



Northern Ireland  
Assembly  
Committee for Education  
MINUTES OF PROCEEDINGS  
TUESDAY 19 February 2013 and WEDNESDAY 20 February 2013  
ROOM 30 and the SENATE CHAMBER

**Present:**

Mervyn Storey MLA (Chairperson)  
Danny Kinahan MLA (Deputy Chairperson)  
Michaela Boyle MLA  
Jonathan Craig MLA  
Jo-Anne Dobson MLA  
Brenda Hale 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)  
Sharon McGurk (Clerical Supervisor)  
Sharon Young (Clerical Officer)  
Ursula Savage (Bursary Student)  
Jonathan McMillen – Assembly Legal Services (Item 1 only)  
Caroline Perry – Assembly Research Officer (Item 8 only)

**Apologies:**

None

*The meeting commenced in private session at 9.35 am.*

**1. Briefing from Assembly Legal Services**

*Assembly Legal Services joined the meeting at 9.36 am.  
Pat Sheehan joined the meeting at 9.37 am.*

A representative of Assembly Legal Services briefed the Committee on the duties of ESA, as provided by Clause 2(3) of the Education Bill, to treat schools on the same basis whether or not their premises are vested in ESA.

The briefing was followed by a question and answer session.

**Agreed:** The Committee agreed to request further legal advice on Clauses 2(3) and 24-30 which deal with Area Planning.

*Assembly Legal Services left the meeting at 9.59 am.*

## **2. Apologies**

There were no apologies.

*Jo-Anne Dobson, Chris Hazzard and Brenda Hale left the meeting at 10.00 am.*

## **3. Matters Arising**

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

**3.1** The Committee noted correspondence from the Minister relating to the provision of evidence requested by the Committee in the course of its scrutiny of the Education Bill.

**3.2** The Committee noted a response from the Department outlining its legal obligations to the promotion of Irish Medium Education.

**3.3** The Committee noted correspondence from the Department in response to a range of queries raised by the Committee in relation to the provisions of the Education Bill.

**3.4** The Committee considered correspondence issued by the Department to education stakeholders and school employers seeking feedback on draft model schemes of employment and management.

**Agreed:** The Committee agreed to request a briefing from the Department on the draft model schemes.

**3.5** The Committee noted correspondence from INTO, forwarded by the Committee for Employment and Learning, on issues relating to the impact of the Education Bill on employment law.

*Chris Hazzard rejoined the meeting at 10.03 am.*

## **4. Education Bill: Informal Clause-by-Clause Scrutiny**

*Departmental officials joined the meeting at 10.05 am*

*Michaela Boyle joined the meeting at 10.05 am.*

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.

### Clauses 33-37: Schemes of management for grant-aided schools

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

Clause 33: Schemes of Management  
Clause 34: Preparation and approval of schemes of management  
Clause 35: Reserve power of ESA to make schemes of management  
Clause 36: Revision of schemes of management  
Clause 37: Procedure where ESA does not approve a submitted scheme

**Agreed:** The Committee also agreed to write to the Department requesting a commentary which clearly distinguishes technical amendments and provisions which are a restatement of the existing Education Orders from policy changes in the Education Bill.

#### Clauses 38 to 43: Boards of Governors of grant-aided schools

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

Clause 38: Duties of Boards of Governors in relation to achievement of high standards of educational attainment  
Clause 39: Appointment by ESA of governors for controlled, maintained, grant-maintained integrated and certain voluntary grammar schools  
Clause 40: Part-time teachers to be eligible for election as governors  
Clause 41: Management of controlled schools

*Jo- Anne Dobson rejoined the meeting at 10.40 am.*

Clause 42: Management of maintained nursery schools  
Clause 43: Controlled schools: definition

*Brenda Hale rejoined the meeting at 10.42 am.*

#### Clauses 44 to 48: Inspections

*Jonathan Craig joined the meeting at 10.46 am.*

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

Clause 44: Inspections on behalf of the Department  
Clause 45: Powers of inspectors  
Clause 46: Reports and action plans  
Clause 47: Inspections on behalf of DEL  
Clause 48: Assessors and lay persons

**Agreed:** The Committee agreed to seek clarification from the Department as to how the Education and Training Inspectorate is to monitor and assess the governance and management arrangements of schools

**Agreed:** The Committee agreed to write to the Department to request details of the arrangements currently in place for the appointment and assignment of lay persons who accompany inspectors and assist in inspections of schools.

**Agreed:** The Committee agreed to advise the Committee for Employment and Learning that it is understood that the Minister for Employment and Learning proposes to bring a number of amendments to the Executive regarding the role of the Education and Training Inspectorate in relation to private providers of further educational services.

*Pat Sheehan left the meeting at 11.05 am.*

Clauses 49 to 54: Functions of the Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA)

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

Clause 49: Interpretation of this Part

Clause 50: Functions of the Council in relation to the designated examinations and the statutory assessments

Clause 51: Functions of the Council in relation to the accreditation of the designated qualifications

Clause 52: Other powers of the Council

Clause 53: Ancillary functions of the Council

Clause 54: Discharge by the Council of its functions

**Agreed:** The Committee agreed to write to CCEA to ascertain the nature and extent of its current engagement with industry, commerce and the professions, and whether this will alter following the passage of the Bill.

Clauses 55 to 59: Protection of children and young persons

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

Clause 55: Safeguarding and promoting welfare of children and young people

Clause 56: Duty on providers of funded pre-school education to safeguard and promote welfare of children

Clause 57: Duty of providers of educational and youth services to safeguard and promote welfare of children

Clause 58: Directions as to exercise of child protection duties by Board of Governors

Clause 59: Duty of co-operation concerning welfare and protection of children and young persons

*Michaela Boyle left the meeting at 11.38 am.*

Clauses 60 to 69: Miscellaneous and supplementary

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

Clause 60: General duty of the Department and DEL

Clause 61: Grants for educational and youth services, etc.

Clause 62: Tribunal to review certain decisions in relation to employment schemes and schemes of management

*Pat Sheehan rejoined the meeting at 11.43 am.*

Clause 63: Sectoral bodies

Clause 64: Supplementary, incidental, consequential, transitional provisions etc.

*Danny Kinahan left the meeting at 11.44 am.*

Clause 65: Regulations and orders  
Clause 66: Interpretation  
Clause 67: Minor and consequential amendments and repeals and revocations  
Clause 68: Commencement  
Clause 69: Short title

*The Chairperson suspended the meeting at 11.52 am.*

*The meeting resumed in private session on Wednesday 20 February 2013 at 9.31 am in the Senate Chamber. The following Members were in attendance: Mervyn Storey, Danny Kinahan, Jonathan Craig, Jo-Anne Dobson, Chris Hazzard, Trevor Lunn, Sean Rogers.*

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

*Departmental officials joined the meeting at 9.35 am*

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

#### Schedules 1 to 8

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

Schedule 1: The Education and Skills Authority

*Michelle McIlveen joined the meeting at 9.48 am.*

*Brenda Hale joined the meeting at 9.54 am.*

*Michaela Boyle joined the meeting at 9.58 am.*

**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:

Schedule 2: Provisions required in employment schemes

*Pat Sheehan joined the meeting at 10.05 am.*

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

Schedule 3: Transfer to ESA of staff employed by Boards of Governors

Schedule 4: Transfer of assets, liabilities and staff of dissolved bodies

*Pat Sheehan left the meeting at 10.31 am.*

Schedule 5: Transfer of certain assets and liabilities of CCMS before appointed day

Schedule 6: Transfer of certain staff of the Department

Schedule 7: Minor and consequential amendments

Schedule 8: Repeals

**Agreed:** The Committee agreed to write to the Department for clarification of liability insurance held by CCMS. The Committee also agreed to request a detailed list of assets and staff posts to be transferred as a consequence of the passage of the Education Bill.

#### Miscellaneous proposed amendments

The Committee considered miscellaneous comments and proposals put forward in stakeholder submissions.

**Agreed:** The Committee agreed to request Assembly Research to prepare a paper on the provisions of the Schools Bill (Scotland).

*Danny Kinahan left the meeting at 11.02 am.*

*Departmental officials left the meeting at 11.12 am.*

*The meeting moved into public session at 11.12 am.*

### **5. Chairperson's Business**

**5.1** The Chairperson advised Members that an informal briefing session with providers of school transport had been arranged at 10.00 am on 28 February 2013.

**Agreed:** The Committee agreed that it was content with these arrangements.

**5.2** The Chairperson drew Members' attention to a response from the Southern Education and Library Board on the potential for contamination of school meals with horse meat.

*Brenda Hale left the meeting at 11.15 am.*

**Agreed:** The Committee agreed to follow up on responses requested from the Minister and the other Education and Library Boards.

### **6. Draft Minutes of 13 February 2013**

**Agreed:** The draft minutes of the meeting held on 13 February 2013 were agreed by the Committee.

### **7. Further Matters Arising**

**7.1** The Committee noted tabled correspondence sent by the Minister to Round Tower and Cranmore Integrated schools, addressing issues raised regarding provisions in the Education Bill.

**7.2** The Committee considered tabled correspondence from the non-teaching unions in the education sector requesting an opportunity to brief the Committee on the Education Bill.

*Danny Kinahan rejoined the meeting at 11.20 am.*

**Agreed:** The Committee agreed to arrange an informal briefing session with the non-teaching unions.

## **8. Briefing from Assembly Research Services on International Education Studies**

*Assembly Research joined the meeting at 11.21 am.*

A representative of Assembly Research and Library Services briefed the Committee on the findings of recent international studies on benchmarking students' performance; the common attributes of high performing countries; and the limitations of such studies.

**Agreed:** The Committee agreed to follow up on arrangements for a Committee visit to the Northern Ireland Science Park.

*Jonathan Craig left the meeting at 11.29 am.*

*Brenda Hale rejoined the meeting at 11.32 am.*

**Agreed:** The Committee also agreed to write to the Department for an update on Teacher Training and Continued Professional Development for teachers.

*The official left the meeting at 11.45 am.*

**Agreed:** The Committee agreed to forward the Research paper to the Department for comment.

*Chris Hazzard left the meeting at 11.47 am.*

## **9. Correspondence**

**9.1** The Committee noted a response from CCEA confirming that it has been commissioned by the Department to provide advice on the inclusion of learners with Special Educational Needs within the Entitlement Framework.

**Agreed:** The Committee agreed to write to CCEA to request that it amends the terms of reference of its review to include Further Education colleges and accredited qualifications outside the Qualifications and Credit Framework.

**9.2** The Committee noted an invitation from the Northern Ireland Council for Integrated Education to an event to celebrate International Integrated Education Week.

**9.3** The Committee noted responses from the Department and the Belfast Education and Library Board, clarifying the position of staff with temporary contracts or with temporary promotions following the establishment of ESA.

**Agreed:** The Committee agreed to forward these responses to the original correspondent.

- 9.4 The Committee noted correspondence from a concerned parent regarding development proposals for Woodlands Speech and Language Unit.

**Agreed:** The Committee agreed to raise this issue with the Chief Executive of the Western Education and Library Board during the forthcoming informal stakeholder briefing session on 28 February 2013.

- 9.5 The Committee noted responses from the Department on the management of End of Year Flexibility for schools, and on the January 2013 Outturn and Forecast Outturn.

- 9.6 The Committee considered a response from the Department to concerns raised by the Coalition for Marriage.

**Agreed:** The Committee agreed to forward this correspondence to the Transferors' Representative Council and the Northern Ireland Council for Catholic Education for comment.

- 9.7 The Committee noted correspondence from the Department regarding the appeals process for the school starting age.

**Agreed:** The Committee agreed to write again to the Department seeking clarification on the appeals process and relevant procedures.

- 9.8 The Committee considered correspondence from the Minister to schools regarding the statutory computer-based assessments: NILA and NINA.

**Agreed:** The Committee agreed to respond to the Minister, welcoming his announcement of a review of statutory computer-based assessment and suggesting that all aspects of the review should be independent.

**Agreed:** The Committee agreed to write to the Department seeking clarification as to how the Education and Training Inspectorate assesses the use of assessment data in schools.

**Agreed:** The Committee also agreed to write out to some schools for their response to the Minister's letter on statutory computer-based assessments.

- 9.9 The Committee noted an invitation from Advice NI to the launch of its Tax Credits policy paper.

- 9.10 The Committee noted correspondence from the Department enclosing guidance from CCEA on changes to the awarding of marks at GCSE for the quality of written communication.

- 9.11 The Committee considered correspondence from the Minister outlining his decision to continue support for a number of nurture units.

**Agreed:** The Committee agreed to write to the Department for further information on nurture units which did not receive funding.



- 9.12** The Committee noted an invitation from the Committee for the Office of the First Minister and the deputy First Minister to a Mid-Term Review of the Irish EU Presidency from the Irish Minister of State for European Affairs.
- 9.13** The Committee considered responses from the Department of Education on the compliance of school transport contracts with DoE guidance, and from the Committee for the Environment on spot-checks on school buses.
- Agreed:** The Committee agreed to refer this correspondence to the relevant stakeholders attending its informal briefing session on 28 February 2013.
- 9.14** The Committee noted an invitation from the Committee for Culture, Arts and Leisure to a Replay Theatre performance for children with learning difficulties.
- 9.15** The Committee noted correspondence from the Committee for Agriculture and Rural Development relating to the Rural Community Network and the impact of school closures on rural communities.
- 9.16** The Committee noted correspondence from the Committee for Employment and Learning, enclosing a response from the Southern Regional College on the exclusion of Further Education colleges from the Area Planning process.
- 9.17** The Committee noted an invitation from the Northern Ireland Creative Learning Centres to the Chairperson to speak at its conference on the creative use of mobile devices within the Northern Ireland curriculum.
- 9.18** The Committee considered correspondence from a student at the University of Ulster concerning the closure of crèche facilities at the Jordanstown campus.
- Agreed:** Members expressed considerable concern and agreed to forward this correspondence to the Committee for Employment and Learning.
- 9.19** The Committee considered correspondence from Amazing Brains which had been deferred from a previous meeting.
- Agreed:** The Committee agreed to invite the organisation to an informal briefing session in the future.
- 9.20** The Committee noted the first edition of the NICCY electronic newsletter (e-zine).

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

## **10. Forward Work Programme**

**Agreed:** The Committee agreed to cancel its additional meeting scheduled for 26 February so as to enable the Chairperson and deputy Chairperson to meet with the Minister for Education in advance of his statement to the Assembly.

**Agreed:** The Committee agreed its revised forward work programme.

**Agreed:** The Committee also agreed to schedule a briefing from the Minister on Area Planning at a date to be arranged in March.

**11. Any Other Business**

There was no other business.

**12. Date, Time and Place of Next Meeting**

The next meeting will be held on Wednesday 27 February 2013 at 9.30am in the Senate Chamber, Parliament Buildings.

*The Chairperson adjourned the meeting at 12.11 pm.*

Mervyn Storey  
Chairperson, Committee for Education  
27 February 2013