are doing.

One thing we know is that selection at a very young age entrenches disadvantage and poverty. I call on the schools that continue to discriminate against children to reconsider their approach. I call on all schools to implement the Department's proposals in relation to transfer, and I support absolutely what Phil Flanagan said. We have heard research on early years cited, but sometimes people refuse to acknowledge the research done at a very high level, including by the United Nations, on the link between selection and underachievement. That

is well documented, and Members would do well not to ignore it.

We need all our young people to leave school with good qualifications and literacy and numeracy skills. We want them to be active, stimulated citizens with a lifelong-learning approach. Some 30% of learning is done in school and 70% in community and families. We need to target our resources very strategically, and I have no doubt that the Minister will continue to do that.

Mr Craig: I share my colleagues' bewilderment with the original motion and the way it was presented to the House. I say "bewilderment" because if I had introduced that motion, the Minister could have understood the reason for my doing it — I would have been questioning his competence and role. I find it intriguing that the former Minister of Education has stepped forward to the Minister's defence. The whole situation is rather intriguing.

However, I support the amendment and the motion. This is a very serious issue. I have found something upon which I can agree with the former Minister: this is not solely the role of the Department of Education. Responsibility for it cuts across the Executive, and many Departments can contribute to it. The obvious one, already highlighted, is the Department of Health. It has a major role to play with regard to the whole issue. There are also the Office of the First Minister and deputy First Minister (OFMDFM) and the Department for Social Development (DSD), which are two major contributors to tackling this whole issue not only of poverty in our communities but also underachievement in those areas of our community that are affected by poverty.

I refer to what the Health Department has done on the issue. In my hand, I have a consultation document entitled 'Improving Outcomes for Children and Young People and their Families', which was produced by the South Eastern Outcomes Group. The reason I refer to it is simple: this is where I take issue with the Department. A very worthwhile organisation, the Resurgent Community Development Trust, formally the Old Warren Partnership, works in my constituency with local community groups, schools and others in the community to try to tackle the issues that are causing not only the poverty but the underachievement.

I found that disappointing because, although the Department of Health, Social Services and Public Safety has stepped up to the mark and is putting money into such projects, I was astonished to discover that the Department of Education had done little or nothing to support them.

4.00 pm

Mr McCarthy: I felt a bit aggrieved when the Member said that the Health Department had stepped in. Do you not concede that the Health Department, under your party's Ministry, has significantly failed to contribute to the continuation of the excellent work of Home-Start throughout Northern Ireland? That organisation works on a shoestring and, in some cases, is almost going under because the Health Department did not subscribe to it.

Mr Craig: I recommend that the Member take that up with the Minister. I will not get into an argument or debate about what funding goes to which areas. What struck me was not where the funding was going but that Departments were not tying their efforts together to tackle the issue. I am sure that the Minister will agree with me that the major contributors to improving standards in education must be the Department of Education and the schools themselves. I found it bewildering that I and other politicians in the area had to use our influence with schools to get them involved in such a project. I appeal to the Minister to work in a joined-up way with the Health Department, DSD and other Departments in tackling the issue. I hope that the Minister will take that on board.

The motion refers to targeting resources to enable pupils living in poverty to succeed. I totally agree. We will have to lend support to the parents and families of children who are obvious underachievers. We are all aware of the social groups from which they come: lone parents, vulnerable parents and so on. The Minister is aware of a list of factors, such as background, that are clear indicators of where underachievement will come from. So far, the Minister and the Department have used free school meals to target resources at those groups, but I want to add a word of caution. As chairman of a board of governors, I see more and more underachievement not only among those in receipt of social income and benefits such as free school meals but among the working poor. Increasingly, the children of

parents who both work but, quite frankly, get the minimum wage, are underachieving.

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Craig: If the Minister is to tackle the issue, I appeal to him to look at a wider and more beneficial way of targeting individuals.

Mrs Dobson: I support the motion and thank those who brought it to the House today. I also support my party's amendment, which seeks to promote a co-ordinated and joined-up approach to tackling the issue of pupils living in poverty across Northern Ireland and, indeed, to breaking the cycle of poverty for future generations. Any business looking to tackle an issue will constructively review what it has already done, and the Executive should be no different. In my Upper Bann constituency, the Department for Social Development funds projects in the neighbourhood renewal areas of Portadown, Lurgan and Brownlow. That work is specifically targeted at those identified as being in greatest social need.

As Members will be aware, the 'Northern Ireland Multiple Deprivation Measure 2010' was published in May of that year. In that, which is the latest report, electoral wards statistically experiencing the highest levels of deprivation are categorised as neighbourhood renewal areas and qualify for special funding administered by DSD. The multiple measures by which the report identifies deprivation include household income and educational attainment. Neighbourhood partnerships operate in 10% of the most deprived neighbourhoods across Northern Ireland and comprise a number of statutory bodies and other service providers, including representatives from DSD, the local health and social care trusts, councils, the Housing Executive, education and library boards and regional colleges. Residents from those areas are represented through community associations. Importantly, all the initiatives to tackle the renewal of those neighbourhoods are being taken forward through everyone working in partnership. Pupils living in Craigavon, in my constituency, are benefiting directly through a number of initiatives offered by links between Southern Regional College (SRC) and local primary schools.

In one instance, SRC was able to provide learning support in the form of mentors, who have been working alongside tutors within

CCEA occupational studies classes. This project was entitled "improving the chances of young people" and its purpose was to provide additional academic and practical support through the use of mentors. The mentors offered pupils living in neighbourhood renewal areas the opportunity to improve their life chances through education. The outcomes of this project show a significant increase in level 2 attainments, with a steady and continuous improvement in pupils' grades. Passes at this level are equivalent to GCSE grades A* to C, so the high percentage of passes falling into these grades greatly enhances the future prospects of the young people who take part in this project.

Raising educational attainment by breaking down barriers to learning is one of the key ways in which we can tackle the issue of young people living in poverty; indeed, that is how we are tackling it already. I am aware that this is one example, but there will be many more examples from across Northern Ireland of how working effectively in partnership can ensure that not only is the best outcome achievable from the funding available, but the work of statutory bodies and government agencies is not duplicated or expensively overlapped.

Through our amendment, the Ulster Unionist Party is calling for a similar partnership approach from this Executive to ensure that funding is effectively targeted to achieve the best outcome for those in the greatest need. Only through a co-ordinated interdepartmental approach involving the lessons learned from best practice, which does exist in this area, can we be sure that we are helping children living in poverty to realise their full potential and, at the same time, breaking the cycle of poverty for future generations.

Detailed evaluation reports are compiled at the end of each neighbourhood renewal project and, if we are to learn the valuable lessons that they can teach us from the funding that we have already targeted at tackling deprivation, they should be part of any Executive initiatives to combat the issue of pupils living in poverty. I support the motion and my party's amendment.

Mr Eastwood: My constituency of Foyle is one of two areas here with the highest rates of child deprivation on these islands; the other is West Belfast. According to Barnardo's, the percentage of children living in workless households in the North has gone from 13% to 17%. That is

a higher figure than anywhere in GB. It is clear that the problem of child poverty here is getting worse, not better. It is also clear that the current and impending cuts being implemented here could lead to an economic and social disaster for our society.

I support the motion, as it aims to target what limited resources we have at helping the poorest children in our society to achieve their full potential in education. It is also essential that OFMDFM outlines additional measures to tackle the scourge of child poverty. The Westminster Government have set a target of 2020 for the elimination of child poverty. It is hard to imagine that these targets can be achieved, given their current austerity measures and policies. But it is clear that OFMDFM needs to outline its own independent target for the eradication of child poverty, separate from that at Westminster. Research conducted by the Institute for Fiscal Studies demonstrates that Westminster is set to miss its target on child poverty. It is, therefore, essential that this Executive and this Assembly set their own individual target and priority for the elimination of child poverty.

We often talk about the need for all Departments to be Departments of the economy, by promoting it. In my view, and in line with the amendment, all Departments, including the Department of Education and OFMDFM, should be focused on eradicating child poverty.

Mr Agnew: I support the motion and the amendment. I particularly welcome the amendment because it draws to our attention the cross-departmental nature of child and pupil poverty, and that is key to the debate.

If we are to tackle disadvantage in our communities, we must invest in early years provision. The motion calls for more resources to be put into tackling pupil poverty, and I certainly support that call. However, as well as extra resources, we need to make better use of the resources that we have. I am working on a private Member's Bill, and I have written to the Minister about the issue, calling for a statutory duty on Departments to collaborate on the planning, commissioning and delivery of children's services. The lack of a statutory duty has meant that funding streams are not being sufficiently consolidated and that our strategies to tackle child poverty have lacked co-ordination. In short, Departments and Ministers are talking

to one another, but they are not yet working together to address this important issue.

In fact, I do not think that there is an incentive for them to work together. What usually happens when a Department tries to work with another Department is that there is a wrangling over funding and who will put what resources where. However, if Departments were to pool their budgets, there would be an incentive. Let us take as an example the Justice Minister, who answered questions at Question Time today. It is in his interests that we put money into early years, because it is his Department that will see the benefit, but what will the benefit be for the Health Minister, who will have to tackle that issue? If both Departments worked together and pooled their resources, each could have the resources necessary to ensure that its own policy objectives are met.

The early years strategy is key to the debate. It has been pointed out by the National Association of Head Teachers Northern Ireland that there is scant reference to Sure Start in the early years strategy and that nought-to-three provision has barely been addressed. Again, that comes back to the lack of collaborative working between Departments. In defence of the Department of Education, where the strategy currently sits, I must point out that its responsibility does not generally kick in until a child reaches the age of three, so it has, understandably, focused on ages three to six as opposed to nought to three. That is why that strategy should never have been given to a single Department; it should be cross-departmental and include the Health Department, which has responsibility for ages nought to three.

Sure Start funding and provision in Northern Ireland falls short of that in other regions of the UK, yet it is one model that I think everyone in the House would agree has produced positive outcomes, and outcomes are precisely what we should focus on in this debate. Of course we are all against pupil poverty, but, ultimately, we need strategies and interventions that will reduce pupil poverty, and Sure Start has been shown to be an effective way of doing that. In fact, Professor Heckman, whose research has been promoted on a number of occasions in the House, has shown how spending £1 on early years could save us up to £7 in future intervention costs.

My fear is that the Executive's approach to the economy will only increase poverty and economic inequality. That fear was not allayed when I asked the Finance Minister what is being done to tackle inequality. He chose to lambaste my party and its policies rather than speak directly on the issue. Unfortunately, it is assumed that in prioritising the economy we will also tackle poverty, but evidence shows that that is not always the case. You can have economic growth without improving outcomes for people, particularly those on the lowest incomes and those in poverty.

I look forward to hearing the Minister's response.

4.15 pm

Mr Deputy Speaker: Bring your remarks to a close, please.

Mr Agnew: I hope that he indicates how he will be working with his ministerial colleagues to tackle this issue.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a LeasCheann Comhairle. Fáiltím roimh an deis freagairt don rún. Tá mé i ndiaidh éisteacht go cúramach leis an dFospóireacht, agus beidh mé ag freagairt d'oiread de na ceisteanna a cuireadh agus is féidir.

I welcome the opportunity to respond to the motion. I have listened carefully to the debate, and I shall respond to as many of the issues raised as possible.

It is well known that living in poverty can result in the restricted development of a child's cognitive ability, poor nutrition and lack of educational qualifications. However, that should not determine a child's future. Although those are the conditions in which a child grows up, and we should not ignore them, we should not use them as an excuse for the future of a child's educational development.

It is widely accepted that education is fundamentally important in preparing people for work and improving their life chances. Statistics show that, in percentage terms, children from the most income-deprived areas perform less well than others. Recognition of the importance of addressing and improving education achievement will shape the Department of Education's contribution to the forthcoming child poverty action plan. However, the impact of improved education standards on reducing child poverty will only become clear in future years.

I have embarked on a programme of significant education reform on raising standards, improving education outcomes for all children, promoting equality of opportunity and supporting young people in their learning. I have published long-term targets to 2020 for improving education outcomes achieved by pupils. Those targets relate to the Department's overarching priorities of raising standards and reducing underachievement and provide a clear basis for measurement.

When I made my statement in this Chamber in September, I said that my clear priority was to create an education service that will ensure that all our young people receive a high-quality education that enriches their lives and grows the economy. I want every child to leave their time in education valuing themselves and those around them, which in turn will make them valued and valuable members of our society. That must include young people who are living in poverty.

The draft Programme for Government recognises the particular contribution that education can make to tackling disadvantage and poverty. It includes targets around increasing the proportion of young people from disadvantaged backgrounds who achieve at least five GCSEs at grades A* to C grades or equivalent, including Maths and English.

Mr Byrne: Will the Minister give way?

Mr O'Dowd: Let me get into the flow of my response.

There are also targets to improve literacy and numeracy levels among all school leavers. It is important that children living in poverty are given the earliest opportunity to start learning. I recognise the importance of early education and early intervention.

The Sure Start programme provides support to parents and children from birth to age four in designated areas of disadvantage across the North. It provides one year of quality preschool education to all children whose parents wish to avail themselves of a place. Last week, I announced that we will be providing one year of quality free preschool education to all children whose parents wish to avail themselves of a place. This year, there are 23,000 in preschool settings, and, although it is a non-compulsory phase of education, we know that parents value it highly.

Last week, I also announced in the Assembly the outcome of the review of preschool admissions. That will introduce changes to improve the system for children and parents and will impact on policy and practice. It takes into particular consideration those families living on low incomes, whether they are working or on benefits. My Department also funds a number of key initiatives and signature projects which are targeted at income-deprived communities.

I will now take the Member's intervention.

Mr Byrne: Are there any proposals to help children from Traveller families, who often suffer unduly from poverty? Quite often, children live on halting sites or permanent sites that do not have great resources when it comes to education provision.

Mr O'Dowd: On that very point, only a matter of weeks ago, I launched the Travellers report, which was commissioned by my predecessor and sets out a number of recommendations and action points. My Department is studying how to take forward those recommendations and action points. There are also additional resources available to schools that have children from the Travelling community. So we are trying our utmost, and we intend to improve our services to the Travelling community.

Among other key initiatives and signature projects targeted at income-deprived families is free school meals. Research has shown that there is a strong link between nutrition and learning and behaviour. My predecessor extended the free school meals criteria in 2010-11 to include nursery and primary-school pupils in low-income families. On Mr Craig's point, that includes low-income families who are working. The extension has resulted in around 13,000 additional children receiving a nutritionally balanced meal once a day. The Department has made available additional resources of over £4 million to the education and library boards this financial year to fund that extension.

In addition, the Department introduced the primary-school uniform grant in 2009-2010, specifically to help reduce the spiralling cost of uniforms faced by some parents. Around £3.8 million of grants will be paid to parents in 2011-12 to assist with primary-school and post-primary-school uniform costs.

Another important initiative is the extended schools programme, to which I have made

£10 million available this year and for each of the next three years. The extended schools money has been ring-fenced, despite the difficult financial pressures bearing down on the Department of Education. My predecessor and I made a conscious decision to ring-fence extended schools money, which is beneficial to schools and communities in socially deprived areas. The policy enables those schools that draw pupils from some of the most disadvantaged communities to provide a range of services and programmes outside the traditional school day to help meet the needs of pupils, their families and the wider community. The programme has a clear focus on improving education outcomes, reducing barriers to learning and providing additional support to help improve the life chances of disadvantaged children and young people.

We continue to support two full-service pilot programmes, through the Belfast Education and Library Board and the CCMS, as part of our continuing efforts to address the needs of disadvantaged communities and narrow the gap in achievement levels. That provision is currently in place in two areas that suffer from the highest level of socio-economic deprivation: full-service schools are based at the Boys' Model School and the Model School for Girls in north Belfast, and a full-service community network is based in Ballymurphy. I have provided funding of £350,000 this year and, budgets permitting and with evaluated results, hope to extend that funding until March 2015.

I am committed to ensuring that the schools estate, which represents a significant public resource, is used more widely to serve the needs of pupils, their parents, families and the local community. That point was touched on by Mr Flanagan. Many schools already open their premises outside normal school hours for use by the community. However, I want to see more schools open and being responsive to community needs. My Department is considering the best way forward, having taken into account a working group report on the issue.

My Department invests approximately £35 million annually in youth work delivered or supported through the education and library boards and the Youth Council. Without effective intervention, the outcomes for some young people are poorer compared with those for their peers. Although relevant to all young people, youth provision can be particularly relevant to those young people

who are disadvantaged or feel marginalised because of the effects of poverty. That highlights the need for youth work funded by the education sector to have a clearer focus on its contributions to improving education standards and tackling disadvantage, a point made by Mr McNarry in reference to a number of studies in the United States of America. We cherish and recognise the role of youth work in education. As a result, my Department is in the process of developing a new policy for the Youth Service — Priorities for Youth — which will issue for public consultation later this year. Targeting disadvantage and assessing need will be a key focus of the policy.

I recently commenced legislation on the entitlement framework to give schools the flexibility to offer a pupil-centric curriculum. The framework seeks to provide equality of access to young people facing barriers to learning and disadvantage.

All that I have said until now relates to programmes and initiatives funded by the Department and the education and library boards. Although those programmes are vital to addressing socio-economic deprivation and giving young people from socio-economically deprived areas a chance, the day-to-day running of our schools is key to education achievement and to tackling social deprivation. A number of Members mentioned that. We are also working there. A significant part of the Department's overall budget is delegated to schools through the common funding formula. A social deprivation element of that funding seeks to reflect the additional cost for schools in educating socially disadvantaged children regardless of ability and the particular challenges facing schools with a high proportion of children from such backgrounds.

Budgets distributed to schools in the current financial year include an additional £28.1 million of funding to reflect social deprivation need, with an overall targeted social need factor of almost £52.4 million. In relation to accountability for the way in which that money is spent, schools are accountable to parents for the outcomes they achieve for their pupils. The education and library boards and CCMS are accountable to my Department for the standards achieved by schools in their area. Also, my Department inspects the quality of provision in all our schools. I also announced as part of my autumn statement to the Assembly

on 26 September that I have initiated a review of the current funding arrangements to ensure that they fully take account of social deprivation and support a more sustainable schools estate. The establishment of the Education and Skills Authority will provide a basis for taking forward work on tackling poverty on a regional basis.

Mr D Bradley: Will the Minister give way?

Mr O'Dowd: I have a quite substantial piece of information to go through, so I will continue.

I now turn to the amendment that was tabled by the Ulster Unionist Party. I sought views from colleagues in the two Departments concerned, and I am aware that they, along with my Department, are considering their respective contributions to the overall strategy for reducing child poverty. I am sure that they, like me, would appreciate extra resources to enable them to do more in this important area. In addition to the two Departments identified, other Departments, such as the Department for Social Development, have a major role to play in alleviating poverty.

Minister Ford assured me that the Department of Justice's actions in areas such as community safety, reducing offending and the rehabilitation and resettlement of offenders will contribute in one way or another to reducing child poverty. Such actions are, in the main, complementary to other, more direct, government initiatives that specifically address child poverty.

The Department of Health, Social Services and Public Safety leads on the development of a number of public health strategies that seek to improve the health and well-being of the population and reduce inequalities in health. Those strategies seek to improve health outcomes for the entire population. However, they also target groups that are particularly at risk or vulnerable, including those who live in areas of deprivation.

I will now turn to some of the points made by Members. By and large, people agree with the thrust of the motion and the amendment. I say this to Mr Craig: I have no difficulty with my party or any other party challenging me in the Assembly or, indeed, outside the Assembly. My work and competence are open to question regardless of where the Back-Benchers may come from. I have no difficulty with that whatsoever.

With regard to Mervyn Storey's reaction to Mr Flanagan's comments on grammar schools, it bewilders me why the Chair of the Education Committee refuses to question the role of grammar schools in this matter. The evidence is there to be seen. That evidence may not draw you away from the point of view that academic selection should be withdrawn or remain. However, the evidence is clear: the majority of our grammar schools do not have pupils from socially deprived communities. We have to ask why and how we rectify that. You cannot ignore the evidence in front of you, nor should a debate such as this ignore the evidence.

My Department's refusal to fund a project in Mr Storey's constituency is more of a constituency issue than a broader issue. He claimed that it would cost the Department nothing. He was absolutely correct, but it would have cost DSD a considerable amount. We are both accountable for our public spends and taxpayers' money, and, in the view of the Department, which I agreed with, it would not have brought additional learning to the community. It was only a replication of the work that schools carry out on a daily basis.

Mr McDevitt spoke of schools he visited and the pressure bearing down on schools. I do not doubt for one moment that there is pressure bearing down on schools. I hope that the additional money secured through the collective work of the Executive in recent days and weeks will help to alleviate that pressure. I am continuing to work with my Executive colleagues to secure a budget for the Department of Education that will allow schools to expand rather than retract their education delivery. However, warm sentiments for schools facing difficulties will not buy one extra schoolbook or jotter. What we need are plans and strategies for the way forward.

The Department of Education and the Executive have delivered in that regard. We have more to do, but sympathy will not buy any resources for any school. It is as simple as that.

Michelle McIlveen made a point about children in care. You will be aware that, last Thursday, the Health Minister and I —

Mr Deputy Speaker: Bring your remarks to a close, please.

4.30 pm

Mr O'Dowd: — launched a new strategy for personal education plans for children in care. That is a new way forward for children in care, but we should not be complacent. That progress will continue to be monitored. I welcome the motion and the amendment, and I support both.

Mr Beggs: I welcome the wide acceptance that there has been for the amendment in the name of David McNarry, Jo-Anne Dobson and me. It was designed to highlight the complexity of the issue of child poverty, the complexity of the causes of it and the complexity of trying to solve it.

I was most disappointed by the approach taken by the proposer of the motion. He seemed to prioritise three issues to address child poverty: close the grammar schools, increase free school meals and increase the uniform grant. Those issues need to be addressed, but we need to make sure that we prioritise our funding and invest wisely to produce the best outcomes for our children.

I was amazed that absenteeism was rarely mentioned. Third World countries appreciate the importance of education in enabling people to move out of poverty, and that equally applies here. My family have valued their education because it allowed previous generations to better themselves. A statistic from the former Department for Children, Schools and Families shows that 8% of truants can expect to get five GCSEs or more. What are we doing to address truancy and the high levels of absenteeism? If someone is not regularly at school, they will fall behind and are less likely to reach their full attainment, get qualified and get a job. If they do not attend school regularly, they are less likely to attend a workplace regularly and less likely to be employed. They are most likely to end up NEET. The very sad thing is that 40% of those who are currently categorised as NEET will be parents within 10 years. So, guess what? The cycle will continue. We must think carefully about how we can break the cycle.

I draw Members' attention to the questions for written answer that I submitted on this matter: AQW 705/11-15, AQW 706/11-15 and AQW 707/11-15. One of the responses shows that average absenteeism in Northern Ireland primary schools is 55 per 1,000 with less than 85% attendance. When you look at the disadvantaged areas, what do you find? In the Antiville ward in my constituency, the figure

is 115 per 1,000. In the Blackcave ward in Larne, it is 94 per 1,000. The figures for the two disadvantaged wards in Carrickfergus are, I think, 136 per 1,000 and 163 per 1,000. In the proposer's constituency, the figure for Devenish in Fermanagh is 221 per 1,000. Almost 20% of kids are not at school regularly. Let us address that issue effectively. That is why Departments need to co-operate, which is the purpose behind the amendment. It is about early intervention, family support programmes and Sure Start. I declare an interest as a member of a Sure Start committee.

With regard to health, a multiagency support team works in schools in the North Eastern Board area. Similar teams may have different titles elsewhere. The team looks at complex issues that prevent children excelling at school. Those might be speech and language issues or behavioural problems. The team moves in when there are a multitude of issues. Currently, only half of the schools in Carrickfergus are on the scheme, because there is no money. Only one of the 16 schools in Larne, if my numbers are right, is on the scheme. The lack of funds prevents others joining it. The Minister, in answer to a recent question, indicated that the scheme achieves very positive results.

The northern area early intervention project works with children aged eight to 13 who are at risk of offending. It has very positive outcomes. Another programme is provided by Action for Children and is called the Choices Family Support Programme, which is for 10- to 17-year-olds. It also involves the Department of Justice. The funding has been moved to a pay-as-you-go scheme. Guess what? It is difficult to recruit anybody because it is a pay-as-you-go job. The Assembly needs to look carefully at how it makes that type of preventative investment and, if there is money to invest, identify the best area in which to put it.

I want to discuss quickly some comments that other Members made. Mr Storey accused the proposer of the motion of trying to deflect difficulty away from the Minister. Conall McDevitt pointed out that speech and language therapy and counselling has been reduced. Trevor Lunn supported the idea that early years are important and that OFMDFM should have involvement in the matter. A number of Members agreed that, if the Assembly wants to break the cycle of poverty, that requires collective working between Departments to

address the long-term causes of poverty rather than short-term superficial issues.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I thank the proposer of the motion, Mr Flanagan, who opened the debate by saying that selection discriminates against children and can prevent them reaching their full potential, particularly in areas of social disadvantage. I stand over that argument, as does my party.

Mr Flanagan discussed EMA and the suggestion that schools should review their policies on school trips. Having spoken to many parents in my area, I know that that is an issue. Many parents in socially disadvantaged areas find it difficult to tell their children that they cannot go on school trips because they cannot afford them, while their children's friends go because their parents can. That causes wide disparity among young people. Mr Flanagan also talked about the disengagement of boys in particular from school at 10 years of age. That has been reflected throughout the debate.

Mr McNarry spoke to the issues confronted by the motion and the amendment. Issues start in the home owing to the realities and extent of the poverty that exists. Mr McNarry also mentioned the links between crime, truancy and chronic absenteeism. There is a risk that young people who are out of school will get involved in crime. There is a direct correlation between drug and alcohol addiction and young people's absence from school; I know from speaking to school principals about the number of young people who are caught with drugs and alcohol in school. How to deal with that is another issue. Mr McNarry, in discussing current poverty levels, said that one child in five is in poverty. In 2010, in the North, 46,000 young adults between 16 and 24 years of age were not in education, employment or training (NEET). That figure is startling.

I want to discuss remarks made by the Chairperson of the Committee for Education, who is not present in the Chamber. He mentioned the funding disparity between primary and post-primary schools and the number of young people who leave post-primary education with limited reading and writing capabilities. He also got very excited in defence of grammar schools. I cannot understand that when quite a large number of young Protestants from working-class areas also leave post-primary education with limited reading capability.

Conall McDevitt spoke about the number of invitations that the Committee gets from schools. Every school wants to tell its story on regression, rightly so. He also mentioned schools where there are no longer school counsellors or homework clubs and a lack of speech and language therapists. The Committee had the opportunity to speak to different schools. That has been reflected in the debate.

Trevor Lunn mentioned child poverty and the complex problems that surround it. He said that it is not only a problem for schools but is to do with marginalised communities, poverty of aspiration and young people's limited quality of life.

How the Assembly tackles pathways to poverty also featured highly in the debate. Different organisations, such as Barnardo's, do good work and run projects and programmes on pathways out of poverty.

Miss McIlveen spoke about educational achievement and said that poverty has the biggest impact on educational achievement. She also spoke about support for parents and the interaction with the child in the early years. She said that the chances of children moving out of poverty are fewer now than they were a number of years ago. I disagree with that. A lot more has to be done, but I think that we have come a long way. She also spoke about how libraries play an important role in areas of disadvantage. I reiterate that point. Libraries in most areas play an important part in children's education, and I know that from the library in my area of Strabane. A lot of children do not have broadband or computers at home, and they depend on libraries for broadband access and computers to get their homework or their theses done. Michelle McIlveen also spoke about looked-after children. I welcome the Minister's announcement of the launch of the new strategy for children in care.

Caitríona Ruane spoke of the access that we have here. We have an excellent education system, and it is about putting children at the heart of education, not the institution. She also spoke about what is happening in the South. My party put in a private Member's motion and debated the DEIS schools and ensuring continuation of funding. She said that we can learn a lot from what is happening in the South and other countries such as Finland.

Mrs Dobson spoke about DSD funding and the different projects in neighbourhood renewal

areas and how they play a big part in areas of deprivation. Again, going back to my town of Strabane — NISRA ranks Strabane as very high in areas of multi-deprivation — I know that neighbourhood renewal does good projects there and funds different programmes in disadvantaged areas.

Colum Eastwood spoke rightly of the deprivation in Foyle and west Belfast and about the impending cuts that will have a devastating impact on families.

Steven Agnew particularly welcomed the amendment and spoke again on early intervention, as well as the extra resources that we need to use. I believe that we have opportunities that we can use. It is not just about the extra resources; it is about what we have at the minute and how the extra resources can support what we have.

I want to touch on some of the things that the Minister mentioned in his response. He spoke on the significant education reform in raising standards and improving educational outcomes to promote equality of opportunity. I welcome the targets that the Minister and his Department have set to improve literacy and numeracy among all school leavers. Early intervention programmes, such as Sure Start, provide support to parents of children aged nought to four in areas of social disadvantage right across the North. We have to commend Sure Start for the good work that it does in those areas, as well as Home-Start and other projects that are rolled out in communities.

The Minister also spoke about the key initiatives the Department is bringing forward which are targeted at income-deprived families. I welcome those initiatives and the fact that there is £350,000 extra funding this year. The hope to extend that until March 2015 has to be welcomed.

4.45 pm

There were various contributions to the debate, and it is widely acknowledged that the issue is not just a statutory obligation for the Department of Education; it is the responsibility of all Departments in the Assembly and the Executive. We are all responsible for ensuring that tackling poverty is of the utmost importance. I read an article in the 'Belfast Telegraph' last week by Ivan Little entitled "Suffer the Little Children", which showed

me that we, as political representatives, have to do everything in our power to ensure that poverty is eradicated. I do not believe that the Westminster Government's target of 2020 is realistic. However, I know that we are committed to eradicating poverty here. My party is committed to that, and I am sure that there is consensus on that across the House.

Question, That the amendment be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes that one child in four is living in poverty; further notes that early offers of family help and support can improve health and educational outcomes, reduce youth offending and increase lifetime opportunities; calls on the Minister of Education, the Minister of Justice and the Minister of Health, Social Services and Public Safety, with support from the Executive, to target extra resources at pupils living in poverty to enable them to succeed at school; and further calls on the Minister of Education to ensure that schools are accountable for using their funding to help children who are living in poverty to realise their full potential.

Irish Veterans of World War II

Mr Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Weir: I beg to move

That this Assembly condemns the treatment by the then Irish Government of many Irish World War II veterans, particularly the issuing of the so-called starvation orders; and calls on the Government of the Republic of Ireland to issue a pardon and to apologise to the veterans and their families and to honour all those who fought against fascism in World War II.

At the outset, I hope that the motion will be debated in measured tones on all sides of the House. The motion is timely, and I hope that the whole House can unite around it.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

There are a number of reasons why it is important that we are debating the issue now. Given the amount of discussion in recent months about how we deal with the past, it is particularly timely that we should look at what seems to be a glaring sore from the past that can be effectively dealt with. In January 2012, we are also at the start of what has been described as the decade of anniversaries, starting with the sinking of the Titanic and going through a range of issues such as the signing of the Ulster covenant, the formation of the Ulster Volunteers, the Easter rising, the battle of the Somme, the creation of Northern Ireland and the partition of Ireland. It is appropriate that we look at those historic matters with a degree of context. Above all, the motion is timely because, for many of the veterans who are affected by the motion, time is running out. We have a dwindling band of soldiers from the Second World War, and, as time marches on, those veterans become fewer and fewer. As well as being historical, the issue deeply affects a number of people today. It is not only the veterans whom I mentioned who are affected but, to this day, their families are affected by what happened in 1945. It will be beneficial if the Assembly can, with a united voice, send a message that we wish that stigma to be removed.

The motion is not intended to have a go at the Irish Republic. Indeed, the intention is quite the reverse. I will make specific reference to the actions that were taken during the war and in 1945 by the then Irish Government under Eamon de Valera, and I will be highly critical of those actions. The Irish citizens who fought in the war have not been given sufficient recognition. The motion calls not only for those soldiers to be pardoned but for an honour to be bestowed on them by the Irish Government.

In the Second World War, roughly 50,000 citizens of the Irish Republic — Éire, as it was then — fought against fascism. We all owe them a debt of gratitude not only on this side of the House as citizens of the United Kingdom but as part of modern Europe. The stand that they took in helping others to fight against fascism means that we are able to enjoy democracy today. It is important that, in the Republic and in the United Kingdom, people who made that stand are given due recognition. The motion is designed also to complement the worthy campaign that has been launched in the Irish Republic and involves senators, TDs and many members of the public in urging the current Minister for Defence, Alan Shatter, to issue a pardon. Hopefully, Minister Shatter and others will listen to the debate and to what resonates from it.

For those who are unaware of the situation, when the Second World War was declared, about 50,000 citizens from the Irish Republic were involved in the British Army, the British air force and the Royal Navy. They took part in just about every action imaginable on the European front, in north Africa and on the Japanese front. Indeed, I know that one of the surviving veterans was one of the liberators of Belsen. That shows the courage of these people. Unfortunately, it was a courage that was not repaid by their Government.

Although many of the 50,000 suffered various forms of discrimination, there was a particular problem for just under 5,000 Irish veterans who had left the Irish Army or deserted it to join the British Army. There were a range of reasons why they did so. For many, it was, perhaps, about ties of kinship; for some, it was a desire to stop Hitler; perhaps for some young men it was simply that they had a sense of adventure. Whatever their motivation, they played a vital role in trying to defend democracy. Yet, what was the response that they got? Some of those who came home during the Emergency, as it was

called in the South, found themselves court-martialled and immediately put in jail. In 1945, however, all 5,000 found themselves court-martialled, generally speaking, in their absence and were not even given the opportunity to defend themselves. They were then placed on what was called “the list”, which was circulated to public bodies, and they were denied public employment and welfare.

The end result for many of those citizens of the Irish Republic, most of whom decided to stay there, was years of hardship for them and their families. The 1945 orders were known colloquially as the starvation orders, and there are testimonies, particularly from some of the children of those soldiers, that, in some cases, that is literally what they meant. One testimony speaks of their bellies sticking to their ribs with hunger. There was clearly a form of discrimination.

To be fair, a number of TDs opposed the legislation at the time. It was not unanimously supported; it was opposed strongly by opposition TDs in the Dáil. Indeed, it percolated not simply to the soldiers themselves but to their families and their children. One particularly chilling example is that of orphan children of the soldiers and their families who were placed in state institutions. Many of them were singled out for special treatment, by which we mean a degree of harsh discrimination. There is a sick irony that the initials used to denote the children in those institutions were SS. The resonance of what had gone on before speaks volumes about that.

The only argument that could be used was that those soldiers had deserted the Irish Army and that surely there should be some level of sanction. Leaving aside the bravery of what they did, they were not even treated on the same basis as others who had deserted the Irish Army. During the Second World War, approximately 7,000 men left the Irish Army. Just under 5,000 of those fought with the British Army; yet the list and the starvation orders applied only to those who had left to fight in the Second World War against fascism. The 2,000 others, who had deserted for a number of other reasons — some of them to engage in criminality — were not discriminated against in that way.

There is a great historic wrong, which still resonates. Indeed, anyone who has read the testimonies of some of the surviving veterans will think of a man called Phil Farrington, who,

although 92, still fears a knock on the door. One listens to the testimony of the children of some of those veterans who feel, even now, that they are not in a position to commemorate the brave sacrifices that their father or grandfather made in the Second World War. They are not able to display medals and have to acknowledge them on the quiet. The issue still resonates.

As I indicated, the decisions were taken during and at the end of the Second World War. I suspect that no one in the current Irish Government was even alive at that time, and I am not someone who believes that the sins of the fathers should continue to be the responsibility of the current Irish Government. However, there is an opportunity for the current Irish Government to put right what happened. They can acknowledge that a wrong was done and issue an apology and a pardon to those ex-servicemen and their families. Removing that stigma is far more important than compensation, which is sometimes mentioned. It is an issue not of money but of removing the stigma and doing what is right by people. Even at this late hour, such a gesture would move things forward.

I acknowledge that, in recent years, there has been a degree of reassessment in the Irish Republic of their involvement in the First World War in particular. A healing process and an embracing of the fact that many Irish citizens fought in the First World War has started. At times, that perhaps has not applied to the Second World War, and this is an opportunity to acknowledge what went wrong in the past, to provide some degree of healing, to remove the stigma and to allow the individuals who are still alive and their families a bit of dignity and closure on the issue. Therefore, I commend the motion to the House in the hope that a unanimous voice from the Assembly will aid those in the Irish Republic who are campaigning for these individuals.

Mr A Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Member for bringing the matter to the House. I will place on record what has been my party's position on this for some time. We welcome the fact that Minister Shatter in the Irish Government in Dublin has referred the matter to the Attorney General for further legal advice to see what can be done to resolve the legalities that are still involved. I commend the Member for the tenor in which he introduced the motion, and I would

like to think that that will be carried through in the debate. Clearly, such matters remain contentious, difficult and sensitive to many people, voices and communities across this country. I appreciate the fact that the Member introduced the motion in a very mature fashion.

The passage of time has allowed reflection on many of these matters, and a considerable degree of reconciliation is at the heart of many of the initiatives and gestures that have taken place over the past number of years. The Member pointed out that these things are quite difficult, complex and, indeed, contentious. If the Assembly deals with these matters in the way that we have begun to address them this afternoon, we can give a clear lead to wider society on how we can deal with and respond appropriately to the upcoming centenaries in the next short few years. We can use those centenary events as a means of educating and familiarising ourselves with other people's perspectives on history and as a form of reconciliation as opposed to a form of conflict. We do not need to rehearse any of those battles; we need to respect people's views of history and to move on in a mature way. In the way in which we deal with these matters, the Assembly has already begun to give a very clear lead today.

Many citizens from this country, North and South, have joined British forces and, indeed, other forces to fight against fascism over many generations. Unfortunately, many of those individuals died on the field of battle, making many sacrifices. For the most part, those sacrifices have been regularised in annual commemorations, so we support the idea and the concept that it would be appropriate if the continued stigma endured by many of the people who left the Irish Defence Forces and their families, who are still alive today, could be removed and the matter redressed.

5.00 pm

Given the time lapse, it would be difficult to pursue all the individual cases and circumstances. Therefore, we think that a pardon is probably the best means of moving forward. So, we believe that a general pardon for those in that category would be an appropriate way to bring the matter to a close.

I will make one point, which is that other people left this island to join other forces, not least among them the International Brigade, which

people joined to fight against fascism in Spain. Everybody has their own view of such matters, but I welcome the tone in which this matter has been introduced. It is positive and constructive and I hope that it will remain so throughout the debate.

Mr Copeland: I, too, pay tribute to the Members who tabled the motion and I acknowledge the magnanimous treatment of it by Mr Maskey.

The service of Irishmen and Irishwomen in the British Army, the Royal Navy and, more latterly, the Air Force, is a matter of recorded history that goes back for centuries. Those who decided to leave, if that is the appropriate word, the Irish Army in 1939 to serve in the British Army in the fight against fascism were, in many cases, following in their fathers' footsteps. Many of their fathers would have been among the 350,000 Irishmen who joined the British Army, in the absence of conscription, during the Great War. More than 50,000 of them never returned home.

The colours of those regiments — the Munster Fusiliers, the Leinster Regiment, the Royal Dublin Fusiliers; endless titles stretching back centuries — were ceremonially hung in cathedrals in England, and with them their history. Yet these men joined the 38th Brigade, which was specially created by Winston Churchill and had as its badge a black shamrock. It has recently come back into existence, and the service of the Royal Irish Regiment, in particular, takes place in the context of the 38th Brigade. A few years ago, the last surviving unit from the Somme — the 107th Infantry Brigade, which was the last attachment in the British Army of the 36th Ulster Division slipped quietly into history.

It is true that all nations have things in their history of which they are ashamed or which they might do differently a second time round. Generally, the older and greater the nation, the more significant such stains will be. However, the treatment of those men, at the conclusion of what the Irish Government referred to as "the Emergency", started when they returned home. They set aside the implements and uniforms of war. Like others, they turned their faces toward the sun and set about rebuilding the earth. However, when they got home, they found little comfort.

That this matter remains unresolved highlights and drives chisels into the relationships that are now starting to be formed in the Chamber. Left unaddressed, it will signify a serious lesson

for us all. To conspire against those who did what they believed to be right and to evidence in legislation a weight against them is a serious matter.

There are lessons for us in the Chamber and in society regarding the way in which the army conducted itself during the Second World War. A case in point is a unit in which many of those individuals served, the Royal Irish Fusiliers. Its members were recruited — forgive my terminology — in the south of the North and the north of the South. It was about 60% nationalist and 40% unionist. It laboured successfully under the ministrations of the regimental padre, a Jesuit priest called Father Dan.

After the battalion had played its role in the liberation of Rome, with an enthusiasm that you can probably imagine, Father Dan decided that that battalion of Irish soldiers would visit the Vatican, which did not go without remark. However, regardless of their political opinion or religious background, members of the battalion were required to attend. Englishman Colin Gunner, whom I believe was a captain at that stage, recorded in his diary how that was handled. He noted that the battalion was assembled in a room in the Vatican. He said that he remembered the striking presence of a small man as he entered the room — the Pope. He remarked on his dancing eyes as he said how wonderful it was to see the sons of St Patrick in the Holy City, while stern-faced Ulstermen mumbling 'The Boyne Water' milled about the back of the room. Within that there is surely a lesson for all of us.

I firmly believe that this issue needs addressed. It is a matter for the authorities in what is now the Republic of Ireland — at that time, the Irish Free State — to redress a very great wrong. I commend the motion in its current form to the House and thank those who have contributed so far for the magnanimous way in which they have done so.

Mr McDevitt: This is, undoubtedly, an important debate. We must all acknowledge that it can only be seen as a sign of maturity and progress in this institution that we are able to come together to discuss an issue such as this in the responsible way that we have done to date. I acknowledge that on behalf of the SDLP

I speak as a proud Irish citizen, a republican and someone whose parents were children of "the Emergency", as the Second World War is

officially known in the Republic of Ireland. Of course, this debate, as Mr Maskey and Mr Weir pointed out, takes place in the wider context of a unique threat to what everyone in the House would consider to be a way of life — the threat of fascism — and in the context of a tradition, during the Spanish Civil War, of international brigades and of people uniting across national divides and identities to fight what they perceived to be, and was later proven to be, a very serious threat to the values that all of us hold dear.

It is important to acknowledge, though, that, at the time, the Irish state was in its infancy. The point made by Mr Copeland about states being able to deal with matters in a more sober way as they grow older is a well-made one. So came to pass a decision by the then Irish Government that created a situation against people who had left the Irish Army to join the Allied forces which is deserving of redress and reconsideration at this point in our history.

It is worth putting on the record of this House the words of Alan Shatter TD, the Minister for Defence, on 5 July in the other House on this island, Dáil Éireann. I will not read all of his contribution, but I will read the last paragraph, because it is the essential kernel of what we all need to work our way through in the next few months. He said:

"Members of the Defence Forces who served during the "Emergency" were engaged in important service for their country and it is crucial that no decisions are made that would in any way diminish or undervalue their loyalty to the State and the service given by them to the State. However, I accept that many of those who deserted, went on to fight against fascism in World War II and did so out of a sense of idealism and with a commitment to protect democracies from tyranny and totalitarianism. Had there been a different outcome to World War II there is no reason to believe that this State would have been immune to invasion."

With the benefit of history, I guess that that is that. Now, at the beginning of the second decade of the 21st century, we probably all hope in our hearts that, with the advice of an Attorney General, without prejudice to those men and women who remained members of Óglaigh na hÉireann, which is the official name of the Irish defence forces — the only organisation on this island that is entitled to carry that name, I hasten to add — they can be honoured, and, at the same time, we can reach a point when

the idealism and commitment of those who, for whatever reason, chose to fight fascism can be acknowledged too.

Mr Lunn: I will say straight away that we, too, support the motion. I have never attended a potentially contentious debate in the House that was conducted in such measured tones, as Mr Weir put it. There appears to be complete unanimity, and I will certainly not be doing anything to change that.

Mr McDevitt referred to Mr Shatter's recent confirmation that he will give active consideration to this matter. Mr McDevitt also referred to the statement — which I think he attributed to Alan Shatter but which I thought was from the Irish Defence Minister — that, had there been a different outcome to World War II, there is no reason to believe that that state would have been immune from invasion. That surely confirms official sympathy, at least, for the cause that we are talking about.

With the benefit of hindsight, in taking the action that they took, these men acted honourably and very bravely. However, I imagine that the world was a different place in the 1940s. Ireland had a standing army. People left — I will try not to use the word "deserters" — their own forces to fight for what they thought was a more honourable cause, and they have been vilified ever since. Times have changed so much over the years, and I can only join others in saying that I hope that that wrong can be righted at an early stage.

Since those days, the atmosphere in the relationship between Britain and Ireland has been totally transformed by various actions, most notably perhaps by the Southern state's recognition of the contribution of its own people who, in World War II, volunteered to fight for the British forces for the cause of freedom and, indeed, participated in both World Wars, at the Somme and at Gallipoli. I visited Gallipoli a few years ago, and there was a movement to raise a memorial to the Irish division that fought there. It has taken almost 100 years to do that, but time heals.

President McAleese's actions in attending the Somme commemorations; the Island of Ireland Peace Park, which fully acknowledges the contribution; the Islandbridge memorial; in particular, Her Majesty the Queen's astonishing and enlightened actions on her visit to Dublin last year; and the entire Northern Ireland peace

process have led to greater recognition of each other's point of view and a much warmer acceptance of the need to move on and put old enmities behind us.

For all those reasons, the time is right for this debate. I hope that we can send a gentle message of encouragement to the Southern Government rather than any kind of demand. Given the tone of the debate, it seems certain that that is what will happen. I hope that we can be unanimous on the matter. That is all that I have to say about it.

Mr Poots: Hindsight is absolutely wonderful. If a few people had it as a gift to use before they made decisions, the world would be a much better place. Unfortunately, that is not the case. However, in recent years, the relationship between the Irish Republic and the UK has moved forward dramatically.

There are many things that, on reflection, people have decided to change, and change considerably. Reference was made to Irish people who were executed as deserters from the British Army. Of course, those people have been pardoned. The pardon will not bring them back, but it brings some conclusion for their families. Another example was when I, as the Minister of Culture, Arts and Leisure, met Mary McAleese, the then President of the Irish Republic, at Messines, and there was recognition of the contribution not just of the 36th Ulster Division but, very importantly, the 16th Irish Division, which actually lost more lives during the First World War. That contribution was not recognised for many years. We have to pay some credit to Bertie Ahern for that, as he wanted to press forward and encourage greater recognition of the sacrifice made by individuals.

5.15 pm

We have also seen the establishment of the Boyne centre and recognition of the site's importance in European history. Again, that was an important step forward by the Irish Government. More recently, Her Majesty the Queen visited Dublin and recognised events that took place in the past, even those around the Easter Rising. However, there are things that remain unaddressed and, unfortunately, this is one of them.

From reading the debate that took place in the Dáil and, indeed, the article by Tom McGurk in 'The Sunday Business Post' yesterday, I think

that there is a degree of reluctance on the part of some; they are holding back. A little bigotry may even remain, and that needs to be dealt with and challenged if we are to truly move forward. Thankfully, we are not in the situation we once were, when the then President of the Irish Republic, Eamon de Valera, described having a Catholic Parliament for a Catholic people, to which Lord Craigavon responded by saying that we will have a Protestant Parliament for a Protestant people. Thankfully, we are not in that kind of era any more, and looking back on it, it is not where we want to be. In respect of moving things forward and dealing with the past, I think that it is very important that the Government in the Republic of Ireland recognise that this is an issue or problem from the past that they need to deal with.

Mr McGurk said that the punishment given to the soldiers was relatively mild. However, I do not think that Paddy Reid, whose father and uncle bravely fought the Japanese, feels that it was a relatively mild punishment, given that he said they had to move from one slum to another, with no proper clothing or food, except for maybe a slice of bread a day. Let us face it: the young Irishmen who signed up to fight the Nazis and Japanese fought some of the most brutal, imperialist regimes the world has ever seen. What the Nazis did is wholly and totally unacceptable to any person. So the people who went out and fought them at that time did something that was brave and honourable.

People have said that Ireland could have entered the war. Winston Churchill, I think, said once that, if you leave it long enough, the Americans will eventually do the right thing. However, in this case, Ireland did not enter the war. The only opportunity, therefore, for Irish people to fight the Nazis and the imperial powers that would have destroyed the world was to do what they did. I commend them, and I wish that they were commended by the Irish Government at this time.

Mr G Robinson: First, I pay tribute to the brave men who crossed the border to fight for justice and freedom and who will lie in foreign fields for ever. Their contribution to the Allied war effort was appreciated by many, except perhaps some in their homeland. I hope that the Irish Government will do right by those who did and did not come home by granting them the pardon that they richly deserve and by apologising for

the demeaning way in which those who came home were treated.

The Irish soldiers who fought with the Allies were not the cowards that de Valera and his Government were. They saw the threat from Nazi Germany and did what was right to prevent the spread of a Nazi dictatorship. The Irish soldiers who crossed the border and fought with the Allies in World War II should be immensely praised and respected for their actions. The Irish Government, however, put those men's names on a blacklist that stopped them from getting a job after they returned from war. The families of those soldiers kept their relatives' role in World War II a secret, such was the depth of propaganda about their being traitors and the fear of reprisal. That is a disgraceful situation, and the Irish Government must rectify it as a matter of urgency by reinstating, at Government level, the dignity and respect that those men thoroughly deserve.

One veteran of the D-Day landings described coming home to find that he was thought of as just a renegade. Talking about his fighting role, he said:

"When we went to Germany, we found it was a worthwhile cause."

That says it all: they were despised at home, but heroes in action.

Earlier this month, serving TD Gerald Nash told the BBC Radio 4 programme 'Face the Facts: Deserters Deserted' that:

"What happened to them was vindictive and not only a stain on their honour but on the honour of Ireland."

The Emergency Powers (362) Order, in denying the returning soldiers all pay and pension rights as well as banning them from any employment paid for by the state for seven years, was a measure of the contempt that de Valera had for soldiers who fought to free Ireland from Nazi dictatorship, so blinded was he by his contempt for the British.

It is time that Ireland recognised the role its citizens played in defeating Hitler and apologised without exception to those who were treated in such a shameful fashion by the then Government. I hope that every Member will support the motion, and I urge the Irish Government to give those men and their families the appropriate recognition that they deserve.

Mr Kinahan: I, like everyone else, am very pleased to speak in favour of the motion, but I am particularly pleased to be speaking in a debate in which everyone is conciliatory and moving in the right direction. I hate seeing the military brought into politics, but this is a very important case, and we must all pull together — indeed, we are pulling together — to see it resolved.

The bare principles of the case are of discipline against morality. Considering what was happening at the time, I would not take away from any army its right to discipline those who leave it when it is recruiting. I would never condone Hitler or fascism, but he was pulling Germany together from the depths of despair, and it was seen by many as a country on the rise. At the same time, Ireland was post-civil war and fervently anti-British — although not everybody was. It was a new, proud state wanting to be itself in its new way. Here, people were leaving their army and fighting for what we now see as a just cause, but we must realise from a military point of view that we should never condone anyone who leaves their army and leaves their country unprotected.

Even then, many were against it. There was the Opposition, the public and all those who wanted to fight fascism. Even de Valera himself was doing deals on the side. He did not stand back and do nothing; he allowed the Sunderland flying boats to fly from the Shannon, and he allowed half of Tory Island to be used by the navy. Even he realised that there was a way forward and that things would probably change.

If we look at things that have happened to us, we can see that, in time, many things change, but at least we have seen fascism, totalitarianism and communism all collapse in the past 30 or 40 years. We have all learned that democracy and justice are right, but those soldiers did not have justice at the time. Often, they knew what was happening only when they got home and were arrested. Of course, all were fighting for what we now take for granted: freedom of speech.

I put it to everyone, and many have mentioned it already, that when we look at this new morality, we can see that lots of things have changed, and others have given examples. Look at the VC of Able Seaman Magennis and how it was taken up to Belfast, with a statue put up outside City Hall. That was one change. Able Seaman

Magennis, who had been incredibly brave, was not allowed to go back and take his medal and be celebrated for his bravery.

On a much more minor point, the North Irish Horse Reconnaissance Squadron, which I was with at one time, was able to go down to St Patrick's Cathedral in Dublin and dedicate the South Irish Horse banner that was in the church. Many things have been moving and changing. We have seen the acceptance of the poppy by nearly all, and we wish to see that as something we can all celebrate. We have seen, as others have mentioned, the Queen's visit, but it is time to move on. It is time to find our way forward and to celebrate the Irish soldier who, whether from North or South, has been the backbone of many armies. In fact, Agricola, one of Caesar's generals, considered whether he might land in Ireland but was told that the Irish were fierce soldiers who often fought against themselves, and so he held back from moving to Ireland.

We saw in the film 'Braveheart', about William Wallace, that the Irish soldiers were thrown into battle by the English. Wherever there was a war, they were game: the English Civil War, Waterloo, the American Civil War. We have already heard about their involvement in the First World War, and mention was made of the Spanish Civil War. In many, many cases brave Irish and Northern Irish soldiers were involved, and it is good today to see everyone celebrate their heroism.

We must remember that, in 1946, as others have said, they went home, probably having had a miserable time for three or four years, whether in a prison camp or fighting at the far end of the world. They went home expecting to be celebrated but found themselves on a blacklist. That list stopped them having any pension. They were damned for seven years as unable to work for the Government. Today, we ask for a pardon for them.

Mr Deputy Speaker: The Member's time is nearly up.

Mr Kinahan: We have seen, in this House, an admirable stance taken by everybody to put the pressure on the Irish Government to pardon them.

Mr Attwood: I acknowledge that the tone of the debate was captured, and rightly so, by Mr Weir in his opening remarks. These sorts of issues, and many others that we will have to face over the next 10 years, carry the risk that they might fracture or fragment the Assembly and the

community. The tone, character and content of the debate send out a very different message to that particular risk.

As I have outlined previously in the Chamber, I am named after a man who died in the First World War, my great uncle Alex Attwood. He lies in an unmarked grave in Nieupoort on the Belgian coast. As I said, he came from Northampton. He had a different national identity, and he happened to have a different religious tradition from mine. However, he is very much a member of my family, as is my Uncle Alec, a man from Cork, an Irish nationalist, who served in the Second World War for the British Army. He was boarding a ship in India on the way to the Far East when the Americans dropped bombs on Japan. At that very moment, another uncle of mine, Uncle Jack Corcoran, married to my father's sister, was in a Japanese prisoner of war camp.

I cannot honour and respect those men, their memory and their contribution without respecting and honouring all those of this island who fought in the British Army and other Allied forces, however they came to serve in the British Army or other Allied forces. In my view, you cannot respect and honour the one without respecting and honouring all. That is the perspective that I bring to this.

It is quite clear, as has been captured by many who spoke in this debate, that this issue and the various strands of our history and its emerging narrative are a work in progress. That was best illustrated in recent times by the visit of the Queen and the President of Ireland to Islandbridge. Alasdair McDonnell and I, and many others, were there to reflect and acknowledge that shared part of our history and the great loss that happened.

Danny Kinahan rightly acknowledged that, while the Irish State was neutral in the Second World War, it was neutral but pro-Allied. People might argue about some of this, but, in many ways, the Irish state at that time demonstrated how it was pro-Allied but neutral. We must acknowledge in this debate the integrity of the position adopted by the Irish Government at that time. Given its history and the process of history that it had just come through, the position it adopted was one of integrity. That is something that, as we engage in this debate and move this story and narrative forward, we need to acknowledge: the integrity of the position of the Irish people,

that which the Irish Government adopted at the time, and the will of the people of Ireland to be neutral but pro-Allied.

I want to acknowledge the fact that the Irish Government are considering this matter. Indeed, a further question was put to the Minister of Defence in the Dáil last week. Therefore, as we move forward, I believe that the Irish Government will be informed by what is the right outcome in a complex situation, and we need to acknowledge that complexity.

5.30 pm

I want to acknowledge what Peter Weir said in his opening comments. He placed the issue in the context of the decade of centenary commemorations on which we are now embarking. Clearly, the issue is also in the context of our approaching the sixtieth anniversary of the end of the Second World War. It must also be put in the context of the unresolved issues arising from the most recent conflict that impacted on the lives of the people of this island. If we are to address in a generous, inclusive and full manner all the issues from 100 years ago and 60 years ago, we must equally bring to the experience of the past 40 years the principles of commemoration, honour, acknowledgment, accountability and explanation.

Mr Deputy Speaker: Will the Member bring his remarks to a close, please?

Mr Attwood: Yes. All those standards apply to all those events.

Mr McClarty: I fully support the motion. War veterans of the Allied forces in World War II should be celebrated for their selfless bravery, not vilified because of political prejudice. The decision of the Irish Government in 1945 was wrong. Indeed, the Fine Gael Opposition recognised that and appealed for the annulment of the Emergency Powers Order, which, in effect, was conceived to punish Irishmen who served in the British Army. During a period that followed contentious events, including partition, it would be an understatement to say that the British were not flavour of the day in Ireland at the time. Of course, de Valera's Government found it hard to stomach young Irishmen deserting the national force to fight for the British, particularly at a time of emergency. However, the issue must be put in context. Those were passionate young men who heard about evil being spread across Europe by fascist groups and wanted to fight

against it and what they felt was wrong. Indeed, the Irish Government accepts that it was wrong.

World War II happened in an era in which young men felt impassioned to fight for the greater good. The Republic of Ireland's neutrality meant that the situation there was stagnant; men who signed up to fight were becoming frustrated and restive. They felt that the only way that they could contribute and stand up and be counted towards the war effort was to fight, so they joined the Allied forces. At the time, World War II was much bigger than the problems that existed in Ireland; it transcended Europe and affected the world. Those young men fought not against Ireland but for it; they fought for democracy. Unfortunately, the prejudices of de Valera's Government did not recognise that. Those brave men should, therefore, be celebrated.

It sits uncomfortably with me that, in Northern Ireland, our men were welcomed home as heroes while, across the border, Irishmen were vilified and treated as traitors for bravely fighting in the same brutal war as their counterparts several miles north. The imposed consequences of the Emergency Powers Order were harsh. Indeed, those committing malicious crimes received far lesser sentences. If the Irish Government cannot pardon the young men for their desertion, they must at least accept responsibility for the harsh consequences that they imposed. At the time, the political environment was less than ripe for that, but it has much improved since. Indeed, British-Irish relations have never been better; Her Majesty's visit to the Republic last year was a positive symbol of that. The Irish Government need to correct their grave mistake. Not only will that restore the dignity of and respect for surviving and past Irish servicemen and their families, which they deserve, it will highlight the maturity and integrity of the Irish Government and show the world how far we have all come.

I urge the Irish Government, in particular Alan Shatter TD, Minister for Justice, Equality and Defence, to retrospectively pardon these brave Irish men.

Mr Humphrey: On behalf of those of us who tabled the motion, I thank all the contributors in the Chamber for the tenor in which this debate has taken place and the tone in which they have spoken.

The proposer of the motion, Mr Weir, talked about how the House should unite, and that

is exactly what has happened: the House has united behind a motion which is, in my view, infinitely fair.

The time of recrimination around these matters has passed; it is now a time for moving forward. Peter mentioned the starvation orders, the orphanages and the appalling way the families of those veterans were treated on their return to Ireland. He said that recognition, an apology and a pardon were needed.

Alex Maskey, on behalf of Sinn Féin, said that the matter has now been referred to the Irish Attorney General and that the Assembly at Stormont should take a lead, as that could be important for the centenaries that we will celebrate between now and 2021. He said that his party supports this stigma's being removed and said that a pardon was the best means of going forward.

Michael Copeland, on behalf of the Ulster Unionist Party, talked about the Royal Irish Fusiliers being 60% nationalist, and he also mentioned Irish soldiers, many of them Catholic, arriving in Rome and meeting the Pope.

Conall McDevitt of the SDLP talked about people uniting across traditional divides to fight fascism as a common enemy when the Irish Free State was in its infancy. We, on these Benches, should remember that. He also mentioned the role that Alan Shatter has as the Irish Minister for Justice, Equality and Defence.

Trevor Lunn, on behalf of the Alliance Party, quoted the Irish defence spokesman as well, and he talked of his time visiting the Island of Ireland Peace Park. He said that a message sent from this Assembly to Dublin would be powerful, if all agreed.

Edwin Poots, speaking from the Back Benches, mentioned meeting the Irish President at Messines and talked of the Boyne site and her Majesty the Queen's visit to the Republic. He also said that issues outstanding in the Irish Government need to be recognised and addressed.

George Robinson said that Irish soldiers should be praised and mentioned the treatment of their families. He said they were heroes in action but treated as deserters at home.

Danny Kinahan, on behalf of the Ulster Unionist Party, said that Eire was a divided state at the time of the war. He spoke of the many military

tributes that he knows of, as an ex-serviceman. He also mentioned the poppy. At this stage, I would like to mention the poppy and, as I did in this House before, pay tribute to the SDLP and its former leader Margaret Ritchie for the stance that she took the year before last in relation to the poppy. My community and Members on these Benches warmly welcomed that recognition by a nationalist leader and the courage that she showed in wearing that poppy. I also pay tribute to my good friend Councillor Pat Convery who, when Lord Mayor of Belfast, launched the poppy appeal in City Hall. That is leadership, and that is reaching out across divides and healing wounds of the past.

Alex Attwood mentioned his family and the service that they had given to the British Crown during the war. He also mentioned the important role this Assembly would have over the next 10 years.

David McClarty said that it was time for the soldiers' bravery to be recognised and not the prejudice of others. He also mentioned the Fine Gael Government of the time and the fact that the soldiers were fighting for democracy and were uniting to fight against fascism.

It falls to me to wind up the debate on behalf of my party, and I, obviously, support the motion. When we talk about the attitude of the Republic to World War II in general and its veterans in particular, we should place that in the context of how it approaches the commemoration of other conflicts. It is only recently that the Southern state started to acknowledge the sacrifice of the First World War. In 2012 we will have the first Irish Government Minister officially attending the commemoration service in Belfast, owing to a motion recently passed by Belfast City Council, which was proposed by the SDLP and seconded by my own party.

Although we have made great strides in changing attitudes to the First World War and those who served in it, the same cannot be said of the Second World War, a war that holds much more difficult issues for the Irish Republic, not least the question of why de Valera was the only statesman in Europe to sign Hitler's book of condolence. He refused to accept that it was a world war; instead, his Government deemed it as "the Emergency".

Although the Government of the Free State had an official policy of neutrality, the people did not. There was an excellent series of programmes produced by Ulster Television and presented by

Paul Clarke called 'We Were Brothers Too', which offered a fascinating insight into the issue. At a time when some citizens were executing the S-plan, between 40,000 and 50,000 men from the Free State — indeed some suggest as many as 80,000 — joined the Allied armies. Among them were men who took part in D-Day and in the liberation of the Belsen concentration camp. Some of those men even received the Victoria Cross, including Captain Harold Ervine-Andrews VC, who was driven out of his home in County Cavan by the IRA when he returned from the war. These men were described by their Government, unfortunately, as deserters, yet they left defence forces in a state that was neutral and fought for an army that was engaged in the war against fascism: they were the bravest of the brave.

We have already heard about the starvation orders. In 1945, the leader of Fine Gael, Tom O'Higgins, described them as illegal, unconstitutional, brutal, un-Christian, inhumane, stimulated by malice, seething and hatred, and oozing with venom. Those are comments that the current Irish Justice and Defence Minister, Alan Shatter, who is from that party, needs to take on board.

Those orders not only punished brave men who served but inflicted the most brutal and grinding poverty on their families and children. In many cases, the children, as Mr Weir mentioned, were forced into orphanages or workhouses by the state. Anyone who has read the accounts of the vile and inhumane treatment that these men and their families received will understand that it did not just come from the state but also from fellow citizens who were greatly moved in their opposition to what they had done.

As we know, they were barred from seeking state employment when they returned home. That stands in stark contrast to the experience that other ex-servicemen received in the late 1940s. Indeed, SS officer Louis Feutren was granted residency by the de Valera Government and was employed as a teacher in Dublin for 30 years, and the Nazi collaborator Alan Heusaff, who took part in the massacre of Jews in France, was granted Irish citizenship after the war. These are all things with which the Republic will eventually have to deal.

The final point that I would like to make is about the pardon. We should be honouring all those who fought against fascism in the war. It should be a national disgrace that men who fought

so bravely for the liberation of Europe are not honoured in their own country. The Irish Republic owes a great deal of debt to the Allied forces in the Second World War, because regardless of neutrality — Mr Attwood is right that it was officially a neutral country — had Germany won the war the Irish Free State or Éire would have been as independent as Vichy France.

I hope that the current Government in Dublin, by considering this issue, are taking steps to recognise the errors of their forebears and are finally moving towards official recognition of the role that these brave men played in securing freedom for all nations. I welcome the decision to refer the matter to the Irish Attorney General.

To be fair in this context, it must also be remembered that the British Army asked an Garda Síochána to vet potential recruits to the British armed forces to ensure that those recruited were not members of the IRA or from families connected with it. Both the Cosgrave and de Valera Governments did nothing to prevent recruitment to the British Crown forces. Indeed, David Robertson, who was head of history at Wilson's Hospital School in Westmeath, declared that as many as 80,000 men from the Republic fought in the British forces against fascism.

In conclusion, they have never received recognition or respect, yet Irish history — our history — remains imbalanced and distorted until they do.

Question put and agreed to.

Resolved:

That this Assembly condemns the treatment by the then Irish Government of many Irish World War II veterans, particularly the issuing of the so-called starvation orders; and calls on the Government of the Republic of Ireland to issue a pardon and to apologise to the veterans and their families and to honour all those who fought against fascism in World War II.

Adjourned at 5.45 pm.



information & publishing solutions

Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Fax orders: 0870 600 5533

E-mail: customer.services@tso.co.uk

Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325

Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited

© Copyright Northern Ireland Assembly Commission 2012

ISBN 978-0-339-50522-3



9 780339 505223