



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
WEDNESDAY 13 February 2013
Senate Chamber

Present:

Mervyn Storey MLA (Chairperson)
Danny Kinahan MLA (Deputy Chairperson)
Michaela Boyle MLA
Jonathan Craig MLA
Jo-Anne Dobson MLA
Chris Hazzard MLA
Trevor Lunn MLA
Michelle McIlveen MLA
Sean Rogers MLA
Pat Sheehan MLA

In Attendance:

Peter McCallion (Assembly Clerk)
Sheila Mawhinney (Assistant Assembly Clerk)
Paula Best (Clerical Supervisor)
Sharon McGurk (Clerical Supervisor)
Sharon Young (Clerical Officer)
Ursula Savage (Bursary Student)
Jonathan McMillen – Assembly Legal Services (Item 2 only)
Simon Kelly - Assembly Legal Services (Item 2 only)
Caroline Perry – Assembly Research Officer (Item 8 only)

Apologies:

Brenda Hale MLA

The meeting commenced in private session at 9.36am.

1. Briefing from Assembly Legal Services

Assembly Legal Services joined the meeting at 9.37am.

Representatives of Assembly Legal Services briefed the Committee on the Department's duties in current legislation in respect of Irish Medium Education and how this is to change under the Education Bill as drafted.

Pat Sheehan left the meeting at 9.46 am.

Assembly Legal Services also provided clarification on the concept of agency as set out in evidence from the Governing Bodies Association in respect of the Education and Skills Authority and Boards of Governors.

Jo-Anne Dobson joined the meeting at 9.53 am.

Michelle McIlveen joined the meeting at 9.58 am.

The briefing was followed by a question and answer session.

Assembly Legal Services left the meeting at 10.22 am

2. Apologies

Apologies are detailed above.

3. Chairperson's Business

- 3.1.** The Chairperson referred Members to recent press coverage on possible primary school expansions and to the timetable for the School Enhancement Programme provided by the Minister in a response to written Assembly questions.

Agreed: The Committee agreed to write to the Department to request a briefing on: the uptake of the School Enhancement Programme; the selection process to be used, and on how the Programme will support the Area Planning process.

- 3.2.** The Chairperson drew Members' attention to the oral statement from the Minister for Employment and Learning on 12 February 2013 regarding changes to Education Maintenance Allowance (EMA). The Chairperson noted that the Committee had not been given the opportunity to consider the responses to the consultation on EMA and therefore had effectively not been permitted to make its own submission on this important issue.

Agreed: The Committee agreed to write to the Department of Education to seek: feedback on the consultation; the rationale behind the decision that was taken in respect of the new EMA payments; and the reason why the Committee was not offered an opportunity to contribute to the process.

- 3.3.** The Chairperson noted a recent statement in the Assembly in respect of the provision of apprenticeships and youth training - aspects of which fall within the remit of both the Departments of Education and Employment and Learning.

Agreed: The Committee agreed that, in the absence of a 14-19 Education Policy, it would write to the Department to seek its response and contribution to the review of apprenticeships and youth training.

Agreed: The Committee also agreed that the Clerk should draw up a paper highlighting DE / DEL cross-cutting issues that might be the subject of joint consideration by the Employment and Learning and Education Committees.

- 3.4.** The Chairperson referred to a number of budget issues including the payment of EMA bonuses and the Department's Savings Delivery Plans.

Agreed: The Committee agreed to write to the Department to reiterate its previous request for an urgent oral briefing on the Savings Delivery Plan and for oral briefings on the capital expenditure programme and other budget issues.

4. Draft Minutes of 6 February 2013

Agreed: The draft minutes of the meeting held on 6 February 2013 were agreed by the Committee.

5. Matters Arising

There were a number of matters arising from last week's meeting.

- 5.1.** The Committee noted correspondence from the Committee for Culture, Arts and Leisure enclosing a response from the Department of Culture, Arts and Leisure in relation to the Education Bill.
- 5.2.** The Committee noted correspondence from the Minister for Education to integrated schools regarding the Education Bill.
- 5.3.** The Committee noted a response from the Department on the impact of the Education Bill on Youth Services and on the Department's obligations in respect of religious education.

Agreed: The Committee agreed to forward the correspondence relating to Youth Services to the Northern Ireland Youth Forum for information.

6. Correspondence

- 6.1.** The Committee noted correspondence from the Department of Education regarding procurement arrangements following the establishment of ESA.
- 6.2.** The Committee noted a response from the Department of Education regarding class sizes P5-7.

Agreed: The Committee agreed to write to the Department to express its concern in respect of large class sizes in p5-7 and seeking clarification as to whether the Education and Training Inspectorate has confirmed through inspection that larger class sizes do not have an adverse impact on educational progress and attainment.

- 6.3.** The Committee noted a response from the Minister for Health, Social Services and Public Safety regarding post-19 SEN provision.

Agreed: The Committee agreed to write to the Department of Education; the Department of Employment and Learning and the Department for Social

Development for information on the interaction between these departments and the Children and Young People's Strategic Partnership.

- 6.4. The Committee noted correspondence from the Committee for OFMDFM regarding EU Priorities 2013-14 and from the NI Assembly European Project Manager regarding future EU funding 2014-2020.

Agreed: The Committee agreed to write to the Department asking for information on its plans to seek EU funding for education programmes.

- 6.5. The Committee noted a response from the Department of Education regarding temporary school closures.

Agreed: The Committee agreed to write to the Department seeking a progress update on the provision of access to the My School portal and the SMS service for parents.

- 6.6. The Committee noted correspondence from the Department of Education regarding the review of the Common Funding Scheme and issues in relation to the Common Funding Scheme and Kilbride Primary School.

- 6.7. The Committee noted a response from the Department of Education regarding the Area Planning timetable.

Agreed: The Committee agreed to write to the Department to request further information on the 'Needs Model' used in Area Planning and to request that this written information is provided as part of an oral briefing on post-primary and primary Area Plans.

- 6.8. The Committee noted correspondence from the Rural Community Network regarding Area Planning.

Agreed: The Committee agreed to write to the Rural Community Network to request a copy of its map of vulnerable rural schools, and to invite it to the Committee's informal briefing event on the Common Funding Scheme.

Agreed: The Committee further agreed to write to the Education and Library Boards and the CCMS to ascertain: the level of expertise available to 'rural-proof' Area Plans; the methodology used to take into account rural issues; and why the definition of 'rural' that was employed was not based on the Report of the Inter-Departmental Urban-Rural Definition Group.

- 6.9. The Committee noted correspondence regarding Blue Badge users.

- 6.10. The Committee noted correspondence from Angel Eyes Charity seeking an update on Departmental actions following an ETI report on school children with visual impairment.

Agreed: The Committee agreed to forward this correspondence to the Department for a response.

- 6.11. The Committee noted an invitation from NICIE and the Sharing Education Programme to a lecture entitled 'Thick or Thin Integration – Deep or Shallow Peace?' 6 March 2013, at Queen's University Belfast.

6.12. The Committee noted correspondence from Amazing Brains NI.

Agreed: The Committee agreed to defer consideration of this correspondence.

Michaela Boyle left the meeting at 10.52 am.

6.13. The Committee noted a response from the Department of Education regarding capital projects.

Agreed: The Committee agreed to write to the Department to request an oral briefing on the school building capital programme.

6.14. Agreed: The Committee agreed to write to the Department seeking an update on the Computer-based Assessments - NINAs and NILAs.

Michaela Boyle rejoined the meeting at 10.55 am.

The Committee also noted a number of Department of Education News Releases which were previously emailed to Members.

7. Education Bill: Informal Clause-by-Clause Scrutiny

Departmental officials joined the meeting at 10.57am.

Mr Chris Stewart, Director of the Equality and All-Ireland Directorate, and Peter Burns, Central Support and Co-ordination Branch, were in attendance to provide further information on the Education Bill as required.

The Committee continued its informal Clause by Clause scrutiny of the Education Bill.

Clause 2

Agreed: The Committee agreed to park consideration of Clause 2 (Functions and general duty of ESA) pending receipt of legal advice on Clause 2(3).

Clauses 3-9

Agreed: The Committee agreed that pending a response from the Minister and/or OFMDFM on ESA's role as sole employer of all school staff and the Heads of Agreement, the Committee would park consideration of:

Clause 3 ESA to employ all staff of grant-aided schools

Jonathan Craig left the meeting at 11.02 am.

Clause 4 Employment schemes for grant-aided schools

Clause 5 Preparation and approval of employment schemes

Clause 6 Reserve power of ESA to make employment scheme

Clause 7 Revision of employment scheme

Clause 8 Procedure where ESA does not approve a submitted scheme

Clause 9 Effect of employment scheme

Agreed: The Committee also agreed that if a response on the employment and Heads of Agreement issues was not forthcoming within 10 working days, it would consider seeking a further extension to the Committee Stage of the Education Bill.

Clauses 10 to 12

Agreed: The Committee agreed that it was content to informally scrutinise the following clauses of the Education Bill:

Clause 10 Transfer to ESA of staff employed by Boards of Governors

Clause 11 ESA to employ peripatetic teachers

Clause 12 Salaries etc. of staff: administrative and financial arrangements

Clause 13

Agreed: The Committee agreed that pending a response from the Department on its work to update the Education (Modification of Statutory Provisions Relating to Employment) Order (NI) 1991, it would park its consideration of:

Clause 13 Modification of employment law

Danny Kinahan left the meeting at 11.30 am.

Clauses 14 to 32

Agreed: The Committee agreed that it was content to informally scrutinise the following clauses of the Education Bill:

Clause 14 ESA to provide or secure the provision of training and advisory support and services for schools

Clause 15 ESA to provide library services to grant-aided schools and other educational establishments

Clause 16 ESA to secure provision of educational and youth services and facilities

Clause 17 ESA to pay capital grants to voluntary and grant-maintained integrated schools

Clause 18 Establishment of controlled schools

Clause 19 Responsibilities of ESA in relation to controlled schools

Clause 20 ESA to contract for certain works

Clause 21 ESA to pay superannuation benefits of teachers

Clause 22 Ancillary powers of ESA

Clause 23 Power of ESA to undertake commercial activities

Clause 24 Area Education Plans

Pat Sheehan rejoined the meeting at 12.02 pm.

Clause 25 Preparation and revision of plans

Clause 26 Revocation of plans

Clause 27 Publicity and consultation

Clause 28 Involvement of relevant interests

Clause 29 Guidance

Clause 30 Regulations

Clause 31 Dissolution of certain statutory bodies

Clause 32 Transfer of assets, liabilities and staff

Agreed: The Committee agreed to continue its informal clause by clause scrutiny in private session on Tuesday 19 February at 9.30 am.

*Departmental officials left the meeting at 12.24 pm.
The meeting moved into public session at 12.24 pm.*

8. Briefing from Assembly Research and Information Services (RalSe) on Rural Schools

Assembly Research joined the meeting at 12.25 pm.

A representative of Assembly Research and Library Services briefed the Committee on issues affecting rural schools, the implications of rural school closures and approaches in other jurisdictions.

Chris Hazzard left the meeting at 12.28 pm.

Agreed: The Committee agreed to write to the Department regarding the proportion of its ICT expenditure which relates to rural rather than urban schools; and on how the Report of the Inter-Departmental Urban-Rural Definition Group has impacted on Area Planning.

Agreed: The Committee also agreed to request further information from RalSe on stress factors in schools with less than 75 pupils and less than 50 pupils.

The official left the meeting at 12.40 pm.

9. Forward Work Programme

The Committee considered its draft Forward Work programme which included a number of additional meetings on Tuesday mornings to facilitate its on-going scrutiny of the Education Bill.

Agreed: The Committee agreed its forward work programme.

The Committee considered the arrangements for an informal briefing session for stakeholders on the Common Funding Scheme to be held on 12 March 2013.

Agreed: The Committee agreed the timing, invitation list (with the addition of the Northern Ireland Youth Forum) and the format for the event.

The Committee also noted that the Effective Questioning Workshop, scheduled for 5 March 2013, had been cancelled.

Agreed: The Committee agreed to reschedule the Workshop at a later date as a joint event with the Committee for Agriculture and Rural Development if possible.

10. Any Other Business

Agreed: The Committee agreed that the Clerk should follow-up with the Department on information requested on the impact of the Education Bill on the powers of the Education and Training Inspectorate.

11. Date, Time and Place of Next Meeting

The next meeting will be held on Tuesday 19 February 2013 at 9.30am in Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 12.47 pm.

Mervyn Storey
Chairperson, Committee for Education
20 February 2013