

# Official Report (Hansard)

Monday 31 March 2014  
Volume 94, No 1



# Contents

## **Executive Committee Business**

Tobacco Retailers Bill: Royal Assent .....	1
--	---

## **Matter of the Day**

Loyalist Activity: Larne .....	1
--------------------------------	---

## **Ministerial Statement**

Careers Education, Advice and Guidance: Review of Policy and Practice .....	6
---	---

## **Executive Committee Business**

Legal Aid and Coroners' Courts Bill: First Stage .....	15
--	----

Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 .....	15
--	----

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 .....	17
--	----

## **Private Members' Business**

Animal Cruelty .....	18
----------------------	----

## **Oral Answers to Questions**

Employment and Learning.....	24
------------------------------	----

Social Development.....	33
-------------------------	----

## **Question for Urgent Oral Answer**

Health, Social Services and Public Safety: Northern Health and Social Care Trust: Deaths .....	42
---	----

## **Private Members' Business**

Animal Cruelty ( <i>Continued</i> ) .....	45
---	----

Gender Imbalance in the Senior Civil Service .....	56
--	----

## **Written Ministerial Statements**

Pharmacy in the Community.....	70
--------------------------------	----

Northern Health and Social Care Trust: Implementation of Improvement Programme.....	72
---	----

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](mailto: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, 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)  
Cameron, Mrs Pam (South Antrim)  
Campbell, Gregory (East Londonderry)  
Clarke, Trevor (South Antrim)  
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)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Elliott, Tom (Fermanagh and South Tyrone)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
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)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hay, William (Speaker)  
Hazzard, Chris (South Down)  
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)  
Lo, Ms Anna (South Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
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)  
McCorley, Ms Rosaleen (West Belfast)  
McCrea, Basil (Lagan Valley)  
McCrea, Ian (Mid Ulster)  
McDonnell, Alasdair (South Belfast)  
McElduff, Barry (West Tyrone)  
McGahan, Ms Bronwyn (Fermanagh and South 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)  
McKinney, Fearghal (South Belfast)  
McLaughlin, Ms Maeve (Foyle)  
McLaughlin, Mitchel (South Antrim)  
McMullan, Oliver (East Antrim)  
McNarry, David (Strangford)  
McQuillan, Adrian (East Londonderry)  
Maginness, Alban (North Belfast)  
Maskey, Alex (South Belfast)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Moutray, Stephen (Upper Bann)  
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)  
Robinson, George (East Londonderry)  
Robinson, Peter (East Belfast)  
Rogers, Seán (South Down)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (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 31 March 2014

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

*Members observed two minutes' silence.*

## Executive Committee Business

### Tobacco Retailers Bill: Royal Assent

**Mr Speaker:** Before we proceed with today's business, I wish to inform the House that the Tobacco Retailers Bill received Royal Assent on Tuesday 25 March 2014. It will be known as the Tobacco Retailers Act (Northern Ireland) 2014.

## Matter of the Day

### Loyalist Activity: Larne

**Mr Speaker:** Mr Stewart Dickson has been given leave to make a statement on public disorder in Larne, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise continually in their place. All Members who are called will have up to three minutes to speak. I remind Members that there will be no points of order or discussion of any other issue while we deal with this item of business.

**Mr Dickson:** Thank you for accepting this item of business this morning, Mr Speaker.

I would like to start by saying that my thoughts are with the police officer injured during the sickening attack last night in Larne and to wish him a speedy recovery. This was clearly an organised and coordinated attack, and the Assistant Chief Constable has laid the blame firmly with the south-east Antrim UDA. This raises serious questions about the status of that paramilitary group. Regardless, the police case should proceed on the grounds that this was an act of pure criminality, focused on the control of an area and the violent intimidation of the community.

For too long, there has been a sense that certain individuals and groups are untouchable and that we should not rock the boat for the sake of the political process or for fear of a violent reaction. I say, along with my constituents, that we are sick and tired of the thugs, gangsters and criminals trying to hold our communities to ransom. These people have no mandate. They are not the defenders of any noble cause: they are, indeed, the antithesis of the British values that they claim to represent; values that I hold dearly. Many will wonder, 20 years after the ceasefires and 16 years after the Good Friday Agreement, why the UDA is even in existence. What is going on in Northern Ireland in 2014 when we have a

large group invading a town, destroying houses and attacking the police?

A very clear message must go out from this Chamber this afternoon, with no ifs and no buts. What happened in Larne last night is wrong and must never be repeated. There is only one legitimate organisation to deliver law and order on behalf of the people of Northern Ireland and that is the PSNI.

**Mr Wilson:** I echo the points that Mr Dickson made. Our thoughts are with those who suffered at the hands of the criminals who attempted to take over a part of Larne last night. It must be remembered that many ordinary families had their property damaged in that area of Larne, and our thoughts should go out to them. Of course, as the Member said, they deserve the protection of the police. It is quite clear from what happened last night that those who, on occasion, claim to be the protectors of ordinary working-class unionists are, very often, the people who bring the most sorrow and destruction to those communities. That should be remembered.

I believe that this was a challenge by criminal elements to the rule of law. It is not without significance that, last week, the police made some arrests and brought people before the courts. This is the reaction. It has happened not only in east Antrim; it happened in south Antrim a couple of weeks ago in Ballyclare, where the same tactics were tried. It is important that the police intervene robustly to ensure that those who decide who should stay in an area and who should not, or who should be allowed to live in a place and who should not, are not the arbiters of this.

I know that there has been criticism of the police today, but the finger must be clearly pointed at the criminals who took over and caused the damage. That is not to say that the police should not be better at intelligence gathering; you cannot have enough police standing by in a town like Larne to deal with an issue like this. The police who intervened were attacked, as Mr Dickson said, but there needs to be an improvement in police intelligence gathering so that, when movements of men like this occur, they are detected and there can be a quick reaction. Furthermore, the police need to stay in an area because, very often, these are outsiders and they have to travel back again. There should be opportunities to apprehend some of the individuals at that point, but that was not done last night either.

Finally, if the rule of law is to work in Northern Ireland, it depends on the cooperation of the

public to help the police to intervene in these situations. I trust that the public in Larne and further afield will cooperate with the police in apprehending the individuals who were involved in these incidents last night.

**Dr McDonnell:** I welcome the opportunity to put a few thoughts and words on the record. First, I extend my best wishes and those of my party for the speedy recovery of the policeman who was injured doing his job protecting us all. I also offer support and sympathy to the people who felt threatened and intimidated and had their property damaged last night.

The scenes that people witnessed in Larne yesterday evening were totally shocking and must be condemned without any qualification. The rule of law has to be respected and the police must be given our full support in attempting to deal with those who seek to hold society to ransom and bring the law into disrepute. There is still some awful thuggery in our society, and it is not just confined to east Antrim. We have seen this behaviour in Ballymoney, Coleraine, Ballyclare and various other locations.

Yesterday evening, the police had to contend with a concerted effort by a significant number — some 60 to 100 — of south-east Antrim UDA members, many of whom were masked. The police were placed in an impossible, if not invidious, position, and local people must have found the whole experience extremely terrifying. Nobody but nobody has the right to take the law, in any shape or form, into their own hands, mete out justice or what they believe passes for justice or, worse still, dish out threats and intimidation. Paramilitaries must not be allowed any degree of primacy in any society, and if, as it is believed, they were acting in retaliation for police arrests last week, a clear message must be sent out by civic society that we will not tolerate that in any circumstances. I welcome the opportunity to put that on the record this afternoon.

Politicians must show clear leadership and unambiguously condemn the actions of paramilitaries who are engaging in such thuggish behaviour to the detriment of the wider community. The police require our full support in bringing paramilitary groups such as the UDA under control and, where possible, bringing them to justice. Serious questions remain about the status of the UDA in light of last night's outrageous scenes. Those individuals should not be allowed to intimidate or drag the east Antrim community or any other community back into horrific scenes reminiscent of darker days in the past. I welcome the opportunity to

make these few comments, and I urge the whole House to give support to the police in dealing with this outrage.

**Mr McMullan:** I agree with all that has been said so far. Let me make it very clear: this was not an isolated incident; it happens regularly in Larne. I have stated that in the House before and have been the most vocal public representative on the issue. Last night was not because of police arrests two and three weeks ago; it all emanated from an incident on Saturday evening. Those men have been getting away with this for years, and we have asked time and time again for the police to put more resources into Larne to deal with the criminal elements who call themselves the UDA. This has happened time and time again, and it is about proving who is the biggest threat and the biggest man in the town. We are looking for the courts to do more about it. Too many people are getting out on bail when it would be better to keep them inside.

Last night, grown men with sledgehammers chased a 15-year-old girl up the stairs while she was screaming for her life, and, in another incident, a father had to shield his young daughter while getting beaten around the head with a hammer. That is the kind of justice that they mete out to their own community. God help the rest of us if they ever decide to turn.

Last night, a golden opportunity was lost to arrest a lot of those people. There is really only one road out of Larne back to Carrickfergus and back to Ballyclare, which is where this all came from. That said, the Larne UDA was involved last night. It joined others in Carrick and then came back into Larne. The tactical support group should have been called in immediately and roadblocks should have been set up. The police should look at that when they investigate this. The House needs a full report from the police on what happened and how they will deal with it because, unless they deal with it now, the festering criminality in Larne will continue. It is bringing the town and the good people of Larne down. We need jobs and houses in Larne. We do not need criminal elements who neither work nor want. They drive about in top-of-the-range cars and vans while ordinary, decent people are out trying to make a living. Those people are charging £5 a week for membership and fining people £200 or £300 if they do anything wrong in their community. This is happening today, Members. It is not fantasy.

**Mr Speaker:** The Member's time has almost gone.

**Mr McMullan:** I call on the police to give the House a full report on what happened last night.

**12.15 pm**

**Mr Beggs:** I thank Mr Dickson for bringing the issue forward. It is a very serious matter that affects my home town of Larne. I, too, extend my best wishes to the police officer who was injured and, indeed, to the members of the public who were injured through this attack.

This was an attack by 50 to 100 masked men in two separate incidents — or perhaps it was three incidents, because three houses were involved. It is very serious. There was an attempted murder, serious assaults on individuals, and damage to homes and property. I was struck by the comments of Assistant Chief Constable George Hamilton this morning when he linked the incidents to arrests that were made last week. Those comments tell me that this was an attempt to influence the outcomes of those arrests and the criminal justice system. It is very clear that, as such, it was an attack on the police, the individuals involved and on our criminal justice system. It was an attack on this democratic Assembly. It is very serious that a serious organised crime gang is trying to affect outcomes in the criminal justice system and to influence what happens in their community. The south-east Antrim UDA is attempting to control the community and what happens in it. My information on where all this comes from is that it is spiralling from those who, a number of months ago, stood up against some of those individuals and then became targets.

So, this is a very important issue. Are members of the public going to be allowed to defend themselves and operate within the rule of law, or will a criminal organised crime gang, the south-east Antrim UDA, be able to inflict its form of justice — or rather injustice — on my local community?

I am reminded of a previous incident when the home of a family that I helped to get rehoused had been attacked twice. When the issue was pursued, it turned out that those involved said, "Oops, we made a mistake". That is what happens when individuals take the law into their own hands: totally innocent people end up being targeted and damaged. That is why it is important that everyone in the community must stand together against the people who are trying to control it.

So, I urge everyone to support the police, to provide any information that they have to the police and, if necessary, to use the confidential

Crimestoppers telephone number to make sure that the police have a good picture of and intelligence about what is happening so that they can hold those who are responsible to account. Additional specialised, police resources should be brought in to help to identify and hold the ringleaders to account.

**Mr B McCrea:** Like other Members, I condemn the violence that took place in Larne over the weekend, and I offer my sympathy to the community and the police officer involved.

I will pose a question, particularly to those in the House who condemn the actions that happened in Larne. The big question is this: why are organisations such as the UDA still in existence? One of the issues that we had when we started this project — 15, or almost 16 years ago — is that we insisted that all armed paramilitary gangs, such as the IRA, would go away, leave the scene and no longer be here. Why, then, do we tolerate the UDA or any semblance of it? Why are we ambivalent on that issue?

When we address that issue, it comes through in some of the bad news that we have had over the past two years. We have had finds of armaments, drug dealing and all sorts of issues. Things are not going well in the political scene, and we all know it. So, not only should we ask why, we also have to ask ourselves what we are going to do about it. There should be no ambivalence, no gnashing of teeth and rending of clothes, no cries that, "Somebody ought to do something", or that, "Somebody, somewhere ought to take an initiative". That we have allowed such people to carry on in existence in our society is a failure of the political process. I would really like to hear what people are going to do about it, rather than them just condemning it.

There is a challenge to those people who think that there is somehow merit in ambivalence and those who say that they will lead the PUL community in a cultural war, or those who heighten tensions around flags or even those who try to argue that a united Ireland is just around the corner. What people in this Chamber have to realise is that all those comments destabilise our society, make it more difficult for us to build a future and lead almost inexorably to the type of confrontation that we saw in Larne at the weekend.

The challenge for all of us here is to turn our back on ambivalence and to say absolutely directly that the UDA's south-east Antrim brigade — the UDA in any of those forms — is not part of the way forward. It is part of the

past, and we need a better future. Anybody who has not completely and absolutely rejected violence should not be countenanced in any dealings that we have in the future.

**Mr Allister:** I join absolutely in condemning the outright thuggery — indeed, the vicious thuggery and criminality — that was visited on families in Larne this weekend. As has been said, sadly, it has not been an isolated incident. Our thoughts are with those who suffered and were injured, and our thoughts are very much in the domain that we hope that the perpetrators will be hunted down and made accountable under the criminal justice system, because that is the fundamental bedrock upon which any society should and must exist. If there are those who think that they have some sort of mandate for the lawlessness that they visited on Larne last night, they have an opportunity in a couple of months — on 22 May — to demonstrate whether they have a mandate or not. I venture to believe that they will neither test it nor anything else because they know that they have no mandate for this sort of activity. So I utterly condemn that.

I have to express some disappointment at the fact that the police infrastructural changes that have been made over recent times, I believe, leave Larne somewhat exposed, in that, at times, I am told, there is but one police car to circulate in the Larne area because it has all been centralised effectively back to Ballymena. That does not seem to me to be the right way to go about policing major towns such as Larne. I think that the police need to look at the adequacy and efficiency of the response last night and whether it was sufficient or whether it could have been better if there had been a concentration of more localised, readily available services in the town. I think that it certainly could have been better in that regard.

I also have to say to this House that it is good to have all the condemnations of the terror that was visited on those families. It is a bit ironic and a bit hypocritical, though, to hear from one Member in this House outright condemnation of this, while his own party, at the weekend, was involved in the Whiterock leisure centre in a terror fest celebrating the murders of IRA volunteers from Ballymurphy and elsewhere. How such a thing was allowed to happen in the public leisure centre of a city council is beyond me and needs to be explained. So, let us condemn, but let us condemn across the board, and let us desist from glorifying and wallowing in the glorification of acts of terror from times past.



**Mr Dallat:** I am more than pleased with what my party leader has said, but I think that it is important to broaden the condemnation to include the whole of Northern Ireland. Coleraine is quite a distance from Larne, but it is a town that has also suffered at the hands of the UDA, at one time raining down something like 200 pipe bombs among ordinary, innocent people.

The message from this Assembly today must have no buts and no ifs. Most, if not all, of us came into the democratic process to oppose paramilitary activity, from wherever it came. We know from history that paramilitaries failed us. We must now be very clear in our condemnation that there is no place for any paramilitarism. Even having to refer to paramilitaries is an indication that, in some ways, we have failed. Sixteen years after the Good Friday or Belfast Agreement, we still refer to organisations such as the UDA, which should not be there.

Today, Mr Speaker, we have the honour of having the ambassador to Croatia in the Building. I have been to that country and to neighbouring countries, and I saw what happened to people when politicians failed. I am sure that, when you and others are speaking to the ambassador, he will tell you very clearly that we must learn from the mistakes of the past and never repeat them.

When scenes such as those in Larne appear on our screens, it is an indication that we must redouble our activities politically to ensure that they never get a foothold again. Paramilitaries watch for weaknesses in the political system; that is how they operate. Perhaps there is a warning to all political parties that we are not doing enough to ensure that there are no vacuums, opportunities or chances for the commanders and brigadiers, and all the other fancy titles they give themselves, to get a grip in any part of Northern Ireland again. I know Larne reasonably well, and there are very good people there. I know Coleraine, Limavady, Ballymoney, Lurgan and other areas where the same organisations are masquerading as community workers and, at times, even applying for grants.

It is good to have the opportunity to talk about this. I will finish by saying this: Protestant and Catholic parents encouraged their sons and daughters to join the Police Service of Northern Ireland. It is absolutely disgraceful that one of those officers was attacked last night. It is absolutely disgraceful that, on any occasion, any police officer is attacked by people who masquerade as the alternative to law and order.

**Mr McMullan:** On a point of order, Mr Speaker. We brought the matter of the day to the House today to talk about last night's attack on three families in Larne, but the Member for North Antrim, in his usual style, wants to attack my party on something that happened at the weekend, while he was silent on the pictures in the press relating to an incident that happened in Belfast a few weeks ago. Yes, you can raise your eyes; you are very choosy in what you bring up.

**Mr Speaker:** Order.

**Mr McMullan:** It is indicative that, following last night's attack in Larne and people getting hurt

**Mr Speaker:** Order

**Mr McMullan:** — all this man can do is attack Sinn Féin. Sinn Féin members are the only people who are speaking up for them.

**Mr Speaker:** Order. I have allowed the Member quite a bit of latitude. The Member is on record condemning the violence at the weekend, but, as Speaker, I am certainly not going to be drawn into political debates around the Chamber this afternoon. Let us move on.

## Ministerial Statement

### Careers Education, Advice and Guidance: Review of Policy and Practice

**Dr Farry (The Minister for Employment and Learning):** With your permission, Mr Speaker, I wish to make a statement about the review of policy and practice on careers education and guidance, which my Department, together with the Department of Education, intends to undertake over the next few months.

Members will recall that, in November, in my response to the debate on the Committee for Employment and Learning's report into careers, I announced that my Executive colleague the Minister of Education and I had agreed to conduct a formal review of careers during 2014. I am now in a position to announce formally the commencement of that review and to provide more detail on how it will proceed.

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

The extensive work carried out by the Committee has highlighted several key issues that we intend to take forward as part of the review. Once again, I commend the Committee for its thorough examination of the issue and the insightful recommendations in the inquiry report. I assure the Committee that the review will address all the points raised. The review will also consider other key publications, including the recent Confederation of British Industry (CBI) report on education and industry links. The recommendations and research evidence in both reports provide us with an excellent base on which to advance. It will also take account of international best practice to consider what can be done to ensure that the curriculum nurtures young people's insights into the world of work and raises aspirations.

#### 12.30 pm

The main reason why the two Departments have commissioned the review is the need to ensure that careers education, advice and guidance supports economic growth and social mobility and is in tune with the needs of the labour market. I have always viewed careers as the foundation stone of everything that my Department and the Department of Education are trying to achieve. I know that Minister O'Dowd concurs with that view. Although both Departments have made progress through the implementation of the current joint strategy, *Preparing for Success*, we recognise that much

more needs to be done. The Committee inquiry and the CBI report highlight the perception held by many employers that the current careers system is not serving them well. They feel that too many young people have a limited understanding of the full range of career pathways and opportunities available to them.

We still have a significant problem in some key sectors, with skills shortages and a mismatch between labour supply and demand. A considerable number of young people, including some who are very well qualified, are leaving school without the specific skills and qualifications needed by employers, and are consequently struggling to find sustained employment. Matching skills and qualifications to the needs of employers while supporting people to realise their full potential in the workplace is key to our economic growth and long-term prosperity, and is, therefore, a central tenet of the review. To address those issues, the terms of reference for the review have been agreed and will be published on both Departments' websites today.

The aim of the review is to ensure that careers provision reflects the needs of a modern, vibrant and dynamic 21st-century economy in which all individuals, regardless of age, aspiration or ability, as well as key influencers, such as parents and teachers, have access to independent, high-quality advice that helps them to maximise their potential and contribute to their community and the local economy. It will have a particular focus on the role of careers education and guidance in balancing skills supply and demand in the current and future labour market.

The review will focus on seven key issues. First, it will consider the need for a statutory mechanism to ensure consistency of approach and high standards of careers services across schools, colleges and universities. Although there are many examples of good practice, one of the main criticisms levelled at the current system is the considerable inconsistency in how careers are delivered, which causes employers and other stakeholders to lose confidence in its effectiveness. Many young people and their parents are not aware of the various routes and opportunities available other than the traditional academic pathway. For many, however, choosing a professional and technical route aligned to their chosen career and profession will be more appropriate and just as valid. That aspect of the review will examine separately the role of the careers adviser supported by DEL and the role of careers teachers in schools.

Secondly, the review will examine the role of the curriculum and how careers education could be strengthened. Careers education is the responsibility of the Department of Education and delivered by schools, while responsibility for careers guidance, which is an all-age service, sits with my Department. The Department of Education recognises that with the increased choice offered under the entitlement framework at Key Stage 4 and post-16, it is vital that all young people, irrespective of which school they attend, be provided with impartial careers advice to inform their decisions. Careers education enables learners to develop their knowledge and understanding of job opportunities, to manage their career development and to make relevant informed choices, ensuring successful transition into education, training or employment. Careers guidance builds on that knowledge and understanding, provides impartial and personalised advice, takes into account aspirations and ability, and helps any person to make the right career choices to fulfil their potential.

Young people make decisions at age 14 on subject choices that could affect their careers for the rest of their lives. At 16, young people make further decisions about staying on at school, moving to an FE college or into training. At 17 and 18, young people make further decisions about higher education, an apprenticeship or employment. It is vital that the curriculum prepares them for the world of work and provides them with the necessary career management skills to make sound decisions.

The third issue is the need to support people disengaged from education, employment or training to overcome barriers. That is an area of vital importance to both Departments. All pupils and students can benefit enormously from careers education that challenges misconceptions, broadens their outlook and guides them onto a successful path. That is particularly true of those young people who do not have the social networks that can connect them to inspiring figures in different occupations, those who come from families with a long history of unemployment, and those with learning difficulties or disabilities.

The review will consider the needs of those who are about to enter the labour market; those who are not in, or are temporarily excluded from, the labour market; people with learning difficulties or disabilities; and those who need financial advice on further and higher education. It will also examine the barriers to the accessibility of

higher education on an all-island basis arising from inadequate careers information.

In addition, as is highlighted in the draft economic inactivity strategy, our inactivity rate remains stubbornly high. The Committee report observed that effective careers guidance can play a significant role in supporting and motivating people in that category who would benefit from working.

The fourth issue that the review will address is the need to promote STEM subjects: science, technology, engineering and mathematics. My Department's skills strategy sets out what is required if Northern Ireland is to be internationally competitive by 2020. We need a stronger focus on higher-level skills in general and on STEM skills in particular. However, the Committee report highlighted the fact that there has not been a significant increase in uptake of STEM subjects over the past seven years.

The review will examine how the considerable work that is being done in both Departments and elsewhere to promote the importance of STEM can be further strengthened through, for example, more careers insights and exposure to STEM-related careers. A particular focus must be on how to promote greater participation by females in STEM subjects and progression into relevant careers. Put simply, we cannot hope to compete fully in the global marketplace if we are not making full use of the local marketplace of talent.

The fifth area to be examined by the review is the need to provide reliable careers information in a way that is accessible and easy to understand. Key to the guidance process is a sound knowledge of current and future labour market trends. Understanding, as far as we can, where the jobs of the future will be and what skills and qualifications are required for them can guide any person towards a successful and sustained career and provide employers with the skilled workforce that they need. Accurate labour market intelligence is therefore recognised as a core pillar of a modern and effective careers system.

On delivery, more work is needed to develop a fit-for-purpose careers website that will modernise and improve access to information and online support for individuals of all ages. The review will consider how careers services can be enhanced by maximising the use of technology to make the Careers Service more accessible and efficient.

The sixth issue is engagement with business. Minister O'Dowd and I are in agreement that

employers will play a significant role in how the new service will be shaped. Considerable work has already been carried out by the Committee for Employment and Learning, and the review will take full account of the inquiry report's findings. Ensuring that young people have ongoing exposure to the world of work through meaningful work experience and mentoring programmes is vital. Well-targeted, career-focused employer contacts could broaden young people's understanding of the range of jobs, particularly those in growth sectors, which might suit their interests.

Employers can be a great source of inspiration. The CBI report highlighted the need for employer engagement with schools and young people to become much more focused and better organised. I am aware of the potential for employers to become overwhelmed by requests for work experience, to the extent that they may switch off. As part of the review, we will consider how a brokerage system might be introduced that would better coordinate the process to ensure that we maximise the benefits to the young person and the employer.

The seventh and final issue is the need to improve the quality of advice and guidance. All careers advisers are professionally qualified and undertake significant amounts of continuous professional development, including spending time in industry. It is vital that all people be fully aware of the opportunities and consequences of their decisions. I believe that that can be done only through high-quality, impartial careers guidance provided by expert careers advisers.

The Department of Education is developing a professional development programme for careers teachers and will support all teachers to link their subject areas to potential careers opportunities. Both Departments recognise the need to ensure that all practitioners involved in providing careers education and guidance are properly qualified and undertake continuous professional development. It is also essential that careers advice be underpinned by reliable and high-quality labour market information.

A key aspect of this that the review will take forward will be the effective monitoring and evaluation of careers provision in schools, colleges, universities and careers centres. Both Departments recognise that effective outcome measures are needed to provide a level of assurance to stakeholders that the system is responsive to the needs of the economy, and this issue will also be considered as part of the review.

While, as mentioned earlier, the Committee inquiry report and other recent publications such as the CBI report provide us with an excellent evidence base on which to go forward, Minister O'Dowd and I are keen to take the view of a panel of experts from industry, education and careers guidance. The careers review will therefore be supported by an independent panel. I am appointing four of the panel members, primarily from the business community. John O'Dowd is appointing four members from education. The panel will be chaired by Brian Ambrose, managing director of George Best Belfast City Airport, and will be supported by an international Organisation for Economic Co-operation and Development (OECD) expert in careers education and guidance.

The panel will provide advice to Minister O'Dowd and me and will undertake substantial and structured engagement with key stakeholders such as young people and their parents; unemployed and employed adults; individuals with learning difficulties or disabilities; and employers. We want this to be a thorough review of policies and practices across both Departments. It needs to be evidence-based and pragmatic but also visionary and imaginative. We will also want to learn from the best experiences from across these islands and internationally. We will also keep Members of the Assembly and the Committee for Employment and Learning advised of our progress through regular communications. The full terms of reference will be published on both Departments' websites today. Membership of the independent panel will also be published on both Departments' websites within the next few days.

The review will conclude in the autumn of this year. It is likely that we will then proceed to formal public consultation on the provisional conclusions of the review. Once our officials and Minister O'Dowd and I have considered the responses, we will formalise new policies and practices and seek to implement changes as soon as possible.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his statement, and I thank him for acknowledging how the Committee's inquiry was instrumental in bringing about this review and the extensive work that we completed on this important issue. Minister, of the recommendations contained in that report, only one was initially rejected, which was the recommendation that those providing careers education and guidance should be properly

qualified. Do you accept this, and will the review undertake that?

Your statement refers to the need to engage disengaged youth and to the fact that there has not been an increase in STEM uptake in the past seven years. Both of those points were highlighted by the Committee. Will the Minister agree that, on both of those vital parts of the statement, parents' and carers' input is critical? How will the panel engage with parents? Minister, the Committee will look forward to engaging with the panel once it is appointed.

**Dr Farry:** The Chair raised a number of points there, and I will try to work through each of them. First, I reiterate what I said about the Committee inquiry. I congratulate the Committee on what has been a very comprehensive piece of work. Our review is very much designed to build upon what it has done and not to reinvent the wheel. We want to take into account the significant piece of evidence that it has collated, and we also want to fully reflect upon all of the recommendations that it has made.

There will be an ongoing engagement with the Committee, through written communication and also, I hope, through the panel members, or at least the chair, appearing before the Committee to take its ongoing views, particularly in light of emerging thinking from members of the panel. Also, based on how the Department handled the previous Committee's inquiry into people who are not in education, employment or training, we hope that the panel and both Departments will systematically go through all the recommendations made by the Committee and give a response to those.

The Chair is also right to highlight the need to engage with people who are disengaged from the labour market, and I make this point in conjunction with the issue of what we can do to improve the uptake of STEM. What we do in careers will cut across a whole swathe of other actions and strategies from my Department and, indeed, from the Department of Education and perhaps other areas of the work of the Executive. Good careers advice underpins a lot of what we do. It is important that we acknowledge that careers advice is vital to unlocking potential and creating a very strong pipeline of people from all backgrounds and a range of different situations into, for example, our review of apprenticeships and what we are doing with youth training, further and higher education and employment. That is very clearly understood.

12.45 pm

We are happy to look at the issue of the qualifications held by those who provide careers advice. I want to give the assurance that, hopefully, the terms of reference will be sufficiently broad so that all issues of concern, whether from Committee members, Members of the Assembly or other stakeholders, will be considered by the panel. We certainly want to give them a steer through the terms of reference but do not want to handcuff them or have areas that are off-limits to them in any shape or form.

I stress again that parents and carers are key influencers. We very much want to include them and their views in this ongoing work. They are very much part of unlocking young people's full potential. There are a number of misconceptions that we need to tackle.

I imagine that a lot of the engagement will be very structured. It is our intention that the panel will hold a number of structured focus groups. There will be other forms of engagement beyond that.

**Mr Storey (The Chairperson of the Committee for Education):** I thank the Minister for his statement. In it, he referred to the review and said that there will be an independent panel member from the OECD.

The Minister is well aware of the recent report of the OECD about DE's evaluation and assessment systems. Will he assure the House that the OECD expert will be used to critically evaluate DE and DEL's careers practices and what they mean to pupils, parents and schools? As the OECD report clearly indicated, we have a lot of policies but very poor practice. We do not want the OECD being used as a rubber stamp for policies that are not being implemented in a proper and effective way.

**Dr Farry:** I thank the Chair of the Education Committee for his comments. To answer his question, frankly, there is no point in doing the exercise simply to vindicate what is happening at present.

The current system is not working properly. It is not so fundamentally broken that people are not getting good advice, and I think that it is important that we put that on record. Equally, however, we have to recognise that it is not entirely fit for purpose and is not producing the outcomes that are required by employers and the future needs of the economy. As a consequence, we are letting young people down because they are not being fully informed of the wealth of opportunities out there for them, nor are they being provided with sufficient

information to allow them to make well-informed choices that fit with their personal aspirations and the realities of where opportunities lie in society.

It is worth recognising that the OECD is there as a critical friend. It has a lot of policy expertise and can bring an international context to bear. It is notable that a number of Departments, whether my Department, the Department of Education or the Department of Finance and Personnel, are looking to the OECD for external advice. If it is to make any real difference, it must critically challenge what is happening in Northern Ireland and any emerging thinking, whether from the panel or the Departments, to ensure that we get it right.

Time is pressing to get our skills offering correct. There is a race to the top around the world, and other societies are investing in skills. Skills will be the basis on which all modern economies will compete against each other, and careers is very much the foundation stone of our skills agenda. We have to get it right and get it right now.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his statement. Given the Minister's recognition of the importance of women participating in STEM subjects — I refer the Minister to his statement of June last year in which he reiterated that — will he outline what actions he is taking, not simply, as referred to in the statement, to promote STEM as a careers choice, but to ensure that adequate pathways are in place for girls at an early age?

**Dr Farry:** I thank the Member for her question. First, let me stress the importance of ensuring that, going forward, we have a workforce that is balanced in its gender representation. It is vital that this happens, both for equality of opportunity reasons and to ensure that we maximise the use of talent. It is worth reflecting for a moment on the fact that we still have considerable segmentation in the areas in which the two genders pursue careers. Some people may wonder what the problem is with that, but when you realise that the areas set to grow fastest in our economy over the coming decade are still largely dominated by males, you can see the problems of equality of opportunity and of ensuring that those industries get access to the full range of talent.

Addressing those issues will require a number of interventions. It has to be understood in the context of the review of careers, but it also applies in other parts of the work of my Department and, indeed, of others. On the back of the statement that I made last year, we

are working on a gender action plan in my Department, which will draw together a number of interventions that we are making. The Member will be aware that gender issues were highlighted as part of the ongoing work on apprenticeships. That will also be the case with youth training. The STEM strategy has a very strong outreach on gender issues. We have worked closely with the Equality Commission on that, and a charter for businesses has been developed, which we are encouraging businesses to sign up to.

It is worth stressing that, when it comes to career decisions, it is not enough simply to get people to the front door. We have to support the retention of women in the sectors that they choose to go into and to facilitate progression. Often, women decide on a career but, because of different barriers thrown up in the world of work, they face greater obstacles to progressing than their male counterparts. We also have to look at that. Flexible working and shared parental leave might be part of how we begin to address that, but there will be other measures on top of that.

**Mr P Ramsey:** I commend and warmly welcome the report, Minister. It is strongly focused, and we look forward to the engagement with the Committee. It is rewarding, as a Committee member, to see all the different elements being recommended and prioritised. The Minister referred to the CBI report. The connection between employers is valid and needs to be increased. In my Foyle constituency, School Employer Connections is a good brokerage service that lends support to employers. Will the Minister outline whether that will be a model of good practice as the ultimate brokerage between the employer and the student?

**Dr Farry:** I am grateful to the Member for his comments on that example, and we are very interested in looking at that. I think that it is fair to say that there are some models of good practice happening under the current system, and it is important that we do not throw out or dismiss them. Concern has been voiced about the lack of consistency across the board and about the sustainability and scalability of what is happening. Those are all issues that need to be explored as we learn lessons from what is happening in Foyle and apply that type of model or something similar across Northern Ireland. The Committee was keen for us to explore the statutory duty. In many respects, that recommendation is designed to ensure that we have that consistency across the board.

On the point on brokerage, there is a need to try to better structure our engagement with employers to ensure that all are properly utilised. Some employers are overly burdened with requests; others report that they never receive any work experience requests from schools or individuals. We need to try to make sure that we have a level playing field and that we signpost people at the right stages in their academic and vocational career to the right type of employer. That is one who can offer meaningful experience, because work experience is vital to ensuring that people not only make the right career decisions but learn the employability skills necessary to flourish in the world of work.

**Mr Deputy Speaker:** Before I call Chris Lyttle, I encourage Members to be brief, because there are still nine people who wish to ask questions.

**Mr Lyttle:** As the Member who proposed the Committee inquiry into careers guidance, I welcome the progress made. We need a sea change in the consistency of quality careers guidance across schools. I pay tribute to Cathy Moore, chair of the Northern Ireland Schools and Colleges Careers Association, and all teachers who are working to achieve that aim. How important does the Minister think that a statutory duty may be to ensuring such consistency of careers guidance across schools?

**Dr Farry:** I thank the Member for his comments. Again, I am happy to join with him in recognising the good practice that exists in Northern Ireland. That leads me on to the statutory duty, which the Committee was very keen to recommend and which is one of the first of the 25 recommendations that it brought forward. It is also the first term of reference for the review, and I referenced it in my address today.

It is important to embed good practice and to ensure that it is applied across the board. Where we see good practice, we need to ensure that everyone is rising to that standard. We cannot afford to leave any young person or adult behind in Northern Ireland in ensuring that they have access to high-quality advice, whether that is in school, college, university or one of the careers centres. We must ensure that we draw upon everyone's talents to the full, otherwise our economy will not live up to its full potential.

**Mr Wilson:** This is not the first time that the issue has been raised. Almost every time that there is a report on careers education or what is

wrong with the economy, proper careers guidance is raised. What makes the Minister sure that, on this occasion, we are going to find an answer to the question of proper careers guidance? How does he intend to address the bias in schools that very often steers youngsters away from STEM subjects because they are regarded as harder, with the result that schools are affected in the league tables? There is also confusion among employers, who often give contradictory evidence about what needs to be done to change careers education and what is required from it.

**Dr Farry:** I thank the Member for his comments. I think that it is fair to say that, any time that you have a discussion with a group of businesspeople and employers about the economy, it is not long until the conversation turns to careers advice, its quality and the future needs of their businesses and, indeed, the economy as a whole. What is different in this is that we are not simply looking to review the current career strategy, 'Preparing for Success'; we want a root-and-branch reconsideration of what we are doing with careers policy and practice, because we need to do a lot better in a host of areas.

What is also different is that we are actively including the business community as part of this review. I am pleased that Brian Ambrose agreed to chair the panel. Members will know of his long-standing interest in the Northern Ireland economy and of his previous role advising government on a range of issues, including careers. Hopefully, that leadership will come through in a sea change in how careers delivers for employers.

The Member is also right to talk about the importance of addressing attitudes, perceptions and the false positives that can emerge from schools. I understand why schools want to market themselves. Their success rate in A levels and passage into university is, in some respects, one way that that can be measured. However, it is important that we do the best for young people, and that means ensuring that they have accurate labour market information and are exposed to a range of pathways. That includes setting areas such as apprenticeships and other traineeships as quite legitimate alternative pathways alongside university, including for the best and brightest of our students. Those pathways often lead to better sustainable outcomes in employment, as well as providing more readily the skills that employers need.

Although we may be good at getting students to attend university, it is also worth bearing in

mind that we have issues with graduate unemployment. It is worth recognising that a lack of opportunities in careers advice may have contributed to a limited understanding of the outcomes of studying certain subjects at university. So, we do need to be encouraging more people to study the STEM subjects, which are constantly highlighted by employers as being crucial to the future of the economy.

**1.00 pm**

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. I thank the Minister for his statement. I am frustrated at the prospect of another review process and the continued long-fingering of this problem, which is not actually anything new. That seems to be what is wrong with this place: we are fatigued with reviews that have neither actions nor outcomes.

Much of the work that the Minister talked about has been done by the Committee and the CBI report, so we have both sides of the arguments. How many reports or reviews do we need before something can actually be done? It will be election time by the time you get to the end of this process. When you talk to students and employers, they all want to see this problem sorted now. Can the Minister explain why are looking at something instead of actually doing something?

**Dr Farry:** I look forward to being a fly on the wall when the Member has that same conversation with his colleague, the Minister of Education. In government, there are certain processes that we have to go through to ensure that our policy is robust. I am very grateful for the work that the Committee has taken forward. It has made 25 recommendations, which are very robust. However, we also have to bear in mind that some of those recommendations ask for the Departments to consider different aspects of work. This is a process by which those aspects will be considered. That work can happen internally within Departments, but in this case we have chosen to appoint a panel which can bring a holistic view on the work of the two Departments and provide a rounded solution for both the young people of Northern Ireland and employers.

I am confident that we are adopting the correct route, and it is important that we have stakeholders fully on board on what needs to happen. The challenge, therefore, will come once this review is completed in the autumn. That challenge will be for both Departments,

with the support of the Member and everyone else in the House, to set about getting the recommendations and proposals from the panel implemented as quickly as possible.

**Mrs Overend:** This review not only brings the opportunity for better joined-up government but raises the very important issue of better communication between businesses and government, which is something that we have heard time and time again.

I welcome the Minister's focus on the role of careers education and guidance in balancing skill supply and demand in the current labour market. How will that information filter through to the schools, especially in a timely manner?

**Dr Farry:** I thank the Member for her question and join her in recognising the importance of accurate labour-market information and the fact that we have a very fast-changing skills landscape and need to ensure that we are providing timely and accurate advice to young people.

We have a number of fact sheets in that regard that are already on the NI Direct website. It is recognised that we need to do a lot more to improve the quality of our portal and the means by which we engage with young people, so we need to be very inventive and innovative in that regard.

It is also worth stressing that we need a sea change in terms of the attitudes of parents. Also, we need to encourage schools to consider more rounded types of outcomes, rather than simply good A-level results and progression to university. Sometimes the need to encourage young people to consider particular types of careers can cut across some other objectives, so it is important that schools take a balanced view on what the best outcomes are for the young people under their care.

Through this review, we will see a better joined-up system and a sea change in how careers are delivered in my Department and within a school setting.

**Mr F McCann:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement to the House. Does he accept the good work that was carried out, which led to the publication of the all-Ireland skills study on identifying opportunities for future skills across Ireland? Will he consider re-establishing that group to help with the reform of the Careers Service?



**Dr Farry:** I am aware of that piece of work and that it goes back a number of years. I am not sure that we need to go down the line of recommissioning a piece of work to inform this, if for no other reason than that it might offend Mr Flanagan, who is very eager for this piece of work to be concluded as soon as possible.

It is important that we take an all-island approach to some of the emerging skills issues. We are not sitting here in Northern Ireland in a bubble. Equally, we have to take full account of what is happening around skills elsewhere in the UK and in the European Union. Our young people will be more and more mobile in the future — they are already fairly mobile — and people will be coming into Northern Ireland. Our labour market is never a constant, and a lot of people enter it from elsewhere or exit it. There are ongoing skills discussions, and, indeed, I will have such discussions with my counterpart, Ruairí Quinn, this Wednesday.

It is worth referencing that we are looking at higher education admissions in an all-island context, something that a number of Members have regularly highlighted. In 2011, an IBEC/CBI report identified barriers to movement on the island. Careers issues were highlighted, and there were recommendations in that regard. Hopefully, the ongoing work of the panel will cross-reference with that work.

**Mr B McCrea:** My question follows on from what Mr Wilson and Mr Flanagan said. Minister, you have a Committee report and a CBI report, there is a crisis of youth unemployment, and there is a mismatch between graduate skills and jobs. Do you recognise the fact that many people in the business community and in the wider community will be deeply disappointed at the timeline that you have outlined? Why do we need another report? Will you tell us when you expect to see results on the ground and how you will measure the success of that output?

**Dr Farry:** It is worth stressing to the Member that he was quite comfortable sitting in his previous party when, up until 2011, this issue was not addressed by the Department. The issue is of considerable interest to me and to Minister O'Dowd. We are fully aware of its importance and have been happy to work in conjunction with the Committee, but it is important that we draw together the recommendations from the Committee and the CBI and the views of other stakeholders to produce the final holistic way forward. Although I fully recognise and endorse the work of the Committee and the CBI, at times, a different

emphasis will be placed on the way forward by the various reports that we will have to consider when producing a comprehensive way forward. The anticipated timescale is that the review will report in autumn 2014, so we are talking about a six- or seven-month process. I believe that we will be moving rapidly compared with other aspects of government. We will seek to deliver the recommendations as quickly as we can thereafter. We will be able to implement some recommendations fairly quickly, and others will take longer. If we want to go down the line of a statutory duty for careers provision, for example, that will require legislation, which is of a different timescale.

Bear it in mind that we are not standing still on careers. Over the past months and years, we have made changes. We have improved the information that is available — for example, through fact sheets on the priority skills sectors. We have produced a guidance booklet for parents that is available through schools across Northern Ireland. I am delighted that we have had to do several print runs of it, given that it has proven so popular. We have brokered new arrangements by which careers advisers from my Department spend time in industry to learn how industry works in practice so that they can produce more rounded advice. We have not been sitting still and have been working hard. It is important that we now capture all the good practice and have a holistic and comprehensive way forward.

**Mr Milne:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement this afternoon. How does he intend to deal with the fact that some schools are solely interested in educating young people to get them into university and are not as interested in how they are prepared for the world of work or what area of study they progress into?

**Dr Farry:** I am grateful to the Member for his comments. He touches on a theme that a number of Members have already raised. The answer lies in schools understanding that they have a duty of care to their pupils. They want to ensure that they provide the best for them in the future. For many, that may well be going to university or studying particular subjects. Ultimately, success will be judged by the ability of the young people who go through school to have sustained employment and their ability to contribute to the local economy. Therefore, it is important that our young people are provided with impartially provided information, that people are aware of the opportunities in different choices and the consequences of taking other courses of action and the risks

involved in that. Ultimately, those decisions are for young people, but it is important that our young people can take those decisions on a level playing field.

**Mr McCarthy:** I thank the Minister for his statement. He referred to the long history of unemployment, particularly among those with a learning disability and learning difficulties. Surely all our people would encourage that side of our community to get involved in full-time employment. How soon does the Minister envisage a sizeable shift where we can see positive and long-term opportunities for people with a disability or learning difficulties?

**Dr Farry:** I am grateful to the Member for his question. It is important to bear it in mind that our Careers Service is there for the entire community. Our careers advisers already work with those who have learning difficulties in their school setting to plan their transition to the alternatives that exist beyond school. I appreciate that Members have a lot of concern about the quality and scope of some of that provision. With regard to those moving into employment, DEL has its disability employment service, and we are working on a disability employment strategy. Hopefully, we are not going to offend anyone by having another strategy in the Department, but we believe that it is important to fully capture all that we can to offer opportunities for individuals with learning difficulties, many of whom can engage in the world of work and provide real added value to employers. We want to review and revise a number of programmes, and we want to consider how we engage with employers to ensure that we maximise the opportunities in that regard.

**Mr Allister:** Maybe it is early days, but I heard no mention of cost implications. Will the Minister tell us whether what is being outlined will be cost-neutral? Is it not likely that there will be a cost in transforming the Careers Service in our schools from the Cinderella service that it is in many schools to something that actually has an impact? Would that cost fall on DEL or the Department of Education?

**Dr Farry:** The cost of the process will be fairly minimal with regard to the work of the panel and both Departments. Looking ahead to the cost implications of implementation, it is my expectation and equally, I am sure, that of Minister O'Dowd that we will absorb the costs through existing budgets and accommodate this through a reprioritisation of how we use our resources. However, it is worth stressing that I would not envisage a huge increase in the

resources required to make a difference. The big change needs to happen with the policy and practice and how we do things. Therefore, the critical difference will be how we approach the issues as opposed to how much money we spend on them. It is important that we treat careers as a priority, whether that is in schools, colleges, universities or elsewhere in society, and the House has the commitment from Minister O'Dowd and me that that is what the review and the panel's work will seek to deliver.

## Executive Committee Business

### Legal Aid and Coroners' Courts Bill: First Stage

**Dr Farry (The Minister for Employment and Learning):** I beg to introduce the Legal Aid and Coroners' Courts Bill [NIA 33/11-15], which is a Bill to dissolve the Northern Ireland Legal Services Commission and provide for the exercise of functions of the commission by the Department of Justice or the director of legal aid casework; to amend the law on legal aid in criminal proceedings, civil legal services and criminal defence services; to provide for the Lord Chief Justice to be president of the Coroners' Courts and for the appointment of a presiding coroner; and for connected purposes.

*Bill passed First Stage and ordered to be printed.*

1.15 pm

### **Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014**

**Mr McCausland:** I beg to move

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 be affirmed.*

The regulations are made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 and increase the compensation payable under that order to those suffering from certain dust-related diseases and their dependants who satisfy the conditions of entitlement on or after the day on which they come into operation. The increase in amounts payable under the order ensures that payments are the same as those in the corresponding scheme operating in Great Britain and are in line with the annual uprating of social security benefits.

I will outline briefly the purpose of the order. People suffering from an industrial disease can sue their employer if the disease was contracted as a result of working for that employer. Some diseases covered by the order can take years to exhibit symptoms and may not be diagnosed until decades after exposure to the dust. Given the long time frame involved, it is possible that the employers responsible may no longer exist. Consequently, sufferers and their dependants can experience great difficulty in obtaining compensation.

The scheme was introduced in 1979 to provide a lump sum payment for sufferers who are unable to pursue employers through the courts because they are no longer in business. To receive a payment under the scheme, a person must have been awarded industrial injuries disablement benefit. A claim can also be made by the dependants after the death of the sufferer. To receive the payment, there must be no relevant employer who can be sued, and court action must not have been brought or compensation received in respect of any of the diseases for which a person is claiming.

The lump sum payment is in addition to the weekly industrial injuries disablement benefit that is paid in relation to the same disease. The scheme covers five respiratory diseases, most of which are directly related to asbestos

exposure. They are mesothelioma; diffuse pleural thickening; primary carcinoma of the lung; byssinosis; and pneumoconiosis, which includes asbestosis.

The lump sum payment is based on the age of the sufferer and the level of disability, with higher amounts paid to people with higher levels of disability and whose disability arises at an early age. Lower amounts are payable to dependants who claim after the sufferer has died.

The regulations increase to £85,580 the maximum amount that can be paid for a person aged 37 or under at diagnosis. The amounts payable under the scheme are increased by 2.7%, in line with this year's uprating of industrial injuries benefits. The increase will help to ensure that the compensation provided under the order maintains its value.

I am sure that Members across the Chamber will agree on the importance of giving support to those who are suffering from these terrible diseases and will support the regulations.

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go raibh maith agat, a LeasCheann Comhairle. The Committee for Social Development considered the Department's proposal to make the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations at its meeting on 13 February 2014 and considered the statutory rule at its meeting on 6 March.

Members will know that lung disease can be totally incapacitating. When that lung disease is brought about simply through doing one's work over many years in conditions that a person believed to be safe, it must be even more difficult for victims and their families to deal with. The effects can be chronic and long-term and can seriously impact on one's quality of life, as well as on the family. As someone who has relatives who died from asbestosis, I fully empathise with that.

As we get older, we realise that good health is perhaps the most important gift we can have and that no amount of money is a substitute for that. However, the regulations at least ensure that the amounts payable offer some assistance to sufferers and their dependants, so it is important that there are increases. The regulations will increase the amounts payable to sufferers of certain dust-related diseases that are noted in the regulations or to the dependants of persons disabled by such a

disease before they died. The increase in each case is 2.7%.

The Committee for Social Development recommends that the statutory rule be affirmed by the Assembly.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the positive way in which they dealt with the regulations. I am certain that we all want to ensure that the value of compensation is not eroded by inflation, and the regulations will make sure that this does not happen. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2014 be affirmed.*

## **Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014**

**Mr McCausland (The Minister for Social Development):** I beg to move

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 be approved.*

The regulations are made under the Mesothelioma, etc., Act (Northern Ireland) 2008 and increase the compensation payable under the Act to persons diagnosed with diffuse mesothelioma or, if the person has died, to their dependants. The amounts payable under the order are increased in line with the corresponding scheme operating in England, Scotland and Wales.

I will outline briefly the purpose of the scheme. The mesothelioma scheme provides financial support within a matter of weeks without the need to establish an occupational link or any causal link. Many people who previously were not eligible for help — for example, those who are unable to pursue a civil claim or to claim a lump sum under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 — have access to financial help for this terrible disease through this scheme. This means that sufferers of mesothelioma are eligible for a payment, whether they were employees, self-employed or, indeed, never worked, provided they have not already received a compensation payment from another source.

The regulations increase the amounts payable under the mesothelioma scheme by 2.7%, in line with this year's uprating of industrial injuries benefits from April 2014. For example, the amount payable to a person aged 37 or under at diagnosis will be increased from £83,330 to £85,580 — the same maximum that can be paid, from April 2014, under the pneumoconiosis scheme. I am sure that Members across the Assembly will warmly welcome this increase in the amounts payable, thereby ensuring that compensation provided under the scheme maintains its value. I am sure that Members across the Assembly will warmly welcome this and support the regulations.

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** Go

raibh maith agat, a LeasCheann Comhairle. The Committee for Social Development considered the Department's proposal to make SR 57/2013, the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2014 on 13 February 2014 and was content to give its approval at that time. The Committee subsequently approved the rule at its meeting on 6 March.

Mesothelioma is cancer of the thin membrane that lines the chest and abdomen. The most common cause of this disease is exposure to asbestos, and the disease might not appear until 30 years or more after exposure. In that time, companies responsible for failing to provide a safe working environment, which ultimately results in people developing this disease, may have gone out of business. In those circumstances, although clearly no substitute for continued good health, people at least know that they will be compensated to some degree under the Mesothelioma, etc., Act 2008.

As the Minister said, the rule aims to increase payments of lump sums payable to people with mesothelioma or to their dependants under that Act. From April, the increase in most benefits will be based on the consumer prices index (CPI). In order to establish the percentage rate of the increase, the Secretary of State for Work and Pensions is required to review annually the level of benefits in relation to the general level of prices. In September 2013, the CPI showed an increase of 2.7%. The Committee for Social Development is therefore happy to recommend that the statutory rule be approved by the Assembly.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the positive way in which they have dealt with them. I am sure that we all want to ensure that there is no decrease in the value of the payments under the Mesothelioma Act and that we continue to offer maximum support to those who contract this terrible disease or their dependants. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2014 be approved.*

## Private Members' Business

### Animal Cruelty

**Mr Deputy 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 are called to speak will have five minutes.

**Mr Wells:** I beg to move

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.*

Many of us forlorn and obscure Back-Benchers occasionally issue press releases, and many of them completely disappear with little or no public comment. Every now and then, when one issues a press release or puts a message on Twitter or Facebook, one is deluged with comments from the public. After a recent high-profile case involving four gentlemen from Belfast, I issued a statement regarding the sentencing for that horrible and hideous crime. I have to say that I was completely taken aback by the response from the community. It is clear that that sordid case struck a chord with the community in Northern Ireland and many people were outraged and incensed that an act that was filmed and was clearly aggravated cruelty did not result in a custodial sentence.

The complaint this afternoon is not with the PSNI, the USPCA or even the district council. I believe that, in this case and, indeed, many others, they have been extremely diligent in pursuing those involved in animal cruelty and bringing them before the courts. The problem, of course, is that, once they leave the criminal before the judiciary, they have no further input into sentencing. This issue has raised some very serious concerns about the legislation.

I should say that it is widely believed that the 2011 Act passed by the Assembly is some of the most modern and fit-for-purpose legislation on animal cruelty in Europe. There is not much

wrong with the legislation, but it has become apparent that there may be problems ahead with its implementation and with sentencing. The concern was that the sentence was not custodial and that it could not be reviewed. It came as a bit of a shock to many of us, including the Justice Committee, that we were not in a position to have the sentence reviewed.

We dug a bit deeper, and the honourable Member for North Down, Mr Weir, pursued the issue using his legal expertise. We discovered that the offence was one known as a hybrid offence, which meant that it could be heard before the Magistrates' Court, where the maximum sentence was six months, or, by indictment, go to the High Court, where the maximum sentence was two years. Of course, a High Court decision could be referred for a second look if the sentence was considered too lenient. The question that has to be asked by the Assembly — it is unfortunate that the Justice Minister is not here to answer — is this: why was such an aggravated incident of animal cruelty referred to the Magistrates' Court, when it was obvious that there was a prima facie case that this was one of the most serious examples of animal cruelty ever witnessed in Northern Ireland?

Why did it end up in a lower court instead of being referred to the High Court? That question needs to be asked. I am glad to say that the Justice Committee has taken this on board and asked the Director of Public Prosecutions (DPP) what on earth was going on, because it meant that not only was the potential sentence lower but that it could not be reviewed.

**1.30 pm**

**Mr A Maginness:** I thank the Member for giving way. My understanding is that the matter was dealt with in the Crown Court, but the complication was that the offences to which the defendants pleaded guilty — although they were charged with other offences that were, in effect, much stronger — were offences that could have been dealt with in the Magistrates' Court. Therefore, the presiding judge was constrained in the sentence that she could give.

**Mr Wells:** That is an extremely helpful intervention, and I bow to the greater knowledge of the honourable Member for North Belfast. Quite clearly, however, what went on here was a bit of horse trading, and these four gentlemen ended up pleading guilty to offences that could have been tried in the Magistrates' Court. Therefore, the punishments invoked were those that were for Magistrates' Courts

only. That should not have been allowed to happen.

All the charges against these individuals should have been laid and tried, and there should not have been any way out. All the animal welfare groups in Northern Ireland are worried because this was the first real public test of the 2011 Act. This was setting a precedent for how we, as a society, view serious aggravated animal cruelty in the future, and, unfortunately, it fell at the first hurdle. Even more serious was that at least one of the defendants had a previous conviction for animal cruelty, so it was not a first offence.

No one is going to tell me that a suspended sentence is seen as the deterrent that the community was demanding. It is extremely regrettable that we could not, at least, have asked for that decision to be reviewed. This is where the Department of Justice needs to enter the situation. The Minister of Justice has a very powerful role here in issuing sentencing guidelines, and, given that the legislation failed its first test, we need Mr Ford to act and make it very clear that something that, clearly, could be viewed as aggravated cruelty must lead to a custodial sentence unless there are extraordinarily unusual circumstances, which I certainly could not see in this case.

Many members of the public have taken time — we thank them for it — to write to individual MLAs saying that they are very unhappy, and that is understandable. They have demanded the introduction of a specific charge of aggravated animal cruelty with a maximum sentence of four years. That would be indictable only; it could be tried only in the High Court and sentenced accordingly. I understand the logic of what these individuals are saying because there are cases of cruelty through neglect. We have all read about them in the paper: perhaps an elderly pensioner was confused and unable to feed her animals properly because she was too poor to do so. The police check her home, and, unfortunately, the animals have been ill-treated, but that person has not purposely inflicted cruelty; it is more a question of neglect. We need to distinguish between that, which is well covered by the legislation, and those who go out to torture animals for their own sadistic interest and pleasure.

That is why I think that there is a lot of merit in this proposal. Unfortunately, the letter that we all received arrived too late for an amendment to be tabled. It also put me in a slightly difficult position because I could not table an amendment to my motion. Although I totally

agree with what they are saying, unfortunately, the technicalities of it —

**Mr Lyttle:** I thank the Member for giving way. Does he agree that the review called for in the motion would create the space for the proposals put forward in the letter to be given full and proper consideration?

**Mr Wells:** Yes, absolutely. That is essential, and I am glad that the Agriculture Minister is here because we need to review this. It is a bit unfortunate that we are, potentially, amending legislation that has been on the statute books for only a couple of years, but we need to bring this in to make it very clear that, if you go out to deliberately and knowingly sadistically torture an animal, you could face a four-year sentence. I think that the public would agree to that and would be supportive of it.

**Mr Wilson:** Will the Member give way?

**Mr Wells:** Certainly.

**Mr Wilson:** Will the Member accept that neglect can be deliberate and can result in just as much suffering? For example, people may have horses but cannot afford to feed them any longer, so they simply leave them without making any preparations, knowing full well the harm that it will cause. That is also deliberate neglect and is as bad as someone who tortures an animal.

**Mr Wells:** Yes, although I would say that, if properly tried, persons who are involved in neglect could be sentenced for up to two years under the present legislation. People have written to honourable Members wanting to make the distinction between neglect, which can sometimes be oversight, and deliberate sadistic torture. The review needs to look at that, because I think that the Member made a very valid point.

The incident has revealed the lack of resources that have been committed to tackling animal cruelty in Northern Ireland. The Minister has revealed that only eight staff employed by our district councils are involved in pursuing such cases. Last year, 3,977 offences were reported, yet there were only eight members of staff. I have to ask this question: what about those councils that do not have any members of staff for this?

**Mr Humphrey:** I am grateful to the Member for giving way. You made a point about deterrents. Given the scenes that we witnessed outside Laganside Court when the people came out, it

seems that the law, at the moment, is clearly not a deterrent. We will see the scenes that we witnessed again if local councils and the Department do not quickly get their act together on this issue.

**Mr Wells:** Yes, I think that it stuck in many of our throats that there was no sense of any regret for what they had done. Indeed, those people seemed to be celebrating the fact that they had been involved in cruelty.

In my last 15 seconds, I want to say that we need to be careful, because some of us could be directly and indirectly involved in cruelty. Has anyone ever eaten foie gras? Have any of us eaten lobster? Have any of us eaten veal that was created in veal crates? Has anybody worn a fur coat? If you have done any of those things, you have indirectly been supporting animal cruelty that is perhaps even worse than what we witnessed on our TVs a couple of weeks ago.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. On 22 February 2011, the Welfare of Animals Act 2011 replaced the 40-year-old Welfare of Animals Act 1972. With the new Act came new penalties for animal welfare offences. The new penalties gave a maximum of six months' imprisonment and/or a maximum fine of £5,000 on summary conviction and, on conviction by indictment, a maximum of two years' imprisonment and/or an unlimited fine. The Act also has the power to allow people to be disqualified from owning or keeping animals.

Councils' involvement under the new Act is a major step forward. DARD is providing funding for the 2014-15 financial year, and it provided funding for the financial years prior to that. Councils will receive £800,000, which will allow them to employ nine full-time animal welfare officers, not eight. Councils will be able to assist animal welfare officers in carrying out their roles by providing admin support, bringing in specialist vets, giving advice, paying for animal case costs and securing legal costs. The involvement of councils will allow, for the first time, a dedicated manpower resource to investigate animal welfare complaints about non-farmed animals and will also have the budget to fund the work.

Since April 2012, councils have investigated over 8,000 animal welfare complaints, carried out over 11,000 inspections and served over 360 improvement notices. They have also been successful in prosecuting four animal welfare cases, and I am told that they have a

substantial number of other cases being prepared for prosecution. So they are doing —

**Mr Wilson:** Will the Member give way?

**Mr McMullan:** Yes.

**Mr Wilson:** Given the four prosecutions and over 3,000 referrals that the Member quoted, is he saying that the message is that either there are a lot of bogus referrals or that the impact of the enforcement is very low, as only four cases have finished up in court?

**Mr Deputy Speaker:** The Member has an additional minute.

**Mr McMullan:** You made a valid point. That struck me when I looked at the figures. We need to go into those figures. A substantial number of cases are coming up in court.

The enforcement rules of the new Act are very clear. DARD continues to have responsibility for the enforcement on farm animals, and the PSNI has responsibility for wild animals, that is, animal fighting and the welfare issues where other criminal activity is involved. For the first time, councils have responsibility for the enforcement of the welfare of other animals, such as domestic pets and horses.

Sentencing may be where some of the things are that the proposer has talked about. In sentencing, the judge takes into account the law, the seriousness of the offence, any mitigating circumstances, sentencing guidelines and all relevant circumstances in each case. That is what we know, and the rest is really up to the judge.

There were two interesting items involved in the preparation of the Act. First, the Minister of Justice advised the Minister of Agriculture:

*"the Lord Chief Justice, in his programme of action on sentencing, is enhancing the structures by which the judiciary ensures consistent and appropriate sentencing" — [Official Report, Bound Volume 77, p251, col 1].*

— and:

*"under his programme of action, sentencing guidelines on offences of animal cruelty heard in the Magistrates' Courts will be developed in the near future". — [Official Report, Bound Volume 77, p251, col 1].*



Again, that is something that we have to look into. What exactly does it mean? Is it an ongoing process of enhancing the sentencing guidelines, or what? Secondly, before the new Act became law, the proposed penalties were put to the Minister of Justice, the Executive and the Agriculture and Rural Development Committee.

*"The Minister of Justice advised that he was content with the proposed offences and the penalties in the Bill. He commented that they were proportionate and sat comfortably within the criminal law framework."*—  
[Official Report, Bound Volume 77, p250, col 2].

When the penalties were proposed in the Bill, no party or MLA raised any concerns about them.

From my party's point of view, there is no problem with having a review to look at it again. It is perhaps something we should do. This law has only been in a short time. We need to go back and ask whether the judges are doing their job. In the case that Mr Wells was referring to, the TV images really rankled with the public. Nobody would deny that bit, even the most hard-hearted person. This is something we should look at again. We should always be looking at our laws anyway, because they all need tightening up, but in reality I think that everybody is doing the job. In these cases, the whole thing stops in the courts. If we get the cases to court, it is really up to the judge. In this case, we have tougher sentences than England, Scotland or Wales; tougher even than the South of Ireland. So, there is no excuse to say that we are not. Really, it is down to the judges.

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

**Mr McMullan:** We support what is here today.

**Mr Byrne:** I support the motion, which is timely and relevant. I congratulate Mr Wells on the way that he outlined the parameters of the motion.

The SDLP condemns the many serious acts of animal cruelty that have occurred recently. Any allegations of the abuse of animal welfare must be investigated fully, and those responsible must be held to account. The recent media coverage of the five distressing cases of animal cruelty in Northern Ireland are a distressing reminder of the suffering that animals endure. Indeed, those cases highlight the need for people to be aware of how animals are treated,

whether they are domestic, farmed or wild animals. The level of brutality documented in those attacks on animals has shocked us all. It is vital that we, as politicians, unite in our condemnation of those acts.

Animal welfare inspectors, the PSNI and DARD can, under the Welfare of Animals Act (Northern Ireland) 2011, take a prosecution for cruelty. A ban on keeping animals can result from a prosecution of this kind, but, as has been outlined by Mr Wells, the sentencing is lacking. From the information given by those working in animal protection, we fear that such bans are somewhat meaningless due to lack of enforcement. Following a ban on keeping animals, such a lack of enforcement allows cruelty to animals to continue in Northern Ireland.

#### 1.45 pm

A bad example of ongoing animal cruelty and neglect is that of abandoned horses and ponies in the Clogher mountain area of south Tyrone and north Monaghan. A local journalist, Anton McCabe, has written about that animal cruelty in recent weeks. He feels strongly about the abandonment of the ponies and horses in the wild with no feed or care for them. Many horse carcasses are in evidence on Clogher mountain at present.

The SDLP calls on the agencies involved to work more closely together to increase intelligence sharing, which could, in turn, lead to more convictions. We have a duty of care to the citizens and animals in this jurisdiction. We must use all the methods at our disposal to ensure that we provide the necessary level of protection that is needed by domestic and wild animals.

The volume of cases of animal cruelty in Northern Ireland damages the image of the North. We must take this opportunity to pledge our support for the animal-based welfare organisations that work tirelessly to eradicate animal cruelty. The SDLP shares the concern of the public about cruelty towards animals. The practice must be stopped and those responsible brought to justice. The SDLP is also mindful of protection for endangered animals globally and the need to ensure that national governments are taking the necessary steps to protect those vulnerable animals.

I want to read into the record examples of many locally based animal charities, including the USPCA. I acknowledge the excellent work of an animal charity based in my own town of Omagh. I refer to the Grovehill Animal Trust. It

has a charity shop in town, and a rural animal shelter compound is situated outside Sixmilcross. Two key volunteer workers are Lynda Hill, who founded the trust 16 years ago, and Mrs Harkin. Emma King recently took over as chair of the trust. Those ladies and others work tirelessly to save animals. In fact, 700 animals have been saved over the past two years.

We support the motion and hope that better sentencing can be introduced to make sure that animal protection is guaranteed and is a better way for the future.

**Mrs Dobson:** I welcome the opportunity to speak on this important issue. I am aware that a number of organisations will read the Official Report with interest, not least the animal welfare charities, which, as Mr Byrne outlined, deal day and daily with cases of animal cruelty and neglect. For a country of animal lovers, Northern Ireland has, frankly, had some disgusting incidents of mistreatment and abuse of animals. As can be the pattern in so many areas in life, so it is with animal cruelty, and a small minority taints the vast majority. Recent high-profile cases have put the issue of animal cruelty, as well as concerns over sentencing, right back on the public agenda. At this stage, however, I want to state that the Ulster Unionist Party absolutely recognises that it is not the place of the Assembly or any political institution or party in Northern Ireland to dictate sentences in legal cases. An independent judiciary, free from interference from its Executive or legislature, is, in my opinion, a fundamental strand of a truly democratic society.

**Mr Weir:** I thank the Member for giving way. I appreciate her point that it is not up to the Assembly, and it would be wrong if we were to interfere in individual cases to seek a particular sentence. However, even with animal cruelty, there is a broader role, through the Department of Justice issuing sentencing guidelines. If a framework were put in place, there would be better opportunities. It is question of hoping that judges implement the guidelines, because problems have arisen in that area.

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

**Mrs Dobson:** I totally agree with the Member. That is needed from the Department of Justice. It is not the job of the Assembly to pass sentences, no matter what we may think of previous rulings. The Assembly's job, as was outlined, is to set the legislative framework for such penalties.

The Welfare of Animals Act (Northern Ireland) 2011 was a significant improvement in the protection of animals. I do not think that anyone would claim otherwise. However, it was not perfect, and although I was not a Member when it was going through its stages, I know from colleagues that my party had major reservations regarding it.

Let us take the obvious example of enforcement. At the moment, depending on the animal or the circumstances, enforcement can fall to one of three bodies. One area in which it is right to police our farmers is the enforcement of minimum standards for farmed animals. The police, as we know, have a role in cases where criminal activity or wild animals are involved. The biggest problem with enforcement, however, seems to stem from the transfer of a swathe of responsibilities to local councils following the Welfare of Animals Act. Our councils are dealing not only with cats and dogs but with the huge problem of abandoned horses. An abandoned litter of kittens is much easier and cheaper to accommodate than a field of neglected horses. Indeed, that is an issue that my colleague Sandra Overend is considering in her proposal for a private Member's Bill.

The Department of Agriculture is, unquestionably, more experienced and better equipped to handle animals that size, but, at present, it is content to sit back and watch our local councils bear all the avoidable hardship and expense. We warned that our councils would find those responsibilities difficult, and that has proven to be the case. I know that DARD provides councils with funding, but with some eight animal welfare officers being shared among our 26 councils, is it any wonder that the number of successful prosecutions is miniscule compared with the number of welfare complaints? I have heard the Agriculture Minister indicate over recent months that she is relatively content with the work to date — in fact, she has sometimes verged on self-congratulatory — but the actual number of successful prosecutions is pathetic in the eyes of nearly everyone else.

At a time when the Department has been singing the praises of our animal welfare protections in law, and two years after our councils were given the supposed groundbreaking new powers, we should expect more than a mere handful of successful prosecutions. So although I agree with the thrust of the motion, I think that particular consideration should be given to investigating why so few prosecutions are being brought forward.

**Mr Frew:** Will the Member give way?

**Mrs Dobson:** No, I am almost finished. Is it the case that the time, experts, skills and resources are simply not there to enable enforcement by local councils? Or is the sheer number of animal welfare cases reported each year such that the priority, understandably, is intervention first and prosecution a distant wish? Either way, Minister, the current situation is not working. Our animals may be protected by law, but that is not being demonstrated through day-to-day practice and enforcement. I support the motion.

**Mr Lyttle:** On behalf of the Alliance Party, I wholeheartedly support the motion against animal cruelty. One of the many letters that I have received from the public, further to recent cases of animal cruelty, referenced the quotation:

*"The greatness of a nation and its moral progress can be judged by the way its animals are treated."*

That quotation is from Gandhi. We also know that a lack of conscience displayed by the torture of innocent animals is a warning of an individual who may commit other serious crimes.

**Mr McNarry:** I am grateful to the Member for giving way. I heard the quotation that he read. Does the Member agree that, alongside the despicable cruelty, the soft sentence shocked people? Does he agree that the Ministers need to treat the motion and the review contained in it as an urgent matter, because of the soft sentence as well?

**Mr Deputy Speaker:** The Member has an additional minute.

**Mr Lyttle:** Thank you, Mr Deputy Speaker. Yes, I agree with the Member. This is an issue that needs urgent attention. I believe that both Ministers will give it the attention that it deserves. Those principles are the reason why the Assembly needs to have zero tolerance in relation to animal cruelty. As Members have mentioned, the animal welfare legislation that was introduced in the Assembly is regarded as among the best in Europe. However, it is of little value without effective enforcement by the agencies charged with that task. The Welfare of Animals Act 2011 introduced a duty of care and increased penalties, court powers and resources. It was supported by the Executive and the Assembly. However, sentencing guidelines are a matter for the Lord Chief

Justice and the Judicial Studies Board, not the Minister of Justice, as some Members said.

**Mr Wells:** Will the Member give way?

**Mr Lyttle:** Yes.

**Mr Wells:** I accept that, but the Minister has the power to issue sentencing guidelines, which would be very useful in this respect. Normally, the authorities then take those into account when giving out sentences.

**Mr Lyttle:** I thank the Member for his intervention. It is important that we are clear on this: my understanding is that sentencing guidelines are introduced by the Lord Chief Justice and the Judicial Studies Board. However, I accept that examining sentencing guidelines and the issue of the maximum penalty available are things that Ministers and the Executive should want to look at.

As we heard, the sternest test of the adequacy of animal cruelty law in Northern Ireland has most recently been provided by the Kirkwood and Morrow case, which was referred to as the vilest example of premeditated abuse on animals ever seen in Northern Ireland. I agree: it was a heinous case of animal cruelty. It involved the abuse of dogs for animal fighting and the abuse of cats, which were torn limb from limb for grotesque gratification and a bloody and barbaric pastime. It is sickening to think that those acts were committed only miles from the Assembly. Indeed, around the time, I and my colleagues the Member of Parliament for East Belfast, Naomi Long, and Judith Cochrane MLA were contacted by a number of residents about disappearing cats. We now know the ill fate of many of those pets, which were valued parts of family households. It is encouraging that the public outrage and outcry about those acts took precedence over the cruelty that we saw.

However, I agree that there is a public perception that sentences have been unduly lenient. If the aforementioned case did not warrant a custodial sentence, it is very hard to imagine the level of cruelty that would. My colleague Naomi Long MP has written to the Lord Chief Justice, the Director of Public Prosecutions and the Minister of Justice to request consideration of that case. However, as Mr Alban Maginness MLA mentioned, the case was considered in the Crown Court. The maximum penalty of two years was available, but the judge awarded six months, suspended for two years. I agree that it is for the Assembly to respect the independence of the judiciary,

but there is a public perception that that sentence failed to send out the message that the Assembly and society will not tolerate animal cruelty in our community. It failed to deliver a proper deterrent and a punishment fit for the crime. That is the public perception. We need to deal with that.

A cursory glance at the sentencing guidelines suggests that, as we know, judges are bound by certain sentencing guidelines. There was no appeal because the offences for which the defendants were prosecuted did not fall within the statutory category of offences for which the director can consider exercising his power under the Criminal Justice Act. Those are all issues that can be looked at.

Dog Lovers NI has written to many MLAs. It has requested an examination of the possibility of the maximum penalty being increased to four years. It is my understanding that the maximum penalty in the Republic of Ireland is in the region of five years. It is within the remit of the motion to allow the —

**Mr Deputy Speaker:** The Member should bring his remarks to a close.

**Mr Lyttle:** — Minister of Agriculture and Rural Development to give proper consideration to the proposals, which merit such.

**Mr Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member called to speak will be Mr Robin Newton.

*The debate stood suspended.*

2.00 pm

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Employment and Learning

**Mr Speaker:** Questions 6, 9 and 10 have been withdrawn.

#### Northern Regional College

1. **Mr Swann** asked the Minister for Employment and Learning for an update on the future of the Northern Regional College campus in Ballymoney. (AQO 5873/11-15)

**Dr Farry (The Minister for Employment and Learning):** I recognise the need for investment in the Northern Regional College (NRC) area. My Department awaits the outline business case from the college, which will consider the options for the provision of further education in the Ballymena, Ballymoney and Coleraine areas, where the accommodation is particularly poor. The business case will also consider future provision in the Larne area.

The business case is considering the range of options to identify the value for money option, the funding requirements and the procurement route. Until the business case has been received, assessed and approved, I am not in a position to be definitive about the college's future plans. However, I can assure you that my Department is working hard with the college to ensure that, going forward, the learners, the employers and the community in the area will benefit from the state-of-the-art accommodation and equipment that are now available in other college areas.

**Mr Swann:** I thank the Minister for his answer. Does the Minister agree with me that the removal of the NRC campus in Ballymoney will be a further blow to that town? What can he, as the Minister responsible for employment, learning and further and higher education, do to ensure that there is still a provision for the people of Ballymoney?

**Dr Farry:** I thank the Member for his question and supplementary. It is important to bear in mind that, as regards the further education estate, we are trying to ensure that we have modern accommodation and the best facilities for the education and training of our young people and others in society. It is important that

we have proper economies of scale in what we are seeking to do. That means investing in modern, up-to-date facilities where a lot of things can be brought together.

When we look at whether a college should appear in every town across Northern Ireland, it is also important to bear in mind that, even at present, only certain courses are delivered in certain campuses of the existing colleges and not in others. Again, that reflects the need to invest in a critical mass to ensure that we deliver a proper service to young people.

Irrespective of what happens, we are committed to ensuring that the people of Ballymoney will be able to access further education as part of the Northern Regional College estate. In other areas, when situations have arisen where colleges have been moved or relocated, community facilities have been provided to ensure that local people have ready access to a range of courses.

**Mr Frew:** What sort of signal does it send out to my constituents of Ballymoney? We try to tell them, on one hand, that apprenticeships and vocational jobs are important to us and must link up with the educational facilities in schools, yet we hear now that it will be removed from them. What sort of message does that send out to industry and manufacturing in Ballymoney?

**Dr Farry:** With respect, we have not sent out any negative message. I have been very clear that we are still not formally in receipt of the business case from Northern Regional College. It is important that Members do not jump to any conclusions and prejudge the outcome. Even if we are to see a consolidation of colleges, that will be done to provide an improved offer to all the people of Northern Ireland, including the people of the North Antrim and East Londonderry constituencies.

The best way in which we can be of service is to ensure that we provide the best possible training in modern facilities. We are committed to making those types of investments. Simply arguing for the maintenance of the status quo will end up serving our young people poorly. We need to make investments for the future. That is the way in which we will provide modern apprenticeships, better vocational training and investment in our economy.

**Mr Allister:** The Minister may say that no decisions have been made. However, from listening to him, it is pretty clear that he is preparing a soft landing — it might not even be

such a soft landing — by diminishing, if not removing, the provision in Ballymoney. Does he not think that there is a contradiction between, out of one side of his mouth, telling this House, very laudably, about the need to prepare young people for apprenticeships etc, and stripping out of hard-pressed towns such as Ballymoney the very facility that could equip its young people to take advantage of such apprenticeships?

**Dr Farry:** There is no question of any soft landing for everyone. The blunt reality is that we have to invest properly in the future of our young people, and that means proper, modern facilities. To achieve that, we have to move away from parochial thinking around all of this. If we expect there to be an all-singing, all-dancing full provision further education (FE) college in every market town across Northern Ireland, we will be spreading our resources too thinly. We well may serve local political agendas fine, but we will not be serving the interests of the young people of Northern Ireland, nor will we be addressing the needs of employers and the future of the economy.

**Mr Dallat:** Does the Minister agree that there is nothing parochial about Ballymoney or Coleraine aspiring to have a first-class technical college, as they were called? Indeed, does he agree that Ballymoney had a long, proud tradition, during the worst years of the Troubles, of bringing people together to train them and make them good citizens?

**Dr Farry:** Absolutely. I recognise the work that has been done at the Ballymoney campus, alongside all our FE campuses, in bringing people together. As we look ahead, it is important that we invest in a modern estate that will cover significant catchment areas. There is no question whatsoever of us not providing state-of-the-art facilities in the northern section of the NRC's catchment area. The business case is seeking to identify the most viable option for the way forward. I recognise that, historically, there has been underinvestment in that area compared with other parts of Northern Ireland, and I am committed to addressing that. Hopefully, Members will see the benefits of such investments for the local communities in those areas and for the local economy.

## Apprenticeships

2. **Mr Frew** asked the Minister for Employment and Learning, following the statement by the Chancellor in his Budget announcement regarding an extension to grant aid for small business to incentivise them to employ more

apprentices, what action he is taking to assist local businesses with apprenticeships. (AQO 5874/11-15)

**Dr Farry:** I recognise that securing greater levels of participation in apprenticeships from small businesses and microbusinesses is vital. In January, I announced the outcome of the review of apprenticeships through the publication of an interim report that is out for consultation until 7 April. In that interim report, my Department committed itself to examining how best to resource a new apprenticeship model and to support employers. This will include consideration of the implications for Northern Ireland of the HMRC-led funding model announced by the UK Chancellor in his autumn statement and the Budget's extension to grant aid for small businesses that take on apprentices. Discussions with the Department for Business, Innovation and Skills have been taking place to explore the implications for Northern Ireland, including the impact of any future reduction of corporation tax.

My Department will also be piloting a range of interventions, aligned to the review's final policy proposals, to test concepts to help ensure that we have the right support for businesses to employ apprentices. Proposals include a central service to promote and support apprenticeship provision for employers and participants. For employers, the service will administer subsidies and other support; centrally advertise employer apprenticeship vacancies; provide a matching service between employers and prospective apprentices; signpost employers to approved providers of off-the-job training; and provide a small business service to help small and medium-sized businesses access the benefits of an apprenticeship programme.

Through the current ApprenticeshipsNI programme, my Department supports the off-the-job training required for achievement of qualifications set out in apprentice frameworks. In addition, an employer receives a payment when the apprentice successfully completes the ApprenticeshipsNI programme. The incentive ranges from £250 to £1,500, depending on the complexity and level of the apprenticeship undertaken.

**Mr Frew:** Although the Minister will want to analyse in full the Chancellor's Budget statement, does he, at this time, see any barriers for Northern Ireland in implementing the recommendations from the Chancellor? Does he see any mirroring of that in Northern Ireland? Are there any barriers, whether

timescales or old contracts, that he can tell the House of today?

**Dr Farry:** I am grateful to the Member for his question. First, it is important to bear in mind that there is considerable time; the proposed new funding system may not be in place for a number of years. At present, there is a consultation around how the measure will work in practice. It is critical that it is designed with the needs of all four nations of the UK taken into account. I have made that point to the Department for Business, Innovation and Skills, as have my counterparts in Scotland and Wales. We cannot have a situation in which something is driven through our tax and revenue system and has UK-wide application but is designed simply to coalesce with the model of apprenticeships in England. It is important that we have a rounded solution.

The creation of incentives in the medium term will be fundamental to getting employers to take on apprentices. We certainly need many more employers to step forward and see apprenticeships as beneficial to them and the needs of their business beyond any particular financial incentive.

We need to be mindful that we have a greater share of small and medium-sized businesses than England, and, historically, they have been more reluctant to take on apprentices than larger companies. Whatever system is designed, we need to make sure that it properly captures the profile of our local economy and not simply the profile of the economy in England.

**Mr Swann:** Minister, in the same statement, the Chancellor said that class 1 national insurance contributions would be removed for employees under 21 from 6 April 2015. How will that benefit Northern Ireland employers?

**Dr Farry:** That is outwith my responsibilities as the Minister for Employment and Learning, but I very much welcome the commitment from the UK Government to incentivise companies that take on young people.

We need a rounded approach to addressing youth unemployment. We have certain levers in our power and responsibility, and we are doing great work to invest in technical and employability skills. However, any tax incentives introduced across the UK as a whole will also benefit Northern Ireland. What it is suggested will take place in 2015 makes a lot of sense and will certainly be another asset in our efforts to reduce youth unemployment.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. What efforts is the Minister making to make apprenticeships more attractive not only to businesses but to young people, particularly by giving them a decent hourly wage that they can live on?

**Dr Farry:** The Member will be aware that we are concluding the consultation on our review of apprenticeships. We are seeking a radical reshaping of the skills landscape and see a major role for modern apprenticeships in that. We want apprenticeships to move into a much wider range of occupations and the apprenticeship model to move up the skills ladder and offer people progression routes. We also want apprenticeships to be a viable alternative to the more traditional higher education model.

Ultimately, apprenticeships make a lot of sense for employers and young people: employers know that they will get the particular skills required for their business; and young people know that they are investing in skills that will make them much more employable so that they have a greater prospect of earning a good wage or salary and having sustained employment. So apprenticeships make a lot of sense all round.

There are national minimum wage rules for the payment of apprentices. Those are not for me to determine; they are determined on a UK-wide basis. However, it is important to bear in mind that many employers pay more than the minimum wage.

Ultimately, apprenticeships are a good investment for young people. Indeed, the fact that they are paid while learning or training is very attractive, particularly when compared with tuition fees and the associated debt.

## South Eastern Regional College

3. **Mr Craig** asked the Minister for Employment and Learning to outline the plans he has to manage the high demand for courses at the Lisburn campus of the South Eastern Regional College. (AQO 5875/11-15)

**Dr Farry:** Since the 2008-09 academic year, total enrolment at the Lisburn campus of the South Eastern Regional College has increased by around 61%, which is considerably higher than at the college's other campuses. Between 2008-09 and the current academic year, the number of full-time students at the Lisburn campus has risen from 672 to 1,160, an increase of some 72%. That is an extremely

positive performance, and the college is to be congratulated for the valued service that it is providing to learners, employers and the community in the Lisburn area. Undoubtedly, the recent major investment in state-of-the-art accommodation in Lisburn has been a contributory factor in that success

## 2.15 pm

It is, of course, for the college to manage the use of resources and the delivery of provision to meet the needs of learners across its entire region. My Department does not intervene in that process. However, the college has advised me that it is taking a number of measures to address the accommodation pressure in Lisburn so that it can continue to meet the needs of learners in the area. Those measures include the retention and use of some premises that had previously been deemed surplus to requirements and making adjustments to the delivery of curriculum and timetabling. Although the Lisburn campus fully meets the capacity set out in the original specification, the college is also considering how best to utilise accommodation across its whole estate by, for example, moving some courses to other campuses in the coming academic year.

**Mr Craig:** I thank the Minister for that very comprehensive answer. As one of those who pushed for the new campus to be situated there, I am very proud of the success that there has been in the college. Would the Minister comment on the fact that the college seems to be one of only two in the whole of the United Kingdom that provides research-based apprenticeships? Is there any room to expand that type of apprenticeship, as it seems to be a huge success not only in Northern Ireland but right throughout the UK?

**Dr Farry:** I am grateful to the Member for his comments. I certainly join him in congratulating the college for its endeavours both in apprenticeships and research. It is important to bear in mind that our colleges are a huge asset to our local economy and offer that range of services. It is not simply in training and upskilling that they are relevant; they are also significant players in research and development. In particular, they should be the first port of call for many small and medium-sized businesses for research and innovation. There is often a heavy focus on practical issues and how different ideas can be brought to bear to improve businesses.

The Member will also be aware that we are conducting the review of apprenticeships at

present. We have huge ambitions for what we want to do with apprentices, and I see no reason why the type of course of action that he has set out would be inconsistent with that review. It is certainly something that we are very happy to look at and to embrace.

**Mrs D Kelly:** In looking at the profile of the service users, can I ask how their needs will be taken account of when looking for alternative accommodation?

**Dr Farry:** That is something that is very much for the college to manage. It will have to approach that and take into account the issues that the Member set out. Obviously, not every college or every campus of each college provides each particular course; there has to be a degree of specialism if we are to provide a fully rounded curriculum. So, a degree of travel and commuting is part and parcel of people's engagement with the modern FE estate, but I certainly think that a lot of thought will be given to which particular courses are supplied in other campuses and which ones are retained in Lisburn.

**Mrs Dobson:** Will the Minister inform the House how the regional colleges, including Lisburn campus, across the geographical spheres manage future demand for courses especially given the implications of the looming withdrawal of entitlement framework funding by the Education Minister?

**Dr Farry:** Our FE sector is a huge asset to our local economy, as I stated. It is for the colleges themselves to manage their curriculum and how they distribute it, but the Member made an important point about the entitlement framework. Whenever we are thinking about our young people's future needs, it is important that we offer them the full breadth of academic and vocational courses and qualifications. Without favouring one sector over another, we have to realise that certain facilities are more in keeping with providing real quality in that offering.

At times I get concerned whenever schools, sometimes out of very good principle, seek to replicate the offering of vocational courses that can be better provided in the FE setting, as they have opportunity to invest in better equipment and provide other advantages that come from economies of scale. It is important that we do not turn inward on the entitlement framework, but fully develop the area learning partnership and fully deploy the assets in our FE sector.

## University of Ulster: Relocation

4. **Miss M McIlveen** asked the Minister for Employment and Learning for an update on the relocation of the University of Ulster from Jordanstown to Belfast. (AQO 5876/11-15)

**Dr Farry:** The rationale for the University of Ulster's greater Belfast development is driven by the university's need to replace the Jordanstown campus. As a result of the relocation, all activities based at Jordanstown will transfer to Belfast by 2018, with the exception of student residences, the world-class high-performance sports centre and the fire safety engineering facility.

In line with the funding agreement between the University of Ulster and my Department, the university submitted a biannual progress report on 30 September 2013. That showed that all the milestones to that date had been achieved, although later than the original anticipated dates in some cases. The university remains confident that the project will be delivered by 2018 within budget. In December 2013, the university secured a £150 million loan facility from the European Investment Bank towards the £250 million overall costs associated with the project. The demolition of the PlayBoard building, York House and the Interpoint building has been completed on schedule.

The university's planning application for a mixed-use, multistorey car parking development on the Frederick Street site was rejected last year. The university appealed the decision with the Planning Appeals Commission, and the commission ruled in the university's favour on 7 February 2014. The ruling allows the university to move forward with construction of the campus and on a range of related fronts, particularly in terms of the transport and housing needs associated with the development.

My Department will continue to support the relocation by working closely with the university and other key stakeholders to ensure that the potential significant economic, social, cultural and physical opportunities resulting from the development are maximised.

**Miss M McIlveen:** I thank the Minister for his answer. The Ulster Sports Academy located at the Jordanstown campus has ambitious and exciting plans to develop centres of excellence in sport at that location. Does the Minister support those plans, and what assistance are he and his Department giving to develop business plans for those projects?



**Dr Farry:** In principle, I am happy to endorse that and recognise the quality of what the university is offering. The vice-chancellor and his colleagues are keen to stress the emphasis that the university places on sporting matters. We have not yet been approached by the university for any direct assistance with the plans that the Member mentioned. It is for the university to manage its estate and investments. In the event that it feels the need to approach us for support, it knows that it can do so. We would have to consider that in the round, alongside all competing priorities.

**Mr Cree:** Will the Minister assure the House that this project will be completed within budget, unlike the recently reported Belfast Met development?

**Dr Farry:** The Member should know that it would be inappropriate for me to comment on the Belfast Met report, given that a Public Accounts Committee meeting is pending in that regard. That is a long-established protocol of the House.

In relation to the University of Ulster site, I am pleased that things are moving on schedule and the project is within budget. This is a hugely important investment for Belfast and all Northern Ireland. It is, perhaps, the biggest construction project at present, and certainly the biggest we have had for a number of years. There will be complexities and, no doubt, obstacles to overcome in the coming years, but we are moving ahead with this in a timely manner.

**Mr A Maginness:** I thank the Minister for his answers. Along with other colleagues, of course I welcome the development of the university — particularly in the constituency of North Belfast, I hasten to add, all politics being local. However, I remind the Minister that the university indicated to the local community that it would be sensitive to its needs in terms of housing. It is important that those commitments are adhered to.

Will the Minister encourage the university to look at those commitments and stick to them?

**Dr Farry:** I thank the Member for his comments and his understanding of the importance of the development not just to north Belfast but to Northern Ireland as a whole.

The Member will be aware that the university has established a community liaison forum. I am mindful that housing and transport issues need to be bottomed out further. I am keen to

impress on the university the importance of getting that right, and Members will join me in that. I am happy to use whatever influence I have to encourage any further meetings that are needed with the community either to provide reassurance or to take into account local issues that need to be factored into developments.

It is important to bear it in mind that the redevelopment will be of benefit to the local community in increased economic activity and access to jobs for people from north Belfast and other parts of Northern Ireland. It will be on the doorstep of the community in north Belfast. There will also be social clauses in relation to the construction of the facility, which will offer employment opportunities. It is important that we skill people to the necessary level on which to compete for those opportunities.

**Mr F McCann:** I follow on from what Alban Maginness said: there was a lot of annoyance in that community when the university appealed the case. We are dealing with an area with high demand for social housing. Will the Minister encourage the university not only to take part in discussions with the local community but, when it is looking at student housing, actively to look at putting in place—

**Mr Speaker:** I encourage the Member to come to a question.

**Mr F McCann:** Will he encourage the university to put in place a system that will look at other pieces of land that would fulfil housing need in the area?

**Dr Farry:** I am happy to encourage those discussions. I should caution that it is not for the university alone to address all the housing issues in north Belfast, but it is important that the university is conscious of the wider context for housing in the area.

It is important that planning permission was eventually granted for the car park. The fact that the land was allocated for car parking use should not detract from consideration of how housing needs can be addressed in the area. It is important that the university has the ability to fulfil its wider plans, and that aspect was critical. If the car park had not received permission, it would have been a fundamental challenge to the ability to complete the development in a timely manner.

**Mr Speaker:** Paul Girvan is not in his place.

## A-level Qualifications

7. **Ms Fearon** asked the Minister for Employment and Learning for an update on any all-island discussions that have taken place with universities in relation to the value afforded to A-level qualifications. (AQO 5879/11-15)

**Dr Farry:** Increasing cross-border student mobility is identified as a key issue in the higher education strategy, Graduating to Success, and my Department has a keen interest in addressing obstacles that impact on student mobility. That being the case, my officials receive regular updates on the recognition of qualifications from colleagues in the Department of Education. They report that the Council for the Curriculum, Examinations and Assessment has been meeting with the Irish Universities Association over the past three years. In the initial meetings, it was agreed that the overarching principle should be fairness for all applicants to higher education institutions in the Republic of Ireland. Considerable statistical work was undertaken on the overall GCE/leaving certificate grade outcomes, but that has so far failed to provide a definitive basis for progress.

As a result of the work undertaken, other significant issues were identified, such as the need to take all A levels in one sitting and the non-acceptance of some level 3 qualifications. The significant developments with post-16 qualifications that are under way in both jurisdictions represent a further complication.

I understand that the Irish Universities Association will be producing a discussion paper in the next few months on a range of issues to support broader access to higher education institutions in the South. I welcome the fact that Trinity College Dublin, Dublin City University and Galway university have already indicated their willingness to consider changing entry requirements for students from Northern Ireland.

**Mr Speaker:** That concludes oral questions to the Minister. We move to topical questions.

2.30 pm

## Welfare Reform: People with Disabilities

1. **Mr McGlone** asked the Minister for Employment and Learning whether, in light of anticipated changes to the follow through of welfare reform, he has any projections to

employ specially and further trained people in job centres to deal specifically with people with profound disability-related needs. (AQT 941/11-15)

**Dr Farry:** We are reviewing our disability employment service and working towards the development of a disability employment strategy. We already have programmes in that regard that we wish to refine further. We also wish to set more effective targets and measurements for our progress. It is likely that that service will focus on those who are capable of accessing work but have more challenging conditions. There is a wider pool of individuals who have essentially been excluded or who have excluded themselves from the labour market due to disability-related factors. They fall into the wider economic inactivity category. The Member will be aware that we are developing a strategy in conjunction with the Department of Enterprise, Trade and Investment. That strategy is out for consultation, and, over the next number of months, we hope to finalise it and the proposals therein.

**Mr McGlone:** Gabhaim buíochas leis an Aire chomh maith. I thank the Minister for his answer. Will he advise whether it is anticipated that extra personnel will be put in place to deal with disabled people with complex needs coming into job centres?

**Dr Farry:** In the first instance, we want to ensure that we continue to invest in the training of existing staff to ensure that they can respond to the broad range of clients whom our employment advisers deal with. I am confident that, with the proper training, we have the skilled and dedicated people who are capable of providing that service.

## Southern Regional College, Armagh

2. **Mr D Bradley** asked the Minister for Employment and Learning for an update on the proposed capital scheme for the Southern Regional College in Armagh. (AQT 942/11-15)

Go raibh maith agat, a Cheann Comhairle. An bhféadfainn fiafraí den Aire an dtiocfadh leis tuairisc a thabhairt dúinn ar an tionscnamh caipitil atá beartaithe do Choláiste Réigiúnach an Deiscirt in Ard Mhacha?

**Dr Farry:** At this stage, my Department has received the outline business case from the Southern Regional College, which covers Armagh, Banbridge and Craigavon. We hope

to consider that proposal swiftly. We recognise that, in common with the Northern Regional College area, there has not been as much investment in the SRC's catchment area as there has been in other parts of Northern Ireland. Subject to resources, we will look favourably on making investments in that area, including, hopefully, the Armagh area.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. Since the Minister said that he would deal with the issue in a speedy manner, will he give us a time frame?

**Dr Farry:** I certainly hope to have everything in position in the next number of months. Using the best and fastest means, it probably takes about three months or so to consider a business case. For something of this scale and magnitude and with the potential amount of money involved, there has to be rigour and due diligence. Hopefully, however, we will be in a position to give clarity, at least on the Armagh situation, during 2014, and, in saying that, I do not mean towards the end of the year.

## Youth Employment Scheme

3. **Mr McQuillan** asked the Minister for Employment and Learning what he is doing to encourage participation in the youth employment scheme, particularly through the private sector. (AQT 943/11-15)

**Dr Farry:** The Member will be aware that the youth employment scheme is critical in enabling young people to get a foothold on the employment ladder and, given their difficulties sometimes around having the necessary and relevant experience, in giving them critical employability skills to allow them to compete with other workers on a more level playing field. The Member will be aware of our advertising and marketing campaign Skills to Succeed, which covers a range of interventions that the Department has to support people and skilling across the economy. As part of the Executive's drive to ensure that we use money effectively, we have brought a lot of our advertising together into a single campaign, and advertising the youth employment scheme is a critical aspect of that. Hopefully, the Member will have come across the advertisements either on television or on different forms of social media over the past number of weeks.

**Mr McQuillan:** I thank the Minister for his answer. Does he agree that it is important to instil in young people a work ethic at the earliest

opportunity and that the youth employment scheme could do that?

**Dr Farry:** Very much so. The importance of employability skills, which is the ability of people to engage with the world of work — for example, the discipline of timekeeping and the rigours of working as part of a team in the workplace — comes across time after time. That is why we put such a strong emphasis on training such as apprenticeships and traineeships. A person's technical training goes alongside picking up employability skills. That is why we are also keen to stress that those at a younger age should take advantage of work experience opportunities through schools or colleges to get a flavour of the world of work. We are finding that our young people have been disproportionately affected by the recession and companies have at times held on to their older workers more than their younger workers. We also find that younger people have difficulty getting on to the first rung of the ladder because they do not have the experience and the employability skills to compete with others. The youth employment scheme is designed to break that vicious circle.

## Union Membership: Blacklisting

4. **Ms Ruane** asked the Minister for Employment and Learning what action he has taken on workers who are blacklisted for union membership. (AQT 944/11-15)

**Dr Farry:** I am pleased to inform the Member that we have recently signed off on regulations that will outlaw blacklisting and give workers protection, and a statutory instrument will come before the House in the next number of weeks to confirm that. I believe that it is important that we intervene, as it is a very unfair situation. It is important that people have the ability to be part of trade unions and, moreover, to speak out on issues of concern without fear of consequences down the line.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for his answer. Does he intend to take any further steps to protect trade union members from being targeted as a result of their membership of a union?

**Dr Farry:** On the back of the blacklisting regulations, people will have recourse to employment protections, including the use of tribunals, to enforce their rights. It is important to bear it in mind that we do not think that wholesale abuse is going on in Northern Ireland at present. However, there are perhaps some

isolated cases and the potential for more to happen. Therefore, it is important that we close down that potential to exist. Once the regulations are fully in place, it will fall to my Department and others to ensure that they are properly enforced.

## Zero-hours Contracts

5. **Dr McDonnell** asked the Minister for Employment and Learning what his Department is able to do to ensure the protection of the statutory rights of those on zero-hours contracts. (AQT 945/11-15)

**Dr Farry:** I am grateful to the Member for his question. It is important to bear in mind that the world of work is evolving considerably, and that includes the manner in which people are employed and the structure of employment. It is important to recognise that, in certain circumstances, zero-hours contracts may be an attractive option, either for businesses or for certain categories of workers. Therefore, we need to be cautious of a blanket approach that would rule out such employment models, bearing in mind that people can move around the law and create new models to get around it.

That said, there is considerable public concern and disquiet over zero-hours contracts and, in particular, the potential for abuse in that regard. Therefore, it is my intention to bring a paper to the Executive in the next number of weeks to instigate a public consultation to regulate certain aspects of zero-hours contracts. The two aspects that we have in mind in particular are, first, steps to remove exclusivity, which essentially ties a person to a particular company or organisation and leaves them entirely dependent on the number of hours provided by that company or organisation and, secondly, measures to better inform individuals who may be on zero-hours contracts of their existing rights. It is worth stressing that people who are on zero-hours contracts already have a number of rights.

**Dr McDonnell:** I thank the Minister for his response so far. Has he any idea of how many people are on zero-hours contracts in the public service? I am thinking of the health service in particular but of other similar services as well.

**Dr Farry:** Again, people are trying to bottom out that issue. Research is being conducted on a UK-wide basis that will include Northern Ireland. Hopefully, in the next number of months, we will get the beginnings of an accurate picture. My instinct is that the use of zero-hours contracts is not as prevalent in Northern Ireland as it is in

other parts of the UK. Nonetheless, it is a feature of some aspects of our economy. I cannot give precise figures on the health service per se — no doubt, the Health Minister can provide those answers — but we have taken soundings on our further education colleges and universities. Certainly, those contracts do not appear to be a large feature of employment in those sectors. Indeed, in universities, they are virtually non-existent, which stands in contrast to the pattern of what universities do in other parts of the UK.

## Universities: Equality/Discrimination

6. **Mr Humphrey** asked the Minister for Employment and Learning whether he is confident that equality is being delivered in Northern Ireland's universities and does he agree that no student should feel discriminated against. (AQT 946/11-15)

**Dr Farry:** It is important to bear in mind not just that our universities are shared spaces but that their provision is fully integrated. I believe that, in the main, a neutral environment is provided for education and training in the university setting. I encourage people who feel that that is not the case or that we are falling short in that regard to come forward and talk to their university to see whether such a situation exists and, if it does, what measures can be taken to address it.

**Mr Humphrey:** I thank the Minister for his response. I note that he said, "in the main". I assure the Minister that party colleagues and I met students representing an organisation called Unionist Students recently and some of the stories, testimonies and examples that they gave us suggested that, even when they had spoken to university officials, nothing had been done. Will the Minister commit to meeting me and my party colleagues to address that issue and the real concerns of unionist students in all universities throughout Northern Ireland?

**Dr Farry:** I am not aware of the full details of what the Member has outlined, nor indeed of the response of the university authorities to what has been said. I encourage the Member to get in touch with me and set out those issues on paper. I will certainly take a look at that. I am open to having a meeting with him and his colleagues as a follow-up to that, in order to further explore the issues and concerns that he and his colleagues wish to outline.

## One Plan: Foyle

7. **Mr P Ramsey** asked the Minister for Employment and Learning for an update on the work of the intergovernmental group on the implementation of the One Plan in Foyle. (AQT 947/11-15)

**Dr Farry:** I probably cannot give a response on that, given that it is being driven locally in Derry and proposals are being made for a business case for expansion of the number of places. From my perspective, I am committed to trying to reach the 1,000 target by 2015. I feel that we have made good progress, with 650-plus places already, which is well in excess of any expectation that we had when I assumed office in 2011.

2.45 pm

## Social Development

**Mr Speaker:** Question 4 has been withdrawn. Bronwyn McGahan is not in her place. Let us move on.

### Queen's Parade, Bangor

2. **Mr Dunne** asked the Minister for Social Development for an update on the Queen's Parade redevelopment scheme in Bangor. (AQO 5889/11-15)

**Mr McCausland (The Minister for Social Development):** I thank the Member for his question. My Department is fully committed to the development and regeneration of Bangor town centre. In July 2011, I published the Bangor town centre master plan, which set out a range of proposals for the regeneration of the town centre, including a major development scheme for the Queen's Parade area that the plan identified as the optimum way to regenerate the town centre.

In March 2013, I gave my Department approval to purchase landholdings at Queen's Parade, Bangor, when the previous private sector plans stalled. In the interests of the better planning of Bangor, my Department is taking the lead in progressing proposals for a major comprehensive development scheme, which was endorsed in the Bangor master plan. Schemes of this size and ambition are complex and challenging to deliver, and my Department has established a project board to oversee the comprehensive development of the site and attain planning approval for the development.

In recent months, my Department has purchased a number of additional properties required to complete the proposed site boundary, and negotiations are ongoing with the remaining property owners. The procurement process to appoint a team of consultants to take forward a planning application for Queen's Parade was also finalised in March. Turley Associates, the successful team, will work with my officials to carry out some early engagement events to seek the views of the public, local businesses and the council on what they would like to see developed on the site.

In taking forward development plans, my Department is committed to ensuring that there is effective communication with and involvement of the local community and all key stakeholders. Previous development proposals have been set aside, and we are starting with a blank sheet in terms of what the site will look like. This is a major regeneration project, and it will take 12 months to assemble all the land needed and attain planning approval.

**Mr Dunne:** I thank the Minister for his answer. I put on record our thanks to the Minister for his interest in the Bangor seafront and for DSD's input into the public realm works in Bangor and Holywood, which are to start shortly. Will the Minister advise on timescales and assure us that we are not just going round on another roundabout at Pickie but are making real progress and that DSD will really be able to influence outcomes on Bangor seafront?

**Mr McCausland:** The first in a number of key steps that now need to be taken is to assemble the site. My Department has already agreed purchases for four of the 12 properties needed by mutual consent, and discussions with the remaining property owners within the proposed site boundary are ongoing. Turley Associates, a leading planning team, was appointed in March 2014 to attain planning approval for the Queen's Parade site by March 2015.

The Member will be aware that, under the reform of local government, responsibility for regeneration will transfer to councils in April 2015. At that point, the council will become responsible for taking the next step to bring on board a contractor to construct the scheme in line with the planning approval. If all progresses smoothly, construction on the site would commence in 2017-18. This is a major development. There is, obviously, a timeline for construction work to start, but I assure the Member that I am fully committed to seeing the redevelopment of that prestigious and important site on the seafront. I am sure that the council,

when it inherits this work, will be equally committed; I know that to be the case.

**Mr Agnew:** I also thank the Minister for his and the Department's interest in Bangor seafront. What work is the Department doing to ensure that community input goes beyond passive consultation to include active community participation?

**Mr McCausland:** I can assure that Member in that regard because my Department has established a community engagement consultation group that comprises representatives of the Harbour Ward Community Association, who are people from the area; For a Better Bangor (FABB); town centre management; the Chamber of Commerce; and North Down Borough Council. That community engagement consultation group will work closely with Turley Associates to develop viable proposals for the site. It is important that we get the maximum input from as many stakeholders as possible so that their wisdom, insights and ideas are fed into the process. I hope that the Member will be reassured by that.

### Co-ownership Housing: Finance

3. **Ms Ruane** asked the Minister for Social Development to outline any departmental finance that has been provided to co-ownership housing in each of the past three years. (AQO 5890/11-15)

**Mr McCausland:** During my term in office, I have taken significant steps to meet need across all housing tenures, and I have responded to the challenging economic situation with the first ever housing strategy for Northern Ireland. As part of that strategy, I am committed to increasing the supply of affordable housing.

In conjunction with private finance resources, funding from my Department has allowed Co-ownership to support the purchase of around 2,800 affordable homes over the past three years. That has helped to meet the aspirations of those who seek to become homeowners but cannot do so without the assistance of the co-ownership scheme. It allows applicants to purchase a home without taking out a mortgage for the full purchase price, allowing them to buy as large a share as they can to start with. The funding allocated to the Northern Ireland Co-ownership Housing Association was £28.25million in 2011-12; £33 million in 2012-13; and £50 million in 2013-14.

There are real benefits from providing affordable homes through co-ownership. First, they cost the Government nothing in maintenance because, unlike with social homes, maintenance costs fall to the applicant who purchases a home under the scheme. Secondly, it allows my Department to utilise its budget better to support more households. Thirdly, in assisting people to buy their own home, the scheme removes the need for those who wish to purchase their own home but cannot do so outright to apply to the social housing waiting list to have their housing needs met. It therefore helps to shorten the housing waiting list.

Co-ownership also benefits the Northern Ireland economy, as around 50% of homes purchased through the scheme are newbuilds, and the local economic multiplier effect means that, for every 10 jobs created or sustained in the construction industry through housing projects, a further seven are sustained in other areas of the economy.

**Ms Ruane:** Gabhaim buíochas leis an Aire as an bhfreagra sin. I thank the Minister for his response. Will he update us on what additional funding has been allocated to co-ownership housing from monitoring rounds in this mandate?

**Mr McCausland:** I do not have the precise figures to hand, but I am sure that the Member will be well aware of them, having researched the matter before asking the question. I will be happy to supply the precise figures. It is important that, where money cannot be spent in a particular area, we seek to have it transferred and used profitably rather than being drawn off towards the end of the year and going back to the Treasury.

It is important for the Member to grasp also that we should not see the different tenures as totally unconnected. As I pointed out in my initial answer, someone might go into a social home because they are not in a position to start the purchase of their own home. If we are able to assist them to start the purchase through co-ownership, we free up a social house for another family. It is a matter of looking at housing provision across all tenures because they all help to meet the need. However, I will provide detailed figures to the Member.

**Mr Campbell:** The Minister has outlined the benefit of co-ownership: what changes have there been in that benefit since he came into office?

**Mr McCausland:** The Member makes an important point about the scale of provision. Co-ownership has been hugely beneficial in meeting housing need over the period. The number of co-ownership purchases over the past three years are as follows: in 2011-12, there were 643 houses; in 2012-13, there were 957 houses; and, in 2013-14, we are on track to deliver 1,200 house purchases by today, this being the last day of March. The number of social homes delivered in the same period was 1,410 in 2011-12; 1,379 in 2012-13; and 1,275 in 2013-14.

The other great benefit is to the construction sector through job creation and the knock-on multiplier effect that comes with construction jobs. The big challenge now with co-ownership and social homes is to work with the housing association sector to increase the number of social homes provided, deal with the blockages and facilitate the expansion of that sector to deliver more homes.

**Mrs D Kelly:** I am grateful to the Minister for his responses so far. Minister, how can you ensure that you get the balance right, given the high level of demand for social housing and the fact that more people now live in private rented accommodation than in the social housing sector?

**Mr McCausland:** I will make the same point to the Member as I did to Ms Ruane: the key to this is to understand that housing provision has to be seen right across the board. There is nothing wrong with living in a private rented house. Somehow or other, it is almost stigmatised by some political parties, whereas in Great Britain and elsewhere across Europe, it is quite a major element of housing tenure. With the private rented sector, we need to do something that I am already doing, which is to see more monitoring, registration, regulation and legislation in place to make sure that it is fit for purpose. That is something that I have taken forward already, with landlord registration and tenancy deposit schemes etc. That is important, because private rented accommodation is always going to be a major element of housing provision in Northern Ireland.

As I indicated in my answer to Mr Campbell, we need to work closely with the housing associations on the social housing development programme to find out what the blockages are that prevent them delivering more. There was a period some years ago when it was very simple for them, because they just bought off the shelf. The housing market was such that there were a lot of houses sitting about, but that has largely

been soaked up. That was why it was possible to deliver more at a particular point in time some years ago. Now, that has largely been mopped up, and we are in a position where the focus has to be much more on newbuild. We need to work closely with the housing associations to tackle the blockages that exist. I may well return to that later, but I will say now that that is something that we are working to tackle.

## **Affordable Homes Loan Fund**

5. **Mr Dallat** asked the Minister for Social Development to outline the proposed locations for housing schemes which are available through the affordable homes loan fund. (AQO 5892/11-15)

**Mr McCausland:** I launched the first scheme under the affordable home loans fund on 20 March this year. That happened to be at a Clanmil Housing scheme in Lisburn. Other schemes will be coming online over the next few months, and I hope that they will have as wide a geographical spread as possible across Northern Ireland, remembering, of course, that affordable housing is necessarily a demand-led undertaking. Early proposed schemes include those in east Belfast and north Belfast, as well as the scheme that I launched recently in Lisburn.

**Mr Dallat:** I thank the Minister for his answer. In deciding the locations for affordable housing, is he mindful of the history of this place, where, in the past, housing was decided on potential votes, rather than on the needs of the people?

**Mr McCausland:** It would be helpful if the Member understood better what the affordable home loans fund is about. In my initial answer, I said that this was necessarily a demand-led undertaking. I do not say to a housing association that it should build here, there or somewhere else. They look at what is available, and they decide whether they can make a scheme stack up. They have access to £19 million over the next number of years. A number of associations in Northern Ireland have been able to bid successfully — I wish there had been more — and I congratulate them on their initiative in coming up with good schemes that stacked up. Ultimately, however, they will decide on the areas where housing is provided.

In the case of Lisburn, it was a simple choice for Clanmil, because there were houses there that it was able to bring back into use that would otherwise have been empty. I will make

the point clearly, as I have done on a number of occasions, that, in all these matters, I will stand over my record of being fair and equitable. I want to address some of the inequities of the past, and I will continue to do that, for example with regard to the maintenance of Housing Executive properties. As in all these things, if the Member understands the scheme properly, he will know that it is up to the housing associations themselves.

**3.00 pm**

**Lord Morrow:** The Minister has, to some degree, answered my supplementary question. I feel that there is not enough detail available on the affordable home loans fund. Can the Minister elaborate a bit?

**Mr McCausland:** I am happy to do that. Indeed, I hope that Mr Dallat will find that helpful in increasing his understanding of the scheme.

The fund is the local application of the Get Britain Building scheme, which was set up by the United Kingdom Government to increase housing supply and support the construction industry. Three local housing associations were successful and bid for a total of £19 million from the fund. They are Apex, Clanmil and Oaklee. All submitted exciting and innovative proposals that will increase the supply of affordable homes in Northern Ireland as well as bringing empty homes back into use. That is important because there are far too many empty homes — many have been left lying around for far too long.

Those exciting and innovative proposals are different to the existing co-ownership model in that, rather than purchasers selecting a property and then applying to co-ownership for support, the housing association involved will develop specific housing schemes with associated shared equity finance available. While complementary to the existing co-ownership scheme, these affordable home loans schemes offer the first shared equity alternatives to it, and the proposals from Apex, Clanmil and Oaklee offer a mix of newbuild, with all the associated benefits for the construction sector, and the refurbishment of empty homes, which also creates work for the construction sector and will bring vacant properties back from disrepair into much-needed and valued family homes.

Over the next six years, the fund will deliver up to 600 affordable homes across the Province, and that means that up to 600 more families in

Northern Ireland will be able to take that first important step on to the property ladder. I am sure that all Members from all parties will welcome that.

## Universal Credit

6. **Mr Cree** asked the Minister for Social Development for his assessment of the findings arising from the piloting of universal credit in Great Britain. (AQO 5893/11-15)

**Mr McCausland:** The piloting of universal credit in Great Britain, which is commonly referred to as a pathfinder or, more recently, as the universal credit live service, by the Department for Work and Pensions (DWP) has been designed to test the information and communication technology (ICT) system and the claimant experience, and to inform the ongoing development of processes and systems before further expansion.

While my officials are engaged at a number of levels with the Department for Work and Pensions to ensure that Northern Ireland is aware of progress with the ongoing development of the system, I am not in a position to provide an assessment of the live service, as the Department for Work and Pensions evaluation is ongoing and, to date, has been based on a limited number of potential claimants. That group is currently limited to claimants who are under 25 years of age with no housing costs or children. Plans are in place to expand that group to couples and families during 2014, and that will allow the supporting IT to be further developed and tested.

The outworking of the approach that is being taken by DWP, and the lessons learned from live running, will inform decisions on when the system will go live in Northern Ireland.

**Mr Cree:** I thank the Minister for his response, albeit I was hoping for a lot more detail. Obviously it is early days yet. Does the Minister have any detail at all on, for example, the number of single men, the size of the samples or any of that sort of thing that would be useful to Northern Ireland?

**Mr McCausland:** All I can do is reiterate for the Member the point that I made. It is an important one. I am not in a position to provide an assessment because the people in the Department for Work and Pensions, who are the folk whose scheme it is and who have commissioned and are developing the ICT system, have not yet carried out or completed



their evaluation. It is an ongoing thing, on the basis that, as different categories of claimant come in, the process will be iterative. It is not simply a case of doing an evaluation on a certain date; it is an ongoing process. The idea is that, as it goes on, you learn lessons, and things that maybe have not been properly aligned or set up are then adjusted accordingly on the way forward. It is important to bear that in mind.

All I can say is that the claimants who are involved so far are from the category of under-25s with no housing costs or children. Over the next number of months, that will be expanded as it is rolled forward. Those are questions that need to be directed to the Department for Work and Pensions. It has not issued any evaluation publicly yet.

**Mr Newton:** I thank the Minister for his answers thus far. Will he tell us whether a live pilot programme will be introduced into Northern Ireland before the Welfare Reform Bill receives Royal Assent?

**Mr McCausland:** I thank the Member for that question because it is particularly pertinent. The answer is no. Universal credit regulations — not only the legislation but the regulations — must be in place in Northern Ireland before a pilot can be introduced. The continued delay, therefore, in enacting legislation is also limiting opportunities to test the system fully in Northern Ireland, including the payment flexibilities that I secured for Northern Ireland claimants. Any opportunity to test that in Northern Ireland is utterly impossible until we get to that point.

Let me put a timeline on it: to get legislation and regulations through the Assembly, and to do it properly, will take us the rest of 2014 and right through 2015. If people think that they can keep it on the long finger and, somehow or other, after the next Westminster election, with a new Government in place, it will suddenly disappear, they will be woefully disappointed. That is quite clear, whether the new Government is Tory-led or Labour-led. The Labour Party is as committed to welfare reform as the Conservatives. There may be a difference with one issue — underoccupancy or the bedroom tax, however you describe it — but the principle of moving forward with welfare reform is common to both main parties across the water, and they will be at the heart, somewhere or other, of the new Government.

**Mr McKinney:** I thank the Minister for his answers thus far. Will he outline fully the planned flexibilities in implementation, given the

lessons that have been learned from the pilot scheme in England?

**Mr McCausland:** I understand the first part of the Member's question, but I have difficulty with the second part. In the roll-out across the water, the pilot scheme is designed to evaluate the IT system. The point I made earlier is that that evaluation has not been made public. Therefore, I find it difficult to deal with that aspect of the question.

The flexibilities and mitigations are as follows. Three initial flexibilities were dealt with in January 2013. Further mitigations were developed over the next number of months right through to June 2013. The matter has largely been parked for reasons that the Member and other Members are well aware of. I am not in a position to state publicly in the Chamber all the detail because a paper is with the Executive. However, I can say this: it has been pretty well trailed in the newspapers by lots of other people, and I have not been out and about denying what has been trailed. The Member can draw his own conclusions from that.

Let me reiterate: I want to make sure that we get the best outcome for Northern Ireland and that welfare reform, Northern Ireland-style, is different in various ways from its implementation in GB. I believe that the package of flexibilities and mitigations that I developed last year will be very much to the benefit of the people of Northern Ireland. The dangers are that we get ourselves into a position where we lose some of those, we lose jobs, and we are billed, potentially for £1 billion. All those things should focus minds, but, sadly, they have not done so to date.

## Housing: Segregation

7. **Mr McCarthy** asked the Minister for Social Development to outline how his Department measures the extent to which local housing is segregated. (AQO 5894/11-15)

**Mr McCausland:** I thank the Member for his question. My Department does not measure the extent to which local housing is segregated. My Department and the Northern Ireland Housing Executive actively undertake and commission ongoing research to support a strategic approach to housing in Northern Ireland. The research planned for 2014-15 will include an update, using 2011 census data, to a study based on the 2001 census findings that focused on residential segregation. The Member may wish to note that the findings of that research, based on levels of segregation

over time, found that levels of segregation increased between 1971 and 1991 and changed little between 1991 and 2001.

**Mr McCarthy:** I thank the Minister for his response. It is disappointing to hear the figures that he mentioned. What does the Minister make of the impact of segregation and his ability to efficiently supply social housing across Northern Ireland?

**Mr McCausland:** The delivery of social housing is very much determined by the Housing Executive in drawing up the social housing development programme. That is based on a scheme and a methodology that has been there for many years, and it is based on actual facts and figures.

The impact of segregation on the delivery is a question that people might well speculate on. However, we are moving forward with a number of projects, including identifying schemes that could be shared schemes, looking at establishing more thoroughly the work that has been ongoing by the Housing Executive on shared locations, and looking at mixed tenure developments in the private sector. One of the things that I did in that regard, and I am sure that the Member will endorse it, is this: I made the centre of Belfast a common landlord area so that it is not identified with one community or the other, and people from every community can put that down as a common landlord area. That was a positive initiative that I brought forward to try to ensure that the centre of the city is a shared site. I see the Member nodding, so he agrees with that. There are things that we can do. What is being taken forward under Together: Building a United Community (T:BUC) will also help.

**Ms P Bradley:** In the Minister's first response to Mr McCarthy, he mentioned research. Can the Minister expand on what the research had to say?

**Mr McCausland:** The Housing Executive published research on mapping segregation in Northern Ireland in 2009, which was based on the 2001 census. Ninety-one per cent of all Belfast Housing Executive estates were highly polarised: they had more than 80% of one community or less than 20% of one community.

The research also looked at all district councils across Northern Ireland and found that segregation was not uniformly high across council areas, suggesting that the findings for Belfast may not be typical. The figures cover Housing Executive estates but include a range

of tenure types. For example, in 2001, Belfast Housing Executive estates consisted of 60% social rented tenants, 34% owner-occupiers and 5% private rented tenants. There is no uniformity even in that. Some estates have a very low level of owner-occupiers, and, over the years, in other Housing Executive estates, a significant number of the tenants have become owner-occupiers. So the situation is quite varied from place to place.

The Northern Ireland life and times survey for 2012 showed that 70% of people would prefer to live in a mixed-religion neighbourhood. I hope that that information addresses the question.

## Social Housing: Belfast

8. **Mr Sheehan** asked the Minister for Social Development whether his Department, the Housing Executive or housing associations are pursuing the issue of available land within Belfast city centre for social housing developments. (AQO 5895/11-15)

**Mr McCausland:** The Housing Executive, as the arbiter of housing need, determines where social housing should be built and programmes schemes to meet that demand. That is its responsibility. Housing associations are responsible for identifying potential development sites for inclusion in the social housing development programme. The Housing Executive will support building where need is clearly identified, and has encouraged housing associations to bring forward proposals for development in the new Belfast city centre common landlord area. A primary aim of the new common landlord area is to promote shared residential development in the commercial, administrative and cultural heart of Belfast.

**Mr Speaker:** That concludes oral questions to the Minister. We now move to topical questions.

## Housing Executive: Alleged Contractor Overcharging

1. **Mr Allister** asked the Minister for Social Development whether he will make a commitment to make a statement to the House on the fact that the board of the Housing Executive is reported to have approved a settlement with the four contractors that the Minister alleged had overcharged by £18 million and when he will make that statement. (AQT 951/11-15)

3.15 pm

**Mr McCausland:** First, I am disappointed that someone who is a member of the Social Development Committee, and has been for a time, is not better informed on the matter. The figure that was referred to by the Member was provided by the Northern Ireland Housing Executive to me. *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCausland:** It is clear that Mr Dallat's level of understanding of a number of issues seems to be rather limited. Perhaps if he listened more, he would learn more.

I will reiterate the point that I just made: the figure was provided to me by the Housing Executive. It is a figure that had been put to its board before I ever saw it. It was the Housing Executive's own figure. I want to see forward movement as soon as possible, and I hope that a satisfactory outcome will be arrived at between the Housing Executive and various contractors as soon as possible, because it is in everyone's interest that that should happen. I am sure that, at that point, there will be something to be said to Members.

**Mr Allister:** Having made the false allegation about the £18 million, the Minister is the last one who should be talking about being better informed. Will he commit to making a public oral statement in the House on the outcome to match the fact that he made the allegation by way of a public oral statement? Will he make that commitment?

**Mr McCausland:** Perhaps Mr Dallat is not the only person who needs to listen and learn. To accuse another Member of a falsehood is a matter that may be considered and reflected on, because, as I am sure the Member is well aware, it may not be an appropriate statement to make.

I have said already that the figure that was given to the Assembly is the figure that was given to me by the Housing Executive. It is a figure that was provided by the Housing Executive; it was its figure; the Member knows that; and I wish that the Member would reflect on that. Whatever happens moving forward, it is absolutely essential that we do nothing in the Chamber that will, in any way, make it more difficult for the Housing Executive to reach agreement with the contractors.

The Member might also care to reflect on the full detail of what I said at the time, because

sometimes it gets distorted. I do not suggest for a moment that that was for party political purposes — I would not suggest that — but others may well think it.

## DVA: Job Losses

2. **Mrs McKeivitt** asked the Minister for Social Development what contribution he will make to filling the vacuum created by the 300 Driver and Vehicle Agency jobs that will be lost, the majority of which will be in Coleraine. (AQT 952/11-15)

**Mr McCausland:** I can assure the Member that my Department has staff spread across Northern Ireland. Our staff are not focused on one particular part of the Province. The Housing Executive and the Social Security Agency have offices in many parts, particularly the Housing Executive, so DSD staff are widely spread out.

I share the Member's disappointment on the decision to remove those jobs from Northern Ireland. I can also assure the Member that my Department is undertaking a programme of reform and modernisation across a range of its responsibilities. The pace and range of the change, not least the need for significant staff redeployment as a consequence of local government reform, means that my Department does not have the capacity to transfer a block of work to Coleraine, as sometimes people might wish for. However, I can offer an assurance that my Department will work collaboratively with DFP and other Departments to accommodate surplus staff through the operation of the Northern Ireland Civil Service vacancy management process.

**Mrs McKeivitt:** Can the Minister assure his workers in Crown Buildings in Coleraine that their jobs are safe and will not follow the same path as those of the Driver and Vehicle Agency (DVA) workers?

**Mr McCausland:** I will make two points, the first point of which is more general. If welfare reform does not move — if it is stalled and blocked by some people because their parties lack leadership — we may be talking about more job losses in Northern Ireland. We are talking about a substantial number of jobs: more than 1,500 jobs in Northern Ireland delivering services to people in regions of Great Britain. Those jobs will go; there is no way that the Government at Westminster are going to say, "You've gone it alone. We're taking the pain here in GB as regards implementing welfare reform, and you think you're going to

keep those jobs?" Anybody who thinks that is living in cloud cuckoo land. At that point, some Members will have to go back to the people who have been thrown out of their jobs because of the Members' incompetence and intransigence. The staff spread across offices in Northern Ireland, including many up in the north-west, will say, "Why on earth were you so intransigent? Why were you so fixed in your ways that you couldn't see the reality on the ground? Why did you act in a way that cost us our jobs?" That is an answer that I would not want to have to give to people in those offices. People in other parties will have to answer to a lot of those people.

The Social Security Agency remains committed to providing front line services from the Coleraine jobs and benefits office. The office will also continue to house the error reduction and information security unit.

I make this final statement: I hope that Members on the other side of the Chamber will reflect on what I have said today about jobs. I would certainly not want to be the one who goes back and tries to explain to somebody put out of a job because of their intransigence.

**Some Members:** Hear, hear.

## **Welfare Reform: Underoccupancy Penalty**

3. **Mrs Overend** asked the Minister for Social Development for his assessment of the biggest challenges that would be faced with the introduction of the underoccupancy penalty in Northern Ireland. (AQT 953/11-15)

**Mr McCausland:** We are into the area again that is a wee bit grey because there is a paper before the Executive about mitigations for welfare reform. However, it has been widely trailed in the media that there is a significant element to address the issue of underoccupancy or bedroom tax, however you describe it. When I came into the Department, and the Housing Executive first brought forward the social housing development programme, I said, "Did you, in drawing this up, take account of welfare reform?" The straight answer was no. I did not see suitable properties in the list; the Housing Executive was still building properties of a larger size and not enough one- and two-person properties. We said to it very clearly at that point, "Take that back and rework it". I am glad to say that we are now in a position in which there is a higher level of delivery of smaller units to prepare for the

potential implementation of welfare reform in Northern Ireland.

That said, there is a significant provision in the package of mitigations that I have developed to address the issue of the bedroom tax, which obviously concerns the Member and others.

**Mrs Overend:** Maybe the Minister will clarify whether he is aware of the pledge by the leader of the Labour Party, who said:

*"If we win the next election, I will scrap the Bedroom Tax. No ifs or buts: a One Nation Labour government will repeal it."*

Given that it appears that Northern Ireland is many months away from any Bill receiving Royal Assent, does he still think that it is a wise decision, even at this late stage, to bring in a policy that could likely be repealed within a matter of months?

**Mr McCausland:** With respect, I find the question somewhat confusing and contradictory. I reiterate what I said in response to an earlier question: it is absolutely clear that the situation in GB will be dependent on which party emerges as the main party after the election. I said clearly, therefore, that I am well aware of the position of the Labour Party vis-à-vis the Conservative Party on the issue. However, I am not a prophet; I assume that the Member is not, either. Neither of us can predict the outcome of the forthcoming Westminster election next year. It is 13 or 14 months away, so we will have to wait and see in that regard.

We need to be prepared for the situation here in Northern Ireland. I have said already that the timescale for bringing in legislation and regulations will be the end of 2015. Therefore, it is incumbent on us to make sure, in the meantime, that we are at least prepared in case a Government after the next election continue the bedroom tax. That is why I have been preparing a mitigation package to deal with that. It is important that we do that, and it would be remiss of me not to do so. I am sure that the Member and other Members will support the measure that I brought to the Executive. I hope that that measure will get beyond the Executive and into the Assembly so that Members can discuss and see, in a knowing and informed way, the good package of measures that I and colleagues have developed.

## **Welfare Reform: Flexibilities**

4. **Mr Ross** asked the Minister for Social Development whether he is content that the

many flexibilities that he gained and secured from the national Government are enough to help us to mitigate the worst aspects of welfare reform for the most vulnerable in Northern Ireland. (AQT 954/11-15)

**Mr McCausland:** I welcome the fact that the Member, in posing that question, spoke about the most vulnerable in our society. In all of this, it has been my intention to make sure that the vulnerable are protected. We need to have a good welfare system to protect those who are vulnerable and who do not want to be in that situation but find themselves in it perhaps because of illness, unemployment or other circumstances. We should have concern for them.

I believe that the package of measures that I have developed and that were presented to the Executive demonstrate how we can implement welfare reform here to see devolution working for the people of Northern Ireland and protect the most vulnerable. There are some in the Chamber and elsewhere — well, there are not that many in the Chamber but there are one or two — who think that it would be a good idea to do away with the Assembly and have direct rule. The fact is that, if we had direct rule here in Northern Ireland —

**Mr Allister:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCausland:** It always seems to be the same individual who is not able to listen. He always has a lot to say but of very little substance, and he has an inability to listen.

Returning to the point, if we had direct rule here in Northern Ireland, we would be in a position where welfare reform, Tory style, would be imposed on Northern Ireland. We are able to deliver a better outcome for the people of Northern Ireland because of devolution. This is an excellent example of devolution delivering for the people of Northern Ireland and protecting the most vulnerable.

I listened to recent comments by Church leaders in England about the impact of welfare reform on the most vulnerable. I can confirm that the package of measures that I am presenting will ensure that similar issues do not arise here in Northern Ireland. I met the leaders of the four main Churches here recently. We had a very good discussion and, on quite a lot of points, they were supportive of what we are doing.

**Mr Ross:** I congratulate the Minister on the flexibilities that he has secured from the Government. I am sure that we are the envy of other regions across the United Kingdom because of the measures that he has gained. Have those who are still opposing welfare reform in Northern Ireland and bringing the Bill back to the Assembly presented the Minister with a set of proposals of their own or outlined any areas in which they want to gain further flexibility?

**Mr McCausland:** It does not take long to answer that question. There has been a shortage of ideas coming forward in that regard. People may bluff and bluster, make grand statements and grab a headline, but the hard work was done in the Department for Social Development by myself, my colleagues and my officials. We were all in there working together to make sure that we got a good outcome for Northern Ireland. I have not heard any of these other things.

The reality is that the people who want to behave like an ostrich, bury their head in the sand and hope that it will all go away will, if they have their way, simply burden the people of Northern Ireland with a bill of £1 billion to be paid back to the Treasury. Some people even think that we should develop our own IT system for Northern Ireland. That would burden us with a bill of £1.6 billion. With £1 billion to be paid back and a bill of £1.6 billion for developing our own IT system, there will not be much money left in the Budget in Northern Ireland for housing, hospitals, schools and all the other things that are so dear to our hearts. I caution people to think very carefully about that.

3.30 pm

## Question for Urgent Oral Answer

### Health, Social Services and Public Safety

#### Northern Health and Social Care Trust: Deaths

**Mr Speaker:** Mr Roy Beggs has given notice of a question for urgent oral answer to the Minister of Health, Social Services and Public Safety. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. Mr Beggs will be called automatically to ask his supplementary question.

**Mr Beggs** asked the Minister of Health, Social Services and Public Safety to explain the 11 deaths within the 20 incidents that have been identified, in which the response by the Northern Health and Social Care Trust was below standard.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** First, I want again to place on record my sympathy for the patients and families involved. Our primary concern should, first and foremost, be for them.

The Northern Trust provided the list of 20 cases to my Department last week. In the interests of openness and transparency, I acted quickly to advise the Assembly of this information. Investigations are ongoing, and I will receive regular updates on their outcome. I wish to be careful about the detail that I provide, given the potential for inadvertently identifying individual cases and to avoid prejudging the outcome of ongoing investigations or any other processes that may already have been or may be instigated on the back of these investigations.

The 11 deaths occurred between 2008 and 2013. Six of the cases involved the death of an adult patient, and five involved a perinatal death. I am seeking assurances from the trust that appropriate actions have now been taken in each case. I will continue to update the Assembly regularly, as I have been doing, on matters relating to these investigations and on other issues that may have been of concern to the Assembly recently.

**Mr Beggs:** I thank the Minister and the health trust for their statements, which have shone a light on this area. However, through the media, we have also learned of families who had to strive to uncover the reasons for their loved one's death, so can the Minister assure us that, in future, all deaths in hospitals under suspicious circumstances will be reported to the coroner and that the deficiencies that occurred in the past will remain in the past?

**Mr Poots:** I thank the Member for the question. I think that the actions taken by the turnaround team should assist the families in getting the details that they have been striving to get since 2010. During the period of 2010 to July 2013, a total of 5,655 deaths were reported by hospitals to the coroner. Of those, 56 were reported late, which represents slightly less than 1%. Of those 56, nine deaths were reported more than 10 days late, with the others reported less than 10 days late. Reporting is carried out extensively by hospitals on deaths, inadvertent or otherwise, in our hospitals.

**Ms Maeve McLaughlin:** Go raibh maith agat. Given the recent statement and the lack of public confidence in large parts of our health service, should the Minister now be considering his position or, at the very least, looking to scrap Transforming Your Care?

**Mr Poots:** I am sorry that the Chairman has let herself down so badly on a day like this. We are dealing with deaths that stretch back to 2008. I do not wish to be political about this, but, given that I was not the Minister until 2011, I would hardly be resigning over deaths that took place prior to that. Had I done nothing in the Northern Trust, the Member may have had some case to make, but, in 2011, I put a turnaround team into the Northern Trust. That was the year that I took office. It is as a result of the work of the turnaround team that this evidence is coming forward. We are casting a light on previous deficiencies. That is as a result of actions that I have taken: sacking the previous chair of that trust; bringing in new people to manage it; and appointing a new medical director.

Those are the reasons why we are now casting a light on the issue. We are doing it with transparency because we do not accept the culture of cover-up in health issues that has existed for very many years. We want the public to be informed when we get it wrong. We do not get it wrong very often, but we want the public, and the families in particular, to be informed when that is the case. We do not want another situation that is similar to that with

hyponatraemia, whereby, 17 years later, people are still carrying the pain of something happening but not being told the truth about it.

**Mr G Robinson:** Will the Minister confirm whether all the relatives who are involved in the current situation in the Northern Trust, including the Causeway Hospital, have been informed? If not, will he give a time frame for that to happen?

**Mr Poots:** I understand that efforts have been made to contact all the families. I believe that, for a variety of reasons, not all the families have received all the details at this point. We have instructed the trust that it is its responsibility not just to be in a dialogue but to have meaningful engagement with those families and to go through the details and answer the questions that they may have. So it is very clear that we expect that to happen, and I believe that a considerable amount of work has been done on that front. However, there may still be some areas that require completion.

**Mr McKinney:** In our view, this is about transparency, accountability and delivery. I will read into the record for the House a comment that the coroner made at the inquest into one of the deaths involved. He stated:

*"I have concerns that there seems to have been some agreement between the medical staff and the family that there's no need to report the death to the coroner's office ... That is absolutely wrong and cannot be justified."*

He went on to consider that happening before and added that, were that the case, he would refer the issue to the police, as it was "a very serious matter".

Given those comments and the Minister's statement from the weekend, is it not now time to involve the Attorney General, whose job it is to look after the public interest in legal matters?

**Mr Poots:** I thank the Member for the question. It is a perfectly reasonable question, but not necessarily asked of the right person.

Where hospital deaths are concerned, section 7 of the Coroners Act (Northern Ireland) 1959 confers a statutory obligation on every medical practitioner who has reason to believe that a death has occurred, directly or indirectly, from any cause other than natural illness or disease or in such circumstances as require investigation to report the death to the coroner.

Failure to make such a report is a summary offence, punishable on conviction with a fine.

The Department is taking a number of steps to improve the current system. The Legal Aid and Coroners' Courts Bill will provide for the Lord Chief Justice to be the president of the Coroners' Court and will require him to appoint a presiding coroner. That will formalise his responsibilities in relation to coroners and the Coroners' Court in line with existing arrangements for other judiciaries and courts in Northern Ireland. There were also amendments to the coroners' legislation in the Coroners and Justice Act 2009 that provide coroners with new powers where witnesses and evidence are concerned. Essentially, if coroners are not happy with doctors' reporting to them, they can take action. The responsibility for such action lies with the coroners.

**Mr McCarthy:** I thank the Minister for his response. In last Friday's statement, he said of the 11 deaths:

*"it is not clear that these were avoidable deaths but ... the Trust's response should have been better."*

Minister, surely that is a gross understatement. Should you not have been more dogmatic and strong in telling any trust that one avoidable death would simply not be tolerated on your watch?

**Mr Poots:** That would be a great position to be in. However, perhaps I could take the Member to a scenario in some of our emergency departments or, indeed, other parts of the hospital. All the information might not be readily available, and someone might make a decision based on the best knowledge that they have at that time and get it wrong. The consequence of that can, unfortunately, be death, because we are dealing with life and death. The truth is that our hospitals have an excellent safety record — better than the rest of the United Kingdom, on average — but, on occasions, these things happen. For the individuals, when it does happen, it is catastrophic, and for the families, it is devastating. So, unfortunately, when a hospital gets it wrong, a clinician gets it wrong, or, indeed, somebody else gets it wrong in our hospital environment, the damage and impact of it is absolutely devastating. There are 15 million key interactions between health and social care staff and patients each year. There are 1.5 million outpatient attendances, over 700,000 treatments at

accident and emergency and 500,000 inpatient or day-case admissions. I wish that we never got it wrong. Where people have got it wrong in ways that have been negligent, discipline has been taking place, and other cases are ongoing. Those matters are looked into and investigated, and actions are flowing from that.

**Mr Allister:** Given this further sad and sorry saga, is it not now time for the Minister to move on the issue of introducing a statutory duty of candour such as was recommended in the Francis report and such as has been moved on elsewhere in the United Kingdom? Is it not now time to announce such a commitment and to move forward so that we are not reliant on doctors retrospectively coming forward to tell things that should have been told at the time? They would have to be told at the time, because they would be in breach of their statutory duty if they did not.

**Mr Poots:** Again, I thank the Member for the question, which is a perfectly reasonable one. Among the actions that are flowing from that, we have requested officials to provide us with a report on a duty of candour and the pros and cons of it. I am somewhat inclined to go with a duty of candour. I think that much of what is actually involved in a duty of candour is already in a professional clinicians' body's regulations in any event, so, in some senses, it would not introduce that much new where the professional bodies exist.

What I am concerned about in many of those instances is actual reporting and whether there should be a duty of reporting, because a lot of it is about reporting in the first instance as opposed to the candour of the reports. We are certainly open to the idea, but I do not think it is the entire solution. I think it may be part of a solution. For instance, in some of the cases that we have heard of in the media there may have been a lack of communication with the families, and that is clearly an issue. We think that a lot of the reporting that could be carried out on all of that would be of significance. I will consider that in a broader piece of work that I am looking at on a duty of candour. It is certainly being given serious consideration.

**Mr Storey:** I share the concerns that the Minister expressed at the weekend and to the House today. Particularly for those families involved, the situation is an issue of grave concern. It is disappointing, however, that some in the House just want to make cheap political capital out of the situation. I think that is deplorable. However, the turnaround team clearly indicated that a key component part of

the issues in relation to the governance arrangements at the Causeway was the management of the trust. With the impending appointment of a new permanent chief executive, what are your expectations of that individual when appointed?

**Mr Poots:** That culture of transparency and openness is driven at all times throughout the organisation. I expect there to be recording of serious adverse incidents. I do not think it is a good thing to let on that things do not happen. We need to know when they happen, and we need to learn from them when they happen. We need to be supportive of staff who have made genuine mistakes. There may be retraining or assistance and guidance.

On those occasions when staff have been less than forthcoming with the truth or wilfully negligent, other actions need to be taken. Again, we would encourage that. The chief executive's position will be to ensure that standards are high, safety is a priority, and the level of care provided in the Northern Trust is up there with the best in the United Kingdom. That is what I want from the chief executive.

**3.45 pm**

**Mrs Cameron:** I thank the Minister for his answers thus far. He will be aware that these issues in the Northern Health and Social Care Trust are of great concern, not least to my constituents in South Antrim. Will the Minister tell us on what he bases his view that the Northern Trust is in a better place today than in 2008?

**Mr Poots:** I thank the Member for the question. As far as openness and transparency are concerned, this would never have happened in 2008, so that is something. I recognise that, in 2008 — the year that we went back to — people were inheriting a culture, even at that time. A cultural shift is taking place. I am not saying that we are there yet, but I certainly believe that we are in a better place with a culture of openness and transparency than we were then.

Since 2011, emergency department waiting times, and so forth, in that facility have improved dramatically. For a time, the Northern Trust, and Antrim hospital in particular, were never out of the headlines. This is one of the first times in the past year that I have had to speak about what is happening in the Northern Trust and in Antrim hospital. An awful lot relates to historical issues. Issues still come up and problems are still current, but we are



dealing with issues that have dogged the trust historically as opposed to being present-day issues.

It is clear that we have seen real improvement in Antrim hospital. In the past year, for example, the number of 12-hour breaches in the emergency department has reduced by 73%. There is improvement, and I think that Members know that even from their own mailbags, and they are getting considerably fewer complaints. We are not there yet, and there is more work to be done, but we are in a far better place than we were.

**Mr Speaker:** That concludes this item of business. I ask the House to take its ease as we move into the next item of business and that Members leave the Chamber in an orderly fashion.

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

## Private Members' Business

### Animal Cruelty

*Debate resumed on motion:*

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes. — [Mr Wells.]*

**Mr Newton:** Animal cruelty is abhorrent to all right-thinking people. I pay tribute to all volunteers and charitable organisations that have animal welfare and the interests of animals at heart.

I am pleased that, some years ago, I was able to propose and take a debate through Belfast City Council that took a positive step in the protection of animals, which was Belfast City Council not permitting wild animal circuses to use council property. If, as an elected representative, you are disposed towards supporting this motion, you should also consider a motion in local councils to prevent animal circuses from using local council property. Wild animal circuses are cruel and should be banned.

I received correspondence on the issue from constituents, and I suppose many MLAs received similar correspondence. One of the constituents who wrote to me quoted St Francis of Assisi, saying:

*"If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow men."*

Every day in Northern Ireland, animals are mistreated, deserted, ignored and uncared for. Some are left in filthy conditions where they have insufficient food, insufficient clean bedding and do not receive the kindness that they require.

**Mr Poots:** I thank the Member for giving way. He quoted St Francis of Assisi, and most

people were astounded and disgusted at the behaviour of the Kirkwoods after the court case and at the sentence that was given out. In Lagan Valley, we had an instance in which a dog was burned and had to be put down after a number of days. Is it not the case that generally people who engage in that type of behaviour have a tendency towards criminality in general?

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

**Mr Newton:** I will come on to that point. I thank the Member for his intervention.

In November last year, I was prompted to write to the Chief Constable about animal cruelty. The response that I received gave me cause for concern, because in it he put the numbers of recorded crimes against animals into categories. Take the category, "Keeping or training of an animal for an animal fight", there were 38 recorded offences and no convictions. In the category, "Permitting unnecessary suffering to animals", there were 39 recorded offences and no convictions. In the category, "Causing unnecessary suffering to animals", there were 85 recorded offences and 13 convictions, which is 15%. In the category, "Permitting cruelty to animals", there were two recorded offences and no convictions. I do not think that we find that acceptable.

Some animals get rescued and get a second chance to experience a good home environment. That helps to build trust between humans and animals, but many are not that fortunate. If we are to mature as a devolved Assembly, we need to make obvious our concerns to show that we care about animals and deal with those wicked and heartless owners who abuse animals. We need to send out severe punishment via custodial sentences rather than light touches and kid glove treatment.

Coming back to the intervention, many people believe that by stopping animal abuse you can affect other issues. Reporting, investigating and prosecuting animal cruelty can help take dangerous criminals off the streets. The police know that in homes where animal abuse is a problem there are often other issues. Acts of criminal cruelty are linked to a variety of other crimes. Those guilty of animal cruelty and abuse are frequently found to be involved in a variety of other crimes, including violence against people and property and drugs and disorderly conduct offences. Stopping animal abuse in children can help curb violent tendencies before they escalate into violence

against people. There has been lots of research by the Humane Society of the United States that indicates that.

Pet abuse is one of the four predictors of domestic partner violence according to a gold standard study by the Humane Society, which was conducted over 11 metropolitan cities. In domestic violence and child abuse situations, abusers may manipulate and control their human victims through threatened or actual violence against family pets. Researchers know that between 71% and 83% of women who enter domestic violence shelters report that their partners also abused or killed the family pet before abusing them.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I speak to the motion as a member of the Justice Committee, as the issues of conviction and failure to impose the maximum sentence for animal cruelty are justice matters. As someone who comes from a farming background and a rural community, I know that it is vital that we have strong animal cruelty legislation.

Those who have a statutory duty over animal welfare in the North of Ireland enforce the law that protects animals. As a society and as elected Members, we should foster a climate in which all animals are respected and protected from abuse. The powers that we currently have derive from the Welfare of Animals Act 2011. Penalties were strengthened in the Act, which was one of several pieces of legislation brought through the Assembly. It was a major step forward in protecting the welfare of animals, farmed and non-farmed alike.

For the first time, the powers place a duty of care on anyone responsible for animals and allow for action to be taken to prevent animals from suffering, as opposed to having to wait until suffering has occurred. As a result of the 2011 Act, the PSNI has stronger powers to deal with the horrific practice of animal fighting, and stiffer penalties are available to the courts to deal severely with those who cause animals to suffer.

We are debating the motion today because of the recent high-profile cases in Belfast Crown Court, where four men were sentenced to six months' imprisonment, suspended for two years, following their guilty plea to animal cruelty charges, after the judge said that mitigating circumstances were put forward. As other Members said, the defendants flouted the outcome as they came out of court. In the Act, it is a matter for the judiciary to ensure that sentencing is sufficient and reflects the severity

of the crimes of cruelty. To ensure that there are proper deterrents, it is important that there be consistency when cases are taken before the courts.

**Mr Lyttle:** I thank the Member for giving way. Has the Member considered whether the outcome of the case might lead us to review whether the maximum penalty for animal cruelty is adequate?

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

**Mr Lynch:** I thank the Member for his intervention. I will be speaking about that issue.

The Public Prosecution Service (PPS) should maybe review the case to see whether the sentences can be revisited, particularly in the light of the defendants' behaviour afterwards. The motion mentions the failure to impose the maximum sentence. It is in that context that recent cases need to be focused. The merits of the motion are fine, but any legislation needs to be —

**Mr Newton:** I thank the Member for giving way, and I appreciate the words that he has used. Will he tell the House whether he would apply sentencing to hare coursing, which is also deemed by many to be a barbaric sport?

**Mr Lynch:** I think that the issue the Member mentions is covered by legislation.

As I said, the merits of the motion are fine. I believe that any legislation needs to be reviewed. However, the Act is relatively new and needs time to bed in. Our priority should remain tackling the crime of animal cruelty.

**Mr Frew:** I endorse and support my party's motion on the very serious issue of animal cruelty. Like others, I have received a plethora of letters from constituents, and from others in the wider Northern Ireland setting, who are concerned about this very issue. It is right and proper that we bring it to the House for debate. However, I remind Members that the issue was debated, along similar lines, on 24 September 2012, when there was a public outcry and scenes in the media around what happened to Cody the dog. That case is still going through the court procedure, so we have to be careful about what we say in order not to jeopardise the case, which is to be resolved very soon, I believe.

However, there should be a lesson here, and it is a lesson for us all. There should be a lesson

for society that it is judged on the way in which it treats the most vulnerable in society, those who cannot speak for themselves and the animals that cannot speak for themselves. It is incumbent on us all to react to acts that can only be described as barbaric and, in some cases, satanic.

**4.00 pm**

**Mr Agnew:** Will the Member give way?

**Mr Frew:** Yes, I will.

**Mr Agnew:** I appreciate the Member's comments. It is an issue that I feel very strongly about. Does he agree that we, as an Assembly, need to be consistent in our views on animal cruelty? Does he agree that whether we set a dog on a cat, a dog on a dog, a dog on a badger or a dog on a fox, the animal suffers the same cruelty, and that we should take the same approach across the board and be consistent and, ultimately, move to ban fox hunting and other barbaric acts?

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

**Mr Frew:** I thank the Member for his intervention and the Deputy Speaker for the added minute.

To equate fox hunting with the cruelty and neglect of those animals is sparse. The Member needs to look at himself and his argument. People who are custodians of the environment and the land, through their practices, bring employment and money into the countryside. To equate that with the cruelty and the barbaric and satanic actions of some criminals is weak and —

**Mr Agnew:** Will the Member give way?

**Mr Frew:** No; I want to push on with my arguments, but I understand that the Member would want to come back. I am sure that he will have an opportunity during his own contribution.

I do not see that link, and I do not agree with it whatsoever; it is horrendous to link them. When cats have been torn to shreds and dogs have been trained to fight each other, that is utterly barbaric and satanic. Members of the public certainly know who is responsible for the crimes, but they are confused about who is responsible for the investigations. We know that councils and their animal welfare officers are responsible for the non-farmed animals; we

know that the PSNI is responsible for investigating the wild animals, animal fighting and welfare issues where other criminal activities are involved; and we know that DARD is responsible for farmed animals. We know that farmed animals have been neglected and that, after investigation, there were 136 cases in the past three years. Compare that with non-farmed animals, where there were 7,611 cases. You can see the perspective and the proportionality that we must put on the farmed-animal cases.

Many farmers have been in with me over the past year, and it is clear that they have suffered physically and mentally trying to take care of their farmed animals. They have fed their animals before they have fed themselves, and they have looked after their animals before they have looked after their business. As a result, they have not been able to look after themselves or their animals. In some cases, farmers have been penalised and/or the animals confiscated, and that is sad. I think that it was Jim Wells who referred to the difference between neglect and deliberate cruelty and torture. It is good to reflect on that and see the difference.

There is no doubt that we have been here before and talked about the issue before. I have stood before the Minister of Agriculture and Rural Development and talked about the Government being agile to deal with such cases and to be able to impose tougher sentences. I have some sympathy with the Agriculture Minister on this occasion because, while her predecessor spent many months on the Welfare of Animals Act (Northern Ireland) 2011 — I was not in my current post at the time, but I remember the long nights of debate that we had in the Chamber — it does not seem to be fit for purpose, even though it has been in statute for only a couple of years. It should then be on us, and the Government should be agile enough, to change that, where and when we can. That will not be in the Minister's gift alone; she will have to work with the Minister of Justice.

**Mr Deputy Speaker:** Will the Member draw his remarks to a close?

**Mr Frew:** I support action so that we get legislation and sentencing that fit this heinous and barbaric crime.

**Mr A Maginness:** I support the motion, which is very timely. I thank Mr Jim Wells for bringing the motion to the House; it is the proper thing to do. Given the public anger in the wake of the

recent case, it is appropriate that the House should express its views on what happened.

Of course, we have to put it into some sort of context. It has to be said that those who were charged were initially charged with more serious offences than the ones that they were actually found guilty of. During the trial, they changed their plea and pleaded guilty to lesser offences. As the judge said in her judgement, those lesser offences could well have been tried in the Magistrates' Court as opposed to the Crown Court, and the maximum sentence that would have been imposed in the Magistrates' Court would have been six months. I think that that constrained the learned trial judge in imposing a six-month sentence as opposed to a two-year sentence or one in excess of six months. However, one has to ask why, if she took that course of action, she suspended the sentence rather than imposing one of imprisonment. To my mind, that is unexplained in the papers that I have read.

The House should remember, however, that judges are there to judge. They are not there to press a button and produce a uniform set of penalties. A judge has to be given a certain amount of discretion. She deplored what happened. I am sure that she shares the universal view of the House that what happened was quite despicable, hideous and inhuman.

**Mr Humphrey:** I am grateful to the Member for giving way. I agree with him entirely. He obviously has great experience of the courts; much more than many of us. Surely the point that needs to be made is that, although the judge may well have said what she said in court, it was the reporting of the case and the appalling scenes outside the court that were conveyed to the general public. Therefore, the key issue is a deterrent to prevent that sort of appalling action from happening again, as other Members have said.

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

**Mr McCartney:** Will the Member give way?

**Mr A Maginness:** Yes, indeed.

**Mr McCartney:** From his experience, does the Member believe that what happened outside the court could be termed as contempt of court and that, perhaps, charges could be laid?

**Mr A Maginness:** It certainly bordered on that. It certainly showed a lack of contrition on the

part of at least one, if not more, of those who had just been sentenced. It certainly indicated that there was really no change in attitude by that person, at least about the offences to which he had pleaded guilty.

Perhaps the court was misled about the attitude of at least one of the defendants, if not more, which can happen. I am not excusing, in any sense, the terrible misbehaviour and gloating of the person who was shown in photographs etc. However, further to the point made by Mr Humphrey, the police expressed their disappointment. They had put a tremendous effort into getting a conviction or convictions in this case, and, of course, they got a conviction or convictions as a result of the defendants pleading guilty.

However, this case highlights two points: convictions are necessary to highlight such cruelty; but convictions are difficult to get. An animal cannot talk. A victim of assault can say that so and so did this and that and so forth, but in animal cruelty cases one is reliant on things other than what could be termed the animal complainant. You need additional evidence, which, in many cases, is not found. That is why cases cannot be proceeded with — the evidence simply is not there.

The law is sufficient —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close?

**Mr A Maginness:** I will. The law is, I believe, sufficient, but it would be good for us to review the legislation to ensure that something such as this does not happen again.

**Mr Elliott:** I welcome the debate and appreciate Members tabling the motion. Animal cruelty has plagued this society for years and, indeed, generations. However, we need to differentiate between deliberate cruelty to animals and what some may believe is cruelty. We have had several debates on the subject. Mr Frew referred to the Welfare of Animals Act (Northern Ireland) 2011, which went through the House just three years ago. I remember our having several discussions about the rights and wrongs of that Act and where we felt that it did not have enough enforcement opportunities.

Resources need to be much better targeted at those in the underworld who are deliberately and illegally cruel to animals. Others, specifically people in some breeding establishments, are continually plagued, almost harassed, by some of the agencies and

organisations. These people act within the law and keep their premises in good condition, but the agencies want to pressurise them into even more difficult situations and scenarios. On occasion, animals have been lifted from their premises and treated very badly when in the care of the agency that removed them. That is not fair or reasonable, which is why I go back to the point that the agencies — whether the Department of Agriculture, the police or local councils — need to target enforcement much better, which they are not doing at present.

When we hear of how people train dogs to fight —

**Mr Frew:** I thank the Member for giving way. He makes a valid point. However, in some instances, when you make the police aware of an issue in a field, barn or somewhere else, they do not really know how to deal with it properly. There should be additional training for that. Of course, it will not be a massive priority for the PSNI.

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

**Mr Elliott:** Thank you very much, and I thank the Member for that intervention. Not only training but a wider process of much better cooperation between all the agencies is required.

Once you start to tackle those major issues, whether they are dogfighting or whatever, you will find that there needs to be a concerted campaign, because you will not get away with tackling them on a one-off basis. There needs to be a concerted campaign so that we can be sure that, when the agencies go in, they can make the arrests and get convictions. As we have seen in the past, people are arrested, but, quite often, no charges are brought, or sometimes when charges are brought, the cases are thrown out of court.

**4.15 pm**

I listened to Mr Maginness protecting the courts system to some degree. He is quite entitled to do so, because we know that there are boundaries within which the agencies have to operate. We accept that, but we need to be sure that, when the agencies go to arrest these people, they can secure a conviction. The reason why I believe that that does not always happen is because they do not have expertise in doing that. So, we need more expertise in that area.

To return to my earlier point, sometimes the easy targets are the people who the agencies prey upon. In County Fermanagh, we had the unfortunate situation some time ago where a number of dogs were collected from a breeding establishment and came back to that establishment many months later in a very poor condition that was much worse than that when they left. I think that that was a very unfortunate situation and one that we certainly do not want to see repeated.

I reiterate that we must target the enforcement and our resources and ensure that the right people are brought to book.

**Mr McCallister:** I will speak in broad support of many Members' contributions. In the context of Mr Elliott's comments, I think that it is important that we separate some of the issues and make sure that our enforcement is bang on the money. In the previous Assembly mandate, he and I were pushing for legislation to deal with this issue, and I think that that was an important step forward.

Mr Maginness quite rightly pointed out that, in any legal system, evidence is needed to establish guilt. Where that falls short, no legislation will change that situation. I agree strongly with Mr Elliott's points that we need to target those illegal puppy farms. We had several examples in my constituency near Katesbridge and just outside my constituency near Loughbrickland. Those are places of cruelty. I think that it was Mr Frew who talked about the "torture" of animals. I think that that has to be targeted strongly by not only the Department but the police.

**Mr Agnew:** I thank the Member for giving way. He might agree with Mr Frew that hunting a fox with a dog is not cruelty. Personally, I do not see the difference between setting a dog on a cat and setting a dog on a badger or a fox. However, is the Member aware that the Welfare of Animals Act explicitly excludes hunting from the provision of "unnecessary suffering", the bar by which a crime is set? Does the Member not agree that that bar should include the killing of any animal and that hunting should be brought into it, with the courts being allowed to decide whether that is unnecessary suffering?

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

**Mr McCallister:** I am grateful to Mr Agnew for that. He made an interesting point. I have to say that I am probably closer to Mr Frew on fox hunting, but the Member made an interesting

point about where exactly that responsibility should sit and where the bar should be.

**Mr Frew:** I thank the Member for giving way. I do not mean to turn this into a pro-hunting debate, as it would do the debate on this motion an ill justice, but can the Member tell us and maybe tell his colleague beside him how many foxes are caught in a hunt? I certainly do not know.

**Mr McCallister:** I do not have those figures at hand. Maybe Mr Agnew can hurriedly find them for me.

**Mr Agnew:** Will the Member give way?

**Mr McCallister:** Well, I am keen that I do not turn into a go-between on fox hunting, but I will give way briefly.

**Mr Agnew:** I will be very brief. I am told by those who defend fox hunting that it is pest control. Either foxes are caught or they are not. If they are caught, in my opinion, it is cruel; if they are not, how can it be claimed to be pest control?

**Mr McCallister:** That is quite true. In my knowledge of fox hunting there never seems to be that many foxes caught. It is probably different due to different types of agricultural activity, smaller field sizes and all those things. However, Mr Frew's point about the debate is correct; the real target has to be that wanton neglect and torture of animals. That is where we should and must target our resources. I am sure that the Minister will say that it is not only her Department's responsibility; the police also have a role in building up those cases.

We have all followed some of those cases in the media. Some of the pictures from those scenes are almost too harrowing to show on television or in the newspapers. Quite rightly, in talking about the motion, that is where we have to maintain our focus. We are all truly appalled, and we want to see more done. There is a genuine feeling on all sides of the House that we want to see activity such as that absolutely stamped out, and we want to see cases brought before the courts. We want to see very strong, robust sentences given to those convicted of such barbarism against animals. That is where there is a genuine desire from all sides of the House to see something meaningful done, with all the agencies at the disposal of this Government, to bring forward those ideas and make sure that we stamp out this cruel business.

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a LeasCheann Comhairle. I thank the proposers of the motion, which raises the very important issue of the substantial penalties available under the Welfare of Animals Act 2011 and underlines the need for the courts to make full use of the range of sentences when dealing with those found guilty of committing serious animal welfare offences. I welcome the opportunity to debate this issue in the Chamber today. Throughout the course of my contribution I intend to address all the issues that have been raised today.

Before getting into dealing with that, I want to put it on record that I totally deplore all incidences of animal cruelty and neglect, which are totally unacceptable. Appropriate action needs to be taken to deal with offenders in such cases. I believe that abhorrent acts such as those that were the subject of the recent case in east Belfast cannot and should not be tolerated in today's society. I am disappointed that a substantial custodial sentence was not imposed by the court despite the option being available in the 2011 Act.

The welfare of animals here is protected by the 2011 Act, for which my Department has legislative responsibility. That Act affords a high degree of protection to animals and greatly strengthens the powers to deal with animal welfare issues. It has introduced a duty of care for all protected animals, allows action to be taken to protect animals from unnecessary suffering, strengthens the powers in respect of animal fighting, provides powers to regulate a wide range of activities involving animals and increases the penalties for all animal welfare offences. In particular, the 2011 Act recognises that causing any animal unnecessary suffering is a very serious offence, and to reflect this it significantly increases the penalties from those that were available under the previous 1972 Act.

When the Welfare of Animals Bill was being considered by the Assembly, everyone agreed that the penalties for welfare offences needed to be increased substantially. Consequently, the 2011 Act increased the penalties to a maximum of six months' imprisonment and/or a maximum fine of £5,000 on summary conviction in the Magistrates' Court and a maximum of two years' imprisonment and/or an unlimited fine on conviction by indictment in the High Court with a jury.

Providing the option for serious cases to be dealt with either summarily or on indictment, with an unlimited fine on indictment, is

important as it allows the most serious cases to be heard in the Crown Court and could result in a longer prison sentence. It also reflects how seriously my Department views animal welfare offences. It is important to note that those penalties are considerably stiffer than those in Britain.

Dogfighting is a specific offence under the 2011 Act, and that means that the PSNI —

**Mr Lyttle:** I thank the Minister for giving way. In her comments so far, she compared the maximum penalty with that in Great Britain. How does the maximum penalty in Northern Ireland compare with that in the Republic of Ireland?

**Mrs O'Neill:** The Member referred to that earlier in the debate. The Twenty-six Counties recently brought in animal welfare legislation and has now moved the penalties up to five years' imprisonment. When we brought forward our legislation, it was the most progressive legislation. It is still relatively new, but I will pick up on that throughout my contribution.

As I said, dogfighting is a specific offence under the 2011 Act, and that means that the PSNI now has stronger powers to deal with any form of animal fighting, including baiting. It is an offence to make animals fight, be present at an animal fight, train an animal for a fight, make or accept a bet on a fight and record, supply or possess any recording of an animal fight without reasonable excuse, such as to assist with law enforcement.

For the more serious offences, including the failure to prevent unnecessary suffering to animals or causing, permitting or attending animal fights, cases can be trialled in the Crown Court, where the maximum penalty is two years' imprisonment, an unlimited fine or both. In addition, the court can deprive a person convicted of a serious animal welfare offence of ownership of the animal to which the offence related, should he or she be the owner. The court can also disqualify a person convicted of a serious animal welfare offence for such a period as it sees fit from owning, keeping, participating in the keeping or controlling or influencing the way an animal is kept. That disqualification could be for life and for one or more species of animal.

When the 2011 Act was being developed, the proposed penalties were put to the Minister of Justice, the Executive and the Agriculture and Rural Development Committee before coming to the Assembly. The Minister of Justice advised that he was content with the proposed

offences and penalties in the Bill and commented that they were proportionate and sat comfortably within the criminal law framework. The Assembly fully supported the 2011 Act and the substantial penalties that were included in it.

I can assure you that I take the welfare of animals very seriously. I believe that the maximum penalties in the 2011 Act have the potential to provide a strong deterrent, thus protecting animals from unnecessary suffering, including deliberate acts of cruelty, provided the courts are willing to make full use of the sentences that are available.

**Mr Agnew:** I thank the Minister for giving way. She will be aware that fox hunting is exempt from the provisions in the Bill to prevent unnecessary suffering. Will she give a reason for that?

**Mrs O'Neill:** As I said, when the Bill was brought forward in 2011, that issue was debated at length in the House, and decisions were arrived at at that time. There is a risk of detracting from what we are talking about today, which is how this issue is dealt with in the courts. I believe that we have very strong legislation in place, but it is up to the courts to enforce it. I want to make that very clear. I will deal with that issue when I speak about sentencing.

**Mr Elliott:** I thank the Minister for giving way. Her comments are pertinent to my point. She indicated that the Minister of Justice was content with the legislation when it went through at the time, but the Minister of Justice wrote to someone a couple of days ago and indicated that he believes that the legislation is not fit for purpose and needs to be changed. That is just a couple of years on. What is the Department's view on that?

**Mrs O'Neill:** I cannot comment on whom the Minister writes to or anything that he puts in his personal correspondence. However, I am the appropriate person to raise that issue with, and he has not as yet written to me to address that. I am very happy to talk to the Minister of Justice at any time if he wishes to discuss that further.

It is very important to bear in mind that sentencing within the legislative framework is a matter for the judiciary. I met the Justice Minister in November 2012, and we discussed the scope for encouraging the courts to use the maximum sentences available for serious animal offences. Subsequently, the Lord Chief Justice, in his programme of action on

sentencing, published new sentencing guidelines for Magistrates' Courts in December 2013. The guidelines cover the offences of animal cruelty, docking of dogs' tails and animal fighting.

#### 4.30 pm

I understand that, in making decisions on sentencing, judges take into account the law, the seriousness of the offence, any aggravating or mitigating factors, sentencing guidelines and all the relevant circumstances of each case, including pre-sentence reports on defendants. However, I advocate the use of the full range of sentences available for animal welfare offences to ensure that the perpetrators of extremely serious offences receive a punishment that fits the crime.

**Mr Byrne:** I thank the Minister for giving way. Is she aware of the abandoned horses found in the Clogher mountain area, on the south Tyrone and north Monaghan border? How does she or her Department intend to deal with the issue?

**Mrs O'Neill:** I confirm to the Member that all those horses, and the horse carcasses, have been removed. There are no horses in the Clogher valley hills at this time.

Given his responsibilities on sentencing matters, I have written to the Lord Chief Justice to highlight the public concern regarding the sentences in the recent east Belfast case. I have also written to the Minister of Justice asking him to specifically consider animal welfare offences in any future review of the criteria under which the Director of Public Prosecutions may apply to the Court of Appeal for a review of unduly lenient sentences.

The recent east Belfast case demonstrated the importance of allowing the option for sentences to be subject to prosecution appeal. That would help to ensure that appropriate and consistent penalties are imposed by the courts. It is crucial that respect for animal welfare be maintained, and that can only be achieved if the sentences available for serious animal welfare offences in the 2011 Act are imposed when justified and that the perpetrators receive a punishment that fits the crime.

It may be helpful if I explain how the 2011 Act is implemented. It is important to remember that the Act extended the resources available to deal with breaches of animal welfare legislation. The enforcement roles in the 2011 Act are very clear: DARD has responsibility for the



enforcement of the welfare of farmed animals; councils have responsibility for the enforcement of the welfare of other animals, that is domestic pets and horses; and the PSNI has responsibility for enforcement in respect of animal fighting, welfare issues or where other criminal activities are involved.

The enforcement powers in the 2011 Act allow inspectors to take a range of actions to address any animal welfare case. That includes providing basic advice and guidance, giving a warning or issuing a legally binding improvement notice, as well as prosecution.

It is important to recognise that not all incidents of animal suffering and neglect warrant prosecution. The success of the implementation of the Welfare of Animals Act cannot be measured solely on the number of prosecutions taken. Indeed, it would be naive to think that a prosecution is the only appropriate method of enforcing the Act. For example, since councils' enforcement role began for domestic pets and horses in April 2012, they have investigated almost 9,000 complaints, which has resulted in providing advice in over 3,000 cases, serving almost 400 improvement notices and seizing over 250 animals. However, there will be occasions when advice, warnings or formal improvement notices are not appropriate methods of enforcement and, given the extreme nature and severity of some cases or when the owner of the animal fails to act, prosecution is the best action.

It is wrong to say that there has been an insufficient number of prosecutions. At oral answers to questions on 28 January, the Minister of Justice advised Members that, in the first two years of the 2011 Act, initial figures indicated that there had been 34 convictions for causing unnecessary suffering to animals or for animal fighting, and 49 disqualifications from keeping animals. I understand that a significant number of cases is being prepared for prosecution by the respective enforcement bodies. Whilst successful prosecutions can act as a deterrent, it is important to remember that it takes time to prepare such cases and prosecution should only be considered when it is in the public interest.

In closing, I want to assure Members that I am totally committed to protecting and safeguarding animal welfare. The Welfare of Animals Act protects the welfare of farmed and other animals, including dogs and cats; it provides all the necessary powers for enforcement bodies to take action if animals are suffering or likely to suffer; it provides the same

protection for domestic pets and horses as that previously available for farmed animals; and, crucially, it has introduced a duty of care to allow action to be taken to prevent suffering, as opposed to waiting until suffering has occurred.

The Act was introduced very recently, and its implementation continues to bed in. Whilst I respect the decision of the courts, I am disappointed that, in the recent case, the maximum penalties were not applied. It is important to understand that the case that triggered the debate was tried by indictment in the Crown Court, which could have imposed up to a two-year custodial sentence and an unlimited fine. However, the judge did not consider that appropriate. Therefore, amending the Welfare of Animals Act would not change that type of decision.

I have explained that I believe that the strong penalties in the Act are a good deterrent and will prevent animal welfare abuses. If the courts were to utilise fully the available penalties, tough sentences could send out a clear message and deter others from committing similar offences. Consequently, the general public would be reassured that causing unnecessary suffering, including deliberate acts of cruelty to domestic pets, will not be tolerated and that the perpetrators will be punished appropriately.

While I welcome and support the motion generally today, I believe that we can have a look at how the Act is working in practice. I am committed to continuing to work with councils to explore whether funding and resources are adequate as we move forward, particularly given RPA. Work seriously needs to be done to ensure that sentences passed by the courts reflect the severity of the crime and act as a deterrent to others. Unfortunately, that is outside my remit as Minister.

As I said earlier, I wrote to the Lord Chief Justice to highlight the level of public concern over the issue so that it might encourage the courts to make full use of the range of penalties available for animal welfare offences and, in horrific cases such as that in east Belfast, to apply the maximum penalties possible. I will continue to encourage the relevant enforcement agencies to publicise widely the action taken against perpetrators of such crimes and the outcomes of such cases. Go raibh míle maith agat.

**Mr Weir:** At the outset, I welcome the support for the motion from all sides of the Chamber. Although, at times, there has been a slightly different emphasis applied and disagreements

over issues at the periphery, that the House has spoken with a united voice is of importance.

Mention was made on a number of occasions of the appalling recent conviction in the Kirkwood case, in which a very lenient sentence was given. Although explanations have been given as to why that was the case, the conclusion that most people will come to, as was said in the debate, is that, in what seems to be one of the most severe cases that one can possibly imagine, if a custodial sentence is not put in place in such circumstances, under what circumstances will it be?

Mention was made of the legislation, and I will come to that in detail in a moment. We can have the best legislation in the world, but if it is not properly implemented by judges, and if it does not lead to those who deserve a custodial sentence being given one, we have to question whether the system as a whole is working properly.

In many ways, the appalling —

**Mr Elliott:** I thank the Member for giving way. Is he suggesting that, in his opinion, the sentences were not appropriate and that the courts are not delivering reasonable sentences?

**Mr Weir:** In that case, no, the sentences were not appropriate. Mention was made of the 2011 Act, which is a good Act. As part of that, we gave the power for custodial sentences of up to two years, and six months in the Magistrates' Court. However, in what, by most people's reckoning, was an appalling case of animal cruelty, simply a suspended sentence was given. If there ever was a case that merited a custodial sentence, that was it.

What is particularly worrying, and this was mentioned by the proposer of the motion and others, is that that was effectively the first high-profile case taken under the 2011 Act. Therefore, there is a danger that it will be seen as a precedent for sentencing in similar cases. Indeed, the argument goes that if a suspended sentence was used in that particular case, perhaps a suspended sentence will be appropriate in another case. It is sending out the wrong signal.

Concerns over the way in which we have dealt with animal cruelty and a need to tighten up and review the process predate the Kirkwood trial. Although it helped to prompt the timing of the debate, the motion was tabled by me and others a number of months ago, because there

were concerns over the way in which we were moving forward.

I welcome everything that has been said today in the Chamber, but it is important that the Assembly and the Executive do not simply talk the talk but that we walk the walk — or walk the walkies — on the issue. Therefore, if, as I suspect, there will be unanimous support for a review, I ask that it be wide-reaching in its nature and comprehensive in what it covers and that an open mind has gone into it. It would be the wrong approach to have a tick-box exercise along the lines of, "Such-and-such has already been dealt with, so we do not really need to consider it".

That being the case, I believe that this breaks down into three categories for the review.

First, mention has been made of the legislation. As I indicated, if you consult representatives of the USPCA, for example, they will say that the 2011 legislation was very good. It raised the tariffs, and many regard it as being up with the best legislation in Europe. However, from experience, we ask whether there are things that should be added to the legislation. Mention was made of aggravated cruelty, in particular, by a number of Members. I believe that there should be an additional tariff and offence for those extreme cases. I know that there was a little bit of debate, particularly between Mr Wells and Mr Wilson, on the differentiation between cruelty and neglect cases. There is certainly a grey area where the two can merge. You can get wilful neglect that can lead to cruelty, and it should cover those circumstances. There can be a qualitative difference between somebody who has simply neglected an animal, where, perhaps, the intervention should be as much with the person, and someone who has been engaged in cases of gross neglect or gross cruelty.

**Mr Lyttle:** I thank the Member for giving way. Is the Member aware that there are possible aggravating factors of offence in the current guidelines, one of which is gratuitous violence towards the animal? Is he concerned about how exactly that was applied in this case?

**Mr Weir:** Yes, I am concerned about how it was applied in the Kirkwood case. I appreciate that time is relatively short, but the general position is that we need to look at an additional offence. I would like to see that addressed in the review. If the review does not address that properly, it is something that I and others may look to carry forward in a different manner. We need to look at something. Mention was made of the

Republic of Ireland, for instance, where there is a maximum sentence of five years. If something of that nature for aggravated cruelty was brought in here — perhaps something that is only chargeable and indictable — it would at least get round some of the problems with the DPP that have been raised. That is something to be considered. Essentially, from a legislative point of view, it is about building on good legislation.

Secondly, there is the broad issue of the process and enforcement. Mention has been made of the extent to which there is funding from the Department of Agriculture of around £800,000 a year, for example. Maybe this is something that can be dealt with by the councils when they move towards an 11-council model, but, to my mind, there seems to be a degree of mismatch between £800,000 being made available and only nine people being employed to deal with this through the councils.

**Mr Humphrey:** I am grateful to the Member for giving way. With regard to enforceability and the resources being deployed to deal with the criminal activities of dog fighting and cock fighting, for example, which are underground and much of which is big business for people who are involved in illicit activity, does the Member agree that the full extension of the National Crime Agency to Northern Ireland would give greater resource and help the police, the councils and the USPCA to tackle this?

**4.45 pm**

**Mr Weir:** I agree with the Member. We need to look at whatever resources and opportunities there are, whether that is through additional help through the police — the National Crime Agency or the PSNI — or whether it is ensuring that, where we are getting a transfer of money to councils, as somebody said, we get the best bang for our buck. I am not entirely convinced that we have that at present. Enforcement was also raised in the debate. If we have a situation where, for example, the court makes an order that someone is banned from keeping an animal for a time, we need to ensure that there is the follow-up to make sure that that is put in place.

The final element is sentencing. As has been mentioned, there have been sentencing guidelines issued in the Magistrates' Court, at least, but the review needs to ensure that those are fit for purpose, that we get the tariffs right and that the guidance is there. As was indicated, we cannot intervene in individual

cases to produce particular results, but we can at least try to ensure that we have the correct framework. Undoubtedly, what has shocked people most, particularly in the recent case, is what appears to be the reasonably lenient sentencing. It may well be that there is a level of constraint. Mr Maginness made reference to that. If those are the problems, let us examine the way in which that is dealt with to ensure that judges are given a clear indication that we want to see tougher sentencing.

I think that it was Mr Lyttle who quoted Gandhi. It is often said that the test of the decency of any society is how it treats its most vulnerable. I extend that further: from a societal point of view, how we give a voice to the voiceless, particularly abused animals, is a key test of the level of civilisation of this society. We have to bear down on the evils of animal cruelty. We cannot ever again see the scenes of jubilation — that, essentially, is what it was — outside a courthouse in Belfast when someone received a sentence for the most heinous crime of animal cruelty and they celebrated the easy punishment they received.

Let us send out a clear and united signal today that all these issues need to be properly reviewed and that DARD, the Department of Justice and all of us will work together to ensure that the proper protection is put in place for animals. Although it may be a vicious minority that inflicts such cruelty, it must be overcome. Let us send out the signal that, if no one else will do it, this House will be the voice for the voiceless. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the number of cases of extreme animal cruelty that have occurred recently, the low number of convictions and the failure to impose the maximum sentence available; and calls on the Minister of Agriculture and Rural Development, in conjunction with the Minister of Justice, to initiate a review of the implementation of animal cruelty legislation, particularly sentencing guidelines and practices, to ensure that the maximum effectiveness is being brought to bear to combat these crimes.*

## Gender Imbalance in the Senior Civil Service

**Mr Deputy 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 to propose 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 to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr McGimpsey:** I beg to move

*That this Assembly notes the current gender imbalance across senior posts in the Northern Ireland Civil Service; accepts that, in the interests of equality and the utilisation of the skills, knowledge and talent of all civil servants, gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts within five years.*

I propose the motion in my name and that of Mrs Overend. I note that the terms of the amendment are within the spirit of the motion: it sets out that a plan has been undertaken by the Department of Finance and Personnel since 2010. Of course, the Minister will be able to talk about that.

The first thing to say is that I was immediately struck when I looked at the most senior posts in the Civil Service. Each Department is headed by a permanent secretary, who is the professional head of the Department and accounting officer. We have 11 Departments, with 11 permanent secretaries running them. There is not one woman among that group. That is an indictment of us all, because this issue is within the control of all parties in the House. No party is to blame; all of us share responsibility. When we have a situation in which each Department, from the big to the small, is run exclusively by males, we must recognise that we have a problem, bearing in mind —

**Mr McCarthy:** Will the Member give way?

**Mr McGimpsey:** Let me get started first, and then I will give way.

We must bear it in mind that the Sex Discrimination Order goes way back to 1976. We have seen a number of measures, not least the 2010 gender equality strategy for Northern Ireland. We have measures that should mitigate the situation.

When we formed the first Executive in November 1999, I was the Minister appointed to the Department of Culture, Arts and Leisure, which was the smallest and newest Department. With me, setting up that Department, was Dr Aideen McGinley, who was the first female to head a Department as a permanent secretary. Aideen did an excellent job. I can verify that because I worked closely with her in setting up the Department and bringing it together.

Since then, only one other woman has been appointed permanent secretary: that was Rosalie Flanagan, who, at the time, was a senior civil servant in Stormont Castle. She is also someone with competence, experience and intelligence who demonstrated clearly that she could run a Department. She was appointed to the Department of Culture, Arts and Leisure. However, at no time have we had more than one female civil servant running a Department. Today, we are back to where we started in 1999, which is clearly a retrograde step. I will let Mr McCarthy intervene.

**Mr McCarthy:** Thank you very much, Mr McGimpsey. You read my mind. I was going to suggest that we had a lady permanent secretary in the form of Dr Aideen McGinley. As you rightly said, she was appointed during your time as Minister of Culture, Arts and Leisure. Aideen did an excellent job, and I just want to make sure that that is put on the record.

**Mr McGimpsey:** Look at the other grades of the Senior Civil Service. At grade 3, while the position is not just as stark, we have a very stark position. The civil servants at grade 3 are the individuals whom you would expect to be promoted to the top position of permanent secretary. There is a serious imbalance: of 39 individuals at grade 3, only nine are women. When we are looking to recruit a permanent secretary, that imbalance is almost bound to be translated into the promotions. Indeed, the imbalance goes further back to grade 5. Again, there is some improvement, but it is far from ideal and far from a proper and sensible gender balance.

As an Executive and Assembly, we have allowed this situation to creep along. We have

allowed a situation to develop that credits none of us. This is an equality issue as much as anything. If we are serious about equality, it must be equality for all, irrespective of colour, class, creed, cultural identity, ethnic origin, gender, sexuality or disability. Clearly, we are falling down. We, as an Assembly and an Administration, should be the exemplars who demonstrate to society as a whole that women are treated properly and equally and have the capacity.

For four years, I was Minister of Health in charge of the biggest Department and very large numbers of civil servants. I worked routinely with very senior female civil servants at grade 5 and grade 3, and I have absolutely no doubt that the talent is there to allow us to promote females to the top jobs. I can think of a number of female senior civil servants in the Department of Health right now and others from my experience in the Department of Culture, Arts and Leisure and with other Departments, and I know that the ability is there, so I find it extraordinary that we are in this situation.

I know that the Department of Finance and Personnel produced a gender equality strategy in 2010 that will run through to 2016, but the situation with permanent secretaries and those at grade 3 and grade 5 shows that the plan is delivering slowly. As the motion says, we need a plan that will deliver more quickly. We want to see balance within five years and markers put down as we head towards achieving that. What are the obstacles, and how do we overcome them? What are the hurdles, and how do we get over them? How do we get to where we are looking to go by 2015?

It is a fact, of course, that women now make up around 53% of our Civil Service, which is one of the biggest workforces in Northern Ireland after the health service, employing some 27,000 people. However, as I understand it, two thirds of those women are part time. That is partly because of the occupational challenges for women and their dual role in the home and workplace, and, of course, one of the biggest obstacles is the coherent delivery of childcare. I welcome OFMDFM's recent announcement on this area, but, of course, a great deal more needs to be done.

The other situation is that around 60% of the women who work in the Civil Service are concentrated in the low grades, as administrative assistants and administrative officers. We are getting our balance right globally, but, in the lesser grades, our balance is way, way down. It seems to me that those issues have been around here since 1999,

when the very first permanent secretary came in. We now have no female permanent secretaries. We have plans and strategies in place, and we talk about it, but we are not actually delivering. That is an indictment on all of us. We are all to blame for this, and no one can be singled out. Therefore, we want to see a plan that identifies the hurdles, obstacles and markers as we get to where we need to be in 2015, demonstrating proper gender balance in the Senior Civil Service. That will mean, of course, looking through the entire Civil Service, but it would demonstrate to society as a whole that we are serious. If we are serious, businesses and enterprises throughout Northern Ireland can be equally serious about delivering. All that talent, ability and capacity is being lost because of the system that we have in place and the fact that large numbers are being overlooked.

I commend the motion and have no issues with the amendment; it is going in the same direction and demonstrates that there have been efforts in the past. However, after four years, it seems to me that we need a further acceleration, shall we say. We need to invest time and effort in this. I am not necessarily talking about quotas, but we need to look at addressing those obstacles. We especially need to ensure that we do that in the Senior Civil Service. I have not mentioned that we have never had a woman as head of the Civil Service. When you get things right at the top, it seems that they are liable to percolate backwards. Aideen McGinley was recruited from outside, not from inside: that is another issue that we can look at. There are possible solutions, and we need to look at those if we want to stand up credibly and say that we promote equality throughout our workforce.

**Mr I McCrea:** I beg to move the following amendment:

*Leave out all after "grades;" and insert:*

*"recognises the plan contained in the Department of Finance and Personnel's 2010 review of gender to deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance and to outline the progress to date against the plan."*

I have been under the weather for the past few days, so I apologise to the House if I am coughing and spluttering. The Minister referred to man flu, and anyone who knows me knows that they broke the mould when it came to me.

I do not lie down, as most other men probably do when they get a touch of the cold. I keep going. I have Ever Ready batteries, I think.

In proposing the amendment, I think that it is important to make it clear that the DUP supports the main thrust of the motion. We believe that it is right that the Department of Finance and Personnel takes the necessary steps to ensure that gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades in the Northern Ireland Civil Service. However, the latter part of the motion, which I and my colleagues propose to amend, calls on the Minister:

*"to identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts within five years."*

To be fair to Mr McGimpsey, he outlined in detail the difficulties that exist with that. Through the 2010 review of gender, the Department of Finance and Personnel has a plan to deliver a more balanced gender make-up in these Civil Service posts. That is why I am at a loss to understand why we need to devise and implement another plan. I will not die in a ditch about that, but the fact that a plan is in place raises the question of why we need to implement another plan.

Whilst there is no doubt that females have historically been under-represented at senior grades in the Civil Service, it is fair to say that things are a lot better than they were, even back in 2001. That in no way means that all is OK, but no one can deny that things are better. As I have stated, I support any plan or proposal that will ensure that gender is not an impediment to recruitment at any level of the Civil Service or, indeed, in any sector in our society. However, I must make it clear that within all of that must be the merit principle. Merit for any job is important —

**5.00 pm**

**Ms Fearon:** Will the Member give way?

**Mr I McCrea:** I will.

**Ms Fearon:** I have heard time and again about the merit principle when we have debates about gender. Indeed, it came up a few weeks ago when we had a debate about women in politics. We never discuss the merit principle when it

comes to men getting jobs. It never comes up. I agree that you should only ever get a job on the basis of ability, but gender should not be an issue. It never comes up when we are talking about men.

**Mr I McCrea:** I will come to some of the Member's comments from that debate in a few moments, but I do not accept that at all. The reality is that I could propose a motion on men in politics, and men could complain that there are issues that impede them. I would like to see society moving on in a way that the best person for the job gets it, regardless. If it is a woman, she will have my support, and, if it is a man, he will have my support. It should not be because a person is male or female, it should be because —

**Ms Fearon:** I agree.

**Mr I McCrea:** I am glad that we agree on something.

Merit for any job is important, and we should stick to that principle as we take the issue forward. We certainly must ensure that we do not go down the route of adopting any type of a quota system. Merit should be the only reason that someone gets a job

I want to take a few moments to consider how removing the merit principle has gone so badly wrong here in the past. Members will recall the discriminatory 50:50 recruitment policy that used positive discrimination to achieve an end result in the PSNI. People in the unionist community were discriminated against in favour of nationalists. Not only did that remove the merit principle but it introduced quotas that resulted in the best person not getting the job in many cases. That does not mean that there were not cases of the best person getting the job; in fact, I know many good officers who joined the police during the 50:50 recruitment process who do an excellent job working in local communities on a daily basis. However, every person who joined the police then or joins it now should get the job solely on the basis of merit.

On 10 March, the Assembly had a debate on women in politics. During that debate, Ms Fearon referred to the fact that:

*"few people break into politics without party support. All too often, women who are considering standing as a candidate come up against old-fashioned and sexist attitudes to the role of women in public life." — [Official Report, Vol 93, No 1, p9, col 2].*

I cannot speak for other parties — I have not yet, and I do not think that I will start now — in how they select their candidates, but one thing that I can say is that this party — the Democratic Unionist Party — is committed to seeing the best person selected for each position and encourages women to have the confidence to come forward and seek selection to public life. In this party, we have one of the top Executive Ministers in Arlene Foster, who holds her position because of her ability and not her gender. Michelle McIlveen is the Chair of the Culture, Arts and Leisure Committee: can anyone say that she is not there because of merit? I have met many people from across the culture, arts and leisure sector, and they regularly tell me that Michelle is an excellent Chair and they hope that she retains her position. I am not saying that we should stop there, mind you. I am not saying that we should appoint women to positions just to look good in the statistics.

There is no doubt that we need to address the current gender imbalance in senior grades of the Civil Service. There is also no doubt that, since 2001, we are in a better place where more females hold senior grades. I have no doubt that the current plans that the Department of Finance is taking forward from the 2010 review of gender will go some way to delivering a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts based solely on merit. I hope that the proposer and other parties in the Assembly will accept our amendment as a genuine attempt to tackle the issue. Following Mr McGimpsey's comments, I also ask the Minister to outline how the 2010 review can tackle the issues that were detailed.

**Ms Fearon:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in this important debate today and the increased focus on women's issues. There appears to be a positive trend of discussing issues of importance to women and girls, and it is important that we continue to do that. The Civil Service figures speak for themselves: of the 12 substantive permanent secretary staff, one is female, which is only 8%. That is in response to a question that Mr McGimpsey tabled. Of the 39 grade 3 civil servants, only nine are female, which is less than 4%. Of the 163 grade 5 civil servants, only 63 are female, which represents 38%. There are still huge and unacceptable inequalities at the top levels of the Civil Service.

I look forward to the Minister's response today to see whether he can shed any light on the reasons that have been identified by his

Department as to why we still have so few women in top roles. The first step is to recognise that there is a problem. I note that, in an answer to my colleague Daithí McKay's question, the former Minister stated that he would:

*"continue to make sure that recruitment procedures ensure that the most suitable person for the job is appointed."*

I have a massive issue with the wording of that answer. How can we continue something that is not actually happening? If we go by the statistics that I and others will outline, by that logic, a woman is the most suitable person for a job less than 10% of the time. I am not buying that at all. It is absolute nonsense. The same can be said for public appointments. Of a possible 1,400 positions, only 464 are filled by women.

Although I think that it is important to talk about gender and institutional sexism — they are massively important issues — the overall representativeness of public life also needs to be addressed. I am sure that the women in the Chamber — as usual, there are not many of us — are used to being the only woman in the room on certain occasions. I know that I certainly am. How many times have we been in a room full of white people talking to each other and making decisions for everyone? How many of us even notice that the room is full of white people? It is 2014, and we need to make our public bodies, politics and Civil Service representative, because, as things stand, none of those is reflective of the modern society that we live in. I know that some people have a problem with embracing diversity, but it is vital that we address all issues of inequality.

I will outline some reasons why gender inequality exists. I contend that the recruitment process is flawed, but there are other issues such as a lack of childcare that particularly affect women from deprived areas and rural areas. Although childcare should not be an issue for women exclusively, that is the unfortunate reality. Confidence is also a major issue. Coming into a very male-dominated environment can be daunting. Women tend to have low self-efficacy levels in comparison with men. Women are less likely to apply for promotions and more likely to think that they are not qualified for roles, whereas studies show that men will apply even if they are not qualified or will even be encouraged to apply by their seniors or peers.

There are all kinds of societal reasons for women having lower confidence levels. I

outlined them a few weeks ago, but, unfortunately, we do not have time to go into them today. However, a partial solution to the problem could be mentoring. It is an extremely powerful tool that we do not utilise effectively enough. An action point from today's debate could be to look at embedding mentoring programmes to encourage future female talent to rise by positively profiling powerful women in their organisations, which is important. Sheryl Sandberg recently started an interesting campaign around banning the word "bossy" from the workplace. It is a negative term and is not used to describe men. The basic positive message to young women from that campaign is, "I'm not bossy; I'm the boss". That is an interesting concept. We need having women in positions of leadership to be seen as a social norm to encourage more young women to come forward.

We also need to tackle economic inequality between the sexes. Women are more likely to be employed in low-paid and part-time positions, to head a single-parent household, to have fewer financial assets and to live in poverty, especially at an older age.

Although we are discussing the public sector, it is also important to note that there are low levels of female self-employment, which is only 24% in the North. We should also encourage female entrepreneurship in the private sector. It is only right and proper that women play their part in decision-making. Time and again, equal societies have proven to work and perform better for everybody. What we need to take from today is —

**Mr Deputy Speaker:** Will the Member draw her remarks to a close?

**Ms Fearon:** — that we need change. We cannot keep doing the same things over and over and expecting different results: that is the definition of insanity.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an rún, agus gabhaim buíochas leis na daoine sin a thug faoi bhráid an Tionóil é. I welcome the motion and thank those who tabled it. It is clear that more must be done across government to tackle gender inequality, so we will certainly support the motion. I think that we can also support the amendment — on condition, let us say.

The SDLP has long been concerned about the lack of work undertaken by this Executive to promote minorities into leadership positions and

through strategies to mainstream policies throughout society. When we responded to the OFMDFM cohesion, sharing and integration strategy (CSI), we raised our concern at the lack of any gender dimension to how OFMDFM envisaged a future CSI policy. We highlighted the role of women in building peace here, in holding communities together and in negotiating for change — all those things were unrecognised in that document. Sadly, the document was gender-blind. Consequently, it risked losing much of the valuable work pioneered and developed by the women's sector in Northern Ireland.

We must not risk similar blindness being continued in government practice as well as policy, especially at Senior Civil Service level. The Senior Civil Service, along with the membership of this House, should be a place of leadership in promoting the participation of minorities if we are to truly drive reform in public life and help to tilt the gender imbalance that exists at all levels of public life here.

**Ms Fearon:** Will the Member give way?

**Mr D Bradley:** Yes, sure.

**Ms Fearon:** I want to put it on record that women are not a minority: we are a majority in society at 52% of the population.

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

**Mr D Bradley:** OK, thank you very much. I thank the Member for her interjection.

**Mrs D Kelly:** I thank the Member for giving way. Does the Member share my disappointment at the range of Sinn Féin Ministers who fail to appoint women to public appointments? It is on a scale of 11:1 in the female:male ratio on some of their boards.

**Mr D Bradley:** I thank the Member for her intervention.

Several Members have noted the imbalance at various grades in the Civil Service, including grades 3, 5 and permanent secretary. As I said, we will give the amendment qualified support and listen to what the Minister has to say. However, it should be more than dusting down a report that has been sitting on a shelf in an attempt to display that the Department is taking action. We need to see progress and, as Mr McGimpsey said, we need it at a more rapid pace.



My colleague Mrs Kelly has asked several questions of OFMDFM in the years since the DFP 2010 review was established. In the answers, there was no reference whatsoever to that review, which seems rather strange. It is either a failure of cross-departmental working or a failure to take the issue seriously. Instead, OFMDFM simply committed to reviewing the 2006 gender equality strategy. It is now time to fully update that strategy, which was first published eight years ago. Such an updating could be undertaken in conjunction with an official audit of women's participation in public life, such as Mrs Kelly proposed in 2012.

It is of importance to society as a whole that we attract female applicants to participate in public life, to apply for top posts and to feel that they can be successful at that level. Government should facilitate that.

### 5.15 pm

The ability to participate in public life is starkly demonstrated in statistics provided by the Assembly Research and Information Service (RaISe). The statistics show that women make up only 33% of all public appointments. More worryingly, only 19% of chairs of public bodies are women, which demonstrates that there is still significant work to be done on facilitating openness in top posts. We need to attract female applicants, not only to get involved in public life but to have the confidence and ability to fight for the top posts. It is imperative that OFMDFM and DFP, through government policy and recruitment, and all other Departments in their area of responsibility do all —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close?

**Mr D Bradley:** — in their power to facilitate gender balance, including the development of a new gender strategy. Go raibh míle maith agat, a LeasCheann Comhairle.

**Mr McCarthy:** I thank Mr McGimpsey and Mrs Overend for bringing this important issue to the Assembly. It is a very worthy debate, and the Alliance Party supports any and all attempts to assess how we tackle gender imbalance in the Civil Service or anywhere else. However, it is important to recognise that that imbalance is not exclusively restricted to the Civil Service.

In the UK, the full-time gender pay gap is 10%, and the average part-time pay gap is 34.5%. It is estimated that, for each year that she is absent from the workplace, a mother's future wage will reduce by 5%. Approximately 70% of

people in jobs that pay the national minimum wage are women, and 54% of women who work part-time have been found to be employed below their potential, which amounts to some 2.8 million throughout the UK. For example, women make up only 17% of board directors in the FTSE 100 companies.

Charlie Woodworth of the Fawcett Society said:

*"the higher you go up the tree, the more women seem to drop off."*

As has already been said, all 11 permanent secretaries in our Executive Departments are male. At the next level down — grade 3 — only nine of the 39 officials are female. Of the 163 people at grade 5, 69 are female.

*(Mr Speaker in the Chair)*

Across the UK, women are undoubtedly under-represented in positions of influence and power. In politics, business and public life more generally, too many decisions are being made with too few women around the table. I welcome the new lady chief executive of Belfast City Council, who is the first female chief executive of that council. Therefore, progress is being made, and I wish her every success.

We urgently need to see more women at the heart of government — elected, appointed and employed by the Civil Service in senior roles. Without balanced representation, we fail to have comprehensive debates. Excluding women means that we are missing out on the substantial benefits that the greater involvement of women would bring. It also means that we are wasting the huge investment that has been made in women and girls through the education system and beyond.

The lack of diversity in public life is something that we simply must tackle. The Civil Service should reflect the society that it works for. With 51% of the population being female, it is clear that we still have a long way to go. The lack of women at the top also reproduces a norm of what leadership looks like, and that in turn can stifle the aspirations of future generations of women.

There are subtle barriers, such as it often being easier for male workers to travel for personal development or the failure of many workplaces to provide nurseries. Those examples no doubt feed into the imbalance. It is positive to see some Departments seeking to rectify gender inequality, an obvious one being that of my party colleague Dr Stephen Farry, Minister for

Employment and Learning, and his consultation on shared parental leave. However, the gender imbalance extends beyond institutions. It is a societal problem, and we must bear that in mind. The Assembly is a good place to start. I agree that it is worthwhile for the Minister of Finance and Personnel to identify reasons for the current imbalance and to devise and implement a plan to rectify the obvious inequality.

In conclusion, today is 31 March 2014; the final day of the existence of the committee that organised the Derry/Londonderry UK City of Culture festivities. We all know how successful that was, and all under the supervision of a wonderful young lady called Shona McCarthy, my very own niece, of whom I am extremely proud. As the proposer of the motion said in his opening address, women can get to the top, but only too few get there. We certainly support every effort to see all posts open to males and females, in every walk of life. We encourage women to get involved. I support the motion on behalf of the Alliance Party.

**Mr Weir:** Taking off where the previous Member who spoke finished, I am sure that Miss McCarthy is equally proud of her uncle and would take every available opportunity to highlight the important role that he has played.

I support the motion and the amendment. As has been indicated, they move in a similar direction of travel in trying to address a very important and serious issue. As other Members have said, while the focus of the motion naturally has to be on senior female appointments in the Civil Service, it is an issue that goes beyond the Civil Service. Mention has already been made of the lack of balance between males and females in public appointments. One can look also at private institutions and the lack of females on the boards of private companies. Similarly, mention has been made of the lack of female chairpersons in public bodies. Those issues are all part of a collective issue that needs to be addressed.

Although much has been made of the lamentable lack of females at permanent secretary level in the Civil Service, it is important to acknowledge that, over the years, considerable efforts have been made at various levels and there has been some improvement. I think that the figures that Mr McCarthy quoted may already be out of date and the situation may have improved. However, I will leave the detail of that to the Minister, because, as with any statistic, it is, at best, only a staging post.

What we are looking at is not simply a plan and how it could be implemented, but at all those things being a constant work in progress. It is not simply a question of, "Here is a period in which things will come to a conclusion". It is about how we try constantly to move it forward. To that extent, I think that a lot of effort has been made in the Civil Service and there are lessons to be learned. For example, mention was made by Miss Fearon of mentoring, which is an important topic.

At the heart of the motion, and the heart of DFP efforts, lies trying to identify where there are invisible barriers. In many cases, I doubt that it is direct discrimination of somebody consciously trying to ensure that a male gets a particular post. However, it may well be about a range of artificial barriers that need to be overcome to ensure that there is true equality of opportunities.

Part of that, as was mentioned by Mr McGimpsey, is about looking outside the box. There is a tendency, traditionally in the Civil Service, to have a Sir Humphrey-type attitude about which muggins's turn it is next to take a particular position. The recruitment exercises at grade 3 and grade 5 that have looked towards external recruitment are to be welcomed. Similarly, work with academics to identify particular barriers is important, and I know that work is ongoing with the University of Ulster. The gender review is due to be published in the summer this year. That will be part of another staging post in looking then at what the next set of targets should be for 2016.

In the short time available to me, I will finish with something in which, I believe, there has been a degree of positive development. In 2005, I had entered local government and was involved with the Northern Ireland Local Government Association. 2006 was to be the year of women in local government, focusing on elected members and particularly on staff. At that time, not one of the 26 councils in Northern Ireland had a female chief executive. The only female local government representative in the Society of Local Authority Chief Executives (SOLACE) at that stage was Heather Moorhead, the then chief executive of NILGA.

I am not saying that everything in local government is now rosy, but it is noticeable that we have reached a situation where I understand that, of the 11 new chief executives, at least four are female. Some have been appointed from outside the traditional system and others by way of promotion. That is not equality but it is, at least, a very significant step in the right direction. It has been mentioned

that, where positive role models are provided by females, or any other group that has traditionally been in a minority, that can filter down and spread throughout an institution.

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr Weir:** Perhaps we should look at cross-learning between local government and central government and consider any other examples of good practice to see how we can tackle the issue positively and ensure that we have a representative Civil Service.

**Ms McGahan:** Go raibh maith agat. I support the motion and the amendment, provided that there is change to the status quo. Women must have equal opportunities and access to their chosen career path. I take this opportunity to congratulate the first female chief executive of Belfast City Council, Suzanne Wylie. I wish her every success in her new role.

We have anti-discrimination laws such as the Equal Pay Act, the Sex Discrimination Order and section 75, which provides for a statutory duty on public authorities to have due regard to promote equality of opportunity between a number of groups, including between men and women generally. Unfortunately, despite all those laws to stop discrimination against women in the workplace, women still face many barriers in their chosen career path due to gender inequality. It is important for women to support and encourage other women by being positive role models and inspiring others to believe in themselves and follow their dreams.

All of us have a responsibility to challenge discrimination and gender inequality, no matter where it comes from. Sinn Féin believes in and is committed to building an egalitarian society, and women are absolutely pivotal in making that a reality. That is reflected in the fact that Sinn Féin has the largest number of female MLAs in the Assembly, and three of our Ministers are women. We also place huge emphasis on ensuring that women are properly represented at each level of the party, because we believe that women, who make up over 50% of the population, need adequate representation in politics and every walk of life.

We can employ as much energy as we have to address the specific barriers to the inclusion and the participation of women through education, training and the introduction of structural safeguards, but the biggest barrier, which affects most women, is the issue of

finance and childcare. The motion states that we need to:

*"identify the reasons for the current imbalance, and to devise and implement a plan that will deliver a more balanced gender makeup of Grade 3, Grade 5 and Permanent Secretary posts within five years."*

I believe that this is not a scenario of whether we should deliver but how we can deliver. It is important to acknowledge that changes that do not go to the root of the problem of gender imbalance in the Civil Service will be viewed only as cosmetic. This is both a political and moral imperative, and it is achievable. It will not happen overnight, but it cannot be delayed.

The Programme for Government contains a commitment to the production of a gender equality strategy, which it states:

*"provides an overarching strategic policy framework within which departments, their agencies and other relevant statutory authorities will channel their existing actions and initiate new actions to achieve an agreed vision, guided by a set of principles and objectives aimed at tackling gender inequalities and promoting gender equality across government's major policy areas for the benefit of both women and men generally."*

The development of the gender equality strategy is in line with an approach of mainstreaming equality. Mainstreaming has become a major approach to gender equality policymaking internationally and is promoted by the UN, the EU and the Council of Europe. Although figures show that female representation in the Civil Service has increased, it remains the case that, in general, the more senior the job, the lower the representation of females.

### 5.30 pm

The research paper provided to us states that recruitment outcomes in recent years suggest that some consistently occurring inequalities may exist at different stages of the recruitment process. Although the Finance Department has provided information on that, it nevertheless merits further exploration. Further to that, it is important to point out the obligation for an equality impact assessment (EQIA). It states that, if an assessment indicates that a policy may have an adverse impact on groups in any of the stated categories, the public authority

must consider alternative policies that better achieve the promotion of equality of opportunity or measures that might be employed to mitigate the adverse impact.

In conclusion, gender equality will not happen on its own. It needs a strategy, targets and positive outcomes. This is a journey of change, and we all, men and women, have a role in bringing about that change.

**Mrs D Kelly:** When I first saw the motion, I was reminded of an old 'Yes Minister' episode that I watched, I think, some time last year. When it was suggested to Sir Humphrey that there should be more women at senior level, he was almost apoplectic and wondered whether the Minister had taken leave of his senses. I trust that the Finance Minister will not take a similar position.

There is not much more to add about the obstacles and barriers. We all know what the problem is, and we want to know what the Minister will do about it. It will be very interesting to hear from him on how he will shine a light on this inequality and help to promote women.

I think that the majority of Members here have served on local councils. Over the years, they will have seen the transformation across a range of departments. In economic development, environmental health, technical services and engineering, more women are coming through the system, but many are not making the jump to the most senior positions. It has to be said of the Civil Service that it seems to be one of the worst examples of where women fail to reach the higher grades in the profession.

I note in the information provided to Members the series of indicators and type of measures that the Minister and his Department are looking at. I think that it is an OFMDFM strategy, which mentions how they are looking at gender gaps and performance. However, they have decided not to measure performance. Might I suggest that, if they were to measure performance, they would find that, very often, women outperform men in many aspects of life. I hope that not too many of them will take personal affront at that.

This is from a section of the strategy on the development of gender indicators. Can anyone in the Chamber tell me exactly what it means?

*"The decision was taken to pursue the first type of indicators given that the strategy intended for the publication of departmental*

*action plans containing specific actions and targets in support of the strategy. That is, the performance element of the strategy would be reflected by departmental targets in support of the strategy whilst the high-level gender disaggregated statistics would enable an overview of the change to the relative position of women and men across the breadth of policy areas."*

You would nearly lose interest in trying to determine what that means. That is the sort of thing that we are cursed with in the public sector. There is a lack of plain English in some of the targets that are set, and that is a very fine example. It suggests to me that the departmental performance targets of any position in the public sector are looked at across the range. In other words, although a lot of women are probably holding the whole thing up by performing and achieving targets, the man at the top is taking the credit.

I am very keen to hear from the Minister about how he will challenge a system that, let us face it, is many years of age. As we have often heard in this place and on television, Ministers come and go, but civil servants are here to stay. I hope that the Minister challenges that attitude and makes a number of changes. I look forward to seeing many female permanent secretaries in coming years.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis na moltóirí as an díospóireacht a thabhairt go dtí an Tionól inniu. I welcome the debate and thank the proposers of the motion and those who tabled the amendment. I think that this is the second time recently that we have had a debate of this nature. The last debate coincided with International Women's Day, and this one coincides with Mother's Day. I think that that is appropriate.

When moving the motion, Michael McGimpsey said that, for him, this was an equality issue. I agree. That is because, when you strip away the other points, and without getting bogged down in statistics, you find that this is about equality. I welcome that I have not heard anyone suggest that there is not an imbalance. Where there is an imbalance, there is an equality issue. When people accept that there is an imbalance or an inequality, I do not think that it can be talked away or readily dismissed by saying, "When you employ on merit, this is what you get". We all know that the problems that we are dealing with are more deep-seated than that.

Megan Fearon said that the definition of insanity is to keep doing something that you have already done while expecting a different outcome. People say that that is one of many definitions of insanity. I am not saying that it is, but it is certainly one way of ensuring that nothing will change. If we are serious about making change — listening to the contributions today makes it clear that no one doubts that there is a need for change — we have to do something different to what has been done in the past. I think that that demands of us that we be bold and imaginative.

I do not know the exact procedures, but perhaps recruiting outside the Civil Service, as was done to bring Aideen McGinley in as a permanent secretary, could be examined. I am not saying that that is the answer, but it is worth exploring. This is not just about the Civil Service. The Justice Committee has looked at gender levels, particularly at the senior levels of the judiciary. There can be better representation at lower levels in institutions, but the more senior positions seem to be more male dominated, and I think that we have to try to tackle that.

In the 'Gender Review March 2010' document, one statement that was made that I found a bit surprising confirmed that there is no specific test for assessing the fair representation of men and women. We could perhaps try to bring that about through a test that is substantive, that can measure and that is objective. It would help us to find out how we could be more positive and objective in bringing about change.

There is an acceptance in the document that there is under-representation at grades 3 and grade 5 in the Civil Service. It states that affirmative action measures can be taken, but those measures are not outlined. Again, we need to explore what we mean by affirmative action, because sometimes there is a perception that taking affirmative action can run contrary to legislation or law. However, in fairness to the document, it states at section 5.2 that:

*"Under sex discrimination legislation employers can take lawful affirmative or positive action measures where they identify few or no men/women employed in the occupation."*

I do not think that anybody would not accept that there are few or no women employed at that senior level, so there is provision for us to be affirmative. By "affirmative", I mean that we could put into legislation what some people refer to as quotas, but if we are going to have a

desired outcome in a number of years' time, we may have to do something that we have not done in the past.

I think that there has to be an acceptance that all the good measures and procedures that have been put in place have not changed the mathematics of the situation. By not changing the mathematics, we will not change the perception. Anybody looking in from the outside could make the criticism, which is valid and which has been supported here today, that where there are no women in senior posts across a range of professions, we are doing something wrong. When we accept that, we can put measures in place. People talk about political life and whether —

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr McCartney:** Let me just make the point that this is about affirmative action.

**Mr Hamilton (The Minister of Finance and Personnel):** I thank Mr McGimpsey and Mrs Overend for tabling the motion. I thank Mr McCrea for moving the amendment, and I thank everyone who has participated so far in raising this important issue of gender balance and the need for better gender balance in the senior levels of the Northern Ireland Civil Service.

The one overarching message that I will leave with Members today is that yes, we have a problem, but progress is being made. As many Members noted, almost half of our civil servants — in fact, slightly more now, in total — are female, yet only one third of the Senior Northern Ireland Civil Service are women. That makes it very clear that we have a problem. However, as Members will acknowledge — indeed, many did in their contributions — this is a situation that has not materialised overnight. Mr Weir, for example, mentioned his experience of local government, and I join with him in welcoming the fact that four of the chief executives of the 11 new councils, including the chief executive of the biggest council, Belfast, are female.

Mr McGimpsey mentioned the two female permanent secretaries in DCAL. He recalled his time, and he was right to say that, whilst we acknowledge that there is a problem, there is no one person, party or Department that is responsible for that problem having developed; it is a problem that has materialised over time and is not easy, simple or quick to resolve. He will recall from his time in the Health Department — he will correct me if I am wrong

— that although progress was made, one trust chair was a female and only two chief executives were female. Representation at chief executive level in and around the Senior Civil Service shows that that problem extends beyond even the Civil Service.

I said that we had a problem but that progress was being made. In 2001, 12.5% of grade 5s were female and only 9.5% of grade 3s were female. By 2010, that had increased to 31.6% of grade 5s and some 25% of grade 3s. The 2010 review of gender, which is noted in the amendment, included a 5% increase in the target to take both up and, indeed, progress has been made in those intervening years to the extent that by 1 October 2013, 38.7%, which is a significant increase well above the 5% target of 33.3%, for grade 5s is the case. So we are approaching a position of better equality and balance at grade 5 level. There has been some slippage in the grade 3 position but it is still anticipated to hit the target of 26.5% this year.

Mr McGimpsey acknowledged that we have no female permanent secretaries. We have one woman at permanent secretary-equivalent grade but not actually a permanent secretary within the Department. There is also reasonable representation across a lot of professional and specialist occupational groups in the Civil Service; 14 groups were found to have fair representation, 11 had male under-representation and 17 had female under-representation. Those statistics show that what we are doing — I will come on to what we are doing — is working, albeit slowly but surely.

Many Members talked about other organisations and, in that respect, the Northern Ireland Civil Service is not alone. I have mentioned health and local government. I noted, too, a report that was commissioned by the UK Government, entitled 'Women on Boards', which looked at the private sector. In 2010, it found that only 12.5% of corporate boards of FTSE 100 companies had women on them. That was up from 9.4% in 2004. The report noted that at that rate of increase — a much slower rate of increase than in the Civil Service — it would take 70 years to get fair representation. In saying that, the representation in UK boards is better than in Europe, where it was found to be 7%, and in Asia, where it was only 3%.

It is my personal experience that, when I go to meetings in this capacity, the Civil Service is not as badly represented as some other businesses. I can recall a meeting that Arlene Foster and I had with representatives of local

banks about the agrifood loan scheme. She was 100% of the female representation around that table, where there were about 13 bankers in the meeting. Indeed, at a meeting that I had last week with the European Investment Bank, there were about a dozen of them there, and every one of them was a man.

So it is not just the Civil Service; this permeates other aspects of society.

#### 5.45 pm

I accept and acknowledge that the lack of published data does not allow comparisons between the Civil Service and other public sector and, indeed, private sector organisations in the way that we would want. I can confirm that corporate HR in my Department and OFMDFM have commissioned the University of Ulster to conduct a survey of gender equality at executive level in the broad Northern Ireland public sector.

The 2010 gender review, which is noted in the amendment and is the strategy and action plan that the original motion calls for, was carried out by DFP, and it set a baseline against which future progress can be monitored and reported. It also set out key actions and specific goals and timetables aimed at addressing under-representation. It is our intention to roll those targets forward when the next review reports later this year.

Before setting out what actions we have taken, it is useful to reflect on some reasons — many Members, including, latterly, Mr McCartney, touched on them — for the under-representation of women in the Senior Civil Service. Internal Civil Service work and, indeed, outside research suggests that it is a combination of many factors, many of which are to do with women's other responsibilities, particularly caring responsibilities, and the difficulties that that can present in balancing work and family life. Many women make a personal choice to care for small children full-time and to not pursue careers. It also found that there is a perception that working at the most senior levels of the Civil Service or, I suppose, of any organisation brings with it a culture of working very long and very late hours.

There is a poor perception of part-time working on the basis that it denotes a lack of dedication to one's job or that working part-time can have the consequence of having to work unpaid at home to meet the demands and pressures of your work. There is also a perception that is held by some that females do not work in more

challenging posts and stick to what are sometimes described as softer skills such as human resources. In that respect, it is sometimes a bit of a self-fulfilling prophecy.

Mrs Kelly and others said that it is all well and good identifying a problem but asked what actions we are taking. Before I outline what specific actions we have taken and propose to take, I must say that it is my firm belief that everyone, to echo what Mr McCrea said, should be appointed on merit and merit alone. I do not care about the gender or religion of my senior officials so long as their advice and work is good. In seeking to encourage greater female participation in the Northern Ireland Senior Civil Service, we must be careful that we do not do anything that breaks the law or discriminates in the other direction.

We have taken specific actions on the Senior Civil Service and on lower grades to assist the participation of women and to be a good employer. The first area is the wide range of support that we have offered for women and, indeed, for men as and when appropriate. That includes term-time working to reflect the need to look after schoolchildren; part-time working; compressed hours; special leave for emergencies, particularly involving the need to look after children; 18 weeks' paid maternity leave; and a childcare voucher scheme.

The second area of actions, which was touched on by many Members, is recruitment and the use of recruitment as a key driver in getting better representation and better balancing in our Senior Civil Service. I do not like to talk about civil servants in this sense, but it is about ensuring that there is sufficient supply and that we have a pipeline of female civil servants. I can stand here and quote the figures and the improvements that have been made over the past years, but I am increasingly seeing the incredible talent in those roles. I appreciate that that is maybe not visible to every Member and that I am in a privileged position. I am sure that Mr McGimpsey, given his former life, can testify that there is incredible talent at grade 3 and grade 5 levels and that it is increasingly female. That reflects my experience even outside this place because, when I was studying, more and more women were studying law and accountancy and filtering through in a pipeline towards more senior posts down through the years.

We have taken two specific positive measures, one of which is using job advertisements to welcome applications from identified under-represented groups, which, of course, does not just relate to women at Senior Civil Service

level. The current open grade 5 and grade 3 external recruitment competitions are also helpful, and I hope that some positive results flow from those. Mr McGimpsey cited the example of a female permanent secretary who was recruited externally to his Department. He would agree that that open external process gives a better chance of recruiting women into higher grades in the Civil Service than perhaps women working up through the pipeline that I talked about.

The third area of actions that I want to touch on is leadership development and mentoring programmes in the Civil Service to help women in their career progression. Again, I draw on my personal experience. I have the honour — I will be doing it again this week — of talking to senior and mid-level civil servants who are completing a certificate in public administration through the Civil Service. On the occasions when I have spoken to those groups in my capacity as Minister, I found that the majority of participants were women. So, again, we are seeing that, although they are not at the top level perhaps just yet, there is a pipeline of women progressing, and increasing numbers of women who can, on merit, take those senior positions.

The fourth area is a Northern Ireland Civil Service-wide survey that we intend to conduct into staff attitudes about equality and diversity, which will be performed in late March. I think that that will reveal some interesting answers from women as to why they are not participating in the numbers that we all want them to at Senior Civil Service level. Coupled with the University of Ulster research that I mentioned before, it will help us to make further recommendations and identify additional actions that we might take.

Finally, in respect of actions, I can confirm that we are actively considering the creation of a senior women's network in the Civil Service this year. To echo Ms Fearon's point, that will result in more mentoring for women in the Senior Civil Service and at a higher level.

In conclusion, I fully understand and appreciate that, in order to provide a high-quality service to the people of Northern Ireland and to maintain the confidence of our community, the Northern Ireland Civil Service needs to recruit and retain the best talent available. The best talent includes the best women and the best men. I once saw written that it:

*"is not just the right thing but also the 'bright' thing to do"*

to attract talented women to the Senior Civil Service. I am committed to addressing gender imbalance at the highest levels of the Northern Ireland Civil Service, just as I am committed to addressing the under-representation of men at AA, AO, EO1, EO2 and staff officer grades as well.

Fair and open recruitment and promotion arrangements are critical. A clear demonstration that everyone, irrespective of gender or anything else, has an opportunity to apply for the Northern Ireland Civil Service vacancies is also essential. That all appointments are made on merit, based on ability and aptitude for the work, is paramount.

**Mr McQuillan:** I thank all Members who took part in the debate and Mr McGimpsey and Mrs Overend for bringing the matter to the House. I also thank my colleague Ian McCrea for proposing the amendment, and the Minister for giving his spiel as well.

Members will be only too aware of the gender equality strategy 2006-2016, published by OFMDFM, as well as the 2010 DFP review of gender balance published in 2012. When you glance at the figures of the gender balance in the Civil Service, you see that males are in fact under-represented. That trend has been occurring since 2001. The population of males employed in the Northern Ireland Civil Service is decreasing whereas the population of females has increased.

However, it is apparent that the male:female balance changes when you look at the senior posts where females are under-represented. In 1997, the gender balance was very much in favour of men, with one female to every 10 males. However, that ratio had changed to one female to every three males by 2012. That change has to be welcomed, and it is a demonstration that the system's policies have been working, although perhaps not to the degree that some may wish.

In the 2012 figures available on the Northern Ireland Civil Service recruitment exercises, females were more likely to be appointed than males, despite the fact that there were more male applicants. When it came to Senior Civil Service posts, two thirds of all applicants were male, with appointments made almost on a 50:50 basis. I think that that is a demonstration of the calibre of the female applicants. Again, more applicants were male.

I advocate a public sector that is reflective of society, and Members are aware that employers, regardless of who they are and

whether they are in the public sector or the private, are required to adhere to the equality agenda, which means that people cannot be discriminated against. Furthermore, in this day and age, given the existence of the fair employment legislation which has been in existence for some time, despite how some people might like to spin it, discrimination is rare, with, for example, the section 75 groups protected in law.

All of that is to be welcomed. Gone are the days when public life was unequivocally dominated by males. We are making strides to achieve gender equality, but, frankly, I would oppose any draconian method to enforce gender balance, like that of the 50:50 method for selecting police officers — known as "positive discrimination" — under the Patten reforms.

One has only to look at wider society to see the number of women in high-powered positions. That is a positive for society, and it is further evidence of what I have already referred to today. We are seeing achievements when it comes to delivering gender equality, but that is not to say that we should sit idly by and let nature take its course. That is why we should take stock of the gender imbalance that exists in Senior Civil Service posts and seek to get to the bottom of why that is the case. There is a commitment to do that in DFP's gender review of 2010. I therefore support the motion and the amendment, and I urge others to do likewise.

**Mr Speaker:** Before I call Sandra Overend to conclude on the motion, I must say that the business in the Order Paper will not be disposed of by 6.00 pm. Therefore, in accordance with Standing Order 10(3), I will allow the business to go on until 7.00 pm or until the business is completed.

I call Sandra Overend. The Member has 10 minutes.

**Mrs Overend:** Thank you very much, Mr Speaker. I am glad that I did not see discrimination against a women making a winding-up speech, which would have been the case had you asked me to make it in three minutes. I appreciate the extension of the time.

It is my pleasure to conclude on the debate on tackling gender imbalance in the Senior Civil Service. The debate has been positive, and I am pleased to hear support from all parts of the House. If gender bias could be addressed in such a short time in reality, it would be a much easier world for women, especially in the Senior



Civil Service. My colleague Michael McGimpsey and Ms Fearon outlined the disappointing statistics that, of 11 permanent secretaries, not one is a woman.

The issue goes beyond Northern Ireland. In GB, the number of women appointed in the past three years to permanent secretary reached only 27%, and they think there that that is a woefully low statistic. We are extremely bad in comparison even with that. As we have already said, the situation is simply not right, fair or acceptable. The Senior Civil Service should reflect the society that it serves, and we should work to build a society that does not tolerate discrimination against any group or individual on any grounds.

We are less concerned with the type of strategy or action plan that we support than we are with achieving the results that we need. Looking at the grade 3 statistics, I see that, going back to 2006, there were 12 women at grade 3. Looking at the 2014 figure, I see that it seems to have gone down to nine. Therefore, on the basis of the grade 3 figures, we are going backwards rather than forwards.

I said only last week at an event in the Long Gallery promoting gender bias in the STEM industries that, when women are involved in businesses from the bottom to the top, those businesses generally benefit. It is essential that all career sectors be the best that they can be. That means ensuring that they contain the best and the most talented. If our best women are not included, those areas of employment will not fulfil the potential that they would have if more women were involved.

Lord Davies published a review in 2011 called 'Women on Boards', and he said that real progress had been made in the intervening years, with more women than ever before in top positions. Business Secretary, Vince Cable, said that the figures showed that businesses were getting the right mix of talent around the boardroom table. Maria Miller, the Minister for Women and Equalities, has said that the workplace was designed by men for men. Women do not need special treatment; they just need a modernised workplace that gives them a level playing field. She said that supporting women to fulfil their potential should be a core business issue for the long-term sustainability of our economy. Again, such arguments and sentiments also apply in the Senior Civil Service.

**6.00 pm**

As I said, this afternoon's debate was very positive. I was surprised to hear Mr McCrea's attempt to gain the sympathy of the House with his man flu story. *[Laughter.]* He went on to talk about the merit principle and, of course, of Mrs Foster being the Minister of Enterprise, Trade and Investment. However, I would like to note that Invest Northern Ireland may have some work to do, as only one member of its board is a woman.

Ms Fearon added to the debate when she talked about the barriers for women. It was an interesting description of women being the boss rather than being bossy. That is certainly something that many of us feel.

Dominic Bradley agreed that we needed to see progress at a more rapid pace. Mr McCarthy recognised that gender imbalance is not just an issue in the Senior Civil Service. He mentioned money being wasted on women who did not go further when they had progressed through education. I sincerely hope that he does not suggest writing a clause into further and higher education course applications to stipulate that women must ensure that they will go up the career ladder if they are going to apply for the course.

In his contribution, Mr Weir recognised that there was a plan in moving forward, and he talked about the invisible barriers that needed to be overcome. I certainly agree with that. External recruitment will certainly help, and that is an issue that all Departments must consider. Mr Weir — he is not here now — had some interesting facts. He talked about the new councils and said that four of the 11 new chief executives were women. That is progress, but, certainly, we desire further progress.

Ms McGahan, Mrs Kelly and Raymond McCartney talked about the call for strategy targets and measured outcomes. Indeed, we agree with that.

I appreciate the Minister's comments, in which he recognised that we have a problem. He said that progress was made slowly but surely. That is key to the debate this afternoon: progress is certainly slow. We challenge the Minister to aim higher and to make faster progress.

I am sure that Members will expect me to remind them of the recent announcement by the Regional Development Minister, my colleague Danny Kennedy.

**Mr Kennedy:** Hear, hear.

**Mrs Overend:** There he is. He announced that his Department would take measures to improve the diversity of its boards and associated bodies, including making all reappointments subject to public competition. After reviewing the Department's record on diversity in light of the recommendations in the report, 'Under-representation and Lack of Diversity in Public Appointments in Northern Ireland', the Regional Development Minister said that he wanted to encourage more women, younger people, ethnic minorities and people with disabilities to apply for appointments to boards under his Department. That is very welcome and a good example of what could be done across all Departments.

The evidence speaks for itself. There is no defence of the figures. More needs to be done. This is under our control, and we should do more. The review took place back in 2010, but, still, there are no female permanent secretaries. I would like to see at least one female permanent secretary within the next five years. This is a challenge for all the Departments, and I hope that the Finance Minister has heard the mood of the House this afternoon and will do more to draw up a plan with targeted actions and better outcomes. I hope that he does that now, rather than us having to wait until there is a female Finance and Personnel Minister.

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

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly notes the current gender imbalance across senior posts in the Northern Ireland Civil Service; accepts that, in the interests of equality and the utilisation of the skills, knowledge and talent of all civil servants, gender should not be an impediment to the recruitment, promotion and retention of personnel at senior grades; recognises the plan contained in the Department of Finance and Personnel's 2010 review of gender to deliver a more balanced gender make-up of grade 3, grade 5 and permanent secretary posts; and calls on the Minister of Finance and Personnel to identify the reasons for the current imbalance and to outline the progress to date against the plan.*

*Adjourned at 6.04 pm.*

## WRITTEN MINISTERIAL STATEMENT

*The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.*

### Health, Social Services and Public Safety

#### PHARMACY IN THE COMMUNITY

*Published at 11.00 am on Wednesday 26 March 2014*

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I wish to make a Written Statement to the Assembly to advise Members of the publication of the strategy for the provision of pharmaceutical services in the community.

The renewed strategic focus is a tangible expression of my commitment to the future of role of pharmacy in the community as a vital and fundamental part of a patient centred, locally based care system. This aligns with wider transformational change in the Health Service.

The key themes of the strategy are pharmacy helping people to:

- Gain better outcomes from Medicines;
- Live longer healthier lives;
- Safely avail of care closer to home;
- Benefit from advances in treatment and technology.

In developing these themes, existing policies and strategies which particularly bear on the planning and delivery of pharmacy services in the community have been taken into account. These include: the Quality 2020 Strategy; the Long Term Conditions Policy Framework; the new Strategic Framework for Public Health; and the ongoing programme of transformational change across the HSC.

The strategy focuses on a number of key areas for the future provision of pharmacy services in the community which will involve pharmacists working in both primary care and community pharmacy settings:

- A refreshed professional focus for pharmacists working in the community on the

safe and effective use of medicines demonstrated by the routine provision of information and advice to people when medicines are supplied and access to additional services to support improved adherence;

- A recognised role for community pharmacies as accessible public health resources commissioned to provide information, advice and services aligned to and directly contributing to the key objectives of the wider public health agenda;

- A clear and defined role for pharmacy led intervention within integrated care teams providing care and support for people closer to home by promoting self care and wellbeing through the safe and effective use of medicines and healthy lifestyles;

- Increased awareness from the public, healthcare professionals and commissioners of the information, advice and services available at community pharmacies and provided by pharmacists in other community settings;

- A recognised role for pharmacists in supporting key transformational change in the HSC by supplying services within the hub and spoke model;

- Wider use of IT to integrate community pharmacy into the wider HSC including appropriate access to the Electronic Care Record;

- The development of Patient Service Obligations on manufacturers and wholesalers to maintain a robust medicines supply to Northern Ireland; and

- Increased post graduate clinical training for community pharmacists and the development of a research-ready network of pharmacies.

The strategy will be published together with a press release on 26th March 2014 and can be accessed at DHSSPS website

## WRITTEN MINISTERIAL STATEMENT

*The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.*

### Health, Social Services and Public Safety

#### NORTHERN HEALTH AND SOCIAL CARE TRUST: IMPLEMENTATION OF IMPROVEMENT PROGRAMME

*Published at 11.30 am on Friday 28 March 2014*

**Mr Poots (The Minister of Health, Social Services and Public Safety):** The purpose of this Statement is to inform the Assembly of progress on the implementation of the Improvement Programme at the Northern Health and Social Care Trust; emerging issues as a result of that work; and the next steps in taking this work forward.

This is an important matter and it is worth recapping on the background. Members will recall that I previously made two Statements to the Assembly regarding the work of the Turnaround and Support Team at the Northern Trust. In a written Statement to the Assembly on 10 December 2012, I announced the appointment of a Turnaround and Support Team to the Trust in light of concerns about sustained poor performance in relation to waiting times in the Trust's emergency departments, and a request from the then Chief Executive of the Trust for further support in addressing these issues. The overall remit of the Turnaround and Support team was to work alongside the support already being provided by the Health and Social Care Board and the Public Health Agency, to provide an assessment of the changes required to improve performance and to support the management of the Trust in the delivery of services.

Under its Terms of Reference, the team was asked to take forward the work in two phases with Phase 1 focusing on the analysis of the challenges facing the Trust and its ability to deliver on services commissioned; and Phase 2 focusing on turnaround and support in light of the findings of Phase 1.

In light of the findings of the Turnaround and Support Team in Phase 1, I announced the appointment of two Senior Directors on a temporary secondment to the Trust in May 2013. Mary Hinds was appointed as senior

Director of Turnaround to lead the improvement Programme at Antrim and Causeway hospitals and the related community services and Paul Cummings was appointed as Senior Director of Corporate Management to oversee the remaining service Directorates and the corporate management functions. These appointments were made as part of a programme of intensive support to the Trust to ensure the necessary turnaround was achieved.

I made a further Statement to the Assembly on 11 June 2013, following receipt of the Team's Report containing the detailed findings of Phase 1 of that work. The report identified a wide range of issues that needed to be addressed in order to deliver improvement at the Trust and made five distinct recommendations. These were to:

- (i) enhance the leadership capacity at the Trust and empower clinicians to lead change;
- (ii) ensure support to deliver an Improvement Plan in three phases;
- (iii) gain assurance that Governance and Quality systems are robust;
- (iv) gain assurance that mortality data is robust; and
- (v) put in place a performance framework that would ensure delivery of the Improvement Plan and would contain clear consequences for non-delivery, alongside incentives for delivery.

Overall, however, the analysis identified that the Northern Health and Social Care Trust was in a poor position and required intensive support to improve. But the important conclusion was that the Trust could be turned around.

With the continued support of the external Turnaround and Support Team, the Trust, led by these two Senior Directors, began the process of implementation of Phase 1 of the Improvement Plan, covering operational delivery of services at Antrim Hospital; operational delivery of services at Causeway Hospital; and maximising Primary and Community Care and Older People's Services.

Progress with the delivery of the implementation plan has been monitored on an ongoing basis under the aegis of an Improvement Oversight Programme Board chaired by the Permanent Secretary of my Department and I note the progress to date that

has been made, though many challenges remain.

Operational plans for both Antrim and Causeway hospitals which identified new ways of working to improve performance, particularly in unscheduled care were completed in June 2013. Particular concerns had included overcrowding at Antrim Hospital, poor patient flow, poor patient experience and poor staff experience. On foot of reviewed operational plans, work has focussed on: management of demand and capacity; new admission pathways; direct access by GPs; new escalation procedures; introduction of some 7 days services; use of electronic real time reporting on patients in emergency departments; and use of electronic whiteboards to track patient movements.

As I said in my Statement on 11 June last year, I recognise that turnaround will not happen overnight. Change takes time and must be carefully planned and implemented. I am very grateful for the way in which the whole organisation, and especially the clinical staff, who previously had not been sufficiently supported and engaged, have responded to the challenges and opportunities and have begun a path of progress to make the Trust a real success. There has been some very clear evidence of improvement at the Trust – for example latest available figures indicate that in January 2014 the number of 12 hour breaches of the Emergency Department waiting time target had reduced by almost 73% when compared to the same time last year i.e. from 353 in January 2013 to 96 in January 2014. I know that no-one is under any illusion that there is still very much to be done and that work is continuing to address the issues highlighted in the report and take forward the implementation of the Improvement Plan in a sustainable way.

The turnaround process has now entered the second phase of implementation, with a concentrated focus on driving forward improvement. That work has included ensuring a culture of openness and transparency and sharing of information to foster effective learning not just within the Trust but more widely across the entire HSC system, and this is being secured through new and improving relationships within the Trust and with key stakeholders such as the GPs in the Northern Area. In its report to me last June the Turnaround team had questioned the culture of reporting in the Trust. The team also questioned how learning from incident reporting was shared. It noted that although the quality

and frequency of reporting had improved, more work needed to be done to address variable performance across the Trust in terms of learning from adverse incidents in order to ensure and improve patient safety. This is an important issue and one which is crucial to enable shared learning.

The issue of reporting can be difficult to address, as it is a feature of organisational culture which can only be improved by sustained encouragement and reinforcement of the fact that an open learning culture is essential to securing the best interests of patients, as, if mistakes are hidden they can be repeated but if they are disclosed without fear of unfair blame, lessons can be learned and shared. This ethos is absolutely vital in any sector where safety is an issue. It is worth noting that the level of reporting of Serious Adverse Incidents by the Northern Trust has increased significantly in the last year. Figures indicate that 131 SAIs were reported by the Northern Trust in 2013 compared to 63 SAIs reported in 2012 – an increase of more than 100% in cases reported – though as explained below, some of these incidents related to earlier years. This is a welcome change towards a more open and transparent culture within the Trust which facilitates the opportunity for learning and improving delivery of services across all of health and social care for the benefit of all of the patients and clients who rely on those services. I believe it reflects the positive commitment with which the clinical and care staff at the Northern Trust have responded in respect of the challenges of the Turnaround process.

A further significant component of the second phase of implementation, and the focus on driving improvements, has involved the Trust reviewing the operation and quality of services. This has involved the Trust looking at a range of evidence including examining and building on existing good practice within the Trust and has also involved looking back at previous incidents in order to inform the improvements which can be made.

In the course of this work the Trust has identified a number of cases where it believes that the quality of care it provided, and/or its previous response to cases where things went wrong, fell below the standard that I, the Trust itself, and most importantly, the population served by the Northern Trust, would and should expect. Earlier this week the Trust provided my department with a summary of a number of cases which it has looked at covering the period from 2008 to 2013. A small number of these

cases had already been notified to the Department previously. I was briefed on Tuesday about these cases and felt it important to share, as far as is possible, the details of these cases and the actions that have been taken or are ongoing with the Assembly.

In a number of instances these cases highlight shortcomings in the reporting, investigation and learning from serious adverse incidents which date back a number of years. These shortcomings were reflected within the Turnaround team's report published last June. This latest information from the Trust has brought some key issues to light and it is important to me that these are explained publicly in a clear and appropriate context.

I want to assure the Assembly that, in light of these findings, the Trust has now taken prompt and appropriate action such as initiating fuller investigations and making sure all affected patients and families are given the appropriate information and support. I have asked the Trust to confirm to my Department as soon as possible that all such action has been completed to ensure that these individual cases have all been reported appropriately, properly investigated and that learning from those instances is effected within the Trust and more widely within the HSC as necessary.

Members will appreciate that it would not be appropriate for me to give details of individual cases but equally it is important that I share with you, in the spirit of openness and transparency, the substance of those findings and the actions that have been or will be taken on foot of those findings.

The Trust has identified 20 separate incidents in which the response by the Trust was below standard. These instances were across a number of areas within the Trust including: in obstetrics and gynaecology; imaging; and the Trust's emergency departments. These incidents involved deaths in 11 cases of which 5 were perinatal deaths.

I would stress that it is not clear that these were avoidable deaths but it is clear that the Trusts response should have been better.

In 8 of these incidents there were delays in them being reported as SAls - the majority of these were identified as a result of the Trust reviewing complaints and clinical negligence claims against the Trust. The investigation of some of these cases are still on-going.

I understand that the imaging follow up cases that have been identified in this process related to incidents where there may have been a failure to follow up on x-ray reports and that in some instances these were not classified as SAls, thus missing an opportunity for learning and avoiding future occurrences. Those that were raised as SAls had resulted in a learning letter issued across the HSC in November 2012. However in light of the information in relation to all of these cases the Trust has completed a review of some 35,000 x-ray reports at Causeway Hospital covering all of 2011 and 2012. Of these, 9 cases were identified which require further investigation which is continuing. As a further and additional precautionary measure the Trust extended the review to cover the remaining sites across the Trust in January this year to determine whether there has been appropriate follow up in chest x-rays taken in 2013 where this was recommended. This involves checking whether the x-ray report contained a recommendation for further follow up and whether this was appropriately dealt with by the referring clinician. So far more than 19,000 reports have been reviewed and a further 28,000 are in the process of being reviewed. Of those reviewed to date 2 cases have been identified which will require further investigation. This review is ongoing. The Trust has assured my Department that there is no concern as to the accuracy of any x-ray reporting and I would again emphasise that this review is precautionary and patients who have had an x-ray in the Northern Trust should be aware that it has only been necessary to investigate further in a tiny number of cases. I would not wish patients to be unduly alarmed and if anyone has any concern, the Trust has a helpline in place to answer any questions.

In relation to obstetrics and gynaecology, we know that the majority of patients receive a very high quality and safe level of service, however, the incidents identified raised concerns about aspects of governance including the management of incidents. Informed by these concerns and as part of an overarching review of Trust governance arrangements the Trust has carried out a review of Obstetrics and Gynaecology Governance. Among other things the review was aimed at assessing the culture within Obstetrics and Gynaecology with respect to learning from Serious Adverse Incidents (SAI's), Incident Report Forms (IRF) and litigation cases: assessing how such learning is shared; establishing if there are areas of practice that may cause concern; and to make recommendations for improvement where concern has been raised. The Trust is currently

developing an action plan to implement agreed recommendations emanating from this review.

While the identification of an incident as an SAI does not in itself have any impact on the outcome for the individual patient at the time the incident occurs it is, as I have already highlighted, crucial that it results in a prompt and timely investigation so that any learning can be shared to ensure processes and procedures or other corrective action can be applied.

In continuing the drive for higher quality services we need to learn from past experience and share that learning across the system for the benefit of patients and of the staff who serve those patients on a daily basis. In my Statement to the Assembly on 11 June I was clear that learning from the turnaround work at the Northern Trust would be shared across Northern Ireland.

I want to consider the findings of the Northern Trust team in more detail, in terms of the issues they highlight, the implications, the challenges and how these can and should be addressed across the system.

More generally I want to consider the broader issues of the quality of care, openness, transparency, learning, and how the HSC responds when things do go wrong.

There are many factors that impact on the safety of care:

- Organisational leadership;
- Systems, policies & processes;
- The work environment, team communication, task complexity;
- Patient characteristics; and
- Staff knowledge, skills and motivation.

Given the multiplicity of factors, most unintended harm and unnecessary deaths are due to a combination of circumstances within a system rather than the failings of an individual. The vast majority of patients experience care that is of a very high quality. In Northern Ireland:

- Each year there are in excess of 15 million key interactions between HSC staff and healthcare patients and social care clients (patients and clients) in the form of

appointments, admissions and other interventions.

- There are over 78,000 people employed in commissioning and delivering the full range of health and social care services to Northern Ireland's population of 1.8 million.
- Attendances at hospitals each year include over 1.5 million outpatient attendances, over 700,000 treatments at Accident and Emergency departments and around 500,000 inpatient or day case admissions.
- In addition to those who receive services at a hospital, approximately 105,000 patients/clients receive a range of health and social care provision on a typical day.
- Almost 6,000 complaints per annum are raised against Trusts by those who have accessed HSC services.

We have an SAI process in place which is a key driver to openness and learning. The fact is that in such a highly complex and stressful environment, no matter how committed or dedicated staff are, things on occasions, can and will go wrong for many varied reasons. While this only applies in a tiny proportion of cases, to deliver a high quality health and social care service, it is vital that learning is achieved from all such events and applied consistently so as to minimise, and to prevent in as far as possible the risk of reoccurrence. There can never be room for complacency. Safety will always be the component of quality that needs to be guarded and continually improved and consistent and timely reporting is fundamental to that. The price of quality is eternally vigilance.

No-one wants things to go wrong in our health and social care services, but when something does go wrong we need to know about it and act upon it to ensure that as far as possible it does not happen again. In that respect I want to acknowledge the fact that the Northern Trust team has brought this information to my attention and has acted immediately and correctly to address the issues in these cases as they were identified. I believe that what we are seeing is the outworking of the Turnaround in the Northern Trust and that the necessary transformation of organisational values and behaviour is well underway within the Trust. We are now seeing a culture of openness, transparency and sharing of information to foster effective learning being embedded within the organisation.

Changing the culture of an organisation requires resolute commitment and determination from the Trust Board to the Ward. I wish to acknowledge all the staff and managers in the Trust for their commitment in bringing about that change. That work is not yet finished, phase two of the Improvement Programme is well underway and it is essential that the positive developments at the Trust are built upon and sustained into the future. It needs to be embedded into everyday practice at the Trust. As the Trust continues with the programme of improvement stable and effective leadership will be critical and for that reason I welcome the fact that the Trust has moved this week to seek to fill the Chief Executive post on a permanent basis through open competition.

services they deliver to their patients and clients.

Mary Hinds, Senior Executive of Turnaround at the Trust will end her period of secondment to the Trust at the end of this week. I want to extend my sincere thanks to Mary for the work that she has done and the strong leadership she has demonstrated, together with Paul Cummings, in taking the turnaround process to this stage.

I have decided in light of these findings and having previously informed Members of poor practice in procurement in the Trust together with other issues that have been the subject of consideration, concern and debate for the Assembly; that I will commission further work to examine the HSC in its entirety in respect of its:

1. Openness and Transparency;
2. Appetite for enquiry and Learning; and
3. Approach to redress & making amends.

I will update the Assembly when I have finalised details of this work.

My overriding objective for the entire health and social care system is to protect and improve the quality of services we deliver. The Health and Social Care service must be safe, effective and totally focussed on the patients and clients it serves. They are at the heart of everything we do. That is what the public expects and that is what I require.

I want to conclude this statement by expressing my appreciation to the nurses and doctors, all of the front line staff at the Trust, and to the management team who carry corporate responsibility for the governance of the Trust's services, for their professionalism and dedication and unrelenting commitment in the







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

and available from:

Online  
[www.tsoshop.co.uk](http://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](mailto: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 2014

ISBN 978-0-339-50693-0



9 780339 506930