



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
WEDNESDAY 14 OCTOBER 2015
SENATE CHAMBER, PARLIAMENT BUILDINGS

Present:

Peter Weir MLA (Chairperson)
Sandra Overend MLA (Deputy Chairperson)
Jonathan Craig MLA
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)
Eilis Haughey (Bill Clerk – items 1 to 6 only)

Apologies:

Maeve McLaughlin MLA

The meeting commenced in private session at 10:01am.

1. Special Educational Needs and Disability Bill - Bill Office advice

Assembly Bill Office joined the meeting at 10:01am.

The Committee considered possible amendments to the Special Educational Needs and Disability (SEND) Bill.

*10.05am Pat Sheehan joined the meeting
10.05am Danny Kennedy joined the meeting
10.07am Sandra Overend joined the meeting
10.25am Danny Kennedy left the meeting*

Agreed: The Committee agreed to write to the Committee for Employment and Learning seeking an update on its consideration of amendments to the

SEND Bill in respect of the extension of SEN statements beyond the age of 19.

*The meeting moved into public session at 10:58am
10.58am Pat Sheehan left the meeting.*

2. Apologies

Apologies are as indicated above.

3. Chairperson's Business

3.1 National Children's Bureau NI Report – "ICT and me"

The Committee noted recent press coverage in respect of the National Children's Bureau NI report entitled "ICT and me". The report highlighted poorer than expected GCSE attainment among children (mostly boys) who are also prolific gamers.

Agreed: The Committee agreed to seek an oral briefing from the National Children's Bureau NI on the report "ICT and me".

3.2 EA Consultation Home to School Transport

The Committee noted that the Education Authority had launched a consultation on the roll-out across all former Education and Library Board areas of gate-to-gate (in place of door-to-door) assessment of Home to School transport support for new applicants from September 2016.

Agreed: The Committee agreed to write to the Education Authority seeking an update on the outcome of the consultation.

4. Minutes of previous meeting

Agreed: The Committee agreed the minutes of its meeting held on 7 October 2015.

5. Matters Arising

5.1 Programme for Government / Business Plan / Savings Delivery Plan

The Committee considered the Department's Programme for Government commitments, Business Plan 2015-16 and Savings Delivery Plan.

Agreed: The Committee agreed to write to the Department seeking further information on:

- estimated cost savings associated with redundancies in 2015-16;
- additional efficiencies and management of risk associated with Education Authority redundancies;
- recent FSME GCSE school leaver English and maths attainment as compared with attainment of 5 good GCSEs including English and maths;
- the impact of GCSE changes in other jurisdictions on GCSE attainment targets in Northern Ireland;
- new literacy and numeracy baselines based on Levels of Progression;
- numeracy and literacy recovery services in schools;
- Sure Start review findings in respect of the roll-out of universal programmes to the poorest 25% of wards;
- clarification on the uptake and oversubscription etc. in respect of Early Years places;
- variations in the level of STEM GCSE entries;
- the Special schools transitions Action Plan;
- Looked After Children attainment targets; and
- DE's review of Funding Authority arrangements for Voluntary Grammar and Grant Maintained Integrated schools.

5.2 SEND Bill

The Committee noted correspondence from the Committee for Employment and Learning regarding its intention to consider an amendment to the SEND Bill in respect of the extension of statements beyond age 19.

6. Special Educational Needs and Disability Bill - Formal Clause-by-Clause Scrutiny

Departmental officials joined the meeting at 11:06am.

Caroline Gillan, Director of Access, Inclusion and Well-being; and Jan Matthews, Special Education and Inclusion Review Team provided further information in respect of the formal clause-by-clause scrutiny of the SEND Bill.

The Committee noted correspondence from the Department on proposed amendments to the SEND Bill and including relevant additional information.

The Committee commenced its formal clause-by-clause scrutiny of the SEND Bill.

New Clause

Question: "That the Committee is content with the proposed amendment which would insert a new purposes clause which would require the functions conferred by the SEND Bill to be exercised in conformity with high-level principles including the promotion of efficiency, early intervention and inclusion etc., put and not agreed to".

The Committee divided.

Ayes	Noes	Abstained	Not voting
Trevor Lunn	Jonathan Craig		Sandra Overend
Seán Rogers	Chris Hazzard		
	Nelson McCausland		
	Robin Newton		
	Peter Weir		

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

Question: “That the Committee is content with Clause 1 as drafted, put and agreed to”.

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

Question: “That the Committee is content with the proposed Departmental amendment to revise the wording of the regulation-making power at 2(7) by replacing “Regulations may” with “Regulations shall”, put and agreed to”.

Question: “That the Committee is content with Clause 2 subject to the Department’s proposed amendment, put and agreed to”.

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

Question: “That the Committee is content with the proposed Departmental amendment to replace the wording “take reasonable steps to identify and provide” with “take all reasonable steps to identify and provide” in respect of SEN support for children, put and agreed to.

Question: “That the Committee is content with the proposed Departmental amendment, as indicated below, placing a duty on schools to forward Personal Learning Plans to the receiving school (with parental consent or the consent of the child where they are above compulsory school age) when children change schools, put and agreed to.”

Clause 3, page 3, line 3

At end insert—

‘(2A) In Article 8 after paragraph (1) insert-

“(1A) Paragraph (1B) applies where-

(a) the Board of Governors of a grant-aided school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and

(b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).

(1B) The Board of Governors of school A shall-

- (a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil's parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and
- (b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.

(1C) Nothing in paragraph (1A) or (1B) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(d) or (as the case may be) under Article 8ZA(1)(a).’

Clause 3, page 3, line 29

At end insert—

‘(3) Paragraph (4) applies where-

(a) the Board of Governors of a special school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and

(b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).

(4) The Board of Governors of school A shall-

(a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil's parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and

(b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.

(5) Nothing in paragraph (3) or (4) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(a) or (as the case may be) under Article 8(1)(d).’

Question: “That the Committee is content with the proposed amendment to revise the wording of the regulation-making powers at (3)(2A) and 3(4)(8ZA)(2) replacing in both cases “Regulations may” with “Regulations shall”, put and not agreed to”.

Question: “That the Committee is content with Clause 3 subject to the Department's proposed amendments, put and agreed to”.

New Clause

Question: “That the Committee is content with the proposed amendment to insert a new clause which would place a general duty on health and education bodies to co-operate in the provision of SEN support including the sharing of information and the development of integrated plans, as indicated below, put and agreed to”.

After Clause 3, insert—

‘Co-operation to identify, assess, and provide services to, children with special educational needs

3A. Before Article 13 of the 1996 Order insert—

“Co-operation to identify, assess, and provide services to, children with special educational needs

12A. (1) The board and the health and social services authorities (“the relevant bodies”) shall co-operate with one other to identify, assess, and provide services to, children with special educational needs.

(2) The relevant bodies shall share information with one another on request.

(3) But information about a child may only be shared with the permission of that child, if the child is over compulsory school age, or the parent of the child in any other case.

(4) The relevant bodies must co-operate to prepare a joint and integrated plan for exercising their functions in accordance with this Article.

(5) The relevant bodies may pool budgets and share resources for the purposes of exercising their functions in accordance with this Article.

(6) In this Article, “health and social services authorities” comprises—

(a) the Regional Board for Health and Social Care; and

(b) the health and social care trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.”

The Committee considered a further amendment to the above in respect of the provision of oversight of co-operation between education and health bodies.

Agreed: The Committee agreed to write to the Regulation and Quality Improvement Authority (RQIA) and the Northern Ireland Commissioner for Children and Young People (NICCY) to seek their views on the suitability of the RQIA as an oversight body in respect of co-operation between the Education Authority and Health and Social Care Trusts in relation to SEN provision for children.

Question: “That the Committee is content with the amendment to the new clause - Clause 3A - which would extend the powers of the RQIA to oversee and report on co-operation between education and health, as indicated below, put and agreed to - on a without prejudice basis, subject to the response sought above”.

Insert at the end of new Clause 3A -

“(7) The Health and Social Care Regulation and Quality Improvement Authority (RQIA) established under Article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9) must, at intervals of not more than 2 years, conduct a review, and publish a report, on how the relevant bodies have co-operated with one another under this Article. “

Clause 4 Duty of Authority to request help from health and social care bodies

Question: That the Committee is content with the proposed amendment to Clause 4 which would place a duty on Health and Social Care Trusts to provide services identified in a SEN statement, as indicated below, put and agreed to”.

Clause 4, page 3, line 33

At end insert—

‘(2A) After paragraph (4), insert—

“(4A) If, in helping a board in the making of an assessment under Article 15, the health and social services authority identifies any therapeutic or other treatment, or service, likely to be beneficial to the child, the health and social services authority shall provide that treatment or service to the child.”

Question: “That the Committee is content with Clause 4 subject to the proposed amendment, put and agreed to”.

11.38am Danny Kennedy rejoined the meeting

Clause 5 Assessment of needs: reduction of time limits

Question: “That the Committee is content with Clause 5 as drafted, put and agreed to”.

New Clause

Question: “That the Committee is content with the amendment which would insert a new clause which would require more detailed specification of services in SEN statements, as indicated below, put and agreed to”.

After Clause 5, insert—

‘Nature and extent of special educational provision

5A. In Article 16 of the 1996 Order (statement of special educational needs) in paragraph (3)(b), after “specify” insert “the nature and extent of”.

Clause 6 Appeal following decision not to amend statement following review

Question: “That the Committee is content with Clause 6 as drafted, put and agreed to.”

Clause 7 Child under 2: appeals against contents of statement or failure to make statement

Question: “That the Committee is content with the proposed Departmental amendment to revise the wording of the regulation-making power at 7(2)(10) by replacing “Regulations may” with “Regulations shall”, put and agreed to”.

Question: “That the Committee is content with Clause 7, subject to the Department’s proposed amendment.”

Clause 8 Mediation in connection with appeals

Question: “That the Committee is content with the proposed amendment to revise the wording of the regulation-making power at 8(7) by replacing “Regulations may” with “Regulations shall”, put and not agreed to”.

Question: "That the Committee is content with Clause 8 as drafted, put and agreed to".

New Clause

Question: "That the Committee is content with the amendment to insert a new clause which would ensure children have the right to present written or oral evidence to SENDIST hearings, as indicated below, put and agreed to".

After clause 8, insert—

'Tribunal procedure

8A. In Article 23 of the 1996 Order (Tribunal procedure), after paragraph (2A) insert—

"(2B) A child shall be permitted to give oral evidence or written evidence, or both, to a Tribunal in respect of any matter under consideration by the Tribunal in connection with the child."

Clause 9 Rights of child over compulsory school age in relation to special educational provision

Question: "That the Committee is content with the proposed amendment to Clause 9(4)(b) which would include explicit reference to the retention of rights by parents where a child lacks capacity and which would also ensure that in all cases, a parent be consulted before SEN services are not taken up by a child, put and not agreed to".

Question: "That the Committee is content with the proposed amendment to Clause 9 which would include explicit reference to the criteria in respect of the assessment of a child's capacity to exercise its rights, put and not agreed to".

Question: "That the Committee is content with the proposed Departmental amendment to revise the wording of the regulation-making powers at 9(2) and 9(3) by replacing in both cases "Regulations may" with "Regulations shall", put and agreed to".

Question: "That the Committee is content with Clause 9 subject to the Department's proposed amendments, put and agreed to".

Clause 10 Rights of child over compulsory school age in relation to disability discrimination claims

Question: "That the Committee is content with the proposed Departmental amendment to revise the wording of the regulation-making power at 10(2) by replacing "Regulations may" with "Regulations shall", put and not agreed to".

Question: "That the Committee is content with Clause 10 as drafted, put and agreed to".

Clause 11 Appeals and claims by children: pilot scheme

The Committee noted assurances from the Department that the provisions which permit the setting of age limits at Clause 11(3)(a) are not in contradiction with UNCRC guidance. The Committee also noted additional information on similar pilot schemes operating in England and in Wales.

Question: "That the Committee is content with the proposed amendment to revise the wording of the regulation-making powers at 11(1) and 11(3) by replacing in both cases "Regulations may" with "Regulations shall", put and not agreed to".

Question: "That the Committee is content with Clause 11 as drafted, put and agreed to".

Clause 12 Appeals and claims by children: follow-up provision

Question: "That the Committee is content with Clause 12 as drafted, put and agreed to".

Clause 13 Definition of "child" for the purposes of special education

Question: "That the Committee is content with Clause 13 as drafted, put and agreed to".

Clause 14 Interpretation of this Bill

The Committee noted assurances from the Department on the definition of 'parent' that will be used in interpretation of the provisions of the SEND Bill.

Question: "That the Committee is content with Clause 14 as drafted, put and agreed to".

New Clause

Question: "That the Committee is content with the Departmental amendment which would insert a new clause which would change the Assembly procedure for the regulation-making powers at Clause 3(3) and 3(4) from negative to draft affirmative, as indicated below, put and agreed to".

Before Clause 15, insert—

'Orders and regulations under Part 2 of the 1996 Order

14A. For Article 28 of the 1996 Order substitute-

"Orders and regulations under this Part

28.-(1) Orders made by the Department under this Part (other than orders under Article 5(3)) shall be subject to negative resolution.

(2) Regulations shall not be made under Article 8 or 8ZA unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(3) Subject to paragraph (4), all other regulations under this Part shall be subject to negative resolution.

(4) Regulations made under this Part which—

(a) would otherwise be subject to negative resolution, but

(b) are combined with regulations subject to the procedure mentioned in paragraph (2), shall also be subject to that procedure.

(5) Regulations and orders made under this Part by a Northern Ireland department may contain such incidental, supplementary and transitional provisions as that department thinks fit.”’

Clause 15 Commencement, transitional provisions, etc

Question: “That the Committee is content with Clause 15 as drafted, put and agreed to”.

Clause 16 Short title

Question: “That the Committee is content with the Short Title of the Bill as drafted, put and agreed to”.

Schedule

Question: “That the Committee is content with the Schedule of the Bill as drafted, put and agreed to”.

Long Title

Question: “That the Committee is content with the Long Title of the Bill as drafted, put and agreed to”.

Departmental officials left the meeting at 12:08pm

Assembly Bill Office left the meeting at 12:08pm.

7. Teacher Education and Continuous Professional Development Strategy - Departmental Oral Briefing

Departmental officials joined the meeting at 12:09pm.

Faustina Graham, Director of Collaborative Educational Practice; Julie Humphries, Head of Teacher Education Team; and Sam Dempster, Teacher Education Team briefed the Committee on the Teacher Education and Continuous Professional Development Strategy.

A question and answer session followed the briefing.

12.20pm Nelson McCausland left the meeting.

12.46pm Robin Newton left the meeting.

The officials left the meeting at 12:49pm.

Agreed: The Committee agreed to write to the Department in order to seek an update on the Teacher Professional Learning Strategy actions plans, when available.

8. Correspondence

8.1 The Committee noted an index of incoming correspondence.

8.2 The Committee noted correspondence from the Department of Education on the recognition of NI GCE A-levels in the Republic of Ireland.

Agreed: The Committee agreed to write to the Department noting an apparent reduction in compliance by schools at post-16 with the Entitlement Framework and seeking clarification as to the apparent limited portability of applied A-levels and the need for changes to the Entitlement Framework.

12.50pm Robin Newton re-joined the meeting.

12.52pm Seán Rogers left the meeting.

8.3 The Committee noted a response from the Department of Education to the Committee regarding the Special Schools Area Planning - Draft Report.

Agreed: The Committee agreed to write to the Department expressing its disappointment that it had declined to provide a briefing on this important subject, as requested. The Committee further agreed to seek an oral public session briefing on Special Schools Area planning as soon as possible.

8.4 The Committee noted correspondence from the Retired Teachers' Association highlighting reported Data Protection issues effecting the development of its membership list.

Agreed: The Committee agreed to write to the Department of Education seeking clarity on the relevant Data Protection issues.

8.5 The Committee noted a response from the Department of Education to the Committee's request for sight of the Actions Plans associated with the Deloitte reviews of Comhairle na Gaelscolaoichta (CnaG) and the Northern Ireland Commission for Integrated Education (NICIE).

Agreed: The Committee agreed to write again to the Department of Education to request sight of the Deloitte review reports.

8.6 The Committee noted a response from NICIE to the Committee's request for sight of the Actions Plan and the associated Deloitte Review of NICIE.

8.7 The Committee noted a response from the Department of Education to Committee queries in relation to guidance for schools on Drugs and Relationship and Sexuality Education (RSE) policy.

Agreed: The Committee agreed to write to the Department highlighting its concerns in respect of reported low levels of compliance by schools in respect of the development of RSE policies and seeking clarity as to the Department's actions in this regard. The Committee also agreed to again seek clarity from the Department on the position of Early Years settings in respect of the development of RSE and Drugs policies.

8.8 The Committee noted correspondence from the Assembly EU Affairs Manager enclosing a copy of the latest issue of the EU Matters Newsletter.

8.9 The Committee noted an invitation from Ligoniel Primary School to the Chairperson to meet with the Board of Governors of Ligoniel Primary School on Monday 16 November 2015 at 3.30pm.

Agreed: The Committee agreed that it was content for the Chairperson to visit the school, diary permitting.

8.10 The Committee noted a response from the Department of Education to Committee queries regarding Collective Worship.

8.11 The Committee deferred consideration – until 21 October 2015 – of an invitation from the Prince's Trust to the Celebrate Success Awards 2015 on Tuesday 10 November 2015 at 6pm in Titanic Belfast

8.12 The Committee noted correspondence from Stranmillis University College enclosing a copy of a 2012-15 Education and Training Inspectorate review of a literacy improvement Continuous Professional Development programme for teachers.

8.13 The Committee noted correspondence from the Department of Education giving notice of a consultation relating to technical amendments to the NI Teachers' Pension Scheme

Agreed: The Committee agreed to seek a briefing from the Department when the relevant statutory rule(s) is (are) available.

8.14 The Committee noted correspondence from the Minister of Education inviting the Chairperson and Deputy Chairperson to attend an event at Lisanelly Shared Education Campus, Omagh, on Wednesday 21 October 2015 at 11:15am.

Members noted that as the event coincides with the Committee's scheduled meeting, the Chairperson and Deputy Chairperson would be unable to attend.

9. Draft Forward Work Programme

The Committee considered its draft forward work programme.

Agreed: The Committee agreed its Forward Work Programme, as amended.

10. Any Other Business

10.1 QUB Autism Event

The Chairperson reminded Members that Queens University, Belfast had been in contact again regarding an invitation to attend the 4th Centre for Behaviour analysis/QUART Conference Multidisciplinary work in Autism: How can Behaviour Analysis Help' on Friday 6 November 2015 at Queen's University, Belfast.

Agreed: The Committee agreed that Members would notify the Clerk in respect of their availability to attend the event.

10.2 ETI School Inspection

A Member highlighted his concerns in respect of recent Education and Training Inspectorate inspections at a local school.

11. Date, Time, Place of Next Meeting

The Committee will meet again on Wednesday 21 October 2015, at 10.00am in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 1:01pm.

Peter Weir
Chairperson, Committee for Education
21 October 2015