



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
WEDNESDAY 23 SEPTEMBER 2015
SENATE CHAMBER, PARLIAMENT BUILDINGS

Present:

Peter Weir MLA (Chairperson)
Sandra Overend MLA (Deputy Chairperson)
Chris Hazzard MLA
Danny Kennedy MLA
Trevor Lunn MLA
Nelson McCausland MLA
Robin Newton MLA
Seán Rogers MLA
Pat Sheehan MLA

In Attendance:

Peter McCallion (Assembly Clerk)
Paul Stitt (Assistant Clerk)
Paula Best (Clerical Supervisor)
Kevin Marks (Clerical Officer)
Simon Kelly (Assembly Legal Services– item 1)
Eilis Haughey (Bill Office – item 1)

Apologies:

Jonathan Craig MLA

The meeting commenced in private session at 9.37am.

1. Committee Stage – Special Educational Needs and Disability (SEND) Bill – Oral Briefing by Assembly Legal Services and the Assembly Bill Office.

Assembly Legal Services joined the meeting at 9.36am.

The Committee considered advice from Assembly Legal Services in relation to the Committee Stage of the Special Educational Needs and Disability Bill.

A question and answer session followed the briefing.

Assembly Legal Services left the meeting at 9.50am.

Assembly Bill Office joined the meeting at 9.50am.

Sandra Overend joined the meeting at 9.52am.

The Committee considered procedural advice from Assembly Bill Office relating to the Committee Stage of the Special Educational Needs and Disability Bill.

Nelson McCausland left the meeting at 10.08am

Pat Sheehan left the meeting at 10.08am

Assembly Bill Office left the meeting at 10.08am.

The meeting moved into public session at 10.08am

2. Apologies

Apologies are as indicated above.

3. Chairperson's Business

3.1 Shared Education Policy

The Committee noted that the Department had published its Shared Education policy together with a copy of a draft Shared Education Bill.

3.2 Drugs and Relationship & Sexuality Education Guidance

The Committee noted that the Department had recently issued updated guidance for schools on drug policy and Relationship & Sexuality Education (RSE). The guidance requires all schools to have a drugs policy and a RSE policy.

Agreed: The Committee agreed to write to the Department for information on the level of compliance with the guidance in schools and to clarify if obligations in respect of the development of policies applies to all schools including pre-school settings.

Agreed: The Committee agreed to write to the Northern Ireland members of the Youth Parliament in order to make them aware of these important policy developments.

3.3 DE Business Plan – GCSE attainment for school leavers

The Committee noted that the Department's 2014-15 Final Outturn Business Plan report indicated that GCSE attainment for FSME school leavers in selective post-primary schools had declined by 3.8%.

Agreed: The Committee agreed to write to the Department asking for commentary on this issue at the scheduled Programme for Government / Business Plan briefing on 7 October 2015.

4. Minutes of previous meeting

Agreed: The Committee agreed the minutes of its meeting held on 16 September 2015.

5. Matters Arising

5.1 End of Session Report 2014-15

The Committee noted revised financial information in respect of its 2014-15 End of Session Report.

Agreed: The Committee agreed its 2014-15 End of Session Report, as amended.

6. Consultation on proposed changes to GCSE grading

Departmental officials joined the meeting at 10.12am.

David Hughes, Director, Curriculum, Qualifications and Standards, Department of Education; Paul Murray, Deputy Principal, Assessment and Qualifications Team, Department of Education; and Roger McCune, Qualifications and Skills Accreditation and Policy Manager, Council for the Curriculum, Examinations and Assessment briefed the Committee on the consultation on proposed changes to GCSE grading.

A question and answer session followed the briefing.

Pat Sheehan joined the meeting at 10.15am.

Nelson McCausland joined the meeting at 10.27am.

The officials left the meeting at 11.04am.

Danny Kennedy joined the meeting at 11.11am.

The Committee highlighted its concerns in respect of proposed changes to the GCSE grading system including the potential for confusion among employers and students; possible additional costs associated with change implementation and the likelihood of consequent future changes to A-Level grading.

Agreed: The Committee agreed that reform and revision to the examinations system should focus on ensuring measurable benefit for young people in Northern Ireland by providing portable qualifications which are easily understood, compared and appreciated by students, employers and Further and Higher Education providers.

Agreed: The Committee agreed to write to the Department seeking:

- information on the extent of employer engagement in respect of the consultation on proposed changes to GCSE grading structures;
- clarification as to how potential differences in GCSE grading arrangements will be explained to employers;
- an update on the ongoing development of the revised National Qualifications Framework; and
- clarification in respect of how the GCSE grade C (if retained) will be aligned with the GCSE grade 5 in order to ensure portability of Northern Ireland qualifications.

Agreed: The Committee also agreed to write to the Department of Employment and Learning to advise of the proposed change to the GCSE grading system and to request information on the likely impact on GCSE students seeking apprenticeships in England.

Agreed: The Committee further agreed to write to: the Irish Universities Association, the Central Applications Office and the Higher Education Authority in the Republic of Ireland to highlight concerns in respect of the reported limited acceptance of Northern Ireland GCE A-Level by universities in the Republic of Ireland and seeking an update as to how this problem is to be addressed.

7. SL1: The General Teaching Council for Northern Ireland (Constitution) (Amendment No.2) Regulations (Northern Ireland) 2015.

Departmental officials joined the meeting at 11.14am.

Faustina Graham, Director of Collaborative Education and Practice, Department of Education; and Sam Dempster, Teacher Education Team, Department of Education briefed the Committee on the SL1: The General Teaching Council for Northern Ireland (Constitution) (Amendment No.2) Regulations (Northern Ireland) 2015.

A question and answer session followed the briefing.

The officials left the meeting at 11.20am.

Agreed: The Committee agreed that it was content for the Department of Education to make and lay the proposed statutory rule.

Agreed: The Committee also agreed to forego an oral briefing on this issue at the next Committee meeting.

8. Committee Stage – Special Educational Needs and Disability (SEND) Bill – Informal Deliberation Phase

Departmental officials joined the meeting at 11.21am

Caroline Gillan, Director of Access, Inclusion and Well-being, Department of Education and Irene Murphy, Head of Special Education & Inclusion Review Team, Department of Education briefed the Committee during its informal deliberations on the SEND Bill.

Clause 1 Duty of Authority to have regard to the views of the child

The Committee noted Departmental clarification in respect of the impact of an explicit inclusion of a reference to the United Nations Convention on the Rights of the Child (UNCRC) in the SEND Bill.

The Committee informally agreed that it would not pursue an amendment to Clause 1 which would include an explicit reference to compliance with the UNCRC.

The Committee noted advice in respect of proposed revised wording relating to the duty to “have regard” to the views of the child in connection with SEN assessment and decision-making.

The Committee informally agreed that it would not pursue an amendment to replace “have regard” with “have due regard” in Clause 1.

The Committee noted assurances from the Department in respect of how the revised Code of Practice will guide the Education Authority and schools in considering the views of the child in connection with SEN assessment and decision-making.

The Committee informally agreed that it would not pursue amendments which were designed to: strengthen the duty on the Education Authority etc. in respect of taking into account the views of the child and make explicit reference to the consideration of the age and maturity of the child.

The Committee noted Departmental assurances in respect of improved access to SEN services in Irish Medium Education schools

The Committee informally agreed that it would not pursue an amendment relating to IME SEN provision.

Agreed: The Committee agreed to write to the Department requesting information on the number of Educational Psychologists available to schools and their proficiency in undertaking SEN assessments etc. in Irish.

Chris Hazzard left the meeting at 11.40am

Clause 2 Duty of Authority to publish plans relating to its arrangements for special educational provision

The Committee noted Departmental assurances in respect of the content of the SEN Plan; expected improved co-ordination with the delivery of Allied Health Professionals' services and improving access and capacity-building for all pre-school providers.

The Committee informally agreed that it would not pursue amendments to Clause 2 in respect of the content of the SEN Plan.

The Committee noted Departmental assurances in respect of obligations on the Education Authority to consult on the SEN plan.

The Committee informally agreed that it would not pursue amendments relating to consultation on the SEN Plan.

Peter Weir left the meeting and Sandra Overend assumed the chairpersonship at 11.46am.

The Committee noted Departmental assurances in respect of the promotion of disability rights and inclusion in the Code of Practice in particular and the SEN and Inclusion Framework generally.

The Committee informally agreed that it would not pursue amendments to Clause 2 which would introduce specific and explicit duties in respect of disability rights to the SEN Plan.

The Committee noted Departmental assurances on the provision of SEN support for pre-school settings and guidance in respect of pre-school transitions for SEN children.

The Committee informally agreed that it would not pursue amendments relating to pre-school provision and pre-school transitions in Clause 2.

Peter Weir rejoined the meeting and resumed the chairpersonship at 11.49am.

The Committee noted Departmental assurances in respect of parental involvement in the formal statementing process.

The Committee informally agreed that it would not pursue amendments relating to an obligation to allow parental involvement in the design of SEN funding packages.

Clause 3 Duties of Boards of Governors in relation to pupils with special educational needs

Agreed: The Committee agreed to write to the Department and seek its views on a proposed amendment to Clause 3(2)(b) replacing "take reasonable steps" with "take all reasonable steps" in relation to the duty on teachers etc. in respect of children with SEN.

Seán Rodgers left the meeting at 11.57am

The Committee noted Departmental assurances in relation to the ownership of Personal Learning Plans and the obligations on schools where a child transfers from one school to another.

Agreed: The Committee agreed to give further consideration to a possible amendment to Clause 3 of the SEND Bill which would require schools to transfer Personal Learning Plans with transferring pupils, subject to the agreement of the relevant parents.

The Committee noted Departmental clarification in respect of the legislative and bureaucratic impact of an amendment which would allow parents a legal right to appeal a school's SEN provision decisions at Stages 1-3.

The Committee informally agreed that it would not pursue an amendment in respect of a statutory appeal mechanism relating to Stages 1 to 3 of the SEN assessment process.

The Committee noted Departmental explanations in respect of the absence of utility of a proposed amendment which would alter the wording of Clause 3 replacing 'teach him' with 'are likely to teach him and be connected with his education' – the amendment was designed to widen responsibility for SEN pupils in schools

The Committee informally agreed that it would not pursue an amendment to alter the wording of Clause 3 as suggested.

The Committee noted Departmental assurances in respect of capacity-building among Boards of Governors and the role of Learning Support Co-ordinators.

The Committee informally agreed that it would not pursue amendments relating to Learning Support Co-ordinators.

Sandra Overend left the meeting at 12.30pm

Robin Newton left the meeting at 12.30pm

The Committee noted Departmental assurances on seeking strategic advice from Educational Psychologists and on their unchanged role in the statementing process.

The Committee informally agreed not to pursue an amendment to Clause 3 relating to Educational Psychologists.

The Committee noted Departmental assurances indicating that capacity-building and training for Boards of Governors was underway and that they would consequently be better informed in respect of SEN services

The Committee informally agreed that it would not pursue an amendment in respect of information for Boards of Governors on SEN and related services.

Sandra Overend rejoined the meeting at 12.37pm

Robin Newton rejoined the meeting at 12.37pm

The Committee noted advice on regulation-making powers in Clause 3.

The Committee informally agreed that it would pursue amendments to Clause 3(3) and 3(4) altering the Assembly procedure for regulation-making powers from negative to draft affirmative.

Departmental officials left the meeting at 12.40pm

9. Correspondence

9.1 The Committee noted an index of incoming correspondence.

9.2 The Committee noted a response from the Northern Ireland Council for Integrated Education (NICIE) to Committee queries regarding NICIE Director's Report and Financial Statement.

9.3 The Committee noted a response from the Department of Education to the Committee's request for sight of Action Plans for Comhairle na Galescolaiochta and NICIE.

Agreed: The Committee agreed to write to the Department registering its disappointment that the Action Plans had not been provided; repeating its request and highlighting the Committee's likely pursuit of action to compel Departmental compliance.

9.4 The Committee noted an invitation to the Committee to visit Duneane and Moneynicke Primary Schools.

Agreed: The Committee agreed to contact the schools to seek alternative visit timings.

9.5 The Committee noted a response from the Department of Education to Committee queries regarding the Special School Area Planning - draft report.

Agreed: The Committee agreed to write to the Department registering its disappointment that the requested change was not to be made and to repeat its request that the Report be amended.

9.6 The Committee noted response from the Department of Education to Committee queries regarding guidelines in relation to the abuse of drugs by teachers.

9.7 The Committee noted correspondence from the Department of Education regarding GCSE National Reference Tests. The Department indicated that it did

not expect schools in Northern Ireland to participate in the National Reference Tests being introduced in England.

9.8 The Committee noted an invitation to Members to attend the Colleges NI conference 'Further Education – Key driver of the NI economy' taking place on Thursday 15th October 2015 in the La Mon Hotel & Country Club and also to attend the pre-conference dinner or business breakfast event.

10. Draft Forward Work Programme

The Committee considered its draft forward work programme.

The Committee noted a tabled paper from Assembly Research summarising feedback from focus groups of school children in respect of school inspection.

Agreed: The Committee agreed to forward a copy of the paper to the Department for comment on 30 September 2015.

Agreed: The Committee agreed that Dr Ian Shuttleworth – the Committee's Special Adviser – would brief on his paper on Free School Meal Entitlement and school funding on 14 October 2015, in open session.

Agreed: The Committee agreed its Forward Work Programme.

11. Any Other Business

There was no other business.

12. Date, Time, Place of Next Meeting

The Committee will meet again on Wednesday 30 September 2015, at 09.30am in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 12.51pm.

Peter Weir
Chairperson, Committee for Education
30 September 2015