



Northern Ireland
Assembly

OFFICIAL REPORT (Hansard) and JOURNAL OF PROCEEDINGS

Volume 110

(1 December 2015 to 31 December 2015)

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Official Report (Hansard)

Assembly Sittings

Northern Ireland Assembly

Tuesday 1 December 2015

The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Newton] in the Chair).

Members observed two minutes' silence.

Assembly Business

Plenary Business: 30 November 2015

Mr Principal Deputy Speaker: As all business in yesterday's Order Paper was concluded, we will move on.

Ministerial Statements

British-Irish Council: Summit

Mr P Robinson (The First Minister): In accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following statement on the twenty-fifth summit meeting of the British-Irish Council (BIC), which took place in Lancaster House in London on Friday 27 November 2015. The deputy First Minister, the Minister of the Environment and I attended the summit, and they have agreed that I make this statement also on their behalf.

The UK Government hosted the summit, and the heads of delegations were welcomed by the Secretary of State, the Rt Hon Theresa Villiers MP. The Irish Government were led by the Taoiseach, Enda Kenny TD; the Scottish Government were led by the First Minister, the Rt Hon Nicola Sturgeon MSP; and the Welsh Government were led by the First Minister, the Rt Hon Carwyn Jones AM. The Isle of Man Government were led by the Chief Minister, the Hon Allan Bell MHK; the Government of Jersey were led by the Chief Minister, Senator Ian Gorst; and the Government of Guernsey were led by the Chief Minister, Deputy Jonathan Le Tocq.

The British-Irish Council was established under the 1998 multiparty agreement, and it plays a unique and important role in developing and furthering the links between its member Administrations. It provides a forum for exchange of information and collaboration on matters of mutual interest and fosters positive, practical relationships across these islands. Council members welcomed the agreement published on 17 November, 'A Fresh Start: The Stormont Agreement and Implementation Plan', following 10 weeks of cross-party talks involving the Northern Ireland Executive and the UK and Irish Governments.

Council members offered their condolences to the people of France following the recent terrorist attacks in Paris. The Council reflected on the effects of the conflict in Syria, the refugee situation in the Middle East and the impact that it was having in Europe. It noted the efforts across the eight BIC member Administrations and internationally to help those refugees. Specifically, Ministers noted the value of joint working and cooperation between member Administrations on the domestic resettlement of refugees.

As is now customary at each summit, the Council discussed the current economic situation. All member Administrations outlined their latest economic indicators and the strategies in place to promote growth and to address unemployment. Overall, there was a picture of continued improvements in the respective Administrations. All Administrations

reaffirmed the value of the Council's discussions in this matter. The Council also reviewed the latest youth employment statistics across the member Administrations and welcomed the progress made in this area.

The Council discussed the 12 BIC work sectors and noted the positive achievements since the previous summit in June 2015. This included ministerial meetings held by the creative industries and housing work sectors. All member Administrations reaffirmed the importance that they attach to the British-Irish Council, especially through the valued work undertaken by the work sectors. The Council agreed a number of principles, within the parameters set out in strand three of the 1998 agreement, to reinforce the sectors' work and ensure that BIC continues to deliver value for all member Administrations.

The UK Government, on behalf of the BIC environment work sector, presented a collaborative paper on natural capital and resources. The paper explored the challenge of safeguarding natural capital, with a particular focus on pollinators, and discussed the value of a strategic and collaborative approach. Minister Durkan responded to the paper on behalf of this Administration.

The Council noted the secretariat's mid-year report and agreed a new secretariat business plan for the period 2015-18. Finally, the Council noted that the next BIC summit would be hosted by the Scottish Government in June 2016.

Mrs D Kelly: I thank the First Minister for the report. What progress has been made on youth unemployment, and where does Northern Ireland sit in comparison with the other regions in addressing its challenges?

Mr P Robinson: The Council has visited that area on a number of occasions, noting that there has been progress in the number of young people who are being employed. The rate of youth unemployment is still significantly higher than the rate of overall unemployment. That is a matter that the individual Administrations need to take very seriously.

In our Administration, we have taken a number of steps, particularly with the Employment and Learning Minister, in relation to skills and training. Ultimately, it is up to individual companies whom they employ. Very often, people with more experience are chosen rather than people who are youthful, imaginative and have great deal of energy to provide. There is an ongoing role.

As unemployment generally reduces, youth unemployment will start to reduce. Our rate of unemployment is 5.9%, which is just less than half the rate in the Republic. We are moving in the right direction, and, as unemployment continues to fall, so, too, will youth unemployment.

Mr Lunn: I thank the First Minister for his statement. I know that these things are necessarily brief, but I am looking at the BIC work sectors section of the report, which says:

"The Council discussed the twelve BIC work sectors and noted the positive achievements since the last Summit".

It continues:

"This included Ministerial meetings held by the Creative Industries and Housing work sectors."

Is that the best we can do? Ministerial meetings are hardly an achievement. Will the Minister flesh out what the "positive achievements" have been since the last summit?

Mr P Robinson: It was probably thought to be unnecessary because Ministers, after they come from sectoral meetings, make statements in the House on the individual issues that they are responsible for. There is probably not a lot of value in me repeating what they have already said in statements to the House on the sectoral meetings. However, during the discussion on work sectors, the relevance of some of those sectors was discussed, and a review is being carried out to ensure that the sectors that were chosen, in many cases years ago, are still as relevant today as they were then. In energy, for instance, it was decided that the two work sectors that deal with marine energy and the more normal energy field will be brought together. One has been chaired by the Scottish Government and the other by the UK Government, and they will jointly chair the new sector.

Mr Lyons: I am sure that the First Minister appreciates the role of the Secretary of State for Northern Ireland in hosting the BIC. However, does he have any concerns that the UK Government are not represented at as senior a level as the Irish Government at these meetings?

Mr P Robinson: We need to be clear that the Secretary of State hosted this BIC summit. It need not have been the Secretary of State, but we very much welcomed her presence and the fact that she hosted the session. It needs to be said — in discussions, the deputy First Minister and I have recognised this — that there is a distinction: the Taoiseach, Enda Kenny, comes faithfully to every BIC meeting, as did his predecessor, but, in my time, I can recall only one meeting at which the Prime Minister was present. There is, I think, a requirement for all Administrations to recommit to BIC and ensure that they are represented at the very highest level.

Mr A Maginness: I thank the First Minister for his statement. In it, he points out the "unique and important role" of the BIC:

"in developing and furthering links between its Member Administrations."

I agree entirely with that. It is a very important body that may have increasing importance given the political developments in Scotland and the UK generally. The issue that really struck me was refugees and the experiences of all the Administrations in relation to them. Did the First Minister learn anything of value in relation to refugees, particularly Syrian refugees, that can be applied here? Further to that point, if you will indulge me, Mr Principal Deputy Speaker, there is an anti-refugee demonstration called for Saturday. I ask the First Minister to give his view on whether that rally should take place.

Mr P Robinson: I am grateful for the comments about the value of the British-Irish Council. It allows us to deal with issues that are topical and of significance to each of the Administrations. Because of their topicality, the Paris attacks and the refugees situation were obviously discussed. Indeed, that was the longest period of discussion during the summit. Yes, I think that we learned quite a bit about Northern Ireland's position. Scotland has already received refugees and already has experience. Officials here will continue to contact officials in the UK

generally, but particularly those in Scotland, who have direct and immediate experience.

I can well comment on the so-called rally on Saturday. It needs to be remembered that these are people on whom complete security checks have been carried out. Ten or 11 families will be coming into Northern Ireland. They are people who have faced torture in some cases and trauma in others. They are people who are in need of support. They are not the Mediterranean economic migrants. These are people who are genuine refugees. If I know anything about the people of Northern Ireland, it is that they are a charitable and giving people who will extend the hand of welcome.

Over the last few days, since the deputy First Minister and I were on television speaking about the issue, I have had several churches and a number of individuals wanting to know how they can put themselves forward to give assistance, support and welcome to these people. I do not think that those who are going to campaign against the presence of refugees will get a very warm hearing from the people of Northern Ireland. People have the wrong idea about the refugees if they think that these are people who should be objected to. Far from it. They are people who should be given every degree of support and welcome.

Mr Middleton: I thank the First Minister for his answers so far. He will be aware that the Chancellor delivered his autumn statement within the 48 hours prior to the BIC summit. Did the First Minister take the opportunity to raise with the UK Government the implications of the real terms spending reductions over the next five years?

Mr P Robinson: As you can imagine, the deputy First Minister and I did raise the issue of the spending review. We raised the fact that very significant cuts are being made to our Budget in real terms and the implications that would have for our Health, Education and other departmental spending. I have to say that we were not alone as an Administration in making those points. We were joined by our colleagues in Scotland and Wales. The spending review obviously fits into our Budget cycle. Decisions will have to be taken over the next number of weeks by the Executive, but there is no question that the less money that is given to us, the tighter the fiscal circumstances are and the more difficult it is for us to make ends meet, the greater the requirement for efficiencies and the more important it will be to make sure that every pound counts in each Department.

10.45 am

Mr I McCrea: I thank the First Minister for his statement. The First Minister, more than most, will be aware that the 'Fresh Start' document announced the reduction of our corporation tax to 12.5%. Were there discussions, during the part relating to the economy, on the reduction of our rate of corporation tax and its potential benefits for our economy?

Mr P Robinson: Yes, obviously, I referenced it in talking about the economic indicators and the prospects for the future. The decision was welcomed by the Secretary of State and the Taoiseach, Enda Kenny, who felt that it would be advantageous and less confusing to the rest of the world if the whole of the island was asking for the same level of corporation tax. I think it was, perhaps, raised by one other Administration; I think Scotland expressed some concern that we might go fishing in their pond for business opportunities. We assured them that we would. *[Laughter.]*

Mr Principal Deputy Speaker: That concludes questions on the First Minister's statement.

Sign Language Legislation Process

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Thank you very much, Mr Principal Deputy Speaker. With your permission, I will make a statement to the House on my intention to publish and consult on a framework for promoting sign language in the new year. It will include proposals for legislation, which will be taken forward through the remainder of this Assembly mandate and into the new mandate. I have already written to ministerial colleagues to seek their support and commitments in relation to the framework, and I am announcing today my intention to engage in pre-consultation through the sign language partnership, with some additional membership. The framework needs to be agreed with the partnership and to reflect members' views.

Before talking about the specific proposals, it is worth reminding the House why this is such an important issue. I can summarise the many reasons in one word: inclusion. Sign language is about including some of the most marginalised people in our society, and it must be a priority for all of us. If you want to understand the need, think about how important it is to be able to communicate. Think about the frustration associated with trying to make yourself understood and to understand others. Think about how we take communication for granted in so many areas of our lives: education; accessing public services; securing employment; living a full and healthy life; and, most importantly, connecting with others. It is little wonder that sign languages are so important to people who are profoundly deaf and their friends and families.

We can do much more as a society to support sign languages and the people who use them. Although Irish and British sign languages were recognised as languages in their own right in 2004 by the then Secretary of State, Paul Murphy, there is no statutory protection for either language. They are not covered by the European Charter for Regional or Minority Languages, and there is no formal Executive-agreed policy or strategy document for Irish and British sign languages. I intend, with Members' help, to change that position.

First, I want to make clear what I mean by Irish and British sign language. Many hearing people have the false impression that sign language is a worldwide, universal language or a visual translation of spoken language. That is not the case. Here in the North, Irish and British sign languages are the first or preferred means of communication for people who are profoundly deaf. They are also used by a significant number of their family members and friends.

They are languages in their own right, which use hand shapes, movement of the hands, body language, facial expressions and lip patterns to convey meaning. They also have their own grammar, vocabulary and idioms that are completely different from the grammatical rules of the spoken language.

Around the world, profoundly deaf people identify themselves as a part of a cultural and linguistic minority and view sign language as a language of need. This is important to understand because, to some extent, our use of language influences how we perceive the world in which we live and our role in it. For many sign language users, spoken and/or written language is their second

or even third language. As with all linguistic minorities, members of the deaf community have varied levels of English. While some sign language users are fully bilingual in sign language and English, many have limited literacy skills. This means that misunderstandings can easily arise, especially when using more complex concepts or grammar or less-common words. As such, sign language users cannot necessarily read or understand information on government websites or printed leaflets and various types of literature.

In every effort to improve deaf people's human rights, the removal of linguistic barriers is of paramount importance. A deaf person has the right to use sign language in any given situation. Communication, participation and access to services should not be a privilege; it is a basic right.

Deaf children learn to use sign language from their environment, as hearing children learn spoken languages from their parents and others. The status of sign language varies in each country. In some countries, the rights of deaf people to education and equal participation are secured by legislation. Language and culture are closely related, and the vocabulary of any language, written and signed, is influenced by cultural changes.

Over the years, my Department's work through the sign language partnership group has contributed much to improving the lives of sign language users and their families; for example, through the provision of increased numbers of interpreters and deaf sign language teachers, and free sign language classes for deaf children and young people and for their parents and families. However, I believe that there is a need to do much more.

One of the many reasons why I believe we need to make change is that, earlier this year, I met Emma, the hearing mother of a young deaf boy called Patrick. Emma highlighted for me the difficulties that families like hers face when they are informed that their child is deaf. She described the shortcomings in the provision of adequate services to families with deaf children. This includes access to free sign language classes as a method of family communication for those parents who choose to use sign language as the primary method of communication. Raising children can be a difficult enough job, but raising children when there is very limited family communication is extremely challenging. Emma is determined that Patrick and indeed the whole family are able to communicate in sign language. I am determined to help her and families like hers, particularly during those vital early years of a deaf child's life, when the opportunity to acquire communication and language skills too often turns into an opportunity lost.

Deaf children typically start their early education without having the same level of language skills and vocabulary as their hearing peers. This places them at a substantial disadvantage in their early education, when the development of literacy and numeracy skills will help to shape their future academic achievements and employment prospects. Research clearly demonstrates that where there is early intervention, such as the family sign language courses funded by my Department, to help to develop communication skills and improve vocabulary, deaf children acquire language and communication skills that are proportionate to those of their hearing peers.

Although I am pleased that my Department has been able to provide Emma and her husband, along with some other

families, with free classes to learn British Sign Language at Jordantown School, unfortunately DCAL does not have the resources necessary to provide for every family that wishes to take such classes. Let me ask each and every one of us in the House this question: what choices would you make if your child or grandchild was born unable to hear? I know that we all want the very best for our children and grandchildren. I hope that you will support me and my successor as we try to make choices available for the parents of deaf children and their families. I have listened carefully to what the deaf community are saying and their message is clear; they want legislation to safeguard their rights as a cultural and linguistic minority. They want to be able to access services in their own language, and I want to support their efforts. It is important, therefore, that we build on the work so far and take steps to make accessibility and inclusion throughout society the norm for our deaf community.

As the Minister with responsibility for sign languages, I am taking the next steps to address this issue. I am taking forward three key actions. First, I want to publish and consult on a framework for sign language in the new year. This will build on earlier work that we have undertaken with the sign language partnership, as well as our experience in recent years of funding courses and supporting deaf people and their families. The framework will include a range of commitments but, importantly, it will include proposals for legislation in the next Assembly mandate. As I said earlier, sign language does not have statutory recognition, despite its importance. This cannot continue, and I intend to bring these proposals forward so that we can remedy the situation.

Secondly, I have already written to ministerial colleagues to seek their support for and commitment to the framework. Some responses have arrived already, and I am expecting more over the next week. It is my intention to continue this work in the new year so that we can strengthen the commitments from all Departments for people who use sign language. The responsibility is not DCAL's alone; it requires a collaborative and effective response from everyone in the Executive.

Thirdly, I am announcing today my intention to engage in a pre-consultation through the sign language partnership, with some additional membership. We will, of course, be consulting formally in the new year. My officials will host a series of consultation events across the North of Ireland during the consultation period, where stakeholders will have the opportunity to engage with departmental representatives. Before that, however, it is my intention to engage through the extended sign language partnership so that the agreed framework fully reflects the partnership's views. Then, in the new year, the consultation document will be made available in the form of an online survey, with additional formats available on request, including Irish and British sign language translations. The 12-week consultation will be widely publicised and open to everyone who wishes to respond. Opinions will be sought from those groups with a direct interest in Irish and British sign languages, as well as those on DCAL's list of consultees. DCAL's key stakeholders, including MLAs, councils and other interested parties will be notified directly via email. Translations into Irish and British sign languages will be available. In the meantime, if people have any views that they wish to share with us, I will be happy to receive them prior to the formal consultation. I

am keen to hear any views that people have and to begin a period of dialogue in the run-up to the publication of the framework.

This is a challenging programme of work, but I hope and believe that equal rights for British and Irish sign language users will attract cross-party support and that my successor in the Department for Communities will continue this work in the next Assembly mandate. Likewise, I acknowledge the role played by my predecessors and their contribution in making improvements for sign language users. There are many issues that we disagree on in the House, but I am sure that we all share the same motivation to do the best that we can for our deaf community. I believe that the political will exists, and we must grasp this opportunity. Go raibh maith agaibh.

Mr McCausland: I thank the Minister for her statement, which is one that, I am sure, everybody in the Chamber will welcome. It is an important issue; people in the deaf community should be able to communicate freely with others and should have the resources necessary to ensure that they are understood. I also want to pick up on the question of the timeline.

There will be some consultation between now and the end of the Assembly mandate, but, clearly, the bulk of the work will be done in the next mandate. In the statement, the Minister said that the Department does not have:

"the resources necessary to provide for every family who wish to take such classes."

Can she perhaps spell out for us what she means by "resources"? Is this a financial resource? Is it about having the right people to teach sign language? What would be required and what is her assessment of the need?

11.00 am

Ms Ni Chuilín: I thank the Chair for his comments and, indeed, for his support for the statement. By "resources", I mean financial support in my Department to help families to access sign language support and classes. The need is increasing, and, rather than perhaps waiting until a monitoring round to make bids, which I will do anyway until the conclusion of this work, I think that it is important to bear in mind that, in building not only on his work as Minister but on the work of all of our predecessors, there are many more children and families who need support, particularly in the deaf community. Given that there is no statutory obligation to do so, I think that we need to start somewhere. To ensure that the framework is the best way to start, we need to look at the group to ensure that it is still reflective of the needs of the deaf community and that, if we need to bring additional members, there is a flexibility to do so.

At this stage, there are many needs, but on the direct question that he asked, it is finance in my Department that is needed. There are excellent interpreters and excellent support, but, because of the increasing demand, there is a financial consequence for my budget.

Mr McMullan: Go raibh maith agat. I thank the Minister for her statement. Minister, will the legislation be similar to the Sign Language Act in Scotland?

Ms Ni Chuilín: I thank the Member for his question. I am aware of the Scottish Government's Sign Language Act.

I believe that the consultation process will not only lean on and look to Scotland for some help and guidance, and, indeed, lessons learned, but that it will look to other legislators, not just in these islands but across Europe and further afield, to get the best possible legislation and protections for the deaf community. That is not just for the here and now but for the future. Scotland has been congratulated, and rightly so, for bringing forward these protections. I believe that we will be looking to Scotland, to other legislators and, indeed, to other experts in this field.

Mrs D Kelly: I congratulate the Minister on her initiative. Minister, you mentioned the resource implication. In getting an agreement for the strategy, how do you hope that it will be implemented? Do you see an inter-ministerial commitment being made or a ministerial group heading this up, given that a number of other Departments have responsibility?

Ms Ní Chuilín: I thank the Member for her question. Even though the deadline for responses from ministerial colleagues is not until next week, I have already been very encouraged and heartened by the responses that I have had so far. They have all been supportive and positive. We all realise that there are resource implications, but, from what I have seen thus far, I believe that there is an attitude to see what we can do. The process of bringing the strategy forward needs to begin, first with the community and, indeed, with the people who have supported the sign language partnership and others. They need to see whether the framework is still the appropriate mechanism to bring forward for a consultation. The preconsultation exercise is to help us as legislators and MLAs, as well as the community and other stakeholders, to prepare to go out to full public consultation. As I said at the start, I am encouraged and heartened by the responses and the support that I have received thus far.

Mr Cree: I also thank the Minister for her statement. I would like to have seen it maybe a year ago, but that is over and done with now.

Minister, you are hoping to get the support of the rest of your Executive colleagues, which obviously makes a lot of sense, but is it possible to complete the pre-consultation, the consultation and, most importantly, the analysis before the end of this mandate?

Ms Ní Chuilín: As I said, I will start the work, and it will certainly go to the end of this mandate and be completed at the beginning of the new mandate. I felt that it was important to try not only to make ministerial colleagues aware of the process but to achieve support.

Regardless of who is in the new Department for Communities — indeed, for new Ministers in the new Departments — there are no statutory protections or rights in this area, and the process needs to start. I believe that the time is right for it to start now. Had we started the process earlier, it may not have been as fully inclusive as it could be. We are where we are. It is important to try to engage people in the sector, who, quite frankly, have been working in isolation. It is the responsibility not just of Executive colleagues but of all of us as MLAs who are responsible for legislation to give support and to do a bit more lifting for a community that has experienced marginalisation and isolation for decades.

Ms Lo: I welcome the Minister's initiative, but I point out to the House that thousands of ethnic minority people in

Northern Ireland face exactly the same communication barrier in education, employment and access to public services. Would it not be more strategic to widen the scope of the framework to include ethnic minorities or minority languages?

Ms Ní Chuilín: I appreciate the Member's concern, particularly on communication and language barriers for people who have made these shores their home. I support the sentiment of your question and proposition in making sure that there is full inclusion. However, DCAL is responsible for sign languages; I am not responsible for languages other than sign languages, Ulster-Scots culture and heritage and the Irish language. Within the gift of my Department and my responsibility, I am bringing forward additional protections, and, hopefully, through this mandate and into the next one, legislation that will secure those protections for the deaf community.

I support the Member's concern that we need to try to be a more outward-looking community and legislator, particularly for people who experience ongoing communication difficulties, but, on this occasion, it is particularly for deaf communities, who experience extreme hardship and isolation. I know that the Member supports their call for additional protections.

Mr Humphrey: I thank the Minister for her statement. It is only families who are affected by children who are born with complete loss of hearing who know the full impact that it has on such children and the wider family. I have a very dear friend whose child is profoundly deaf, and I know the difficulties that that child has had to endure, so I welcome the statement. The Minister talks about a strategy for changing the position. What is that strategy?

Ms Ní Chuilín: The strategy looks at legislation for statutory protection, because there is none. At the minute, to be quite frank, you could put it down as a discretionary area of spend rather than something that must be done to support families of deaf children. Frankly, that is the situation. It is important to look for protections, particularly for children and families, and at how we can strengthen legislation. It is not just for the here and now but for future-proofing the sector, which, I believe, is very important.

Given that sign language is within the DCAL remit and that I have written to ministerial colleagues, I believe that the Executive will need to look at this in the next mandate. As I said, we need to start somewhere. We need to make sure that the framework, as a preconsultation exercise, is still appropriate. If it needs to be amended, there is time to do that and then to start the formal consultation process. As the Member said, he has seen at first hand the impact of profound deafness on a family.

I am sure that he, along with colleagues, will want to try to ensure that we give those families our full support.

Mr A Maginness: I thank the Minister for a very interesting, clear and instructive statement. Has she in mind any specific policy for early years intervention? I note that she mentions that in her statement. It strikes me that it will be a very important step in trying to equalise things, if that can ever be achieved for those suffering from profound deafness.

Ms Ní Chuilín: I thank the Member for his question and, indeed, his support. He has picked up on a very important point: our children and grandchildren's main development

happens in their early years, and most children are educated in their early years through play. Communication is key in the development of our children. Imagine, however, the communication challenges for a profoundly deaf child and their family. That is why it was important that I informed ministerial colleagues that I was doing this: it will run beyond the end of this mandate and into the beginning of a new one, and there will be implications for other Departments — new Departments. There will be implications for Health, Education, social inclusion and much more besides.

I am really encouraged by the responses that I have received thus far, well before the deadline. While people are conscious that it will have a resource implication, I think that we are going into a new chapter, particularly on issues of access, and people in Departments, including Ministers, are looking at this to see what they can do. I believe that they will participate as fully as possible in a full public consultation, when it arrives, and try to give, as best as possible, their full support.

Mr Beggs: I thank the Minister for her statement highlighting the importance of early intervention and classes such as family sign language, which can improve the communication skills and development of a deaf child. You currently offer only some families free classes to learn British sign language at Jordantown School, for example. Legislation will take time and not create a bigger budget in Northern Ireland, so my question, Minister, is this: will you prioritise such classes, making them free for all families, in your current and future budget?

Ms Ní Chuilín: I am not sure whether the Member was in the House when I responded to a previous question on that. I am trying to ensure that the financial resources for language classes and support are here so that it does not become an issue. That is very important. Not only that, I am committed to providing support and catering for the demand, as well as the potential increase in that demand. I believe that any Minister, if presented with this challenge, would try to ensure that it becomes a priority. I have made it a priority, and I have made the consultation a priority. I will ensure that I support those who need to access classes as best I can. I believe that I have done that, and I will continue to do so. If there is a need for additional support, I am open to seeing what that is.

Mr Ó hOisín: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an ráiteas sin. I thank the Minister for her statement. I want to take this opportunity to commend one of the largest groupings working with the deaf community, and that is Hands That Talk from my constituency. It has delivered a service for, by and with the deaf community for more than a decade, very often on a shoestring budget. Will the Minister outline how the deaf community will be involved in developing and designing the framework and the public consultation?

Ms Ní Chuilín: I thank the Member for his question. I certainly know of the work done by Hands That Talk, as do many others. It is critical that members of the deaf community are involved in the sign language partnership group. That group will be added to, if appropriate and necessary, to ensure that there is as much inclusion as possible and that as many needs as possible are included within the framework, with a view to going to a full public consultation.

I support the Member's concern about trying to ensure that the deaf community is involved in this process from the onset right through to the consultation and, hopefully, the passing of legislation by the Assembly.

11.15 am

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an ráitis a rinne sí. Sílim féin gur teanga thar a bheith deisbhéalach í teanga na mbodhar agus gur chóir í a chur chun cinn agus a chosaint de réir dlí. I thank the Minister for her statement, and I agree that sign language is an extremely expressive language and that we should do all that we can to ensure that people who are deaf have access to the training needed to develop their skills in sign language.

Ba mhaith liom a fhiafraí den Aire cad iad na buntaistí praiticiúla a bhéas leis an reachtaíocht, agus cad é mar a rachaidh sí i bhfeidhm ar shaol an duine bhodhair ó lá go lá. What practical outcomes would the legislation have for a deaf person in their daily life?

Ms Ní Chuilín: It is to ensure that there are statutory protections. Thus far, it has been presented to me that, without these protections, deaf people feel very vulnerable and very isolated and, indeed, that resources, or potential resources, to do whatever practical things they wish to do are always on the basis of budget priorities. That cannot be the case in the future.

The importance of the legislation is to ensure that there is a recognition of protections and safeguards for the deaf community and that, where there is demand and where services are needed, our Departments and the Assembly have, within our gift, the legislation to protect people who wish to get on with their daily lives and do the things that we all take for granted but, for them, have proven to be very difficult obstacles wrapped with many challenges that we can only begin to understand.

Executive Committee Business

Health and Personal Social Services (Amendment) Bill: Second Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Second Stage of the Health and Personal Social Services (Amendment) Bill [NIA 68/11-16] be agreed.

I am pleased to open the debate in the Assembly today as I believe that this is important legislation. By way of background, the Northern Ireland Social Care Council (NISCC) is responsible for the regulation of the social work and social care workforce in Northern Ireland and for the regulation of professional training courses for social workers.

Regulation of the workforce is one element of the overall framework established by my Department to strengthen safeguards for service users and public protection. It makes a key contribution in providing independent assurance to the public that those responsible for the delivery of social care across Northern Ireland will be held to account for their conduct against agreed standards of conduct and professional practice.

It is important that the conduct model used by the care council is fit for purpose, efficient, cost-effective and commands the confidence of service users, the wider public and the social care workforce. The council's current conduct model has been in place since 2003, and whilst it has been robust and has ensured that those unsuitable to provide care have been excluded from the workforce, it needs to be updated to keep pace with best-practice developments in regulatory practice in Northern Ireland and across the United Kingdom.

My aim is to build on the strengths of the existing model while ensuring that it is modernised and reflects best-practice models used by other workforce regulators, particularly those used by professional healthcare regulators. I also want to ensure that the care council can continue to promote high standards in practice through the formal recognition of learning that social workers achieve through a broad range of methods, including the use of e-learning.

Specifically, the Health and Personal Social Services (Amendment) Bill aims to achieve two things. First, it will modernise the council's model of conduct and extend the range of sanctions to dispose of conduct cases. Secondly, it will extend the council's powers to formally recognise the learning achievements of social workers.

The existing conduct model is based on a determination of misconduct. The current range of sanctions allows the Social Care Council to take appropriate action against registrants through admonishments, suspension from the council's register and, the most serious sanction, removal from the register. In comparison with other healthcare regulators, the range of sanctions available to the care council is limited and restricts its ability to respond flexibly and proportionately to cases where there are concerns about an individual's practice. That is particularly so where there are issues regarding health or competence.

The General Medical Council, the Nursing and Midwifery Council, and the Health and Care Professions Council have a broader range of sanctions available to them for the disposal of cases of misconduct that allows them to place conditions on a registrant, such as a training condition to address an issue of competence. Recently, the legislation relating to the Pharmaceutical Society of Northern Ireland was amended to provide the society with a range of powers and sanctions similar to those regulators I just mentioned.

The sanctions available to the Social Care Council within its current model of conduct include admonishment, suspension and removal. It is proposed to introduce the additional sanctions of undertakings and conditions. The wider range of sanctions will enable the council to address deficits in an individual's performance and thereby improve the quality and safety of care provided.

The second set of proposed amendments seeks to extend the council's powers to give formal recognition to the learning achievements of social workers. Registration with the care council requires that registrants maintain and keep their knowledge and skills up to date in order to be accountable for the quality and safety of their work with vulnerable people.

At present, the legislation allows the care council to award certificates to social workers for the successful completion of formal professional training courses approved by it. The proposed amendments in the Bill will extend the council's powers so that it can recognise learning achieved by social workers to improve their knowledge and skills through a wide range of approaches to learning and development, such as academic courses, in-service training provided by employers, and e-learning and distance learning programmes.

The formal recognition of social workers' learning by the care council provides an assurance to employers, service users and the wider public that social workers are not only maintaining but continuing to expand their skills and knowledge throughout their career in the health and social care sector in Northern Ireland.

It is important to say that all the proposed changes in the Bill have been subject to public consultation. From June to October 2012, the Department and the Northern Ireland Social Care Council undertook a joint consultation on the proposals to reform the model of conduct used by the council. From November 2012 until January 2013, the Department and the care council undertook a further joint consultation on proposals to provide for more flexible methods for the recognition of the required standards of proficiency in social work.

Respondents to both consultations included registrants, employers, trade unions and key stakeholders from the statutory and voluntary sectors, as well as the professional body, professional organisations and universities. The responses indicated a strong level of support for implementing the proposed changes.

I believe that there is strong support for the Bill, which will modernise the council's conduct model and make it fit for purpose by broadening the range of sanctions available in the disposal of individual conduct cases. There is also strong support for extending the care council's powers to formally recognise a broader range of approaches to the achievement of learning in the context of a modern

regulatory system for the social work and social care workforces in Northern Ireland.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I support the Second Stage of the Health and Personal Social Services (Amendment) Bill.

The Committee took evidence from departmental officials on the proposals for this legislation in July 2014. At that time, the officials advised that it was the Department's intention to introduce the Bill by November 2014. Nearly a year later, on 23 September 2015, officials came before the Committee again to advise that the Bill had still not been introduced. In giving an explanation for that very significant delay, officials referred to the need to address concerns raised by the Department of Justice in relation to the care tribunal and issues raised by the Attorney General; take into account the Westminster Government's response to the Law Commission's review of the regulation of healthcare and social care professions; and progress a number of other initiatives linked to the Social Care Council. Whilst the Committee has no doubt that these were legitimate issues that needed to be addressed, members expressed disappointment during the briefing on 23 September that the Bill had not been introduced at an earlier point in the mandate, given the end-of-mandate legislative pressures, which were apparent even in September.

The Minister introduced the Bill last week, on 23 November. Prior to that happening, the Committee had written to the Minister, following its meeting on 18 November, to ask him not to introduce the Bill during the remainder of this mandate. That was on foot of a discussion that the Committee had about its legislative programme. As Members will be aware, the Human Transplantation Bill is currently at Committee Stage, and we are all aware that it is a complex and emotive piece of legislation that will require the Committee's detailed attention between now and the end of January 2016. The Minister had also indicated to the Committee that it was his intention to shortly introduce the Health (Miscellaneous Provisions) Bill, and that, in fact, happened yesterday. Again, that piece of legislation will require the Committee's attention, over a relatively short period.

Given the time available to the Committee to scrutinise and report on the Human Transplantation Bill and the Health (Miscellaneous Provisions) Bill before the end of the mandate, the Committee took the view that it would not be feasible for it to undertake work on this Bill over the same limited time period. Of course, all three Bills are important, but the Committee was of the view that the Health and Personal Social Services (Amendment) Bill would be our lowest priority. However, we are now at a point where the Bill is having its Second Stage, the purpose of which is for the Assembly to debate the principles of the Bill.

As I have said, the Committee heard evidence from departmental officials and the Social Care Council on 23 September 2015. They talked members through the clauses of what was then a draft Bill. The Committee had various questions on the detail of the Bill but no objections to its overall aims and objectives. As the Minister outlined, the principal objectives of the Bill are, firstly, to modernise the model of conduct used by the Social Care Council to bring it into line with other health and social

care regulators; and secondly — and importantly — to extend opportunities for the recognition of the continuous professional development activity of social workers post-registration.

There are a number of issues that we will be looking at more closely during Committee Stage. They are likely to be around what the registration of all social workers and social care workers with the Social Care Council will mean in practice, and whether there will be any additional burden on individuals or private companies. We will also be very keen to ensure that the new disciplinary processes introduced by the Bill will mean that all cases are dealt with quickly and efficiently. Another area that we will be looking at is making sure that the legislation is future-proof, given that various reports have been produced recently in this field across other jurisdictions.

Mr Easton (The Deputy Chairperson of the Committee for Health, Social Services and Public Safety): I welcome the Second Stage of the Health and Personal Social Services (Amendment) Bill.

The Northern Ireland Social Care Council was established by the Health and Personal Social Services Act (Northern Ireland) 2001 to regulate the social care workforce in Northern Ireland.

The current model of regulation for the social care workforce has been in existence since 2003. It is important that the system of workforce regulation is supervised, responsive to the modern context of service delivery and informed by best practice to deal with our health service today.

11.30 am

The primary objective of the Bill is to ensure that the Northern Ireland Social Care Council regulatory system keeps pace with best practice in workforce regulation and achievement of awards in social work. The proposed amendments to the Health and Personal Social Services Act (Northern Ireland) 2001 seek to provide the Northern Ireland Social Care Council with a greater degree of flexibility and a range of sanctions for the regulation of the social care workforce in Northern Ireland, in line with other models of professional regulation across the United Kingdom.

The Bill aims to achieve two things. It will modernise the council's model of conduct and extend the range of sanctions to dispose of conduct cases. It will also extend the council's powers to formally recognise the learning and achievements of social workers. The current limitations in the scope for the Northern Ireland Social Care Council to confer awards in recognition of the achievement of standards of proficiency by social workers will also be addressed. I believe that the Bill will modernise the Northern Ireland Social Care Council conduct model and bring it into line with best practice models used by other workforce regulators across the United Kingdom. It will ensure that the Northern Ireland Social Care Council model keeps pace with developments in regulatory practice in Northern Ireland and across the United Kingdom.

The proposals also extend the powers of the Northern Ireland Social Care Council to award certificates in recognition of learning achievements by social workers through a broader range of methods. It forms part of the overall plan for modernisation of how the Northern Ireland

Social Care Council regulates the workforce, taking into account advances in technology and the new ways in which people learn.

The Bill has five main clauses, and the bulk of these create additional powers in respect of registering persons, obtaining and disclosing information, registering social workers, recognising attainment of standards by social workers, and appeals to care tribunals.

I support the Bill and look forward to scrutiny at the Committee Stage.

Mr McKinney: I welcome the opportunity to speak at the Second Stage of the Health and Personal Social Services (Amendment) Bill. The Bill focuses predominantly on the whole social care workforce and aims to give the Northern Ireland Social Care Council additional powers over workforce regulation, including sanctions for malpractice, and more powers in relation to achievement awards.

As articulated by the Chair, the Committee received a number of briefings from the Department on the Bill. There is, we understand and accept, a need to update existing legislation if we are to have a social care system that is fit for the twenty-first century and has recipients of care at the heart of the decision-making process. Before considering the principles of the Bill, it is important — I attempt to do this in all contributions — to recognise the vital role that social care workers play in Northern Ireland in looking after some of the most sick, disabled, vulnerable or frail people in society. The vast majority of these workers undertake their duties to the best of their ability — often, it has to be said, under extreme and intolerable pressures — and I believe that their dedication needs to be recognised today.

I also concur with the Chair's remarks in relation to not pursuing this legislation. It is not that we do not support the general principles but because of the Committee's ability to scrutinise. Given what I have said about the proposed new rules and the extent of the work that is undertaken, the workforce needs to know that matters of this importance are properly scrutinised.

One issue is that, occasionally, workers fall short of the standards that are expected of them. For example, last year alone there were 36 complaints made against social workers, 156 against social care workers and three against social work students. Of these, 58 registrants have been removed from the NISCC — 10 social workers, 47 social care workers and 1 student. Having considered that, it is only sensible that we consider reform that will ensure the best practice possible, and achieving the best practice possible will come about by full, robust and, if needed, lengthy scrutiny of the Bill.

While poor performance is unfortunate, officials told us that the delays caused by the current system were hindering the conduct and professional development of social work and that we are probably not achieving as much through regulation as we could in improving care standards and in helping to address shortcomings and deficits experienced in the sector.

The deficiencies in the system must be recognised when we consider new reform. In that regard, the policy intent of the Bill, in giving the NISCC move powers, is to be welcomed. It will directly impact on every social worker and carer in the North and will allow for more serious action

to be taken against those who fail to uphold the highest standards in delivering high-quality care.

As has been reflected, the Bill contains nine clauses, some of which are uncontroversial and have gained a great deal of support in the Health Committee's preliminary meetings with the Department. I note, however, that there are a number of issues with the Bill that need to be considered.

Clause 1 refers to giving warnings or advice to registrants. I ask the Minister how the Bill will change that. What is the nature of advice and what levels of warning, informal and formal, will exist?

Clause 2 refers to the ability of the NISCC to publish or disclose information in relation to a registrant's fitness to practise. At what stage will that be invoked? Does it afford the NISCC the power to publish details of workers who fall short of the standards expected? Once again, those are issues for further scrutiny in the Committee. Is a 14-day limit for providing relevant information to the council the best-practice approach?

In clause 3, it is proposed that all those registered in England, Wales and Scotland be registered in one database in Northern Ireland. I ask the Minister whether there will be any consideration of those who are registered with CORU in the Republic of Ireland. What conversations, if any, have taken place with that organisation, which is the body in the South responsible for social-care workers? Would a greater syncing-up of services provide more effective care? Do they register domiciliary-care workers, and have any discussions been undertaken in that regard?

Clause 4 relates to extending power to give awards. The briefing paper mentions power to make provision for the payment of such fees. Who will pay the fees? What cost will there be to caregivers, especially those at the lower levels, such as domiciliary-care workers? If the council must provide a way in which a standard can be obtained, will that cost anything? Will current workers be automatically offered new training? If not, will that create a threat to, or issues with, jobs?

We have no issues with clause 5, which provides further robust safeguards and enforcement mechanisms.

Those are questions that I am sure can and will be resolved at Committee Stage, and I look forward to taking a deeper look at them. I reinforce the point that has been made: will the Committee have sufficient time, not just for us as legislators but to ensure that those who work at the front end of the system benefit, and understand that they have benefited, from our considerations and that those considerations have been timely, thorough and robust?

We must look at the bigger picture of adult social care. In particular, I am concerned about the regulation of the domiciliary-care sector. New reform is a welcome move, but we need to adequately resource those workers, or the full effectiveness of reform may be lost. We need first to ensure that staff are adequately paid, skilled and have proper training. I want to reflect on that point for a moment. It is one thing regulating workers, but, if they are not getting paid properly, will the regulation be as effective as it should be? In the last few days, we have heard of the planned closure of seven residential homes through the Four Seasons announcement. That will cast a number of workers out of work and, of course, it means that older people will be removed to other centres of care.

We have a regulatory process, but we do not have investment in the structures or in the careers of those at the front end of the care system. It is important to say that. The warnings that are coming, particularly from the private sector, about the service are that people's jobs are under threat because of a rise in the minimum wage, which is a story in itself. Many of them are receiving only the minimum wage. The care providers are going to be affected by that, which threatens their business model. That is the point that I was trying to make to the Health Minister yesterday. We have certain provisions in the public sector that are not matched in the private sector. If we are to continue to have a private sector that can adequately care for a growing older population, we need to invest properly in the service.

The 2011 TYC plan recognised that there was going to be a growing older population. I have rehearsed this over and over, but I do not mind doing so again, because it is important to say that TYC was right. It recognised that there were going to be growing needs, and it needed to match that recognition to an understanding of what those needs were going to be and of the accompanying service provision.

I make those remarks in the context of the provisions, in the sense that the provisions are stating one thing but the system is saying something else. Indeed, the regulations may find themselves being undermined by a system that is not matching them.

Mr Principal Deputy Speaker, have I run out of time?

Mr Principal Deputy Speaker: No, but I ask you to come back to the point.

Mr McKinney: I was steering myself back there, as you can probably tell, Mr Principal Deputy Speaker. I appreciate your advice.

Ideally, let us get the social workers regulated and empowered, and let us ensure that the work is attractive. We need to be making a career for them, and to be paying and training them properly.

The SDLP supports the Bill's general principles. We believe that it is a step in the right direction to protect some of the most vulnerable and disabled in society, which, as I said at the outset, needs to be its principal element. Any change to the provision or to work practices needs to be understood by the Assembly, by the Committee and, principally, by those who are working at the front end of the industry.

Mrs Dobson: I welcome the opportunity to make a few brief comments on the legislation. What we are discussing today has its foundations firmly rooted in the 2001 Act. As we have heard, the proposed changes have two very reasonable and sensible objectives: first, to modernise the Northern Ireland Social Care Council to bring it into line with other regulators, such as the GMC; and, secondly, to broaden the opportunities for the recognition of continuing professional development.

The NISCC registration scheme appears to have proceeded as seamlessly as could have been expected. It was a daunting task trying to ensure that all our 18,000 residential care, nursing home and children's home staff met the requirements. The registration scheme is taking its next step by applying to a further 12,000 domiciliary and day-care staff.

The scale of the numbers involved illustrates the breadth and width that the registration scheme will have for what is a fairly small population base. In addition, once the latest process comes to an end, Northern Ireland will be the only part of the UK that registers its whole social care workforce. Although I understand the rationale behind what the Department is trying to achieve — improving safeguards around those who often have unaccompanied access to our vulnerable and their homes — I urge the Department, and the NISCC in particular, to work very closely and carefully with the sector to ensure that undue pressures are not placed on employees.

I would very much welcome the Minister's assurance that that will take place.

11.45 am

We need to remember that the primary motivation for many domiciliary care workers is to help and support elderly neighbours and family members, with money often a distant consideration. It would be a retrograde step if, for whatever reason, some people were dissuaded from taking up these important roles. We must care for those who care.

The Bill contains several sensible proposals that I support and welcome, particularly in clause 4, which expands the scope of the NISCC to award certificates to social workers in recognition of learning achieved through a wide range of continuing professional development activity. Continual personal and professional development is important in all jobs, but even more so for those whose role sees them regularly coming into contact with the most vulnerable in our society. I also welcome the fact that there appears to be strong support for the Bill, particularly among staff and bodies on which it will continue to have the greatest impact.

I conclude by urging the Minister to continue to work with those employees and their representative bodies so that they, too, can contribute to better safeguarding as we move forward in our ever-changing demographics.

Mr McCarthy: I thank the Health Minister for bringing this very important Bill to the House. The Chairperson has already spoken on my behalf as a member of the Health Committee, so I will be brief. I speak in favour of the Bill.

It is simple and straightforward legislation but it offers those in social work additional recognition of their professional standards and gives greater reassurance to the public. The debate on the principles of the Bill provides the opportunity to acknowledge, praise and recognise the critical role that social workers play in supporting so many of our people, especially the most vulnerable, in a whole range of settings across our society. We owe those workers a great amount of thanks and gratitude. Speaking in a personal capacity, my family receives support from carers and we could not speak more highly of the service that they provide.

Looking to the future, and in keeping with the direction of travel of Transforming Your Care and other potential reforms, social workers and other staff who work in the community are set to take on ever more responsibilities, it seems to me, for the delivery of health and social services outcomes. In that regard, I believe that the additional regulation offered by the legislation is appropriate at this time. This should not be seen as an attack on the sterling efforts of social workers but as an acknowledgement

of their critical and growing role and their existing professional standards. Through this type of regulation, they will be on a better and more level playing field compared with their peers in other professions.

Finally, I am a little disappointed, as our Committee Chair indicated, that it has taken so long since the public consultation to get the Bill to this point, especially as there is consensus among key stakeholders. However, I welcome the fact that we are on the brink of taking forward these reforms. On behalf of the Alliance Party, I support the Health and Personal Social Services (Amendment) Bill and look forward to its early passage through the House.

Mr Middleton: As a member of the Health Committee, I support the progression of this Bill to its next stage. I begin by paying tribute to the thousands of social care workers, social workers and students who do fantastic work in our communities. Although I am a new member of the Committee, I am well aware that the Bill has been in progress for some time. Although the consultation was completed in 2012, it is important and appropriate that the necessary time was taken to get the Bill to this stage and to get it right so that it gives effect to the changes that are required and does not lead to any unintended consequences.

I have no doubt that, between 2012 and the Second Stage, the Bill's provisions have been well considered by the Minister and his Department. It is also evident from the consultations that there is strong support for the Bill. There is a willingness to modernise the conduct model and make it fit for purpose for the future.

It is important that the Health Committee gets the opportunity to further scrutinise the Bill at its next stage. It is widely recognised that the Northern Ireland Social Care Council's model of conduct is out of step with best practice in other healthcare professions across the rest of the United Kingdom and the Republic of Ireland. We need to ensure consistency in regulation throughout the UK.

The current model — in which registrants can only either be removed or remain on the register and which is without the provision for remedial action and improvement — is no longer the most efficiency way of doing things. That is why it is important that we rectify the situation, and it is clear that this can be done through the Bill. Ultimately, we all want to see the best possible practice in health and social care in Northern Ireland. The provisions in the Bill will enable the NISCC to take greater action, where there are failings in practice, through additional powers and conditions being made available to them. The desired outcome of the process will be improved safety for the general public and additional training for those who require it.

I welcome what the Minister said on recognising the achievements of social workers. I agree with him that formal recognition will provide further assurance to employers, customers and the general public, not just about maintaining skills but about expanding the skills and knowledge of social workers throughout their career in the health and social sector. That will, of course, take into account new technology and e-learning methods.

Hopefully, the Minister will touch on whether there are any potential financial costs of the Bill's provisions. I have no further comments to add. I look forward to see the Bill progressing to the next stage.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leis an Aire as an Bhille seo a thabhairt isteach. I thank the Minister for tabling the Bill. Cibé ar bith, ba mhaith liom a rá go bhfuil díomá orm gur tugadh isteach é ag pointe an-mhall, gan riachtanas, i mo bharúil. I am disappointed that the Bill has been brought in at a very late stage unnecessarily. However, it is an important piece of legislation. It aims to regulate the system and ensure that the processes are in line with best practice in terms of workforce regulation and the achievement of continuing professional development (CPD) awards in social work.

The system is managed by the Social Care Council. It came into being with the remit of registering the social care workforce, which comprises social workers and social care workers. It is also responsible for setting standards of conduct in practice and for agreeing improved standards of training for social workers. Sanctions are another important function of the council.

In 2005, it became obligatory for people in that workforce to register, and there are 23,000 members who work in a wide range of social care settings. They include social workers, social work students, managers in residential daycare and domiciliary care settings, and staff in children's homes, adult residential care homes and nursing homes. There is a wide range of settings in which people who work in that environment are placed. So, it is important that the proper regulation, provision and safeguards are in place for everyone's protection; workers, residents and service users alike.

There will be a further 12,000 staff registered by the end of next year. Registration of the social care workforce is key to the framework that the Department has brought in, because, as I said, it has a focus on reinforcing safeguards for service users, many of whom are vulnerable. So, it is important that they feel protected and that there is an emphasis put on ensuring their safety and well-being. It is also vital that the people who work in such environments are appropriately trained and work to the highest professional standards. It is equally important that there is public confidence in standards of provision in social work and social care environments.

As other Members have attested, this comes about at a time when the part of the sector that cares for the elderly is greatly challenged. The recent announcement of the closure of the Four Seasons homes has been devastating for the people who live there and a massive blow to the care workers and other staff whose jobs may go. In addition, the Committee is in receipt of a disappointing report from the Commissioner for Older People in which she lays out many recommendations that she feels are necessary to improve the sector where there are failures in the system. We would like to see that addressed as well. It is part of a package.

It is important that those very disappointing events do not detract from the Bill's aims, which are extremely relevant nonetheless. We have to continue to seek the highest standards of care and best practice in social care and social work. The systems that are in place have to be capable of ensuring such standards and best practice so that we have a well-regulated, professionally trained workforce who deliver the absolute best provision for vulnerable people here in the North. The Bill will, hopefully, help to achieve that. Given the time frame in which we

have to progress several Bills, it will be a challenging time ahead for the Committee. Nonetheless, I look forward to further scrutiny of the Bill at Committee Stage.

Mrs Cameron: As a member of the Health Committee, I welcome the opportunity to contribute to the Second Stage of the Health and Personal Social Services (Amendment) Bill. I begin by commending the work that the social care workforce does to complement our front-line health service. We owe a huge debt of gratitude to all of them, from children's services to elderly care and everything in between. As we are living in a time of an increasing ageing population, we rely more and more on the support, care and assistance that these personnel provide to families and individuals. With that in mind, I feel that the Bill is a timely and welcome move that will assist in protecting and safeguarding the service users, who are often the most vulnerable. It will, at the same time, add to the existing professionalism of the service through additional training and conduct standards.

With the mandatory registration in the Northern Ireland Social Care Council being rolled out over the last 10 years to encompass social workers and social work students as well as managers and staff in residential and domiciliary care settings, we are already in a good position to ensure that we are providing well-trained and correctly assessed employees. The registration of day-care and domiciliary staff has recently begun. It is hoped that this will be complete by this time next year, further strengthening our current service.

The proposed changes that will come in with the Act will bring Northern Ireland into line with the rest of the UK. They will also give members of the social care workforce the opportunity for a rolling system of training and personal development that will ensure that they will be continually kept abreast of new developments, techniques and practices. It is also worth noting at this point that 87% of respondents to the consultation were in favour of the changes, and that, I believe, demonstrates an acknowledgment in the service of the need to modernise and reform.

The main changes to the current legislation come in the first four clauses of the Bill. The changes will focus on ensuring that any issues with staff can be dealt with more flexibly and on providing the NISCC with the power to investigate an employee's suitability to work as a social care worker. These steps will protect the safety and well-being of users, such as elderly residents of care homes, and help to increase public confidence in the social care system. The Bill will ensure that social care workers here will be subject to the same regulatory procedures as those in the rest of the United Kingdom and, as such, provide the same safeguards for service users as those across the water. Whilst the Bill is largely technical in its nature, it will ultimately provide protections for service users and social care workers alike and ensure the highest quality of social care provision. The Bill reflects a more modern, responsive and streamlined approach to social care and, as such, is to be welcomed.

The Chair has rightly outlined the Committee's concerns about scrutinising three pieces of legislation at this late stage of the mandate. I would like to put on record my concerns, as I have on several occasions at Committee, that rushing through controversial and sensitive legislation

in such a short time frame is far from satisfactory or, indeed, appropriate.

That being said, this Bill does not appear to be in any way controversial. With that, I support the Bill.

12.00 noon

Mr Hamilton: I thank all Members who have contributed to the Second Stage debate for the remarks that they have made. I will do my best to address some of the issues that were raised. I am sure I will miss many, but I assure Members that I will pick those up in due course in correspondence.

Mrs Cameron concluded by making remarks about the timing and what was suggested to be the late introduction of the Bill. The Chair certainly laboured that point in her comments as well. I can offer lots of reasons that are probably not uncommon at this time in a mandate across Departments for why legislation sometimes takes a little longer than we would like. I was in the Chair's position as Chair of a Committee in the previous mandate, when we had to juggle several pieces of legislation in the last couple of months of the Assembly term, so I know the challenges that that presents. I think that I have made clear and other Members have mentioned some of the reasons why this legislation has taken a little longer than we would have liked, and there are good and valid reasons why that has been the case. It is important that all legislation, whatever its source, is properly developed and that we take our time to get it right. I think that everybody would agree that we should seek to get it right at the start. In this case, issues were raised by other Departments that took some time to be addressed. There are pressures on departmental resources, as there are in other Departments, that can sometimes take us away from the speedier introduction of legislation.

Put simply, I was not prepared not to introduce this legislation — forgive me the double negative. It is important legislation and has been approved by the Executive and, therefore, by the majority of parties in the Assembly. It is a short but important piece of legislation. It is my understanding — I think the Chair acknowledged this — that the Committee has been extensively briefed about this legislation, dating back several years. So, whilst it might be coming at a late stage in the mandate — I accept that — it is not coming as a complete shock or surprise to the Committee. The Committee has been worked with and coordinated with throughout the process of developing the legislation, so it ought to be well acquainted with what is before it today.

The Chair acknowledged that the Committee had been talked through the draft clauses, so, again, the actual legislation as it is formed is not a complete surprise. I understand and appreciate the fact that the Committee has been supportive of the legislation. That has been reflected in the comments that have been made today. There has been no real sign of dissent in Committee, here today or, indeed, through the extensive consultation processes that have been undertaken. While I appreciate the comments that have been made by the Chair about timing, I do not think that this will prove to be the most challenging or controversial legislation that the Committee will have to scrutinise in this or, indeed, any other mandate. I agree entirely with the points that Mrs Cameron made in that regard. Whilst understanding and appreciating the pressures that the Chair and the Committee have

to contend with, I was not prepared to further delay the modernisation of the regulation of the social care workforce.

Other Members made points about the timing. I hope I am not quoting Mr McKinney inaccurately, but he talked about the need to have “full”, “lengthy” and “robust” scrutiny of legislation: I agree with that point. They are principles that should be applied to all legislation, particularly those pieces that are of a controversial nature. Mr McKinney sped through a range of issues, whilst accepting the principles of the Bill. He supported and acknowledged, as did all Members, the changes proposed in the Bill around training and the development of those in the social care workforce. He also agreed that it was a good thing to put in conditions and undertakings. We were probably all unfamiliar with regulation in this area until this legislation started to develop and we took it through the House in its various stages to where we are now. I do not think that the current position of people remaining on the register or being removed from the register is a particularly sensible way to balance the regulation of our social care workforce. The changes that will allow for remedial action or improvement are good, sound things to do. I will look at Hansard and come back to the Member on the specific points that he raised. That will help him, and I am sure that it will help the Committee as well. I will make it available to the Committee too, to assist with its scrutiny, while being mindful of the issue around timing.

Mr McKinney also went into a discussion around pay and conditions for those in the social care workforce. Many, of course, operate in the independent sector, and pay and conditions are obviously a matter for members of staff and their relationship with their employer. I do not think that he was implying — I hope that he was not — that there was no point strengthening regulation if we did not resolve issues around pay. I accept that there are issues and challenges with pay. Many people will think that they are not being paid what they should be paid. Whilst I acknowledge that there are issues around pay and remuneration, particularly in the sector, I am sure that he would agree with me that whatever one thinks one should be paid, that is no excuse for poor standards, particularly when dealing with a very vulnerable population, as many of those in the social care workforce are.

Mr McKinney: I appreciate the Minister's giving way. The point that I am trying to make is that we have regulation and we should have regulation. We should have robust regulation. I am saying that it should be matched by a government commitment to ensure that they invest in the careers associated with this need so that people in the sector feel valued as well as regulated.

Mr Hamilton: I take the point. Without going off on a complete tangent and having the Principal Deputy Speaker bring me in as he tried to do with the Member himself earlier, I think that, if we were guilty of not treating the social care workforce and social care issues with the importance that we should have — I think we probably all were, if I can be bold in saying so — it is now coming into much sharper focus as an incredibly important issue, not just because of what has happened in the last week with the proposed closure of seven homes by Four Seasons, although that brings it into very sharp focus for us. Sometimes, we are focused very much on the health aspects of the Department of Health, Social Services and Public Safety,

whether that be as Minister or the Committee, and less so on the social services side. I think that we are starting to see, understand and appreciate more that this is an area that will require much more of our focus now and into the future, every bit as much as getting the health service right. This is probably one of the biggest challenges that we face as a Department and, indeed, as a society. It is absolutely right that we acknowledge and reward that workforce properly and appropriately, although I note that some of the concerns being expressed by independent providers in the residential and nursing home sector are around the national living wage coming in and increasing their costs and the impact that that will have on the viability of those businesses. While I accept and acknowledge the points that the Member makes, I am mindful of listening to what the sector itself says about what that does in terms of pressure on their costs. That is a difficult balance for us all. I accept the clarification that the Member made on that. It is important to say that, even though people will have issues with their pay, particularly in this sector, that is no excuse for not having regulation or registration and ensuring that the highest standards are maintained.

Mrs Dobson, who is no longer with us here, raised the issue of registration. Yes, we are pioneers in the UK in respect of registration. It is right to register a workforce that works with very vulnerable people in society. As I have said, social care should not be seen as secondary to health; it is every bit as important, if not more so in many regards. Registration and regulation should also encourage improvement, as well as ensuring that poor standards are dealt with.

Finally, in respect of Mr Middleton's point about cost implications, I can say that there are no direct financial costs to the implementation of the amendments to the current regime. In fact, we actually expect that efficiencies should be made as the Northern Ireland Social Care Council streamlines its process of ensuring good conduct.

So, in taking forward the Bill, we will ensure that the Northern Ireland Social Care Council's conduct model is modernised and reflects best practice, that those who deliver social services are subject to more proportionate sanctions in respect of deficits in performance, and that learning attained through a variety of approaches can be recognised. Together, these changes will increase the confidence of those who should expect to receive the highest standards of care by ensuring that only those who are suitable and competent to work in social care do so. I ask Members to support the Bill, and I welcome the opportunity to work with the Health Committee during its scrutiny of the Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Health and Personal Social Services (Amendment) Bill [NIA 68/11-16] be agreed.

Mr Principal Deputy Speaker: That concludes the Second Stage of the Health and Personal Social Services (Amendment) Bill. The Bill stands referred to the Committee for Health, Social Services and Public Safety.

Special Educational Needs and Disability Bill: Consideration Stage

Mr Principal Deputy Speaker: The next item of business is the Consideration Stage of the Special Educational Needs and Disability Bill. I call the Minister of Education, Mr John O'Dowd, to move the Bill.

Moved. — [Mr O'Dowd (The Minister of Education).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There is a single group of amendments, Nos 1 to 12, which deals with duties, cooperation and regulations. I remind Members intending to speak that, during the debate on the group of amendments, they should address all the amendments in the group on which they wish to comment. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each amendment will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clause 1 ordered to stand part of the Bill.

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

Mr Principal Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 12. These amendments impose new duties on education bodies, require cooperation on special educational needs provision, and raise Assembly control of certain regulation-making powers. I call the Minister of Education, Mr John O'Dowd, to move amendment No 1 and address the other amendments in the group.

Mr O'Dowd (The Minister of Education): I beg to move amendment No 1: In page 2, line 18, leave out "may" and insert "shall".

The following amendments stood on the Marshalled List:

No 2: In clause 3, page 2, line 33, after "take" insert "all".— [Mr O'Dowd (The Minister of Education).]

No 3: In 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).".— [Mr O'Dowd (The Minister of Education).]

No 4: In 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).".— [Mr O'Dowd (The Minister of Education).]

No 5: 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 Authority and the health and social services authorities ("the relevant bodies") shall co-operate with one another 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.".— [Mr Weir (The Chairperson of the Committee for Education).]

No 6: After paragraph (5) insert

“(5A) 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.”— [Mr Weir (The Chairperson of the Committee for Education).]

No 7: In clause 4, page 3, line 33, at end insert

“(2A) After paragraph (4), insert—

‘(4A) If, in helping the Authority 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.’— [Mr Weir (The Chairperson of the Committee for Education).]

No 8: After clause 5 insert

“Nature and extent of special educational provision

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”.— [Mr Weir (The Chairperson of the Committee for Education).]

No 9: In clause 7, page 5, line 18, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

No 10: In clause 9, page 7, line 34, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

No 11: In clause 9, page 7, line 36, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

No 12: After clause 14 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.’— [Mr O’Dowd (The Minister of Education).]

Mr O’Dowd: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Éirím le labhairt faoi leasú a haon. The Bill gives effect to the legislative changes required to support the policy for a revised special educational needs and inclusion framework. It puts the views of the child centre stage. The Education Authority (EA) will have a new duty to have regard to the views of the child when making decisions about their special educational provision. There are also enhanced duties on boards of governors to meet the needs of their pupils with special educational needs (SEN), and new appeal rights are given to the parents of children under two years of age and directly to children over compulsory school age. Importantly, a new duty is given to the EA, which will have to publish plans in relation to its arrangements for special educational provision. That will bring greater clarity and openness about what is available.

12.15 pm

The Special Educational Needs and Disability Bill (SEND) represents a first building block to a more responsive and effective framework of support for children with SEN. It will be followed by revised regulations, a code of practice and training. Through this combined package, the aim is that all children with SEN will get the support that they need to reach their potential during their school years.

In developing the Bill and the new SEN framework, I have always sought to have in mind the principles that every school should have an inclusive ethos, early and timely intervention is key, and schools and teachers will need training to ensure that they are able to meet the needs of their children with SEN. In turn, I believe that we should focus on learning outcomes for children with SEN, which should be agreed in consultation with a parent and a child. Transparency, accountability and reduced bureaucracy will increase confidence in the new SEN framework.

I thank the Education Committee for its scrutiny of the Bill. I believe that the Committee Stage was a very constructive process, and I have agreed a number of the Committee’s proposed amendments, which I will move today. Amendment Nos 1, 9, 10 and 11 relate to making it a duty of the Department to make regulations in a number of clauses by changing “may” to “shall”. The Committee’s scrutiny of the Bill raised the issue that there have been times when regulation-making powers in Bills have not been used. I have agreed to these amendments to ensure that the regulations under those key provisions are, indeed, enacted.

Amendment No 12 also relates to regulations and will have the effect of increasing the Assembly’s scrutiny of regulations made under clauses 3(3) and 3(4) by making these regulations subject to affirmative rather than negative resolution. The amendment will also ensure that, when regulations made under the powers in clauses 3(3) and 3(4) are combined with regulations made under powers elsewhere in the 1996 Order, which are subject to negative resolution, the entire set of regulations will be subject to affirmative resolution. That is a positive step and will ensure that the regulations regarding boards of governors and EA duties made under those clauses will benefit from increased scrutiny in the Assembly.

Amendment No 2, which the Committee also proposed, relates to the duty on boards of governors to ensure that teachers take “all reasonable steps” rather than “reasonable steps” to identify and provide for pupils attending their school who have SEN. That will have the effect of strengthening the duty on schools for pupils with SEN.

Members will note that the Bill will introduce a new duty on all schools to complete and keep under review a personal learning plan (PLP) for each child with SEN. That will focus on learning outcomes and involve the participation of a parent and a child. Having listened to the views of the Committee, I tabled amendment Nos 3 and 4, which will ensure that a child’s personal learning plan is transferred to the next grant-aided school at which the child is a registered pupil. That will, of course, be subject to the consent of a parent or a child over compulsory school age. The amendments will ensure that, in developing a new personal learning plan, a school can benefit from the information in the previous school’s plan for a pupil. I ask members to support the eight amendments that I have proposed.

I turn now to the amendments proposed by the Education Committee. Amendment No 5 places a duty on health and education bodies to cooperate to identify, assess and provide services to children with special educational needs. It also includes a duty to share information and to prepare a joint and integrated plan, and provides a power to pool budgets and share resources. Amendment No 6 proposes that the remit of the Regulation and Quality Improvement Authority (RQIA) be extended to include oversight of that cooperation. As these are cross-cutting amendments, I have consulted with the Minister of Health, Social Services and Public Safety. He has cautioned against accepting these amendments. He believes that they will duplicate provisions in the Children’s Services Co-operation Bill, which is awaiting Royal Assent.

The Health Minister has also advised that it is not a policy intention of DHSSPS to extend the remit of the RQIA in this way. I have also been advised that, from a legislative perspective, amendment Nos 5 and 6 are unnecessary as they duplicate provisions in the Children’s Services Co-operation Bill and are potentially harmful because they may cause confusion and uncertainty as to the relationship between the Children’s Services Co-operation Bill and this Bill. It is my understanding that, as legislators, we should never duplicate other legislation. To do so causes confusion about which legislation takes precedence.

I am aware that the Children’s Services Co-operation Bill and this Bill are not direct duplications. However, two slightly different duties with the same policy objective may cause more confusion for the authorities implementing them and have a negative impact on the exercise of the functions in relation to children.

As drafted, amendment No 5 places a duty to cooperate in identifying, assessing and providing services to children with SEN. That implies that both the EA and health bodies would be involved in all three activities — identification, assessment and providing services. The EA, of course, cannot provide health services, and health authorities cannot exercise functions under special education legislation. However, I have a firm policy position in favour of increasing cooperation between all bodies that can improve children’s lives. Cooperation is especially important for the children who are most vulnerable, such as children with SEN or looked-after children.

I know that there are concerns about the lack of coordination between education and health in regard to services for children with special educational needs or disabilities. Several members raised that at the Bill’s Second Stage debate, during the recent autism debate and throughout the progress of the Children’s Services Co-operation Bill. As such, I can understand why the Committee tabled the amendments, and I support the principles underpinning them. If they are passed today, I will have to consider making technical amendments to this clause at Further Consideration Stage. However, I cannot place a duty on another Department without the other Minister’s consent. The Minister of Health has advised me that he has concerns about these amendments. Therefore, I cannot support amendment Nos 5 and 6.

Amendment No 7, which the Education Committee tabled, relates to placing a duty on health and social care trusts (HSCTs) to provide the treatment or services identified in a statement of SEN. That amendment would place a duty on HSCTs to provide therapeutic or other provisions that the trusts have assessed as being required. I am, as I am sure all members are, in favour of children receiving any services that they have been assessed as needing in order to help them to achieve their potential. However, this is another cross-cutting amendment, so I consulted the Minister of Health, and he cautioned against its acceptance. He advised me that he believes that this amendment would also duplicate provisions in the Children’s Services Co-operation Bill. Creating a duty for the HSCTs to provide treatment for children with SEN may also mean that that treatment takes precedence over the treatment of others and could have other unintended consequences. As with amendment Nos 5 and 6, I cannot place a duty on another Department without the other Minister’s consent. The Minister of Health has advised me that he has concerns about the amendment. Therefore, I cannot support Amendment No 7.

Amendment No 8, which the Education Committee also tabled, would require statements of SEN, which are completed by the EA following the process of statutory assessment, to include specification of the nature and extent of special educational provision. I support parents’ desire for clarity on the services that their children require. However, I believe that the current legislation already supports that. If further improvements are required regarding the content of statements, the appropriate vehicle to address that will be in the regulations related to the Bill. It is right and proper for the Bill to address the high-level issues and for the detail to be dealt with in subordinate legislation.

I intend to launch a public consultation on the regulations related to the Bill in early 2016. The consultation process will provide a much better opportunity for the public and other stakeholders to express their views on the content of statements and, indeed, on other issues contained in the regulations. I hope that all of those with an interest in the area will take the opportunity provided by the consultation to offer their views. Therefore, I ask Members not to support amendment No 8, which, in many respects, pre-empt the forthcoming consultation.

In conclusion, I thank all those who have taken an interest in the Bill. It has been a lengthy journey, but it has been worked on with a sense of cooperation and with the best interests of children and families with SEN at the centre of

all of our discussions. All children need support to achieve their potential. Some, such as those with SEN, will need more support as they move through the school system. I want to ensure that they get the support that they need as early as they can and that every school and every teacher has the capacity to include and support a child with SEN, with the appropriate external supports as required.

Mr Weir (The Chairperson of the Committee for Education): I am very happy to speak at the Consideration Stage of Bill, initially as Chair of the Education Committee. I will pick up initially on a point that the Minister made, and I think it is one of the dilemmas for all of us when dealing with the Bill. Understandably, the nature of the SEND Bill lends itself, by necessity, to a greater level of subordinate regulations and, indeed, to a detailed code of practice. This is not simply an attempt by the Department to push a lot of it further down the line, as is sometimes the case with different Departments; the detail, by necessity, has to be there. This is about trying to strike a balance between giving adequate space for that detail and putting in sufficient safeguards. Consideration Stage, in particular, gives the Committee the opportunity to amend the legislation and, indeed, try to get it right. It will come down, more or less, to where there is disagreement in principle — and perhaps in practice, particularly with amendment No 8, but I will come to that later.

This is an important Bill that will support the revised special educational needs and inclusion framework. As I understand it — and the Minister may be in a better position to confirm it than me, as I am a little bit newer to this — this may be the first time that any Education Bill's Committee Stage has been followed by a Consideration Stage. We have tended to fall into one of two categories: either there has had to be accelerated passage or a Bill has been killed off at some stage. So, we may be, inadvertently, making a little bit of history here today. Maybe that reflects the importance of the subject. It may be a little bit early to offer congratulations either to the Committee or, indeed, to the Minister, but I think that it is certainly worthy of note. Indeed, if all goes well today, I am sure that the Committee and the Minister might even be tempted to have a go at another couple of Consideration Stages before the end of the mandate. We shall have to test that out.

As I have already indicated, this important Bill supports the revised SEN and inclusion framework. The Department has assured the Committee that the objectives of the framework are as follows: to maintain an inclusive ethos within schools; to ensure timely identification and assessment of SEN support, and to support early intervention. Indeed, I think it has been accepted that the earlier the intervention, the better the educational outcomes, and, indeed, the better the level of support, the more efficiently we can do that. As part of the framework, there is also a desire to reduce bureaucracy, which is sometimes easier said than done; to build on the capacity of educators, and to take into account the views of pupils and parents. Sometimes, there can be tension between those two.

There were many in-depth and complex exchanges during the Committee Stage. We were faced with a welter of background material, and there were detailed policy documents to consider. There were even some innovative suggestions and hotly contested points of principle. Throughout all our deliberations, however, the Committee

kept at the forefront of its consideration the objectives of the framework and the impact of the proposed legislation on children with special educational needs and disabilities. That has to remain the House's primary focus.

As we discussed at Second Stage, the number of children with SEN appears to be increasing. That provides challenges to schools, in terms of early identification and capacity building among teachers. It provides challenges to the Education Authority, in terms of a growing resource demand and the need for a consistent SEN support package; and it provides challenges to the Department, in providing a coherent policy framework. For Committee members, these challenges seem to be very real and are felt very acutely by parents. Many parents place their faith in the SEN assessment and statementing process and then come to a representative organisation, or even to their local MLA, when things appear to go wrong. Many complain about a complex process, with poor coordination and lack of communication between education and health providers of SEN services.

The Department advised that one of the objectives of the framework, though not necessarily the Bill, is to reform and improve the SEN assessment process. The Department also advised on measures it is adopting to enhance its cooperation with other providers of SEN services, including the health and social care trusts. I believe that that goes very much to the heart of much of today's debate. Although children with SEN are, of course, at the forefront of our minds, the Committee is also keen to see that the Bill helps parents to get satisfaction from what has been, up to now, an often inconsistent and confusing statementing process.

12.30 pm

During the Committee Stage of the SEND Bill, members considered written evidence from 32 organisations and undertook nine oral evidence sessions and 16 formal meetings. Deliberations were also informed by a stakeholder event and an informal stakeholder meeting. Additionally, the Department provided sight of indicative draft regulations, some of which are referenced in the SEND Bill and others that relate to future changes to the statementing process.

I would like to take this opportunity to thank the many stakeholders who wrote to the Committee, gave oral evidence or attended our health/education cooperation event. It is not always possible to receive oral evidence on an issue such as this, which touches so many groups and individuals, from every organisation that makes a submission, even when the Committee Stage is subject to extension. I assure all our stakeholders that we study their views and suggestions, whether written or oral, carefully and give great value to the Committee Stage. I would also like to thank the Department for its cooperation, particularly in responding to queries and for the way that it shared its early drafts of the regulations on a without-prejudice basis. That was important. I think that the Committee would agree that a number of our stakeholders demonstrated a significant and unique insight into SEN issues. As MLAs, we are, ultimately, generalists in our nature, so it was very helpful to get that. Indeed, the stakeholders who presented to us communicated most eloquently and helped to influence the Committee's choice of proposed amendments

Before I come to the specifics of the amendments, I want to make a few remarks, as Chair, on the other provisions of the Bill. The Bill introduces a requirement for the Education Authority to take into account the views of children in respect of their SEN provision. The Committee welcomed that idea for a few different reasons and even considered amendments that would guarantee children the right to speak at SEN tribunals. The Committee was dissuaded from that course and accepted assurances that the Special Educational Needs and Disability Tribunal (SENDIST) would, in any event, generally always accept evidence from children. Further to that, the Bill includes provisions that transfer rights in respect of SEN and disability from parents to children who are over compulsory school age. While it is true that there were some reservations about that, the Committee received assurances that regulations would specifically support and permit children to receive help from their parents in making a SEN or disability claim. The Committee awaits with interest regulations specifying how the capacity of a child is to be determined to exercise those new rights in a meaningful way. Members also noted that the provisions may provide some benefit to looked-after children where social services, as the de facto parent, fail to properly represent the child's interest.

The Bill also contains measures relating to a pilot scheme that would allow the transfer of SEN rights from parents to children who are below compulsory school age. It is fair to say that the majority of members questioned the necessity of those provisions, and they noted the very limited experience in other jurisdictions and the lengthy running timescales included in clause 11. The Committee noted that the related regulations are to be subject to draft affirmative resolution, and, on that basis, I think that the Committee was just about content not to oppose the relevant provisions of that element.

Clause 5 introduces some reductions to timescales for the SEN assessment process. I will say more about that in a moment. I would just like to record the Committee's concern and dismay about the number of statements that are provided outside the specified time frame and the proportion of those that are subject to what are termed "valid exceptions". The Committee accepted the compression of timescales for parental involvement on the understanding that the statutory bodies' timescales would be subject to a more significant compression and that, if parents failed to meet the new deadlines, it would not adversely impact on their children's access to SEN support.

The Bill also contains provisions relating to additional mediation arrangements for the SEN assessment process. When the Department explained those new arrangements properly and clarified some points of concern that we had raised, the Committee was quite happy with the relevant clause. In particular, the confirmation that the new process is voluntary and will not compromise or delay SENDIST deliberations was most welcome. However, given the lengthy consultation process that preceded the Bill, it is quite surprising to find that the Department had not previously communicated those simple assurances to stakeholder organisations. That could have calmed a lot of nerves in the broader sector.

I turn now to the amendments themselves. They cover a number of themes. I want to begin by talking about the SEN assessment process, to which amendment No 8 applies.

The Bill makes only limited reference to the current five-stage process under which children's educational needs are assessed and statements of educational needs produced. The Children with Disabilities Strategic Alliance (CDSA) called for an amendment to require the Education Authority to better quantify and specify the support available to children in SEN statements so as to ensure improved consistency of support for statemented children. The CDSA contended that the current legislation permitted the Education Authority too great a degree of discretion in the variation of agreed support and the timing of its withdrawal.

During the Committee Stage, the Department advised that other regulations and a revised code of practice would be brought forward soon, which would reform the assessment and statementing process, shortening it from five stages to three and reducing the overall timescale from 26 to 20 weeks. The Department indicated that the more streamlined approach, coupled with strengthened provision in schools, would lead to a reduction in the number of children requiring statutory assessment and being granted SEN statements. For the majority of pupils, support would be available at stages 1 and 2, which are the school-based stages, without the need for a statement.

The Committee noted with concern the absence of detail in the Department's plans in respect of the reform of the statementing process and the consequent concerns among stakeholders. However, the Committee felt that given the potential for benefits for children in the revised SEN and inclusion framework, the Department should be given the opportunity to properly consult and draft the detailed regulations and revised code of practice setting out its changes to the SEN assessment process. The Committee agreed that it would not put down amendments in that regard.

That said, the Committee noted particular concerns raised by parents' representatives, including Autism NI and independent parents of children with acquired brain injury, about SEN statements. The Committee therefore agreed to support an amendment that would insert a new clause — amendment No 8 — requiring the Education Authority to better specify provision for those children in the latter stages of the assessment process through the SEN statement. The Committee felt that that change would provide improved assurance for parents of statemented children.

I will now deal with amendment Nos 3 and 4. During the Committee Stage, the Association of Educational Psychologists and the Equality Commission suggested that clause 3 be amended in order to set out a framework for personal learning plans, including an obligation for regular review and the transfer of information between schools. The teaching unions expressed concerns about an additional associated bureaucratic burden on teachers and confusion in respect of the monitoring of outcomes associated with PLPs.

The Department clarified that PLPs would provide greater focus on outcomes and monitoring than the existing non-statutory individual plans and that the revised code of practice would set out the relevant format and content of PLPs, and the timescale for the review etc. The Committee noted the Department's explanations and accepted that statutory PLPs would provide greater clarity and certainty for all pupils. However, the Committee expressed concerns in respect of educational transitions. In particular, members wanted to ensure that important SEN information

that identified educational support provision should transfer with a child when they changed school. Members therefore felt that sharing PLPs between schools was essential and that the necessary provisions should be in the Bill. Members noted that where parents felt that the school had wrongly diagnosed an educational need, it was likely that those parents would prefer that the relevant PLP should not transfer with the child. Thus the Committee agreed to support amendments that would place an obligation on the board of governors of mainstream or special schools to transfer PLPs with a transferring pupil to the board of governors of the receiving school. That obligation is subject to the agreement of the parent or, in line with the spirit of the Bill, the child, where the child is above compulsory school age. I am happy to indicate that the Department accepted those amendments and the Minister will move them today.

I would like to move to Committee amendment Nos 5, 6 and 7. A wide range of witnesses to the Committee expressed dismay in respect of the poor and unsatisfactory levels of cooperation between health and education bodies. Many representative organisations expressed similar views on health and education overlaps, at the Committee stakeholder event, which was organised with the Committee for Health, Social Services and Public Safety.

Stakeholders advised that the current provisions permit health and social care trusts to sometimes decline to provide support to SEN children, even where it is identified in a SEN statement, owing to resource constraints. It was argued that that allows for significant variation in the SEN provision available to children in different parts of Northern Ireland. How often have we heard reference to a “postcode lottery”? I think that there is concern that there is that variation within Northern Ireland. Respondents to the Committee Stage, including the Committee for Health, indicated support in principle for amendments that would place an enhanced duty on health and education boards to share information, plan jointly and generally cooperate. Autism NI also suggested that a third-party organisation was needed in order to oversee the effectiveness of cooperation between Health and Education.

The Department of Health and witnesses from the Education Authority and the Health and Social Care Board highlighted extensive examples of successful and ongoing cooperation between both sectors. The Department also argued that further statutory obligations relating to cooperation would be unlikely to lead to improvement, as the relevant constraints related to budgets rather than legislation. The Department indicated that further obligations might entail considerable additional costs, with questionable additional benefits for children with SEN. The Department advised that, in any event, new protocols were being developed that were designed to enhance cooperation between Education and Health and that this process was supported by the ongoing review of allied health professionals services.

The Committee noted with considerable concern the views expressed by many stakeholders during and, indeed, prior to the Committee Stage of the Bill in respect of what we might characterise as lacklustre cooperation between health and education bodies. The Committee noted the large number of SEN assessments and statements that are produced outside of statutory timescales, as an apparent consequence of poor communication between HSCTs and

the Education Authority. It was singularly unimpressed by the evidence from the Department, the Education Authority and the Health and Social Care Board in that regard. It was also disappointed by the Department’s inability to share draft protocols covering enhanced cooperation and noted the apparently limited progress at that time in respect of the review of allied health professional support for children and young people with SEN. Members felt that ongoing liaison programmes and departmental assertions of good intentions were, in the case of the former, ineffective and, in the case of the latter, not particularly credible. The Committee therefore took the view that further obligations for health and education cooperation were required. It agreed that variations in SEN provision, both geographical and otherwise, might be best tackled in the interim by supporting a revised duty on HSCTs to provide services identified in SEN statements. The Committee therefore agreed to support amendment No 7.

The Committee also felt that, owing to the limited nature and unsatisfactory level of cooperation between education and health bodies, a more general obligation in that regard was required, linked to specific activities, including the sharing of information and integrated planning, underpinned by powers to pool budgets as appropriate. The Committee felt that such an obligation was necessary in order to address perceived long-standing failures by relevant bodies to deliver consistent services for SEN children and to coherently meet the challenge presented by increasing demand for SEN services in schools.

The House recently passed the Children’s Services Co-operation Bill, which included provisions relating to general joint commissioning in support of the well-being of children. As the scope of the SEND Bill is limited to SEN and disability, the Committee agreed to table amendment No 5, dealing with education and health cooperation in the provision of SEN services and specifically referencing issues raised in evidence, including the requirement to share information, undertake integrated planning and share budgets as necessary.

The Committee noted proposals to establish a new oversight body or imbue an existing body with oversight powers in relation to health and education. Members agreed that, for the present, the establishment of a new quango in the health and education sectors would be expensive and potentially ineffective. They noted departmental suggestions that existing duties of an existing body — for instance, the RQIA — might possibly impinge on or duplicate the role of the Northern Ireland Commissioner for Children and Young People (NICCY) and have questionable effect on SEN provision, given the former organisation’s limited experience of the education sector. The Committee obtained the views of the RQIA and NICCY in that regard, and they did not agree. The Committee subsequently agreed to table amendment No 6, which would extend the duties of the RQIA to include the assessment of cooperation between the Departments of Education and Health in the provision of SEN services. Some Members indicated that they might wish to consider further related amendments in respect of the period during which a report might be generated by the RQIA.

12.45 pm

The Committee also sought the views of the sponsor of the Children’s Services Co-operation Bill. He advised — I

paraphrase, but I am sure that if I get it wrong he will be happy to correct me — that, while there was some overlap, he did not believe that the amendments unnecessarily duplicated or, indeed, undermined his Bill. Obviously, the Minister has indicated that the Department does not support amendment Nos 5, 6 and 7.

The Committee suggested other amendments that the Department agreed to support and the Minister will move today. In particular, I would like to mention amendment No 2, which enhances the obligations on schools in respect of support for children with SEN. The other amendments generally deal with strengthening the obligation on the Department's regulatory powers in relation to the SEN plan; the duties of boards of governors in respect of SEN provision; appeals against the content of statements for children under two; and assistance, support and assessment for children above compulsory school age who wish to exercise their SEN rights.

Probably not surprisingly, given the complexity of the issue, the Committee took a little longer than expected to complete its work on the Bill. In concluding my remarks as Chairman, I commend my colleagues for their patience, their diligence and their thorough consideration of these important issues.

The issues have been fairly well covered, so I will just make a few final remarks from the perspective of the DUP. I am glad to see that there has been a spirit of cooperation in seeing where we can improve the Bill. As was indicated earlier, the focus has to be on making the best possible provision for children, in particular, and their parents. We need to ensure that the process is as smooth as possible and is delivered as quickly as possible and that we do not get unnecessary additional burdens on schools. To that end, I welcome the fact that, when concerns were raised at various stages by stakeholders and then reflected by the Committee, the Department, either by giving assurances or by taking on amendments, showed a spirit of cooperation and allowed us to see those.

I turn to the amendments from the Committee's point of view. I took on board what the sponsor of the Children's Services Co-operation Bill said — obviously, our amendments predated his — and, whereas I appreciate that the Minister has indicated that there is a level of duplication, I see things slightly differently. I take on board what Mr Agnew said: while there may be some overlap, the two are not necessarily the same and, indeed, amendment Nos 5 and 7, in particular, provide greater clarity. From that point of view, I am fairly relaxed about amendment Nos 5 and 7 and think that they could be useful.

I take on board what has been said by the Minister about amendment No 6. Essentially, the RQIA has volunteered for this oversight role. It is clear that, whatever cooperation there is, there will have to be a level of oversight. However, I take on board what was said by the Health Minister and the Education Minister about how it would require additional legislation to amend the role of the RQIA and how, despite its willingness to volunteer, it may not be the most appropriate body to do this. To that extent, as an individual Member, I am persuaded by the argument that amendment No 6 is not one that should be supported; indeed, it could be looked at when putting something in place.

Having listened to the Minister, the Committee and, indeed, the DUP are persuaded that amendment No 8 is

the way to go. I simply caution that there is probably not a fundamental difference on amendment No 8 between the Department and us.

It is probably more a question of what we regard as clarity and legislative tactics. The Minister clearly believes that it is best dealt with by way of regulations. From a Committee and party point of view, we believe that, in providing that level of clarity and clear reassurance to groups, it is worthwhile pursuing amendment No 8.

I commend these amendments to the House. I look forward to the rest of the debate.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support most of the amendments but oppose amendment No 8, taking on board what has been laid out by the Minister.

Most in the Chamber will agree and take comfort from the fact that the process has been years in the making and that a lot of the issues have been dealt with by previous Education Committee members long before I had the chance to come onto the Committee. As was outlined by the Chair, it has been very positive to see that spirit of cooperation breaking out and a consensus that we need to deal with fairly complex areas of concern. Putting the child at the centre of the process has been to the fore of everybody's mind, which is great.

I notice that it is mostly Education Committee members who are in the Chamber, but special educational needs issues dominate MLAs' inboxes and workloads, and parents and schools are often frustrated that they are not able to access services or that there are various difficulties. The Bill will be a sea change in dealing with that.

As the Minister outlined, the Bill represents a new framework that is built on principles that the Committee very much focused on: transparency, inclusiveness, accountability, and reducing bureaucracy and red tape. At its very core, it is about putting the child at the centre of the process. We have seen how much we have strengthened the rights of the child and parents' appeals. Perhaps most important is the building of capacity in teachers and schools to be able to deliver world-class and up-to-date services for children with special educational needs. The Bill forms the building blocks of a far brighter future, and I look forward to the regulations and consultation that will follow.

Much of the contest on some of the amendments touches on the emerging need to cooperate and for co-design between Departments. That comes from Mr Agnew's Bill, but a lot of it predates it. Some of the amendments take unique opportunities on board. Too often, there is a silo mentality between our Departments and even within Departments. That comes up all the time when we are dealing with special educational needs: the left hand does not know what the right hand is doing and so on. Any attempt to break that down is very welcome.

I take on board many of the concerns that the previous Member who spoke laid out about duplication and some of his concerns about the amendments. I refer to the Minister's point about sitting down with the Health Department and working out technical amendments for Further Consideration Stage. That gives us the scope to press ahead with the amendments. It is a unique opportunity. Parents are calling for and demanding a far more coordinated process, and we need to look at that.

Perhaps the Health Department is saying that a lot of the permissive powers are sitting on the shelf, and we do not need new powers. However, the point is that they are not being utilised to the extent that we need to see. The duty to cooperate —

Mr Agnew: Will the Member give way?

Mr Hazzard: I will indeed.

Mr Agnew: The Member made the point that the Education Department and the Health Department need to sit down in advance of Further Consideration Stage. Does he not agree that that should have happened in advance of the Bill being brought to the House?

Mr Hazzard: I have no doubt that the Departments have been talking, and, from the Minister's comments today, it sounds as though discussions have taken place the whole way through the process. If I gave the impression that they will only be sitting down for Further Consideration Stage, it is not what I meant to do.

On the amendments to cooperate, it may be advantageous to deal specifically with the duplication issues and areas that can be tidied up to make sure that it is workable. That is what we want. The Committee certainly does not want to make bad law. We want to strengthen what is going on and do not want any unintended consequences negating what we are trying to do.

I take on board the comments that the RQIA is maybe not the best body for the purpose, but it is great that it volunteered. That is a perfect example of co-design and cooperation working.

On amendment No 7, one of the biggest things when dealing with all of this has been the geographic disparity that there is sometimes. We have all seen it in our constituency. Amendment No 7 would help to tackle that, because the situation desperately needs to be addressed.

On amendment No 8, I take on board the Minister's comment that, if the Bill provides a "building block" — those were the words used — the regulations will follow and that that is where the matter will be dealt with. I am entirely supportive of parents' desire for clarity on what services their child requires, but I am happy to go with what the Minister said about the regulations and, especially, the consultation. We do not want to put the cart before the horse. Perhaps amendment No 8 pre-empts the consultation process. That is why we will be opposing it.

I am happy to support the Minister's amendments. Out of all of them, I will speak about amendment Nos 3 and 4 and the transfer of the personal learning plan. The personal learning plan is one of the Bill's big strengths. It will be able to be transferred from school to school. Parents will be very happy with that, and it will be a big success. Therefore, we will be supporting amendment Nos 1 to 12, with the exception of amendment No 8.

Mr Principal Deputy Speaker: The Business Committee has agreed to meet at 1.00 pm today. I propose therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time.

The debate stood suspended.

The sitting was suspended at 12.56 pm.

On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair)

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Mr Deputy Speaker (Mr Dallat): Questions 7 and 11 have been withdrawn.

Corporation Tax

1. Mr McKinney asked the Minister of Enterprise, Trade and Investment to outline any discussions with the Minister for Employment and Learning to assess the demand for graduates and skilled workers following the reduction in the rate of corporation tax in 2018. (AQO 9232/11-16)

10. Mr Dunne asked the Minister of Enterprise, Trade and Investment for his assessment of the economic significance of the introduction of a 12.5 % rate of corporation tax. (AQO 9241/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): With your permission, Mr Deputy Speaker, I will answer questions 1 and 10 together.

Reducing our corporation tax rate to 12.5%, which we have committed to do from 2018, will bring with it the potential to transform the local economy by creating well in excess of 30,000 additional jobs and boosting output by around a further 10% by 2033 when compared to a business-as-usual pathway. We have already begun planning so that we can maximise this potential. For example, work is under way around gaining insight into the new FDI markets that a lower rate will open doors to. We are also looking at the types and sectors of those investments and the parts of the world that we should be targeting.

We are doing this in collaboration with the Department for Employment and Learning. The results of this work will feed into its recently launched skills barometer, to help ensure that any expected skills shortages can be identified, planned for and addressed, so that companies have access to the right skills and talent that they need to make their operations here a success under a lower corporation tax regime.

Mr McKinney: The question referred to discussions with the Minister for Employment and Learning, and I noticed that there was no reflection on whether there were discussions. However, I have a comment that the Minister for Employment and Learning made yesterday in the Chamber, principally around Fresh Start discussions. He said:

"It is important that we start now to invest more in skills. Simply waiting until 2018 to do so will not be effective."
— [Official Report (Hansard), Bound Volume 109, p470, col 1].

That does not instil me, and I am sure that it will not instil other Members of the House, with any confidence that these discussions are being had or are being productive.

Mr Bell: I think that the Member is not aware of the full scale of the facts of our discussions, and I will set those out a little better for him. We have ongoing discussions

with DEL. Minister Farry has always made himself and his officials available and we constantly share the understanding and intelligence that we have, sometimes up to three times a day. This is particularly so when we are faced with major challenges, such as those we have been faced with in some areas of north Antrim, when we will meet throughout the day. So, I assure the Member that a series of constant discussions go on with DEL.

I have to praise DEL's input to this Department in making sure that we are fit for purpose. However, all of us around the Chamber are aware that our unemployment rate is 5.9%. The European Union average is 9.5%. We want to make sure that we can drive down that 5.9%, which is too many. How do we do that? We do it by advertising the fact that Northern Ireland can lead on tax, talent and costs. Northern Ireland business operates at about 85% of the UK costs and 95% of the Republic of Ireland costs. We have a tremendous asset, and it behoves everyone in the Chamber to go out, sell it and bring jobs to Northern Ireland.

Mr Dunne: I thank the Minister for his answers. Can he give me his assessment of how we can address all the real challenges related to manufacturing, such as, obviously, the cost of energy, labour and transportation?

Mr Bell: Manufacturing has faced significant challenges. I pay tribute to the men and women in Northern Ireland who have taken our manufacturing to new levels of growth and have added jobs to the manufacturing sector.

I want to cut through all the spin and go straight for the hard economic data on manufacturing. I refer to some words that were given to us by Professor Neil Gibson:

"The manufacturing sector is larger in NI than the UK average, accounting for 13.6% of Gross Value Added (GVA) and 10% of employment".

Benchmarking Northern Ireland against other parts of our United Kingdom, manufacturing here accounts for 13.6% of GVA, whereas the UK average is 10%. Manufacturing accounts for 10% of our employment, whereas the UK average is 8%.

I pay tribute to people who are manufacturing, because we have a great manufacturing base. We have people who are working extremely hard, and we need to attract further manufacturing jobs to Northern Ireland on the basis of our lower corporation tax, the talent of our people and cost.

Mr Cochrane-Watson: I thank the Minister for his responses so far and welcome the research and analysis that is under way, particularly with DEL. Does the Minister expect us to attract new jobs in the manufacturing sector? Does he want to clarify comments he made recently, when he said:

"Don't let anyone tell you that manufacturing in Northern Ireland is in a difficult position."

I remind him that we have seen well over 1,000 redundancies announced in the manufacturing sector.

Mr Bell: I am more than happy to clarify that, because, unlike the Member, I will not talk manufacturing down in Northern Ireland. When manufacturing is growing in Northern Ireland, it does not serve any purpose for small people to try to make themselves look tall by talking about where jobs have been lost. If he had listened to what the workers at Michelin said, he would have heard them say, "We were beaten by a five million reduction in

the European tyre market. There was nothing more that government or Invest Northern Ireland could've done." Their words, Mr Cochrane-Watson, not mine.

While I am on my feet, I should clarify something: you very foolishly attempted to introduce a point of accuracy into this House in relation to Schrader. From my conversations with the company during the week, it is still practising as Schrader. It has been bought over in the same way that Moy Park was bought over, and that company still trades as Moy Park. So, your ignorance of your constituency appears to extend to your ignorance of company law.

Mr Cochrane-Watson: Point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Dallat): We do not take points of order until the end of Question Time.

Mr Cochrane-Watson: I would not want the Minister to —

Mr Deputy Speaker (Mr Dallat): I am sorry. Do not challenge the Chair. Keep your questions succinct and do not encourage debates; it is Question Time.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. I am sure that that is a warning for me, and I will take it on board.

One thing that the Minister and I agree on is that the Fresh Start Agreement gave confidence to the business community and those who wish to build the economy. In that context, has he seen the prosperity plan from the last SDLP Member to speak, Mr McKinney? I have not seen that prosperity plan. Has the Minister seen that prosperity plan, which may have an alternative way to grow the economy? If he has, will he give me his assessment of the SDLP prosperity plan?

Mr Bell: I have talked to the trade unions, the CBI and the Chamber of Commerce, and the consistent message that they have been giving us is, "We want all the politicians in Northern Ireland to work together. We want the Executive to work together". There is now an onus on all of us because the business community thrives on confidence. What can we say? We can go to the rest of the world and say that Northern Ireland attracts more foreign direct investment than any other part of the United Kingdom thanks to the skills of its people, a low-cost operating base, the talent of its people and one of the best-educated workforces — a youth workforce — that Europe has.

What all of us have to do is put our shoulders to the wheel. I do not think that any advantage will be given by people who seek to snipe and carp from the sidelines and to talk down people's jobs and the growth in manufacturing. We should be talking Northern Ireland up, because, despite the ignorance of what some Members will try to tell you, our people are delivering ahead of the UK averages, including in manufacturing.

Mr Allister: I find the Minister's complacency about the decline in our manufacturing quite astounding. He talks about ongoing discussions with the Minister for Employment and Learning that are going to produce the skills needed if his exaggerated claim about 30,000 jobs on the back of corporation tax is ever to be met. The same Minister for Employment and Learning has time without number in recent months complained vigorously and publicly about the lack of commitment to skills, skilling up and training to meet that challenge. How is it that the Minister thinks that he is making progress on delivering

these things when the Minister in charge, the Minister for Employment and Learning, does not seem to know anything about it?

Mr Bell: We have just had another prime example of a small person who needs to try to talk other people down and talk the manufacturing industry down in an attempt to make himself look big. I tell the Member that, contrary to what he would believe, he does not know it all; none of us does. The reality is that we got the figure of 30,000 jobs from Professor Neil Gibson.

I know that the Member believes himself to be an expert in everything, but he is not. We turned to the best evidence that we have. Here we have an opportunity to attract 30,000 jobs to Northern Ireland, and the small-minded and petty can just snarl. There is not a word about going out around the world trying to attract jobs. There is not a word about the manufacturing sector and the skills that we do have. The interesting thing, particularly for his constituency, is that, to the best of my knowledge, I have spoken to every other party in the House. The only party that has never spoken to me directly about manufacturing is the Member's. Is it the case that the Member is the perfect embodiment of the hollow vessel from north Antrim sounding the loudest?

Mr Allister: You will not even answer the question.

Mr Deputy Speaker (Mr Dallat): I will not remind the Member again. If there are any more remarks from a sedentary position, he will not be heard for a very long time.

Euro 2016: Tourism

2. **Mrs Cameron** asked the Minister of Enterprise, Trade and Investment how Tourism NI and Tourism Ireland plan to use the Northern Ireland football team's participation in the European Championships 2016 to promote Northern Ireland as a tourist destination. (AQO 9233/11-16)

Mr Bell: I congratulate the Northern Ireland team on qualifying top of their group. It was a wonderful night to be at Windsor Park and witness it at first hand. The tremendous atmosphere of everybody celebrating Northern Ireland's success together is perhaps a lesson to all of us in the House. I want to wish the Northern Ireland team every success in the finals in France next summer. I should say, too, that my thoughts are very much with the people of France and Paris in particular.

In recent years, Tourism Northern Ireland has been working closely with various sporting organisations, such as the Irish Football Association, in developing marketing initiatives to promote Northern Ireland. In terms of the European Championships 2016, Tourism Northern Ireland will work with its partners Tourism Ireland to exploit any potential destination marketing and PR opportunities to promote Northern Ireland in overseas markets.

Mrs Cameron: I thank the Minister for his answer. Whilst it is hugely important that we support the Northern Ireland football team in France, I am disappointed that the Department of Culture, Arts and Leisure has not held a reception for the team at Stormont, given that the CAL Minister has previously welcomed foreign nations to Parliament Buildings. Does the Minister plan to welcome the team to Stormont in the near future and show his support for our home team?

Mr Bell: Yes. I have already issued an invitation that I understand will be taken up by the Northern Ireland football team and their management. It is important for us to celebrate the huge success of the Northern Ireland team and what they have achieved. Even under the old rules of qualification for the Euros, Northern Ireland would have qualified this time. No play-off was required for the team; it delivered, and it delivered well and came in top of its group. The team deserves the support of all of us.

The success of our football team comes on the back of the success of Rory McIlroy, Darren Clarke, Graeme McDowell, Carl Frampton, A P McCoy, our Commonwealth Games team, our Olympians and the Ireland and Ulster rugby teams. It would be outrageous if the success of our football team was not recognised here in Stormont. That is why I spoke with the IFA. We will ensure that a suitable date is found, hopefully around the time of the March international break. We will be here to honour the team. When I looked at Windsor Park, I saw that Northern Ireland was completely united behind the team. It was one of the best nights that I have ever enjoyed. It gave a huge lift not only to those who were there but to the country. I hope that we can all come together to celebrate that success.

2.15 pm

Mr Nesbitt: I would be grateful if the Minister shared with the House his assessment of how well utilised the opportunities were that presented themselves at the last finals that Northern Ireland qualified for, Spain 1982 and Mexico 1986? Does he agree with the constructive criticisms at the time by Harold McCusker, a politician whom I know he, like me, holds in great esteem?

Mr Bell: I associate myself with the remarks of the late Harold McCusker, a person whom I had the privilege of knowing personally. He was a leader and a gentleman, and a fine man of the greatest integrity. He made an enormous contribution. I cannot say too much about Spain 1982. I can remember watching it very late at night. I was 12 years of age and was allowed to stay up on the Friday night as Gerry Armstrong scored that goal. I can tell the Member that my office is open to him and to anybody else to come and share ideas, look at what synergies we can get out of our collective wisdom and use them collectively.

The Northern Ireland team is delivering on the field, Northern Ireland's politicians have delivered by way of Fresh Start, and our young people are delivering with some of the best education results in Europe. Furthermore, Northern Ireland has had significantly lower levels of unemployment than the Republic of Ireland for the most of the last five years, and, for most of that period, it has been below the UK average. So, out there, people are delivering and they are delivering success. Let us utilise that success for the advantage of future generations.

Mrs McKevitt: I thank the Member for asking the original question. It is very prudent and timely. In his answers, the Minister is right: the people are delivering ahead of anyone. In that, I include our sportspeople. Again, I take the opportunity in the House to congratulate the Northern Ireland football team and, indeed, the Irish football team, which has also qualified. There is an opportunity for the Minister, who is a great promoter of sports tourism, to start delivering for our communities by, perhaps, opening up a conversation with Executive colleagues and the Irish Government on the economic benefits of an all-Ireland

tourism strategy. Has the Minister any plans for that to happen?

Mr Bell: I congratulate the Member on acknowledging the work that the Department puts in. I have been in it for only six months, but my predecessor, Arlene Foster, did a tremendous job, particularly for the Member's constituency. The Irish Open has sold out only twice in its history — first, in Royal Portrush and, secondly, in Royal County Down. We celebrated over 107,000 paying spectators and wall-to-wall coverage. Not only did that boost our golf tourism strategy, but it also boosted our goal of delivering tourism as a £1 billion industry by 2020. This year, we are already over three quarters of a billion pounds en route to that target. I have been working with the Irish Government, particularly on getting the Rugby World Cup to Ireland in 2023. It is important that we have the right stadia, but it is also important in the sense that some of the provisional figures say that we could attract somewhere in the region of 350,000 people to Ireland and that, in particular, Northern Ireland could play a key role in about eight rugby international matches and, perhaps, a quarter-final.

If we were able to pull that off, it would be a tremendous gift for Northern Ireland, because we have earned a reputation from the G8, the Giro d'Italia, the two successful Irish Opens, and, let us not forget, we will have the world's greatest golf tournament at Royal Portrush in 2019. We have an earned reputation for pulling off international events hugely successfully. I will do all in my power to back all that and drive our tourism beyond the £1 billion target by 2020.

Agrifood Promotion in China

3. **Mrs D Kelly** asked the Minister of Enterprise, Trade and Investment how he plans to promote the Northern Ireland agrifood industry in China. (AQO 9234/11-16)

Mr Bell: Invest Northern Ireland supported 13 Northern Ireland companies to attend the Food Hotel China exhibition in Shanghai last month. It is the fourth year that Northern Ireland companies have exhibited at the event. Invest Northern Ireland has also supplemented its in-market China team and now has three trade advisers based in Shanghai and one in Beijing. The team works closely with our agrifood companies. Invest Northern Ireland also hosts visits from Chinese food buyers, which allows them to experience at first hand the quality of our food products and the security of our supply chain. I believe that there is significant potential in China for our agrifood industry, which Northern Ireland will continue to promote. We have a strong academic evidence base to show that Northern Ireland is producing the safest food in the world. We want companies such as Moy Park, which has 6,000 employees, to grow in order for us to grow the economy and jobs in Northern Ireland.

Mrs D Kelly: I thank the Minister for his answer. Will he outline whether there are any plans to further the work of Invest NI with the second-tier cities, because there are criticisms that people tend to concentrate their efforts on Beijing and Shanghai, but there are enormous opportunities in other provinces? Further to Mr Ó Muilleoir's comments, would the Minister express surprise that, given Sinn Féin's recent marriage and wedlock with the Tories, he is now begging the SDLP for our economic policy document?

Mr Bell: I fear that I should not interfere with private grief.

First, I congratulate the Member because she has led the all-party group on China hugely successfully. Secondly, she was instrumental from 2010 in ensuring that Northern Ireland got some £8 million investment into Ulster University, and today, through the work that she led on and the Confucius Institute, from Aquinas Grammar in Belfast to Bangor Academy in my area to the South West Regional College to Millburn Primary in Coleraine — I could go through the list of the eight hubs — we are delivering some £27 million of investment directly from the Chinese Government in children here learning Mandarin. This year alone, over 1,500 children qualified in Mandarin. I have seen children from the west of the Province who went into school on Saturdays specifically to learn and to get their first HK qualification, and it was quite inspirational.

The Member's question was about second-tier cities. We have been following Vice Premier Liu Yandong's advice. In particular, we are looking very much at Shenyang in Liaoning province in the north-east. I travelled up there. We brought news of what companies here can offer. We were able to deliver the news about corporation tax, the talent of our people and the cost-efficiency of producing and creating jobs in Northern Ireland. The British Embassy is fully supportive of that link between Northern Ireland and the north-eastern part, Liaoning province and Shenyang and Yingkou in particular. We will continue to exploit and deliver those links not just for education in Northern Ireland but for job creation here.

Mr Lyons: I am sure that the Minister will join me in welcoming the news about exports of pork products to China. Will he give the House his assessment of further opportunities for exports for our agrifood sector?

Mr Bell: I congratulate two distinguished women for what they have achieved. First is my predecessor, Arlene Foster, who took a specific initiative for trade to lead a number of agrifood trade missions to China.

Secondly, I congratulate the Minister of Agriculture and Rural Development, Michelle O'Neill, who has given us some of the best news that has been heard in the period of this Assembly, which is that, subject to some qualifications for Karro and Dunbia, we will be able to export our pork product to China. The initial view feeding through to me is that it is an investment of somewhere in the region of £10 million.

I also want us to be able to develop our poultry, beef and lamb products. Manufacturing exports to China, including food — some people like to joke about international travel to China — have increased by 58% over the current Programme for Government. Exports rose from £60.3 million in 2010-11 to £95.5 million in 2014-15. We all have a job to do, and I will be happy to lead. Agriculture has certainly delivered on pork. Arlene Foster, in her time, delivered on all the trade opportunities that I am now able to build on. All of us have the enormous prize of exporting to China next year products worth above the £100 million barrier.

Mr Maskey: I thank the Minister for his comprehensive responses so far. He has confirmed the role of DARD and the Minister, Michelle O'Neill. Will he outline the work required in the time ahead, including forward work planning with the various Departments, including DARD, to enhance the work already undertaken?

Mr Bell: DARD and DETI will work together to deliver our agrifood product into China because the market is so huge. The sky is the limit for the number of jobs that

we could, collectively, create if we get those licences through. Michelle O'Neill pioneered enormously successful work to get licensing to get the product in. That was built on a background of Arlene Foster creating numerous opportunities for our businesses. Now that they have the licence, they can take the full advantage of that into the markets with the relevant distributors.

Export certification is a reserved matter. The Department for Environment, Food and Rural Affairs (DEFRA) in Westminster has taken the lead, with us, in opening up exports of pork. I want to continue to work very closely with DEFRA to achieve the same result for chicken, beef and lamb. For Northern Ireland's industry, the announcement on pork adds value to the carcass for producers and processors. Only when the pork processing plants are formally listed on the Chinese Government websites can those exports can begin.

It has taken a number of years to get to this point. It would be remiss of me not to congratulate the agrifood industry for its patience and its commitment to achieving the result, which is, as I said, worth in the region of £10 million in additional export sales. I believe that to be a conservative estimate, given the size of the market, a population of almost 1.4 billion people and the appetite for the pork, chicken and beef dishes that we do so safely and so well in Northern Ireland.

Visitor Accommodation: South Down

4. Ms Ruane asked the Minister of Enterprise, Trade and Investment how his Department plans to meet a growing demand for visitor accommodation in south Down. (AQO 9235/11-16)

Mr Bell: Invest Northern Ireland continues to offer support for the development of new tourism accommodation projects in south Down. Support is aimed at encouraging the development of new accommodation in line with forecast future demand. New accommodation developments may benefit from capital support from Invest Northern Ireland, if the promoter can demonstrate that the project is market-driven; is capable of attracting visitors from outside Northern Ireland; and is not displacing people from similar projects. Invest Northern Ireland is happy to engage with any promoter who may meet the criteria for support.

Ms Ruane: Go raibh maith agat. Does the Minister agree that south Down, like other counties in the North of Ireland, needs a range of accommodation provision? Accommodation is the biggest spend of any tourist.

We need B&Bs, hostels, hotels and self-catering accommodation. Given that there is currently a lack of provision, particularly in the southern end of the county, can he outline what work he is doing to ensure that that provision is created?

2.30 pm

Mr Bell: What I want to see are projects coming forward from the area that look at our criteria. I have laid out the criteria for accessing support. I could go through thousands of offers, and not just for the tourism offering, that we have given to locally owned businesses in the South Down parliamentary constituency. The Member is right, and I mentioned this earlier when I was speaking to Mrs McKevitt about what south Down has to offer. Not

only was there the success of 107,000 paying spectators at the most recent Irish Open but there was the success of television companies such as the Golf Channel broadcasting the sheer geographical beauty of south Down for dozens of hours back to back.

I can say to the Member that, in the Newry, Mourne and Down District Council area, there are 312 premises and 1,200 rooms. To answer her question, that at the minute excludes self-catering accommodation, as that is not recorded. There are about 4,288 bed spaces. Anybody who has had the privilege, as I have had at different times, to be at the Slieve Donard Hotel, the Burrendale Hotel, the Donard Hotel, the Enniskillen Country House Hotel or the Canal Court Hotel and Spa in Newry will know that not only do you get a wonderful tourism offering — with the heritage on offer, the world's best golf courses and some of the best shopping and leisure opportunities — but you get some of the best-quality hotel and B&B accommodation in Northern Ireland.

Mr Deputy Speaker (Mr Dallat): I am afraid that that ends the period for listed questions. We now move on to topical questions.

Year of Food and Drink 2016

T1. Ms Fearon asked the Minister of Enterprise, Trade and Investment for his assessment of the preparations for the Year of Food and Drink 2016. (AQT 3221/11-16)

Mr Bell: I and a very distinguished team with some key figures in it — Michele Shirlow, Howard Hastings and a number of others — have been conducting preparations. We are also cooperating with Minister's O'Neill's Department, DARD. First, we launched the programme in Amsterdam. We took a Dutch chef who is based in Bangor in County Down across to Amsterdam to some of the leading travel and food critics in Europe. We were able to host some specific produce that we had taken forward.

Furthermore, we held a number of festivals; for example, the Comber Potato Festival, which was hugely successful. A number of producers with bespoke products were able to bring those to market. We then did an event in the Titanic building, at which we showcased all the specific Northern Ireland foods.

Most recently, I brought literally hundreds of people together from every county in Northern Ireland to the Stormont Hotel in Belfast. We set out stalls of our products and brought in some leading critics from 'MasterChef' and elsewhere. Other people are probably more expert on cookery programmes than I am, but some of the leading critics were there. It was an opportunity for us to bring buyers by the hundred through the hotel to let them see what Northern Ireland had to offer specifically. I should say that I was particularly delighted that Madam Wang, our new consul general in Northern Ireland from China, came along to look at the quality of the produce on offer. The knowledge base is saying that we have the safest food in the world, and the first criterion that the Asian markets in particular are looking for is safe food. Northern Ireland can deliver that.

Ms Fearon: Gabhaim buíochas leis an Aire as a fhreagra go dtí seo. I thank the Minister for his answer so far. Will he encourage Tourism NI to work closely with Fáilte Ireland, which has recently launched a network of food champions

across the South, on developing plans over the coming year?

Mr Bell: Absolutely. Tourism Northern Ireland works very well with Tourism Ireland in terms of the product that we have to offer. I just came back from China last week, where there was representation by significant travel agencies from China. We understand that, in future, millions of people will travel because the economy is becoming so successful. At that event, the information was largely supported by the expertise of Tourism Northern Ireland but was delivered in that particular market by Tourism Ireland. I can tell you that there was a full room of people in the centre of a major Shanghai hotel who were looking to bring their travel companies and lead tours to Northern Ireland. The latest figure I have for the Giant's Causeway alone was 28,000 Chinese visitors.

At the last event that we held at the Stormont Hotel, we had some of the Irish food critics up. We also had some of their award winners. We will share best practice and expertise because our agrifood industry over the last period has performed against some of the worst economic conditions that there have ever been for most of our lifetimes. That trajectory is going up, and all of us need to get behind them and support them.

Belfast's Michelin Stars

T2. **Mr G Kelly** asked the Minister of Enterprise, Trade and Investment to comment on the recently awarded Michelin stars to Deane's Eipic and Ox in Belfast and the effect that that will have on the image of Belfast as a tourist destination. (AQT 3222/11-16)

Mr Bell: The Member raises a hugely valid question for tourism and our economy in Northern Ireland, because the award of those Michelin stars to Ox and Deane's Eipic puts Northern Ireland on a world food map for excellence. Many of us knew that excellence was there, but the award confirms it and elevates it to a number of websites and travel agencies as an additional offering in Belfast. I am a Belfast boy, born, bred and probably battered, but I have never been more optimistic for Belfast than I am today. Look at the number of hotels that there are coming in from Beannchor and Bill Wolsey, right through to the four- to five-star Hastings hotel. Hotels that closed in Belfast in the 1970s are now reopening in bigger and better premises right at the heart of what is a great city. The food offering will greatly complement that success.

Mr G Kelly: Gahbaim buíochas leis an Aire as a fhreagra go dtí seo. I thank the Minister for his answer. I would like to join others who have congratulated the local entrepreneurs behind the success of those two restaurants. The Minister will know that there is a demand from restaurateurs about reducing their VAT burdens. Perhaps he could speak about what plans he has to support that demand and perhaps bring the rates down to, I dare say, those on the other side of the border.

Mr Bell: We fully support the reduction in the rate but it is not within our power to deliver it; it is a reserved matter. I spoke in London a couple of months ago at the British Hospitality Association and made the exact plea that you have made to allow our industry to be competitive. I have also spoken to the Secretary of State, Boris Johnson and others specifically in relation to trying to get VAT reduced.

I fully support the work that Hospitality Ulster and the Northern Ireland Hotels Federation have done.

We will continue to push at that door. I am not being given any indication that we will be able to get it changed, but we will continue that push because the latest figures that we have show that our trajectory of tourist visitors to Northern Ireland is up. Belfast is thriving. Crumlin Road Courthouse is an immense visitor experience. It is sometimes best not just to think of what we think about it but to actually go to hear what the industry is saying and what the people who experience it are saying about the Crumlin Road in your own constituency. The trajectory of the success of that particular tourism initiative has been huge. The feedback is huge. I am not sure if it still is — I have not checked recently — but I know that it was the leading attraction, particularly for Belfast. When you put together the quality from Titanic to Crumlin Road Courthouse through to, this morning, HMS Caroline and, on the back of that, new hotels and a new conference centre, you realise that Belfast is really on the move.

Brexit: Enterprise Minister's Vote

T3. **Mr A Maginness** asked the Minister of Enterprise, Trade and Investment, given the prospect of a referendum on the UK's membership of the European Union, if such a referendum took place tomorrow, what way would he, as Minister for Enterprise, Trade and Investment, vote. (AQT 3223/11-16)

Mr Bell: The reality is that there will not be a referendum tomorrow, and there is not likely to be a referendum until, I understand, 2017. So, what this Minister for Enterprise has done is to commission research from Oxford Economics, because I want our people to have the best and most informed knowledge when they make these critical decisions. I have commissioned research not only on a potential Brexit but also on taking a laissez-faire approach, keeping it as it is, and what that would mean and what it would cost. I have also asked Oxford Economics and others to look at some of the other measures out there. Norway, I understand, has its own arrangements. The Swiss have a different relationship. Turkey has a customs relationship. So, the point has to be this: let us get the best, informed analysis to make our decision when the referendum comes.

Mr A Maginness: I thank the Minister for his answer. Quite clearly, he did not give me a definitive yes or no. His answer was about trying to inform the electorate of the issues, and I welcome that. I inform him that I would vote yes. Further to that, does he foresee, at any stage, any merit in Northern Ireland being outside the European Union?

Mr Bell: It is not my place to advise the Member, but if I may be so bold as to say that you should not say how you will answer the question until you know what the question actually is.

Northern Ireland has been a net beneficiary when it comes to moneys received from the EU. We do not know the referendum question, so I think that, in advance of knowing it, we have to be careful when trying to give answers. My position, which he knows, and which was so ably set out by our MEP Diane Dodds, is that I believe that the European Union needs to be renegotiated. We will then look at what comes out of that renegotiation to see what is in the best interests of Northern Ireland. Until we have

had that renegotiation and that evidence, I do not think that you can start to make decisions, because decisions made without evidence and knowledge are usually pretty poor decisions. There will be big outcomes, whatever decision we make. That is why the best thing for us all to do, in advance of hearing the question, is to look at the advantages and disadvantages of a complete Brexit and at the other opportunities so that the people of Northern Ireland can be best informed. I believe that, in its current form, the European Union needs to be renegotiated.

Energy Costs

T4. Mr McCartney asked the Minister of Enterprise, Trade and Investment, mindful of the issues with Michelin and other large employers, to outline the steps that he has taken on energy costs for that type of employer, albeit that he did not think that he would live to see the day when Crumlin Road Gaol and a Michelin star were mentioned in the same sentence, with the hospitality industry revolving around tourism and the contributions of local people on good incomes. (AQT 3224/11-16)

Mr Bell: Energy costs are but one particular part of the difficulty that all of us in the House face. It is an energy "trilemma": it is not only the cost of energy but the security of our supply and the sustainability of that energy. We have to be very careful because, although it is a devolved matter and DETI can take a lead, the Department of Energy and Climate Change (DECC) has informed us that, if we step outside its arrangements, domestic and business customers in Northern Ireland will bear the entire cost.

2.45 pm

The first thing that I have been doing — the Member will be aware of this — is pressing to get our North/South interconnector through its planning stages and fully operational. That is the first quick win because there is €20 million automatically there. Secondly, we will speak with DECC to see what individual advantages we can get to Northern Ireland for our renewables sector. However, I will caution the Member in the sense that I have had estimates for having to put up household bills ranging from £15 right up to £50. The consequences of that for industry are tens of thousands of pounds, and, for some of our big users, it is not an exaggeration to talk about millions.

We will work on energy. I do not believe that there will be any immediate quick fixes. I have asked an expert panel to seek best international practice, but energy is only one factor. Costs are a critical factor. We can all sell Northern Ireland as having 85% of the costs of the UK, 95% of the costs of the Republic and a lower rate of corporation tax.

Mr Deputy Speaker (Mr Dallat): I call Mr McCartney for a very quick supplementary.

Mr McCartney: Thank you very much. I appreciate that, Deputy Speaker. Seagate in Derry has written to, I assume, all the Foyle MLAs. Can the Minister be mindful that, to an employer like Seagate, energy costs are a big factor and that, in the wider Derry economy, Seagate plays a massive role in ensuring that people have employment and disposable incomes?

Mr Bell: The Member makes the point very well for his constituency. That sort of thing has happened in other parts of Northern Ireland. For example, the House was

very supportive of Bombardier in a project that is valued at up to somewhere in the region of £118 million to help it with its energy costs and potentially reduce those costs by 25%. For Michelin, there was an initiative on renewables and grant assistance for £750,000, but, unfortunately, due to other conditions beyond anybody's control in Northern Ireland, that could not be availed of. We will specifically look at that, but I advise the Member that there is no simple answer. If you take that energy cost away from the company, who pays for it? It has to be paid for somewhere along the line, and I would be loath to take on board an increase of up to £50 per household for the Northern Ireland domestic customer. The Member can come to me with specific details on Seagate, mindful that the economy in the west is doing well. In my first couple of weeks of office, I was delighted to announce hundreds of new jobs in that area, and that is a testament to the skills of the workforce and what it has to offer.

Mr Deputy Speaker (Mr Dallat): Time is up.

Environment

Mr Deputy Speaker (Mr Dallat): I must tell Members that question 1 has been withdrawn.

Airport Noise Pollution

2. Ms Fearon asked the Minister of the Environment to outline his Department's policy on noise pollution from local airports. (AQO 9248/11-16)

Mr Durkan (The Minister of the Environment): My Department controls noise from airports through a number of policy areas. The environmental noise directive requires member states to undertake mapping of road, rail, industry and airport noise sources every five years and subsequently produce noise action plans. Noise maps were prepared in 2012 based on 2011 noise source data. Both Belfast International Airport and George Best Belfast City Airport prepared noise action plans during 2013, which I have approved following a public consultation.

Noise at airports can be controlled by a planning agreement. Planning agreements are established under section 76 of the Planning Act 2011 and are used to overcome obstacles to the grant of planning permission where these cannot be addressed through planning conditions. Thus, planning agreements can be used to control noise at airports. George Best Belfast City Airport is the only Northern Ireland airport to have had a planning agreement in force since 1997.

My Department's strategic planning policy statement (SPPS), published in September, emphasises the need for planning authorities to take account of the full range of environmental and amenity considerations, including noise impacts, when formulating development plan policies such as zoning land for particular uses, developing key site requirements and also in determining planning applications. Consultation with relevant experts, including environmental health professionals, may be necessary, and it is important that authorities reach balanced decisions that weigh noise impacts against all other relevant material considerations.

Ms Fearon: I thank the Minister for his answer. Does he have concerns about noise levels in the vicinity of airports?

When will we hear the findings of a public inquiry into this issue at Belfast City Airport?

Mr Durkan: I thank the Member for the question and the supplementary. Many residents in this vicinity have concerns about the impact of noise at airports. As someone who lives near the City of Derry Airport, I have a concern that there is not enough noise; I would love to see and hear more flights coming in and going out on a daily basis.

The Department received the PAC report of the public inquiry into the proposed modification of the planning agreement with George Best Belfast City Airport on 30 October this year. Interested parties were notified that it had been received. Before releasing the report, which I have not yet seen, I will consider the advice of my Department on whether and how the agreement should or could be modified. The report will subsequently be made available to other stakeholders and the general public after it has been disclosed to the airport itself as the other party to the planning agreement.

Mr McKinney: Perhaps the Minister could outline what further steps are then taken as part of the process to reach accommodation on what are clearly, as he articulated, differing views on this issue.

Mr Durkan: There clearly are differing views. I have a degree of sympathy for those living in the immediate vicinity of the airport who feel that the noise has become too much. Under the current agreement with George Best Belfast City Airport, there are restrictions on seat numbers as well as on the times of air traffic. Some of the breaches of times, for example, that residents and objectors to the noise coming from the airport have pointed to are beyond the control of George Best Belfast City Airport, which I met last year and which convinced me that it was doing all in its power to address those issues. They are serious issues that cause residents serious concern.

The airport's proposals were received in March 2012, and a revised proposal and further information was received in 2013. Each submission was the subject of public consultation, and a significant number of representations was received. Interested parties also had the opportunity to submit evidence and appear before the PAC at the public inquiry. Now that the PAC report and recommendations have been formulated considering all that evidence, it is not intended to consult any parties on the PAC report or to reopen the debate. It is now for my Department and the airport to agree whether and how the agreement should be modified, taking into account the independent recommendations of the public inquiry.

Mr McGimpsey: Is he satisfied with the noise pollution policing regime, which is just a straight lift from a table on the mainland? In particular, is he satisfied with the regime around tonal quality, which is the worst type of definition of noise, when you get a tonal quality that is unbearable? You hear that around Belfast City Airport. Furthermore, is he satisfied that local authorities policing that regime is sufficient?

Mr Durkan: I thank the Member for that question, which has been raised by residents. The recently published Airports Commission report recommended that an independent aviation noise authority be set up and act as the competent authority under EU regulation No 598/2014, which comes into force next June. I understand that a final decision on that has still to be made by the Department for

Transport. It would not be for my Department to lead here in the North but for DRD.

Mr Newton: I thank the Minister for recognising that George Best Belfast City Airport is a responsible, if noisy, neighbour. Does he agree that the airport contributes to the economy and to the employment of 1,500 people, plus all the businesses that it supports in the greater Belfast area, so that, when he does his work, he should take all those aspects into account?

Mr Durkan: I thank the Member for that question. In my answer to Mr McKinney, I said that this is a finely balanced issue, and one has to take into consideration the justifiable objections of nearby residents and other interests: namely, the huge economic significance of the airport and all the benefits that it brings not just to Belfast city but to the North as a whole. It is a major employer, it puts Belfast city on the map, and it has so many flights going in and out of Belfast. It makes Belfast easier to get to and easier to get out of, which is always something that I am glad to do. *[Laughter.]* We certainly need to look at these things in the round, and it will all be taken into consideration.

Fracking: County Fermanagh

3. **Mr Lynch** asked the Minister of the Environment how he will ensure that the strategic planning policy statement (SPPS) will prevent fracking in County Fermanagh. (AQO 9249/11-16)

Mr Durkan: The SPPS, which I published in September, states:

"in relation to unconventional hydrocarbon extraction there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts."

I believe that that is a sensible and reasonable approach.

Members will be aware that the SPPS must be taken into account by councils — in this case, Fermanagh and Omagh District Council — in the preparation of their new local development plans, and it is also material to all decisions on individual planning applications and appeals by the relevant planning authority.

At independent examination, local development plans will be scrutinised to ensure that they take sufficient account of the SPPS and other central government plans, policy and guidance. My Department can, if necessary, direct a council either to modify or to withdraw a plan document if it does not take sufficient account of regional planning policy.

The provisions of the SPPS apply to the whole of Northern Ireland, including County Fermanagh. I believe that the SPPS provides clarity and certainty to councils and everyone affected by and interested in planning decisions for this form of development.

Members will also be aware that, as part of the transfer of the majority of planning powers from my Department to councils, a hierarchy of development for local, major and regionally significant developments was introduced. Should an application be considered to be a regionally significant development proposal, it will be dealt with by my Department as the planning authority but under the same planning policy framework.

Mr Lynch: Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer and acknowledge that he has visited Fermanagh on a number of occasions. He quoted from the SPPS:

“there should be a presumption against their exploitation until there is sufficient and robust evidence on all environmental impacts.”

Will the Minister expand on that?

Mr Durkan: I thank the Member for that question and for acknowledging my visits to his constituency on this issue and on many others. There has been huge concern and opposition to fracking not just in Fermanagh or the North but right across the world. Many of those with concerns have pointed to its potential impacts on the environment and on human and animal health. When such concerns exist, it is reasonable and sensible to establish that the practice is, indeed, safe and does not cause harm to the planet or to people, before allowing any such application to proceed. I have taken that precautionary approach in this case, and, as I say, I believe that that is sensible. It has certainly been well received by many people, if not most, in the Member's constituency.

3.00 pm

Some of the environmental concerns raised relate to hydrology, the potential impact on local drinking water supplies, the undoubted impact on the landscape and the resultant impact on habitat and species. There are also, as I referred to, local concerns about the potential impact on human health. Those same concerns have been raised very loudly in the USA, where the extensive research carried out over a number of years remains inconclusive.

Mr McNarry: We have just heard the Enterprise, Trade and Investment Minister highlight his concerns about high energy costs. I know that this Minister can be comical in his answers, as I hope he was being when answering Mr Lynch. Has he the full backing of the Executive for his approach, which he outlined to the House, to fracking?

Mr Durkan: I thank the Member for that comical question, which is in keeping with his comical statements on a range of issues over recent weeks and months. I assure him that approval for the SPPS that we are discussing, which includes a presumption against fracking, was sought and received from the Executive. Contrary to Sammy Wilson's belief — he said in local papers that I had perhaps breached the ministerial code by publishing it — I obtained full Executive approval prior to publication. As I said earlier, I believe that this is a reasonable and sensible approach, and the fact that Mr McNarry thinks that it was not confirms to me that it is.

Mr A Maginness: I thank the Minister for his answers. Is there a health dimension to the all-Ireland research on fracking, and, if not, does he believe that one could usefully be added?

Mr Durkan: I thank Mr Maginness for his question. I reassure the Member that the all-island joint research programme is tasked with looking at the health impacts of unconventional gas exploration and extraction (UGEE). The research is looking at the potential health impacts of exposure to chemicals, vibration, light or noise and of pollution to environmental media, such as soils, air and water, with a view to preventing environmental factors from

degrading human health. The research will also undertake a review of health impact studies worldwide to develop a suitable protocol. This is set out as a specific task in the terms of reference, which state:

“the potential role of health impact assessment in regulation of UGEE projects/operations should be considered based on the experience in other countries, and recommendations should be made towards developing a protocol in the island of Ireland context.”

Also, as a result of comments received in the public consultation exercise on the terms of reference for the research programme, an official from the Health Service Executive of Ireland was added to the programme's steering committee.

Mr Swann: The Minister has given reassurances on fracking in Fermanagh based on the strategic planning policy statement. Can he give the same assurances to north Antrim? Will he assure us that the SPPS will also cover the threat of lignite, which he still has not addressed for the people of north Antrim?

Mr Durkan: I thank the Member for his question. He caught me with a similar one before, but I have come prepared today. The 'Northern Area Plan 2016' designates a lignite protection area in the Ballymoney borough. The purpose of the designation is to preserve this important resource in the event of future difficulty in accessing external energy sources. The recently published SPPS sets out the planning policy framework for the determination of all planning applications across Northern Ireland. It retains, in a strategic way, the mineral policy of a planning strategy for rural Northern Ireland. The SPPS states that councils, in preparing their local development plans, should produce appropriate policies and proposals that reflect the policy approach of the SPPS and are tailored to the specific circumstances of the plan area. That includes ensuring that sufficient supplies of aggregate are available at local and regional levels; safeguarding mineral resources; ensuring that workable mineral resources are not sterilised by other surface development that would prejudice future exploitation; and identifying areas that should be protected from minerals development.

UN Climate Change Conference 2015

4. **Mrs D Kelly** asked the Minister of the Environment whether he plans to attend the 2015 United Nations climate change conference in Paris. (AQO 9250/11-16)

Mr Durkan: The United Nations Framework Convention on Climate Change (UNFCCC) is holding its twenty-first Conference of the Parties (COP21) in Paris from 30 November to 11 December 2015. From 6 December to 8 December, I will be attending, as part of the official delegation, what, in my view, is the most important global conference of our time.

Climate change is a global challenge that requires a global solution. It affects us all, and we all must work together to play our part in tackling it. That is why I am keen to frame my input to the Paris discussions from an island of Ireland perspective and why I am keen on a climate change conversation that includes everyone. To that end, I met Minister Kelly and a delegation of Church leaders to discuss common issues of concern to be taken forward in Paris. We acknowledged that all of 9250, including the

Churches, should encourage and promote understanding of the causes of climate change and the impacts that it has on our daily lives.

In preparation for COP21, all 28 EU member states gave a commitment to the EU binding target of at least a 40% domestic reduction in greenhouse gas emissions by 2030 compared with 1990 levels. I fully endorse that approach and believe that it will make a meaningful contribution to achieving a balanced international agreement in Paris.

At the conference, I will be making it clear that I believe that we should be striving to secure an ambitious international agreement and that the North of Ireland will play its full part in contributing to the agreed emission reduction targets. To help do so, I shall shortly be seeking views on proposals for climate change legislation that will help inform the Executive and assist the introduction of a Northern Ireland climate change Bill. We need a global agreement in Paris, which is unquestionably in our and the entire global community's best interests.

Mrs D Kelly: I thank the Minister for a very comprehensive answer and for taking a sensible approach to what is one of the biggest challenges of the 21st century.

Minister, what commitment do you have from your Executive colleagues on the aspects of legislation that you might wish to bring forward for which they would be responsible? I am thinking in particular of DARD. Will you expand further on the legislative timetable that you have in mind?

Mr Durkan: I thank the Member for the question. The issue is very topical and was the subject of an extensive and interesting debate in the Chamber yesterday. While the vote in the Chamber yesterday mandated me again to proceed with the introduction of climate change legislation, that there was a Division highlighted the fact that it is an issue on which we do not yet have consensus. That is what I have been doing over the past two years: attempting to build consensus and, indeed, momentum for climate change legislation.

Good work is being done across all Departments through the cross-departmental working group on climate change, and all are making efforts in their Department to reduce carbon emissions, and so on. It is vital that we do so.

The Member mentioned DARD, and, of course, agriculture is the sector in Northern Ireland and, indeed, on the island of Ireland that causes most emissions. Concerns have been expressed in the past and, indeed, in the not too distant past — yesterday — that any climate change legislation in the North might impact on the productivity of our farmers. That is not necessarily the case. It is important that we work with the agrifood sector. I have done so already through the establishment of my prosperity panel and my world-leading prosperity agreements, through which we have seen that, by going beyond environmental compliance, businesses, including those in the agrifood sector, have been able to boost their performance, not just environmentally but financially.

We need more of that type of work. We also need to show real leadership from this Chamber on that issue.

Mr Sheehan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra ansin. I thank the Minister for his very detailed answers. I listened carefully, and it appears that he is intent on developing a climate change Bill for the North. Will he give

us some more details on when he expects to do that and what will be involved in that climate change Bill?

Mr Durkan: I thank the Member for that question.

Realistically, we will not see the introduction of climate change legislation during this mandate, and that causes me regret. As I have said over the past two years, I have been attempting to build consensus. I believe that we are making slow but steady progress in that regard, and I think that the topicality of this issue and the huge media coverage that has been afforded to the ongoing conference in Paris and the issue of climate change is something that we can work to our advantage here. The fact that we are the only jurisdiction on these islands that does not have its own climate change legislation causes me, as Minister, a degree of embarrassment but it should cause us all collectively, as a devolved Assembly, a great deal of embarrassment. As I said, it is something that we need to show leadership on.

I have circulated a high-level discussion paper among Executive colleagues and other stakeholders, outlining how I believe a climate change Bill here might look. I do not expect everyone to like how I would want it to look, but it is something that I would be prepared to compromise on. Whoever succeeds me as Minister with responsibility for climate change policy should take that on board in order to get some legislation over the line here.

Ms Lo: I really want to thank the Minister for his very comprehensive answers to the question. I feel the passion and enthusiasm from him about climate change legislation in Northern Ireland, and I want to thank him for that. As he said, it will not happen in this mandate while he is Minister. How does he feel about the new structure with the two Departments, DARD and DOE, working together? Will that enhance the possibility of getting that legislation or will it be a hindrance?

Mr Durkan: I thank the Member for that question. I am not sure though how she felt my passion. I hope that it was as good for her as it was for me. *[Laughter.]*

Ms Lo: For the legislation, I said. *[Laughter.]*

Mr Durkan: The new departmental set-up could work either way. There are potential advantages in the amalgamation of agriculture and environmental policy in that it will bring officials from those Departments closer together, hopefully working towards common goals. However, I know that the Member is well aware of concerns that have been expressed from the environmental sector that it might not be an amalgamation of environment and agriculture but might be a subsumption of environment into agriculture. I think that it is very important, therefore, that we have DOE in as strong a position as possible — not just the Department but the environmental NGOs to which I referred — prior to the restructuring of Departments. That is why I have given them some certainty in moving into the new departmental structures with the establishment of my new natural environment fund. I recognise the importance of the work not just of officials in the various Departments but of people in that sector who have many years of experience and expertise that we should avail ourselves of at every opportunity.

Councils: New Functions

5. **Mr F McCann** asked the Minister of the Environment for his assessment of whether local councils are properly resourced to enable the delivery of new functions following the review of public administration. (AQO 9251/11-16)

Mr Durkan: With regard to the allocation of resources under the local government reform programme, I can speak only about the planning function, which my Department transferred to councils. As I have previously advised Members, I took a brave and bold decision to ring-fence the planning budget that was passed to local government.

3.15 pm

My action guaranteed that the planning resource allocation would not be impacted by the disproportionate in-year cuts that my Department had to absorb. I stand by that decision; it was the right thing to do. I am a Minister who honoured the commitment given by the Executive to the sector that functions should be cost-neutral at the point of transfer, even though it meant that I had to make bigger cuts in different areas of my Department.

As Minister of the Environment, I came up to the mark. I pressed the Finance Minister and other Ministers to do the same. They did not. Therefore, it is for those Ministers to defend their decisions regarding the resource allocations they transferred to councils. That said, I will not stop doing everything I can to persuade my Executive colleagues to ensure that local government is adequately resourced to fulfil its new duties, while councils continue to provide good-quality service to our citizens and deliver value for money to ratepayers.

Mr F McCann: Go raibh maith agat. I thank the Minister for his answer. However, he knows that councils are undertaking a financial impact review that they anticipate will reveal costs in excess of £100 million. How can he help towards meeting related costs to help them get over this hurdle?

Mr Durkan: I thank the Member for that question. As outlined in my previous answer, I ensured that the budget for functions transferred from my Department was ring-fenced. So, they transferred in a manner that was cost-neutral to the ratepayer. As Minister with responsibility for local government, I am aware of the difficulties that our new councils are having, due largely to the transfer of some other functions. I refer principally to the transfer of off-street car parking by DRD. That was something of a Trojan Horse, if I can use that term when talking to Mr McCann, in that there were huge hidden costs, and councils certainly feel that they got a raw deal with the transfer of that function. The resource that came across with that function was nowhere near satisfactory

I continue, with Executive colleagues through the partnership panel, to work with local government on identifying issues and, hopefully, ways that we can address them. It was always anticipated that the reform of local government would cost money at the outset. It would cost money to central and local government, but those costs will be offset in the medium- to long-term through huge savings that can be made by more collaborative working.

Mr McCallister: I raised this issue with the Minister before, and he will know that planning is one of the powers devolved to councils that has caused some of the biggest problems, particularly in my area. Does he agree that it is

time that he and his Executive colleagues set a target for planning decisions to be made?

Mr Deputy Speaker (Mr Dallat): Will the Minister please be very brief?

Mr Durkan: I thank the Member for that question. He and others have raised concern about councils' performance in their new planning function. I think that those concerns are justifiable and understandable, given that the quarterly performance report published last week showed a huge downturn in planning applications output by councils in the first quarter of this year. That is understandable enough, given that it was a transition period. Teething problems were to be expected and there were and have been teething problems.

I am not going to try to deny that there are inconsistencies of approach across different councils, not even in interpretation of planning policy and planning decisions but, in fact, in how planning committees conduct their business; who gets speaking rights and for how long and so forth. There is a great deal of confusion out there for councillors, the public and applicants. On 14 December, I will be having a one-item agenda meeting with the 11 chief executives of the new councils, and that item is planning.

Mr Deputy Speaker (Mr Dallat): That ends the period for listed questions. We now move to topical questions.

Planning Applications

T1. **Mr Humphrey** asked the Minister of the Environment what he and his Department can do to assist those people who are submitting planning applications, given that he will be aware that planning applications and their progression is a problem, particularly for industry. (AQT 3231/11-16)

Mr Durkan: I thank the Member for that question. The greatest assistance that any planning authority can give to those making applications, particularly those who make applications that boost our economy and create jobs, is certainty. That is what developers and businesses want to see. They want to know their prospects of an approval, and they want to know how long that approval might take.

It was in the interest of giving certainty to businesses, communities and social housing providers that I published the Belfast metropolitan area plan (BMAP) and pursued and published SPPS. That creates certainty. Unfortunately, as I said, given that councils have responsibility for deciding on maybe 99% of planning applications, and there appears to be inconsistency in how they are processing applications, we need to iron that out to give certainty to anyone with an interest in doing business, setting up business and creating jobs, not just through the business that they are setting up but through the construction of the premises required for it. They need that certainty, and we all have a responsibility to provide that.

Mr Humphrey: I thank the Minister for his answer. From speaking to others and from my own information, I am aware that applications seem to be down. If they are down, and significantly so, what help can the Department of the Environment and the Minister that leads it give to local councils?

Mr Durkan: I thank the Member for that question. Does he mean that the number of applications is down?

Mr Humphrey: Yes.

Mr Durkan: It will be different in each council area, but council officials from several council areas who I have been speaking to have pointed to an upturn in the number of applications. That was demonstrated quite clearly last week, for example, when Derry City and Strabane District Council applied for three new planning officers. In other council areas, additional planning staff have been brought in to deal with an increase in the number of applications. That is indicative of the upturn in the economy that the Member's ministerial colleagues tell us so much about.

It would not necessarily be for me, as Environment Minister, to boost the number of applications in an area. We have to look at whether the reason for a lack of applications is the lack of prospect of approval. There may be an issue to be looked at there. Is it due to an aspect of the strategic planning policy statement? Is there a proposal type that people are thinking of but do not have the confidence to develop into a full-blown planning application? Planning officials under the DOE, and now under councils, were available for pre-application discussions. If someone has an idea that they would like to test the water on to see if it would have a reasonable prospect of success in the planning process, they can approach the planning officials in councils, seek a pre-application discussion and hopefully be guided in the right direction as to how or where to submit that application.

Road Safety: Festive Period

T2. **Mr Buchanan** asked the Minister of the Environment what measures he plans to put in place or what advertising he plans to do in the run-up to the festive season to help to reduce the number of road traffic accidents. (AQT 3232/11-16)

Mr Durkan: I thank the Member for that question. Regrettably, we traditionally see an increase in the number of road traffic collisions at this time of the year; the festive period. The evenings are darker, there are more people on the road, and people are rushing to do shopping and get home and see family in worse traffic conditions. Therefore, it is important that we redouble our efforts in an attempt to reduce the number of collisions on our roads.

To that effect, I have been working closely with my road safety partners in the other Departments. That has mainly been with the emergency services, primarily the PSNI, which recently launched its annual anti drink-driving blitz. The Department has renewed its advertising on drink-driving, and I have been working very hard with officials on the launch of a new social media strategy and advertising campaign that specifically focuses on drink-driving, which, again, traditionally occurs more at this time of year, and the dangers posed by people using handheld devices. That will go live on social media within the next couple of weeks and will be targeted specifically at young drivers, so I am not sure if Mr Buchanan will get anything about it in his inbox.

Mr Buchanan: I thank the Minister for his response. I am interested in social media because, to catch the younger generation, it is important that we get into social media. Does the Department have any way of measuring the shock factor of the advertisements that are put out across our television screens?

Mr Durkan: I thank the Member for that question. Indeed, it is a question that I myself asked when I was not long in this post. The DOE ads have often been shocking,

that has been proven and there is scientific research that shows that that does work. It permeates people's consciousness and, most importantly, it has an impact on driver behaviour. In saying that, I do not think that every ad has to be a blood-and-guts one. There has to be a balance in our approach to advertising, and I think that we do that quite well. Due to huge budget cuts that the Department suffered this year, the amount of money that I have had to spend on road safety advertising has been virtually halved.

Necessity is the mother of invention, as they say, and it is due to that that I have looked more at going down the social media route, which also enables us to target certain demographics specifically. I cannot tell, and I am not sure whether you can, but people who have an interest in cars and things like that — it could be drivers under 25 living in rural areas — can be identified and then targeted with the information. I think that that is a very good use of resource. Hopefully, we will see the benefits in a reduction in the number of collisions, serious injuries and fatalities on our roads.

Flooding: Emergency Financial Assistance

T3. **Mr Rogers** asked the Minister of the Environment, bearing in mind the recent torrential rain, to outline how the emergency flooding financial assistance package operates. (AQT 3233/11-16)

Mr Durkan: I thank the Member for that question. Article 26 of the Local Government (Miscellaneous Provisions) Order 1992 makes provision for a scheme of emergency financial assistance to district councils. Financial assistance under this article takes the form of grants paid by my Department, with the consent of DFP. As a result, I have made emergency funds available to cover council costs incurred when responding to the needs of householders across Northern Ireland in the event of any flooding following rainfall or tidal surge from 7 November 2015 until 31 January 2016.

The scheme of emergency financial assistance to district councils also includes an immediate payment of £1,000 to householders as practical assistance to those who have suffered severe inconvenience to help to make homes habitable as quickly as possible. It is not a compensation payment, though. Circular LG 31/2015, which provides advice on the scheme of financial assistance to councils, was issued to all councils on 12 November. Standard application and survey forms for use by householders and councils respectively are included in the circular, and claims for reimbursement must be submitted to the Department using the templates provided in it. Application forms seeking reimbursement of expenditure relating to recent incidents must be submitted to the Department within three months of the flooding incident occurring. Claims made outside this period will not be eligible for reimbursement, unless in exceptional circumstances where prior agreement has been reached with the Department.

Mr Rogers: I thank the Minister for that answer. Bearing in mind what you have said, Minister, have you any plans to change the scheme?

Mr Durkan: I thank the Member for that question. I have plans, hopefully, to improve the scheme. I recently provided an Executive paper, 'Flooding: Standing Scheme of Emergency Financial Assistance to Councils', to my Executive colleagues for their consideration and comments.

My paper seeks Executive agreement to create a standing scheme of emergency financial assistance to councils in relation to flooding incidents following heavy rainfall or tidal surge, rather than creating individual, time-bound schemes that require individual approval. My aim for the introduction of a standing scheme is to improve reaction time and to avoid the possibility of delay while approvals are sought.

3.30 pm

Members will be glad to hear that I have included an additional proposal to extend the original scheme to allow for severe inconvenience payments to recreational and community buildings, churches and small businesses. By "small businesses", I mean businesses with fewer than 25 employees. As it exists, the scheme is available only to householders. We have seen recent flooding incidents in Newry and, even more recently, in west Tyrone, as a result of which small businesses have suffered major inconvenience and damage but have not been able to avail themselves of the payment that householders can. I am also aware of a church in my constituency that suffered flooding and serious inconvenience but was unable to avail itself of the payment as it was not deemed to be a house, although I did try to convince officials that it was the house of God and should be eligible as such.

Departmental Restructuring: DOE Powers

T4. **Mr Cree** asked the Minister of the Environment how he expects the powers remaining in his Department to be devolved to other Departments next year.
(AQT 3234/11-16)

Mr Durkan: I thank the Member for that question. As we approach the elections in May and the subsequent restructuring of Departments, the functions of my Department — the DOE — will be split three ways. As mentioned in an earlier answer to Ms Lo, the classic environmental aspect of the Department's work — issues around climate change policy, environmental regulation and so forth — will be amalgamated with agriculture in the new Department of Agriculture, Environment and Rural Affairs. Other aspects of my Department's current workload, including road safety and planning, will be amalgamated with the current DRD in the new Department for Infrastructure, which, I think, is a good fit. It is understandable that road safety would be with the Department that is responsible for maintaining our roads network and implementing road safety measures. Planning will also be there, which is understandable.

Other work such as responsibility for local government and our built heritage will comprise part of the new Department for Communities, which will contain many if not all of the functions of the current Department for Social Development. There is a lot of merit in that, particularly with the councils' new community planning function. I know that the Minister for Social Development announced last week that he would not yet be proceeding with their regeneration function, although, by being in the same Department, they should be able to maximise the benefits of that for local ratepayers and citizens.

Mr Cree: Minister, do you also expect the establishment of an independent environmental protection agency to be completed within that time frame?

Mr Durkan: I thank the Member for that question. We seem to be well into injury time here. My beloved Everton conceded a goal late into injury time on Saturday. I hope that I do not score an own goal at this stage in injury time today. In response to Ms Lo, I spoke about the concerns that the environment sector has expressed about the amalgamation or subsumption of our environmental function into agriculture, given the appropriate emphasis that the Executive put on the agrifood sector. That is why I thought that it was timely to reintroduce the debate on the need for an independent environment agency. A paper on that is out for consultation, to which Members will have a chance to respond. I think that there are huge merits in that. We are the only jurisdiction on these islands that does not have an independent environment agency, and I do not know what any party, business or individual would have to fear from the establishment of such an agency.

Mr Deputy Speaker (Mr Dallat): Time is up. Members may take their ease for a moment before we return to the previous debate.

Executive Committee Business

Special Educational Needs and Disability Bill: Consideration Stage

Clause 2 (Duty of authority to publish plans relating to its arrangements for special educational provision)

Debate resumed on amendment Nos 1-12, which amendments were:

No 1: In page 2, line 18, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

No 2: In clause 3, page 2, line 33, after “take” insert “all”.— [Mr O’Dowd (The Minister of Education).]

No 3: In 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).”— [Mr O’Dowd (The Minister of Education).]

No 4: In 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).”— [Mr O’Dowd (The Minister of Education).]

No 5: 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 Authority and the health and social services authorities (“the relevant bodies”) shall co-operate with one another 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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

No 6: After paragraph (5) insert

“(5A) 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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

No 7: In clause 4, page 3, line 33, at end insert

“(2A) After paragraph (4), insert—

“(4A) If, in helping the Authority 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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

No 8: After clause 5 insert

“Nature and extent of special educational provision

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”.”— [Mr Weir (The Chairperson of the Committee for Education).]

No 9: In clause 7, page 5, line 18, leave out “may” and insert “shall”.— [Mr O’Dowd (*The Minister of Education*).]

No 10: In clause 9, page 7, line 34, leave out “may” and insert “shall”.— [Mr O’Dowd (*The Minister of Education*).]

No 11: In clause 9, page 7, line 36, leave out “may” and insert “shall”.— [Mr O’Dowd (*The Minister of Education*).]

No 12: After clause 14 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.’.— [Mr O’Dowd (*The Minister of Education*).]*

Mr Rogers: This is a very important Bill for the children in our schools, for teachers and for the parents of children with special educational needs. At the outset, I thank a number of people: the Committee Clerk and staff for doing all the hard work for us; Caroline and her team from the Department, who were always there to answer our questions — we did not always get the answers that we wanted, but they did their best to respond; the stakeholders, whose input was very valuable; and the teachers, who do great work delivering special educational needs provision to children.

I will speak about a few of the clauses and amendments together. One of my concerns is that I would really like to see the revised code of practice. The Department gave us some assurance on how the Education Authority and schools would consider the age and maturity of children with respect to special educational needs (SEN) assessment decision-making. I welcome the development of the Irish-medium sector’s special educational needs coordinator (SENCO) steering group, but the Department has a responsibility to support special educational needs in the Irish-medium sector just as it has in any other school.

In clause 2, it is difficult to understand fully the quality of the plan without seeing the resourcing. You think of what happens at the moment. In some cases, the intervention is very good, but the cases arriving in our offices are those of a child who needs speech therapy and has to wait for six months or a school with 80 or 90 children and only eight hours of educational psychology support

in a year. It is disappointing that provision relating to allied health professionals, occupational therapists and speech therapists will not be included in the Bill. There is a reference somewhere in the document to the role of educational psychologists, and it is reassuring that their role will not change.

I move on to clause 3. We had a lot of discussion about “best endeavours”, “taking reasonable steps” and eventually agreed on “all reasonable steps”. The reality is that teachers use their expertise to go the extra mile for children and, along with the boards of governors, take all those reasonable steps.

On amendment Nos 3 and 4, I think that the personal learning plan (PLP) would, if used properly, be an extremely important document. The devil is in the detail, which will become clear only in the revised code of practice. The PLP is a statutory document replacing the non-statutory individual education plans (IEPs). When children are transferring, the plan should, subject to parental agreement, transfer with them. However, lessons need to be learned from the IEP practice to ensure that PLPs do not become a bureaucratic nightmare and a burden for our teachers. It is OK for the Department or the Education Authority to think that PLPs are a good idea, but it is the teachers who must deliver them.

The Minister mentioned duplication earlier. The only point that I will make about duplication is that, if they are working closely together, the Education and Health Departments will ensure that there is no duplication. There is no need for any duplication whatsoever.

Clause 3 will strengthen the duties of boards of governors around special educational needs, but who will support the governors? After all, they are very busy people who help out in our schools in a voluntary capacity. They do not always have the capacity to deliver special educational needs functions correctly. I declare an interest as the chair of the board of governors of Grange Primary School. The Department tells us that it will deliver the training. Much of the training in the current cycle would mean a 70-mile round trip in the evening for people to attend two hours of training. It is important that, when training is being delivered, it is accessible. Maybe more use should be made of IT so that training could be delivered on a more local basis.

When we put more stress and pressure on a board of governors, that inevitably puts more stress on our overworked principals and teaching staff. There is hardly a primary-school principal who has not had to cut his non-contact time because of budget pressures. Although valuable in itself, the appeals process is in danger of becoming another bureaucratic nightmare.

The change of role from being a special educational needs coordinator SENCO to a learning support coordinator is not without its problems. Are teachers expected to stretch themselves further in the new role, more challenging and demanding as it will be, while continuing to teach their classes? I would like to see the outworkings of those assurances from the Department on the role of learning support coordinators, their qualifications and the support to be provided for them. With plans come roles and responsibilities and resourcing issues. Caroline and her departmental colleagues were as open as possible on the issue, but I would like to see more detail.

The Southern Health and Social Care Trust has identified particular issues around capacity and whether its staff will be able to deliver speech therapy and other services. Earlier contributors were concerned about duplication. When I spoke about duplication a few minutes ago, I mentioned it in the context of Steven Agnew's Children's Services Co-operation Bill, when it becomes law. Let us work on duplication and let us iron those things out through practice. We should not take anything for granted at this stage.

Protocols are fine, and it is nice to see them written down, and so on, but we need a better service. We need the support of the allied health professionals, but, because of the cuts that they are experiencing, that can be a problem from a health point of view. Let us face it: the present system is not working as effectively as it could be. If it were, we would not need a new Bill. It would be nice to see the Health Department working closely together with other Departments to carry out a cost analysis or, even more importantly, a cost-benefit analysis. We all know the benefits of early intervention.

The Department argues that it has an obligation to cooperate only with statutory organisations, but where would parents be without the voluntary organisations? Some of their people made representations to us, and they are invaluable. The proposed obligation on health authorities would bring Northern Ireland's SEN framework more closely into line with the changes already enacted in England, which recognise the fundamental importance of health therapies for children with special educational needs. However, if health provision for children with special educational needs is to legally bound, it follows that health professionals need to be an integral and equal part of SEN processes and planning.

I have one or two other concerns. Providing a statutory obligation within a limited budget resource poses a real risk to the provision of services for children who have additional speech and language needs but who are not statemented. We must remember that. Children with underlying receptive language difficulties are often missed or classed as difficult, and, in those cases, funding may be directed towards behavioural difficulties rather than at addressing the underlying communication needs.

Another thing comes to mind. The Committee listened to representations on the vision issue. The problems of a number of children who have literacy deficits could be addressed through proper eyesight tests and by wearing glasses. Such a scheme was described to the Committee by Michael Gilsenan.

Appropriate levels of intervention for children and young people without statements may prevent them from needing a statement at a later stage and/or entering the SEN system at all, ensuring that they can fully participate in the education system.

3.45 pm

The Minister talked about amendment No 7, and the thing that persuades me to support it is the first few words:

"If, in helping the Authority in the making of an assessment".

For me, those are the key words. This is helping the Education Authority and if it, in turn, helps children, it is worth doing.

On the reduction of time limits, some respondents were concerned that the time reduction could have an adverse effect on parents, citing the difficulties in getting expert advice in a shorter time. The Department assured us that getting the extra medical information was, indeed, the Education Authority's responsibility. All that I am asking for here is a bit of flexibility.

I share the concerns of the language and speech therapists that learning support coordinators, principals and boards of governors may not have sufficient knowledge and expertise of speech and language issues to make the appropriate judgements regarding the unmet needs of the children. Speech and language therapists, for example, can deliver speech and language therapy in a range of ways. They can provide some therapy in the classroom. They may work with the teacher or the classroom assistant to put in place communication strategies to be used in all interactions with the child. In other instances, a child will require intensive one-to-one therapy outside the classroom for a time. Will health professionals really input to this system? As we move through these clauses, we need to say that it is important that the appeals process does not become a bureaucratic nightmare. It needs to be there to help parents, children and schools to make sure that they can understand it. Mediation is a very important process and, again, we need clarity on that.

Moving on to clauses 9 and 10, parents and, indeed, young people over compulsory school age will need a lot of support to ensure that the young person is properly supported. My concern is especially people with complex needs. How will the Education Authority determine the capacity of the young people to understand and exercise their rights? It is regrettable that special educational needs support is not extended beyond 19 as is the case in some authorities in England. It is quite conceivable that somebody with an acquired brain injury has a chronological age of 20 but could be operating like a 14-year-old. There needs to be a harmonisation of policy and procedure between the Education Department, the Health Department and DEL to ensure there is continuity for children when they move from compulsory education to further and higher education.

I can skip through much of this because we are generally in agreement with it. To round off, the SDLP strongly supports advocacy for the child or the parent through the special educational needs process. It is positive to see that catered for in the Bill. The phrase that is coming out is, "caring for the child". We support the amendments, but let us be mindful that the Bill's implementation must be kept under constant review and that it is likely that fewer children will be statemented as a result. While the focus is very much on statemented children, there are many children who will not be statemented but will need SEN support beyond the school. As other Members have said, the Bill will have the desired outcomes only if there is a more complementary approach from education and health. Working through the legislative process is fine and this Bill is fine, but the true measure of the Bill's effectiveness will be determined by how well our SEN children are catered for in our education system in the future.

Mrs Overend: It is my pleasure to speak on behalf of the Ulster Unionist Party on the Special Educational Needs and Disability Bill at Consideration Stage. I welcome its progression today. I think that it was some nine years

ago that the Department of Education began a review of special educational needs, and that was long before my time in this place. During my time as a Member of the Assembly since 2011, I have received numerous representations from concerned parents and teachers on the complex, prolonged and unsatisfactory system that is currently in place, which leads to delays and inconsistencies. So, I welcome the progress of the Bill, with the amendments being proposed today. As a member of the Education Committee, I can say that we gave it fair scrutiny, with the mission of making improvements and representing the views and concerns of those who provided evidence to us. I thank all of them for their input. I would also like to express my thanks to the Committee Clerk and staff for helping to keep the issues streamlined. I must also say thanks to the departmental officials for their responses, patience and cooperation.

Turning to the amendments; amendment Nos 1, 2, 9, 10 and 11, in their various places throughout the Bill, were discussed in Committee at length with various witnesses. It was felt that the word “shall” is stronger legislatively and will ensure the duty that is being placed. I welcome the Minister agreeing to the Committee’s suggestions in those cases and moving those amendments.

Clause 3 makes a number of changes to the duties of the board of governors in relation to pupils with special educational needs. It requires boards of governors to make school personnel, not just teachers, aware of a child’s special educational needs. It requires them to maintain the PLP, rather than a non-statutory individual educational plan, and it obliges them to make parents, and children above compulsory school age, aware of dispute mechanisms. It also ensures that the Education Authority is aware of changes regarding SEN support.

Regarding amendment Nos 3, 4 and 5; during representation to the Committee it was generally felt by many that communication was necessarily improved, not only between the Departments of Health and Education but, very importantly, between any and all education providers for each child with special educational needs. Furthermore, we felt strongly that the PLP should be shared between schools that the child has transferred to, provided that the parents, or the child if over compulsory school age, agree. I believe that the PLP acts as a historical document, providing information on any action in the past, that may or may not have been beneficial, for the future education of that child.

Amendment No 5 extends the same sharing of information effect to the two main Departments, Education and Health. The sharing is two-sided. Information can travel both ways, and, importantly, they may pool budgets and share resources for the purposes of exercising their functions. We have heard of the example that delays in a child receiving the appropriate care that he or she requires was down to a simple yet elongated debate about who would pay for it. The Committee amendment resolves that debate and the obvious delay.

Amendment No 6 follows on from the previous amendments, and amends amendment No 5 so that provision is made to assess the sharing that will now be guaranteed. Indeed, the Committee discussed the need for that amendment, following the successful implementation of Mr Agnew’s private Member’s Bill, the Children’s Services Co-operation Bill. The Committee felt, as I do,

that there is no point in placing an obligation to share and not have the necessary checks in place to make sure that that sharing is a success. It was felt that this amendment is not duplication but that there may be some problem with extending the functions of the RQIA to enable it to carry out these additional functions.

The decision as to whether there is an increase in bureaucracy, and the worth of it, is questioned by some, but I feel that there is a need to assess how the new functions are working and whether the sharing is successful. I am minded to support that amendment.

Amendment No 8 amends the 1996 Order to read that the statement shall specify the nature and extent of special educational provision to be made for the purpose of meeting those needs. I am content with the amendment, as it clarifies that all types of provision made or provided to each child with special educational needs, whether specific or otherwise, should also be referred to. I think that that is particularly relevant, considering the reduction of the statementing process from five stages to three. It is felt that that precaution will help children who may not be reaching the statutory process.

Turning to amendment No 12, concern was expressed about the capacity of the board of governors to discharge its functions and the absence of qualifications for the new learning support coordinator role. Actually, we were assured that this was a remodel of the existing SENCO role in schools, but it now includes a responsibility for taking into account multiple non-SEN identities; for example, newcomers coming into the school with special educational needs.

The Department gave assurances that there would be regulations setting out the qualifications for the role of the learning support coordinator. Furthermore, we were concerned that there had not yet been the opportunity for public scrutiny of other regulations. We are aware that the reduction in the number of stages in the assessment process will be the subject of secondary legislation and a revised code of practice. I, therefore, feel that amendment No 12 is necessary to ensure that any secondary legislation is properly scrutinised, examined and debated and that the Assembly procedure should be changed from negative to draft affirmative. I am not sure whether the Minister and his Department were trying to chance their arm by not including such back-up or scrutiny measures, but, in the end, he agreed, so I will say nothing more except to welcome it.

To conclude, it has been a steep learning curve for me during the Committee Stage of the Bill, but nothing shines a light more on the detail than each personal story that is brought into our constituency offices. I thank each parent and teacher who thought of asking me for help in their situation. Of course, schools face huge difficulties with the current system. We hear of instances of a school principal having to choose between children — which child has the higher need — because they are only allowed to refer one child in each academic year. That is not good for parent-teacher relationships, and it certainly is not a satisfactory outcome for all children requiring special educational needs provision.

Should the Bill proceed past this stage, as I expect it will, it will not be the end of the process. The road ahead has many additional pieces of information to consider in the

regulations and the code of practice, as well as the further stages of the Bill. In the meantime, the Ulster Unionist Party supports the passing of this group of amendments.

Mr Lunn: I largely support the Bill and the amendments. Mrs Overend mentioned the fact that the first review was perhaps nine years ago. I think that only I and the Minister have been involved with this right through the whole nine years. It sometimes feels like 19 years, but I am glad that we have got to where we are now, and I welcome the Bill having got to this stage.

Over those nine years, the amount of concern, lobbying and difficulty reported to all of us in our constituency offices and in the Committee has been unbelievable, so we are making good progress. We have had to take a long time over it, and the Chair referred to the number of submissions and oral evidence sessions. I am sure that the departmental staff must be tired looking at us, frankly, because they have been there so often, but what they have done and the advice that they have given us have been much appreciated. I think that it is confirmation of the level of agreement across the Committee and the Department that we have got to where we are now, and we are near enough at the end of the process. We are down to 12 amendments, a half-dozen of which are not really contentious at all. I am sure that we can come to some agreement on the other half-dozen. They have all been brought either by the Minister or the Committee, so I think that we are getting somewhere.

I think that the eventual passage of the Bill will leave children and their parents in a better place in terms of procedures, rights and outcomes. The Chair, the Minister and, I am sure, everybody else would agree that that is what it is all about: it is for the benefit of special needs children in our community.

I will briefly look at the amendments. I am not going to comment on the whole Bill, because there will be another day for that. I will just look at the amendments today.

Amendment No 1 — we are actually past that — will leave out “may” and put in “shall” in respect of the regulations. I like that. When a Bill says “regulations shall” rather than “regulations may”, it fills my heart with joy, because it means so much more. It closes a loophole that was half a mile wide, Minister. So, I look forward with pleasure to the regulations.

Amendment No 2 just puts in the word “all”, but that really does strengthen the duty involved. I am fine with, “take all reasonable steps”. No problem at all.

Amendment Nos 3 and 4 are about the transfer of information. They are fine; I do not think that we will have any disagreement about them. Why did it take so long to come to an agreement about this? We were constantly told that this was not necessary and that the receiving school did not have to get the information from the delivering school and so on, yet it is obvious that there should be continuity. However, we have it now, and although overdue it is extremely welcome.

4.00 pm

Amendment No 5 is the one that I really want to talk about; it is the one about cooperation, particularly with the health and social care services. There is a bit of history to this. In the first part of those nine years, we were told often

enough that there was not a problem, that the health services were up to the task and that we did not need an obligation and did not need to go through all this nonsense as long as they were on their honour to cooperate. In fact, the history of non-cooperation is well documented and extremely frustrating, and one of the logjams in the whole process has been waiting for Health to step up to the mark. Many of us thought that the way to deal with this was to impose a duty. I hear when the Minister says that we are crossing over and are trying to impose an obligation on another Department. We got advice on that. It is probably not something that we need to do all the time, but I do not see it as any kind of duplication. It is worthwhile.

Along the way, Mr Agnew’s very worthy Children’s Services Co-operation Bill came over the horizon. It is about to become an Act. I congratulate him on that, as it is a superb piece of legislation. Immediately, the Department of Health jumped on it and said, “Yes, that will sort out the situation. You do not need to worry about placing an obligation on us through an education order”. I just thought that that was a bit too handy and, frankly, a bit too glib. I am happy with amendment No 5. Even if there is a level of overlap or duplication, I still propose that we run with it and leave it there, and I hope that that is the outcome of the debate.

Amendment No 6 is the one about oversight by the RQIA. To put it bluntly, that seems appropriate to me. I have forgotten whether the DUP and Sinn Féin said yes or no, but I am sure that I will find out shortly. It clearly needs some sort of oversight. The RQIA is in place and, as I understand it, has volunteered to deal with this. The only objection seems to be again that we are trespassing into the remit of another Department. It is the same as with the previous amendments. I say: why not? Where is the harm? There is a solution here; let us go for it. Unless somebody comes up with a convincing argument as to why we should not run with it, we will certainly support it.

The wording of amendment No 7 troubles me slightly. It says:

“insert—

“(4A) If, in helping the Authority in the making of an assessment under Article 15,”.

Mr Rogers referred to this and said that, if it will help the child, that is sufficient. It goes on:

“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.”

Why would it not? If it finds a problem with a child, whether in the course of normal investigation or in the course of an assessment, you might expect that a health authority would be obligated to provide whatever therapy and treatment would be beneficial to a child. It does not strictly say that it should be beneficial to the child’s education. It is a cover-all clause. I do not say that it is badly worded or too wide, but I would like to hear what the Minister has to say about that clause when he sums up.

With regard to amendment No 8, it is entirely my fault, but I do not have article 16(3)(b) of the 1996 Order in front of me, so I do not quite know what the full context would be. I gather that the Minister thinks that it should be dealt

with down the line by way of regulation. If I read it right, the DUP is content with it as it stands. I will take the Fifth Amendment on that one and rely on what the Minister says when he sums up. On the face of it, I cannot see much wrong with the amendment, but we are open to persuasion: we are the Alliance Party, you know.

Amendment Nos 9, 10 and 11 each state:

“Leave out ‘may’ and insert ‘shall’”.

That is lovely — manna from heaven — great.

We do not have a problem with amendment No 12, which is about affirmative resolution.

As you can see, we do not have much of a problem with any of the Bill. It is shaping up nicely into good legislation that is long overdue. I see that the previous Committee Chair has joined us. In his day, he also had sleepless nights over this one. I am sure that he has come here to see a happy outcome. I have lost count of how many Chairs we have been through in those nine years.

We welcome the Bill. We are looking for a bit more clarification on one or two items. We are not quite at the final fence, but we are almost there. Even leaving aside one or two deficiencies that were highlighted today, an awful lot of parents and children will be mighty glad to see the end of this process and what it produces for special needs children.

Mr Craig: I cannot claim to have as long a memory on the Bill and special educational needs as my colleague in Lagan Valley Mr Lunn. I do recall, however, as a Committee member, that one of the first things that we discussed was the first special educational needs Bill. I think that my colleague Mervyn Storey organised a meeting of concerned groups and parties in the Great Hall. That was an interesting meeting. Unfortunately for the then Minister, the consensus was that the original Bill was not up to much. That seemed to be the prevailing thought of most of the bodies and concerned parents.

I welcome the fact that we have reached a stage at which we have a Bill that has been scrutinised by the Committee, and many of its recommendations have been accepted by the Minister and are being implemented through amendments. That is a huge step forward for special educational needs. The concept is to speed up an incredibly bureaucratic system. Everyone in the House will welcome attempts to speed up that process.

While I have no issue in principle with amendment No 4, which seeks consent from pupils and parents to pass personal learning plans from one school to another, especially if a child transfers midterm, we will face a difficulty in that parental or even pupil permission may be required. I appeal to the Minister to think about that because my bitter experience as an elected Member is that, when it comes to pupils changing schools midterm, there is normally little or no agreement between schools. That is an unfortunate reality. In a lot of cases, getting consensus on passing a pupil's personal learning plan over to the new school is doubtful. We need to consider the unintended practical output of what may occur if there is no other mechanism of handing over that personal learning plan to the new school. It could have a detrimental impact on the education of the child concerned. When you get down to the nitty-gritty, a lot of these issues are

very personal to the parents and pupils involved, and there is not always consensus. I appeal to the Minister to take another look at that to see whether, in circumstances in which there is disagreement, some mechanism can be found to assist the new school in obtaining that information.

I understand why some people will think that, in clause 4, we are trying to reinvent the wheel. Other legislation was welcomed by the Committee and in the House, but there is a deep and underlying concern. Every member of the Committee, including me, had to admit that, when cases came in, the one thing missing from them all was joined-up thinking between Departments. There is no way of escaping that. I do not say that with any joy, whether Education or Health is responsible, but the truth is that we have all had bad experiences of the two not connecting properly and information not being shared. Amendment Nos 5, 6 and 7 are an effort to try to force some joined-up thinking between the two Departments. In answer to my colleague's concerns, as a party, we will support amendment Nos 5 and 7. However, because of concerns that the Minister has raised with us about RQIA having the responsibility, we will not support amendment No 6.

I welcome the fact that, in clause 5, we are trying to reduce the number of assessment days from 29 to 22. Personally, I think that it will be a huge challenge for the Education Authority, and it may not be totally under the authority's control, Minister. I have numerous cases in which it is not the Education Authority, as it now is, that delays the process. When looking for medical records or information, it takes time for the bureaucratic Health Department to get the information back to the authority. That will definitely be a challenge.

That takes us back to the need for a joined-up approach between Health and Education in the assessment process. Hopefully, that is what will be at the root of this: a more streamlined, joined-up approach between the two Departments. At the end of the day, we are looking for a child-centred approach that will deliver on the education of a child. If that means forcing Departments to work together, I am content to do so in order to get some form of achievement.

My colleague is right: this is a bit of a historic day. Nine years later, we are finally getting another Bill through the House. I remember his speech on the setting up of the Education Authority. As a member of the Committee, I welcome the fact that the Bill is at this stage. I know that there are other stages to go, but I welcome and approve of the fact that we are now at this stage.

Mr Agnew: On behalf of the Green Party, I welcome the Bill. I will speak specifically to a number of the amendments. This is one of those cases when I welcome what is in the Bill but am disappointed by what is omitted. It goes back to some of what I said at Second Stage.

What is disappointing is that we have a Department of Education Bill for special educational needs, when what we need is an Executive Bill. SEN and disability are not the remit of one Department: they cut across a number of Departments. Much of the conversation today has been about the need for Departments to cooperate, but the leadership has to come from the top — in other words, from the Executive. Despite the time that it has taken for the Bill to come to the Assembly — the consultation was in 2009, and discussions took place before that — it would

appear that, in all that time, the effort was not made to get Departments around the table to produce a Bill. Instead, we have a Bill from a single Department.

4.15 pm

I welcome the work of the Committee to address some of what is missing through seeking greater cooperation. The focus has inevitably been on the roles of the Department of Education and the Department of Health, but it is not just those Departments that have responsibility for children with special educational needs. There is a role for the Department of Justice, which provides education in juvenile justice centres, and for the Department for Employment and Learning in further and higher education and in the transition to those institutions from children's services. Therefore, although I welcome the focus on special educational needs, the fact that, yet again, a cross-departmental issue is being taken forward through a single departmental approach goes to the heart of how we do government here. I make that point about how we do government in Northern Ireland to the Minister but also to the Executive collectively: too often we think of Ministers in Departments and not enough of the Government and their collective corporate responsibility.

Issues were raised at Second Stage on the roles of other Departments. It is disappointing that, although ones were tabled by the Minister and the Committee, there were no amendments that I can see tabled through the Minister from other Departments. That is a criticism of the Departments that I have just mentioned for taking the attitude of, "This is the Department of Education's Bill, so we do not need to get involved". Although the primary Department for my private Member's Bill was the Office of the First Minister and deputy First Minister, the Department of Health took an active role in its amending stages. Indeed, at Further Consideration Stage, there was input from the Finance Minister. I would like that Bill to be a model for more of the legislation coming through the House so that we get more Government than departmental Bills.

I come now to the amendments. I welcome amendments Nos 3 and 4 on the sharing of personal learning plans. I see in those amendments perhaps the beginning of a change of culture in policymaking. In seeking to protect data and to protect the individual from the sharing of private information, we have sometimes lost sight of the purpose of some of our statutory services. We have guarded information — "jealously" is perhaps the wrong word — with the good intention of protecting the privacy of individuals, but sometimes that is done to their harm. This small step towards sharing of information between schools is to be welcomed. I ask the Minister whether information from assessments that have been provided by the family to the school will be shared with other schools.

I have even heard anecdotal evidence of information not being shared within schools. When a child goes into a new class after the summer, the information is not always being passed on in full to the new teacher. That is perhaps not something for legislation but it needs to be looked at in terms of how special educational needs are managed within our schools, as well as the sharing of information between schools when a transfer happens, as highlighted in amendment Nos 3 and 4. I welcome the amendment but just make the point that there are other areas where information sharing could be beneficial to the child, with

the proviso, of course, that it has the consent of the parent and/or pupil as appropriate.

I gave evidence to the Committee on how amendment No 5 would interact with the Children's Services Co-operation Bill. I certainly do not subscribe to the view that it would do harm to what was intended by my Bill. Amendment No 5 is very much within the same spirit as my Bill. It could be argued that there is duplication with some of the provisions in my Bill and paragraphs (1) and (5) of new article 12A but, overall, I think that the amendment adds detail to what was proposed in my Bill. I point specifically to paragraph (2), which, again, relates to information sharing. It is important that, where there is consent, information is shared and public agencies and Departments working together can, with the permission of the individuals involved, share information to ensure that cooperative working is effective.

There is a specific requirement in amendment No 5 to:

"prepare a joint and integrated plan".

That is certainly additional to anything that is in my Bill. Whilst that may have been an outworking of the provisions in my Bill, it certainly was not a specific requirement of my Bill, and it is additional. Overall, I welcome amendment No 5. I thank the Committee for inviting me to give my input on it, and I think that it very much aligns with the Children's Services Co-operation Bill and would in no way contradict it.

I also gave my view on amendment No 6 to the Committee, and I will repeat it to the House. The preparation of a report on cooperation is important so that we have that internal self-assessment within Departments. The Children's Services Co-operation Bill requires reporting and requires Departments to cooperate with OFMDFM in the preparation of any report. I suggested to the Committee that the amendment should perhaps be drafted to make it clear that any reporting does not have to be additional to what is required in the Children's Services Co-operation Bill. Making it explicit that it must be part of the existing reporting might help to move away from any criticisms of increased bureaucracy. That was a fear voiced about my Bill when it went through its initial stages and, in working with OFMDFM, I sought to ensure that any reporting was in line with existing reporting requirements rather than additional to them. That may have been a better way to approach amendment No 6. That said, I do not object to what is contained within it, and it will be up to the Committee whether it intends to move it. If it is not moved, perhaps a refined amendment could be tabled at Further Consideration Stage. I am certainly not opposed to amendment No 6 as drafted; I am just suggesting another way of achieving the same objective.

I welcome amendment No 7; I think it gets to the crux of some of the problems that have arisen, in my experience, in the provision of support for children with special educational needs. It concerns the wrangling that sometimes happens between Health and Education as to whose responsibility it is to provide for a child with special educational needs. I use the example from the Children's Law Centre of the girl with cerebral palsy who required daily physiotherapy whilst in school and was not provided with it due to a disagreement between Health and Education as to who should provide and fund it. It was undoubtedly the case that the physiotherapy was

necessary for her education, but, of course, it is provided by the Department of Health.

Amendment No 7 puts a duty on the Department of Health to provide services where they are identified as being therapeutic and beneficial for a child, and that is to be welcomed. I can see from a departmental point of view that the term “beneficial” can be quite broad. Perhaps the phrase, “where it is required to achieve potential in education”, or language along those lines may have made it more focused. I will be interested in the Minister’s views, although it applies specifically to the Department of Health. However, speaking on behalf of the Executive, the Minister could perhaps give us his view on it.

We need to resolve this issue whereby it is clear that a child needs support, whether it is educational support or health support in an educational setting. At times, that provision is not forthcoming due to disagreement over which budget it should come out of. Departments need to remember that this is public money, and that, regardless of whether it is the Department of Health or the Department of Education, those who pay their taxes believe that the provision should be there to ensure that children with special educational needs are not left in the situation where their educational attainment is less than it could and should be because of the lack of provision of services due to wrangling over resources. Whether it is done with this amendment or through the pooling of budgets in relation to special educational needs, we need to find the solutions, because the intent of the Bill is to ensure that the child is at the centre of the decision-making process. If that is truly to be the case, we should be looking at the child’s needs and not at the needs of Departments to potentially protect their budgets and the continual disagreement that there appears to be in some of these cases as to whether Education or Health should fund it.

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

That is why I talk about corporate government. The Department of Education and the Department of Health are just two arms of government. They are publicly funded. The money is public money. The public want to see special educational needs provision being provided, and we need solutions rather than problems in that regard.

4.30 pm

I will not speak to the other amendments in any detail, other than to say that I support them. I will just make one final point in relation to what is not in the Bill. As the Minister and Committee members will be aware, the Children’s Commissioner published a report in 2012 in relation to transitions for those with learning disabilities from child to adult services.

I see nothing in the Bill that addresses the problems that were identified in that report. Positive steps have been taken on the need for cooperation between Health and Education. One of the areas that was highlighted by the report was the lack of parallel planning between Health and Education for transitions from children to adult services, meaning that transitions could happen at different ages within the different systems, thus increasing the amount of disruption. When thinking about that, I always think about children with autism who really struggle with transition periods. The fact is that the lack of cooperative working between two of our Departments

increases the difficulty for children with special educational needs. If we are truly to put children at the centre of how we make decisions and how we plan these transitions, there needs to be cooperative working, and we should have one transition plan rather than two.

In conclusion, I welcome the amendments. Given the years that it has taken the Bill to get to this stage, I am disappointed that it does not do more. That said, I do not wish to be churlish. Much in the Bill is positive. I fully support a number of the amendments, particularly around cooperation, and I think that some progress is being made.

Ms Maeve McLaughlin: Go raibh maith agat. I speak as a member of the Education Committee in support of amendment Nos 1 to 12, with the exception of amendment No 8.

Much has been said on the detail of some of the amendments, but when we reflect on amendment Nos 1, 9, 10 and 11, we see that the movement of “may” to “shall” will effectively enact the regulations under the Bill as it is intended they be.

Amendment No 12, again, is effectively about making the regulations subject to affirmative rather than negative resolution. Arguably, that strengthens the scrutiny elements of the Bill. Committee members certainly welcome that as a positive step.

Amendment No 2 relates to the duties on boards of governors, with a particular focus to ensure that teachers “take all” reasonable steps rather than simply “reasonable” steps. Again, that is sensible and logical given the Bill’s intent.

Amendment Nos 3 and 4 refer to the transfer of personal learning plans. The Bill introduces a new duty for schools to complete a PLP for each SEN child, with a very clear focus on learning outcomes. That would go some way towards involving the child and parents. It is important to reflect on the Bill’s intent and the context of the legislation. Many Members have referred to a child-centred approach, and that is right and proper. As the Minister has indicated, the SEND Bill is simply a building block. However, it provides us with the legislative changes that are necessary to support the revised SEN and inclusion framework. It is proper that we reflect on the steady increase over the past 10 years in the number of people with SEN. There were some 73,435 pupils with SEN in 2014-15. So, there is a stark and clear need to advance this legislation.

I will concentrate a couple of remarks on a number of amendments, in particular amendment No 5, which places a duty on health and education bodies to cooperate with one another to identify and assess children with SEN, provide services to them and share that information. This, again, was a stark piece of evidence that came through in the Education Committee’s work and in my work as Chair of the Health Committee. It places a duty on the bodies to share the information on request and prepare a joint and integrated plan for exercising their functions. That is, effectively, a power to pool budgets and to share resources. That is a welcome requirement, and one that I have advocated for some time. It is crucial that we see cooperation across all areas of SEN provision. It is important that jointly planned and delivered health and education services be delivered for children with SEN. We would all expect, and advance, the concept of having robust regulations and a code of practice that will follow

the legislation and provide that detailed model of how cooperation will work.

Amendment No 6 deals with the oversight of cooperation and extends the remit — this has been challenging for some Members — of the RQIA to encompass oversight of cooperation between Education and Health. That is an interesting change in the dynamics of the role of an organisation such as the RQIA. Reflecting on the RQIA, many see it as one part of the health system scrutinising another part of the health system. So there is no doubt that the amendment changes the dynamics.

It is worth reflecting that the whole remit of the RQIA was informal guidance by the Commissioner for Older People advanced in terms of a need for review. So it is apt that we explore that changing relationship in the Bill. The proposed obligations on health authorities will undoubtedly more closely align the SEN framework to other progressive pieces of legislation that recognise the fundamental importance of health therapies to children with SEN.

I want to take a minute to reflect on the need to cooperate. As a Committee, we sought evidence and requested research papers from our Assembly research team. We found that 59% of statements were granted outside the 26-week limit, and 74% of those statements were as a result of delays in health. So, there is a huge challenge to the system to do better. It was concluded that there is inadequacy in the joint working between education and health; there is also a lack of data collection or analysis by the Health and Social Care Board. Even a survey in 2010 found that only 14% of teachers felt that there was a coherent or consistent approach across health, social care and education. So, it is important that we reflect on the blockages in the system and allow the Bill to be part of looking at formal duties to cooperate between both Departments.

I support the amendments, with the exception of amendment No 8. Go raibh maith agat.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil leofa sin uilig a bhí páirteach i ndíospóireacht an lae inniu. I thank all the Members who contributed to today's debate. As I said at the beginning of the debate, the Bill is about strengthening the rights of children with special educational needs, and additional duties will be placed on the Education Authority to bring clarity to the support that should be available for children with SEN.

The rights of parents will also be strengthened, and there will be new duties on boards of governors, all of which is to ensure that the learning of the child progresses and develops throughout their journey through our education system.

I hope that we will be able to move the Bill beyond today and that further work will be carried out, as Members are aware, at Further Consideration Stage etc. We should focus on the outcomes for children with SEN, which should be agreed in consultation with the parent and the child. Transparency, accountability and reduced bureaucracy were the themes of many Members' contributions to the debate. The Bill will ensure that everyone involved in the SEN world has confidence in the new SEN framework, I have already outlined the rationale behind

the amendments that I have proposed, which were brought forward by the Committee and sponsored by myself.

All the amendments emerged from Committee scrutiny. That was not just during Committee Stage, as the Bill and the SEN framework have been discussed for many years. Contrary to what some in the House believe, including Mr Agnew perhaps, the Bill has not been delayed by political fallout or dispute. The Bill has been brought forward on the basis that we want to bring as many people with us as possible. We have sought agreement, interrogated the issues and debated them in the original consultation and in many debates in Committee, even in my time as a member. I have made presentations to the current Education Committee, as have my officials and others in the SEN field. We want to get the legislation right and to make sure that it is the building block on which we build a modern SEN service.

Members will rightly highlight their constituents' poor experiences when it comes to interacting on statementing or other aspects of the SEN processes, but it also has to be remembered that, every year, thousands upon thousands of children either go through statementing or are involved in SEN in our schools and that, in the vast majority of cases, the experience is very good. Members are right to highlight times when it goes wrong and to hold those involved to account. When we as legislators and decision-makers have to change legislation to ensure that public servants can deliver a service better, we should do that, and that is the case. This legislation allows us to carry out that very function.

The Chair outlined the role of the Committee in the scrutiny of the Bill. As I said, that has been taking place over many years, not just on the Bill but on the preparation of the various stages of the SEN framework. I have said before and I think that it is worth repeating that it has been carried out in a very positive and informed manner, with those on both sides of the table seeking resolution and the best possible legislative outcomes for the young people involved. Maybe it is my own experience, but I have to say that, when a Minister brings forward a Bill, they lose control of it once it goes through Second Stage. It could go in any direction after that. However, in these considerations, I was confident that the SEND Bill was going in only one direction — the right direction of ensuring that it served the needs of young people — and that was the collective work of the entire Committee. We still have a way to go in ensuring that the Bill becomes law, and there will be many a twist and turn in the road.

Members raised several issues of concern, comment and observation on aspects of the Bill. Seán Rogers referred to training and support for teachers and boards of governors. We have a plan and resources in place for that training. It is a step change for schools and boards of governors, and we as a Department of Education have a responsibility to step up to the mark and support them. The Member mentioned the use of IT and referred to a 70-mile round trip, and I will certainly bring that comment back. We should look to use modern technology to provide training across a wide range of areas not only for SEN and support for boards of governors and teachers but for other elements of our education system.

Sandra Overend wondered whether I was chancing my arm but was caught out by amendment No 12. No — well, I do chance my arm and am occasionally caught out.

However, scrutiny of the Bill highlighted concerns on this. It does not cause any difficulty to ensure that there is open transparency on the Bill, so why not do it? Let us just do it and bring it forward so that everybody has confidence in it.

4.45 pm

Trevor Lunn summed up the objective of this debate and the lengthy debate over the years: the Bill will leave our children and parents in a better place. If we achieve that, we will have done a good job, and we are capable of doing that with the Bill. Trevor asked what the concerns were about amendment No 6. Again, I advise the Chamber on behalf of the Health Minister, who has advised me, that it is not the policy intention of the Department of Health to extend the remit, as set out in amendment No 6, of the RQIA in this way. It is only fair and proper that I reflect the comments of the Health Minister. Other Members referred to that in their contributions. I think that colleagues from the DUP said that they had concerns about the RQIA being used for this purpose. At the end of the day, the House will make its decision. People, quite rightly, look for oversight, and there has been concern about cooperation between the two Departments. Perhaps the most logical step is to ask this question: where will the oversight of that be? We have a very good Education Committee and a very good Health Committee: perhaps that is where the oversight should rest. That would certainly remove any bureaucracy or further pressure on any other regulatory body. Our Committee structure has impressed even the critics of the Assembly, so there is certainly a potential role for the Health Committee and the Education Committee in ensuring that there is cooperation between the two Departments, if the amendments are passed today, and that we are held to account for it.

Mr Lunn: Thank you for giving way. Are you saying that the Education Committee and the Health Committee could, between them, produce a report of the quality of what might be produced by the RQIA? How would we have the facility to do that?

Mr O'Dowd: The question of whether the RQIA has the facility to do that has also been raised. It is not within its remit, so that is not its field of expertise. Some Members said that the RQIA had stepped forward and volunteered to carry out this role — fair play to it. I am certainly not undermining the professionalism of the RQIA, but I am reflecting the view of the Health Minister. It is not the policy intent of the Health Department to have the RQIA carry out such a role. There is an alternative, and it is up to the House to make the decision on the amendment one way or the other. I am saying that we should not underestimate the capacity of our Committees to scrutinise Departments. That is their role. If Departments are not cooperating, particularly when under a legislative remit to do so, the Committees are in a position to do certain work. Members may or may not agree with my view.

Jonathan Craig touched on amendment No 4 and expressed his concern about whether the personal learning plan would be passed on if there was a dispute between the school and the parents. I am more than happy to look at that again to see whether there is a way of addressing those concerns, but — I think that Mr Agnew touched on this as well — we are dealing with data protection and the rights of individuals. I will look at it between now and Consideration Stage to see whether

there is a way of addressing that concern, if at all possible, and to ensure that information is shared between schools to the benefit of the young person involved.

Members crossed themes on a number of matters. I am touching base on just some of the issues, and, if I leave out any Members or their points, I will be more than happy to respond to them. As I said in my introductory remarks — I want to reassure Mr Agnew again — the time that it has taken this legislation to come to the Floor in no way reflects a lack of work on the SEN framework or the SEND Bill. I assure Mr Agnew that a huge amount of work has been done in my Department on SEN and in cooperation, discussion and collaboration with other Departments — the Department of Justice, the Health Department and DEL, to name a few. Over the last number of years, they have all been involved in discussions in one form or another on the preparation for moving forward with improving our SEN services, the SEN framework and the SEND Bill. He also referred to the Children's Commissioner's report of, I think, 2012, which was critical of transitions between education and health. We were acutely aware of that.

Indeed, it has been a focus of discussions and engagement between my Department, the Department of Health and DEL. We have all-party working groups on mental health and on learning disability, and that is one of the areas that we are concentrating on. We are working to ensure that the lessons of all Departments and children's bad experiences of transition are learned from and that we improve for all young people. A recent Education and Training Inspectorate (ETI) report on transition flagged up the point that the Department of Education's work and policies and their outworkings on that were very good, but I accept the Member's point: DE has to be good at it, the Health Department has to be good at it and whoever else is involved has to be good at it as we move forward.

I will now deal with the area of cooperation. I touched on it when discussing amendment No 6. On amendment Nos 5 and 7, I again reflect the views of the Health Minister. He has concerns that there will be duplication of legislation between this Bill if it becomes an Act and Mr Agnew's Children's Services Co-operation Bill. Members are aware of that information, and it is now up to them what they decide on that. I cannot impose, nor do I wish to impose, an obligation on another member of the Executive, but the Assembly can, because those are the rules of the game.

In my opening remarks, I asked Members not to support amendment No 8. It is not a die-in-a-ditch issue for me. Both sides of the argument want to achieve the same objective, but the debate is on how and when you achieve the same objective. Committee members have debated the matter at length. Many Members have spoken in support of amendment No 8 in the Chamber today. I think that the proposal to allow the consultation to begin in early 2016 and then to move from that point is the best way forward, but the bottom line is this: either way works. I am content to take the direction of the House on the matter.

In conclusion, I once again thank those who contributed to the debate. We now move the Bill on to Further Consideration Stage, and I hope that we move one step closer to reaching the objective set out by Mr Lunn, which is that, if we improve the lives of children and parents, we have done a good thing.

Amendment No 1 agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

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

Amendment No 2 made:

In page 2, line 33, after “take” insert “all”.— [Mr O’Dowd (The Minister of Education).]

Amendment No 3 made:

In 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).”— [Mr O’Dowd (The Minister of Education).]

Amendment No 4 made:

In 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).”— [Mr O’Dowd (The Minister of Education).]

Clause 3, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 5 proposed:

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 Authority and the health and social services authorities (“the relevant bodies”) shall co-operate with one another 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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

Mr Deputy Speaker (Mr Beggs): Amendment No 6 is an amendment to amendment No 5, so we need to dispose of amendment No 6 before putting the Question on amendment No 5. I hope that everyone understands.

Amendment No 6, as an amendment to amendment No 5, proposed:

After paragraph (5) insert

“(5A) 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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

Question put.

The Assembly divided:

Ayes 52; Noes 31.

AYES

Mr Agnew, Mr Allen, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly,

Mr Kennedy, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Nesbitt, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Kennedy and Ms Maeve McLaughlin.

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr Middleton, Lord Morrow, Mrs Pengelly, Mr Poots, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Buchanan and Mr Lyons.

Question accordingly agreed to.

Amendment No 5, as amended, made:

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 Authority and the health and social services authorities (“the relevant bodies”) shall co-operate with one another 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.

(5A) 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.

(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.”.— [Mr Weir (The Chairperson of the Committee for Education).]

New clause ordered to stand part of the Bill.

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

Amendment No 7 made:

In page 3, line 33, at end insert

“(2A) After paragraph (4), insert—

‘(4A) If, in helping the Authority 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.’.— [Mr Weir (The Chairperson of the Committee for Education).]

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

New Clause

Amendment No 8 made:

After clause 5 insert

“Nature and extent of special educational provision

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”.— [Mr Weir (The Chairperson of the Committee for Education).]

New clause ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

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

Amendment No 9 made:

In page 5, line 18, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

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

Amendment No 10 made:

In page 7, line 34, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

Amendment No 11 made:

In page 7, line 36, leave out “may” and insert “shall”.— [Mr O’Dowd (The Minister of Education).]

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 14 ordered to stand part of the Bill.

New Clause

Amendment No 12 made:

After clause 14 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.’.— [Mr O’Dowd (The Minister of Education).]

New clause ordered to stand part of the Bill.

Clauses 15 and 16 ordered to stand part of the Bill.

Schedule agreed to.

Long title agreed to.

Mr Deputy Speaker (Mr Beggs): That concludes the Consideration Stage of the Special Educational Needs and Disability Bill. The Bill stands referred to the Speaker.

Before we move to the next item of business, I ask Members to take their ease for a few minutes so that we can change some of the personnel at the top Table.

5.15 pm

Road Traffic (Amendment) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of the Environment, Mr Mark Durkan, to move the Bill.

Mr Durkan (The Minister of the Environment): I beg to move amendment No 1. When we last met to discuss the Bill in June —

Mr Deputy Speaker (Mr Beggs): Order. I ask the Minister to just move the Bill at this stage. There are some other preliminary issues to go through first.

Mr Durkan: Apologies, Mr Deputy Speaker. I was getting ahead of myself there.

Moved. — [Mr Durkan (The Minister of the Environment).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two amendments, which will be debated in a single group. The amendments propose a change of timings and an issue of a technical nature. I remind Members who intend to speak that, during the debate on the group of amendments, they should address both amendments in the group. Once the debate on the group is completed, amendment No 2 will be moved formally and the Question will be put without further debate. If that is clear, we will proceed.

Clause 19 (Changes to restrictions on learner and new drivers)

Mr Deputy Speaker (Mr Beggs): With amendment No 1, it will be convenient to debate amendment No 2.

Mr Durkan: I beg to move amendment No 1: In page 20, line 32, leave out “10” and insert “11”.

The following amendment stood on the Marshalled List:

No 2: In the long title, leave out

“the age at which a provisional licence may be obtained.”.— [Mr Durkan (The Minister of the Environment).]

When we last met to discuss the Bill in June, there was a great deal of debate on clause 19, which deals with changes to restrictions on learners and new drivers. Taking on board those concerns, I gave my commitment to review clause 19. I undertook to engage with key stakeholders, including Members here who raised particular concerns about the clause and some rural groups such as the Ulster Farmers’ Union and the Young Farmers Clubs of Ulster. My officials engaged on my behalf with Assembly colleagues who expressed a particular interest in this element of the Bill. I thank those Members for their constructive engagement. I can now update Members on that review, which has led to my tabling this first amendment.

Just before I do, however, it will be useful to give Members a quick recap of what the passenger restriction will mean for new young drivers: when they will be permitted to drive and whom they will be permitted to drive with. The passenger restriction is not a curfew. New drivers will be permitted to drive 24 hours a day from the moment they

pass their test. During the period of the restriction, drivers aged under 24 who are within the first six months since passing their test will be limited to carrying one passenger aged between 14 and 20. They can carry younger or older passengers without restriction and can carry a passenger of any age for whom the driver is entitled to receive carer's allowance. Outside the restricted period, there are no restrictions on the number or age of passengers.

My review of the clause focused on three main areas: evidence, mobility and complexity. A number of Members asked for further evidence of the need for a passenger restriction and the time of day when collisions occur. Over the last number of months, officials have worked with statisticians, reviewing and building on the information available. I hope that all Members will have received a short paper that sets out the stark evidence in support of a passenger restriction.

Between 2010 and 2014, a driver aged between 17 and 24 was deemed responsible for 88% of the 14- to 20-year-old passengers killed when travelling with a driver who was responsible for the collision. The proportion of passengers in that age group who were killed or seriously injured by a 17- to 24-year-old driver was 77% — 138 teenage passengers killed or seriously injured while travelling with a young driver deemed responsible for the collision. That is 138 families left devastated by the loss of a loved one or the impact of coping with their life-changing injuries. There is a particular problem on rural roads —

Mr Allister: Will the Minister give way?

Mr Durkan: Certainly.

Mr Allister: How many of the 14- to 20-year-olds who, sadly, lost their life would have been saved by virtue of this legislation, in that it would have been illegal for them to be in a car had the law been applied? Can you tell us that?

Mr Durkan: I thank the Member for that question. I do not, unfortunately, have that detail here; I will try to get it in time for my winding-up speech. This is about forming driving habits and behavioural change. The first six months after a driver, particularly a young driver, passes their test are extremely important in establishing what type of driver they will be. The first six months are when a young driver is particularly vulnerable to collision. That is borne out by statistics that I will try to get in time for my winding-up speech.

There is a particular problem on rural roads, where 78% of those 14- to 20-year-old passengers — 107 young people — were killed or seriously injured while travelling with a young driver deemed responsible. At Consideration Stage, I heard concerns about mobility, particularly in rural communities. As part of the review, I met representatives from the Ulster Farmers' Union and the Young Farmers' Clubs of Ulster. Both groups indicated general support for the Bill but put forward concerns about the impact that the passenger restriction could have on mobility for their members and for rural communities more generally. They asked me to consider the effects of social isolation in rural areas and the impact of the passenger restriction on young people's ability to travel for education purposes and to attend after-school activities, church and sporting events.

In the Consideration Stage debate, Members raised issues about the complexity of the clause. I asked officials to explore those issues with Members. I understand that, although Members expressed concerns similar to

those already raised, they acknowledged the difficulty of achieving a balance between simplifying the clause and retaining exemptions for family members etc in order to avoid placing even further restrictions on mobility.

In the review, I welcomed the support from all involved for the removal of the 45 mph speed restriction, which is a key element of the clause. I think that we can all agree that the ability to train learners to drive up to posted speeds so that they are ready to handle the challenges of driving alone makes absolute sense.

The more contentious element of the clause is the passenger restriction. I considered the feedback from the range of meetings held and appreciate the sentiments and arguments put forward, particularly the need to ensure that mobility is not restricted unduly. I have listened carefully to the concerns about the perceived disproportionate impacts on rural communities. In doing so, however, I have been mindful of the robust evidence of the extent of the road safety problems on our rural roads.

Indeed, Sandra Overend's amendment at Consideration Stage was, I believe, brought in to try to lessen the impact of the passenger restriction on young people's mobility, particularly their ability to travel for education purposes, sports practice, and so on. I can, of course, appreciate the rationale behind that, but Members will recall that I opposed the introduction of any time-limited passenger restriction, and I still firmly believe — the evidence supports this — that a 24-hour passenger restriction would have had the greatest impact on reducing deaths and serious injuries among younger drivers and their peer-age passengers. However, as I said when we last debated the Bill, the passenger restriction cannot be based on effectiveness alone. It has to be about the balance between road safety and mobility. It was clearly not the will of the Assembly to have a full, 24-hours-a-day passenger restriction, and I respect that decision.

Members will also recall that I urged caution around voting to bring in a time-bound passenger restriction that omitted the highest-risk hour, 9.00 pm to 10.00 pm. I remain concerned that a 10.00 pm restriction may inadvertently increase the number of fatalities as people speed during the most dangerous time of the day — between 9.00 pm and 10.00 pm — to drop off their passengers quickly, so as not to break the law by having passengers in the car at 10.00 pm.

At one point, I considered bringing forward an amendment to include that hour and to commence the restriction at 9.00 pm, and that is certainly what the road safety evidence points me towards. However, I have accepted the representations made on behalf of rural communities and decided to bring forward an amendment to commence the passenger restriction at 11.00 pm rather than 10.00 pm. I want to put some clear blue water between that high-risk hour between 9.00 pm and 10.00 pm and the time that the passenger restriction starts. I believe that it makes sense to move the start time to 11.00 pm so that those young drivers and their friends who are still out at social events, work, and so on, can make their way home safely and without the need to resort to risky behaviour to beat the clock. Based on my engagement with the farming groups, the feedback from my review and the comments made by Members at Consideration Stage, I believe that 11.00 pm will represent an acceptable time.

Mr Lunn: Will the Minister give way?

Mr Durkan: Certainly.

Mr Lunn: I hear what the Minister says about the feedback, the review, and so on. Can he tell us what the reaction of the PSNI concerning enforcement has been to all of this during the review? I take his point about accident statistics and those killed and seriously injured: that is evident. How is this to be enforced? What is the police's view?

Mr Durkan: I thank the Member for that question. The reaction of the PSNI to the proposals has been consistent throughout. It accepts and admits that there will be difficulties with enforcement. However, as I outlined when addressing Mr Allister earlier, this is very much about effecting attitudinal, and then behavioural, change and improvement in drivers and road users. How do the police enforce, for example, the wearing of seat belts? How do they enforce against the use of mobile devices when people are driving?

Mr Lunn: Will the Minister give way?

Mr Durkan: Yes.

Mr Lunn: I am sorry, but I do not accept that comparison at all. If someone is not wearing a seat belt or is on a mobile phone, it is pretty obvious. It is not so obvious what age somebody is at that particular time of the day, and that is the problem. That goes for the relevant additional driver provision as well. I am not sure that the police are enthusiastic about this at all, although I recognise the good intent behind it.

Mr Durkan: I thank the Member for that intervention. He is not convinced that the police are sure about this, but I am not sure what he bases that on. I am convinced that they are, through continuous engagement — personally and through my officials — with the PSNI on the issue. The PSNI is a valued and valuable road safety partner of the Department. We work very closely with it on a range of our road safety activities.

However, Members should note that, although I am proposing this amendment, I do not want them to underestimate the very real risks posed by and to young drivers carrying young passengers.

5.30 pm

The additional evidence that has been produced over the last number of months only reaffirms for me the important role that a passenger restriction has in protecting drivers and their passengers in the early days of driving without supervision. By restricting the carriage of multiple peer passengers until six months post test, I believe that drivers will have gained valuable additional experience and will be more ready to deal with the distraction that carrying passengers inevitably creates. Although the restriction will now be applicable only at night, I still believe firmly that it will save lives.

I have discussed with my officials other ways of tackling this passenger problem in parallel to the legislation being brought forward. I have asked them to ensure that dealing with driver distraction forms an integral part of the programme of training and that the restrictions are clearly communicated to young drivers in preparation for and on passing their test. Furthermore, I will consider how best to educate young drivers on the risks of driving with peer passengers and whether we can start that process

of education before the passenger restriction becomes operational.

I was pleased to announce in October that a number of projects would be progressed this year, funded by my Department's road safety grant scheme. These grants seek to engage and empower individuals and organisations to practise good road user behaviour. It is particularly pertinent that one of those projects, Love your Passenger, Love Yourself, relates to what we are discussing today. It will highlight and bring home the real and devastating effects that careless drivers can have not just on themselves but on friends and families. Very sadly, as the two fatal collisions in recent months involving young drivers with peer passengers show, the risks are very real and something that we as legislators should not shy away from.

I appreciate that I have spoken for quite some time now; I am almost done but I want to reflect on a few additional points and explain why, despite an extensive review of the clause during which every point raised was considered thoroughly, I have not brought any other amendments. The crux of the matter is that the majority of the issues raised were mutually exclusive. I was criticised for the complexity of the restriction, yet the very purpose of that complexity — the exemptions for family members and suchlike — was to ensure that mobility was not unduly impacted. I considered a number of ways to reduce the complexity, including removing the exemptions or not permitting any passengers, and, whilst some of these amendments would certainly have assisted concerns regarding enforceability, there would have been a considerable impact on mobility. Based on the feedback that I have had on the meetings held with officials and the meetings that I have been involved in, I believe that there is an acknowledgement that balance is difficult to achieve and that any attempt to make the measure simpler would have the unwanted effect of reducing mobility. Clearly, members do not want that.

So what are we left with? We have a passenger restriction that is perhaps not as stringent as I would have liked but will, nonetheless, almost certainly save many families the devastation of losing a loved one. We have a passenger restriction that is balanced. Young people will be free to drive at any time of the day or night on passing their test, but we will offer them some protection as they gain experience by applying a restriction in the first six months post test, when the risk is most marked. During those six months, the new driver is still afforded a high degree of mobility, with freedom to drive themselves but with limitations on carrying multiple passengers between 11.00 pm and 6.00 am.

What we have is, I believe, a balance that has not been stumbled upon or hashed together; it is a delicate balance that we have had to carefully consider and work together to achieve. What we have is an approach that is appropriate and proportionate to the problem.

I now turn to amendment No 2, which amends the long title. This amendment is required to reflect the fact that no changes are being made to the age at which a provisional licence may be obtained, as agreed at Consideration Stage.

Ms Lo (The Chairperson of the Committee for the Environment): On behalf of the Environment Committee, I welcome the opportunity to speak on the Further Consideration Stage of the Road Traffic (Amendment) Bill. The Committee received a briefing from officials on 26 November on the Minister's proposed amendments.

Clause 19 applies restrictions if the driver is under 24 years of age and there is more than one passenger in the vehicle. The driver is restricted from carrying any other passengers aged between 14 and 20 unless they have a "relevant accompanying person" with them in the front seat of the vehicle. A "relevant accompanying person" must be aged 21 or over, hold a full licence and have held such a licence for not less than three years. The "new driver period" for that restriction is six months.

It was the Minister's initial intention for restrictions to apply on a 24-hour basis; however, following the passing of an amendment at Consideration Stage, the restriction will now apply between the hours of 10.00 pm and 6.00 am. Amendment No 1 seeks to reduce the restriction further to apply only between the hours of 11.00 pm and 6.00 am.

Officials advised the Committee that it undertook stakeholder engagement with individual MLAs, the Ulster Farmers' Union (UFU) and the Young Farmers' Clubs of Ulster to get a better understanding of the views and implications of the restrictions, particularly for young drivers in rural communities. The Department believes that its amendment will strike a balance between the road safety benefits that can be achieved and the impact on mobility for young drivers.

Given that the initial intention of the Bill was to have restrictions in place for 24 hours, some Members queried why the Minister is now tabling an amendment to reduce the restriction period by a further hour. Officials explained that the hour between 9.00 pm and 10.00 pm is considered to be the most high-risk hour for young drivers carrying passengers, and it therefore proposes to extend the time to 11.00 pm to avoid young drivers rushing to be home for 10.00 pm, which is during the most high-risk hour as mentioned by the Minister earlier. Officials also advised that there was no support among stakeholders to move the restriction to 9.00 pm.

The Committee sought reassurances from officials that they had liaised with the PSNI on whether the proposal is enforceable. Officials advised that the PSNI recognises the complexities of the restrictions, but supports the proposal and advises that it can be enforced if the powers are there.

Members also discussed the need to educate young drivers and raise awareness of the restrictions. Members reiterated the importance of working with young people to explain the reasons for graduated driving licences (GDL) and restrictions and to use organisations such as the UFU and sports clubs to help get the message out.

The Committee queried the position of insurance companies in reducing premiums as a result of the graduated approach to learning. The Committee was disappointed and concerned to hear that insurance companies had not provided a guarantee that they would respond positively in respect of insurance premiums as a result of the graduated approach.

Mr Lunn: Will the Member give way?

Ms Lo: Yes; I will.

Mr Lunn: I am surprised that the Committee is surprised by that. Insurance companies operate on the basis of claims paid, and claims outstanding versus premiums received. If it works — and I certainly hope that it does — there will be a gradual effect on insurance premiums, but

it is ridiculous to ask insurance companies to provide a guarantee just because we are tinkering with the law.

Ms Lo: I accept the Member's comments, but departmental officials told us that.

Mr Lunn: *[Interruption.]*

Ms Lo: I know.

What the companies said was that as claims go down premiums go down. The Committee is aware that officials intend to challenge insurance companies on this matter once the full suite of restrictions is settled. The Committee will monitor developments in that area.

The Committee is aware that amendment No 2 is a technical amendment to amend the long title, removing a purpose of the Bill that amends the law relating to the age at which a provisional licence may be obtained. The amendment is necessary as the Assembly voted at Consideration Stage to remove a clause in the Bill that made provision to reduce the minimum age for obtaining a licence from 17, which is the current age, to 16 and a half. Retaining the age of 17 was a recommendation in the Committee's report on the Bill. That concludes my remarks as Chairperson of the Environment Committee.

If I may, I would like to make some comments as an Alliance Member. The Alliance Party understands the rationale for the proposed restrictions on new drivers. We appreciate that young people who have recently passed their driving test are more likely to have accidents when they have a number of young people in the car. However, I still believe that the restrictions are too complicated, convoluted, indiscriminate and extremely difficult for the PSNI to enforce. The condition of a supervising passenger aged 21 or over who has held a driving licence for three years is, in my opinion, an ineffectual compromise. There are no conditions attached to the supervisor as to what state they must be in when they are in the car. It might have been more straightforward to legislate that a young driver could carry only one unrelated young person aged 14 to 20, in addition to family members, day and night throughout the first six months of obtaining their licence.

There was a lot of cynicism when the Department first suggested that the GDL would reduce insurance premiums for young people. The cynics have now been proven right, as insurance companies are saying that they cannot give a guarantee that that would happen. It is very disappointing.

We accept the rationale for the further amendment from the Department, and we support the amendments.

Mrs Cameron (The Deputy Chairperson of the Committee for the Environment): I rise as Deputy Chair and as a DUP member on the Environment Committee and welcome the opportunity to speak on the Further Consideration Stage of the Road Traffic (Amendment) Bill.

Every death on our roads is one too many, and I hope that we can reverse the current trend and reduce the number of fatalities and lessen the pain caused to families left behind to deal with the aftermath of the devastation. It is the obligation of each and every person using our roads to take their time, pay attention and consider other road users before and during their journey, whether it is by motor vehicle, bicycle or on foot.

A large part of our consideration of the legislation has looked at the higher proportion of under-25s killed or

seriously injured on our roads and has sought ways to ensure that we do not restrict the mobility of younger drivers; in particular, Part 3, clause 19. I am content that, having taken advice from a number of groups, such as the Young Farmers' Clubs of Ulster and the road safety forum, we have achieved a piece of legislation that creates a balance and does not excessively restrict the movement of young drivers but provides a framework within which, I hope, we will see a reduction in the number of people killed or seriously injured on the roads.

By way of background, between 2010 and 2014, drivers aged from 17 to 24 accounted for 14% of driving licence holders, yet were responsible for 38% of fatal accidents. Young drivers are a staggering three times more likely to be killed on our roads and four times more likely to be responsible for fatal accidents than are drivers over 25.

5.45 pm

I fully appreciate that it is not as simple as applying a broad-brush approach to young drivers and calling them irresponsible. Clinical evidence suggests that the part of the brain that controls functions such as planning, reasoning and impulses is not fully developed until the age of 25. It is therefore our duty to properly equip younger drivers on our roads with the statutory measures that will allow them to properly develop the necessary skills and experience that they require to protect themselves and other road users.

We have also addressed evidence that points to a greater incidence of collisions when inexperienced drivers are carrying teenage passengers. We are all familiar with the carloads of over-confident young drivers at times unwittingly taking unnecessary risks. Between 2010 and 2014, young drivers were deemed responsible for 77% of 14- to 20-year-old passengers being killed or seriously injured in a collision. To address that, we have agreed that a newly qualified driver under 24 will not be permitted, for the first six months after passing their test, to carry more than one passenger aged 14 to 20. Some exemptions to the rule will assist in accommodating family life and emergencies.

I hope that this short period of restriction will allow a young person to gain a much better understanding of the importance of making sensible driving decisions and learn, without distraction, how a vehicle handles in different driving conditions. I appreciate that it was felt that the restriction may disadvantage those living in rural communities. However, I feel that it is a prudent move, given that 69% of accidents in which someone is killed or seriously injured by newly qualified drivers occurred on a rural road.

Given that the Minister has chosen to amend the legislation to ensure that the restriction applies only from 11.00 pm to 6.00 am and it is, as I have mentioned, for a short period of six months, I feel that we have reached a sensible and workable compromise that will train a new generation of better-prepared drivers. I also put on record that these measures have the full support of the PSNI. I wish its officers every success as they begin to roll out this new legislation in order to make our roads safer and to reduce road deaths and serious accidents.

In closing, the Bill will ensure that Northern Ireland's roads are safer for all users and that our drivers are better equipped. We must all share the road to zero, and

I welcome any steps that we can take to ensure that that happens. I support the Bill.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom cúpla focal a rá. I will say a few words about the legislation, but I will preface my remarks by saying that we can describe the summer only as one of carnage on our roads when you look at some of the accidents that took place. Sadly, I have personal experience due to the fact that I lost a young niece on 6 September. The consequences of that have been far-reaching and long-lasting.

Any measure that we introduce to try to protect people on the roads is to be welcomed. Unfortunately, I was in hospital when the Bill was last debated. I read some of the Hansard report, and it was a good debate. There have been a lot of challenges. I have talked to young people, especially those in the hospitality sector or who work in care homes, and they have had a lot of difficulty with the Bill, in particular this part of it.

However, this was agreed in principle in the previous debate, and the Minister has brought forward an amendment that I am willing to support. Other Members touched on the specifics. I do not propose to do that, but I will say that we want to get the message out clearly, so that there is no confusion, that this is not an attack on young people or on young drivers; rather, we are addressing the issues surrounding inexperienced drivers. Whilst respecting the freedom of young drivers, we need to ensure that we can keep them safe on our roads for the rest of their lives. Over my eight years on the Committee, we have seen the statistics — they are hard to argue with — in relation to young drivers on rural roads at specific times of the night.

In that respect, I welcome the amendment.

I will pick up on a couple of points that have been mentioned. Mr Lunn is out of the Chamber, but insurance companies have a bigger part to play in all this. I want the Minister's view on that. I want a response, and, after this process, I want the Department to engage with insurance companies not only to incentivise but to work with young people. I do not want the message to come out that we are trying to beat young people with a big stick. We are trying to work for young people and keep them and all our road users safe. Insurance companies can do a lot more.

Members mentioned enforcement. I welcome the fact that the previous Member who spoke mentioned that the PSNI welcomes the Bill's provisions, so we have to work collectively. There is one message that the Minister needs to be clear on: communication, not just with young people but with everyone. From driving instructors right through to schools, the Education Authority and everybody else, we need to talk to our young people and to get the message out. If we can get the message out early enough, it will be self-regulating.

The six-month period is — this may not be the appropriate term, but I will use it — short-term pain for long-term gain. I represent a large rural constituency, but I do not want any person to go through what my wife and her family have gone through over the last number of weeks.

I support the Bill and hope that Members embrace it. I hope that the Minister will get the message out and work with

young people. I am happy to support amendment No 1. Amendment No 2 is technical, and I have no issues with it.

Mr A Maginness: It is good to see Cathal Boylan back in the driving seat, given his long period out due to illness. It is great to see him back and contributing to the debate and to the Committee, as he has done over eight long years. I have never experienced the sort of pain or suffering that Cathal Boylan's family suffered during the summer. He has very eloquently and poignantly presented the dreadful effect that traffic accidents can have on any family.

When young people go out, you worry all the time because of the obvious dangers. Young people are three times more likely to be killed on our roads and four times more likely to be responsible for road traffic deaths. Those are memorable and shocking statistics that we as legislators have to take into consideration and that the Department and the Minister have, quite properly, taken into consideration.

Throughout the Bill, the Minister constructed a new approach that reflects the graduated driving learning experience in other jurisdictions and will, hopefully, create a new driving discipline in our society. It will take some time for that to bed in, but, hopefully, it will.

Amendment No 1 is the product of common sense and good lobbying by the Committee and its members. Sandra Overend, in particular, brought it to the attention of the Committee and the Minister and, very usefully, arrived at a compromise that is acceptable across the House. That is important, and it shows how constructively a Committee can work with a Minister who is anxious to respond reasonably to the reasonable demands of colleagues from other parties on the Committee. The compromise is proportionate and reasonable and will contribute to road safety, where there is clearly an issue.

We will create a new discipline. The fact that people are forbidden to use mobile phones creates a new discipline. It makes people more responsible and more road safety wise, in the same way as you now think it natural to put on a seat belt when you get into a car. When seat belts were introduced many years ago, people ignored them or said, "We will never wear these. These are a restriction on our freedom." Gradually, the law has taken root and a new discipline has emerged. A new discipline can emerge, particularly in relation to young drivers. The restriction, although it may perhaps seem more light touch than heavy touch, creates the sense among young drivers that they have to be extra careful. That is part of the learning process. I welcome this and think that it is important. The points raised about young rural drivers are very important, as are those about not inconveniencing families and, in particular, those going to recreational activities, church activities, work or other useful activities at night-time.

I welcome this, but I want to reiterate what the Committee Chair and Cathal Boylan said about the insurance companies. They should take note of these changes and respond in kind. When I say that they should respond in kind, I mean that they should respond by reducing the premiums, particularly for young people. It is a serious burden on families and young people who are just commencing work or whatever. Therefore, the insurance companies should respond. We are not introducing these measures for fun, as it were. We are introducing them because people like the insurance companies said that

they should be introduced. I am old enough to recall that, years ago, the insurance companies said to the legal profession — I was a legal practitioner dealing with road traffic accidents and so forth — "Do away with juries. Juries bring in big awards, and it is too onerous for us as insurance companies. If you do that, you will see a difference". Well, we did not see a difference.

The insurance companies really need to start responding to what we are doing as an Assembly. The message from Cathal Boylan and the Committee Chair was very strong and should be heard by them. I do not accept the rather cold point, which I know was well intended by Trevor Lunn, that they simply respond to the level of accidents or whatever. They have to take into consideration the reasonable measures that we have taken here and the reasonable measures that the Minister has quite imaginatively introduced to constructively bring about change. The insurance companies would do well to listen to us on the Floor of the House today. I hope that the Minister can give a strong message to the insurance companies that we expect a serious response from them.

6.00 pm

Mrs Overend: I welcome the opportunity to speak at this stage of the Road Traffic (Amendment) Bill. I welcome its continued passage through the Assembly, and I really hope that the changes that it proposes prove themselves to be effective mechanisms for tackling and reducing the absolutely tragic loss of young lives on our roads. We should take the time to remember the families of all those whose lives have been taken on our roads. I think of those in mid-Ulster, and I extend my sympathies to the Member opposite on the tragic death of his niece.

I have no doubt that the other regions of the United Kingdom are watching this legislation closely. It is always a positive, I feel, when this Province takes the lead on major policy issues and those are then followed up on by England, Scotland and Wales. This is an ambitious Bill with much to be welcomed, not least the proposed changes to driver training and testing. I was concerned, however, that, in its rush and desire to bring forward an all-encompassing Bill, the Department of the Environment had gone a step too far with the restrictions on new young drivers carrying passengers. Although it at least tried to add several valid exemptions, such as family members, I came to the conclusion that those simply did not go far enough. It was for that reason that I took the decision to table an amendment at Consideration Stage. My amendment — I am still grateful to the majority of the House for supporting it — limited the restriction on carrying passengers to a period from 10.00 pm to 6.00 am. That, in my opinion, struck a balance between cutting down on the late-night incidents that tragically result in multiple fatalities or injuries and allowing our young people the freedom to travel to and from school, college and work.

Of course, before it was amended, the Bill was going to have a hugely different impact on young people, depending on whether they lived in an urban or a rural area. Those in urban areas have the advantage of being close to Northern Ireland's public transport infrastructure system. If they were not allowed to carry passengers or be a passenger, they would still have the option of getting the train or bus. In many rural areas, those options simply do not exist. Therefore the Bill was potentially going to make

living in and getting around rural areas more difficult than it is already.

I was pleased to receive strong support for my amendment, before and after it was voted on, from important organisations, including the Young Farmers' Clubs of Ulster. In the months that have passed, however, I have continued to speak with those bodies and with people living in rural areas, and it is clear that, although they still support the principle of putting a time limit on passenger restriction, they feel that the 10.00 pm slot should be put back by a further hour. In recent weeks, I met officials from the Department. I thank them and the Minister for making themselves available. The issue of 10.00 pm versus 11.00 pm was raised. I appreciate that the Minister is trying to put clear blue water between the riskiest hour and the young drivers who are trying to get home. Indeed, it is a very difficult decision to make, and it is important that a correct balance be struck between road safety and mobility. Young farmers' meetings, GAA training, football matches and social events all could have been squeezed by the 10.00 pm restriction. It is my hope that today's amendment tabled by the Minister addresses that point. In addition, it should cut down on the prospect of young drivers rushing home, potentially speeding and driving beyond their means in order to be home for 10.00 pm.

I welcome today's amendment, as well as the minor technical change. I look forward to working with the Department and the Minister as they embark on what will have to be a major public messaging campaign.

Mr Durkan: I thank Members for their contributions and the issues that they have raised in the debate on the amendments. I was expecting more issues to be raised today, but the fact that they have not been raised shows how the issue has been considered by the Committee in depth. In her contribution, Ms Lo, as Chairperson of the Committee, gave an elaborate and accurate account of the Committee's consideration of the proposals.

I welcome the amount of time that the Committee dedicated to this vital piece of legislation and, indeed, welcome its support for the Bill and this amendment of Mrs Overend's amendment.

With her Alliance Party cap on, Ms Lo referred to the cynicism that has surrounded, I suppose, pledges or promises from insurance companies that this legislation would inevitably lead to a reduction in insurance premiums. There was, I have to say, a view offered by insurance companies that the full GDL programme and full passenger restrictions would lead to a 19% reduction in insurance premiums but what we have here today — what we are voting on and passing — while very welcome, is a dilution of what was initially envisaged.

Pam Cameron reiterated the point that I had made earlier to Mr Lunn that the PSNI is fully supportive of these measures.

I have to say that I was completely unaware of Mr Boylan's own recent family tragedy. I offer my sincerest condolences. I know how difficult a time this must be for his whole family. Our thoughts and prayers are with them at this extremely difficult time. He also touched, as did Mr Maginness, on the issue of insurance companies. This evening, I give the House a commitment that I will work with them and other Assembly Members. It is only right that young people should be able to afford to drive. I have

no doubt that, as and when young people in general drive more safely, that will translate into a reduction in insurance premiums. It is important that we help that happen sooner rather than later.

Mr Boylan referred to the importance of education when it comes to the promotion of road safety. The Department has an education programme that is very extensive but not really expensive. We do a good lot of work in schools through community groups. I referred earlier to our road safety grants programme. I know that the GAA is a particularly active road safety partner of the Department, which, along with the Young Farmers' Clubs, gets our message out to sometimes hard-to-reach areas in the more rural corners of the North.

Mr Maginness referred to the sad and shocking statistics that demonstrate the real vulnerability of young people on our roads. He referred to other road safety improvements that we have seen through legislation on seat belts and mobile phones. The success of those measures is blatantly evident in the dramatic reduction in the number of fatalities on the roads since the dark days of the early 1970s. There are still far too many. One death is one too many.

Mrs Overend said that other jurisdictions on these islands will be looking at this, and so they should be. This is a rare example of the Assembly leading the way on these islands. I think that we should be collectively proud of our endeavours in this regard. She also outlined the rationale for her initial amendment, which I had addressed in my initial contribution.

I will just respond to a question that Mr Allister asked earlier. It is difficult to say precisely how many lives would have been saved had these measures been implemented. Ideally, we would have a measure that went beyond six months but, as the brief sets out, we have developed the measure where the risk posed is greatest, and we had to balance road safety with the mobility concerns that were raised. Young drivers, as Mr Maginness said, are three times more likely to be killed and four times more likely to be responsible for deaths. The restriction adds additional protection during a very high-risk period.

Mr Boylan: Will the Minister give way?

Mr Durkan: Certainly.

Mr Boylan: I just want to clarify my point, Minister. I think that we and the Department have a job of work to communicate this new piece of legislation. That is the point that I was trying to make. That is vital.

Mr Durkan: I thank the Member for that contribution. I am sorry, I did not pick up on that; I was busy scribbling other stuff. Undoubtedly, we have seen in today's debate and at earlier stages the complexity of this clause in particular and the difficulty in communicating it. I know that journalists, some more than others, have great difficulty in understanding its implications, so education and communication will be vital. As I outlined in my opening speech, this should form part of the learning process. While young people are learning to drive, they will be made aware of these restrictions and the rationale behind them. There should, then, be a wider public information campaign. It is vital that we get information not only to young people but to their parents as well. I know many parents across Northern Ireland who will very much welcome this legislation. It will, maybe, back them up when

they are trying to impose restrictions of their own on young drivers in their house.

In conclusion, I thank Members for their contributions tonight and for their contributions to this stage of the debate. This is an extremely important piece of legislation and I am glad to see it progressing through the Assembly.

Amendment No 1 agreed to.

Long Title

Amendment No 2 made:

In the long title, leave out

“the age at which a provisional licence may be obtained,”.— [Mr Durkan (The Minister of the Environment).]

Mr Deputy Speaker (Mr Beggs): That concludes the Further Consideration Stage of the Road Traffic (Amendment) Bill. The Bill stands referred to the Speaker.

Adjourned at 6.12 pm.

Northern Ireland Assembly

Monday 7 December 2015

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

Members observed two minutes' silence.

Assembly Business

Mr Campbell: On a point of order, Mr Speaker. I seek your advice and guidance on a matter that has come to my attention. Last week, the Finance and Personnel Committee continued to conduct its investigations as part of its inquiry into the National Asset Management Agency (NAMA) sale. My understanding is that, at a previous meeting, a member of the Finance Committee, Mr Máirtín Muilleoir, failed to declare his interest in a company that does financial dealings and financial transactions with a bookmaking firm whose director was in front of the Committee to give evidence. While I know, Mr Speaker, that these matters may well be entered in the Register of Members' Interests, as I understand it, there is a duty and an obligation on Members to register at the outset of any meeting where a person is appearing whether they have such an interest to declare. None was declared. I seek your guidance and advice on how to proceed on this matter.

Mr Speaker: Thank you for that point of order. I saw the news coverage of that particular exchange, and I did hear the Member give a reassurance that his declarations of interest had been appropriately recorded. I do not have any further advance on that. This has to be very clear: it is a matter for individual Members, not the Speaker, to ensure that their registered interests and, in fact, the detail of them are at all times up to date.

Mr Campbell: Further to that point of order, my understanding is that the Member has a declaration in the Register of Members' Interests, which is one thing. However, another issue is that it is requirable, as I understand it, that, whenever a Member's company or an association with a company is on the record and a person is coming before a Committee that that Member serves on, they should declare that interest, whatever the business, at the outset of any discussions. That was not done last week.

Mr Speaker: I am not going to become directly involved in this since it is more a matter for the Standards and Privileges Committee. The Members' handbook details the manner in which matters of interest should be recorded. It is a duty — absolutely — of individual Members to ensure that they do that. Those who have a complaint — you may feel that you have a complaint — have recourse, as the handbook states, and it is not the Speaker.

Ms Ruane: On a point of order, Mr Speaker. I notice that the Member, when he named the individual, did not give him his correct title. For the record in the House and for the Member: his name is Máirtín Ó Muilleoir.

Mr Lyons: On a point of order, Mr Speaker. I understand that not every Member can take part in every debate that they want to take part in. Last week, however, I indicated to the top Table that I wished to take part in the debate on climate change. Standing Orders are very clear:

"The Speaker shall determine the order of speaking and the number of speakers in any debate having due regard to the balance of opinion on the matter, the party strengths in the Assembly and the number of members who have indicated a desire to speak."

I wanted to take part in that debate, and, having gone to the top Table, it was my clear understanding that I would be allowed to do so. As the debate progressed, my name was not called, but a second SDLP Member was called. I do not begrudge the SDLP the right to have its say, but only two Back-Bench contributions were allowed from my party. When you consider the way in which the debate carried on, it was clear that many people who were in favour of the motion and the amendment got the opportunity to speak. There were seven in that category, but only four Members were able to speak against the amendment. Mr Speaker, can I ask you to rule whether Mr Beggs, who was in the Chair at the time, gave due consideration to Standing Orders and the convention of the House, which is that Members who wish to speak are decided on party strength and balance of opinion? Do you agree that that did not happen as it should have?

Mr Speaker: There is also another important criterion, which is that the Speaker has discretion to take account of the balance of discussion. I am absolutely satisfied that the Deputy Speaker ensured that there was a balanced debate. Putting your name on the list, whether you approach the Table or your party Whip submits your name, is not a guarantee that you will be called. We work to Business Committee decisions for debates. At the top Table, at times, we face difficult and invidious choices between those who do get to speak and those who cannot because of time constraints. With the balance, we attempt, over weeks and months, to ensure that every single Member is given the opportunity to make contributions to the work of the House. For obvious reasons, that cannot happen in every debate.

Mr Lyons: Further to that point of order, Mr Speaker —

Mr Speaker: I am sure that you will be very careful about challenging the Speaker.

Mr Lyons: I will absolutely not be challenging the Speaker on this occasion.

Mr Speaker: Or on any occasion. *[Laughter.]*

Mr Lyons: I am raising the issue with the Speaker only for the first time, so could I ask him to look at it again? This is, in fact, the second time that this has happened while Mr Beggs was in the Chair. During a ministerial statement, I was the only Member who was not called to speak. Perhaps I have done something to offend Mr Beggs. Perhaps it is because I am from the same constituency as he is, and he would prefer that I did not speak.

Mr Speaker: You are getting closer and closer to the line.

Mr Lyons: I will not cross it.

Mr Speaker: Do not cross the line. I am not making a judgement that you did so on this occasion, but I think that it is appropriate that you sit down at this point.

The matter was brought to my attention, and I took the time and trouble to look at the transcript. I am satisfied that Deputy Speaker Beggs did his job very appropriately and competently. I was not aware that, in your view, this was the second time that this had happened. I have recorded that in my memory bank, and we shall see. I think that you will agree that you have been given many opportunities since you graced the House with your presence.

By the way, you are a very good contributor and I think that, on balance, you are treated as fairly as any other MLA in the Chamber.

Standing Orders 10(2) to 10(4): Suspension

Mr Ramsey: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 7 December 2015.

Mr Speaker: Before I put the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 7 December 2015.

Mr Speaker: As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. The motion is agreed.

Ministerial Statement

North/South Ministerial Council: Aquaculture and Marine

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the 1998 Act regarding the twenty-eighth meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format, held in Armagh on Wednesday 11 November. The Executive were represented by Minister Mervyn Storey and me, and the Dublin Government were represented by Joe McHugh TD, Minister of State at the Department of Communications, Energy and Natural Resources. Minister McHugh chaired the meeting. This statement has been agreed with Minister Storey, and I make it on behalf of us both.

Ministers welcomed the presentation by Art Niven, fisheries biologist at the Loughs Agency, on Atlantic salmon research in West Greenland. The significance for us is that salmon stock from Ireland can migrate to West Greenland. Ministers noted the importance of international partnerships, such as that with the North Atlantic Salmon Conservation Organization (NASCO) in developing scientific advice on Atlantic salmon and its application to the Foyle and Carlingford Areas.

Ministers received a progress report on the work of the Loughs Agency from the vice chairperson, Alan McCulla, and the chief executive, John Pollock. We were advised that agency staff have continued to lead environmental protection in the Foyle and Carlingford catchments, working with agencies including the PSNI, An Garda Síochána, the Environment Agency and relevant local authorities. There have been a number of seizures of nets, fishing rods, oyster bags, boats etc. There have been a significant number of successful prosecutions resulting in convictions for a range of offences, such as unlicensed angling; killing salmon on the River Finn, which is a catch and release only area; and obstruction of fishery officers. Whilst organised salmon poaching involving a large number of individuals remains a challenge for the agency, I am pleased to report that there have been no violent attacks on staff this year.

The NSMC noted the position of the survival of the native Lough Foyle flat oyster. Ministers were pleased to hear that the Loughs Agency met fishermen on three occasions prior to the opening of this year's fishery in an effort to fully engage them in the decision-making process. A weekly assessment of the spawning activity in the oyster stocks on the five main oyster beds has been continuing since early June. Unfortunately, the unseasonably cold summer weather has not afforded the population much chance of spawning. The agency continues to monitor the stock for signs of additional spawning potential, and water samples are being assessed. So far, densities have been low compared with previous years, with good settlements of spat. The autumn stock assessment was completed at the end of September. An assessment of the mortality levels of adults, as well as the survival of the spat from 2014, was made along with the densities and overall biomass levels.

The agency opened the fishery on Tuesday 6 October 2015, and fishing will be on a staggered basis until 18 December 2015, when it will close. This arrangement

overcomes the main concerns from 2014 by ensuring that viable and equitable economic opportunities for fishermen are available up to Christmas. It also strikes the correct balance between the economic opportunities and the conservation imperative, while seeking to ensure viability in the fishery for the medium to longer term.

Ministers also discussed how to progress the management agreement. The Department of Foreign Affairs and Trade in the South is still awaiting a response from the Foreign and Commonwealth Office (FCO). Ministers expressed their frustration at the delay as updates from the FCO have been sought on a number of occasions. Minister Storey and I agreed that we will write jointly to the First Minister and deputy First Minister in an attempt to move the matter forward. Meantime, the Loughs Agency continues to progress the operational aspects of the management agreement.

The Greencastle to Magilligan ferry was also discussed. The Loughs Agency has held a number of meetings with Minister McHugh, local councillors and the Lough Foyle Ferry Company to explore the wider operational and development opportunities for the service. The initial discussion focused on its sustainability. The agency has carried out a preliminary scoping exercise aimed at facilitating a broader, more in-depth study of the service by a consultant to be engaged by the local authorities.

The chief executive agreed to facilitate a meeting to discuss the Foyle ferry. As a starting point, he has contacted the CEOs of Donegal County Council, Causeway Coast and Glens Borough Council and Derry City and Strabane District Council, with a view to holding an initial meeting. Ministers commented that it is important for the development of the Wild Atlantic Way and the Causeway coast that we protect the current infrastructure, including the ferry service between Greencastle and Magilligan.

12.15 pm

The agency's success in recent awards was acknowledged by the Council. Those awards included employability champion at the Business in the Community awards and the Sentinus Ambassador of the Year Award. The Council also acknowledged the positive comments of Nicholas Martyn, the deputy director-general for regional and urban policy at the European Commission, following his visit to the Loughs Agency to review the integrated aquatic resources management between Ireland, Northern Ireland and Scotland (IBIS) project.

The Council noted that the Loughs Agency has applied the required efficiency savings to the 2016 budget, in accordance with agreed guidance issued by Finance Departments across the island. Ministers approved the Loughs Agency's 2016 business plan and recommended the 2016 budget grant provision of £3.829 million.

The NSMC welcomed the report on the activities of the Loughs Agency in promoting and marketing the Foyle and Carlingford areas, including angling-club development initiatives such as the angling academy, angling hubs and the angling app on Google Play; marine tourism initiatives, including Sailability, which supports participation in sailing by persons who have a disability, and the Celebrate Water event held in Greencastle; and education and outreach events and activities, including the maritime ambassador programme and the Foyle ambassador project, and events

such as World Oceans Day, Biodiversity Day and River Discovery Day.

Ministers also welcomed the Loughs Agency's success in securing in excess of €15 million of EU funding for maritime tourism, angling development and the IBIS research project. They noted the agency's plans to avail itself of future funding initiatives such as the European social fund, the Heritage Lottery, INTERREG V and the rural development programme, for the benefit of the Foyle and Carlingford Areas.

The NSMC praised the efforts of the chief executive and his team in securing alternative sources of funding in the current economic climate.

Mr Anderson: I thank the Minister for her statement. I note that Ministers discussed the ongoing issue of the lack of progress made on the management agreement. As the Minister is aware, that issue does not seem to be going anywhere, and the Agriculture and Rural Development Committee shares those frustrations. Can she confirm how many years have passed since we first sought to get the management agreement, and will she elaborate on what exactly she thinks writing jointly to the First Minister and the deputy First Minister will achieve?

Mrs O'Neill: I do not know the exact number of years, but suffice it to say the situation has been ongoing probably since the Loughs Agency was established. To put it in context and to explain exactly what it is, aquaculture licensing is one of the Loughs Agency's functions. To date, it has not been able to assume that function because of jurisdictional, legal and policy issues. When we discussed it — we discuss it regularly at our meetings — we were all equally concerned and frustrated about the delays. Unfortunately, the Foreign and Commonwealth Office (FCO) has not expedited the matter in the way in which we want it to happen. Minister Storey and I therefore agreed to raise it to OFMDFM level and ask that that office now engage with the British Government on how we can take the matter forward, because it is hindering the work that the Loughs Agency wants to do. It is important that we continue to keep the pressure on. It is a function that the Loughs Agency is legally required to take forward, but, as I said, it is hindered by the ongoing problems. We need to continue to put the pressure on and make sure that we can get to a stage where we are able to have an operational agreement implemented and have the issue dealt with once and for all so that we can protect the fishery and all interested people.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. Can the Minister give her assessment of how successful she feels the Loughs Agency has been in securing EU funding?

Mrs O'Neill: It has been excellent at securing EU funding. As I said in my statement, the agency has, to date, secured in excess of €15 million through working with its partner organisations. The most significant element of that is the €4 million for marine tourism and angling development and the €8 million that it was able to secure for the IBIS project, which has been acclaimed as a really successful programme.

The agency is currently looking towards strengthening. It is further looking at how it can develop partnerships with our new councils, communities, businesses and other stakeholders. I applaud its efforts, in times of serious

financial constraints, in being able to secure that additional funding, and I am quite sure that, in looking to the future, it is considering options under the European social fund, the Heritage Lottery, INTERREG V and the rural development programme for opportunities that will benefit the people of the Foyle and Carlingford areas.

Mr Rogers: I thank the Minister for her answers thus far. Aquaculture plays an increasingly important role in our agrifood industry and, like agriculture, it is very weather dependent. Can you give us an update on the research done to ensure that our oysters become more weather resistant? Last year, we had issues with the water being too warm in Carlingford lough, and now the water is too cold for spawning.

Mrs O'Neill: Obviously, the industry is very weather dependent. During that incident last year, we saw quite a significant body of stock lost due to weather conditions. I am delighted that we are progressing this conversation on an all-island basis. Our aquaculture conference in 2016 will be an opportunity for our scientists in the Agri-Food and Biosciences Institute (AFBI), Bord Iascaigh Mhara and the Loughs Agency all to come together to bring in international experts in aquaculture and to look at how we can have sustainable fisheries into the future. That conference will, I think, be hugely significant in trying to support the industry and identify other areas of research that we may need to take forward. It will also be an opportunity to look at what other supports we need to have in place to help the industry to flourish and to be sustainable in the future.

Mrs Dobson: I thank the Minister for her statement and answers so far. However, I note that there is not any reference to the December Fisheries Council. Minister, given that you said in a recent press release that the Council will be difficult and highly complicated, can you give the House an update on your views ahead of the Council and what discussions you are holding with industry representatives to protect our industry?

Mrs O'Neill: The issue of fishing quotas and my approach to negotiation do not come under the remit of the NSMC; it is obviously sea fisheries that we are referring to. Whilst outside the terms and the discussion of the NSMC, just to give you an update, I have been engaging with the industry on how we will take forward our priorities. I intend to travel to Brussels next week, where we will participate in the negotiation. I have said that it will be a difficult negotiation, but we will certainly go out well equipped, with the best science. Our AFBI researcher is coming with us to make sure that we can argue our case. Any outcome that we try to secure will be taken forward based on the needs of the local industry, in agreement with it. Obviously, nephrops prawns are our mainstay and are the most significant fishery for local fishermen, so that has to be our top priority again in this negotiation. Obviously, I will fight the corner once again, for the fifth year, in the fishing negotiations in Europe.

Mr McCarthy: I thank the Minister for her statement this afternoon. We very much welcome the fact that there have been no violent attacks on staff this year. However, is the Minister convinced that staff are safe, with no verbal attacks or threats being made against them at any time?

Mrs O'Neill: Obviously, the safety of the staff is of the utmost importance. As I said, I am delighted that we have not witnessed any attacks this year. You will know that,

over the past number of years, we have seen attacks in which bricks and all sorts of objects were thrown at Loughs Agency staff. I think that there is still a significant threat to the fishery from people involved in illegal activity, particularly salmon poaching. As I said in the statement, I am delighted that the staff have not been attacked this year. There has been very much a combined effort, with the Loughs Agency, the PSNI and an Garda Síochána, to weed out and to try to deal with illegal activity, and that is obviously ongoing. It is a welcome and necessary engagement to protect the fishery and, obviously, the staff.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement this afternoon. In the last season, some fishermen expressed concerns about some of the fishing efforts. Can she tell us whether those concerns have been resolved?

Mrs O'Neill: I know that, last year, there were some concerns about why we had to close the oyster bed early. This year, I think that, with ongoing engagement with the fishermen, we have been able to have discussions at an early stage. Whilst the Loughs Agency and fishermen will not always agree on the way forward, what we have struck this year is a balance between trying to protect the fishery to make sure that we have a sustainable fishery into the future and allowing the fishermen to avail themselves of the economic opportunity of being able to fish right up to 18 December. This year, we have certainly had a lot more communication with fishermen, which has obviously improved the situation, and that is very welcome. I know that they are content that they have been allowed to have a sustainable fishery up to 18 December.

Mr Swann: Minister, I will go back to paragraph 7. Mr McCarthy focused on the attacks on staff. You admit and acknowledge that salmon poaching still involves a large number of individuals and remains a challenge for the agency. What steps is the Minister taking to eradicate salmon poaching in Northern Ireland?

Mrs O'Neill: It is exactly as I have just said. We have a multi-agency approach. We are working with an Garda Síochána and the PSNI on how we can collectively work together to eradicate this. It is illegal activity. It is crime. Therefore, the responsibility falls to policing. However, our Loughs Agency staff have a policing and enforcement role in trying to protect the fishery. We have to continue in that vein with that collective effort and that cross-working structure. That is the only way that we will be able to drive out what is obviously criminal activity.

Mr Allister: At paragraph 19, the Minister speaks of the Loughs Agency having applied the required efficiency savings to its 2016 budget. Could she therefore explain why, in the 2015 business plan, the indicative budget for 2016 was €4.8 million but, in fact, the budget now approved in the 2016 business plan is €5.5 million, which is an increase of 14%? How does that fit with the protestation of meeting the required efficiency savings?

Mrs O'Neill: As I said, I was delighted that, at the meeting, we were able to sign off and agree on the business plan and the budget grant. That plan was drafted in accordance with DFP guidance and was approved by both Finance Ministers, here in the Executive and in the Twenty-six Counties. The agency continues to function despite significant pressures on its budget. It has been able to deliver on its 4% per annum cumulative savings and has

done so particularly in relation to the 2014-16 corporate plan. I do not have with me the detail on the breakdown of the figures that you refer to, but I am very happy to respond to you in writing on that.

Mr I McCrea: Paragraph 20 of the Minister's statement refers to:

"the report on the activities of the Loughs Agency in promoting and marketing the Foyle and Carlingford Areas".

Neither of those is in my constituency. Nonetheless, the bit that intrigues me is the angling app on Google Play. Can the Minister provide some detail on how she feels that that is beneficial to the work of the Loughs Agency in promoting those areas?

Mrs O'Neill: The Loughs Agency has been very successful in raising the profile of angling, and a lot more people are choosing to holiday here because of the angling opportunities. The app is quite inventive and is quite a new way to market what we have to offer. It gives people an opportunity to look at where the fishing opportunities are, how to go about getting a licence and how to avail themselves of the sport. It is a very positive and significant contribution in marketing the angling product on this island.

Executive Committee Business

Employment Bill: First Stage

Dr Farry (The Minister for Employment and Learning):

I beg to introduce the Employment Bill [NIA 73/11-16], which is a Bill to make provision relating to conciliation and other matters in connection with industrial tribunals and the Fair Employment Tribunal, including power to refer to chairmen as employment judges; to amend the law relating to protected disclosures; to confer power on the Department for Employment and Learning in connection with careers guidance and apprenticeships; to correct references relating to statutory shared parental pay; to make other provision relating to employment; and for connected purposes.

Bill passed First Stage and ordered to be printed.

Fisheries Bill: First Stage

Mrs O'Neill (The Minister of Agriculture and Rural Development): I beg to move the Fisheries Bill [NIA 74/11-16], which is a Bill to make provision about fisheries.

Bill passed First Stage and ordered to be printed.

Houses in Multiple Occupation Bill: Second Stage

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

That the Second Stage of the Houses in Multiple Occupation Bill [NIA 60/11-16] be agreed.

12.30 pm

Findings from the fundamental review of the houses in multiple occupation (HMO) registration scheme identified weaknesses in the regulatory system, not least the difficulty in identifying HMOs and the approach to enforcing management and physical standards. The results of the public consultation indicated overwhelming support for a new regulatory scheme. HMO licensing schemes exist in other parts of the United Kingdom.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

HMOs are often an important part of the housing mix and can provide affordable rented housing for a range of tenants, including students, migrant workers and single people on low incomes. Because of the higher risks of living in an HMO, they are subject to a higher level of regulation than other rented housing. Latest Housing Executive figures show nearly 5,500 HMOs registered, many of which are in the Holylands and the Coleraine University area. The number of people living in that tenure could be as many as 30,000.

The purpose of the Bill is to enable the better regulation of houses in multiple occupation by doing three things. First, by streamlining the definition of an HMO. Secondly, introducing licensing to promote effective housing management. Landlords will be required to have a licence before an HMO comes into existence. To obtain a licence, planning permission will have to be in place, the landlord's fitness to let an HMO established, and important quality and safety checks of the home completed. Thirdly, the Bill will clarify existing law and make current regulation and enforcement more effective.

The key aim of our new regulatory regime is to take a risk-based approach designed to better protect tenants living in HMOs by ensuring that landlords and managing agents meet important obligations about the quality and safety of HMO accommodation. Because of the importance of linking HMO regulation with other critical government functions, such as planning, building control and environmental health, the Bill will transfer the responsibility for regulating HMOs to councils. As council environmental health departments already lead on all other aspects of regulation of the private rented sector, HMO regulation will sit neatly with those functions.

It may be helpful if I spend a few minutes outlining the key provisions in the Bill. The new HMO definition and associated exemptions will provide clarification and guidance on what is or is not to be classed as an HMO. That is an important change that will remove from the HMO banner a number of properties never intended to be classed as HMOs.

Buildings or parts of buildings not considered HMOs are listed in schedule 1. Examples include establishments regulated by the Regulation and Quality Improvement Authority (RQIA) and buildings occupied by students and managed by educational

establishments. That is the right thing to do and will allow councils to focus resources on licensing and enforcing appropriate standards in HMOs where there is a potential risk to the well-being of their occupants.

The introduction of mandatory licensing of HMOs will ensure that higher physical and management standards are adopted before an HMO can be classed as licensed. The Bill will address the future risks of HMO over-provision. The introduction of licensing will mean having to have a licence before a landlord can legally operate an HMO. The Bill will give a council the discretionary power to refuse to grant an HMO licence if it considers that there is, or that the granting of a licence would result in, over-provision in the locality. As planning is now devolved to the 11 local authorities, the Department will liaise with councils on how HMO over-provision can be prevented.

The most straightforward way of achieving that is likely to be the inclusion by councils in local area development plans of thresholds similar to those in operation in the HMO subject plan for Belfast. An HMO inspection will ensure that the property is not overcrowded and has suitable amenities and facilities for the number of people occupying it. Landlords will be required to apply for a licence to rent out the home lawfully, with licences granted subject to management conditions and conditions requiring any work necessary to meet current amenity and/or safety standards. Councils will be able to impose a works requirement, which may result in a licence having to be revoked in certain circumstances.

The introduction of a fit and proper persons test will ensure that those people who are unsuitable to hold a licence and to operate an HMO are identified at the earliest opportunity and prevented from doing so. The aim of the test is, I trust, to weed any bad landlords out of the system.

The Bill includes a power to open statutory information-sharing gateways with a number of government and non-government organisations and bodies. Those gateways will provide for relevant information to be shared to assist in the identification and regulation of HMOs.

The introduction of greater and more comprehensive enforcement powers will ensure that councils have the power to take timely and proportionate enforcement action. Fixed penalty notices will avoid the need to proceed directly to court action for lesser offences. Introducing fines will provide a more cost-effective and less time-consuming means of enforcing HMO legislation, with benefits both for councils and occupiers.

Further guidance on the use and operation of fixed penalty notices will be produced in collaboration with councils and will mirror the existing guidance on fixed penalty notices for other areas where they work well, such as on litter, graffiti and noise pollution offences

The Bill will also create a new power to issue a prohibition notice on a property if the council deems there to be an imminent risk to the health and safety of the occupants. In addition, councils will also be given powers to obtain information from various specified persons in the house. It can require any occupier to disclose the nature of their relationship with any other occupier where that information is required to determine whether the accommodation is an HMO that requires to be licensed. In general, this revised system of regulation will, I trust, allow the targeting of houses in a way that is proportionate to the risk presented

and will address the added risk to safety associated with living in HMOs.

I turn to the Social Development Committee's unofficial call for evidence. Taking account of evidence provided by interested parties to the Committee, I am considering five potential amendments. They will cover the following issues: ensuring adequate protection for seasonal workers housed in HMOs; reducing the risk of some student HMOs being inappropriately excluded from regulation by removing the word "cousin" from the definition of family for the purposes of determining what is an HMO; some minor changes to address concerns expressed by landlords on the availability of their personal details; some modest modifications to the fit and proper person test to ensure that it fully reflects the outcomes of a judicial review; and, finally, some changes to licensing arrangements for HMO properties whose ownership is transferred.

It is my intention to publish a code of practice and guidance for the licensing scheme for councils and landlords to help them to meet the requirements of the regulations. Further monitoring arrangements for HMOs will be discussed and agreed with councils. It is envisaged that a new reporting/governance framework for councils will be put in place.

Subject to the successful passage of the Bill, district councils will, thereafter, need some time to complete the preparations necessary to administer the new licensing scheme. Therefore, the main provisions of the Bill will come into operation on a date appointed in an order made by my Department, following liaison and agreement with councils.

Mr F McCann (The Deputy Chairperson of the Committee for Social Development): Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for bringing the Houses in Multiple Occupation Bill to Second Stage.

The Committee for Social Development received a pre-introductory briefing from the Department on 14 May 2015. Officials provided an overview of the Bill, and members raised initial queries and comments in relation to various aspects of the Bill.

Since then, in an effort to make progress in advance of the Bill reaching Second Stage, despite obstacles outside of the Committee's control that prevented it from reaching Second Stage until now, the Committee has taken evidence from a range of stakeholders on a wide range of issues, as well as from the Department. In fact, the Committee has concluded its evidence sessions, and, as with the Housing (Amendment) Bill, we find ourselves in a position where, in process terms, we are at Second Stage, but, in practical terms, we are already in discussion with the Department about changes to the Bill. That is not a satisfactory position, particularly if you are not a member of the Committee and therefore have no insight into the ongoing discussions. But, given the time pressures on the legislative programme, had we not taken this approach, we would be facing the possibility of not completing this Bill on time. That was the stark reality. However, a Phríomh-LeasCheann Comhairle, I do not intend to try to turn this into a de facto Consideration Stage by going into every detail that we have so far addressed — even if you were inclined to allow it. I will still focus on the principles of the Bill.

As a result of the progress made by the Committee to date, I would assure Members that it would be our intention to

conclude Committee Stage by the third week in January, so that we can realign the progress made with the processes of this House in short order.

To get to the point, the Committee supports the principles of the Bill. Its purpose is to enable better regulation of houses in multiple occupation, by introducing a system of licensing and new provisions about standards in housing, as well as streamlining the definition of a house in multiple occupation and clarifying existing law. The proposed licensing system will mean that a person is acting illegally if they are not licensed to operate a property as a house in multiple occupation, and this is a fundamental change to the existing system of voluntary registration.

While the Committee welcomes the principles of the Bill, we have sought to ensure it will deliver a new, more robust system of regulation for houses in multiple occupation. HMOs are an important part of the housing mix in the North. With a seemingly deepening housing crisis, HMOs are an option for those who cannot rent or buy a property of their own. They provide affordable housing for a range of tenants, including students, migrant workers and single people on a low income, but there are issues with the standards of some HMOs. The apparently hands-off management of properties by some landlords coupled with a lack of responsibility from some landlords and tenants alike, has given this particular housing type a bad name. As a result, to many, they are accommodation of last resort. That should not be the case. To my mind, this is evidence that light-touch regulation has failed, and the Bill offers the possibility to address those failings.

HMOs should be subjected to greater regulation than other housing, not only because of the higher risks associated with living in an HMO, but because of the negative impact that over-provision of HMOs in residential areas can have on communities. An overabundance of HMOs can change the nature of a residential area. It can leave the indigenous residents feeling like strangers in their own community, but Members should bear in mind, of course, that this is ostensibly a planning issue and outside the scope of this Bill. We cannot look to this Bill to rectify the errors of the past or to set planning restrictions on HMOs in the future.

However, the Committee has noted the definition of HMO in the Bill and the exemptions from this definition.

We want to ensure that there are no unintended consequences from redefining HMOs. For example, a redefinition might officially reduce the number of HMOs in an area. Would that increase the potential for HMOs, as defined by the Bill, to increase in such an area? That is the fear that residents have, and we have to be clear how we intend to address it. To that end, definitions and defining the objective of the legislation in the Bill are essential. The Committee has engaged with the Department on that issue and will continue to do so over the next few weeks.

12.45 pm

Under the proposed legislation, 353 current premises of student accommodation will be exempt for the definition of a HMO. Just over 300 of those are in Belfast and house around 3,300 students. Members will be aware that there are plans to increase the provision of student accommodation in Belfast. Indeed, there are currently 17 planning applications for Belfast, which equate to just over 8,000 bedrooms for student accommodation.

In preparation for the debate, it was interesting to read the HMO subject plan for Belfast, which was prepared in 2008. It stated:

"The demand for HMO accommodation is likely to be sustained as a consequence of changing patterns of household formation. However, the signs are that the market for student accommodation may have peaked."

Obviously, predicting the future does not fall under the Planning Service's remit. Who knows what the demand will be in another seven years' time.

We do not want to regulate accommodation when there is already appropriate alternative regulation in place, and the Committee has been advised by representatives from Queen's that this is in place for their accommodation. We also expect that any proposed student residencies from any educational establishments would also be subject to that regulation.

When determining the percentage of houses in a specific area or street that can be HMOs, as per the HMO subject plans, student accommodation, as long as it is managed by or on behalf of educational establishments, will not be taken into account. Technically speaking, that makes sense. However, to residents who live close to such buildings and who see their streets or areas full of houses that have been converted to HMOs, it makes no sense at all. They see only the outworking of the legislation that can redefine the demographics of areas such as the Holylands in Belfast.

In making this legislation, we have to be mindful not only of its limitations but of its potential impact. We must have a cross-departmental approach to the issue to develop a vision for the planning for and regulation of HMOs. In all cases, we must ensure that, where there is an increase in HMO accommodation in residential areas, those are managed to a high standard and that the lines of responsibility and, more importantly, accountability are clear.

The Committee notes that transferring the responsibility for regulating HMOs to local councils should facilitate joined-up working with planning, as well as building control and environmental health. The Committee will wish to be satisfied that sufficient support is given to local councils to ensure that that joined-up working is in fact realised and that relevant agencies and Departments do not work in silos.

As acknowledged by the Department, councils will require time and support to prepare for the administration of the new licensing scheme before the main provisions of the Bill come into operation. In that regard, there is a responsibility to provide councils with as much support as possible to facilitate the effective transfer of the proposed new regulatory responsibilities. The Committee will undoubtedly come back to this issue in due course.

As I said, the Committee is content with the principles of the Bill. Some of the issues we already raised with the Department have, broadly speaking, been taken on board by the Minister. There are other issues in the Bill that the Committee must content itself with, and we continue to work with the Department and departmental officials to do that. However, for the purposes of today's proceedings, the Committee is content to support the Bill at Second Stage.

I want to say a couple of words from a party point of view. First, I welcome the Minister saying that he has

considered a number of issues and will make a number of amendments to the Bill.

At every stage that the Houses in Multiple Occupation Bill has come to the Assembly, we have argued that there should be robust legislation. The failure to implement robust legislation means that you have to continuously go back to the issue, and that creates difficulties.

There are huge communities — I know that Adrian raised it at the Committee a while ago — in his area and in other areas like Belfast where we have seen steady changes in the residential nature of many communities, and we need to protect them. I raised a question at last week's meeting, and, at some stage, we need to take on board the fact that the HMOs are another arm of the private rental sector, and we need to look at that in totality. Whilst we are about to decide that percentages of HMOs can fit into other areas, they may have already been oversaturated by the private rented sector in that area. That needs to be taken into consideration in the loop.

I believe that the licensing of this accommodation will prove useful. The Minister said that 5,300 have registered, but there could be up to 30,000. I remember one of the gurus in the Housing Executive of HMOs said a number of years ago that, within that 30,000, many elements of the accommodation are poor. They are overcrowded and are difficult for the people who live there. They turn to us to look at providing legislation that can end that. Not only robust legislation but robust enforcement needs to be part of the Bill. It is only when we bring this in that we can start to deal with what has been a serious problem for many years.

Ms P Bradley: I support the general principles of the Houses in Multiple Occupation Bill at Second Stage. The Bill will endeavour to better regulate HMOs by introducing a system of licensing and new provisions about standards of housing. As a representative for North Belfast, I see an ever-changing social demography. Those changes, along with other factors, have led to an increase in demand for HMOs as an affordable housing option in the rental sector. It is therefore important that we get the Bill right, as many who rent in the sector have vulnerabilities of some kind, should that be age group, ethnicity or income.

The Bill is also of specific importance to me as a North Belfast representative, looking towards the future of housing for the students of the Ulster University and the concerns of nearby residents. I note that, in Part 2 of the Bill, which is the licensing part that the Minister has gone into in detail, councils and planners will have the powers to ensure that over-provision does not occur in any one condensed area. Given some of the problems that have happened in the past in south Belfast, which the Deputy Chair has outlined, that has to be very welcomed.

As this is a debate on the general principles, I do not intend repeating what the Deputy Chair or Minister have said, but I will say that I endorse the remarks that the Deputy Chair has made, and I welcome the Minister's comments on amendments. I agree with the Deputy Chair when I say that this has to be robustly scrutinised, and I look forward to it coming back at Consideration Stage. I welcome the Bill, and I hope that it addresses the issues that tenants face and, more importantly, that it gives those tenants protection, which I feel is the crux of the Bill. I support the Bill.

Mrs D Kelly: Like my colleague Ms Bradley, I endorse the comments of the Deputy Chair of the Committee and welcome the Bill. It has received widespread support from all the stakeholders who responded to it. It is right to say that the Department and, indeed, the Minister have listened to those comments and consultation responses and have given an indication that there will be further amendments to the Bill which will take account of some of those responses. I think that the Minister is right in saying that, whilst it is important to provide further regulation to better protect communities and, indeed, tenants in houses of multiple occupation, it is important not to use a sledgehammer approach, because we are living in a society where more and more people, because of high rents, are having to share accommodation.

There has to be a common-sense approach that safeguards the rights and interests of others.

The Minister and his Department have a busy day. There is a meeting across the way at which the Department is giving a briefing on the Syrian refugees, which is to be welcomed. I congratulate the Minister and his Department for the approach that all the households offered to those refugees will have to be from registered landlords. That is the right approach, and I commend the Minister on it.

I know that we do not want to get into too much of the detail, but I welcome other aspects of the Bill. It is very much a Belfast and Derry approach, largely because of the amount of student accommodation and the chronic housing shortage in those areas. We should also be mindful of some of the more rural areas where there are seasonal and migrant workers, who need to be better protected. There are comments and views from stakeholders on that, and I understand that the Minister will take further account of them.

The lessons that have been learned from judicial reviews on church institutions, hostels for the homeless etc and large educational establishments are being taken account of in the consideration of the Bill, which I welcome. There is no point in labelling points that have all been well articulated by the Deputy Chair. I reiterate my and my party's support for the Bill.

Mr Beggs: I share the comments made by other Members in welcoming, on behalf of the Ulster Unionist Party, the general principles of the Bill. Clearly, it deals with an issue of some importance. It concerns an area that has not been regulated appropriately and where we can improve lives and remove risks that may exist in houses of multiple occupation.

I declare an interest in that I have a son who is a student and may be in a house that will be covered by the Bill. Thankfully, he is in a good house, but I think back to previous student days and accommodation that I have seen. It is very clear that there is a need for legislation to cover the private sector. I can think of one example of student accommodation that I visited where there was a basic amenity, a fridge, connected to an electrical plug via a block terminal connector that sat on top of a kitchen bench. That was not particularly safe. Such basic amenities should be connected safely to the power supply and should not endanger the lives of the occupants of shared accommodation.

I also welcome the linkage of the regulations with other government functions, namely planning, building control

and environmental health, because local government can play quite an important role there. It will come across difficulties in the community through a range of complaints about damp or a lack of planning approval etc. I welcome the fact that local government could play a key role in the legislation, providing joined-upness in government, if all that is eventually brought together so that it can use its expertise in other relevant areas to ensure that appropriate planning permissions are achieved and that individuals can live safely in their accommodation.

It is disappointing, of course, that the Regeneration Bill did not proceed, because it would have been useful if it had been passed to local government. How are we going to identify the under-registration that exists, even in landlord registration? There are landlords out there who, regardless of whether they own homes of multiple accommodation, should be registered as landlords. Can we avoid duplication? If you register as owning housing in multiple occupation, will you automatically be registered as a landlord? Can we try to minimise the level of bureaucracy and ensure that we capture all relevant information in as efficient a mechanism as possible?

1.00 pm

Another aspect of houses in multiple occupation, whether for students or others, is that, on occasions, they are houses from not particularly good stock. They can be damp or cold and may even have very poor energy efficiency. Is the Minister thinking along the lines of putting in minimum standards? Will he require, particularly when new applications are made, that certain basic modern standards are adopted in order to ensure that those who may be more vulnerable and have limited choices are in reasonable accommodation?

I accept — I think that it is widely accepted — that houses in multiple occupation can pose a higher risk. I agree with the principle of the Bill in concentrating in this area initially. It would be easy to widen it to all houses that are being let, but I welcome the fact that this is being concentrated on houses in multiple occupation because of the higher risk factor that exists there. It is right that the authorities should work with those houses and improve them and minimise the risks to tenants who may be more vulnerable. I also see in the explanatory notes to the Bill that this is likely to become an area of increasing importance related to the ongoing welfare reform. If we are going to have more people living in such accommodation in the long term, it is important that we provide them with the necessary protections.

Why is a house in multiple occupation a particular risk? The very basic question to ask is this: who is in charge of the house? Often, and certainly in the case of students, everybody thinks that it is somebody else. They may even think that it is the landlord. In that type of situation, nobody thinks that they are responsible. It is important that someone takes responsibility and ensures that no unsafe conditions pertain. It is also important that it is possible to contact the person responsible for the house. On occasions, you hear of stories where the owner of a property cannot be contacted, so how do you solve the problem that exists, whether for the tenant or the neighbouring tenants or occupants? It is right and proper that there are appropriate management systems in place to enable contact with either the appropriate landlord or

someone who has clear responsibility and can solve the difficulties that are being experienced.

I agree with putting some exemptions in the Bill. The example of student accommodation has been given to us. We are being advised that there is already a high degree of scrutiny and checking of fire exits etc and that the risks do not justify a further level of bureaucracy and costs on top of the checks that already happen. What would be gained by adding to the provisions accommodation that is managed by universities etc? I agree with that exemption. We want to minimise bureaucracy that we are creating, and we have to justify the area of scrutiny. It has been shown to us that there is a particular issue with supportive housing. Housing that is managed by housing associations and is of a good standard has, on occasions, significantly higher levels of protection than is envisaged in this legislation. If they are already operating to a high standard, why would we add another layer of bureaucracy and include them in this provision? I agree with the principle of trying to minimise both the involvement of government and costs and of being able to justify those areas that will be included.

I am supportive of the general principles of the Bill and look forward to more detailed scrutiny, which, as others have said, has already commenced.

Mr Dickson: I thank the Minister for introducing the Bill's Second Stage today. Perhaps it is somewhat belated, but we are here. As others have said, and as the vice Chair very eloquently set out in his remarks, the Committee has been looking at aspects of the Bill in preparation for this stage and the next stage of the Bill.

I do not wish to say very much that has not already been said by colleagues. Perhaps one or two areas have not been covered. With the transferring of this function to local authorities, there is concern about whether the local authority will have adequate resources and funding to carry out the task. That is an essential area if the Bill is to be meaningful. We have heard Members comment on the ability to enforce and the ability to inspect. In order for those things to happen, those services have to be adequately resourced. The Alliance Party welcomes the Bill, in principle. As the Minister and officials will be aware, we have been examining specific areas that we have been looking at in the Committee. I hope that, with cooperation between the Committee and officials, we will be able to deal with all those issues without the Committee having to put forward amendments and creating pressure for those things to happen.

Mr Beggs made reference to how fit-and-proper persons are identified and whether other people can act as front persons for fit-and-proper persons. In other words, what happens if the owner of the property is not a fit-and-proper person and they pass that responsibility on to agents or to other family members? I am concerned about whether those areas are adequately covered. I am also concerned that we get the balance right in respect of the ability to carry out enforcement with regard to landlords who require that to be done. We also need to mark the fact that many landlords go above and beyond that which is required of them to provide decent accommodation for people living in this type of accommodation.

I am concerned about whether the Bill will adequately deal with antisocial behaviour from within the property and the way in which behaviour in that property has an effect

on neighbours. Again, as the vice Chair and others said, there are concerns that there are areas that are already saturated with particular types of housing. We need to be sure that what we do here does not add to those burdens but attempts to bring those issues under control.

Finally, like others, I have health and safety concerns. There needs to be adequate control in the Bill to allow for high-quality health and safety checks, particularly for gas and electricity, and carbon monoxide, to ensure that those in this type of accommodation have the best-quality health and safety standards delivered to them.

Work on the Bill will continue in the Committee. At this stage, the Alliance Party is happy to support the principles of the Bill.

Mr Storey: I thank the Members who contributed to the debate. I am glad that at least one Member said that the Minister is listening, but one other Member decided to accuse me of yet further delay. However, I appreciate Members' comments and will endeavour to work my way through some of them. If I do not cover them all, I assure you that we will come back with definitive answers, post today's debate.

I appreciate the work of the Social Development Committee. As ought to be the case when legislation comes through the House, there is a good working relationship with the Committee. That enables us to come to a point and place where we will have covered and done, in the best possible way, all that we can to ensure that we have the best legislation. I would be the first to say that, in the first draft of any legislation, you are never able to capture everything that you would like and that it takes that two-way process. As we look at our legislative process, we can see that, sometimes, yes, it can be challenging and cumbersome. I am regretful that we have not been able to work that process because of our previous difficulties in a way that would give us a better time in doing this. However, we are where we are now. I think that we ought to take all the opportunities that we possibly can to try to address the issues.

The Deputy Chair of the Committee, Mr McCann, said that the exemptions from the HMO definition as suggested in the Bill would increase the number of HMOs. During the policymaking process, the Department took account of the judicial review, which was critical. It criticised the definition that was used in the registration scheme as being too wide-ranging and for bringing houses into regulation where it was not warranted. I am content that the outlined exclusions from the definition have a sound policy rationale and that many of the exclusions are due to the fact that other, more appropriate regulation exists that is tailored to those types of accommodation. It is recognised that the Bill cannot address the over-provision of properties that are not classed as HMOs. If there is concern that a certain type of accommodation is prevalent in an area to the detriment of pre-existing residents, that is a matter that can be better dealt with through planning policy and legislation. I think that that gives us a suite of policies that tries to address that particular issue. Obviously, the new powers that the councils have on planning give them an input and a day-to-day working experience of what is happening in their own area.

Mr McCann also raised the issue, which I think was also alluded to by Mr Dickson, about the support that the Department will provide to councils prior to and after the transfer of the function. The Department will assist councils

with new requirements to allow the smooth introduction of the new regulatory regime and will publish a code of practice and guidance for the licensing scheme to help them to meet the requirements of the regulations. The Department will also work with councils on the proper resourcing of the new HMO function. That was raised by Mr Dickson. It will also require there to be a business case on that. It is an issue, and we have already had discussions with some councils on it. It is my intention to ensure that councils are properly addressed on and made aware of what is happening on this particular piece of legislation.

The other issue that Mr McCann raised was the over-provision of private rented accommodation in some areas. I know that the Member raises that issue in a number of forums. He is right to do so to make sure that there is a wider point on the over-provision of other forms of private rented accommodation. I will just remind the Member that recently I launched the consultation on the role and regulation of the private rented sector. That will be considered in part during the consultation period. I look forward to the responses that undoubtedly we will have from the Committee and other interested bodies on that.

I will also raise the issue of the importance of the matter for us. Sometimes we get a sense when we come to a piece of legislation that it will not have an important impact. This is an important piece of legislation that gives confidence not only to landlords in ensuring that they are stepping up to the mark but, more importantly, to those locations that have been mentioned in the House and potentially to other new locations where there would be this type of property. We want to ensure that things are being done in a way that gives everybody confidence and where everybody has buy-in to what is happening.

1.15 pm

Mr Dickson also raised the issue of gas safety and whether a person can ask their landlord to provide a gas safety record. Landlords of rented properties have a legal duty to ensure that a gas appliance is installed and maintained and that an annual safety check of the appliance and the flue is carried out. On completion of any safety check, contractors are required to provide the landlord with a houseowner gas safety report, a CP12, which must be retained for at least two years as a record of this check. Tenants must also be provided with a copy. Contractors must inform the landlord or the homeowner and their tenants if any appliance is found to be unsafe, and agreement will be sought to disconnect the appliance. A gas appliance or fitting that is known or suspected to be unsafe must not be used. We want to ensure that that is provided for and complied with.

We will go through Hansard to see whether there are any other specific questions that have not been covered, and we will respond to Members accordingly.

Question put and agreed to.

Resolved:

That the Second Stage of the Houses in Multiple Occupation Bill [NIA 60/11-16] be agreed.

Mr Principal Deputy Speaker: That concludes the Second Stage of the Houses in Multiple Occupation Bill. The Bill stands referred to the Committee for Social Development.

Enterprise Bill: Legislative Consent Motion

Mrs Foster (The Minister of Finance and Personnel): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of provisions dealing with public-sector exit payments contained in the Enterprise Bill.

The Enterprise Bill was introduced in the House of Lords on 16 September 2015. It contains provisions on a range of business-related initiatives. It also contains measures that would end six-figure public-sector exit payments by capping the maximum payment that an individual exiting the public service on early exit or redundancy terms can receive at £95,000. The Bill has completed its Report Stage in the House of Lords and is expected to receive Royal Assent by April 2016, with the necessary regulations being in place by summer 2016.

The matter before us today poses a relatively straightforward choice. How much do we wish to spend on exiting public servants, and how much do we want to spend on providing public services? While exit payments must be reasonable and fair to public servants, we have to be mindful that these costs are met by employers and, therefore, have an impact on what can be spent on the delivery of services. The measures in the Enterprise Bill will ensure that principles for fairness, proportionality and value for money should determine how these choices are to be made.

It is proposed that the early exit payments in the scope of the restriction will include the range of employer-funded exit payments made on exit, including those made on account of dismissal by reason of redundancy, for voluntary exit, and to reduce or eliminate an actuarial reduction to a pension paid early. It should be noted at the outset that the restriction being proposed will not affect any pension that an individual has already accrued and paid for by member contributions. What is proposed is a cap on any additional funding paid for by the employer as part of an exit package. This has not been paid for by the member. It is an additional cost that is met solely by that employer and, ultimately, the taxpayer.

Other payments that are outside the scope of the cap will include payments for incapacity or death as a result of injury or illness; payments made under regulations for the firefighters' pension scheme where the Northern Ireland Fire and Rescue Authority has determined that an individual should be retired with an early retirement pension in accordance with the fitness provisions; payments for leave due under a contract of employment where that leave is not taken; bonus payments otherwise due under a contract of employment; and payments made in compliance with an order of any court or tribunal.

Members will be familiar with the press coverage earlier this year given to large exit packages associated with the merger of local councils. That demonstrated the public interest in what were seen to be excessively generous levels of redundancy pay-offs available in the public sector. There is a genuine need to ensure that exit payments funded from the public purse are seen to provide value for money for the taxpayer. The vast majority of individuals working in the public sector will not be affected by this restriction; only those with the very highest value exit

packages would be affected by the cap. By way of example, in the current Northern Ireland Civil Service voluntary exit scheme, only 1% of over 7,000 applicants would have breached the cap.

Members will recall that the Assembly agreed a legislative consent motion (LCM) in January this year to ensure that the highest earning public servants, those who earn in excess of £100,000, should repay all or part of a publicly funded exit payment when they leave the public service and are re-employed there shortly afterwards. The exit cap restriction will complement those reforms by amending the Small Business, Enterprise and Employment Act 2015. The Westminster Enterprise Bill will provide the overarching provision to apply a restriction to the type of payments that I have outlined in my opening remarks. However, I am proposing that the policy should be administered locally through our own Northern Ireland regulations. These regulations will be brought forward by my Department. They will be subject to affirmative resolution in the Assembly. Members will therefore have further opportunity to consider the detail on how a cap on payments should be applied in the public sector here.

I thank the Committee for Finance and Personnel for its scrutiny of the proposed LCM. I note that the Committee highlighted some concerns that have been raised by trade unions and other stakeholders. I especially thank the Minister of Education and the Minister of Environment who responded with comments to the paper I circulated on 19 October. I welcome Minister O'Dowd's comments agreeing, in principle, with the policy to restrict exit payments. I also appreciate the concerns raised by both Ministers, who have responsibilities for local government and education, on how those sectors will be affected. I emphasise that, should we agree the motion today, we will be agreeing to the principles of the framework provision in the Enterprise Bill so that public-sector exit payments should be capped. As we will be producing our own regulations, I consider that all other concerns that they have raised can be addressed.

I will briefly address some of the main concerns that have been raised. First, I do not wish to comment more widely on the arrangements that Her Majesty's Treasury put in place for its consultations beyond the fact that it received over 4,000 responses to the consultation on exit payments between 31 July and 27 August this year. My Department publicised the commencement of the consultation to the main unions' representatives of public-sector bodies here as well as to the Northern Ireland public service employers. Indeed, the main public service unions and the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) submitted substantial responses to Her Majesty's Treasury's consultation.

To address any additional concerns for consultation, I am proposing that my Department undertakes a 12-week consultation on draft regulations early in 2016. As I have pointed out, these regulations will also be subject to affirmative resolution procedure in the Assembly. This provides a further enhanced level of scrutiny on the detail of the policy before the regulations can be passed by this Assembly.

Secondly, on equality considerations, the Committee's report on the LCM relayed some points raised by the Northern Ireland Equality Commission. My Department has now addressed these concerns in writing to the Committee

on 26 November, and I would like to cover a few points. In the first instance, contrary to what is stated in the letter from the Equality Commission, I can confirm that the proposed restriction does not impact on accrued pensions that have been paid for by employee contributions. The Equality Commission comments on the position taken in the equality screening statement that it is possible that some older staff with very long service could be affected.

In such a scenario, it is length of service, especially in those schemes that effectively provide an uncapped employer-funded contribution to an unreduced early pension, which is the contributing factor. Across the public sector, length of service is taken into account when calculating pension and redundancy payments and when applying pre-existing restrictions. The age of the member is largely incidental.

The cap will be set at a fair and proportionate level to safeguard public finances. Even for those with the highest-value packages who could be affected, £95,000 will still provide long-serving members of staff with a considerable financial cushion to facilitate their transition to alternative employment or, indeed, retirement. I mentioned that DFP regulations on the detail of the policy will also provide an opportunity to consider what flexibilities might be appropriate in how the restriction is operated in the devolved public sector here.

Concerns have also been raised on the proposals to exempt those banks and financial institutions currently in public ownership, and other publicly owned media organisations. Whilst regulations will provide that certain bodies may be exempted from the cap, I can confirm that I have not proposed that any devolved public institution be given an exemption in DFP regulations. My understanding is that, where the Westminster Government have proposed exemptions for some publicly owned banks, they expect to return those institutions to the private sector in the near future. In the case of broadcasting bodies such as the BBC, those bodies are expected to introduce their own equivalent restrictions on exit payments.

It is recognised, however, that, under exceptional circumstances, it may be desirable that the effect of the restriction can be waived. That is especially pertinent, given the restructuring being undertaken in the public sector and where exit schemes may already be under way. DFP regulations will provide for that flexibility. In that regard, I note the concern raised by the Environment Minister for those severance arrangements already in progress in the local government scheme under RPA. Under DFP regulations, the flexibility to relax the application of the cap will be delegated to the responsible Minister. Therefore, whether a waiver should be appropriate in those or other difficult cases can be a matter of judgement for the relevant Minister to decide.

In addition to the important flexibilities to relax the restriction or to apply an outright exemption, the regulations will also provide scope to allow for a different amount to be substituted for the £95,000 restriction set by the Act. At this stage, I do not propose that there is any need to deviate from the norm for the rest of the public sector on the baseline level of the cap, but the regulations will provide this flexibility, should there be a compelling argument for its use here in the future. My officials will consult with each of the Departments with responsibility

for the Northern Ireland public-sector schemes on these details before the regulations are finalised.

Concerns have been raised about the impact for the local government scheme, where current rules enable staff to receive an unreduced early payment of pension on early exit. I acknowledge that, when employers are offering early exit packages that include immediate payment of unreduced pensions with an effectively uncapped employer contribution, some staff with very long service can currently be eligible for exit payments above the cap. It is important to be clear that, where individuals who leave the public service under an exit scheme are currently entitled to take payment of an unreduced pension, that option will remain open to them. These measures, however, will ensure that the employer contribution to reduce the actuarial reduction for early payment is within the limits of the £95,000 cap.

The large majority of local government workers will not be impacted by this restriction. In recent local government exits in Great Britain, less than 2% of exit payments would have exceeded the cap. The small percentage of those who could be affected will be those who receive the highest exit packages. In those cases, £95,000, in our opinion, remains a substantial payment in any terms and a significant employer contribution to the costs that come with early access to an unreduced pension where this is part of the exit package. It is nearly four times the public-sector average and almost six times the maximum available under statutory redundancy terms.

Finally, I return to the primary powers of the Enterprise Bill and the rationale for an LCM to introduce the overarching provision on which the Northern Ireland regulations will be made. It is now very clear that an Assembly Bill to effect the policy could not be enacted in a comparable time frame to the Enterprise Bill, which is expected to become an Act in April or May next year. If the Assembly wished to legislate on this matter, it is extremely unlikely that it would even be commenced before dissolution in March 2016 for elections planned for May. That would result in the policy being implemented to a much later timescale for public service employees in Northern Ireland. If our choice today is for public servants in Northern Ireland to continue to be treated more generously than the rest of the public sector, it will inevitably come at a cost and impact available funds. In the current climate, the Assembly has a responsibility to minimise any additional financial pressures that could result in any diversion of departmental funding from other important public services.

1.30 pm

In summary, we seek agreement today to the principles for applying a fair and reasonable restriction on public-sector exit payments. The measures in the Enterprise Bill will provide the necessary framework to achieve this intent while providing the flexibility of our own regulation-making power to ensure that the application is measured and responsive to local circumstances in the Northern Ireland public sector.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of the Committee for Finance and Personnel, I wish to outline the extent of the Committee's work on the LCM. The finer details of the Committee's deliberations are set out in

a short report that was circulated to all Members on 18 November. I shall, however, summarise the key points for Members' convenience and for the Assembly record.

As outlined, the Enterprise Bill at Westminster contains a number of government initiatives intended to support the growth of enterprise. In the Bill, however, are measures to restrict public-sector exit payments, most notably capping the total value of exit payments at £95,000.

On 16 September, the Committee was first informed about the relatively short consultation carried out by the Treasury during the summer on proposals for a cap on exit payments. Given the conventional approach followed here of providing broadly comparable pension and compensation arrangements for equivalent public service employment, it was noted that this could have implications locally.

Further correspondence highlighted the fact that the Minister was minded to agree with the Treasury's preference for a single legislative approach, which could be achieved by means of an amendment to the Enterprise Bill and a corresponding LCM through the Assembly. The Committee was further told that the Minister had sought agreement to this approach from the First Minister and deputy First Minister through the urgent procedure in the ministerial code. The memorandum accompanying the LCM was subsequently laid on 22 October, thus beginning the short 15-day period for the Committee to scrutinise the provisions of the LCM.

In line with the Committee's previous approach when scrutinising LCMs, it sought an urgent briefing with the Department and written briefings from relevant stakeholders, including the collective consultation working group, the Equality Commission and Assembly Statutory Committees. Furthermore, and in light of the apparent level of discontent with the proposals, members agreed to hold an additional Committee meeting to take oral evidence from a trade union panel. First, however, the Committee took evidence from the Department on 4 November, and members raised a number of issues and concerns with the proposed LCM. Further detail can be found in the Committee's report but, briefly and for the record, they included concerns about the use of the LCM process; the limited nature of the Treasury consultation; concerns over equality impact and screening; the impact of the cap on current voluntary exit schemes in the local public sector; concerns about potential legal challenges should the cap come into effect; and the potential for lower-paid public servants to be impacted by the cap.

Departmental officials clarified some issues for members, including an assurance sought by the Fire Brigades Union that the cap would not impact firefighters who cannot maintain operational fitness beyond the age of 55. In response to concerns raised about specific circumstances in which the cap would impact on lower- or moderately paid public-sector workers, however, the Department made no promises. When pressed, the officials commented that there was scope for the Department or employing authority to grant certain flexibilities and waivers in certain circumstances. However, they did not give an assurance that such a waiver would be applied in the case of the specific example, which was cited by members, of a 55-year-old female public-sector worker with 35 years' service and earning £27,000 who could be impacted by a cap of £95,000.

In follow-up correspondence, the Department gave members further information on the possible application of a waiver process. For example, if there is clear evidence of a justified business need to disapply the cap:

"in order to achieve a required restructuring outcome. Or, for example, it may be applied to a programme of reform which was already underway such as the Review of Public Administration."

The departmental officials also advised that the power to apply a waiver would be delegated to individual Departments or employing authorities and that the Department of Finance and Personnel would issue appropriate guidance. On the latter point, however, no such guidance was provided, even in draft form, by way of further explanation. Moreover, it is not clear what the implications might be from a differential application of the waiver and how the costs of applying it would work.

Some of the other issues raised by stakeholders were addressed, at least to some extent, by the Department. It was confirmed that there would be no implications, in the Department's view, for the protection conferred by the Transfer of Undertakings (Protection of Employment) Regulations (TUPE). The Department also underlined the point that the cap would not affect any pension that an individual has already accrued and paid for by member contributions. DFP also stated that it did not agree with NILGOSC's concern over the effect of a cap on employee-funded early pensions, which are currently a feature of local government schemes.

I am afraid that, given the time pressure created around the whole issue, Members are going to have to judge for themselves the extent to which those and other substantive issues have been addressed by the Department. It was certainly the view of various stakeholders, most particularly the trade unions who gave evidence to the Committee, that there remained unresolved concerns.

In the evidence session with them, trade union representatives raised a number of concerns, among which were that the consultation carried out by Treasury did not apply the Woolf-Gunning principles on fair consultation, leading to what they believed was a limited opportunity for local discussion and consultation; the potential impact that the cap would have on any voluntary exit schemes carried out in other areas of the public service, including the health service and the Education Authority, after the cap comes into operation on 1 April 2015; and the inconsistent application of the cap on local government workers, particularly the lower-paid who have already agreed entitlements under the review of public administration.

The Committee noted in particular the concerns over the wide range of public servants in diverse roles who could be disadvantageously impacted on as a result of the cap. To put it simply, there is a worry that the cap could in practice affect more long-serving public servants than it does highly paid ones.

That particular concern was raised in correspondence from the Education Committee. Members may wish to reflect further on the education worker on a moderate salary who would be affected by the cap. The Education Authority is particularly concerned about the impact that the cap will have on its ability to facilitate staffing

reductions through voluntary severance, as well as about the difficulties that the cap could present if it were to lead to a surge in staff wanting to exit before it came into effect. The authority also raised the issue of the potential fairness and equity treatment of staff exiting with different severance packages, depending on whether they were released before or after the cap was introduced. The LCM clearly poses issues for the sector.

We received correspondence this morning from Lisburn and Castlereagh City Council that stated that the introduction of the cap is likely to create a major issue — potential equal-pay claims or compulsory redundancies in the case of staff scheduled to leave cancelling their request to do so. The council is requesting that an exemption be applied to local government or that, if it is approved, the cap be delayed for local government until January 2020 to allow completion of the RPA severance scheme. Obviously, that correspondence was received after the Committee had completed its consideration of the LCM.

The Committee was also concerned about the lack of clarity provided by the Department on the projected savings from implementing the cap locally, particularly when it was informed by the trade union representatives that Scotland was not minded to apply such a cap to public-sector exit payments.

Members were also concerned that there was an indication from trade union reps that they would consider legal challenges to the cap, should it be introduced. The Committee has asked DFP for assurances that the risks in that regard have been fully assessed.

The Equality Commission highlighted a number of points relating to the Department's equality screening and the decision not to carry out a full equality impact assessment (EQIA). It pointed out that equality-screening decisions must be informed by evidence, whether that be qualitative or quantitative. The DFP screening exercise noted an adverse impact on long-serving older members of staff and no impacts on any of the other equality categories. However, the Equality Commission has highlighted that the Department provided no evidence for how those conclusions had been reached. The commission queried that, especially in light of the wide range of data available to the Department, given that it completes the NICS article 55 fair employment review and gender reviews.

The Equality Commission also highlighted the "significant financial impact" on individuals who could be subject to the cap in a compulsory redundancy situation. In addition, the commission highlighted the current NICS voluntary exit scheme and the potential for equality data analysis after the first three tranches of staff leave that could be used to inform future requirements for positive/affirmative action measures.

A departmental response to the various outstanding issues was not received in time for members agreeing the Committee report on the LCM; therefore, a majority of members agreed that the Committee would reserve its position. The subsequent response from the Department was noted following the Committee agreeing its report. It reiterated that the cap will not impact on any accrued entitlement or benefits that an individual has built up and paid for in pension contributions to a public-sector pension scheme. While the Department acknowledged that some lower-paid staff with very long service could be affected, it maintained that the policy was:

"considered fair, proportionate and represents value for money for ... tax payers as a whole."

At its meeting on 2 December, the Committee discussed the fact that this plenary debate was scheduled for today and noted that a number of issues and concerns were still outstanding, as highlighted in the Committee's report on the LCM and subsequent correspondence. That concludes my comments on the Committee's position on the LCM.

My position and that of my party is that we strongly support the principles of the Bill, but we believe that it fails to deliver. This is not obviously targeted at lower-paid workers, but they will certainly be impacted by its introduction. That may not have been the intention when the legislation was drafted for England, but it certainly would be the effect if it were copied and pasted here. Of course, we are all well aware of examples of public-sector workers on low to medium pay who will be impacted adversely after working in the public sector their entire career, and I outlined some of those earlier. There are quite a number of examples of that in education, as Members will know.

To conclude, we in Sinn Féin are in agreement with the Minister that there should be a cap on exit payments. However, given the local factors that have been brought to our attention, it is clear that we need a local solution, and this LCM is not fit for purpose in this circumstance.

Mr I McCrea: My comments will be short, given that the Chair has outlined in depth the Committee's position following its evidence sessions.

I thank the Minister for bringing the LCM to the House today and for giving us the opportunity to decide where our priorities lie. Do the Assembly's priorities lie in spending large amounts of money on severance payments etc for public servants, or does it believe that we should spend our finances on public services?

I, for one, believe that it should be on our public services. While public servants ensure that the public service exists and many do an excellent job in their day-to-day employment, I believe that the cap that the Minister is bringing forward, which is, of course, bringing us into line with the rest of the United Kingdom, is worthwhile, and I commend her for that.

1.45 pm

I know that the Chair raised this issue briefly. During the Committee's discussion, I raised the concern about the firemen, and women, I suppose, to be politically correct, who are unable to maintain the operational fitness aspect beyond the age of 55. The Minister's willingness to deal with them in the Bill is certainly welcome for those in the Fire Brigades Union and those who are affected. That is certainly welcome news.

Like most other Members, I received a letter from the assistant general secretary of NIPSA, Bumper Graham, who outlined his objection to this legislative consent motion. A few of his comments intrigued me. He said that NIPSA considers it to be an abuse of process, as it was added to the Bill late in the day, and that it has frustrated the Assembly's consultation process and left many questions unanswered. One part that I find quite appalling is when he refers to the letter of 11 November, which I presume came from the Department, as erroneous, as it

impacts upon accrued pension entitlements in NILGOSC and the LGPS. I ask the Minister to respond to those comments, because I think that putting a letter out saying that the Finance Department's letter is "erroneous" certainly needs to be addressed.

Given that our members voted in favour of the cap at the Committee, I believe that this is a good thing and that the House should vote in favour of it. It is not something that anyone is trying to do anything to in order to undermine public-sector workers. I think that it is certainly a good approach. I welcome it being before the House today and urge Members to vote in support of it.

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Thank you very much, Mr Principal Deputy Speaker. Yes, there have been a number of reservations expressed about the use of the LCM in this context. The belief is that an LCM should not be used to bring forward such controversial changes and that it denies the Assembly full scrutiny of a matter that is of huge public importance and that impacts on the lives of many people here in Northern Ireland. The short period of, I think, 15 days given to the Finance Committee and other stakeholders to scrutinise the proposals in the LCM is far too short and comes on the back of a restrictive Treasury consultation that was held during the summertime, which many believe did not conform to the Woolf/Gunning principles for fair and adequate consultation.

Obviously, the £95,000 cap is at the heart of the matter. As others mentioned, there is concern amongst the representatives of public service workers about this issue. The Committee heard from several trade unions, including UNISON and NIPSA. They argued that the LCM would lead to a breach of contract, the denial of statutory entitlements and the breaking of the 25-year no change on public service pensions agreement. They agree that legislation of this type would be better in the form of a Bill, which could be fully scrutinised by the Finance Committee and the Assembly.

NIPSA argued that the use of the LCM may bring about indirect discrimination under section 75 of the Northern Ireland Act. It further warned, as the Chair pointed out, of the potential for many legal challenges if the cap is implemented. Those challenges could be on the basis of breach of contract, unlawful deductions of earnings based on the contractual right to payment, and on the unfair application of waivers, which could lead to inconsistency across employing authorities.

The Equality Commission believed that, in a situation of compulsory redundancy, there could be significant financial impact on individuals who were subject to the cap. Those would be largely older people. As was pointed out, older people who have long public service and are not necessarily the highest-earning civil servants would be disproportionately affected. The commission pointed out that the screening document did not consider the full implications of the situation. It also said that the Department of Finance and Personnel's decisions were not based on evidence, either qualitative or quantitative.

Responses to the original consultation argued that the current changes would impact negatively on older people. Hymans Robertson, one of the UK's largest pension professionals working in the public sector, argued that there would be early retirement strain costs within the cap, the statutory entitlement of unreduced benefits, and that

the cap's purpose would be unfulfilled as it would target mostly low- and not high-earning public servants.

Many groups argued that the consultation process was incredibly limited and that the concerns of the majority of respondents were not taken account of fully. The Bill as it stands will negatively impact on many public servants and change their contractual rights. The proper legislative authority on this matter should remain with the Assembly here, and the LCM does not give the Assembly the opportunity to exercise its authority fully and to scrutinise, according to its role, the detail.

We will not be supporting this LCM on the grounds that I outlined. I thank you for the opportunity to contribute. Go raibh míle maith agat.

Mr Principal Deputy Speaker: Before I call Mr Leslie Cree, I remind the Member that Question Time is at 2 pm, and I may need to interrupt you.

Mr Cree: Yes, Mr Principal Deputy Speaker, hopefully we can do that. The enterprise restriction on public-sector exit payments was introduced to the House of Lords on 16 September 2015.

The Bill deals with a number of Government initiatives intended to support the growth of enterprise in the United Kingdom. These are fine, but the Bill also contains measures to restrict public-sector exit payments. Under these measures, the total value of exit payments that an individual, who exits public sector employment through redundancy or early exit, may receive would be capped to £95,000. The Committee for Finance and Personnel was advised on the same date, 16 September 2015, by the Department that HM Treasury had consulted on these proposals from 31 July to 27 August, a mere four weeks in the height of summer. In my opinion, this is inadequate, and it has also led to the whole process being rushed. The Government also screened out a full equality impact assessment. The Department advised the Committee that the Treasury's preferred position was for a single, United Kingdom-wide legislative approach to implement the policy, and that this could be achieved by means of an amendment inserting the relevant clauses into the Enterprise Bill.

The Minister has agreed to that approach in principle, which necessitates the agreement of an LCM. The Office of the First Minister and deputy First Minister has also agreed to the process. Despite the tight time frame, the Committee has engaged with the Department and other stakeholders, including the trade unions. Again, as has been said, there was discontent with the proposals, which centred on various points. The main ones were these: the exemptions to be granted to certain publicly funded bodies; the lack of detail in the regulations to be introduced by the Department; the impact on the current voluntary exit scheme; the effect on lower-paid public servants; the risk of legal challenges; TUPE protections; and the situation with respect to firefighters.

There was subsequently some correspondence with the Department about the use of exemptions and waivers, but many questions remain. We were assured that the cap will not impact on any accrued entitlement or benefits, which an individual has built up and paid for, in pension contributions, in a public-sector scheme. The Northern Ireland Local Government Association (NILGA) and the Equality Commission also highlighted concerns, some of which have been addressed by the Department.

A major concern for many is that full details of guidelines on the flexibility to relax the exit payment cap will not be issued by the Department until after the LCM has been agreed. The Ulster Unionist Party is not opposed to the setting of a cap, but it must be done in such a way that the consequences have all been considered in advance. The current situation is that this has not happened. There is indecent haste, and the Finance Committee is not satisfied that sufficient time has been afforded to scrutinise the issue fully. It is important to ensure that employees who do not earn large salaries and have long public service are not disadvantaged by the proposed cap, which will happen under the present proposals.

Everyone can understand that, in the present difficult times, money has to be saved by the public purse; but it should not be taken from those who have worked and are entitled to it under existing contracts. That is not fair.

The Department needs to clarify the outstanding issues as quickly as possible but, at this point, the Ulster Unionist Party will not support the proposed legislative consent motion.

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to speak will be the Minister of Finance, to conclude and wind up the debate.

The debate stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: I inform Members that no questions have been withdrawn from this session, you will all be glad to hear.

Freedom of Information Responses

1. **Mr Swann** asked the First Minister and deputy First Minister to outline how many freedom of information requests received since May 2011 have been answered within 20 working days. (AQO 9261/11-16)

Mr M McGuinness (The deputy First Minister): Since May 2011 our Department has received 664 freedom of information (FOI) requests. We answered 320 of them within 20 working days. Many of the requests that we receive are sensitive or complex in nature, and it is important that we take time to get them right. However, we recognise that our performance could be better, and we are working very hard to try and improve it.

Mr Swann: I thank the deputy First Minister for his answer. I think that "could be better" is an understatement, round at 50%. Deputy First Minister, in regard to answering questions for written answer from the Assembly, OFMDFM has about a 15% success rate of answering Assembly questions in time. What is the Minister going to do to increase the transparency and accountability of that office?

Mr M McGuinness: Quite clearly, there is an acknowledgement that, in relation to the freedom of information requests, more work needs to be done. We appreciate the difficulties that flow from that, but I think that the Member has to understand that, given the sensitive nature of a considerable proportion of the FOI requests processed by OFMDFM, it is imperative that due consideration is given to responses to such requests. This may involve consultation with other Departments that have an interest in the subject matter of the information. Consultation with third parties necessarily extends the period of time taken to compose appropriate responses. In addition, many more of the FOI requests that come to OFMDFM are from the media and interest groups, rather than from the general public. OFMDFM is not like any other Department, as the Member will know: there are two parties in the Department, and that complicates matters, I think considerably.

Disability Strategy: Update

2. **Mr McQuillan** asked the First Minister and deputy First Minister for an update on the Executive's strategy to improve the lives of people with disabilities 2012-2015. (AQO 9262/11-16)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister McCann to answer this question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): The Executive's

disability strategy was launched by the then junior Minister Bell and me in February 2013. The strategy provides a high-level policy framework for all Departments to drive improved service delivery, increase awareness of the needs of people with disabilities and improve opportunities for people with disabilities across all policy areas. The strategy includes priorities and actions to address identified inequalities experienced by people with disabilities and to tackle the barriers that they continue to face in their daily lives.

A 2013-14 annual report on the delivery of the disability strategy has been published on the Department's website. It sets out the actions that all Executive Departments have undertaken under the strategy in the first year. We will shortly be approaching Departments for information on the actions that they have taken during the second year of the implementation of the strategy.

In May, junior Minister McIlveen and I announced the extension of the life of the strategy until 2017 to provide additional time to fully implement the recommendations. The extension is our commitment to continue to protect and promote the rights of people with disabilities in our community and will have the additional benefit of providing adequate time to develop, and to consult on, the new strategy.

Mr McQuillan: I thank the junior Minister for her answer. Will the junior Minister give a guarantee to the House today that by extending the strategy it will not be diluted in any shape, form or fashion?

Ms J McCann: I certainly can give the guarantee that it will not be diluted in any fashion. I said that we have already taken forward a number of programmes and projects since it was first announced in 2013. We hosted a major conference in May of that year. We also worked in partnership with Disability Action to develop a DVD resource pack, and that was for teachers and youth workers to provide information to pupils.

We have contributed funding totalling £459,000 to Special Olympics Ulster and have also sponsored a symposium event. We continue to carry that through. It is an Executive strategy and all Departments have a commitment to input into its implementation and delivery.

Mr McCarthy: When will the deputy First Minister or the junior Minister be able to provide clarity on welfare reform mitigations that were promised but not outlined in the recent so-called Fresh Start Agreement — maybe it should have been called the “false dawn report” — which will undoubtedly affect people with disabilities?

Ms J McCann: The Member makes a very valid point; those welfare cuts will impact on people with disabilities. As the Member will know, we have secured a £585 million fund, £345 million of which is earmarked for people who will lose money through welfare cuts.

As you know, Eileen Evason, who is a sterling campaigner for people on disability benefits, disability rights and all sorts of other areas, will bring forward her proposals after consulting her panel of experts in January — next month. We are hopeful that she will be able to use the envelope of money that we secured in the Fresh Start Agreement to alleviate some of the wider impacts, particularly for those who will lose out from welfare cuts and, as the Member mentioned, those with disabilities.

Ms Sugden: Does the junior Minister or the deputy First Minister recognise that the failure of Departments to work together for the needs of those with disabilities has led to a loss of provision? How do they plan to address that?

Ms J McCann: As I said, it is an Executive strategy and OFMDFM has specific areas of work in bringing that forward. One of those areas is monitoring and evaluating what other Departments are doing. We have published a baseline indicator set, which uses data from 2006 to measure the outputs that are coming forward.

We work with the stakeholder groups and, last week, junior Minister Pengelly and I were at an event in the Long Gallery. At that event, people with disabilities told us that they want to be part of any delivery mechanisms going forward. We are putting that in place at OFMDFM level so that it is not just people who are representing the sector who are involved, but those who are facing those disabilities, barriers and challenges every day of their lives. We will make sure that they are involved in any implementation of the strategy, and certainly in any forward thinking. That will be across all Departments because, as I said, we have responsibility for the monitoring and evaluation of that strategy.

Legacy Issues: Final Resolution

3. **Mr Campbell** asked the First Minister and deputy First Minister to outline their efforts to reach a final resolution on legacy issues following A Fresh Start. (AQO 9263/11-16)

Mr M McGuinness: During the talks process, good progress was made in many aspects relating to the past but we were unable to agree a way forward on a number of the key issues within the timescales to which we were working. That was unfortunate but it is recognised that it is not an issue on which there can be a half-hearted or partial agreement for the sake of expediency.

The Fresh Start Agreement commits the British and Irish Governments to reflect on options for resolving the legacy issues, building, therefore, on the sound basis that already exists. Following our earlier discussions, we will engage fully with the two Governments on the options that they may bring forward to deal with that particular issue.

Mr Speaker: I call Mr Campbell for a supplementary question. I hope that that was not your answer in advance.

Mr Campbell: Thank you, Mr Speaker. The deputy First Minister referred to good progress being made, and that is true. Does he not agree that better progress would be made if, for example, he tried to shore up whatever credibility he has with his past? On a number of occasions in the Chamber, I have alluded to his possession of a sub-machine gun, as was contained in the Saville report; his involvement, if he had any, in the shooting dead of two policemen three days before Bloody Sunday; the Claudy bomb; and the murder of a prison officer a few years after Bloody Sunday. Those things all happened when the deputy First Minister was the 2IC of the Provisional IRA in Londonderry, yet he denied knowledge or involvement in any of them. So, where does his credibility stand?

Mr M McGuinness: I never imagined for one minute that the fresh start would extend to the Member who has just spoken. The Member is often, in this Chamber, prepared to quote all sorts of falsehoods and innuendo about my past. I am glad that the Member mentioned the Saville

report. The reality is that the most significant ruling made by Lord Saville was that he believed the IRA's evidence. I went forward as a member of the IRA, and my evidence was believed by Lord Saville, and the evidence of the paratroopers and the British Army was rejected. So, it is not a great issue for the Member to raise in this House, particularly as someone who comes from the city of Derry.

From my perspective, I look at all this on the basis that, over the next while, the Member will have a big decision to make in relation to his future and whether or not he will remain in this House or go to another place. I hope that he remains in this House and continues to enjoy sharing power with Sinn Féin.

Mr Attwood: In an attempt to ask a more balanced question than the previous MLA, I ask this: does the deputy First Minister agree that the blanket of national security that the British Government wrapped themselves in during the talks recently was a further example of their resistance to the truth and of truth-telling on their terms only? Does he also agree that the evidence of many years is that republican and loyalist organisations do exactly the same? They resist the truth and will only tell the truth on their terms. How can you reconcile the needs of victims and survivors if that is the attitude of so many?

Mr M McGuinness: First of all, it is critical in the weeks ahead that we see a situation where a very determined effort is made by the Government and the parties to find a way forward. The particular blockage during the Stormont House negotiations was the refusal of the British Government to accede to the requests of many victims' groups in relation to disclosure and the blanket of national security, as the Member talked about. The big test, I suggest to the Member for West Belfast, is to establish the structures and mechanisms that we agreed and reached considerable agreement on in the talks. That will be the test as to whether or not people are prepared to come forward and contribute. I have just cited in my previous answer my willingness on behalf of being asked by the Bloody Sunday families to come forward as a member of the IRA to talk about the situation in relation to Bloody Sunday. I think that is a very clear indicator of where I am coming from in relation to all of it. I have done it; I have been there; I have worn the T-shirt.

Mr Allister: The T-shirt that he wore at Saville was to take refuge in the republican code of honour. Does the republican code of honour still trump for the deputy First Minister, who demands wholesale disclosure from Government, the telling of the truth? How does that play with lesser participants in the IRA terrorist campaign if someone of the deputy First Minister's leadership and status in that campaign takes refuge in not telling the truth under the so-called code of honour?

Mr M McGuinness: This Member is one who has never made any positive contribution to any of the difficulties that we have been trying to deal with in the overall policy in the Assembly and the working of the Executive. This is someone who is totally hostile to the institutions that have been so much an integral part of the peace process. From the perspective of the contribution that has just been made — the big challenge is to find a way forward to deal with the legacy issues. When we find that, and I believe that we will find that in the time ahead, there will be a test for everybody: the British Government; the IRA and other armed groups on the republican side; loyalist

organisations; and those people in British intelligence who controlled loyalist death squads and, indeed, controlled some republicans in their agenda to try and defeat the legitimate demands of the nationalist and republican community for equality, justice and peace.

The Member needs to try to focus on making a more positive contribution to this place. I am glad that he is here making a contribution and, like the Member for East Derry or, as the electoral authorities call it, East Londonderry, continuing to enjoy sharing power with Sinn Féin.

2.15 pm

Shackleton Site, Ballykelly

4. **Mr G Robinson** asked the First Minister and deputy First Minister to outline the timescale for details of the successful bidder for the Shackleton site at Ballykelly being announced. (AQO 9264/11-16)

Mr M McGuinness: The Department received seven proposals to purchase and develop the Shackleton site as part of the open competitive sale process. The proposals are being assessed, and it is expected that the preferred purchaser will be notified shortly. We hope to be in a position to make an announcement about the successful purchaser early in the new year, once the legal work has been completed.

Mr G Robinson: Considering the potential job creation at Ballykelly, will the Minister outline what discussions he has had with Executive colleagues regarding the provision of good vehicular access and public transport provision, including a small rail halt, to the Shackleton site?

Mr M McGuinness: I know that the Member has a tremendous interest in the site, as do other Members from the constituency. It is a site that, at the beginning, was seen by many as one that would be difficult to sell. The fact that we were able to negotiate in the Executive the relocation of the Department of Agriculture and Rural Development to the site brought a huge focus on it, which is why we have seven bidders. That decision will be made in due course.

In relation to DARD relocating there, there is, as the Member suggested, an issue of access. That is being worked on. The advice from Transport NI is that accommodating DARD on the site will require a new access road, which will mean additional land being acquired adjacent to the site on the A2, which is the main Derry to Limavady road. That has required negotiations with the landowners, and DARD officials have engaged with Land and Property Services, which is responsible for the negotiations on behalf of the Government.

The new access arrangements will be designed sensitively, taking into account the listed structures close to the site, such as the church and the graveyard, to maintain the character of the area. The Central Procurement Directorate is working with the NI Environment Agency and DOE to agree the optimum position for the access road. The advice to date has been that there are no major issues that would prohibit development, as long as the new build and infrastructure are sensitive to the surrounding area.

It is an exciting piece of real estate, and we are very hopeful that whoever acquires the new site will use it to achieve the primary aim of most Members, namely securing much needed employment for the north-west.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an leasChéad-Aire fosta. Does the Minister agree with me that, given the level and diversity of interest, there may be an opportunity to accommodate more than a single bidder on the site?

Mr M McGuinness: We all know that that would principally be a matter for the new owner of the site and is something that they would have to consider in due course. We would encourage the new owner to explore all opportunities to maximise the developmental potential of the site. Some of the proposed uses identified in other proposals could well be compatible with the new owner's intended use.

When the assessment process has concluded, the First Minister and I will encourage and facilitate the new owner in exploring opportunities for strategic partnerships with other proposers. We regard the development plan of the new owner very much as the beginning of development on the site and hope that it will be the springboard for wider development activity to generate much needed economic benefits for the north-west.

Mr Dallat: I am sure that people in East Derry will be listening with great interest. It is an area of very high unemployment, where those who have not emigrated live in hope that something significant will emerge out of this former army camp. Can the Minister, in the mouth of Christmas, when we are supposed to be full of cheer, give us some indication of the number of jobs that will potentially emerge out of this wonderful asset that was bequeathed to us?

Mr M McGuinness: It is very difficult at this stage and would even be presumptuous on my part to do that, but it is important to stress that the preferred proposal for the Shackleton site will be that which attains the highest score. Scores will be allocated on the basis of the number of jobs to be created, the financial offer for the site and the extent to which proposals will deliver community and environmental benefits. We have attached additional weighting to the creation of jobs. That is our priority for the site.

It is a very exciting prospect, and I think the Member knows that. At the very beginning of the process, not too many people held out much hope that there could be anything of real value on the site. It has now become a very exciting opportunity for people in the north-west. The relocation of DARD, with hundreds of employees moving to the site in 2017, will be a major attractor, as will the environmental project that NIW is involved in, as it will serve the interests of the local community.

There is a huge priority on the preferred bidder being able to assure us that jobs will be the key target in all this. That brings into play the question asked by the previous Member about whether whoever acquires the site is prepared to work with others to develop it to its full potential. The First Minister and I have taken a keen interest in the site, and we are keen to see the creation of as many jobs as possible there. I am very confident about the future for the site.

Ms Sugden: How has the Department been encouraging bidders to consider the community and voluntary sector as part of their proposed plans?

Mr M McGuinness: The First Minister and I have been to the area. We have met people in the local community, and we understand the interest that they have. We absolutely

wish to ensure that the community in Ballykelly and the surrounding area benefits from the development of the Shackleton site. For that reason, proposals to purchase the site are being assessed on the extent to which their plans to develop it will deliver community benefits. It is an important subject. It is critically important that, when you have such a major development on a site so close to a village area, the local community feels that it has ownership of and a stake in that site. We are determined to ensure that, however the site is developed, it is developed in the interests of the local community.

Childcare Strategy: Update

5. Ms P Bradley asked the First Minister and deputy First Minister for an update on the childcare strategy. (AQO 9265/11-16)

Mr M McGuinness: With your permission, Mr Speaker, I will ask junior Minister McCann to answer this question.

Ms J McCann: Consultation on the Executive's draft childcare strategy took place between 28 July and 13 November this year. Departmental officials engaged widely with stakeholders during the consultation period to promote awareness and understanding of the draft strategy and to encourage feedback on draft proposals. The childcare strategy will build on the success of the 15 key first actions launched in 2013 to address priority childcare needs identified through early research and consultation.

The school-age childcare grant scheme was developed to address priority need. The grant scheme is creating new, low-cost quality school-age childcare places and sustaining the places that we already have. To date, the grant scheme has held two calls for applications and has committed £3 million to projects that will sustain or create approximately 2,200 low-cost quality childcare places, mostly in disadvantaged areas.

A third call for applications was launched on 26 November. Other key first actions have enhanced the childcare services for children with a disability and improved the information available to parents on the childcare services available locally. Officials are collating and analysing responses to the public consultation. We will give careful consideration to the range of views put forward to us. We will continue to work in partnership with other Departments through the childcare strategy programme board, and we will aim to finalise the strategy in early 2016.

Ms P Bradley: I thank the junior Minister for her answer. The junior Minister will know how the uncertainty over the introduction of welfare reform and the wreckage that was the ESF affected the women's sector and the women's lobby. Does she agree that we need to be doing everything within our power to empower parents, especially women, to get back into the workplace and to continue with education, because that will have a great knock-on effect on our economy as well?

Ms J McCann: Yes, I think the Member is right. As you know, the childcare strategy has two high-level aims: to promote child development and to enable parents to get back into the workforce. That has to be, in a sense, parental choice. You made a very valid point regarding the DSD women's centre childcare fund. I have had a number of meetings, and our officials are working very closely with the Minister for Social Development. We want to

ensure that the childcare settings that would be adversely affected by the closure of that fund would be open to the new childcare strategy funding, because it is essential. I know from talking to some of the providers of women's centre childcare, for instance, that a lot of the mothers who are returning to education or training, or even going into employment, like to be on sites where their children are being looked after. That is very important. Certainly, we will continue with our deliberations with the Minister for Social Development and officials to ensure that there is, hopefully, a seamless move from that funding to the childcare funding, when that has to happen.

Mr F McCann: Go raibh maith agat, Cheann Comhairle. I thank the junior Minister for her answers thus far. Can the Minister clarify what is meant by "sustainability" in respect of the childcare strategy?

Ms J McCann: Sustainability is one of the principles underpinning our childcare strategy. As I said, during the consultation, I heard from many, not only childcare providers but parents, who are concerned about that. Sustainability does not have to mean non-subsidised childcare. For some childcare organisations, subsidies may not be required. However, no subsidies would mean the eradication of childcare provision, especially in some areas across the North where there are high levels of deprivation, particularly areas within my constituency of West Belfast. It is unrealistic, at least in the foreseeable future, to see how some of these areas with extremely high levels of multiple deprivation could support childcare provision without some sort of subvention.

So, when I refer to "sustainability", it is within the context of recognising that government needs to work in partnership with childcare providers to address our shared objectives of addressing child poverty, meeting children's social and emotional developmental needs and providing much-needed employment for childcare workers in areas where there is high unemployment. As I said, "sustainability" does not necessarily mean that those providers have to go on without any subvention. Certainly, there are some provisions that will always need that type of subvention.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire as a freagra. I thank the Minister for her answer. What aspects of family poverty, in particular, are taken into consideration? We have, obviously, heard about child poverty issues and the development of the child being addressed. They are worthwhile and integral parts of the strategy. What aspects of the strategy are dealing with situations where families, particularly young mums, are being forced, because of the exorbitant costs of childcare, to leave their workplace? In other words, what support is there for working families who are on the breadline?

Ms J McCann: As I said to the Member in my previous answer, we have two high-level aims. One is to enable parents to join the workforce. We want to enable this strategy to be affordable for people, because that is a key part of it. We have seen some of the responses to the consultation, and affordability is a key issue. We need to be able to ensure that any subsidies that we give to childcare provision, particularly in areas of disadvantage and need, and where there are families on low income, keep costs very low for parents, as they are in the like of the women's centre childcare fund. In going forward, we will look at all the schemes across the piece to ensure

that those parents can avail themselves of that quality childcare.

Mr Speaker: That brings us to the end of the period for listed questions. We now move to topical questions.

2.30 pm

Civil Contingencies Policy Branch

T1. **Mr Hilditch** asked the First Minister and deputy First Minister for their assessment of the work of the civil contingencies policy branch across the public sector. (AQT 3241/11-16)

Mr M McGuinness: I presume that this question is asked in the context of Storm Desmond and the implications for society of severe flooding all over the North. If I am wrong, then the Member can correct me in his supplementary question.

Obviously, we have seen fairly widespread flooding, indeed all over the island of Ireland and particularly in certain parts of the North. Rivers Agency has been working very diligently on the ground, cooperating with other Departments, to ensure that respite is brought to the local community. The Department of the Environment has already allocated support of £1,000 per household. Quite clearly, the contingency approach that we need to adopt across the public sector has to be to deal with natural consequences, such as those of Storm Desmond, but some contingencies go wider than that. The branch could conceivably be required to be called on in any eventuality.

Mr Hilditch: My question was more general on the work of the policy branch. In the light of recent events globally, can the deputy First Minister assure us that Northern Ireland is at a level of readiness and preparedness in the event of a civil emergency?

Mr M McGuinness: I certainly think that all the emergency services, given the experiences we have seen in other parts of the world, are very conscious of their responsibilities should something untoward happen. It is predicted that the likelihood of something untoward happening here is very remote. My own sense of it is that it is very remote. If you are speaking about the activities of this group ISIS, ISIL, Daesh or whatever you want to call it, it is quite obvious that its focus appears to be on major centres like Paris, London and other parts of Europe. From our perspective, I certainly think that it is very important that we be prepared for any eventuality. As we saw in California last week, something could happen anywhere at any moment. I have no doubt that the emergency services — the Police Service, the Fire and Rescue Service and other services under the control of Departments — have plans in place to deal with any eventuality.

Jobs: NI Skill Set

T2. **Mrs Hale** asked the First Minister and deputy First Minister whether the deputy First Minister agrees that the skill set available in Northern Ireland was a contributing factor to the job announcement by the American company OneSource Virtual. (AQT 3242/11-16)

Mr M McGuinness: I was very pleased to be at the official opening along with the Minister for Regional Development, Michelle McIlveen, on Friday. There is no doubt that the educational capabilities of young people emerging from

the different educational institutions did have a big impact. It is no mean achievement to acquire that company, which is obviously a young but growing company and will provide anything up to 290 jobs over the course of the next while. Over 40 people are presently employed. Hiring has now started for another 45, and it is building to 290. I think that this has been based on the culture in the city where it has set up, my own city; the quality of the education system and the willingness of a company like this to recognise that, particularly in the context of the European dimension.

For example, what they are opening in the city of Derry is, effectively, their European headquarters. That is a big decision for such a company, but I think that it sends a very powerful message to other companies that are looking at the prospect of locating in the North that we have the quality and quantity of people that they require to fulfil their needs. Obviously, that represents a challenge for the Executive and the Department for Employment and Learning, but we will have to take account of that in any future budgetary discussions as a prerequisite for what these companies need.

Mrs Hale: I thank the deputy First Minister for his answer. Does he agree, then, that the reduction in corporation tax gives Northern Ireland an unprecedented opportunity for thousands of new jobs in future, sending out a loud and clear message to the rest of the world that Northern Ireland is the place for business?

Mr M McGuinness: Anybody who read my article in the 'Belfast Telegraph' or 'The Irish News' in the course of the last week will see that, with the other parties in the Executive, we have stood by our belief in the reduction. Obviously it will all centre around our budgetary challenges and affordability and all the rest of it, but we are working on the basis that we will be able to do this. To put in the region of 30,000 to 35,000 people into jobs is a huge thing for our Executive and for the development of our economy.

The First Minister and I have been involved in all sorts of economic missions to the United States, and for a very long time we have recognised that many companies in the United States are only too keen to locate here in the North. Having an island-wide 12.5% rate of corporation tax is highly advantageous for us because of what we think are the attributes that we have in attracting people to the North and, particularly, to areas of high unemployment, where those figures of 30,000 to 35,000 jobs would clearly have a massive impact on what are unacceptable unemployment figures at the moment. We have to keep our nerve in all this. I know that there are people who are ready to criticise this, but we have made an assessment that we want to put our people into meaningful jobs, and we are very determined to do that. The way in which we work our budgets over the course of the next number of years will be critical to how we can do that.

Weather Conditions: Task Force

T3. **Ms P Bradley** asked the First Minister and deputy First Minister — following Mr Hilditch's earlier question and the deputy First Minister's answer about the adverse weather conditions, in light of the bad weekend just past when businesses were ruined, roads closed and human life was at risk, albeit that, thankfully, we have very good people in our statutory agencies — whether we have an overarching

task force that looks at the potential risk from our weather conditions, given that the adverse weather will continue. (AQT 3243/11-16)

Mr M McGuinness: The answer to that is yes. Under the stewardship of the head of the Civil Service, these people meet regularly on a consistent basis, not just at a time of crisis but in order to ensure that we are well prepared for any eventuality.

Ms P Bradley: I thank the deputy First Minister for his answer. He has partially answered what I was going to ask next. I welcome that, and it is good to see that we have that in place. We still have the worst part of the winter to come and we know that problems will arise. How often does this task force meet? Does it meet regularly to discuss updates?

Mr M McGuinness: Off the top of my head I cannot say how regularly they meet, but we will get you an answer to that. This is an opportunity to pay tribute to everybody in the emergency services who, at a time of crisis, are only too ready to put themselves out in all sorts of weather to ensure the safety of the public and to remediate the challenges that we face.

The Member is quite right that we have been through a very bad experience over the last short while. When we look at how this affects us here, where we do have roads blocked, thankfully, the most important thing is that nobody has lost their life. When you look at mudslides in the Philippines or in India, you see that people are losing their lives by the thousand. The fact that our emergency services are on the ball when something happens is a credit to all of them. At the same time, we have to legislate for the fact that there were unprecedented levels of rainfall over the last short while due to Storm Desmond, and some parts of the country have been worse affected than others. We will come out of it. We have always had the experience that the clean-ups happen very rapidly and that the insurance companies kick in to support those who have insurance. Particularly in the case of households that do not have insurance, the £1,000 per household kicks in from the Department of the Environment.

Benefits: DWP Control

T4. **Mr Rogers** asked the First Minister and deputy First Minister whether, having surrendered welfare reform to Westminster, and bearing in mind the extra financial commitments made by the British Government when they decided last week to go to war, the deputy First Minister concedes that we are totally at the mercy of the Department of Work and Pensions in the imposition of a benefit freeze and a reduction in the benefit cap. (AQT 3244/11-16)

Mr M McGuinness: The vote that took place in this House was to deal with what I regarded as a technicality, which has a sunset clause that ensures that the power resides with this Executive. I thought that the most significant and interesting aspect of that, given this latest question from the Member for South Down, was that only eight Members from the SDLP bothered to turn up to vote. The new party leader was not present for any of the debate, and the new party leader did not even vote. That is how seriously the SDLP took the decision that was taken in the Assembly.

As a result of our negotiations, we have put in place a fund of £585 million to ensure that we will support the people who are worst affected by the British Government cuts. We will do that under the tutelage of Eileen Evason, who is very experienced in dealing with all of these matters. That is a practical contribution towards alleviating the plight of those people, and it is something that happening nowhere else. It is not happening in England. It is not happening in Wales. It is not happening in Scotland. It is happening here.

Mr Rogers: I thank the deputy First Minister, and I am not surprised at the attack on the SDLP. I ask him, as an Irish republican, first, whether it was a mistake to surrender this to Westminster, and, secondly, whether he sees it as an attack on devolution.

Mr M McGuinness: As I said in my earlier answer, I regard it as a technicality that saved us £40 million. I think that the Member needs to get real and that the SDLP needs to get real. The fact that we took that technical route, which has a sunset clause that ensures that powers reside in this Executive, saved our institutions £40 million, which we can put to good use on behalf of the people who send us to this House.

OFMDFM: Legislative Programme

T6. **Mr Beggs** asked the First Minister and deputy First Minister whether the deputy First Minister will acknowledge the weakness in the Northern Ireland Executive and, in particular, the Office of the First Minister and deputy Minister in that, although they have produced reams of consultations and strategies, they have been less able in their legislative programme. (AQT 3246/11-16)

Mr Beggs: Question 6, is it? Sorry, topical question 6.

Mr M McGuinness: Junior Minister McCann will take this question.

Mr Speaker: Let me apologise to you and to Roy. Karen McKevitt withdrew her question in good time and appropriately, but I forgot to alert the House.

Ms J McCann: The Member will be aware that it is set out in legislation that we do have to consult so, with any legislative programmes that we are bringing forward, there is a statutory responsibility on all Departments to set out their consultation within a period of time. No matter what area you are working in, you still have to consult with people and put that out for public consultation. That will be happening.

Mr Speaker: You will be glad to hear that time is up.

I apologise again, Mr Beggs, that you did not have time for your supplementary question.

2.45 pm

Finance and Personnel

Rates Levy: Vacant Premises

1. **Mr McMullan** asked the Minister of Finance and Personnel, in relation to the review of the non-domestic rating system, for her assessment of the additional rates income that could be generated by introducing a 100% rates levy on vacant business premises. (AQO 9275/11-16)

Mrs Foster (The Minister of Finance and Personnel):

Additional revenue of up to £30 million to £35 million could be raised through the introduction of the rating of empty commercial premises at 100%, including empty factories. Those figures assume that other features of non-domestic vacant rating remain intact, such as the minimum valuation cap of £2,000 and the three-month initial exemption to allow owners to let a property once it becomes vacant.

I say "up to" because the introduction of such a measure could have unintended effects here, given the proportion of vacant properties compared with other parts of the United Kingdom and the relative weakness of the property market here. Those effects could include many property owners taking steps to avoid liability through rendering their property incapable of being let or by encouraging charities to take up occupation.

My Department is consulting on those matters, among others, as part of the review of the non-domestic rating system.

Mr McMullan: I thank the Minister for her answer. Does she believe that, by doing away with the 50% relief for empty business premises, there would be a downward pressure on rents charged by landlords?

Mrs Foster: No, I do not, but there may be other consequences. As I said, some landlords would take precipitative action to make sure that they would not have to pay 100% rates. Maybe they would destroy their premises or let them out in other fashions. The way in which we handled non-domestic vacant rating is a balanced way forward. We are saying to owners that we will charge them rates, but, in recognising the difficulties of the property market in Northern Ireland, we will charge at only 50%. In many cases, 50% rates on non-domestic properties is not insubstantial. That money really is dead money to landlords, yet they still have to pay it. If we were to increase rates to 100%, as has been the case in England and Wales, it would in many instances be a very difficult amount of money to recover.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas leis an Aire. I thank the Minister for her answers. She was moving into the territory where I was going to go, in that many of our town centre shops are vacant because of critically high rates, which many businesses find extremely difficult to sustain. Does she agree that it would be a detrimental move for those businesses, particularly in the town centres that we are hoping to revive in order to get people back into those premises? If you were to add another 50% in rates or whatever it is that Mr McMullan has in mind with his anti-business proposal, that would be detrimental to those town centres and would not act as a catalyst for their development.

Mrs Foster: I agree with the Member. Business organisations would, frankly, be appalled at any suggestion that I would move to 100% rates on non-domestic vacant properties. At the moment, a lot of people struggle to pay 50% rates and are looking for other sorts of rebates. The Member mentioned town centres. I recently had useful conversations with Chamber of Commerce members about what else we can do to help those town centres and how we can be innovative and move forward. The ongoing review initiated a lot of thought, which I welcome. I look forward to meeting other groups to see what else we can bring forward.

One of the more innovative proposals is about window dressing and having rates rebates for that. That idea came from the Buttercrane shopping centre in Newry. It is only a small element, but it is something additional for the people there, and I hope to include it in the Rates (Amendment) Bill, which will, I hope, come to the House very soon.

Mr Dunne: I, too, thank the Minister for her answers today and welcome the ongoing review of commercial rates. Will the Minister assure us that she has looked at the option of extending the rates concession to recently vacated properties?

Mrs Foster: Yes, I have. As I said, I am looking at all options to see how we can make a real difference to town centres. The Member will recall that it was after meeting business organisations that my predecessor brought in the small business rate relief scheme, which has been a great enabler for town centres and helped many, many businesses to stay afloat during difficult times. We are looking at that whole area to see what else we can do to help businesses. Whilst it is not necessarily the role of my Department to take the lead in helping town centres, I think that we can assist; therefore we will work with DSD and DETI to see whether there is anything that we can do.

Mr Ó Muilleoir: Go raibh maith agat, Cheann Comhairle. I thank the Minister. Minister, you mentioned landlords being able to avoid business rates by letting to charity shops, which, of course, do not pay rates. Have you given much thought to that? Is that a loophole being used by landlords, and are we ending up with too many charity shops in our high streets? Can something be done in the rates review to tackle that?

Mrs Foster: It is fair to say that the subject has already come up in the consultation; it has been raised directly with me and in responses to the Department. I do not think that all landlords use it as a way of escaping rates liability. There are some very good charity shops that provide a function and a service to the community; they have regular opening hours, are open every day and provide a service. I have seen examples where that is not the case, and a charity shop might be open for a limited number of hours one day a week. By doing that, the landlord has avoided rates liability. We will have to look at that in more detail. Many town-centre operators have raised with me that they feel very aggrieved at the fact that people can avoid rates by using charity shop exemptions. Other charity shops, however, provide a real service.

Ms Sugden: I think that one of the problems with non-domestic rates is the net annual value (NAV). Will the Minister tell me how she intends to review how we value properties?

Mrs Foster: That, of course, is how we decide the rates levied against each individual property. Land and Property Services has a very regulated way of working out what the NAV should be for a particular street and a particular property. I am sure that it would be happy to go through that with the Member if she would find it useful. Do we need to look at the NAV mechanism? I am quite happy to look at that in the consultation. I want it to be a wide-ranging consultation that goes to the heart of what is going on. If the Member has any ideas for other mechanisms by which to levy rates, maybe we should look at those as well. I am open to that.

Independent Fiscal Council for Northern Ireland

2. **Mr McGimpsey** asked the Minister of Finance and Personnel for her assessment of how the new Independent Fiscal Council for Northern Ireland will work with her Department. (AQO 9276/11-16)

Mrs Foster: The Stormont Agreement document set out the Executive's plans to establish the Independent Fiscal Council for Northern Ireland. It is envisaged that the council will prepare annual assessments of the Executive's revenue streams, spending proposals and the overall sustainability of the Executive's public finances.

A growing number of fiscal councils are being established around the globe, particularly in the advent of the economic downturn. In seeking to determine the detailed terms of reference for the Independent Fiscal Council for Northern Ireland, I will draw on the national and international evidence of what works best to ensure that those lessons can be applied and that arrangements are put in place that suit Northern Ireland.

Mr McGimpsey: Will the Minister explain what lessons she believes can be learned from the operation of the Office for Budget Responsibility (OBR) at Westminster, particularly on managing the Budget and on dealing with so-called financial black holes and emergency borrowing from the Consolidated Fund?

Mrs Foster: We should look not just at the OBR but at other independent fiscal councils that have been set up recently: the Irish Republic has a fiscal council, Scotland has a fiscal council and we should look at all of those to decide what is most applicable to us here in Northern Ireland.

The fiscal council will add a degree of transparency and independence to our fiscal plans. It will not interfere in any way with what we do as an Executive to drive the economy forward. Indeed, it is up to us to set the Budget, but it will aid with the transparency of the Budget, so, in that way, it will be helpful.

Mr Allister: I think I welcome the fiscal council, particularly if it is a brake on profligacy, fantasy Budgets and such matters. The fact that its membership and terms of reference have to be approved by the Treasury, presumably, is good. Can the Minister amplify a little by comparing and contrasting it with the Office for Budget Responsibility? Is it to be a devolved structure of that sort by another name, or is it to be something different?

Mrs Foster: First, I welcome the fact that Mr Allister has welcomed something in the House today.

Some Members: Hear, hear.

Mrs Foster: It is a red-letter day for the Assembly.

It is not going to be akin to the Office for Budget Responsibility in a devolved mechanism; it is to be an independent fiscal council, set up with probably a small membership. I imagine that it will be made up of around three or four people with expertise in the area. As the Member rightly said, its terms of reference have to be agreed with Her Majesty's Treasury, but that will be done in conjunction with my Department. I think it will aid with transparency and will give the public more information about the Budget process. Just last week, I had a meeting with

my ministerial advisory council, and we discussed how we could engage more with society and the public on budgetary matters so that they had a better understanding of what happens with public money and how it is spent. It will aid in all those ways and should be welcomed by the House.

Mr Ó Muilleoir: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Minister, I hope that it is a two-way street and that the Independent Fiscal Council will ask you for some advice as well and that, no doubt, you will give it. Can you confirm to me that, while it will advise, it will be you as Minister and the Executive who will take the decisions ultimately?

Mrs Foster: Absolutely. The fiscal council is there to advise, aid and, dare I say, shine a light on what happens here in Stormont. We will set the Budget and the trajectory. It can comment on and talk about the issues that we raise, but power will still very much rest with the Executive.

Mr Speaker: Before we move on, I inform Members that questions 7 and 8 have been withdrawn.

Autumn Statement: Budget Impact

3. **Mr Lyons** asked the Minister of Finance and Personnel to outline the impact that the Chancellor's autumn statement will have on the resources available to the Executive. (AQO 9277/11-16)

5. **Mrs Dobson** asked the Minister of Finance and Personnel for an update on the Barnett consequential for Northern Ireland as a result of Westminster's health plans arising out of the comprehensive spending review and the Chancellor's autumn statement. (AQO 9279/11-16)

13. **Mr G Robinson** asked the Minister of Finance and Personnel to outline the impact that the recent Chancellor's autumn statement will have on the Northern Ireland Budget. (AQO 9287/11-16)

Mrs Foster: With your permission, Mr Speaker, I will answer questions 3, 5 and 13 together.

The UK spending review and autumn statement will see the Northern Ireland resource departmental expenditure limit (DEL) fall in real terms by 5% by 2019-2020. That is in spite of receiving some £1.1 billion of consequential from funding for health services in England. The capital budget fares much better, with conventional capital set to rise by 12% in real terms by 2020-21. Although reducing, financial transactions capital will still make up £410.8 million of our overall capital DEL funding over the period. The Chancellor's decision on tax credits means that the Executive will now have to take decisions on how best to utilise the funding set aside for the mitigating measures.

Mr Lyons: I thank the Minister for her answer. Further to that, will she be able to outline the process for producing a Budget for the 2016-17 financial year? Can she also give us an overview of the impact that the spending review will have on departmental budgets?

Mrs Foster: Absolutely. Following the comprehensive spending review announcement on 25 November, we now have a clearer picture of what the block grant will be over the next four years. I have indicated that there will be a 5% reduction in real terms for resource DEL and a growth, especially towards the latter end, in capital spending. Therefore, we are now going to engage with all the individual Departments. I envisage rounds of budget

bilaterals between me and my ministerial colleagues before Christmas. We will then bring forward a Budget to the Executive.

I realise that we will not have time to have our usual draft Budget consultation period. I have tasked officials with speaking to individual stakeholders and, indeed, groups of stakeholders to discuss the way forward with them once the draft Budget comes to the fore after ministerial bilaterals have finished. It is hoped that we will then have a Budget in place for the end of January next year; indeed, we need to have a Budget in place by then.

3.00 pm

Although the spending review was, perhaps, better than some people anticipated, particularly for capital, there will be difficulties for Departments, particularly if we ring-fence health spending. Health, of course, is such a big part of the Budget here in Northern Ireland. Therefore, colleagues will have to look at efficiency savings again for 2016-17. Just to be clear, we are only setting a one-year Budget at this stage, because we feel that it would be wrong to the tie the hands of those in the new mandate, after May next year, who will want to set their own priorities. I hope that it is clear how we will move things forward over the coming weeks. It will be a busy time with a lot to do, and there will again be challenges for many Departments.

Mrs Dobson: I thank the Minister for her answers so far. The Executive have, in the past, treated these consequential as unhypothecated. Will she — I know that she has touched on this already, but I want to press her on it — press the Executive with a view to ensuring that those moneys are used in the health service, given the great need there?

Mrs Foster: As I have indicated, one of the reasons why we have a flat-cash situation is that we will benefit under the Barnett formula to the tune of £1.1 billion in terms of health spending, because health and schools have been protected in England and Wales. What that means in actual terms is that, in 2016-17, we will receive £133.1 million extra, and we as an Executive then have to decide how we will use that money. It is, as the Member rightly says, unhypothecated, and, therefore, it comes to us to decide what to do with the money. Of course, we as an Executive have taken steps to make sure that we favour the Health Department and look at it very sympathetically, and I imagine that we will continue to look at it in that way. That is not to say that there should not be efficiencies in the Health Department; indeed, I am told by my ministerial colleague that a wide range of efficiency plans are in place. I look forward to having those discussions with him because, whilst, I think, everyone here wants to see front-line services protected, we also need to see efficiencies in the health estate right across Northern Ireland.

Mr G Robinson: Will the Minister outline what overall impact the autumn statement will have on our health service?

Mrs Foster: As I have indicated, if we decide to protect the Health budget — of course, that is a matter not just for me but for the whole Executive — we will have to make greater savings in the other departmental budgets. We have asked ministerial colleagues to look at a range of scenarios in their Departments. We will have those discussions at budget bilaterals to see what way we should move forward.

It will be a challenging time, particularly for some of the smaller Departments, which have made savings over the past couple of years. Unfortunately, because of the way in which the Budget has come to us, with a decreasing DEL in terms of the relative situation, we have to plan for that, and we need to do so very quickly.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. Minister, given the British Chancellor's announcement pertaining to tax credits, what discussions will now take place at Executive level to reach consensus on what is done with the money that was set aside to address the needs of the most vulnerable?

Mrs Foster: Of course, we all welcomed the fact that the Chancellor moved away from his plans for tax credits. It was always difficult to understand how you could say that you wanted to encourage people into work and then undermine that argument by taking away tax credits, which were there to help them to get into work.

To me, it was a very sensible decision. We had set aside a pot of money to deal with the consequences of the cut in tax credits under the Fresh Start Agreement. We will now have to have those discussions at an Executive level. It is spread over four years, so we have some time to decide the profile of that money. It is £60 million in each year, so we can decide what we want to do with the money and how best we can help vulnerable people over that period of time. I look forward to those discussions in the coming weeks and months.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Is the Minister confirming that she agrees that at least a proportion of the £240 million originally set aside for tax credits can now be used to mitigate the impact on those who are most severely affected by welfare changes?

Mrs Foster: I do not think that that is what I said at all. If he looks back at the Hansard report, he will see that I said that we are now in a situation where we have £60 million extra that we thought we did not have because we set it aside out of the block grant to deal with tax credit pressures. That pressure is no longer there, so we should now be looking at ways in which we can help the vulnerable in whatever way we use the money, whether we use it in the Health Department, the Education Department or on welfare in the Department for Social Development. We will have those discussions around the Executive table.

Mr McCarthy: I am delighted to hear the Minister speak so often about the needs of the Health Department. In particular, she continues to use, as other Ministers do, the words, "the most vulnerable in our society". The Minister will be aware of the bombshell created last week when we heard that seven, I think, care homes are to be closed by Four Seasons. Will the Minister confirm that, if and when the Health Minister comes looking for finance to sustain the most vulnerable, her office will be sympathetic to those requests so that the most vulnerable will not be turfed out of their homes after so many years?

Mrs Foster: I will not answer Health questions today, but I welcome the fact that at least two of the homes seem to be moving to a situation where others will step in and ensure that they continue to exist. I also welcome the fact that my Executive colleague the Health Minister has called a moratorium on the closure of statutory homes in the meantime until we have an assessment of where we are in relation to elderly care. Aside from the seven

homes that have been earmarked for closure, it causes a ripple throughout the care system. Whilst no homes were earmarked for closure in the west of the Province, I have taken calls from staff there who are very concerned about what might happen as a consequence of the home closures in the east of the Province. It concerns us all, and, at a constituency level, the care of the elderly and the vulnerable should be uppermost in our minds at all times. I will continue to work with the Health Minister on those matters.

Sports Facilities: Derating

4. **Mr Craig** asked the Minister of Finance and Personnel when she will introduce legislation on derating sports facilities. (AQO 9278/11-16)

Mrs Foster: My Department is not introducing legislation to derate sporting facilities. However, I intend to bring forward a Bill that will enable relief for some categories of community amateur sports club to be increased from 80% to 100%. The Bill is drafted, and I have gained the support of the Finance Committee to progress it through the accelerated passage procedure.

Mr Craig: I thank the Minister for that answer. Could she briefly outline the benefits of the new system to those clubs?

Mrs Foster: If they do not have a licensed premises on their grounds or in their club, they will be able to avail themselves of 100% rate relief. That will be wholeheartedly welcomed by those community amateur sports clubs. That is my current intention. The Bill, which I have discussed with the Committee, will contain an enabling power that will permit enhanced rate relief for sports clubs, subject to certain conditions. I want to place on record my thanks to the Finance Committee for the way in which it has dealt with the matter, and I hope that we can debate the Bill in the House very soon.

Mr Swann: I thank the Minister for her commitment. Minister, can you also give a commitment that, when you are bringing forward that regulation, you will look at the prescribed recreations that are set out in the Rates (Recreational Hereditaments) Order (Northern Ireland) 2007 for the potential of including pigeon racing?

Mrs Foster: I think I have already answered Mr Swann in relation to that in a question for written answer, so I will refer him to that answer.

Mr B McCrea: Will the Minister outline why there would be any difference between sports facilities getting rate relief and arts facilities?

Mrs Foster: I am dealing with community amateur sports clubs. They came forward and made a request. They have made an effective lobby. I have listened to that lobby, as did many in the House. This is not new. This goes back to, I think, the time of my predecessor Mr Wilson, who was first engaged with this issue. Therefore, it should not come as a surprise to the Member that this is the way in which we are moving.

Sports Clubs: Rates

6. **Ms Fearon** asked the Minister of Finance and Personnel to outline the meetings she has had with sports clubs in relation to the planned regulations for the payment of rates in 2016. (AQO 9280/11-16)

Mrs Foster: I have not had meetings with sports clubs in relation to the subordinate legislation associated with my proposed Rates (Amendment) Bill. It is premature to do so, but my Department will be consulting in the new year when the Bill is under way at the Assembly. That will be with not only sports bodies but important stakeholders who were overlooked when the failed private Member's Bill was taken forward, including business organisations, Land and Property Services and other Departments with a direct interest in the matter. My lead official on rating policy has already met representatives from the Sports Forum and the Federation of Licensed Clubs in relation to the matter and will be meeting them again during the consultation period.

Ms Fearon: I thank the Minister for her answer. I am sure that the Minister is aware that the Finance Committee has had some constructive sessions with the hospitality sector and amateur clubs. In light of the Bill having been blocked, does she agree that there may be a compromise on the bars' issue, given that the sector is not averse to that? Will she pledge to work with the Committee on the issue?

Mrs Foster: Of course I will continue to work with the Committee on the issue. As I indicated, I am pleased that we have been able to process the Bill to this stage. It is in the Office of the First Minister and deputy First Minister for clearance. I think that the Committee hearing with the hospitality sector was just last week, so I look forward to reading what they had to say in relation to the matter. The consultation period will run parallel to the Bill's being introduced into the Assembly, and we will have the opportunity to look at whether amendments can be made at that stage.

Financial Transactions Capital: Strategic Priorities

9. **Mr B McCrea** asked the Minister of Finance and Personnel to outline how the Executive will decide on strategic priorities for allocating financial transactions capital (FTC) in the next financial year. (AQO 9283/11-16)

Mrs Foster: The Executive will agree their priorities for the allocation of financial transactions capital next year through the upcoming Budget process.

Mr B McCrea: Minister, I understand that FTC is, in effect, a loan. What procedures are in place for the repayment of a loan, who is it repaid to and how is that accounted for in the Budget and accounts?

Mrs Foster: The good thing about financial transactions capital is that it does not score against capital DEL. It is a separate stream of money that comes from Westminster. In that regard, it does not score in our borrowings because it is taken forward by third parties. He will recall that recently, when we were talking about November monitoring, I indicated that a large sum had gone to co-ownership housing and Queen's University. That is the mechanism by which the money is paid back, not through DFP. It is taken off the books, as it were.

Mr Speaker: I call Mr Conor Murphy, and I am afraid that I will not have time for a supplementary.

Mr Murphy: Just my luck.

Rates Revenue: FDI

10. **Mr Murphy** asked the Minister of Finance and Personnel, following the proposed corporation tax

changes, for her assessment of the additional non-domestic rates revenues that could be generated by foreign direct investment. (AQO 9284/11-16)

Mrs Foster: It is difficult to estimate the amount of rate revenue that will be generated, as that will depend on not only the number of jobs created but the sectoral mix, the nature of those jobs and the working arrangements. By way of illustration, 100 new office jobs could potentially generate up to £80,000 per year in rates if we assume that those jobs are housed in the new grade-A office space. However, it would not be advisable simply to extrapolate that figure, given the variation in the types of jobs we can expect to be created. Furthermore, the spin-off service jobs in the area, which boost economic activity, would also need to be factored in, as those would lead to higher levels of occupancy and increased rates revenue from existing vacant properties.

3.15 pm

Mr Speaker: That ends of the period for listed questions. We move to topical questions.

Economic Growth

T1. **Mr McGimpsey** asked the Minister of Finance and Personnel, bearing in mind the huge financial advantages that Northern Ireland gains from being a member of the United Kingdom, why it is that the economy of the Irish Republic is currently estimated to be growing at around three times the rate of the economy of Northern Ireland. (AQT 3251/11-16)

Mrs Foster: I welcome the fact that the economy of the Republic of Ireland is growing at a fast rate. I do so in the knowledge that a wide range of our small businesses will have an export market that has been missing for a number of years. They will very much welcome the fact that they will be able to export into a market that continues to grow.

The global outlook for all economies is good. Our economy is to grow on projections of about 1.2% and the Republic of Ireland — the Member is right — is to grow at a rate of over 3%; I think it is somewhere in the region of 3-6%. We have structural issues to deal with; we do not have a lower rate of corporation tax, which, of course, we are very much looking forward to being able to set in April 2018. We are working through those structural issues. I think that we can benefit from being on the island of Ireland but in the United Kingdom as well, so that we have the best of both worlds.

Mr McGimpsey: The latest reports show that the Republic's economy will grow at around 5.8%, so there is a major differential between us and the Irish Republic. What steps are we taking and what proposals does the Minister believe we can come forward with to allow Northern Ireland to play catch-up and actually close the gap, rather than us lagging behind the Irish Republic?

Mrs Foster: There was a time when we were certainly not lagging behind the Irish Republic. Indeed, the Republic has had a pretty difficult time over this past five or six years. Look at its unemployment statistics, which are still at a rate that is much higher than ours. However, the Republic has a sovereign Government and, therefore, they can put in place policies to drive forward their economy. That is why it is critical that we all endorse the principle of a lower rate of corporation tax so that we can go out and sell it to the rest

of the world and take up all the other advantages that we currently have. Those other advantages, frankly, allowed us to bring in the best rate of foreign direct investment per head of population in the United Kingdom in 2014. Those are the sorts of statistics that we should now take forward in relation to the corporation tax argument, and go into those companies that we have not been able to access in the past. We can now access them because we will have the tax product by April 2018 and that will certainly drive the economy forward.

Budget Preparations: Update

T2. **Mrs Overend** asked the Minister of Finance and Personnel for an update on her progress on the Budget 2026-27 preparations. (AQT 3252/11-16)

Mrs Foster: Maybe not for 2026-27; I am not quite sure that I will be here then. [Laughter.] I can do so for 2016-17. In the 2016-17 Budget process, as I have indicated in other substantive answers, we will have Budget bilaterals, hopefully before Christmas, so that we can take the issues forward.

Mrs Overend: Apologies for the slip; I do not know what happened to me there. Once again, the Assembly will be forced to rush through a Budget. Does the Minister agree that this is an extremely unfair way to work, given the uncertainty that it provides for so many organisations, such as local environment organisations?

Mrs Foster: I do not think that it is "once again" in terms of the Budget process. Normally, we have a 12-week consultation period. We bring out a draft Budget, there is a consultation period and then we bring forward the Budget. I accept that that is not the case in these circumstances, and that is because the comprehensive spending review came only on 25 November. Of course, Westminster is dealing with its own processes. That leaves things very difficult for those of us in the devolved Administrations, whether in Scotland, Wales or Northern Ireland. We have to bring forward Budgets in a very short timescale. I think that not to have a multi-year Budget is the right decision. We will have a single-year Budget so as not to tie the hands of the new Members who are returned to the Assembly in the next mandate so that they can set their own priorities.

Flooding: Executive Support

T3. **Mr Douglas** asked the Minister of Finance and Personnel, while empathising with her on the major flooding problems in her constituency of Fermanagh and South Tyrone and, indeed, in other areas of Northern Ireland, to outline what support will be offered to owners of premises damaged by the recent flooding. (AQT 3253/11-16)

Mrs Foster: First of all, I am very glad that he has mentioned the flooding issue, because, indeed, my constituency has suffered disproportionately on this occasion. Many areas that have not experienced it in the past have had to deal with flooding, particularly towns like Lisnaskea, which was totally unaware of flooding; and that is down to problems that have arisen in terms of the Rivers Agency. I think that we will have to have an in-depth look at what has occurred in those particular areas. There are other areas in Fermanagh where, unfortunately, flooding

is no stranger to them, particularly Boho, where they have had a horrific time.

I would hope, in answer to his question, that all the agencies will give support, not only to householders but to schools, community organisations and, indeed, businesses, not only to deal with the immediate aftermath but to plan for the future. I think that that is what most of them will want to see — an effective plan for dealing with this in the future.

Mr Douglas: Lord Morrow, I think, is going to table a question for urgent oral answer about flooding, particularly in the Linen Green shopping complex in Dungannon. Could the Minister outline what specific support is available for businesses?

Mrs Foster: At present, the DOE scheme, which actually was introduced when I was the Environment Minister, back in 2007 to 2008, deals with householders; it does not deal with businesses or small businesses. I know that the Environment Minister is looking to see whether that should be changed in future. Of course, many businesses will have insurance in place to deal with the issues. As for those that do not, we will have to see how we can help them moving into the future. But I really do think that some of the causes of flooding could have been avoided. We need to look at that, and we need to make sure that there are effective plans in place to ensure that it does not happen again.

Flooding: Rates Rebate

T4. **Mr Maskey** asked the Minister of Finance and Personnel, while sympathising with her constituents in Fermanagh and South Tyrone who have suffered as a result of Storm Desmond, whether any of the businesses affected by the flooding will qualify for a rates rebate. (AQT 3254/11-16)

Mrs Foster: It is probably too early to say whether they will qualify for rates rebate. Certainly, it will be something that the Department will look at if an application is forthcoming.

I was thinking, when I heard that this is the fourth storm, I think, that we have had named in Northern Ireland, and it is the first male, that it seems to have done more damage than the three females put together, but that is a separate matter. Certainly, it has caused a great deal of pain and anguish to a lot of people right across not just Fermanagh and South Tyrone but, indeed, the west of the Province.

Mr Maskey: Go raibh maith agat. Again, I thank the Minister. Certainly, in my experience over the last number of years, Belfast City Council has been a lead agency in the response, both to homeowners and to small businesses. I know that the Minister has alluded to various agencies and Departments working together. Would it be useful if all other council areas, which may be starting to experience some of these difficulties as well, were able to avail themselves of the expertise that has been accrued in Belfast City Council?

Mrs Foster: I am a great believer in sharing expertise, and I absolutely think that Fermanagh and Omagh District Council, for example, should be pulling together all the agencies and, indeed, learning from other areas that have had to deal with specific instances of flooding. We did have a very bad case of flooding back, you may recall, in 2009. We had a task force set up at that particular time, when the

former Minister of Agriculture Ms Gildernew and I were to the fore. We need to look back at that task force report and see whether it was completely dealt with at that time. But I think that it would be very useful if the lead agencies could come together in Fermanagh and Omagh District Council and work with other councils, if there is expertise there.

Rates Revaluation: Legislation

T5. **Mr Milne** asked the Minister of Finance and Personnel whether she agrees that the rates revaluation process needs to be enshrined in legislation so that we no longer have the 10-year revaluation, which, in his opinion, has an adverse effect on businesses, which like to operate with certainty and less risk. (AQT 3255/11-16)

Mrs Foster: I think that the revaluation needs to take place more frequently; 10 years is too long. That is what caused a lot of shock for some retail businesses and, indeed, other businesses across Northern Ireland. The revaluation is not about bringing more money into the Department or to Government — it is neutral. Many people have seen their rates fall significantly, but others have seen them rise significantly. In conversations with me, some of the business organisations made the case that the revaluation should take place every three years. I do not know whether that is a little too short and whether it should be five years, but we certainly need to have more frequent revaluations than every 10 years. That is too long a period.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. Does she agree with me that the rates review needs to look at reliefs that could boost hospitality and ensure more growth and job creation in that area to prevent a similar situation happening?

Mrs Foster: We will work with any organisations that want to come forward with new ideas that are sustainable into the future.

Obviously, no one likes to pay rates — if we could get away without paying rates, we would be very pleased about it — but we have to bring rates in to our Budget. Last year, in the region of £1.175 billion came in through the rates system. That, of course, is money that we allocate to public services. Therefore, we need to be able to recover that. Actually, the recovery rate has increased. We are pleased about that, because, for too long, a lot of the rates processes did not bring forward people who were avoiding rates. We are pleased that that is being dealt with effectively by Land and Property Services.

Halo Business Angel Investment Network

T6. **Mr Sheehan** asked the Minister of Finance and Personnel, given that she will be aware that the Halo business angel investor network in Belfast has contributed £10 million from local businesspeople to start-ups, whether there is anything that her Department can do to incentivise such giving. (AQT 3256/11-16)

Mrs Foster: That is really more of a point for my former Department, the Department of Enterprise, Trade and Investment, and how it looks at how to encourage start-up and angel investors to become more involved. Northern Ireland does not have a good network of angel investors. We need to have more of that, and I very much welcome any interest that we can gain.

In actual fact, I am meeting a young man today who was the beneficiary of investment from an angel investor. He is doing great things. He is only 18 and is striving with his innovative app — I think that that is what he has. I am meeting him later today, and he has been able to progress only because of an angel investment.

Mr Sheehan: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a freagra. Would the Minister join with me in endorsing the actions of those individuals who have invested in start-ups through the Halo network? Would she also accept that it is worth exploring additional incentives for crowd funding and angel investing in start-ups?

Mrs Foster: Of course. I am happy to look at anything that comes forward from either the Department of Enterprise or, indeed, the private sector. I worked closely with the Northern Ireland Science Park in my previous role, and I have continued to do so. I want to see more investment, not just from banks but from non-traditional methods, because that gives more flexibility, particularly for young people who may not be able to access finance from the traditional route.

Mr Speaker: Mr Trevor Lunn is not in his place. I move on to Mr Alex Atwood. I am afraid that I have only time for your initial question.

Mr Attwood: That is fine, Mr Speaker.

Welfare Reform: LCM

T8. **Mr Attwood** asked the Minister of Finance and Personnel, who may have been in the Chamber 45 minutes ago when the deputy First Minister referred to the legislative consent motion (LCM) as, to use his words, “a technicality”, and, given that, according to Mr McGuinness, that “technicality” surrendered welfare powers to London and saw this Assembly sign up to the Welfare Reform and Work Bill, which, among many things, will see a benefit freeze from 2016 to 2020, whether she thinks that, given all of that, the LCM was or was not a technicality and, given the difficulty of time, a yes or no answer will do. (AQT 3258/11-16)

3.30 pm

Mrs Foster: I congratulate the Member for getting his question and all his various points on the record. I am sure that it will be read with great interest by the people who it is meant to target. As far as the LCM is concerned, I think it was the proper method to allow us to have the debate, one that he took part in in great detail, and I am sure that the record will reflect that.

Mr Speaker: Time is up. We will now move back to the debate —

Lord Morrow: On a point of order, Mr Speaker. Many in the House will be aware that we had a serious crisis over the weekend. I attempted to bring that to the attention of the House by a question for urgent oral answer, and I accept your ruling that that is not the way to do it. However, there are some 31 retail businesses in the Linen Green in Moygashel in Dungannon virtually under siege, and I sought to bring that to the attention of the Assembly and the Minister. You have made your decision, which I accept. Will you give us some guidance on how best to bring crises before the Assembly if that is not the way to do it?

Mr Speaker: The advice is readily available to every Member. It can be done through the Business Committee, and I refer the Member back to that. The difficulty in dealing with a localised question such as yours is that a number of areas have, of course, been affected. In fact, on the issues that were brought to my attention this morning, I found that not only were a number of areas affected but three Ministers were involved. It is a bit difficult to give you a generalised answer to a localised question. So, I suggest that if you and other Members — I am one of them — have experienced flooding over the weekend and need advice, you will get it in the Business Office. I hope very much that we can come up with a multi-agency response that covers all those areas, because it is such a widespread problem in these particular circumstances.

Executive Committee Business

Enterprise Bill: Legislative Consent Motion

Debate resumed on motion:

That this Assembly endorses the principle of the extension to Northern Ireland of provisions dealing with public-sector exit payments contained in the Enterprise Bill. — [Mrs Foster (The Minister of Finance and Personnel).]

Mrs Foster (The Minister of Finance and Personnel): I would like to be able to say that I have really welcomed the contribution today from Members on the proposed exit cap for public-sector workers, but, quite frankly, I am absolutely appalled that Members are not focused on protecting funding for the delivery of public services for the greater good of their constituents in Northern Ireland. They have instead concentrated on the impact the change may have on potentially 2% of those in the local government pension scheme. I look forward to seeing how those Members who are opposed to that measure, when they are campaigning in the elections in May, explain the choices that they made today to the electorate. I will also be interested to see how they deal with headlines when we have significant amounts of public money continuing to be paid to individuals to exit the public service. I look forward to that.

Compensation and exit payments are not paid for by the employee; they are paid for entirely by the employer. On the waiver and guidance, I made it clear, as did my officials at the Committee, that there will be power to waive the cap and that that power will be given to the respective Ministers for each scheme. Perhaps it would have been better for my Department to have that power, rather than to give the responsibility to the respective Ministers.

Lastly, contrary to what has been said, Scotland is planning to make regulations to introduce the measure, and Wales is already included in the Westminster Bill and regulations.

On consultation and equality, there will be full consultation on the Northern Ireland regulations. As I indicated in my speech, those will be made by affirmative resolution to the House, which still retains a veto on that affirmative resolution.

The consultation will also provide scope for further consideration of any equality matter, and it would also provide time for the House to consider the matter in detail. However, we are where we are. People have made their positions clear. Even at this late stage, I ask them to reflect. This policy will introduce some consistency across existing disparate arrangements in the public sector by establishing what I believe is a fair and reasonable baseline of £95,000, and the regulation —

Mr Lyons: I thank the Minister for giving way. Does she share my bemusement at the comments made by Bumper Graham in evidence before the Committee? He said that he did not just have a problem with a cap of £95,000, he had a problem with any cap. Is it not the problem that we do not have opposition to a sum, we have opposition to any cap, and he and his trade unions are being supported by Members across the House, who do not seem to want any fiscal responsibility on these matters?

Mrs Foster: What amazed me most about the debate as I sat here listening, incredulous at some of the things that came from across the way, was the fact that I heard a lot about public servants but not once did I hear anything about public service. Public service is what we are meant to be doing for people across Northern Ireland. What Bumper Graham has to say does not really surprise me; it never does. I believe that £95,000 — £95,000 — is a fair and reasonable baseline, and the regulations being proposed by the Department —

Mr Allister: Will the Minister give way?

Mrs Foster: Yes, I will give way.

Mr Allister: Is one of the problems not that, in the past, we saw chief executives of some of the redundant local councils collecting handouts of £250,000? One of them collected on a Friday and on a Monday walked into a public post as chairman of the Education Authority. Does that not raise the question of why, if this was to be done, it was not done sooner? Can the Minister explain that?

Mrs Foster: I hope the Member is not suggesting that, because it was not done sooner, we should not do it at all. This should happen because of the very examples that he spoke of. The last legislative consent motion (LCM) that we brought forward made sure that people who left public service with a large handout could not be re-employed in the public sector. That went through the House, so that practice has been stopped, but, for some reason, people have decided that they are not going to support the £95,000 — £95,000 — baseline for public-sector workers. I am amazed by that.

However, I stand by what I brought to House today. It is for others to discuss the way that they vote. It is incredible and goes against the principles of fairness and value for money for the taxpayer, which should always be at the forefront of our minds as elected representatives.

In conclusion, the motion addresses the targeted but important need for exit payment arrangements in the public sector to be fair and demonstrate value for money. Legislative consent to those provisions will ensure that the same protections for public finances are applied consistently across the public sector while providing the fullest range of flexibility to respond to local requirements, which I have put in place in the regulations that were to come before the House for affirmative resolution. I cannot understand why Members across the way have decided to do otherwise, but I urge them, even at this late stage, to support the motion. I commend the motion to the House.

Question put.

The Assembly divided:

Ayes 40; Noes 51.

AYES

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson.

NOES

Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mrs Dobson, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Gardiner, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden, Mr Swann.

Tellers for the Noes: Mr Attwood and Mr McKay.

Question accordingly negated.

Committee Business

Human Transplantation Bill: Extension of Committee Stage

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 5 February 2016, in relation to the Committee Stage of the Human Transplantation Bill [NIA 64/11-16].

The Human Transplantation Bill was referred to the Committee for Health, Social Services and Public Safety on 16 November 2015 for its Committee Stage. The Bill should, under Standing Order 33(2), complete its Committee Stage on 19 January 2016. As is stated in the explanatory and financial memorandum, the principal objective of the Bill is to save lives by changing organ donation laws, introducing a new soft opt-out system with safeguards and placing an additional duty on the Department to educate the public on organ transplantation. The Bill has the potential to affect every one of us. There is a wide range of opinion on the subject of organ donation, and it is an extremely complex and, indeed, sensitive issue.

At our meeting on 18 November, the Committee discussed its timetable for the Committee Stage of the Bill, and an extension of Committee Stage to 5 February was proposed. This would allow for written and oral evidence from stakeholders to be requested and, indeed, considered and would still allow enough time for the Bill to complete its stages through the Assembly before dissolution. The Committee did, however, divide on the proposal. Those who were not in favour felt that an extension to 5 February would not allow adequate time for the Committee to conduct proper scrutiny of the Bill and suggested a longer extension to Committee Stage. Those who were in favour, while they were acutely aware of the limited time for scrutiny, felt that it could be scrutinised within the proposed time frame. They also felt that it was important that the Committee agree a timetable that would make it possible for the Bill to succeed in this mandate. The proposal was therefore carried.

I therefore ask, on behalf of the Committee, that the House support the motion to extend the Committee Stage to 5 February 2016. Go raibh maith agat.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 5 February 2016, in relation to the Committee Stage of the Human Transplantation Bill [NIA 64/11-16].

Rural Needs Bill: Extension of Committee Stage

Mr Irwin (The Chairperson of the Committee for Agriculture and Rural Development): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 January 2016, in relation to the Committee Stage of the Rural Needs Bill [NIA 67/11-16].

The Committee for Agriculture and Rural Development agreed the motion to extend the Committee Stage of the Bill until 26 January 2016. The Bill was agreed by urgent procedure by the First Minister and deputy First Minister and was introduced on 9 November 2015. It had its Second Stage debate on 17 November and was referred to the Committee for Agriculture and Rural Development thereafter.

The Committee, mindful of the time constraints around getting the Bill through all its legislative stages before the end of the mandate and dissolution, has chosen to extend the stage by one week only. In doing so, we are aware that we will be relying on all involved working hard to achieve a position where all the amendments sought by the Committee will be made available in time. I am also taking the opportunity to thank Committee members for putting in the extra hours in Committee and in additional meetings to achieve this challenging time frame.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 January 2016, in relation to the Committee Stage of the Rural Needs Bill [NIA 67/11-16].

Higher Education: Part-time Sector

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other contributors will have five minutes.

Mr Swann (The Chairperson of the Committee for Employment and Learning): I beg to move

That this Assembly acknowledges the power of part-time higher education in Northern Ireland to contribute to economic growth, to boost productivity and to increase social mobility; recognises that it enables citizens to fit their studies around their employment and caring responsibilities, apply their knowledge to the workplace immediately, and to upskill and reskill to meet the skills needs of employers in key growth areas; and calls on the Minister for Employment and Learning, and his Executive colleagues, to prioritise the growth of part-time higher education in Northern Ireland.

I am sure that Members are aware of the top-class higher education opportunities that are delivered through our universities, university colleges and further education colleges in Northern Ireland. The most recent data from the Higher Education Statistics Agency shows that last year we had 56,395 students at our higher education institutions, the majority of whom were studying on a full-time basis. One third of those students, however, were studying part-time.

The Open University (OU) is the largest provider of part-time higher education in Northern Ireland. In 2013, funding responsibility for the Open University in Northern Ireland transferred from the Higher Education Funding Council for England to the Department for Employment and Learning. Since then, the Open University has been fully accountable to the Department for its activities. Since my appointment as Chairperson of the Committee, the members and I have noted and recognised the contribution of the Open University and the other higher education institutions that provide part-time courses.

As a graduate of the Open University, I am able to say from first-hand experience that part-time study has the power to change lives. Part-time study creates enhanced employment prospects for students, increased labour market mobility and improved self-esteem and confidence. Part-time students have very different characteristics, motivations and requirements from full-time students. They are typically older, often female, often in employment and have domestic responsibilities. In many cases, part-time study is the only way that these individuals can engage in education. I declare an interest as a graduate of the Open University. It took me eight years to complete my degree because it was sponsored by an employer and I was able to work through that; I think the phrase is “learning while earning”.

The Open University is a leader in part-time higher education, opening up access to higher education to people who have previously experienced barriers to studying. Its open access policy means that students without traditional entry qualifications can access higher education. Fifteen per cent of Open University students have a disability — the largest population of disabled students at any Northern Ireland university.

Half of Open University students in Northern Ireland also receive financial support with their fees.

4.00 pm

All those measures break down social inequalities by allowing everyone the opportunity to gain the high-level skills required to increase their earnings. If we are to tackle economic inactivity in Northern Ireland, part-time higher education is key to unlocking people's potential. Research undertaken by London Economics shows that part-time higher education through the Open University increases students' earning potential and that that is greatest for those with lower previous educational attainment. Northern Ireland Open University graduates with non-traditional higher education backgrounds can experience an average uplift in earnings of up to £85,000 over their working life. These are students who would not have been able to engage with higher education except through part-time study at the Open University. Over 70% of Open University students in Northern Ireland are in work. The benefit to employers is huge as students can apply their new-found skills and knowledge immediately to the workplace. Productivity is boosted instantly and continues throughout the course.

The reason for today's motion from the Committee for Employment and Learning is that, although Higher Education Statistics Agency data shows that, in Northern Ireland, the part-time sector has remained relatively stable, we should note the tragedy of the decline in England, where part-time undergraduate numbers shrank by 41% between 2009-2010 and 2013-14. That is nearly 200,000 life-changing opportunities that have been lost. That was due to a range of factors. In 2008, funding was removed for students studying for an equivalent or lower qualification. The new funding regime with higher fees in England in 2012 marked the start of a further significant decline in the part-time sector. In addition, research has shown that part-time students are more debt-averse than 18-year-olds and less aware of the availability of loans. We in Northern Ireland need to take note of what has happened in England and make sure that part-time higher education is not affected in the same way here.

In closing, I quote from the Higher Education Policy Institute's book called 'It's the Finance, Stupid!': The Decline of Part-time Higher Education:

“In order to ensure that we deliver the sort of societies that both Dearing and Robbins espoused, we also need to see investment in adult and lifelong learning. The ideological gap between the Department for Education and the Department for Business, Innovation and Skills does not help as both leave it to the other. It is well established that intergenerational and family learning raise aspirations and attainment for all. So we need partnerships between schools, colleges and universities to develop learning communities in local settings. This will require a move towards more joined-up thinking, which has long proved challenging in Whitehall – so it will be interesting to see if greater devolution brings more coherent policy.”

It is a challenge to this institution, as a devolved institution that now has responsibility for part-time learning, even through the Open University, that it should not have the disparity that exists between the Department for Education

and the Department for Business, Innovation and Skills. When we move to look at the reorganisation of our Department for Employment and Learning and Department of Enterprise, Trade and Investment to a Department of the Economy, that should not be the case for Northern Ireland. Let us look creatively at the opportunities that part-time higher education provides to those who are less economically well off and those who struggle most in the labour market.

Ms McGahan: Go raibh maith agat, a Cheann Comhairle. During a previous debate regarding our higher education sector that focused on women and STEM, I called on our Assembly to acknowledge the key role of higher education in growing the local economy and helping to realise the Programme for Government's cross-cutting priorities in health, social development, agrifood, education and skills as well as research and innovation, while calling on the Executive to affirm their commitment to supporting and investing in our higher education sector. In the same spirit, I am pleased today to add my support to this motion. Just a few months ago, our Minister for Employment and Learning, Mr Stephen Farry, when launching his consultation on part-time and postgraduate student finance, stated correctly:

"the traditional supply of new skills from education and in migration will simply not be enough, and there must be a renewed focus on up-skilling and re-skilling the existing workforce. To this end, flexible part-time provision is paramount."

While paying tribute to the staff of South West College in my constituency for the impressive strides that it is making in enhancing its reputation in our community as a first-class provider of quality training as well as further and higher education, I want to shine a light on the fact that more work needs to be done to address some issues in relation to employment and social mobility in Fermanagh and south Tyrone. In census 2011, residents were asked for the title of their main job. Those were coded and slotted into nine standard occupational categories (SOCs) going from 1 to 9. In broad terms, salaries tend to be highest in occupations in categories 1 to 3, and, in the North of Ireland, one third — 34% — of residents aged 16 to 74 in employment work in occupations in SOC bands 1 to 3. The remainder are spread across the other two bands. In Fermanagh and South Tyrone as a whole, 29% are employed in bands 1 to 3, and that ranges from 40% in Ballygawley to 21% in Rosslea and Newtownbutler.

In the context of the figures that I have just quoted, we need to ask the Employment and Learning Minister whether Access to Success, the regional strategy to widen participation in higher education, is having a positive effect. The Minister has stated on previous occasions that the regional strategy puts a strong focus on the creation of a more accessible sector in which the people who are most able but least likely to participate are given every encouragement and support to apply to and benefit from higher education.

During Mr Farry's Big Conversation on higher education, the Open University stated that part-time education had a hugely significant impact on the economy, social justice and social mobility. It is well documented that the people who benefit most from accessing part-time higher education are women; those who are in work; those

over the age of 21; those who have caring commitments; and those who are from non-traditional educational backgrounds. It added that engaging with higher education made a significant difference to the lives of those individuals, opening up a host of life opportunities that were previously unavailable to them.

Research carried out for the Open University by London Economics as part of the Big Debate showed that part-time higher education had a significant positive financial impact on our students and the state. The findings stated that the biggest economic impact was for students from a non-traditional background, which is determined as being those with five or more GCSEs at grades A* to C or equivalent but fewer than two GCE A levels. Those are students who would not have been able to engage with higher education other than by studying part time with the Open University.

The research further points to the general decrease in part-time undergraduate enrolments from a low base over the last decade. That runs contrary to the aims of Graduating to Success, which calls for a significant extension of part-time provision. Quality part-time higher education provision needs to be treated as an essential element of our drive to promote sustainable jobs with good pay and conditions that help to promote fairness at work and justice in society.

Ms Hanna: As somebody who completed her primary degree and a master's part-time, I am glad to support the motion on behalf of the SDLP, particularly my colleague Pat Ramsey, who I know has done a lot of campaigning on the issue but cannot be here today.

Learning is certainly a lifelong journey, and people find themselves in part-time higher education later in life for a lot of reasons. Members outlined some of those, which might include the need to upskill or a career change. In my case, when I was 18, I knew everything, and it was not until my mid 20s that I started to notice a few small gaps in my knowledge and was able to go back and fill them in. I can say from personal experience that, as Mr Swann said, it is a hard road for people to balance part-time study with family and work commitments. That experience of cobbling together just enough for a deadline or a good excuse when you miss a deadline has certainly held me in good stead for being a member of this body, as, I am sure, has been the case for Mr Swann.

At the macro level, further and higher education is clearly an economic issue that ensures that our population has access to the skills and knowledge that we need to attract meaningful 21st-century jobs to Northern Ireland and to ensure that people here can compete. In that context, it is concerning if we are disinvesting in further and higher education at a time when all other jurisdictions on these islands are going in the opposite direction.

I know that others will agree with me on corporation tax. We would be fools to think that it will be a silver bullet, if, at the same time, we do not invest in infrastructure and education.

I outlined some of the reasons why people are in higher education, and most, as others said, tend to be mature students with the sort of caring and work responsibilities that you might expect. Others just do not want to leave the employment market, and the majority of them simply could not afford to go full-time.

The benefits are numerous and clear. Higher education makes a substantial difference to people's skills and employment opportunities, and we should not ignore the personal fulfilment and confidence that result from it, as well as the benefits to our economy as a whole.

I had a very positive part-time experience at Queen's and the Open University. However, the general feedback in reports that I have read by part-time students highlights the need to ensure that their specific needs are prioritised and that they are not just fitting in around the infrastructure and structures designed for school-leavers and young people. There should be specific mechanisms and targets for part-time students, and, to that end, we support calls for a bespoke higher education strategy for Northern Ireland, particularly to ensure that, when DEL goes, this issue is not lost, ending up in the wider black hole of governance here.

Elsewhere and here, people are sounding alarms about the impact of changes to fees and loan eligibility, especially the Open University, which is, I think it fair to say, the absolute expert in part-time higher education. Its UK vice chancellor has warned that policies are discouraging workers from upgrading their skills. One useful proposal that, hopefully, the Assembly can pick up is an amendment to the criteria for loans. The current criteria mean that people studying for a qualification at the same level as one they already have are not eligible, and that might drive people away from further education. An amendment across the water means that, if it is a STEM subject or one with an obvious economic benefit, people will be eligible for a loan, if not funding.

As a former student of the Open University, I single it out as an institution that is very much in tune with the needs of part-time learners. It recognises that education is not just for the young and that it has benefits throughout life. I want to reflect on the imagination of people such as Michael Young and Jennie Lee, who created the Open University. Jennie Lee's husband, of course, created the National Health Service, which was, I think, the most imaginative and beneficial project anywhere for the betterment of a wider population. The Open University, which is, I think, in its fiftieth year, can be ranked at that level as well. It is probably the most cost-effective and effective engine for social mobility that we have at our disposal, so I hope that we will continue to fund it and other part-time education to the level required and taking account of the expertise and the understanding of the needs of students who follow that course.

Ms Lo: I support the motion. I studied part-time for my undergraduate and master's degrees. Even as a bit of a late developer, it has changed my life and opened many doors. Mind you, it was hard work, juggling studies, a job and looking after two small children, but, if nothing else, it improved my time management. For many like me, who missed the chance to go to university at the age of 18, it is not only a second chance but indicates a real commitment and desire to better ourselves.

Part-time study allows people to learn at their own pace and, very often, to embark on a career through gaining further relevant qualifications. Those with caring responsibilities or without the financial means are able to fit their studies around their different personal circumstances.

It is not just the individual who benefits. Part-time students make institutions more diverse, with mature students,

those in work and people from different backgrounds bringing their life experiences and viewpoints to the academic setting.

4.15 pm

When I was head of the Chinese Welfare Association, I encouraged a number of my staff to obtain qualifications through day-release courses, be they in social work, community work or finance, and that resulted in a better qualified team and a more professionalised organisation. Employers recognise that that system of learning improves productivity and efficiency. In my constituency of South Belfast, Kainos, an IT company, has seen success with its earn-as-you-learn scheme, which enables young people to study and work over four years. Such opportunities offer chances of gaining well-paid and sustainable employment. By studying part-time, students apply what they have learnt directly to the workplace. Of course, not everyone is able to benefit from such schemes, which is why I welcome the Minister's intention to increase participation in part-time higher education, whether through traditional routes or more high-level apprenticeships. As a legislature, we must do all that we can to enable fair access to higher education.

The Department acknowledges that finance can be a barrier to higher education, and that is why Minister Farry launched a consultation in June of this year on part-time and postgraduate student finance arrangements. DEL strategies Success through Skills and Graduating to Success emphasise the need to upskill and reskill our workforce. To achieve that, it is clear that part-time education will play an increasingly greater role. A lower rate of corporation tax in 2018 will see a rise in demand for higher qualifications, and we must ready our workforce for that. Higher education drives our skills economy and enables social mobility. Our people are our greatest asset, and I have every confidence in the Minister's commitment to ensuring that they are able to achieve their full potential.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas le Cathaoirleach an Choiste as an rún seo a chur roimh an Tionól inniu. Ba mhaith liom leas a fhógairt mar mhac léinn páirtaimseartha in Ollscoil Uladh faoi láthair. Cuirim fáilte roimh an rún agus beidh mé ag labhairt i bhfabhar an rúin.

I thank the Chair for bringing the Committee's motion to the House today. As a current part-time student at the Ulster University, I start by declaring an interest. I welcome the motion and will be speaking in favour of it.

All Members who have spoken so far have indicated the wider societal benefits that part-time education can provide to all our citizens and the wider benefits that it can have for the economy as a whole. Some examples have been mentioned, such as allowing parents or those with caring responsibilities to enter or re-enter the education system. Some of those people did not get a chance the first time around, while others are taking their second chance and putting it to better use.

The whole concept of continuing professional development (CPD) is something that we should encourage. People are always trying to improve themselves, so, when an opportunity presents itself, we as legislators and policymakers should make that opportunity as accessible for them as we can. Whether somebody is a senior executive in a large corporation or in the public sector

or is deemed to be a low-skilled worker, that needs to happen. There should be options for all citizens out there to improve their skills level and employability prospects and to move up another rung on the ladder. Opportunities should be made available to all, regardless of where they sit at present.

One of the problems that exists at the minute is the inability of very many people to access education at a higher education level, whether that be part-time or full-time, given that most courses are now provided in the city of Derry or in greater Belfast. That is where I commend the Minister and the South West College for their efforts to make more undergraduate courses available in places such as Enniskillen, where now, for the first time, people can start and finish an undergraduate degree, which for those who cannot travel or move to Belfast or Derry makes education much more accessible.

Those are the types of approaches that we need to see. I am sure that the Minister will continue to champion that, along with the regional colleges across the North. We have been looking for this for a lifetime; our 18-year-olds should not have to leave and travel 100 miles to access an undergraduate degree. Very many of them do not return, not least because there are not sufficient jobs for them.

There are also opportunities through organisations like the Open University and other providers that provide high-level qualifications and qualifications at all levels online. However, we then have a problem in many rural communities where families and citizens cannot access broadband. We need to make sure that, where technological barriers present themselves, they are addressed. That is why the recent investment in improving broadband is welcome. Whilst it is often championed as allowing children to do homework and to be able to access the Internet, it is also very useful for adults who want to improve their skills by taking either formal or informal qualifications. Having access to good broadband is crucial if we are really going to maximise the benefit that can present itself through part-time education.

Anna Lo mentioned the Minister's progressive move towards exploring better funding arrangements for part-time and postgraduate students. We all welcome that, because we can all identify people who have been unable to access loans from the Student Loans Company or through Student Finance NI and, as a result, have then had to source alternative sources of funding. I went to the credit union, which was more than happy to provide me with funding, but not everybody is in a position to get funding from the credit union. The system we have where student loans are repayable once you earn over a certain threshold suit people who are not currently in employment much better than the likes of a traditional credit union or bank loan scheme. Hopefully, the Minister can bring some positive news in that regard in the very near future.

The policy we have seen in recent times of disinvestment in further and higher education needs to stop. We need to make sure that we are adequately investing in those sectors because, on a wider societal basis, it is very beneficial and, on an individual basis, it is very important that we empower people to reach their full potential. That can be done through proper investment in further education and higher education, and I just want to remind the Minister that it should not happen through increased tuition fees.

Mr Speaker: With that piece of advice, I call the Minister to respond to the debate.

Dr Farry (The Minister for Employment and Learning):

Thank you very much, Mr Speaker. That was timely advice from Mr Flanagan. I very much welcome all the contributions made during the debate. They reflect the greater opportunities for individuals, our economy and our society that lie with an expansion of part-time provision, but they also underline the challenges that lie ahead in their achievement.

At the outset, I want to stress that the motion is very much in keeping with the policy direction that I am setting for my Department. I want to see more part-time provision, both in absolute numerical terms and as a relative proportion of overall higher education provision. As Members have stated, our economy requires more and more high-level skills, and we need to consider and facilitate a wide range of pathways to achieve these outcomes. Part-time provision contributes to a more flexible and diverse system of higher education.

First of all, it helps to widen access and participation to a broader spectrum of backgrounds and, in particular, it can capture sections of the community beyond the stereotypical student between the ages of 18 and 21. Part-time study may be more appealing for mature students, students with dependants or caring responsibilities, and students with disabilities. Secondly, it can be shaped and more closely related to the immediate requirements of the workforce and, therefore, offer opportunities for people in work to upskill or reskill. In that regard, it is worth making particular note of the opportunity that lies in part-time higher education study as part of a higher-level apprenticeship, which I will discuss in further detail shortly.

In 2013-14, just over 18,000 Northern Ireland domiciles were enrolled at UK higher education institutions on a part-time basis, and just over 90% of those were studying in Northern Ireland. Part-time enrolments are almost equally split between those studying for a first degree, those studying for another undergraduate qualification and those studying at a postgraduate level. The most popular types of subjects include education, business and administrative studies, allied health and social studies. In terms of narrow STEM, part-time enrolment is relatively low, accounting for only 14% of all Northern Ireland students studying part-time throughout the UK and only 9% of part-time enrolments at our local institutions.

Over the most recent 10 years, from 2004-05 to 2013-14, Northern Ireland domiciled part-time enrolments at higher education institutions have declined by 12.9%. That reflects an overall fall in part-time study across the UK. However, over the same 10-year period, the number of Northern Ireland students studying through the Open University has increased by 3.9% and now stands in excess of 4,000. Within higher education and further education, there were over 7,000 part-time enrolments in 2013-14. Part-time study is the predominant mode in that context. The majority of enrolments were in business, administration and law; and health, public services and care.

The recently published skills barometer sets out the requirements to provide greater numbers of skilled individuals by qualification and subject area. In particular, given its ability to attract a greater diversity of people and

its potential to much more closely relate to the direct needs of employers, part-time higher education is a pathway that should be encouraged and facilitated. However, barriers to part-time study remain. Some of the greatest barriers include the course design and flexibility of provision, which will be taken into account around the new higher level apprenticeship model; the importance of careers advice, on which we have had a local review of careers policy and practice and a new strategy; and, of course, finance.

At present, part-time undergraduate students can access non-repayable grants to support them with their tuition fee costs, but they are income assessed and only a minority of students are eligible to receive them. They are also limited to students studying at an intensity of at least 50%. They are also often not sufficient to cover the full costs of the fees charged. Those fees are not regulated at present, in contrast with fees for full-time students. Almost 99% of student finance paid to Northern Ireland students was in respect of full-time undergraduates, even though they account for around only 60% of the higher education student population. In 2013-14, some 62% of new Northern Ireland domiciled part-time undergraduate enrolments had no award or financial backing for their tuition fees. It is in that context that I decided to undertake a consultation on part-time and postgraduate student finance earlier this year. I want to put on record my appreciation to all those who responded to that exercise.

Under the current model, part-time undergraduate students from Northern Ireland have no access to the student loan system. Instead, they can be supported by a package of income-assessed, non-repayable grants called fee grants and course grants. The fee-grant level is determined, first, by the student's intensity of study and is then based on the level of the student's household income, up to a maximum of just over £25,000. The maximum fee grant is £1,230, which is available to students studying at 75% of the full-time intensity and from household incomes of below £16,800. The average amount received by those eligible was just over £700 last year. The course grant, which is paid directly to students, is designed to contribute to the costs of materials. The maximum course grant is £265, and that tapers to zero with a household income of just over £28,000. There is no maintenance grant available because there is a presumption, rightly or wrongly, that most people who are engaged in part-time study have other sources of income or means of support.

Of the 20,000 enrolled students in 2013-14 who may have been eligible to apply for the part-time grants, only just over one in five were able to avail themselves of any support. Either they were ineligible to receive a grant due to the income assessments or were unaware of the support available. By contrast, 91% of full-time undergraduates availed themselves of some form of support. Employer support for part-time study has also significantly dropped off in recent years, almost certainly as a by-product of the recession, with businesses cutting training budgets.

One opportunity to expand part-time provision lies with Northern Ireland's new strategy for apprenticeships, Generating our Success. As Members know, we are expanding the range of occupations for which training can be facilitated through the apprenticeship route. Basically, any professional or technical role can lend itself to this system of training. Crucially, in the context of the motion,

we are expanding the range of skills or qualification levels to which apprenticeships can be applied from level 3, which is A-level equivalent, through to level 8, which is PhD equivalent. There will be opportunities at levels 5 and 6 to link training in the workplace with the completion of a foundation degree or honours degree on a part-time basis at a local college or university.

Many of those who are studying part-time will already be in work. For some, there will be some connection to their existing employment but, for others, there will be no connection, yet, even for those whose studies are related to their job, there is unlikely to be a common framework that spans what they are learning on the job and in the workplace and what they are learning in university or college. That is where apprenticeships come into their own, with the course provision in college or university serving as the de facto off-the-job training that complements the on-the-job training provided by the employer directly, with each element operating under a common agreed curriculum. In turn, that curriculum will have been devised and shaped by employers and other relevant stakeholders through appropriate sectoral partnerships.

4.30 pm

It is through that apprenticeship approach to upskilling that we will be able to achieve a better, more efficient matching of supply and demand, with employers influencing where training occurs, informed by the new skills barometer. Employers will be more likely to have access to workers who have the technical and employability skills required to flourish in the workplace, while employees will know that they have the basis to better sustain employment.

Officials in my apprenticeship team are working on the funding model for apprenticeships at all levels, including higher-level apprenticeships. It is likely that the state will wish to make a direct contribution to at least some of the costs of the off-the-job training. However, that will take account of wider reforms to the funding regime for part-time study.

Coming back to our options for funding reform, it is important to acknowledge the current constraints on public expenditure, which is likely to remain the prevailing context for several more years. So, policy options involving significant levels of additional resource cannot be deemed feasible. Additional investment in direct funding has to be considered in the context of choices being made in reductions elsewhere or passing on the costs to the higher education institutions when they are already being expected to absorb significant funding cuts.

Student loans are however managed and accounted for differently. They are considered to be annually managed expenditure and, as such, their costs are borne by HM Treasury. It is, therefore, possible to extend student loans without detracting from resource funding. The approval of the Treasury would be required for any such scheme.

Our consultation document referred to two options. Option 1 involves a tuition fee loan. That option would introduce a non-income-assessed tuition fee loan covering the full value of the part-time student's tuition fees. It would replace the existing fee grant. The loan would be available to all Northern Ireland-domiciled part-time undergraduate students undertaking designated courses at higher education providers in the UK and Ireland. It would also

be available to non-UK EU-domiciled students at Northern Ireland's higher education providers.

Option 2 involves a top-up tuition fee loan. That option would introduce a non-income-assessed tuition fee loan to top up the existing fee grant. It would be available in addition to the fee grant, covering any remaining tuition fee balance not covered by the fee grant up to the full value of the fees for those ineligible to receive any fee grant. The loan would be available on the same basis as under option 1.

The first option would more closely mirror the existing undergraduate system and not replace one current inequity with another perceived inequity. That would also be the more cost-effective option for the Department. However, given that part-time students may be more averse to debt than full-time students, that approach could discourage wider participation rather than open it up.

The second option could be more attractive to existing and future part-time students but would involve continued resource expenditure from the Department. Moreover, if we are successful in increasing the level of participation in part-time study, that opens the Department to uncertain demand-led expenditure in a time of great budgetary instability.

I have taken a decision in principle on the way forward. Subject to due diligence around any unforeseen implications and the practicality of the way forward, I hope to announce in the coming weeks what we plan to do in this area. Subject to the capacity of the Student Loans Company to implement these changes in a timely manner, and the sooner we take decisions the better, I hope that a new system would be in place for the 2017-18 academic year.

I want to take a few moments to comment on some of the comments made by Members who spoke in the debate. I concur with all who pay tribute to our local providers, including the Open University as a major player in part-time study. I also reflect on the personal testimonials that we saw from recent, past and current students who are availing themselves of part-time study. It can be a challenging mode of study as well as being very rewarding.

We have talked heavily about widening access, and we have our strategy Access to Success.

We remain very much seized of the importance of delivering those specific targets, although it is important to stress that, through the actual reduction of places themselves, there will be challenges in the outcomes because those from the most disadvantaged backgrounds will be penalised most by there being less provision in Northern Ireland. People will be forced either to go to Great Britain and pay higher fees or, unfortunately, have no opportunity at all.

In that regard, I welcome the comments from all sides of the House about the importance of reversing the current disinvestment in higher education and having a sustainable way forward. That is very much what we are seized on in the Big Conversation and the forthcoming paper that I will circulate to Executive colleagues over the coming days. In that regard, we have to find a sustainable model of higher education that finds favour politically, with a consensus that we can stand over for a number of years.

People talk about the importance of a higher education strategy. It is worth stressing that we have a strategy in place, Graduating to Success, which was published in 2012. It remains the live strategy through to 2020. In the

new context that we have, with a date and a rate now set for lower corporation tax, we need a wider strategy on the back of that, in the accompanying investments, to ensure that that can be a success. It is in that regard that higher education, of all modes of study, needs to receive additional investment.

It is worth stressing that it is as we move to a much stronger employability focus in what is being achieved through our higher education institutions that part-time study really comes into its own. It's important that we appreciate that it covers a wide range of policy outcomes that, as an Executive and Assembly, we want to see, both in widening access and participation and in ensuring that we are reaching into corners of the education market that, perhaps, the full-time model does not achieve and that there is also a much stronger potential for what is studied to be directly related to the needs of the workplace.

We seek to send out a very positive message to businesses that wish to invest in Northern Ireland, so it is important that we indicate that we are making adjustments, in funding and in the type of study provided, that will make their investments a stunning success.

Mr Buchanan (The Deputy Chairperson of the Committee for Employment and Learning): It gives me pleasure to make a winding-up speech on this very important motion.

It is extremely important that we fully recognise the sheer power that part-time higher education contributes to productivity and economic growth in Northern Ireland. That can continue only when opportunities are provided for those with caring responsibilities and those in the workplace to be able to upskill and reskill to meet the needs of their employers, on a part-time basis that is suitable to their circumstances. In a rural setting, part-time higher education is a lifeline to many who are seeking to reskill and upskill. Coming from a rural community, I will certainly press the need to ensure that part-time higher education is properly funded and resourced, especially for those in rural communities.

If we are to take seriously the growth of our economy in Northern Ireland, it is important — I go further and say that it is a must — that we promote the growth of part-time higher education. With the ever-changing skills requirements in the workplace, part-time higher education has been branded the powerhouse of skills in the upskilling of our workforce. In a study by the Open University, it was found that part-time opportunities are at the forefront of widening access and employability in Wales and that it removes many barriers from those willing to upskill while, at the same time, holding down employment.

As has been mentioned by some in the Chamber today, corporation tax is being reduced in 2018. In light of that, it is vital that we capitalise on its potential benefit by investing in flexible forms of higher education. There is no doubt that this is a game changer for the economy of Northern Ireland, and we can expect to see an increase in the number of companies and businesses looking to Northern Ireland as a potential place to invest. However, there is a cloud that needs to be removed, which is the danger that, without sufficient upskilling of our population, we will not benefit from the level of investment from corporation tax that is expected. Therefore, that is the importance of making sure that we have part-time higher and further

education properly resourced. This is a very real concern for the people of Northern Ireland, but I believe that we have time now to address this particular problem.

I think that one of the greatest building blocks in addressing the issue is prioritising the growth of our part-time and higher education. I think that, around the Chamber, we all agreed on that in the debate today, as most people agree that further and higher education part-time must be properly funded and resourced. Minister, I hope that you are getting the message and that you take it away and act upon it. That is why we are calling on you and your Executive colleagues today to give urgent consideration to the motion that is before the House to ensure that we have the proper resources in place to reskill and upskill those on a part-time basis who wish to partake.

As we look at some of the comments from around the Floor today, we see that the Chair of the Committee, in opening the debate, talked about the Open University being the largest provider of part-time and higher education, and, of course, he talked about his personal experience. We had that from two or three Members, who spoke about their personal experience of the Open University. They talked about how they were able to hold down their job and study on a part-time basis and about how life-changing it can be for people — students and workers — who want to be skilled, reskilled and upskilled to do that on a part-time basis.

He talked, obviously, about the drop in England of 41% and said that we should take note to make sure that the same thing does not happen here. I think it is very important that we take note of what has happened across the water and ensure that we have the right mechanism in place so that the same thing does not happen here, that we are ahead of the game and that we have a proper mechanism in place to stop that happening.

Bronwyn McGahan called on the Executive to invest more in higher education, given its importance to Northern Ireland. She said that there must be a renewed effort in reskilling and upskilling, and she shone the light, obviously, on social mobility in her constituency and on the benefit that there is for mothers and others to avail themselves of part-time reskilling and learning.

Claire Hanna, again, mentioned the lifelong learning journey and the importance of that and of attracting meaningful jobs into Northern Ireland. Of course, that is absolutely right. Whenever we can, on a part-time basis, reskill our people and give them that learning that they need, we have the potential to attract many more important and meaningful jobs into Northern Ireland.

She also spoke of the fears about the impact on fees and loans. As a former student of the Open University, she praised again the work of the university and mentioned that part-time education was for not only the young but all age groups. I think that is the importance of the part-time and higher education sector. It opens up the door for all age groups within the community and the working-age population to avail themselves of it and reskill in the economic climate that we are in so that they can be well enough prepared to get into and move on in the workplace.

Anna Lo spoke of the undergraduate degree that she did part-time while holding down a job. She talked about how that gives people a second chance at education, because someone who perhaps wasted their time when

they were young and should have done it is given the opportunity to learn and to upskill themselves. Those with caring responsibilities are able to avail themselves of courses to suit their circumstances. By studying part-time, students are also able to apply a lot of their learning to the workplace. That is an important point. When someone is studying part-time, they are able, on a hands-on basis, to apply that to their workplace. That is one of the important issues about part-time learning. She also said that we must do all that we can to enable fairer access to the higher education system and that part-time education will play an important role in the future of the workplace. Again, I think that we all agree with that.

4.45 pm

I missed the first part of Phil Flanagan's speech, but he talked about giving people a second chance at education and said that there should be options for everyone to improve their employability. There should be that opportunity; the opportunity should exist across the board so that options are open for everyone to improve their employability skills. He commended the South West College, at which one can now commence and complete undergraduate degrees. Of course, being from the south-west, I have to mention the South West College and the excellent work that it is doing. We look to the Minister to ensure that that continues.

Phil Flanagan also spoke about the problem of learning online. In rural areas many people do not have sufficient broadband speed. That is such an important issue if we want to continue to provide part-time education. He also said that we should make sure that we had adequate investment in HE and FE. That is another very important matter.

The Minister outlined the benefits of part-time study and why it has been included in his apprenticeship strategy. He outlined his aim of continuing to encourage uptake, and, of course, that is to be welcomed. We need to continue to encourage the uptake of part-time education. He also drew attention to the low cost of part-time study in comparison with full-time education. I know, from my work in Committee and from the times that he has appeared before the Committee, that the Minister is committed to this cause. I have to give credit again where it is due, and I ask the Minister to continue to press that matter with his Executive colleagues.

I am sure that everyone will agree that it has been a useful and positive debate on an important issue. Once again, I thank Members and the Minister for their contributions. I support the motion.

Question put and agreed to.

Resolved:

That this Assembly acknowledges the power of part-time higher education in Northern Ireland to contribute to economic growth, to boost productivity and to increase social mobility; recognises that it enables citizens to fit their studies around their employment and caring responsibilities, apply their knowledge to the workplace immediately, and to upskill and reskill to meet the skills needs of employers in key growth areas; and calls on the Minister for Employment and Learning, and his Executive colleagues, to prioritise the growth of part-time higher education in Northern Ireland.

Business Crime Report

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mr Ross (The Chairperson of the Committee for Justice): I beg to move

That this Assembly notes the report of the Committee for Justice's business crime stakeholder event [NIA 283/11-16]; and calls on the Minister of Justice to work with the Chief Constable of the PSNI to address the issues highlighted in the report in a comprehensive and speedy manner.

On behalf of the Committee, I am pleased to bring the report on the Committee's business crime stakeholder event to the Floor for debate. Over the past year, we have tried to play a constructive role in the criminal justice sector by looking for ways of identifying opportunities for reform, exploring innovative policy ideas and highlighting areas of concern, and I hope that the Minister will acknowledge that. That is precisely why we held our event on business crime.

Our focused round-table event was held in response to an approach from several stakeholders who had initially asked us to hold an inquiry into business crime in Northern Ireland. Members will appreciate and the Committee was very aware that that is often a very time-consuming thing to do. However, we did not want to ignore the issue, so, instead of holding a full inquiry, we decided to do a short, focused report and have a stakeholder event. It was a format that worked particularly well and one that the Committee could use again in the future to highlight particular issues of interest.

At the stakeholder event, many stakeholders expressed their disappointment that business crime was not included as part of the policing plan for 2015-16. Therefore, they welcomed the opportunity to discuss key issues relating to business crime and identified the actions that could be taken to address some of the particular issues. The event facilitated input from key organisations and dialogue between the PSNI, legislators and those key stakeholders. We had representatives from the following organisations: the Federation of Small Businesses (FSB); the Northern Ireland Independent Retail Trade Association (NIIRTA); the Northern Ireland Retail Consortium (NIRC); Pubs of Ulster, which is now Hospitality Ulster; Retailers Against Crime; and the Police Service of Northern Ireland. A subsequent written submission was received from the National Federation of Retail Newsagents (NFRN). All the information from the event and the report is available for Members on the Committee website.

A number of issues were raised during the event, including the challenge of identifying what business crime is, given that it can cover everything from shoplifting in a corner shop to ATM robberies, fraud to online crime, tiger kidnapping to theft of livestock. A number of common themes were raised by virtually all the stakeholders during the event, including a lack of confidence in policing and justice in relation to retail and business crime, which they argued was reflected in the high level of under-reporting of such crime, the need to strengthen and develop

partnerships between relevant statutory agencies and stakeholder organisations, although there was a variance of views on what that should look like.

They highlighted the disparities in the definition of business crime and the poor quality of data collection, which has meant that it is difficult to measure the impact of retail and business crime. They highlighted the growth of organised crime and the challenge of criminals who operate across borders. Again, during our event and other events that I have attended, there seems to be a prevalence of gangs who will come over from Great Britain or even eastern Europe and concentrate on a number of stores over three or four days before returning home again. That seems to be particularly the case with supermarkets. Retailers Against Crime held an event at Belfast City Hall, at which they highlighted this as a growing problem and highlighted some of their efforts to share information between stores to combat that.

During our event, there was also comment on the increasing impact and significant under-reporting of cybercrime, including business fraud. This is a particular issue because some of the larger companies are fearful of reporting cybercrime as they are fearful that their consumers will lose confidence in their ability to keep information safe and operate in the online world. So, how we get accurate information about the level of cybercrime is a real issue.

It is not just the big companies that suffer; small businesses suffer from cybercrime as well. That point was made by the FSB. At other events that I attended that Ulster Bank held not so long ago in Lisburn, a number of small businesses there had also been targeted by cyber criminals. So, it is impacting large and small businesses.

There was also comment from the hospitality sector and Pubs of Ulster, which is now Hospitality Ulster. They talked about some of the illegal activities around selling alcohol. Members will be aware that there is a huge cost to getting a liquor licence in Northern Ireland, and there are limited numbers of them. Many people are opening up restaurants and getting restaurant licences, and they are handing over a free bowl of chips and are, therefore, able to sell alcohol until all hours of the morning. This is a particular issue and one that, at constituency level, I have been made aware of. It is something that the police need to look at and ensure that those who spend the time and money on getting a liquor licence are not at a disadvantage against those who flout the law.

The final issue raised was around rural crime. Some of us think principally of machinery theft as being rural crime, but there is also the theft of livestock, which is on the increase. So, various members of the Committee will raise those issues during the debate today and perhaps concentrate on different sections of our report.

I want to touch on cybercrime in particular. It is an issue that the Committee has looked at several times over the last 12 months. Not only did we discuss it during our stakeholder event, it was raised at a number of the innovation seminars as being one of those issues that the legal profession is, perhaps, struggling to keep pace with and the new challenges it presents. It was also a theme of the conference that the Committee held in W5 a few months ago on social media, cybercrime and the legal response to it. We were thrilled to have Europol, the PSNI

and the Lord Chief Justice there to highlight some of the legal responses to it.

Overall statistics will continually point to the fact that crime is on the decrease. However, cybercrime is on the increase. Perhaps crime is shifting from the real world to the online world. That is something that we have to be cognisant of. A number of media reports in recent months have highlighted the level of cybercrime across the United Kingdom. Of course, it is having a big impact, but perhaps we do not quite understand how big an issue it is because, unless the target is one of the big companies that is worth millions of pounds, it is not reported in the same way.

It is a growing problem and is a definition that covers a wide range of illegal activity. It covers anything from fraudulent emails that have malware or spyware attached to them, informing you that you have won the pools in some far-off country or that you have the opportunity to invest in some sort of business scheme, to identity theft or online use of your credit card details as well as more sophisticated crime, such as cyberattacks, terrorist communications or the sharing of illegal images on the darknet. It is one of those areas that we are struggling to fully understand and that the legal profession is struggling to keep up with.

Grant Thornton reported back in November that cybercrime costs the economy in Northern Ireland somewhere in the region of £100 million a year, so it is a significant pressure on small businesses. The FSB has indicated that its research estimates that the average cost to small businesses of fraud and online crime was in and around £4,000 a year.

The police believe that the vast majority of cybercrime is not reported at all. Therefore, it is difficult to obtain an accurate picture. Again, I put it to Members that, if you were walking down the street and somebody attempted to steal your wallet or handbag, you would not think twice about reporting it to the police. However, if you received an email that had malware attached to it or that was looking to defraud you out of money by offering you a fraudulent investment, you would not report it to the police. People do not report it to the police. There is a difference between real world crime and online crime, and perhaps people do not take cybercrime as seriously as they should.

As I mentioned earlier, some smaller companies are afraid to trade online because they are not fully up to speed with the safety software that they require, and larger firms are being attacked on an almost daily basis, including our banks and larger institutions. There is a real challenge for law enforcement in trying to identify cybercriminals, locating where the attacks are coming from and getting other law enforcement agencies from across the world to cooperate with them to find those responsible and bring them to justice. There are legal challenges from operating in a borderless world. That leads to the greater debate, which is taking place at Westminster, on getting the balance right between our need to police the internet and our right to online privacy.

I mentioned that other members of the Committee will raise other areas of our report. It is important that, when you raise an issue like this, you want to see results. The Committee made a number of recommendations, including the development of a business crime strategy, improved strategic partnership, working together with a partnership

forum and a dedicated assistant chief constable for business crime to provide ongoing engagement with key stakeholders. We also asked for the adoption and use of an agreed definition of "business crime" to provide for improved and consistent data collection and analysis regarding scale and impact.

I am glad that both the Department of Justice and the Police Service of Northern Ireland have responded to our report and that we have seen progress in meeting most, if not all, of our recommendations. That shows the importance of the Committee meeting with stakeholders and highlighting issues of importance, such as business crime. It also shows that, when we focus our work on that, we can get results. I commend the report to the House.

Ms McGahan: Go raibh maith agat, a Cheann Comhairle. Thank you for the opportunity to address this important report and support the call on the Minister of Justice to work with the Chief Constable to address the issues highlighted in the report in a comprehensive and speedy way.

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

I want to major on rural crime, which is covered in the report and is an issue that I have been highlighting over the past number of years, given its prevalence in the south Tyrone part of my constituency. There is no let-up in the number of crimes being perpetuated against the local farming community. I come from a farming family myself, and this situation deeply concerns me. The figures for the first three months of this year show that, in my constituency in south Tyrone, £140,000 of livestock and farm machinery have been stolen.

These figures, however, do not include the theft of vehicles or other property that is not connected directly to farming. That could run into hundreds of thousands of pounds.

5.00 pm

It is deeply concerning that these crimes are going virtually undetected, despite the PSNI reportedly having set up a dedicated farm crime unit nearly two years ago. I am concerned that, unless we put more resources into tackling crime against farmers, the amount of cattle-rustling and theft of expensive machinery will continue to rise. The Minister of Justice and the Chief Constable need to inform us of what they plan to do in the absence of the PSNI's rural crime unit, which had a very brief existence. They need to inform us of what resources and level of police operational capacity are being given to address this issue and of what can be done to increase their effectiveness and create a deterrent to the criminals who, at the moment, believe that they can operate with impunity.

If this rate of crime were being perpetrated against some of our biggest financial institutions or commercial businesses, more attention would be given to tackling it. We need to shine a spotlight on rural crime and, in particular, theft from our small family farms. Policing operations on the prevention of rural crime need to be enhanced. The staffing complement that the rural crime unit was given was insufficient. No stone must be left unturned in our fight against rural crime. Farm families in south Tyrone and elsewhere have enough everyday business dilemmas to face without needing to deal with heavy financial losses due to rural crimes and farm thefts.

The level of rural crime in the North of Ireland rose by 15% in 2014, according to a survey conducted by the National Farmers' Union. The other costs of business were recently outlined by Wilfred Mitchell of the Federation of Small Businesses. The cost of rural crime remains the highest. The National Farmers' Union estimated that, last year, its cost to the local economy was £3.9 million, which is up from £3.4 million in 2012. As agribusiness is a major contributor to our economy, we need to take seriously and put in place plans to deal with the serious problem of rural crime. Mr Mitchell also informed us that the FSB analysis of rural and urban businesses revealed that urban businesses are more likely to report crime than rural businesses, with 47% of urban businesses reporting crime compared with 40.5% of rural businesses. Very recently, I spoke to a farmer who had sheep stolen. I asked him whether he reported it and he said, "What's the point? They can't do anything. They can't tackle the problem." We need to break down that mentality. We need evidence that the PSNI is tackling this crime effectively. The issue of the under-reporting of rural crime, for whatever reason, needs to be explored and dealt with.

Mr Mitchell also mentioned a BBC News report that there had been a 15% increase in rural crime across the North. We were told that this figure is growing as organised criminal gangs are securing greater profit from livestock than the distribution and sale of illegal drugs. The effects of rural crime in agribusinesses have severe implications, emotional and financial, for farm families, who are the backbone of our rural economy. This is due to the fact that most agribusinesses are home-based. The crime has a significant impact on their homes and families as well as their livelihoods.

I call on the Minister of Justice and the Chief Constable to speedily and effectively deal with all the issues raised in the report, while giving serious attention to the growing problem of rural crime.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I speak in this debate wearing a number of hats. I speak not only as an SDLP member of the Justice Committee but as Chair of the Committee for Enterprise, Trade and Investment. I must begin my remarks by mentioning an issue that was raised during the event by each and every one of the stakeholders, namely the fact that business crime is not a victimless crime.

We all know the level of SMEs in the North. It is easy to see how they have been affected by the economic downturn. You need only walk along the main street of any town to see the number of empty properties and shops. During the engagement, we were told that one in six shops in our town centres lay empty, and that is easy to believe. The Northern Ireland Retail Consortium said that the cost of crime to the UK retail sector is £603 million, which is the equivalent of over 40,000 entry-level retail jobs. The criminals may think that they are targeting big businesses, but that is simply not the case. The consequential effects are on their neighbours and friends.

One of the major issues that appeared from this report was that of fraud. The Chair mentioned cybercrime. Cybercrime and fraud are huge issues for business. We have been told that there is a lack of understanding of how prevalent that type of crime is. At a basic level, we all get the phone calls, every day, from someone who is looking for details about our date of birth, mother's maiden name and those sorts of

things, and we get emails. That is it happening in its basic form, but there are some very sophisticated criminals. A good friend of mine who is in business saw how they operated when they cleaned someone's credit card, unbeknownst to that person until the statement came. It was a very, very sophisticated crime, which wound up on the streets of England. It is very prevalent.

The majority of cybercrime is not being reported, so it is difficult to see a clear picture or to get a clear figure for it. We were told that the annual cost of fraud and online crime is very substantial. Many businesses just cannot afford it. The report echoes the comments made on the issue that, due to businesses being required to develop e-commerce opportunities to survive, they are more at risk of fraud and, potentially, more vulnerable. The PSNI estimated the cost of fraud in the UK at £38.4 billion a year. Northern Ireland is no different for fraud potential, albeit the value is probably much less. Like retail crime, fraud is not a victimless crime. Many people who have been targeted personally by fraudsters get any money refunded by their banks and, as such, believe that fraud is a victimless crime. That is not the case; someone has to pay for it.

During our session, the Northern Ireland Retail Consortium said that cybercrime and fraud are huge issues. They said that we need:

"an effective action-fraud reporting system in place, including the development of a fit-for-purpose fraud reporting tool".

Also of great concern to us is where the money stolen in fraudulent activity goes to. It is normally used to fund serious crimes, such as drug dealing, people trafficking and money laundering. Fraud can come from outside and from within any business, and there are many ways in which a business could be targeted, through telegraphic transfer, collusive employees and cold-calling, which I referred to earlier.

In conclusion, I reiterate what has become apparent through this process: retail and business crime is not victimless; it is costing people jobs and their livelihoods, and it is costing Northern Ireland businesses. If we think about where the money goes, we see that it is costing us a lot more in criminal activity. There are victims of the crime.

Mr Kennedy: I welcome the opportunity to participate in the debate, having just joined the Justice Committee in place of Neil Somerville. I know that the House joins me in wishing Neil well.

The debate relates to a stakeholder event by the Justice Committee that was held back in May. I had been very interested to study the report of that meeting and the evidence presented. I know from my constituency of Newry and Armagh that a number of challenges are faced by legitimate businesses as they seek to operate in an environment where they face competition from those who operate outside the law. I am talking mainly about the high incidence of fuel fraud, which, unfortunately, takes place almost on an industrial scale in the border area, but I also have concerns about the spate of ATM thefts and, indeed, rural crime, generally. I will return to those themes.

I have sympathy with the PSNI in that their numbers are often stretched, and they often find it very difficult to acquire the evidence that is required to secure prosecutions and convictions. However, Retailers Against

Crime highlighted that the under-reporting of crime was an issue due to a lack of confidence and a perception that retail crime was not treated as seriously as other types of crime. The FSB contended that the under-reporting of crime was particularly evident in relation to rural crime.

I also note with interest that Retailers Against Crime raised concerns that those convicted of retail crimes received inadequate penalties, which served as no deterrent. That is a theme that I have more than a degree of sympathy with. It is absolutely imperative that the courts adopt a policy that involves sentences that act as a punishment and a deterrent. That is the case with regard to fuel fraud, particularly. The cost of fuel fraud to society is already well known. It lines the pockets of criminal gangs, puts legitimate traders out of business, endangers public health through pollution of waterways, affects the local environment and defrauds the public purse of money that could be spent on hospitals, schools and roads. I welcome the addition of the National Crime Agency to those forces ranged against this serious and organised crime. I am confident that they will prove a great support to the police and HMRC as they bid to combat the organised crime gangs who make millions of pounds from this illegal trade.

The FSB stated in May that organised crime groups operating across Northern Ireland and the Republic have been involved in crimes such as cash-in-transit robberies, ATM robberies and rural crime, including the theft of machinery, metal and livestock. Just over four weeks ago, there was a case in my constituency involving an ATM at a petrol station between Bessbrook and Camlough. It was the second such attack in six years on a well-respected family-run business. As the FSB highlighted, that puts up insurance premiums for businesses and can risk the future viability of ATMs in some rural locations.

Every Member who represents a rural constituency will have first-hand experience of tales of rural crime, particularly thefts from farms. A significant number of these takes place in border areas. As with fuel fraud, it is clear that a major part of this involves criminal enterprises operating on a cross-border basis. I welcome the good work that is already ongoing between the PSNI and the gardaí. Clearly the presence of more officers on the ground would be helpful. The enhanced role of the National Crime Agency also offers hope that life will be made more difficult for those criminal gangs that seek to make their living at the expense of the decent law-abiding majority.

I am pleased to note that the police have engaged positively. I look forward to continuing dialogue between business, the police and the Assembly —

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Kennedy: — as we all seek to reduce business crime.

Mr Dickson: I want to start by thanking the Chairperson of the Committee for facilitating the business crime stakeholder event in May, and particularly the organisations that attended, including FSB, the Independent Retail Trade Association, the Retail Consortium, the police, Pubs of Ulster and Retailers Against Crime.

As others said, the under-reporting of crime amongst businesses was highlighted as a key issue. One of the reasons stated was the low level of confidence in the

criminal-justice system. While it is important to understand that those issues contribute to low confidence amongst some, we must also recognise that under-reporting crime will only make the situation worse. If anyone is listening to the debate, they should be encouraged to report even the smallest of crimes that they believe affect their business. If they do not, they are undermining staff morale and of course ultimately the profitability of their business.

It is, however, also important to note the positivity expressed by those organisations about the work that they do with the statutory agencies, specifically the Department of Justice, the Policing Board and local PCSPs. Perhaps, in future, greater focus on such partnerships with a more specific approach could yield even greater outcomes. Recently, we heard concern about cybercrime, which also featured at the stakeholder event. It has the potential not only to undermine businesses' finance but also their data security, with the much wider concern that that causes to customers. For example, a short time ago, we saw a massive security breach at TalkTalk in which apparently some 160,000 people had elements of data stolen. It is clear that there are people who have the will and the capability to undermine the data-protection systems of businesses, large and small.

I want to speak about small and petty crime. Just over a week ago, there was a theft from a shop in the street outside my office. The help that I at least could provide through my CCTV allowed for the recovery of the goods that were stolen from the shop. Crime is all around us; we should not ignore even the smallest of events. In a world where so much commerce is conducted online, business owners and Government alike must be aware of the challenges that cybercrime poses. We heard from the FSB that the average cost of fraud and online crime to a small business is just under £4,000 per year. That is a real and serious cost to small businesses that many can ill afford.

5.15 pm

There are, however, good things that go on in combating such crime. Earlier this year, I attended a machine-marking event by the PSNI to try to counteract rural fraud. There is a great deal of theft of farm machinery, but great efforts are being made by farmers, the Ulster Farmers' Union, the PSNI and local PCSPs to attempt to combat that. Other Members made reference to the theft of animals. That is most reprehensible, because quite often some of the animals that are stolen end up in illegal food chains, which not only results in a loss for the farmer but is a great danger to the public.

In closing, I thank those who came to convey to the Justice Department the issues that face businesses in Northern Ireland. I think that the number of developments that are taking place to tackle crime can and will support businesses across Northern Ireland. I have confidence that our Minister has been listening to these issues and that the PSNI, along with other agencies, is out there and is tackling them. It is not all a doom-and-gloom situation, and as hard as criminals may try, there are those who are willing and prepared to stop them.

Mr Frew: I support the motion. I apologise for not being at the stakeholder event when it was run back in May.

I have a lot of sympathy for any retailer or business when it comes to any sort of crime. I think that one of the problems

that the PSNI has is that crime can be many things, but so can business. A business could be a farmer trying to hold down cattle, machinery and plant, or it could be a retailer who is trying to keep down the theft of stock. So, this is very wide-ranging and very hard to tackle.

When we look at the figures, should we ask whether we are going to equate the theft of a tractor worth £45,000 or more with the theft of a lipstick, lollipop or something of that nature? Those all go into the statistics as single crimes, although there are two different values. For retailers, however, any loss of stock will have a devastating impact, especially if they are independent traders with only one or two shops. They are the ones who have to get the stock themselves and return a profit on it. It is all relative in that regard.

Whenever the police or PCSPs analyse crime waves — we all have our opinions on PCSPs, and mine is not a very good one — it is clear that it would take only one habitual thief to get out of prison for a short period to create a sharp percentage rise in thefts in any one area. You have to ask, then, whether it is wise to move resources from one aspect of crime to another to fit the needs, because it could well be one or two individuals who are doing it.

I would like to speak about some of the initiatives that have been taken. Whilst I am very down on PCSPs for trying to deal with issues like this, there are instances where businesses have been involved at the core and have helped themselves. You only have to look at organisations like Ballymena Retailers Against Crime (BRAC), which I know is part of a national movement. Along with other partners, including Ballymena Town Centre Development Ltd, the Chamber of Commerce, Mercury Security Management Ltd, PCSPs and the PSNI, BRAC produced a crime-reduction package that contains advice on counterfeit fraud, retail theft, Internet theft, refund fraud, cybercrime and much more. It was the first of its kind. I know that DOJ used some of it to produce its own retail crime-reduction package, and that document contained an acknowledgement of thanks to Trevor Parker, BRAC's development manager.

Ballymena also had the first business improvement district, whereby businesses pay into a pot and can do whatever they want with it. A very successful advertisement, featuring the Ballymena Bear, came about as a result of the work of the Ballymena business improvement district. I believe that if it feels the need to turn its attention to crime, that may well be a very good vehicle through which it can see real benefits.

Of course, Ballymena has an excellent CCTV system, the largest council-run CCTV system outside Belfast. That has helped with reassurance and has helped to make customers feel safer, and it has helped businesses to organise and defend themselves against retail theft.

In my remaining minute, I want to tackle the issue of under-reporting. How can you blame businesses for under-reporting when they go to the police and the police tell them, "If I were you, I would not push this much further"? When businesses report racketeering that happens not only in our building sites but in our shops, the police say, "Are you sure you want to report this? Are you really sure you want to report this? We won't be able to protect your business in the dead of night".

Mr Deputy Speaker (Mr Beggs): Will the Member draw his remarks to a close?

Mr Frew: Those are the issues that we need to get to before we can tackle the real issue of under-reporting, because I believe that our businesses are being let down by the police turning a blind eye to racketeering.

Mr Douglas: I wish Mr Kennedy well on joining the Justice Committee. Welcome to it, and I wish him the very best.

I am pleased to speak on this report into business crime, and I thank the Chair for his presentation. I want to highlight some of the problems associated with illegal trading. First, I declare an interest in that my son runs a pub in Belfast, and I am also an honorary member of Harland and Wolff Welders social club. I will not be talking about that; we will talk about social clubs later.

I begin by thanking Hospitality Ulster, which attended some of our business seminars and also provided me with up-to-date statistics. There has been significant change in the hospitality industry as pubs, hotels and restaurants have evolved and grown in response to changing consumer trends and shifting economic climates. The hospitality industry in Northern Ireland today sustains something like 60,000 jobs. It pays £653 million in wages, and it generates nearly £89 million in tax. It also contributes £1.1 billion annually to the Northern Ireland economy as a whole. I want to put this into context.

It is important to note that, as one of Northern Ireland's largest growth industries, there is a disparity in the models by which the three main business types in the hospitality sector are rated. Public houses have one form of rates, which is based on the turnover of their premises. Hotel business rates are based on a turnover model at a given point in time, similar to public houses, with the addition of an accommodation element to the formula and banding for the star rating of the premises. Business rates for restaurants are based on square footage of the premises, similar to standard retail outlets, with no abatement for food. I am using that as an example because it is a double whammy for people who are paying very high rates and, at the same time, are being punished by illegal trading. Registered clubs typically pay 20% to 25% of what commercial licensed premises pay.

Let me come back to the main point. Illegal trading in Northern Ireland, by which I mean a business operating outside of the terms of its own liquor licence, is a very real problem in the sector. It affects all types of law-abiding premises and can take a number of forms. I will give a couple of examples.

First is a restaurant operating as a pub. A restaurant's licence states that all alcohol purchased must be ancillary to a main, sit-down, table meal and that all alcohol consumed must appear on the bill for that meal. Restaurants that operate outside of this remit take trade away from legitimate pubs, as they can almost always undercut prices due to their lower rates and overheads. It is important to note that they have paid a fraction of the cost to license their premises in the first instance. Illegally trading restaurants are also often able to poach functions from pubs and hotels. Legitimately trading, law-abiding restaurants lose out to businesses that are acting against the law in this manner also, as the illegal restaurant is able to subsidise food and overhead costs with unfairly swollen drink sales.

Hotels that breach the terms of the licence — that is, hotels that sell alcohol after hours to non-residents or their friends — impact negatively on other hotels as they are able to subsidise overheads unfairly with additional sales. It may also be an unfair way to attract trade from other hotels. Pubs that breach the terms of the liquor licence — that is, public houses that sell outside of their permitted hours — unfairly draw competition away from other law-abiding pubs, because the paying public will often choose a venue where they know that they can stay longer at night or get access earlier in the day.

Hospitality Ulster works year round with the PSNI to tackle these issues on behalf of law-abiding business owners. Issues of illegal trade are common and, according to my research, can be found right across the Province. I look forward to the Minister's response, and I hope that the PSNI is listening in.

Mr Ford (The Minister of Justice): I noticed that, in opening the debate, the Chair said that the Committee had tried to be constructive recently. It is a pity that he is not in the Chamber at the moment, because I was going to give the Committee a slight compliment. No doubt there will be some, including somebody who has just arrived on the Committee, who will report that to the Chair. The Committee has been extremely constructive in its work. There has been a strong mood of partnership with the Department, but the Committee has not been frightened to look into a number of areas. I welcome the time, effort and resources that the Committee has devoted to the issue through the stakeholder event that it held before the summer holidays, through ongoing Committee discussions and through discussions with my officials. I also note — this might be taken on board by other Committees if any are represented in the Chamber at the moment — the virtue of not necessarily doing a full inquiry but having a relatively short-term engagement, which has seen significant results in highlighting a key issue. If people read Hansard, they will learn about the benefits of this. I read with interest the report of the Committee's stakeholder engagement event, and, as members will know, I responded to the Chair about some of the proposed actions for the Chief Constable and me. I understand that the Chief Constable has also replied to the Committee.

The motion covers a number of areas, and the Committee has carefully split up its responsibilities to make it much more difficult for the Minister to respond. I have tried to deal with some of the key points, and I have no doubt that ongoing engagement will cover all of them.

There is no doubt that business crime has a variety of guises. There was a lot of concentration of cybercrime, but there is also fraud, money laundering, counterfeit currency, intellectual property crime, armed robbery, cash-in-transit attacks, shoplifting, theft and criminal damage, all of which deserve to be mentioned. They cannot be tackled by business alone or by the criminal justice system working in isolation. The community safety strategy, which my Department leads on, recognises this simple fact: partnership working is essential if we are to reach sustainable solutions and to develop them to benefit our community. At a strategic level, that involves working with representatives from the business community and from law enforcement bodies through a range of delivery groups, including the cybercrime industry group, the intellectual property crime group, the armed robbery group

and the retail and rural crime groups. I should emphasise that all those groups, which are perhaps unfortunately named, are anti those crimes rather than being groups that bring criminals together.

At a local level, the PCSPs engage with communities in different parts of Northern Ireland to address their issues of concern to ensure that, when appropriate, business crime, alongside others, is taken into account as they shape local action plans for the PCSPs. As members of the Justice Committee will know, I report each year on the work that has been taken forward to deliver on the actions in the business and rural crime action plan and the other strands of the community safety strategy. The next scheduled update is in March next year.

5.30 pm

I want to cover some of the work that has recently been taken forward to highlight some of those points. Work that has been taken forward by the Department, the police and our other delivery partners in the current financial year includes a number of issues relating to retail crime. The DOJ has assisted with the production and distribution of a retail crime reduction guide outlining a range of crime prevention advice for retailers. My Department supported the delivery of the Retailers Against Crime conference, attended by over 150 delegates, which aimed to reduce the opportunity for criminal activity through front-line education. The DOJ supported the roll-out of the PSNI Safe Shops scheme, which provides practical training for staff in retail outlets to prevent shoplifting. The PSNI has established a text alert system and a dedicated email address to facilitate the two-way flow of information with representatives of the business community. The PSNI has also reviewed its 'Business Crime Good Practice Guide' to ensure consistency of approach to service delivery across the organisation. Police officers are rolling out a PSNI business crime reduction risk self-assessment to assist businesses in determining what preventative measures they should consider to deter crime.

Initiatives specific to the rural business community have also been taken. Assets recovery community scheme funding has been provided to the Newry, Mourne and Down PCSP to pilot a freeze-branding initiative for cattle. Funding has been provided to the Mid Ulster PCSP to develop a rural crime DVD. My Department is also in the process of developing and funding a pilot forensic marking scheme in conjunction with the Armagh City, Banbridge and Craigavon PCSP to deter the theft of farm equipment. We have seen the benefits of the tracker system subsidised by the DOJ, and this is an attempt to see what more can be done in that area. We continue to work with DARD and representatives of the rural business community to ensure that we keep abreast of technologies that may assist in tackling livestock crime.

Ms McGahan talked a lot about the specific area of rural crime and referred to the rural crime unit being stood down. It is certainly the case that the data analyst was employed for only a short term, but my understanding is that the PSNI's statistics branch has now mainstreamed that work. It is important to ensure that rural crimes are correctly defined. Not that long ago, any crime that happened in the PSNI's former urban region was categorised as urban, even if it occurred in a rural area, and crimes that occurred in major towns in the rural region

were categorised as rural. We are a lot sharper on those statistics now, which enables us to look at the way forward.

Mrs D Kelly: Will the Minister give way?

Mr Ford: I will give way.

Mrs D Kelly: I am sure that the Minister will join me in welcoming the fact that the review of the policing plan set rural crime targets. In the roll-out of the next policing plan to 2017 there will be an opportunity to include further targets, and all MLAs ought to turn their attention to that.

Mr Ford: I am happy to accept that intervention, and I am sure that members of the Committee will be pleased to know that they have such an effect on the Policing Board, as well as on the Department.

One point that came through from Ms McGahan's contribution was on reporting, which also featured in other comments. There is no doubt that, if crime is not reported, the resources to fight it are not put in place. She also talked about increasing crime rates. The reality is that, according to the figures for crimes that have been reported — I put in that caveat earlier — burglary, robbery and theft directed against agricultural interests have been on a downward trend, resulting in a reduction of one third in reported crimes since 2010-11. That is a significant decrease. When Members talk about increases, they need to ensure that reporting is carried through accurately.

Another issue is livestock crime, and it was Mr Dickson who highlighted the public health issues that arise when meat enters the food chain improperly and illegally. That is a significant potential threat, and the theft of livestock can have the same devastating effect on farm families as the theft of machinery.

The Organised Crime Task Force has existed for a number of years and has a wider role. It is a multi-agency partnership aimed at tackling organised crime in Northern Ireland, and it has subgroups relevant to business and rural crime. I think that Mr Kennedy referred to the National Crime Agency: it has been part of the OCTF since it became operational in Northern Ireland.

I would like to highlight some of the work that is being done. Cybercrime, as Mr Ross said in the opening contribution, is a major and growing problem for all sectors. The OCTF now has an enforcement group and an industry engagement group looking at the issue, and the PSNI has been working with local businesses on protection against cybercrime, both to stop it happening in the first place and to best deal with it when it occurs. Among other initiatives, the PSNI now has a cyber-reporting portal for non-emergency incidents, which is another means of assisting reporting.

There is no doubt that cybercrime is being taken more seriously. As we look to the future, and as I have said here before, the fact is that anything that can be done by way of criminal activity can now be done in cyberspace as well.

Cybercrime is a key focus for the OCTF, but there are other, more traditional activities that are also a key focus. The intellectual property crime group is addressing issues such as counterfeiting and that form of fraud. The armed robbery group is considering strategies to stop violent thefts directed at businesses. Fuel fraud got a mention from Mr Kennedy in particular. The OCTF's fuel fraud group deals with an issue that, in addition to the loss of

government revenue, negatively impacts on legitimate fuel retailers and the rural environment.

Although there have been references made to increasing crime, and I also note the references made to sentencing policy, the good news is that the new fuel marker introduced in the spring of this year appears to be leading to a very significant reduction in fuel fraud, but we will need to consider the full statistics over a longer period to see exactly how that comes through. Another group is the criminal finance group, which is looking at issues such as credit card fraud and money laundering, which, again, impact on all businesses.

I will now look at the themes that emerged from the Justice Committee's stakeholder event. A number of distinct themes merit attention: confidence in policing and the justice system; a strategic partnership approach to tackling the issues; the evidence of organised criminal activity; rural crime; cybercrime and fraud, especially some specific issues around licensing; and the role of PCSPs in tackling local business crime.

Let me highlight two of them in particular. A number of Members talked about having confidence in the system and there is absolutely no doubt that people need to have confidence to report all crimes. However, if resources are to be allocated to where those crimes are, it is important that people be encouraged to report them, whether or not they think that anything will happen in the immediate circumstances. That will ensure that there is a proper reporting of criminal activity and a proper balance struck to ensure that resources are allocated appropriately.

On the specific licensing and fraud issue that Mr Douglas highlighted, there is no doubt that those kinds of breaches of rules do major damage to legitimate businesses, and it is not just alcohol issues, as he highlighted, but things such as transport companies — coach hire, and so on — which I had a discussion on last week. There is an issue with ensuring that legitimate businesses are not damaged by a bending of the rules.

When the Committee wrote to the Chief Constable and me, it asked for a response on three specific actions: first, the development of a business crime strategy or plan; secondly, improved strategic partnership working through either a partnership forum or a dedicated assistant chief constable for business crime; and, thirdly, the adoption and use of an agreed definition of "business crime" to provide for improved and consistent data collection and analysis of scale and impact.

As was noted in my response to the Chair of the Committee, given my Department's commitment to partnership working, I said that, in the first instance, I will provide partners on our respective delivery groups with an opportunity to consider the Committee report. That consultation is ongoing. I note, for example, references to good work being done with Retailers Against Crime, as well as Mr Frew's inevitable ability to make it very localised by talking about BRAC. Good work is being done in more than just Ballymena. My officials have met representatives from the PSNI and the Policing Board to discuss how best to deal with those specific actions in a comprehensive and efficient manner. It has been agreed that my Department will convene a workshop with the business community to explore the issues raised in the report, with a specific

focus being placed on the need for a dedicated business crime strategy or plan for Northern Ireland.

As Members will know, the business community's interests are already represented at a strategic level in the community safety strategy and through the OCTF's work. I have asked my officials to discuss through the workshop what the business community expects from a dedicated strategy. Many of the themes addressed in the community safety strategy are interrelated, and it may be considered a more strategic response to have a single framework to pull them all together, as the community safety strategy currently does. That is what we will be seeking to tease out through that further engagement.

I understand that the Committee has already been advised that Assistant Chief Constable Chris Noble has been appointed lead PSNI officer for business crime and that the PSNI is taking forward work on an agreed definition of "business crime".

In the short term, I hope that the proposed workshop will provide a platform to have an open and constructive discussion on future prioritisation of resources, building on the work that has been taken forward to date. There is no doubt that, at a time of limited resources, we need to ensure that they are well used. The arrangements for the workshop are being developed and will be communicated further in the coming weeks. In tandem with the workshop, the OCTF is reviewing its overarching strategy document and will shortly commence work on the community safety strategy beyond 2017. This report will undoubtedly help in that.

In conclusion, as I have mentioned already, partnership working is key to success. We all have a role in developing meaningful engagement to ensure greater collaboration between the wider justice agencies and the business community. In the presence of the Chair, I thank the Committee for its work on this issue and for its positive engagement generally. I am sure that Committee members will wish to join me in assuring the public that we will all play our part in continuing to work together to tackle business crime. I am happy to give the Committee and the House the assurances that they have requested that my Department will continue to work with the PSNI to address the issues highlighted in the report in a comprehensive and speedy manner.

Mr McCartney (The Deputy Chairperson of the Committee for Justice): Go raibh maith agat, a LeasCheann Comhairle. Obviously, this is an important and busy time of the year for our retailers and businesses, and the Committee's motion today, focusing on business crime, is timely and relevant. I suppose that it would be remiss of me not to mention and acknowledge the fact that many businesses, rural families and farming communities have been affected today by the adverse weather conditions.

I thank the Minister for responding to the debate. I also add my thanks to those who participated in the stakeholder event and provided written evidence, as outlined by the Chair. The Minister highlighted the need for partnership working and outlined some of the issues that will be taken forward by the Department and the PSNI, and that is to be welcomed.

The Committee event provided a very useful forum to enable the key stakeholders and the PSNI to engage with each other and the Committee on business crime, to discuss the key issues and to identify actions to deal with

them. It also dispelled the myth that retail and business crime is victimless. It is not — it impacts on all of us. That was a common theme in many of the contributions today.

Following the event, the Committee wrote to the Minister and the PSNI, and I am pleased to say that both have taken on board the areas for suggested action and are proactively making improvements; indeed, the Minister outlined some of those today. One example is the indication from the director of Retailers Against Crime at its recent conference that partnership working with the police has improved in recent times, and that should be acknowledged.

Members covered a range of issues, and I will turn to those shortly. I just want to acknowledge — I think that the Minister said this — the methodology for the report. Although it was not an inquiry, it was a very focused and timely piece of work, and it delivered well. The issues that came to the fore were well pointed up, and the business community said that they were very obvious issues for it. In his opening remarks, the Chair outlined that the Committee wanted to play a constructive and advisory role in these types of issues, and I think that the Minister, in the absence of the Chair, accepted that the Committee did that. The role of the Chair, in particular, in these types of initiatives is also to be commended.

On the report, I would like to highlight the views expressed by the stakeholders regarding the disparities in the definition of what constitutes business crime and the recording of such crimes, which leads to difficulties in measuring its extent and impact. That was a common theme among many of the people who attended; indeed, it has been highlighted today by a number of Members. It is important to have a consistent and accurate recording system so that the extent and nature of business crime is identified, as that will assist the police in targeting resources to deal with it. I, therefore, welcome the fact that the PSNI is considering how to apply the definition of "business crime" that was agreed by the National Police Chiefs' Council in mid-2015, which appears to be very comprehensive and covers any criminal offence committed against a person or property that is associated with the connection of that person or property to a business.

5.45 pm

I want to do a couple of headlines on the issues that Members raised. The Chair outlined the process but focused on cybercrime. He referred to the seminar at W5, which I think we all found very informative. It showed us, even beyond business crime, how the Internet can be used for other forms of crime.

Bronwyn McGahan focused on rural crime and gave the startling figure of £140,000 of theft in three months in her constituency. That is no doubt related to the detection rate, perhaps to the prioritisation of that crime and to how the farming community sometimes — I am not saying that it does not see it as a crime — nearly sees it as something that it can write off and not report. The Minister said that that would be very important as we go forward.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

Patsy McGlone made two very telling points. The first was that this cannot be defined or assessed on monetary cost alone and that the cost to jobs must be considered

because the more money that is lost, the more impact there will be on small businesses in particular. Secondly, he said that fraud is sometimes not seen as affecting businesses, and I think that it is very important that he highlighted that.

Danny Kennedy made a contribution, and I want to acknowledge what he said about Neil Somerville and wishing him well. I think that that would go for everybody, not just those on the Committee but, I am sure, the Assembly as a whole. He highlighted the issues in his constituency of Newry and Armagh, such as fuel laundering and ATM robberies. He said that some of the crimes are not reported and that, if a crime is not reported, it is perhaps not treated as seriously as it should be. He also talked about sentencing practices, which is an issue that has been brought before the Committee.

Stewart Dickson again talked about the need for people to report crimes, as there is an acceptance that people sometimes do not report and that it has an impact. He outlined correctly the positive work that has been carried out by the PSNI, the Department and, in particular, the PCSPs, in trying to improve outcomes, particularly by getting people to report. With reporting, there should be detection. He outlined the cost to small businesses and said that a £1,000 theft can be a massive amount of money if you are running a very small business.

Paul Frew highlighted the definition of business crime and the impact of theft on small, independent businesses. He highlighted a number of initiatives in his area whereby traders feel that they are taking the initiative on ensuring that crime is reported and that they are seen to be doing something about it. That assists the PSNI in its efforts.

Sammy Douglas focused on the hospitality industry and described it as one of the largest employers in the North that creates a large number of jobs. His focus is sometimes on the difference between licences and how they can be abused or circumvented or circumnavigated, for want of better words, and how that has an impact, particularly on those who pay the higher fee for licences and undermines their trade.

The Minister talked about the three issues that were raised to the Committee; he gave a very detailed response, and that is to be welcomed. The fact that Assistant Chief Constable Noble has been put in as the head will give some confidence to the business community. Hopefully, we can build on that. He also talked about the need for reporting and the role of the PCSPs in ensuring confidence because the two can go hand in hand.

Partnership has been an important theme during our discussion, and the Committee encourages the PSNI, business and retail stakeholders, the councils and the policing and community safety partnerships to work together to develop and implement local and strategic solutions to tackle all forms of business crime. The Committee will continue its work to monitor the implementation of the suggested actions to ensure that tackling retail and business crime continues to be a priority. We want again to thank the Minister for his response, Members for their contributions, and the stakeholders and those who attended and took the time to provide evidence and have taken a keen interest in this.

I hope that they see this report and our work in some way or measure as an acknowledgement of the great work and

the great evidence that they provided to us. On behalf of the Committee, I commend the motion to the Assembly.

Question put and agreed to.

Resolved:

That this Assembly notes the report of the Committee for Justice's business crime stakeholder event [NIA 283/11-16]; and calls on the Minister of Justice to work with the Chief Constable of the PSNI to address the issues highlighted in the report in a comprehensive and speedy manner.

Private Members' Business

Licensing Bill: Second Stage

Mrs Cochrane: I beg to move

*That the Second Stage of the Licensing Bill
[NIA Bill 69/11-16] be agreed.*

I welcome the opportunity to move this stage of the Bill this evening. Its proposal lies with the investment by the Executive in our national and regional stadia, namely the Kingspan Stadium at Ravenhill, Casement Park and the national football stadium at Windsor Park, as well as in the dissatisfaction with current arrangements permitting the sale and consumption of alcohol.

A significant sum of public money has been invested in upgrading those stadia, and they have been or are being developed in such a way that means that they are versatile in their use and will be fully equipped to host sporting, education, business, tourism and leisure events. Licensing at the stadia has been raised with many Members by a number of organisations and through a variety of channels.

Hospitality Ulster has been very vocal in stating the need for Northern Ireland to modernise its liquor licensing laws to reflect the needs of modern times and underpin ambitious plans to grow the tourism and hospitality sectors. They believe that our national stadia play an important role in our society and provide important venues for sport and major events that support the growth of our tourism sector.

The Committee for Culture, Arts and Leisure recently held a meeting at the newly refurbished Kingspan Stadium. It understands the current licensing restrictions and welcomes the Bill in addressing the issue. The all-party group on rugby, of which I am a member, discussed the issue at meetings over the past number of months and is supportive of a change in the legislation. Members of the IFA and GAA have set out why they would be supportive of the opportunity to apply for a licence at their stadia of regional or national importance.

Members will know that the legislation regulating the sale and consumption of intoxicating liquor is in the Licensing (Northern Ireland) Order 1996. There has been very little change to that legislation over the past 19 years. However, the hospitality industry has seen considerable change in consumer behaviour and demand. Furthermore, the £110 million redevelopment of our major sports stadia to become state-of-the-art facilities was not anticipated when the Licensing Order of 1996 was introduced. As such, an application for a liquor licence cannot be made for such premises.

Members might be aware that the building of the SSE Arena, formerly the Odyssey Arena, in Belfast triggered consideration of the need to amend the principal order in 2002. At that time, indoor arenas were a new facility for Northern Ireland, and they had also not been envisaged when the original licensing legislation was formulated. Therefore, they were not listed as a type of premises that could hold a licence. The issue was addressed by the Licensing (Indoor Arenas) (Northern Ireland) Order 2004, and had that Order been for indoor and outdoor arenas, I imagine I would not be standing here in front of you today.

As that was not the case, our current stadia cannot apply for a full licence. The first of our three stadia of national

importance to have completed its redevelopment, known as Kingspan, still has to rely on occasional licences to allow the sale and consumption of alcohol on the premises. To obtain an occasional licence, an existing licensee, which is usually a catering company, must apply to the courts for every single match, with decisions granted often very close to the time of the event. Under that occasional licence, young people, even when there is a children's certificate in place, must be away from the licensed areas of the premises by 9.00 pm, which is often earlier than the end of a sporting event. If any of you were at Kingspan a number of weeks ago in the wind, rain and hail, you would know that it is a very interesting conversation to have with parents to tell them that their children must stand outside whilst those parents can go inside to a bit of shelter, due to the demarcation of the licensed parts.

The Bill, therefore, would allow the stadia to apply for a full licence, and it would also relax the restrictions on the presence of young people in the licensed areas, putting our outdoor stadia on the same operational footing as an indoor arena in Belfast, meaning that they could deliver family entertainment in a controlled environment.

Because of the precedent that had already been set by the 2004 Order, I was able to progress a very specific consultation process. Essentially, I set out a number of options and then explained the proposal, along with details of exactly how the 1996 Order would be amended. That was to keep the consultation focused and try to achieve a specific task, rather than open up the whole debate on licensing, which has been consulted on recently by the Department.

In developing the legislation, I considered the following options. The first option is to do nothing. The second is to amend the legislation to add:

"stadium of regional or national importance",

to the definition of "Places of public entertainment". The third is to amend the licensing legislation to allow stadia of regional or national importance to be categories of premises which can obtain a licence. The fourth is to amend liquor licensing legislation as per the third option but to include amendments to remove some of the existing rules for access by children in order to recognise the unique family entertainment offered at those stadia. The fifth option is to do nothing, pending a review of liquor licensing legislation.

I made a proposal of the fourth option. It has similar costs and savings to some of the other options, but the additional freedom in relation to the presence of children would have certain benefits in that no applications would have to be made consistently for children's certificates and children or young people in the stadium, when accompanied by an adult, can remain in the licensed parts of the premises until later in the evening. That is particularly useful if a match has a later kick-off time, for example. The additional benefits of this option would be for the stadium to operate in line with its full business model and be able to bid for, and host, international sporting events. Also, maintaining and creating a family, controlled environment, without restrictions on permitted hours, could provide significant revenue to the venues and the economy as a whole through the hosting of such events and by maximising their potential.

I carried out a five-week consultation on the policies behind the Bill and the intended wording. I received 276 responses by the deadline, and a few more came in after it. Of those that came in on time, over 95% supported the introduction of the Bill, and a proportion of them recorded that they felt the Bill should go further and I should try to amend more of the licensing law.

In order to ensure that a wide variety of views were represented in the consultation, I directly approached a wide range of stakeholders who had previously responded to the liquor licensing consultation that had been carried out by the Department for Social Development. Among those in support of the proposals were, probably not surprisingly, the GAA, which was very supportive and said that it believed that the new Bill will be a very positive development which would assist it in the organisation of games and enhance the economic development of both Belfast and Ulster.

The IFA said that it was fully supportive of the proposed changes and stated that current legislation did not reflect the reality of the situation it faced today and, in consideration of the three main stadia, their capacity to draw large crowds and add to the economic welfare of Belfast and Northern Ireland, the ability of those venues also to participate in the controlled sale of alcohol as an added facility would be greatly beneficial to their management and development.

Ulster Rugby, too, offered its full support, echoing the sentiments of the GAA and IFA and warned of the potential consequences of maintaining the status quo, which could leave Northern Ireland unable to host some major future sporting events, such as the 2017 Women's Rugby World Cup and the Rugby World Cup 2023, a fact that was also reiterated by the Irish Rugby Football union (IRFU) World Cup bid committee board.

Additionally, there were supportive responses to the proposal from the Federation of Small Businesses, which described the recommendation as a common-sense approach, aimed at improving the operational efficiency of stadia, with further benefit of increasing competition for contracts among local SMEs in the hospitality sector; and from Hospitality Ulster, which noted a clear need to modernise our liquor licensing laws. However, Hospitality Ulster felt that the Bill should be amended to include some more of the key points that the Social Development Minister agreed during his consultation.

I am happy to report that I received an overwhelming majority of responses supporting the proposals, with many respondents welcoming the common-sense nature of the intended outcome.

6.00 pm

I have already mentioned that I deliberately targeted organisations that had previously expressed an interest in licensing legislation through their responses to departmental consultation exercises. On top of that, I targeted health organisations and church bodies. Most of them came back to say that it was too narrow an issue and, as there was no proposal to actually change licensing hours etc, they did not feel the need to respond. One alcohol awareness charity — Balance, based in the north-east of England — said that it would be against reinforcing the relationship between alcohol and spectator sport.

Of the small number of other people who raised an objection to the proposal, the main issue was additional permitted hours. My original proposal included an amendment to article 44 of the 1996 Licensing Order to allow a stadium licence to be granted to sell alcohol for extended hours, that is until about 1.00 am. Naturally, some residents had concerns about that, and some pub owners in the vicinity of the stadia expressed the view that they would lose business if that were the case. On the back of those responses, I therefore removed the proposal to allow a permanent licence with extended hours.

I turn, then, to the specifics of my Bill. It is concerned solely with the liquor licensing of our large outdoor stadia of regional or national importance; it is not to do with all the other issues around liquor licensing that have been raised. The Bill will introduce a new category of licence. It will allow the licensing of stadia that are deemed to be of regional or national importance and designed and intended to be used for a range of events and activities. There would be a new category — an outdoor stadia category — added to article 5(1) of the Licensing Order, and there would be a very clear definition. Clause 2 talks about the definition of a stadium of regional or national importance. Now, there has been a little bit of feedback even in the last week or so on how that might need to be tweaked a little more. Currently, it either has a certain capacity or has been designated as being of regional or national importance by the Department. It may need to be tweaked a little further, and I hope to be able to do that through Consideration Stage.

The other clauses in the Bill are quite routine and mirror the 2004 Order, but it is important to note that the existing safeguards in the Licensing Order would also apply to outdoor stadia. Those safeguards include that the sale of alcohol must be ancillary to the normal business carried on on the premises. That means that an outdoor stadia licence would not authorise the sale and consumption of alcohol when the stadium was not being used for an event, sporting or otherwise. It would need to be subject to the normal business of the outdoor stadium being carried on, and the general permitted hours would apply, so it would be the same as other premises. Also, any alcohol sold must be consumed on the premises; therefore, there is no eventuality of off-sales or anything else being permitted. As with the indoor arenas, the proposal is that outdoor stadia would be subject to the provisions intended to protect children and young people under the age of 18.

An important point, as well, in one of the clauses is the additional safeguard that has been put in. A court would be given the power to attach any conditions that it considered appropriate to a licence for an outdoor stadium. This would, for example, allow the court to respond to concerns about the sale of alcohol at certain types of event, particularly those perhaps aimed at a young audience. The court could use that power when granting or renewing such a licence and at any time during the course of a licence as well. It is important to note that those safeguards are there.

At this point, I thank Members for their interest to date in the proposal and in the Bill and for the positive feedback they have given. I ask them to support the passage of the Bill this evening.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Phríomh-

LeasCheann Comhairle. Thank you very much, Mr Principal Deputy Speaker.

The Social Development Committee notes the introduction of the Licensing Bill and thanks the Member for bringing this to Second Stage in the Assembly this evening. I thank the Member particularly for her sterling work in having her own consultation and engagement with the Department and a wide range of stakeholders. She has certainly displayed a considerable amount of due diligence in this regard and has sought to engage Members at every stage while she was developing the Bill. She has sought to make sure that the Bill is narrow enough to create fewer complications. We all know that licensing laws and/or any amendments can stimulate a considerable amount of discussion, so I commend the Member for her work in bringing the Bill forward.

Mrs Cochrane briefed the Committee on the contents and purpose of the Bill on 15 October. The Committee understands that the Bill as introduced will permit outdoor stadia to apply for a licence on the same terms and conditions as an indoor arena, namely the SSE Arena. To that extent, the Bill builds on a previous amendment to the principal Order — the Licensing (Northern Ireland) Order 1996 — which was made in 2004. The Committee noted that, in the context of the Bill, “outdoor stadium” refers to a stadium designated as a regional or national stadium in regulations made by the Department. In practical terms, as the Member has outlined, that means the proposed Casement Park development, Windsor Park and the Kingspan Stadium. As was explained to the Committee by the Member, Windsor Park must operate in accordance with UEFA rules in respect of selling alcohol at matches and, clearly, with the delay in the development at Casement Park for the current period, in the short term the Bill is only likely to have direct impact on the Kingspan Stadium. However, we should recognise the potential benefit to other stadia in the future, and I am sure the Committee will explore that in due course during its consideration. As it stands, the Kingspan Stadium must apply for an occasional licence for an event, that is each rugby game that is to be held there. That has obvious drawbacks in the bureaucracy involved. The licence is linked with the caterer, not Ulster Rugby, and, of course, there is the potential for a licence not to be issued until very close to the time or the day of the match, with the implications that that has for planning the events.

The Committee was told that, in operational terms, there will be little difference to the selling of alcohol whether a stadium holds a full licence, which the Bill will facilitate, or an occasional licence has been issued. Where the difference comes into play — no pun intended — is how the Bill makes provision when children are on the premises. Many of us will have experience of the restrictions that apply after 9.00pm when attending a family event in licensed premises with young children present. While there is no threat or danger to anyone, the licensee would be and is in breach of the law if alcohol continues to be served when children are present. Attending sporting events is often a family event, as the Member has mentioned. It is my understanding, on behalf of the Committee, that rugby games often start late and run beyond 9.00 pm. It is not necessarily the case that allowing children to remain on the premises after 9.00pm when alcohol is being sold undermines that family focus or sets a bad example to children, when adults are behaving

responsibly when consuming alcohol. That is perhaps the key issue that the Committee will focus on when it considers the evidence more fully.

The Committee acknowledges that, in enabling stadia to maximise their business potential, there will likely be benefits to the wider economy. In addition, the Committee acknowledges that stadia will operate under the same law as already exists for other licensed outlets and be required to offer the same protection regarding the use and potential abuse of alcohol as other premises. Again, the Member has already described that in some detail. The Bill is, therefore, tightly drawn and the definition of “stadium” contained in it is clear.

The Committee will take time to hear stakeholder views on the Bill. Members are, of course, aware of the enormous pressure on the legislative workload of the Assembly; indeed, the Committee for Social Development is currently considering two housing Bills. Therefore, while the Committee has noted the potential benefits of the Bill for outdoor stadia and the wider economy, it has expressed concern about the challenging timescales involved. The Member is aware of that, and that remains the case. As noted, of particular importance to the Committee will be its consideration of the amendments to remove some of the existing rules for access by children and, in general, the Committee will want to be content that a sufficiently wide range of stakeholders have been consulted within the limited time frame.

On a number of occasions, the Committee has been pressed and has supported the Drumbo racing track having an amendment to its licensing laws that, if I understand it correctly, would allow it to operate on a Sunday afternoon. The Committee was fully in support of that, and, indeed, in our engagement with the Department and the previous Minister there was a clear understanding that the Department would not stand in the way if an amendment to enable the Drumbo track to proceed as it had requested were to be tabled.

Recently, there was also a fairly significant lobby in relation to young people's discos that would be held on licensed premises but at times when alcohol is not permitted to be sold. The Committee is well aware that there are other issues that came to light at our meetings. People have lobbied the Committee, and we have taken those discussions forward, but we are well aware that this is a narrowly defined Bill and we do not want to complicate things necessarily. If we can accommodate those other matters, the Committee will look to do that, but, at this point, the Committee is content with the principles of the Bill as introduced.

Mr Douglas: I support the Second Stage of the Licensing Bill, and I commend Mrs Cochrane for bringing it to this stage to address the restrictions that are faced by large stadia. When the Member came to the Committee, she made a clear, concise and, I must say, excellent presentation. She addressed all the questions that were raised in a well-thought-out fashion. I raised the question about consultation with churches, and she certainly addressed that. There seemed to be consensus among members at the Committee that we agreed with what she said in relation to the Bill.

For me, the Bill will make a difference for outdoor stadia that are now used for a range of activities. I was at the SSE

recently at the Friendship Four ice hockey tournament. There was drink there, but, in many ways, it was ancillary to the event that was taking place. There were thousands of children, and I did not see any of them or their parents involved in drinking, so I support that aspect of the Bill.

Mr Maskey mentioned Drumbo stadium. Maybe the Member will address that and let us know if there is anything in her Bill that will address some of those concerns because the management of Drumbo greyhound stadium came to us in, I think, 2012 and raised some of these issues, so I ask the Member to look at that.

Irish Rugby has applied to host the 2023 Rugby World Cup. Casement Park is part of that and, if it were to happen today, it would not be accepted because we need to address those issues. I will keep my remarks very brief and finish by saying that I support the Bill.

Mrs D Kelly: I congratulate the Member on her initiative, which is needed. In relation to people's concerns around further outlets for the sale of alcohol, it is widely recognised that, where there are such licensed premises, there is better regulation. We all know that, if young people or, indeed, adults want to drink, they can do so in the comfort of their own home or, indeed, as some may, on street corners and in our public spaces. You have the measure of it all much better in a bar or a social club, so I welcome the support of the sporting organisations. I believe that they are all responsible organisations and that they will take seriously the responsibility if it is given to them through this legislation.

Like the Chair of the Committee, I have concerns about some other aspects around Drumbo and the under-18s issue; perhaps we can look further at that and use this as a vehicle. It is fair to say that, for whatever reason, successive Ministers have failed to table the licensing regulations that have been promised for some time to many of the organisations. The opportunities and the enjoyment of games will be enhanced if the Bill does what it says it will do. At this stage, our party will scrutinise further the provisions and clauses in the Bill, but we welcome the assurances received from the Member at Second Stage today.

6.15 pm

Mr Beggs: I too welcome the Second Stage of the Licensing Bill. I congratulate Judith Cochrane on the progress of her private Member's Bill and hope that it will gain support and move on to Committee Stage for detailed scrutiny. I declare an interest as a former rugby player and member of Larne Rugby Football Club. It was some years ago that I was playing rugby; I occasionally graced the Ravenhill turf.

I notice that licensing is yet another area in which the Northern Ireland Executive and in particular, as Dolores Kelly said, the Social Development Minister have failed to address legislation in an area of need. In particular, I notice that there was a 2012 consultation on proposed changes to the law on regulating the sale and supply of alcohol in Northern Ireland. That was almost three years ago, and there were 2,500 responses. What happened after that? Is this another area where the Executive have been busy consulting and analysing but making no change to meet the needs of our community?

Some of those consultation responses would have highlighted the anomaly with, and the absence of, licensing at regional outdoor stadia in Northern Ireland. Yet, no legislative proposals were progressed in that area by the current Social Development Minister or his predecessor over that three-year period.

Going back to the point made earlier, we have produced a detailed consultation, analysed it and then failed to bring about legislative improvement. So, I commend Mrs Judith Cochrane for picking up the issue in her private Member's Bill to address one of the anomalies in our licensing laws, namely with regard to outdoor regional stadia. I also commend her for gaining a considerable public response to it, which has shown a high level of support for her proposals.

It is quite surprising to think that some of our major sporting and entertainment organisations — the way sport has gone, it is now "sport and entertainment" — have been reliant on an occasional licence as part of their business model to entertain during their regular matches. Should such a business have to operate with such temporary arrangements? It is wrong, and that applies equally to the stadium that is being developed at Windsor Park and the new GAA stadium when one is eventually built.

The requirement for a young person to be supervised on the premises as part of the licence is fine. However, the requirement for them to be off the premises by 9.00 pm, which would often be earlier than the end of the sporting event, is just ridiculous in this day and age. We have learned that an amendment was made to enable indoor stadia to be licensed. So, we can license indoor stadia but not outdoor stadia. Clearly there is a gap in our legislation, and this private Member's Bill appears to be picking up that issue and addressing it.

I note that various sporting bodies can impose their own restrictions. In football guidance, I see that UEFA and FIFA may further limit a stadium above and beyond any local guidance or regulations. Equally, other sporting bodies can impose further sanctions and restrictions if they feel that it is necessary to do so.

I noticed in the private Member's Bill an ability for a court to attach and vary conditions following the intervention of the PSNI district commander. I welcome that. It means that, if issues arise, they can be addressed without the need for further regulations. That is a wise area to have included in the Bill. She has sought to fill a very specific gap in the current legislation: the absence of an outdoor regional stadia licence. I support the principles of the Bill and encourage Members to allow it to move forward to the detailed scrutiny stage.

Mr Dickson: I, like others, start by commending my party colleague Judith Cochrane for taking the initiative and bringing forward this necessary change to the legislation. We should also welcome the cross-party, and indeed wider community, support that the Bill has received. It is important that we move quickly and efficiently to ensure that it is passed before dissolution.

This legislation moves our licensing law with the times, recognising that the nature of our stadia — hopefully, those stadia will be joined shortly by the new Casement Park — has moved on since the creation of our licensing law structures. That will considerably increase the capacity and indeed versatility of the stadia available

across Northern Ireland. Looking to the prospect of some world events, particularly the Rugby World Cup, and the need to clarify the law, it is sensible that we look at this aspect of licensing, considering that a comprehensive review of our rather outdated licensing regime is unlikely to happen. Tonight is perhaps not the time to criticise the Minister or the Department for not bringing forward those changes. Nevertheless, others have placed on the record their concern about the speed at which those changes have come forward. I add my voice to that, particularly in respect of Drumbo stadium, which is another anomaly that has got caught in the black hole of the failure to bring forward appropriate changes to our licensing laws.

It is important and prudent that Mrs Cochrane has included safeguards in the Bill. For example, as others have said, a court may attach certain conditions to outdoor stadia licences at any time during the life of the licensing application and its operation. Common sense is applied in clauses 3 and 5 to prevent stadia running off-licences or purposely run pubs or using the licence in another inappropriate temporary stadium. Clause 7 applies the same conditions for the sale of alcohol as were implemented for indoor arenas in 2004. I do not think that there is any dispute that the licence has operated successfully in the Odyssey Arena. This means that we will see the same tried-and-tested conditions for this new category of premises. I believe that that reduces any concerns about risks associated with it, while taking seriously into consideration the need for a family-friendly atmosphere.

We have heard no dissenting voices thus far. It seems that there is a broad measure of agreement with regard to this legislation. It is a good example of how a private Member's Bill can identify and correct gaps in the licensing law. We need to move with the times. The facilities that we have in Northern Ireland need to be able to meet the modern expectations of those who use the stadia, not only today but into the future.

Mr Allister: I understand entirely the logic, thrust and purpose of the Bill. I have three questions or issues for the proposer to address. The first relates to the use of a stadium outside its normal use. For example, the rugby Schools' Cup final is habitually held at Ravenhill. It is my understanding that, whereas Ravenhill regularly applies for an occasional licence, and therefore the sale of alcohol is not uncommon at it, it has not been the practice to apply for such a licence for the Schools' Cup final. Under this Bill, there would be the availability that the licence would apply to the Schools' Cup final as much as to anything else. The Member might say that, under clause 4, it would be possible for a condition to be put on the licence by a court, and that is correct.

If people think, as I might think, that it is inappropriate at an obvious school event to have the sale of alcohol as a component, an alternative to relying on clause 4 would be to include in the Bill a requirement to exclude events such as school rugby finals or other events where the essential focus and participants are minors.

The problem that I see with clause 4 is that only a district commander of the police can apply for a restriction. One might expect that a district commander of the police would act on foot of public order concerns, rather than anything else, and it might, in fact, be ultra vires of a district commander of the police to make what essentially is a moral point that it is thought not to be appropriate to have

alcohol on sale at a minors' event, such as the Schools' Cup rugby final. Therefore, I ask the Member to consider whether it would be worth having in the Bill an exemption in the licence for such events.

The second issue I have for the Member is whether she needs clause 6 at all, because clause 6 allows an occasional licence application to extend the hours to 1.00 am. Under the Bill, if and when it goes through, all these stadia will have the normal licensing hours of 11.00 pm. All sporting events, I think, with, perhaps, the exception of occasional boxing events, are well and truly over before 11.00 pm. So, I wonder why it is necessary to have the facility to apply for an extension to 1.00 am. I do not think it is desirable that sporting stadia become a mere cover or vehicle for a social club, given that a lot of them are in quite densely populated areas. We have already, in another context, seen the furore about the development of Casement and the fact that it sits cheek by jowl with a densely populated residential area. I am not sure that we would be serving the interests of those people or anyone who is equally living adjacent to a stadium by facilitating, in the manner that clause 6 would facilitate, the extension of licences to one o'clock in the morning. So, given that it is about sporting events, and given that sporting events, habitually, are well over before the end of licensing hours at 11.00 pm, why is it necessary to have clause 6? I would like the Member to explain that.

My third area of concern relates to whether the Bill, through amendment, could become the vehicle for wider change to our licensing laws. It may well be that our licensing laws need to be addressed in various dimensions, but I do not think it is desirable that they are addressed on an ad hoc basis. I think it is desirable that they are addressed in a holistic manner rather than on that ad hoc basis. So, I want some reassurance from the Member, from the advice that she has had from the Bill Office, on whether the Bill, with its long title etc, would be capable of being a vehicle for the ad hoc reform, if you want to call it that, of our licensing laws, when I think that what we need is departmental-driven, holistic reform, if there is the desire to move in that direction.

With those three questions or observations, I look forward to hearing what the Member has to say.

6.30 pm

Mr McCallister: First, I want to congratulate Mrs Cochrane on bringing the Bill to this stage. From listening to the debate, it certainly seems that there is wide support for its principles at least and that it merits further consideration by the Committee, indeed to answer some of the concerns of Members. I apologise to her because I cannot stay to listen to her winding-up speech. I wanted to be here to contribute in a very small way by saying that I, like colleagues, support the broad principles of what the Bill seeks to achieve and wants to do. It is important.

Mr Beggs made the point that it does seem to be somewhat strange that we have arrived at a situation in which a business model like the Kingspan Stadium at Ravenhill is reliant on an occasional licence for which it must constantly apply. It is a strange set of circumstances. In some ways, it probably feeds into Mr Allister's point that a much wider review of the entire licensing system needs to be done at some point. There needs to be the political will to deal with that and address the issues of licensing.

I commend Mrs Cochrane for bringing this piece of legislation to address fairly specific issues at this time. Given the time frames involved, I think it was very worthwhile to carry out the consultation that she outlined in order to deal with some of the concerns and issues about how you might put conditions on a licence; indeed how you might address some of the issues around 11.00 pm or 1.00 am and whether it would be permissible on some occasions to be 1.00 am.

I think that it is very much work that the Committee can, and should, undertake to see what changes or amendments need to be brought forward. Certainly, from my perspective, I support the Bill and encourage others to do so to see that it completes its Second Stage.

Mrs Cochrane: I thank Members for their contributions today. I think it is a sign of improving times that we can stand here and debate licensing arrangements for world-class stadia such as the Kingspan Stadium, the national football stadium and Casement Park. The fact that Northern Ireland can now attract major sporting events and other events is to be welcomed, and we should be doing all we can to ensure that legislation helps, not hinders, us. There is clear evidence that these major events bring with them widespread benefits to the economy.

The Chairperson of the Committee for Social Development, Mr Maskey, referred to the due diligence that had been carried out to date and the potential benefit to all three stadia should the Bill progress. He mentioned the key issue of the behaviour of those who drink alcohol in the presence of children. I am confident that the safeguards and a number of operational aspects, which are already in place in Kingspan for instance, would be put in place in the other stadia and would allay any fears around that. He referred to the wide range of stakeholders that would need to be consulted and the timescale, which remains a challenge. I feel that there has been a lot of support out there for the Bill. I think that people might drop everything when the Committee calls in order to try to facilitate this.

Mr Maskey also raised the issues of Drumbo Park Greyhound Stadium and the recent court ruling on underage discos on licensed premises, when the bar was actually closed but the hotel was still found to have been in breach of its licence. These are issues that may be able to be addressed. Certainly, I know that the issue of when the bar is closed has been consulted on. It may be that that issue might be addressed in the Bill. That partly answers one of Mr Allister's questions. It is a very tightly defined Bill. I have done that specifically because I do not want to be a situation where the Bill does not progress because it gets clogged down on lots of different things where we cannot get consensus.

Given the fact that there seems to be general support for this, it would be prudent to try to move forward ahead of the next sporting season.

Mr Douglas referred to the consensus among the members of the Social Development Committee. He also mentioned having been at the SSE Arena for the ice hockey, where he could see that the sale of alcohol was ancillary to the event. It was very family-friendly; indeed, the Bill is intended to mirror that operational environment.

Mrs Kelly talked about better regulation coming from licensing, and I agree with that. For example, people are worried, perhaps, about having alcohol in the presence of children, but if you go into a bring-your-own restaurant at the moment you can bring a number of bottles of wine or beer or whatever you choose to drink. You can pay your corkage and you can sit there drinking with your children to whatever time. Where there is not a licence in place, it is more difficult to regulate it, so I agree with Mrs Kelly's comments on that.

Mr Beggs referred to the lack of progress on legislative change for licensing that we have seen over the Assembly term. He specifically talked about children and agreed that it is important that they are supervised by an adult, but he highlighted the anomaly of stopping at 9.00 pm in an outdoor stadium when it does not stop in an indoor arena; that is a gap in our legislation. Mr Beggs also welcomed the clause that will attach conditions to licences, both at the time of application and renewal and also at any time during the life of the licence. Mr Dickson supported the proposal and referred to the indoor arena and how it is a tried and tested model. Mr McCallister also spoke in support of a number of aspects of the Bill.

I will try to answer Mr Allister's questions. First, he referred to the use of stadia for other events such as the Schools Cup final. He might be aware that I specifically referred to events geared towards children in my consultation document. There is a power there for the courts to place a condition on the licence that would say that it could not be operational at such an event. I can certainly give consideration to putting it into the Bill. It may be that if we start to pick one or two things, we could come up with a very lengthy list, which starts to bog things down. The operators, such as the GAA and Ulster Rugby, do not intend to operate their licences at that stage; it is not really their approach to things either. I would not be averse to putting it into the Bill, but I see it being a matter for the courts to be able to authorise bespoke licences to fit operationally with a stadium's business plan.

Mr Allister also referred to whether clause 6 needed to be in there. It may not need to be used, but I am trying to future-proof the Bill. It may be that a stadium ends up holding an event at which the Queen comes to visit and there is a wonderful big concert at which they want to serve champagne until midnight, for instance. All I am trying to do is to future-proof the Bill by saying that you will be allowed to apply for it. This does not grant the licence; this is only enabling legislation to say that you will be allowed to apply for it. It will be up to the court to determine whether that needs to be used. I want to make sure that our stadia can realise their full potential, and that is why I am trying to future-proof the Bill and think of the things that may come up in future years.

The other aspect was about whether the Bill would be used as a vehicle for ad hoc events. When I went to the Committee the last time, the two main issues that were raised with me were about Drumbo Park and about underage discos where the bar is closed. At the time, I said that I had no problems with those issues. The Drumbo Park issue has not been consulted on, and I do not know whether that would be a hindrance. It is up to Members if they feel that they want to amend any aspects of the Bill. I am not quite sure where that part would fit in, although we may be able to fix the issue around hotels. I have had

conversations with the Department, and it may be that there is something that it wants to bring forward. However, that is certainly not the intention; I have kept the Bill as tightly focused as I can.

There is no doubt that the current licensing restrictions place a time-consuming and a huge administrative burden on our regional and national stadia, particularly on Kingspan, where its caterers have to apply for an occasional licence every time there is a match. The children's restrictions at 9.00 pm also place a massive operational task on the stadium. I have seen the security staff trying to explain to parents why their child must stand outside in the rain while the parent queues to buy some food and drink from the kiosk, even though, half an hour earlier, that was not the case and the child was allowed to be near them. This Bill will remove that burden but, at the same time, ensure that there is a well-managed, family-friendly environment.

I thank the Members for their comments and their support, and I ask them to allow the Bill to pass Second Stage so that it can be scrutinised further at Committee.

Question put and agreed to.

Resolved:

That the Second Stage of the Licensing Bill [NIA Bill 69/11-16] be agreed.

Mr Principal Deputy Speaker: The Bill stands referred to the Committee for Social Development.

Adjourned at 6.41 pm.

Northern Ireland Assembly

Tuesday 8 December 2015

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Resignation of Member: Pat Ramsey

Mr Speaker: Before we proceed to today's business, I have an announcement to make. I wish to advise the House that I have received a letter from Mr Pat Ramsey giving me notice of his intention to resign as a Member for the Foyle constituency with effect from 31 December 2015. I have notified the Chief Electoral Officer in accordance with section 35 of the Northern Ireland Act 1998. I am satisfied that the requirements of Standing Orders have been met.

I also want to say a brief word, having worked with Pat for many years as a Derry city councillor and then as an Assembly Member. I also worked with him on the Assembly Commission when I was appointed Speaker. I just want to express my appreciation for the service that you have provided to this Assembly. Thank you very much, and I wish you all the very, very best of luck for the future.

Some Members: Hear, hear.

Plenary Business: 7 December 2015

Mr Speaker: The first item of business is the consideration of business not concluded on Monday 7 December. You will be glad to hear that we concluded all the business on yesterday's Order Paper, so we will move on.

Ministerial Statements

North/South Ministerial Council: Inland Waterways

Ms Ni Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Cheann Comhairle. Before I commence my statement, I, too, wish Pat and Chris all the very best. Pat is a great public servant and is liked by everybody across parties, which is sometimes rare for this place, and I wish him, Chris and the girls all the very best.

Mr Speaker, with your permission and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council (NSMC) inland waterways meeting, which was held in the Tyrone Guthrie Centre, Annaghmakerrig, County Monaghan, on 6 November 2015.

The Executive were represented by me as Minister of Culture, Arts and Leisure and by junior Minister Emma Pengelly from the Office of the First Minister and deputy First Minister. The Irish Government were represented by lead Minister McHugh TD, Minister of State with special responsibility for Gaeltacht Affairs, and Heather Humphreys TD, Minister for Arts, Heritage and the Gaeltacht. This statement has been agreed with junior Minister Pengelly, and I am making it on behalf of us both.

The meeting was chaired by Minister Humphreys TD and dealt with issues relating to inland waterways and its constituent agency, Waterways Ireland. The following topics were discussed and decisions taken where appropriate.

The Council received a progress report from Dawn Livingstone, chief executive of Waterways Ireland, on the activities of Waterways Ireland, including the following: management and maintenance of waterways continued, with over 95% of waterways remaining open for navigation in the period from April to October; capital expenditure focused on infrastructure repairs, with embankment strengthening and wall and bridge repairs; development work to refurbish waterside facilities and to extend towpath development is being enabled through third-party funding of €1,020,000; the dredging of the River Finn phase of the restoration of the Ulster canal from Upper Lough Erne to Castle Saunderson has been completed; Waterways Ireland is working with local authorities to explore options for the development of a greenway along the route of the Ulster canal; and 112 events were offered sponsorship support.

The UK winner of a 2015 Living Waterways Award was Row the Erne, a community-based organisation that is facilitated and supported at Waterways Ireland's

headquarters. Ministers noted the update on Waterways Ireland's work to maximise the benefit of EU funding opportunities. The Council approved the determination made by Waterways Ireland regarding legacy scale linkages for Northern-based staff. The Council consented to a number of property disposals. The Council approved the appointment Ms Georgina McIntyre to the post of chief executive of the Special EU Programmes Body (SEUPB), on the basis of a seven-year, fixed-term contract, subject to the final agreement of the contract of employment. The Council agreed to meet again in inland waterways sectoral format in spring 2016.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): I thank the Minister for the report on the meeting. In length, at least, it is a modest report. Given the reference to the use of Waterways Ireland's headquarters by Row the Erne, a community-based organisation that was facilitated and supported there, and that there have been comments regarding the scale of the headquarters in Enniskillen, whether it is larger than actually needed and whether some of it could be sublet or used by others, has there been any progress on that, and is this an example of that sort of thinking?

Ms Ní Chuilín: I thank the Chair for his question. I agree that concerns have been raised about the size of the Waterways Ireland headquarters building in Enniskillen. Perhaps, if there is excess office space that people could make use of, that should be explored. I think that this is an example of where that has happened. I am not aware of any other requests for space, but I will try to find out whether there have been requests and if they have been facilitated; or, if there is still additional space, what plans there are to have that space filled in future.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Can the Minister outline the main priorities for Waterways Ireland in 2016?

Ms Ní Chuilín: I think that the Member will join me in ensuring that we continue to recognise the achievements of Waterways Ireland in keeping navigation open. It is now at 95% and over. I think that its priority is to ensure that navigation is kept open and that another priority is the restoration of the Ulster canal. As the Member will have had a chance to see in the statement, Waterways Ireland is actively exploring other opportunities for additional funding through European routes and is looking at partnerships with other nations and countries, particularly on canals and waterways, to ensure that it not only gets additional funding but helps the sustainability of the waterways currently open.

Mrs McKevitt: I thank the Minister for her statement. Rightly so, Waterways Ireland has concentrated in its progress report on capital expenditure. It focused on infrastructure repairs, embankment strengthening and bridge repairs. Can the Minister tell the House whether any of those plans have been thwarted because of the extreme weather conditions that we have seen over the last week, and with more to come?

Ms Ní Chuilín: I thank the Member for her comments and her acknowledgement of the work of Waterways Ireland in keeping the navigation system and waterways open. I am not aware of any adverse impact as a result of the weather conditions. However, as we get the reports, even those from yesterday and today, I am keeping a daily

watch on them. After today, I will ask for an update. I know that Waterways Ireland has a very good and effective working relationship with county and district councils. It takes a partnership approach to all government agencies, irrespective of the jurisdiction in which they are based. It has certainly done that in the past, and I have no indication that it will not happen if needed this week or in future. It will be willing to do whatever it can.

Mr Cree: I thank the Minister for her statement. Two points caught my eye. The first concerns a substantial sum of money from third-party funding for towpath development. Can she tell us where that is likely to take place? The second concerns the Ulster canal. We have been told that Waterways Ireland is exploring options with local authorities for extending a greenway along the canal. That would be helpful. Can she give us a bit more detail on that, please?

Ms Ní Chuilín: I know that blueway developments are very successful, and some funds have been received from some Departments for them. In Enniskillen, our colleague Michelle O'Neill was involved in exploring options for blueways and, indeed, greenways.

On the Ulster canal restoration, as the Member may be aware, dredging has taken place on the River Finn. Waterways Ireland is looking at how it can extend that from Castle Saunderson to further afield. Through the work of the inter-agency group, and from meetings with local representatives that Minister Humphreys and I have had recently, it was very clear that there is a good energy. A can-do approach is being taken to try to secure additional funds — known as third-party funds — to look at opportunities to open up not only the canal but the walkways around our waterways. That is a really good development, and we are all keen for it to continue.

Ms Lo: I have complained before about the brevity of the Minister's statements on previous meetings of the North/South Ministerial Council. I think that this is the worst that I have ever seen. The statement was very, very brief. It would be more helpful if we got more details so that we could ask you more questions. I do not understand why there is a reluctance to provide more details in statements. I want to ask questions. On EU funding opportunities, you could have told us something more about what opportunities and what work have been generated through maximising funding. Then —

Mr Speaker: I am waiting for a question.

Ms Lo: What does "legacy scale linkages" mean? Can the Minister elaborate on that, please?

Ms Ní Chuilín: The Member has complained in the past. I am not aware of her approaching either Waterways Ireland or Foras na Gaeilge for additional information, or even, for that matter, coming to me in between statements on one sectoral format meeting and another. Notwithstanding that, the statement was agreed by both Departments and reflects the joint communiqué. As for the linkages, there are differences in pensions and travel costs between members of Waterways Ireland staff, depending on the jurisdiction. I am sure that the Member will agree with me that it is important to ensure that all pensions and travel costs, as well as any other employment-related matters, are synergised across the island.

If the Member wants any additional information, I am open to receiving questions and answering them as best

I can, but she needs to be proactive as well. If she is so discontented or unhappy with the level of detail provided, there is nothing stopping her from asking questions.

10.45 am

Mr Hilditch: I think that the difficulty with a short statement is finding something to ask on the issue. One thing that jumps out, Minister, is the European funding opportunities. Will you work with the Agriculture Department, for instance, on the rural development programme to potentially try to provide mix-and-match schemes?

Ms Ní Chuilín: I know that the Minister of Agriculture and Rural Development and Simon Coveney in the Irish Government have been working with Waterways Ireland to explore opportunities. Indeed, many bodies are trying to do that. There has been a great collaborative approach between Enniskillen and Monaghan and Cavan councils. That was evident in planning, first with the environmental impact assessments, and then with the planning regulations that were achieved. That partnership and relationship have continued. They will be pursued, and I will do whatever I can. Indeed, Waterways Ireland will do whatever it can to try to maximise opportunities to ensure not only that there is additional funding but that opportunities are not lost, particularly along the waterways.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí agus cuirim fáilte roimh an ráiteas s'aici anseo ar maidin. I thank the Minister for her statement this morning, which I welcome. Which stakeholders are represented on the inter-agency group that has been set up to examine all options for the Ulster canal? Does it include elected representatives?

Ms Ní Chuilín: I thank the Member for her question. At this stage, the group does not include elected representatives. When Minister Humphreys and I met stakeholders after the NSMC meeting, that issue was raised. In fact, I met some representatives before the meeting and raised it in advance with Minister Humphreys. While the county councils are involved in the inter-agency group, and while that is appreciated and accepted, it was felt that elected representatives need to be involved because they are the real voice of the councils in trying to ensure that the direction that the councils are going in is appropriate to the needs of the people they represent. It would also mean that there would be better involvement and participation and, sometimes, a better joined-up approach. It is anticipated that, in the not-too-distant future, elected representatives will be involved in the inter-agency group.

Mr Dallat: In the lead-up to Christmas, I am in a very buoyant mood, and I readily acknowledge that Waterways Ireland has done a great deal to transform the River Bann from a large drainage system into what could be the Riviera of the North. Will the Minister assure the Assembly that everything possible is being done to encourage private investment that is capable, in the long term, of creating many sustainable jobs in leisure, hospitality and tourism?

Ms Ní Chuilín: I thank the Member for his question. I know that Waterways Ireland has been extremely proactive and has met tourism sectors right across the island. As I mentioned earlier, it is working with local government and Departments to try to ensure that there is a better joined-up approach, particularly to events and sponsored events. You will see from the statement that it was successful in

securing sponsorship for at least 112 events. It is also looking at using our waterways and canals to add to the tourist product. I know that it is has spoken to, for example, the Heritage Lottery Fund and some private trusts about the possibilities. Some of that work was particularly evident in the restoration of the Ulster canal, where an inter-agency approach was taken. However, it is not resting there; it is looking for opportunities right across. I think that it has been very proactive and I am content that the same energy and focus will continue in the future.

Mr Allister: Why have the 2014 annual accounts and reports disappeared off the radar? When the Minister made a statement six months ago, she advised of the advanced state of preparedness of those accounts. Yet, in this statement, there is not a single mention of them. So, where have they gone? As for the 2016 business plan, has that yet been approved?

Ms Ní Chuilín: The business plan has been approved. The Member asks the same question after each statement on a sectoral meeting, so he should know that the accounts have to go to both Finance Departments and both Comptrollers and Auditors General before being read into the record of each jurisdiction, the Assembly and the Oireachtas. At this stage, the accounts for Waterways Ireland are in preparation, and, while there is a delay, it is much better than it was in previous years.

North/South Ministerial Council: Languages

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Cheann Comhairle. Mr Speaker, with your permission, and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council (NSMC) Language Body meeting that was held in the Tyrone Guthrie Centre in Annaghmakerrig, County Monaghan on 6 November 2015.

The Executive were represented by me as Minister of Culture, Arts and Leisure and by junior Minister Emma Pengelly from the Office of the First Minister and deputy First Minister. The Irish Government were represented by lead Minister McHugh TD, Minister of State with special responsibility for Gaeltacht Affairs; and Heather Humphreys TD, Minister for Arts, Heritage and the Gaeltacht. The statement has been agreed with junior Minister Pengelly, and I make it on behalf of us both. The meeting was chaired by Minister McHugh TD, and the following topics were discussed and decisions taken, where appropriate.

Ministers noted progress reports from the chairpersons and chief executive officers of Foras na Gaeilge and the Ulster-Scots Agency, which included the following achievements relating to the period from June 2015 to October 2015. The app for the new English-Irish dictionary was launched at Oireachtas na Gaeilge, and the Foclóir Beag was added to the online dictionary and language library. The Clár Leabhar Gaeilge campaign, under the auspices of the marketing support scheme for the Irish language publishing sector, is progressing well, with branded stalls in place in 15 shops. The Irish language scheme for primary schools is being implemented, and new digital facilities are available from junior infant level to second class. Funding was provided for youth projects, including 92 summer camps to cater for 3,800 children, which is an increase of 200 from 2014, with 74 groups organising youth activities during the year in addition to the 428 Gaeltacht scholarships for young people here.

The promotion of Ulster Scots in education included the award of flagship status to six schools; the enrolment of 12 schools on the flagship starter programme; the delivery of five after-school clubs and 10 workshops; and two further east-west twinning projects between primary schools. Two key events were organised, comprising a conference in Trinity College Dublin to mark the 700th anniversary of the arrival of the Bruces in Ireland, with an attendance of 300; and an Ulster-Scots heritage day in Raphoe that had an attendance of 450. Support was provided to 21 summer schools, 12 community festivals and 12 community showcase events. Public awareness of Ulster Scots was increased through 19 group visits to the Discover Ulster-Scots Centre, the publication of two editions of the Ulster-Scots newspaper and the establishment of a further three blue plaques around Ulster, celebrating pivotal figures from Ulster-Scots history.

Ministers also noted progress on collaboration between Foras na Gaeilge and the Ulster-Scots Agency, including two joint events as part of a community relations and cultural awareness week, comprising a lecture on Irish and Ulster-Scots elements in place names in Northern Ireland and a panel discussion on language traditions in Belfast; engagement in year 2 of a programme to raise awareness

of Irish language and linguistic heritage and Ulster-Scots culture, heritage and language in post-primary schools; and the ongoing evaluation of the possibilities of participation in the United Youth programme under OFMDFM's strategy Together: Building a United Community, which seeks to provide an outlet for 10,000 young people who are not in training, education or employment.

The Council noted that the field audits of the 2014 accounts have been completed, and, following work by the Comptrollers and Auditors General to finalise the accounts of each agency, it is envisaged that the consolidated language body annual report and accounts for 2014 will be laid by spring 2016. Ministers noted that the agencies of the language body continue to engage in the identification of possible opportunities to maximise the benefits of EU funding.

Ministers also noted that the Ulster-Scots Agency is continuing to explore opportunities under the INTERREG transnational programmes — the northern periphery and Arctic programme, and the Atlantic area programme, including the organisation of a workshop for the latter. The agency has applied to join the European route of industrial heritage network, which has 200 members in 43 countries, and is monitoring progress with the development of the LEADER/rural development programme whereby there may be opportunities to promote Ulster-Scots heritage.

Ministers noted developments arising from Foras na Gaeilge's success in securing EU funding for the Other Words literary project under the Creative Europe programme, and that two working groups — one internal and one with the six lead organisations — continue to assess other opportunities, including Slí Cholmcille — the Colmcille heritage trail. Advanced discussions have been held between Foras na Gaeilge, Argyll and Bute Council and Derry City and Strabane District Council with the aim of submitting a preliminary application under the Atlantic area programme. Work is ongoing to identify other eligible partners outside Ireland and the UK.

Larger partnership projects are being explored by the lead organisations EU funding working group. One of those organisations, Conradh na Gaeilge, has submitted an application under the recent round of the ERASMUS+ programme under key action 3 for youth structured dialogue. A larger project focusing on Families and Schools Together (FAST) for Gaeltacht and Irish-medium schools is being investigated.

The Council noted the key features of a revised scéim phobail Gaeilge/Irish language community scheme, which includes transition from a three- to a four-year scheme, the consolidation of progress to date and the facilitation of new communities to avail themselves of the scheme by increasing the number of possible grantees from the current 19 groups to a maximum of 26, which is an increase of 37%. The Council noted a maximum grant level of €37,000 in year 1, rising to €40,000 in year 4, including 80% of the employment costs for development officers, and it noted a new focus on sustainable development in the communities, which will empower groups to retain ownership and stewardship in their target areas and ensure that permanent outcomes result from funding.

The Council noted that Glór na nGael, as the lead organisation in community and economic development through its network of development officers, will have a role in fostering, sharing and encouraging good practice

in funded projects and will provide a mentoring, support and advice service to organisations whose applications do not meet the required standard for a grant offer. Ministers approved the revised scéim phobail Gaeilge/Irish language community scheme for implementation from 1 July 2016.

Ministers received a presentation from the CEO of the Ulster-Scots Agency outlining the agency's cross-border activities, consistent with its legislative remit for the promotion of greater awareness and use of Ullans and Ulster-Scots cultural issues. They noted the wide range of key activities that have been expanded on in both jurisdictions, including music and dance tuition; the Ulster-Scots flagship scheme; North/South school twinnings; a post-primary curriculum pilot project; annual community picnics; heritage research and the development of heritage trails; continuing support for Monreagh Heritage Centre; blue plaques; touring exhibitions; the organisation of an Ulster-Scots heritage day; and a conference on the Irish-Scottish world in the Middle Ages.

The Council agreed that its next language body meeting will take place in the spring of 2016.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): Historically, if we go back to the early days of these two organisations, there were difficulties with annual reports and accounts. Are we getting much closer to the point at which they are entirely up to date and that those difficulties have been addressed?

The Minister's statement mentioned the Irish language community scheme. She referred to:

"a new focus on sustainable development in the communities, which will empower groups to retain ownership and stewardship in their target areas".

Will the Minister explain what that means in practical terms?

11.00 am

Ms Ní Chuilín: I thank the Chair for his questions. The current position regarding outstanding annual reports and accounts is moving on from where it was in the past. As the Chair knows, even in his previous role, there was a significant backlog of accounts which was of neither of our makings — it preceded us — but we are certainly heading in the right direction. The 2013 accounts were laid in the Assembly and in both Houses of the Oireachtas in June of this year, and we are proceeding with the 2014 accounts for both the Ulster-Scots Agency and Foras na Gaeilge.

In relation to Scéim Phobail Gaeilge, it is felt that smaller groups do more of the coalface community development. They should look at securing their future for the next four years, and try to develop and help groups that are not only practising and participating in the Irish language, but those who are learning the language and giving support to parents and grandparents in the wider community, in after-school groups and provision for young people and teenagers. It goes right across the whole of the North. If there is any work to be picked out as an example of the successes of Foras na Gaeilge, it is Scéim Phobail Gaeilge. It is, in my opinion, one of the best examples of its work.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an dara ráiteas seo

aici anseo ar maidin. I am delighted that the Minister has alluded to European funding in both statements. How can Foras na Gaeilge and the Ulster-Scots Agency access it, and what discussions has she had with both bodies?

Ms Ní Chuilín: Chief executives and chairs of both organisations gave a report at the last sectoral meeting in November. It is true that Foras na Gaeilge has been able to proceed in a much more speedy way because there are natural linkages. I know that it is working with Macedonians, Swedish, Basques and Slovenians, particularly around minority languages in their written forms. There was almost a natural place for Foras na Gaeilge to apply for European funding.

In fairness to the Ulster-Scots Agency, it is trying to explore opportunities as well and it is looking at and discussing transnational and interregional programmes. The agency is not there yet. It needs to make a decision as to which programme it should apply to. Applying to Europe is very intensive, both in terms of human resources and finances. It needs to put that recommendation to its board and then pass it on to us before making a decision. It is certainly doing a lot of the preliminary work which will help it make a decision on which fund to apply for. It is actively considering all those opportunities as we speak.

Mrs McKevitt: I thank the Minister for her statement. Under the "Joint Projects between both Agencies", Foras na Gaeilge and the Ulster-Scots Agency, the statement says that there is:

"Ongoing evaluation of the possibilities of participation in the United Youth Programme under OFMDFM's Strategy "Together Building a United Community"."

Will the Minister outline to the House what programme she envisages being delivered to the 10,000 children who are not in education, employment or training?

Ms Ní Chuilín: The emergence of the Executive's Together: Building a United Community strategy has, I believe, presented many Ministers and Departments with additional opportunities to try to provide a better all-round approach to service delivery. Foras na Gaeilge and the Ulster-Scots Agency have identified possible opportunities, and they have done that through working jointly. The Member has already cited the joint working referred to in the statement, using both the Irish language and Ulster-Scots culture and heritage, particularly around place names. The feedback, particularly from teenagers and young adults, is that that is something that has been particularly useful. It is trying to get those young people, who are not in training, education or employment, engaged in programmes that may be a gateway or provide opportunities for them to get involved in other schemes or other service provision.

I think that both Foras na Gaeilge and the Ulster-Scots Agency should be commended for seeing these opportunities and trying to exploit them, particularly for a group of young people which, by and large, has been very hard to reach.

There is an opportunity here to do it and to do it in a cross-community way.

Mr Cree: I thank the Minister for her report. There are indications in your report that certain expense headings will be extended into the next Budget year. I am just

wondering this: how can you do that, bearing in mind that we have not started the Budget process? How, indeed, will that dovetail into a Budget process?

Ms Ní Chuilín: All the Departments and their ALBs and, in the context of this discussion, their constituent North/South bodies will have received their indicative budgets. Going into what will be primarily a new mandate for both Governments, they have begun and will continue with discussions on what a new mandate and new Ministers in both jurisdictions will perhaps have. They have a flat budget, which is an indicative budget at this stage. Anything else will be on top of that. I know that, in relation to Foras na Gaeilge and the Ulster-Scots Agency, there have been concerns raised about the need for additional funding, particularly if they want to explore some of the opportunities that we have just spoken about, which may mean additional support. Some of that may come from T:BUC, but some needs to come from central funds. While they have a budget at the minute, which is an estimated budget, they are looking at increasing that for the new mandates in both jurisdictions.

Ms Lo: I thank the Minister for her statement. I just want to go back to the question on participation by the two agencies in the United Youth programme. Is the Minister aware that DEL is piloting the programme but that there is money allowed only for this year and none designated for next year? I wonder whether the Minister can comment on that.

Mr Speaker: Someone's phone is interfering with the microphone system. It is not you, Minister; you are not guilty. I ask Members to check their phones, please. Minister, sorry about that.

Ms Ní Chuilín: I assure you, a Cheann Comhairle, that my phone is behaving itself.

Perhaps the Member would like to ask her party colleague what he is trying to do to work through the T:BUC programme, because I know that other Ministers and I have already begun the process. Budgets are indicative from one year to another, so we have had our budget for the programmes until the end of this mandate. I know, through the Office of the First Minister and deputy First Minister, that it is looking for that programme to be continued. As I said, I assume, and I have no evidence to say otherwise, that the Minister for Employment and Learning, along with other Executive colleagues, is already working on plans for future delivery.

Foras na Gaeilge and the Ulster-Scots Agency have identified opportunities through T:BUC. They have already got a proven track record and great experience through their joint approach to using place names as a conduit to further discussion, and they have done it in a cross-community way. I believe that the Member and other Members have given credit to them in the past. If we can continue that into the future, I think that it will go a long way to help to meet the aspirations of the T:BUC programme.

Mr Humphrey: I thank the Minister for her answers so far. I encourage everyone in the House to visit the new Discover Ulster-Scots Centre in Belfast. It is an excellent experience, and congratulations to those who established it.

A disparity exists between Ulster Scots and the Irish language — a disparity in funding for the agency and Foras na Gaeilge of 8:1, and the Minister's pet project Líofo has made a £1.1 million investment in the Irish language.

What is significant in the statement is what is not in it. Where is the work that is supposed to be going on for the equivalent of a Líofo for Ulster Scots? Where is the parity and equality that was promised for Ulster Scots?

Ms Ní Chuilín: I resent the accusation that I have pet projects, and it is regrettable that the Member continues to use and abuse the Irish language in the Chamber. As he knows, the Líofo programme is not part of the NSMC statement. Maybe he just did not bother reading it before he came in; that would not surprise me.

I have asked the ministerial advisory group on Ulster Scots for a similar type of programme and believe that one will come forward in the new year. I ask the Member to use his influence, particularly with the agency over the next period of months, to try to support and help it with a better delivery of product for the Ulster-Scots culture and heritage. I do not believe that it would want to be part of any commentary that he has made about pet projects. That is not where it is coming from, and he really needs to take a leaf from its book.

Mr Humphrey: No answer.

Mr McCausland: Double up on the dose.

Mr Speaker: Order.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for her statement. Mar is eol don Aire, tá buarthaí móra ann maidir le cur chuige Fhoras na Gaeilge ar an Scéim Phobail Gaeilge (SPG) i gcomparáid leis an togra infheistíochta. An dtig leis an Aire sonraí a thabhairt ar an dóigh a dtabharfar tacaíocht don SPG le hinbhuanaitheacht a fhorbairt uaidh seo amach? As the Minister is aware, there are huge concerns about Foras na Gaeilge's approach to the SPG and the investment that has been given to the dictionary project by comparison. Will she give details on how the SPG will be supported so that it has better sustainability?

Ms Ní Chuilín: I thank the Member for her question. I share her concern. I, too, have met many representatives of Scéim Phobail Gaeilge from across the North. While they welcome the opportunity for the programme to be extended from three to four years, there appears to be some clarity needed on the availability of running and operational costs. That needs to be clarified, and I will do my best to ensure that it is.

Concerns have also been raised, not just by people in Scéim Phobail Gaeilge but by recipients of the services provided by the groups, particularly those provided by the six lead core-funded groups. Everybody can see what Conradh na Gaeilge does, but there is concern about the rest and what support Foras na Gaeilge can give, particularly to groups in the North. I accept that and hope that that can be resolved as soon as possible.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. Ba mhaith liom a fhiafraí den Aire cad é an tionchar a bheas ag na ciorruithe Thuaidh agus Theas ar obair Fhoras na Gaeilge san am atá romhainn? I thank the Minister for her statement. What effect will budgetary cuts, North and South, have on the operation of An Foras Teanga, the language body, in the time that lies ahead?

Ms Ní Chuilín: The Member will be aware that I have been consistent in ensuring that the percentage of cuts has been minimised, and that has been the pattern over a period of years. I have met colleagues in the Irish Government to state the case for the need for those services, particularly in the North in the absence of an Acht na Gaeilge or anything else. It is vital that I continue to do that. I am, however, concerned that, unlike the Arts Council, Foras na Gaeilge needs to demonstrate to me and, indeed, to Ministers McHugh and Humphreys, how it is absorbing efficiencies rather than passing them on fully to the groups, as that has an impact on the outcome of delivery and services.

I am sure that the Member was here when I answered my colleague Rosie McCorley's question about the Scéim Phobail Gaeilge. That is an example of where a small amount of money would go an awful long way with a big outcome. As the Member will be aware, the legacy of that scheme — I know that he is very supportive of it — will endure. I am still having those discussions with Foras na Gaeilge and, indeed, with colleagues in the Irish Government.

Mr Allister: Where is the 2016 business plan? When was it approved? Why is it not mentioned in the statement? What is the budget, and what efficiencies does it embrace?

Ms Ní Chuilín: The business plan is not mentioned in the statement because it has not been agreed yet; it is still under consideration. The budget at this stage is still over £12 million. As I said to Mr Leslie Cree, that is the indicative budget for the language bodies until the preparation of budgets for the new mandates. Those conversations will continue. When the business plan is agreed, it will be brought forward for consideration to the next NSMC sectoral meeting in spring 2016.

11.15 am

Mr Dallat: In this season of goodwill, love and peace, which, I hope, extends to the Chamber, I ask whether the Minister agrees that cultural tourism is one of the fastest-growing tourism markets. Does the meeting between Argyll and Bute Council and Derry City and Strabane District Council indicate that there is an appreciation that cultural tourism is a very significant part of our tourist market? Will that mean that the aspirations of the research done by people such as the late Robert Welch of the then University of Ulster will now come to fruition and that Ireland and Scotland can exchange and appreciate all the cultural things that they have in common?

Ms Ní Chuilín: I thank the Member for his question and, indeed, for his Christmas cheer. There are some people in the House who definitely need a hug, but I am certainly not up for that. *[Laughter.]*

Mr Humphrey: I would give that a bye-ball.

Mr Campbell: As long as she is not coming towards you.

Ms Ní Chuilín: To be frank, I would not even ask Buddy the Elf to hug you, Gregory, but anyway.

In response to the important question that the Member asked, I can say that opportunities are being discussed, particularly for tourism. Indeed, the work around the Colmcille heritage trail and the Ulster-Scots Agency, with their east-west dimension, was purely focused on exploring opportunities. The Ulster-Scots Agency in particular, in its work in Donegal and Cavan, has looked

to exploit tourism opportunities. I believe that that is an example of bringing added value to what is already there. In fact, when we are talking about our cultural heritage, it will help the tourist boards on both sides of the island to have experts here. People who are practitioners in the field can add to the value brought.

Mr Speaker: That concludes questions on the statement.

Executive Committee Business

Departments Bill: Accelerated Passage

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That the Departments Bill [NIA 70/11-16] proceed under the accelerated passage procedure.

The motion was tabled, in accordance with Standing Order 42(4), to seek Assembly approval to the Departments Bill proceeding under the accelerated passage procedure.

Accelerated passage is an exceptional procedure. It allows a Bill to proceed without the normal Committee Stage, and less time than usual can elapse between legislative stages. On Monday of last week, in advance of the Bill's introduction in the Assembly, junior Minister Pengelly and I attended a meeting of the OFMDFM Committee, as is required by Standing Order 42(3). We had to explain the reasons behind the accelerated passage procedure being needed for the Bill, the consequences of it not being granted and the steps taken to minimise its future use for OFMDFM Bills.

I am pleased to say that the Committee heard our explanations, questioned us and supported the proposal for the accelerated passage procedure by a majority vote. I wish now to explain those same issues to the Assembly and to seek Members' support for the use of the procedure for the Departments Bill.

Reform of the structures of government here has been an issue for a long time. There was a commitment in the Programme for Government to agree changes to the structures that would apply in the next mandate. In 2012, the Assembly and Executive Review Committee produced a report on the reduction in the number of Departments. The report identified areas of commonality broadly comparable to what is now being proposed. The policy proposals underpinning the Bill were the subject of detailed consideration during the political process that led to the Stormont House Agreement in December of last year. That agreement determined on a nine-Department model to be established in time for the 2016 elections, with a future allocation of departmental functions to be agreed by the parties.

The Executive discussed departmental restructuring on several occasions earlier this year and decided on the names and responsibilities of the future Departments. On 2 March 2015, the decisions that had been reached by the Executive on the new departmental structures in consequence of the Stormont House Agreement were announced in a statement by the First Minister to the Assembly. He set out a future model of nine Departments with all the powers, functions and services of the current 12 Departments. The allocation of responsibilities was further refined during the recent talks process.

The purpose of the Departments Bill is to establish the framework for a new nine-Department structure. It renames seven Departments and dissolves another three. It also makes necessary amendments to the Departments (NI) Order 1999, which provides the basis for the existing 12-Department structure.

I will now detail the reasons why accelerated passage is needed for the Departments Bill. Although it had initially

been hoped to introduce the Bill at an earlier stage, it is only now, with the conclusion of the recent talks process and the publication of 'A Fresh Start: The Stormont Agreement and Implementation Plan', that it has been possible to bring it forward.

'A Fresh Start' reaffirmed the commitment to reduce the number of Departments from 12 to nine in time for the 2016 election and committed to the introduction of the Bill to the Assembly no later than the end of November 2015. It would, of course, have been preferable for the Bill to be introduced in time for it to move forward under the usual processes, but, as with the other Stormont House Agreement matters, progress on departmental restructuring became possible only following the conclusion of the talks process and the establishing of a new consensus with 'A Fresh Start' three weeks ago.

It is essential that the new structures are ready immediately following the 2016 Assembly election so that an Executive can be formed on a nine-Department basis when the next Assembly convenes. To achieve that, it will be necessary for the Departments Bill to complete its passage with sufficient Assembly time left for a debate and affirmative vote on the separate transfer of functions Order that is needed to allocate functions to Departments. That Order can be made only once there is legal certainty regarding the names of the future Departments, which can be achieved only if the Departments Bill has completed its passage by February 2016.

The consequences of accelerated passage not being granted are severe. If it were not granted, it would mean that restructuring could not take place in 2016 and that the incoming Executive after the election would be formed on the basis of the existing 12-Department structure. It would be extremely difficult to achieve restructuring between elections without major disruption to the Executive and the political institutions. Those special circumstances have occasioned this exceptional request to the Assembly for the use of accelerated passage.

The commitment in 'A Fresh Start' to a better way of doing business together should reduce the likelihood of such circumstances reoccurring and future use of accelerated passage by OFMDFM. 'A Fresh Start' has provided a basis for addressing some of our most intractable issues. In relation to departmental restructuring, it has made it possible for us to move forward, but the opportunity needs to be taken quickly, and we ask Members to support the Departments Bill being progressed by accelerated passage. Go raibh maith agat.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): Mr Speaker, I seek your indulgence, very briefly, to add my tribute to outgoing MLA Pat Ramsey. It has been a privilege and a pleasure to get to know Pat and to work with him on the Employment and Learning Committee and on a number of all-party groups in the Assembly, including the one on learning disability. Pat is a compassionate and courageous MLA, and he has been a passionate advocate for some of the most at-risk and vulnerable people in our community. I extend my best wishes to him in his retirement on behalf of myself and the Alliance Party.

In relation to accelerated passage for the Departments Bill, I will initially speak on behalf of the Committee for the Office of the First Minister and deputy First Minister as its

Deputy Chair. The rationale for the request for accelerated passage has been set out by junior Minister McCann, along with the rationale for the Bill.

Junior Ministers met the Committee on Monday 30 November, which fulfilled the requirements of Standing Order 42(3), which states that, where it is thought that a Bill should proceed by accelerated passage, the Minister or Member in charge shall:

“explain to the appropriate committee -

(a) the reason or reasons for accelerated passage;

(b) the consequences of accelerated passage not being granted; and, if appropriate,

(c) any steps he or she has taken to minimise the future use of the accelerated passage procedure.”

The First Minister announced the decisions that had been reached by the Executive on the proposed new departmental structures to the Assembly on 2 March 2015. It is, in the opinion of the Committee, regrettable that it has taken nine months for the legislation to be introduced and that, as a consequence, it is unlikely that a full Committee Stage will be possible, subject to the Assembly's agreement to the motion.

Junior Minister McCann advised the Committee that it would have been preferable for the Bill to be introduced in time for it to complete normal passage through the Assembly. However, she also explained that the Bill needs to pass through all stages before the transfer of functions Order, which is the mechanism by which the functions and the detail of each Department will be considered, can be introduced. It is in the consideration of the transfer of functions Order that the detail of the changes to departmental structures and functions will be scrutinised. Without the use of the accelerated passage procedure for the Departments Bill, progress to the transfer of functions Order and the new nine-Department structure would not be in place in time for the Assembly election next year. Given that no functions of government are being removed and no polices terminated as a result of the planned restructuring of Departments, the Committee agreed by a majority to support accelerated passage.

If I may, Mr Speaker, I will speak very briefly as an Alliance Party MLA. We support the reduction in the number of Departments and will set out the rationale further in the Second Stage debate. The Departments Bill is a simple aspect of that process. The Bill is relatively short and just names the new Departments. In our opinion, the real scrutiny should fall on the transfer of functions Order. The Alliance Party wants to ensure that all the remaining time can be focused on that, with detailed discussions at the OFMDFM Committee and on the Floor of the Assembly. Therefore, support for accelerated passage should not be misrepresented as curtailing scrutiny. On the contrary, it should be considered as maximising the opportunity for scrutiny where it matters. The Alliance Party will certainly play a full role in that scrutiny to ensure that we devise an efficient Executive structure that can deliver for everyone in Northern Ireland.

Mr Lyons: I welcome the opportunity to take part in the debate on this motion and, I hope, in the Second Stage debate that will follow. We have before us a Bill that I believe now has the support of people and of Members

right across the House. I understand that there is some concern about accelerated passage. However, I think that it is necessary for us to grant accelerated passage if we want the Bill to become law, which is, I think, what everybody here wants. That was not always the case, however. My party has been calling for this for a long time, but there was opposition. As a result of the Fresh Start Agreement, we have the necessary cross-community support, and it is only now that we can proceed. We would have loved the Bill to be introduced at the start of the mandate, with the opportunity for the proper scrutiny required. However, at this stage, we have a choice: to grant the Bill accelerated passage or not have the Bill at all.

I understand that, by not having a full Committee Stage, there will be less scrutiny. However, Members have the Bill before them and can see that it is very simple. The Bill simply changes the names of the Departments and reduces their number from 12 to nine. As Mr Lyttle said, the real work and the real scrutiny will come when we talk about the transfer of functions Order, which OFMDFM has said that the Committee will have time to look at. The Assembly will have to approve that as well. In addition, the determination of ministerial offices and functions will have to be approved by the Assembly.

Before any of that can happen, we need to make sure that the Bill progresses through all its stages. It is very clear that, if we do not grant accelerated passage today, it is likely that the Bill will fall. The junior Ministers made it very clear that it could not be completed in time without it. I believe that we should grant accelerated passage because we should not give up the opportunity to have this much-needed reform of the Assembly and Departments. If everything went to plan, we would all want to have the additional Committee Stage, but that is not possible. We have this choice to make, and I think that it is right that we move forward and give it accelerated passage. I support the motion and encourage other Members to do the same.

11.30 am

Mr Hazzard: Go raibh maith agat. I do not wish to add an awful lot to what Members have said; I will probably accelerate my comments. We are all touching on the same issues: reform has been needed for quite a while, and that has been agreed between the parties for quite a while. We have had cross-party support for the reform of our Departments, how we do that and a reduction to nine Departments. As the junior Minister and the Deputy Chairperson of the Committee outlined, the real work will be on the transfer of functions Order and the scrutiny and debate during Second Stage, which, of course, is to follow this. It is important that we have accelerated passage to allow us to get to a better place for Departments. It is what the public and the parties want. I support this accelerated passage, but it is right that we touch on the use of accelerated passage and the fact that we need to be careful about where and how often we use it. I am more than happy, however, to support accelerated passage in this instance.

Mr Attwood: I apologise to the House: I was delayed upstairs at an event when the Deputy Chair of the Committee spoke.

I will take up Mr Hazzard's last comments. It should be the operating principle of the Chamber, whether it is accelerated passage or any vehicle that sidelines or

goes around the good authority of the Chamber, that the Chamber should caution itself against any such approach, so that it is rarely used as opposed to routinely used. Unfortunately, we have had examples, even in the last two or three weeks — such examples might increase in the coming two or three months — where the option of an accelerated mechanism, either accelerated passage or a legislative consent motion, has become the practice or attempted practice of some. Whether it was yesterday's LCM, which was rightly defeated, the LCM on welfare reform — the 2012 and 2015 versions — which were wrongly supported, or today's proposal for accelerated passage for the Departments Bill, we need to caution ourselves about going down that road routinely rather than rarely. By using it routinely, we are degrading the character and content of devolution, the good authority of the House and the achievements of democratic struggle in this part of Ireland over many years, which brought into life the institutions that we now value. We need to be cautious about going down this road.

I know that that is broadly the view of all parties, although, in my view, that has been challenged over the last number of weeks by the option of accelerated mechanisms being preferred for a number of matters relating to the authority of the Chamber to the point at which we had an accelerated mechanism yesterday that visited on the people of Northern Ireland not just the 2012 but the 2015 version of welfare reform. The dilution and degrading of devolution, never mind the impact of all that, has been referred to as a "technicality".

Mr D McIlveen: I thank the Member for giving way. I accept his argument, and I am certainly not a huge fan of accelerated passage. However, on 23 December 2014, the Stormont House Agreement was, to the best of everyone's knowledge in the House, agreed, but it was reneged on. Had that agreement, which carried the original blueprint for the reduction in the number of Departments, not been reneged on, we would have had 18 months to scrutinise the Bill, to go through it with a fine-toothed comb and not have to use accelerated passage. Will the Member accept that it is the result of some parties reneging on an agreement that has, unfortunately, brought us to this position?

Mr Speaker: I advise that we need to return to the specific discussion that we are having this morning. I do not think that we are dealing with a generalised drift towards accelerated passage. I did allow you some scope to make that point, but I am afraid that we are heading off in the wrong direction. If you have an issue with the rationale that was provided by the junior Minister for accelerated passage in this particular instance, I would be glad to hear it. Otherwise, we have to move the debate on and back to the subject matter.

Mr Attwood: I thank the Speaker for that intervention. To conclude, I just want to make two points. Without detaining the House and getting into conflict with the Speaker, my first point is that one person's reneging on the agreement, so-called, at Stormont House is another person's honouring of it. Has that not been the dispute over the last six to nine months; that one party's view is, in many instances, in great tension and conflict with the view of other parties?

That all having been said, and having cautioned myself and hopefully a few others about routinely going down the road of using accelerated mechanisms to deal with

important business, given the character of the motion that is before us and the opportunity that will arise with the transfer of functions Order, and whilst acknowledging, as was said, that this is a very simple proposal, but one that has very significant consequences — taking all that in the round — on this occasion, we will not dispute with the House that the accelerated passage motion that is before the Chamber is appropriate in these circumstances.

Mr Allen: The Ulster Unionist Party is opposed to accelerated passage for this measure. We fully support the principle that the number of Departments should be reduced and that a more streamlined Administration should be able to deliver better government for the people of Northern Ireland. The Bill should have been introduced earlier and been subject to proper debate and scrutiny. It is not as though this is some idea that has been plucked out of the air: a reduction in the number of Departments has been a subject of discussion for quite literally years. In 2012, the Assembly and Executive Review Committee produced a report on the reduction in the number of Departments and identified areas of commonality, which, to quote junior Minister Pengelly, were:

"broadly comparable to what is now being proposed."

This then fed into the Stormont House Agreement process, which hit the buffers. Part of it was resurrected in 'A Fresh Start', bringing us to where we are today. In essence, it is the failure of the Executive to agree this matter that has put us in the position in which we find ourselves today.

This is not an insignificant Bill. It may be small in terms of clauses, but it is extremely far-reaching in its impact. The Ulster Unionist Party has concerns that it is being introduced so late in the mandate and that the attempt to use accelerated passage means that it will not receive the attention that it deserves or the scrutiny that it merits. Indeed, when the junior Ministers appeared before the Committee on 30 November, junior Minister McCann replied to the Deputy Chair:

"To be honest ... I understand the concern about accelerated passage. ... I fully understand the concerns that you have that the Committee will not be given enough time to scrutinise the Bill."

The simple fact is that we are not arguing against the rationale for going from 12 to nine Departments. We do, however, have an issue with accelerated passage.

Mr Lyttle: Will the Member give way?

Mr Allen: I will not because I am just finishing up here; sorry.

We are, after all, Members of the Legislative Assembly. The clue is in the title. Our job is to legislate. That includes a proper scrutiny function. I oppose accelerated passage.

Mr Allister: There is one reason and one reason only why the motion is before us today: it is because of the dysfunctional failure of the Executive to progress their programme. As it has been pointed out, it was nine months ago, on 2 March, when the First Minister trumpeted the fact that there was agreement to reduce the number of Departments to nine.

Those nine months have been lost and wasted, and now the guilt of that is to be put on us all. We are all meant to feel responsible for that dysfunctional failure of this failing Executive and to rescue them by abrogating the normal

processes and proceeding to accelerated passage. That is what is being asked of us.

I must say that I feel no guilt for the failure of the Executive, nor do I feel inclined to share it. It is a failure of their own making. Of course, with the same Executive — What was it? Three or four years ago? — we had the pantomime of DEL going to be abolished, but that all just melted away. As I say, nine months ago, we had the great breakthrough of nine Departments and then nothing until today when we are told that with super haste we must do this to make up for the abysmal, dysfunctional failure of the Executive. I do not think that is an appeal that I want to respond to, because it only confirms to that Executive that failure is acceptable and they can go on failing as, undoubtedly, they will.

Mr McCallister: Looking at what we are being asked to do today on accelerated passage, I note that colleagues have set out the history of this issue. I remember that, in May 2011, DEL's going was discussed, that it was going to happen in October 2011 and that the following March at the end of the financial year would be the best time to do it. Minister Farry did not know how long he would get to be Minister. The main debate on that ended up being about the injustice of Alliance having two Ministers, rather than what the model was going to be and whether it was fit for purpose.

Suddenly today, we are faced with accelerated passage. We had a deal on 23 December, almost a year ago, and we knew what the nine Departments would look like. To be fair to the Executive and those who drew them up, they looked on the face of it to be reasonably sensible changes. They were announced on 2 March, but no legislation progressed. The argument that there was political disagreement around it did not stop us continuing to make the argument about welfare reform, and it did not stop Ministers bringing forward a Budget that was based on the Stormont House Agreement. It did not stop all those things happening. Now we are being asked to put through by accelerated passage what some might say is a relatively simple Bill that is not contentious, but it has far-reaching consequences and that goes to the heart of the way the Executive work and the way they treat the legislative arm here.

We get legislative consent motions — one of them was defeated yesterday — and we did our entire welfare reform via a legislative consent motion, which seemed to be a most bizarre way of dealing with it and of building in mitigation measures. Now we are asked to accelerate this Bill. This is not the way that we should do our business.

Mr Lyttle: Will the Member give way?

Mr McCallister: I will give way in a second.

Other Bills are going through this place through the normal process. We could have had the Bill one month or even two months ago. There was nothing to stop that, even if it had been ready immediately after the Fresh Start Agreement.

11.45 am

Mr Lyttle: I thank the Member for giving way. Mr Allen, Mr Allister and Mr McCallister have used the vast majority of their time to raise concerns that I share, but none of them has mentioned any specific concerns about the actual Bill or the issues that they would like to raise in a more extended scrutiny process. I ask Mr McCallister this: are

there issues in the Bill that, he thinks, we need more time to scrutinise, given how simple the Bill is?

Mr Speaker: I caution that we are discussing accelerated passage, so you do have to confine your comments to that subject. If you take issue with the explanation that the junior Minister provided, that is something to discuss, but let us not go into the generality of the rationale behind introducing the Bill in the first place.

Mr McCallister: Mr Speaker, I was about to remind the Member of your earlier ruling and guidance on this, and I certainly will take up Mr Lyttle in the later debate on those issues. His earlier comments that, because it is simple, we are almost going to accelerate it to improve the scrutiny process raises the question of why we do not accelerate every Bill.

Mr Allister: Surely, part of the fallout from accelerated passage is that there is not the normal Committee Stage whereby there could be an informed debate about whether nine Departments is the right number. Maybe there is an argument for six or seven; we used to be governed with six. However, once we adopt accelerated passage, we have de facto concluded the argument about whether or not it is nine, with no options.

Mr Speaker: You should resist the temptation to discuss that aspect now; we are talking about accelerated passage or not.

Mr McCallister: Thank you, Mr Speaker. I will desist from it until the later debate. I think that there are good points for the coming debate. Those are the reasons why I am against the executive arm of our Government using the legislative branch as a rubber stamp to get its business through. This is not the way. It does not lead to good legislation and does not make an Executive or Assembly look functional when we desperately need public confidence in our Executive and our Assembly.

Ms J McCann: I am grateful for Members' contributions to the debate. The decisions taken by the Executive on restructuring will result in the most extensive reorganisation of the departmental system since 1999. A reduction to nine Departments will lead to a leaner, more streamlined and efficient Administration; it will provide for more joined-up government with greater cohesion within and between Departments; it will eliminate layers of unnecessary bureaucracy; and there will be greater scope to align functions, to move beyond the silo mentality, to find better ways of achieving our objectives and to improve services to the public.

The introduction last week of the Departments Bill marked an important first step in establishing the legislative basis for departmental restructuring. The Bill will provide the framework for a future nine-Department structure. In due course, a transfer of functions order will make detailed provision for the movement of statutory responsibilities between Departments. It will be subject to Committee scrutiny in draft, and any Committee suggestions for improvement will be given due weight in finalising the Order. That Order will have to be approved in its final form by affirmative resolution of the Assembly; however, it can only be made in its final form when there is legal certainty regarding the number and names of the future Departments. That can only be achieved if the Departments Bill completes its passage by February 2016.

If the Bill were to miss that target, it would mean that restructuring could not take place in 2016, and the incoming Executive after the election would be formed on the basis of the existing 12-Department structure. Given the difficulties of restructuring an Executive and Departments between elections, it might be years before the opportunity occurred. At this late stage in the mandate and given the need for additional steps in the Assembly after the Bill has cleared Final Stage, there is no alternative to accelerated passage if restructuring is to be achieved in time for the 2016 election.

As I have already indicated, we would have preferred it if the Bill had been introduced in time for it to proceed under the usual processes for Assembly Bills. However, its introduction only became possible with the conclusion of the recent talks process and the publication of 'A Fresh Start: The Stormont Agreement and Implementation Plan' on 17 November 2015. 'A Fresh Start' committed to the introduction of the Bill in the Assembly no later than the end of November 2015, and no time has been wasted in ensuring that that target was achieved.

The First Minister and the deputy First Minister immediately obtained Executive agreement to seek Assembly approval for accelerated passage. We briefed a special meeting of the OFMDFM Committee on 30 November, securing the Committee's support. The Bill was introduced immediately after that meeting, and that demonstrates the priority that we attach to it.

I will pick up on some of the issues raised by Members. I thank Chris Lyttle, the Deputy Chairperson. He recognised the reasons for taking the Bill forward under the accelerated passage procedure and mentioned having a longer and better debate on the transfer of functions order, which will be with us in February of next year. Gordon Lyons, Chris Hazzard and Alex Attwood reiterated that point. Although they would prefer accelerated passage not to be used, they, particularly Chris Hazzard and Gordon Lyons, accepted our reasons for using it.

Andrew Allen quoted part of what I said to the Committee's Deputy Chairperson last week, but, if he had gone on to finish the quotation, Members would know that I said why we were doing it. Both junior Minister Pengelly and I recognise the concerns of the Committee and those of other Members, but this is being done totally because of time constraints.

Jim Allister used the debate to make his usual speech about the dysfunctionality of the Executive, and John McCallister rehashed that a bit.

I thank Members for their contributions, and I wish to say that, as with the other Stormont House Agreement matters, the conclusion of 'A Fresh Start' has provided a basis for progressing this important legislation. The provision for good government through streamlined and efficient administration, improved opportunities for policy development, savings on unnecessary bureaucracy and the delivery of better services to the public will be the ultimate outcomes of the Departments Bill. We must move quickly, however, if we are to grasp the opportunity to have restructuring in place when the new Assembly meets in May 2016. That requires accelerated passage of the Departments Bill. I therefore ask the Assembly to approve the motion.

Mr Speaker: Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Departments Bill [NIA 70/11-16] proceed under the accelerated passage procedure.

Mr Speaker: Although there was a shout of No, I am satisfied that there was support from all sides of the House.

Departments Bill: Second Stage

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That the Second Stage of the Departments Bill [NIA 70/11-16] be agreed.

In their introduction to the document 'A Fresh Start: The Stormont Agreement and Implementation Plan', published on 17 November 2015, the First Minister and the deputy First Minister stated:

"At the heart of this Agreement is our common commitment to a better way of doing business together."

One of the ways in which 'A Fresh Start' provides for that will be by delivering on the commitment in the Stormont House Agreement to reduce the number of Departments from 12 to nine in time for the 2016 Assembly election.

Reform of our structures of government has been an issue for a considerable time. The departmental system established in 1999 has long been regarded as cumbersome and ripe for reform. There was a commitment in the Programme for Government to agree changes to the structures that would apply in the next mandate. In 2012, the Assembly and Executive Review Committee conducted a review and produced a report on the reduction in the number of Departments. It received 21 consultation submissions from party political, academic, economic and community stakeholders. Although the Committee refrained from making recommendations, it identified areas of commonality that broadly reflected its views on how Departments could be reorganised, with the retention of the Department of Health, the Department of Justice and the Department of Education; a new Department for the Economy; a Department embracing agriculture, environment and rural development; a new social and community Department; and the reform of OFMDFM. All those suggestions prefigured what is in this Bill.

The policy proposals underpinning departmental restructuring were the subject of detailed consideration during the political process that led to the Stormont House Agreement, and the Executive discussed the matter on several occasions in the early part of this year. On 2 March 2015, the First Minister announced to the Assembly the decisions that had been reached by the Executive on the new departmental structures as a consequence of the Stormont House Agreement. He set out a future model of nine Departments with all the powers, functions and services of the current 12 Departments. Most importantly, no functions will be done away with and no policies will be terminated at this stage as a consequence of the restructuring.

The nine Departments are to be known as follows: the Department of Agriculture, Environment and Rural Affairs; the Department for Communities; the Department for the Economy; the Department of Education; the Department of Finance; the Department of Health; the Department for Infrastructure; the Department of Justice; and the Executive Office. In almost all cases, the departmental titles are short and focused, with the exceptional case of the Department of Agriculture, Environment and Rural Affairs, where a longer title has been chosen to reflect the three significant pillars of its work.

The purpose of the Departments Bill is to create a statutory framework for the new model of nine Departments. It is a short Bill. It renames seven Departments and dissolves three others: DEL, DCAL and DOE. The names of two existing Departments — the Department of Education and the Department of Justice — are unchanged.

The Bill also makes necessary changes to the Departments (Northern Ireland) Order 1999, which provided the basis for the current departmental system. However, important provisions of the 1999 Order on the legal status of Northern Ireland Departments generally and the exercise of their functions will not be amended.

The Departments Bill sets out the framework of nine Departments, as envisaged in the Stormont House Agreement endorsed by party leaders and agreed by the Executive. It is, as I mentioned, a short Bill to establish the new departmental framework in law. It consists of just three clauses and three schedules. Clause 1 renames seven existing Departments and dissolves three Departments — DEL, DCAL and DOE — as required to establish the new structures. There is no reference to the Department of Education and the Department of Justice, which are not affected by the Bill. It applies the Departments (Northern Ireland) Order 1999 to the new set of nine Departments. Clause 2 references schedules 2 and 3, which contain, respectively, consequential amendments and repeals. Clause 3 gives the title of the Act and arrangements for the commencements of clauses 1 and 2 on a day or days to be appointed by the First Minister and deputy First Minister. Clauses 1 and 2 are likely to be commenced very shortly after the election in May 2016.

Schedule 1 lists all nine future Departments under the titles that they will carry from 2016, and schedule 2 makes necessary amendments to the Ombudsman (Northern Ireland) Order 1996. The Bill reflects the law as it stands, but we are conscious of the progress in the Assembly of the Public Services Ombudsman Bill, which will supersede the Ombudsman Order. Pending the progress of that Bill, the Departments Bill may require a technical amendment to schedule 2 at a later stage. Schedule 3 repeals provisions in the Departments (Northern Ireland) Order 1999, as subsequently amended. It has the effect of removing references to the 12-Department model.

Changing the name of a Department does not, in itself, have any immediate impact on its functions. However, the dissolution of three Departments will involve the reallocation of their existing functions, and there is to be some additional reallocation of the functions of others. Those details, however, are not addressed in the Departments Bill before the House today. Instead, the reallocation of statutory functions will be provided for in a separate transfer of functions order, which is at an advanced stage of preparation. It will make detailed provision for the statutory responsibilities that are to move between Departments in consequence of the Executive's decisions. The order will be sent in draft form for scrutiny to the Committee for the Office of the First Minister and deputy First Minister, and we will pay due attention to the Committee's views in finalising that order. In due course, the order will also be subject to an affirmation debate in the Assembly near the end of the session, after the Departments Bill has completed its Final Stage.

12.00 noon

The decisions taken on restructuring and the reduction in the number of Departments will provide for a leaner, more streamlined and more efficient Administration. There will be fewer Ministers, and departmental hierarchies, permanent secretaries, central management units, press offices and support functions can be rationalised. However, we re-emphasise that, at this stage, no functions impacting on the public are being done away with and no policies terminated. These are changes to the machinery of government, but they are changes that will help us find better ways of doing things and improving services to the public.

At an operational level, it will be a challenging exercise to reduce 12 Departments to nine. A major programme is being taken forward across Departments to ensure that the necessary administrative arrangements are in place at the appropriate time. This work has been continuing since last spring and is making rapid progress towards all Departments achieving operational status on day one. It will ensure that support for the next Executive, future Ministers and the institutions is in place, with full access to key systems and information.

The conclusion of the recent talks process and the publication of 'A Fresh Start' has provided a basis for addressing some of our most intractable issues. In relation to departmental restructuring, it has made it possible for us to move forward quickly. We all want to improve the performance of Departments and to provide the best possible services to the public. The Departments Bill will help us do that by providing a firm basis for good and efficient government from the outset of the next Assembly mandate. I commend the Bill to the Assembly.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister):

I rise to speak initially on behalf of the Committee for the Office of the First Minister and deputy First Minister on the Second Stage of the Departments Bill. The Bill will give effect to the Executive's agreement to reduce the number of Departments from 12 to nine in time for the 2016 Assembly election. It renames seven Departments and dissolves three others, while the names of the Department of Education and the Department of Justice remain unchanged.

The OFMDFM Committee received a pre-introductory briefing on the Departments Bill from junior Ministers on 30 November. The junior Ministers advised the Committee that the aim of the Bill is to deliver more effective, more streamlined and better government for the people of Northern Ireland. In response to questions from Committee members, the junior Ministers also advised that, while the number of ministerial appointments would naturally be reduced as a consequence of the legislation, no decision had been made regarding the appointment of junior Ministers — for example, whether the junior Minister positions will remain in the Executive Office or move to another, larger Department that may be facing significant challenges, such as the Department of Health.

At our meeting, the junior Ministers provided information on the programme board chaired by the head of the Civil Service, which is making practical preparations for the reduction in the number of Departments. Members heard that the head of the Civil Service has given a commitment that the new departmental structures will be ready for

the first day of the new mandate following the election scheduled for May 2016.

The Committee was advised that changing a Department's name will not have an impact on its functions and that no functions impacting on the public will cease and no policies will be terminated as a consequence of the structural changes. However, members heard that the functions of the three Departments to be dissolved will need to be reallocated. There will also be some additional rearrangement of functions. These changes will be made by a transfer of functions order that will be brought forward after the Bill has completed its passage through the Assembly. Junior Minister Pengelly advised that it was her understanding — she has confirmed it today — that the drafting of that order is at an advanced stage.

The Committee made it clear that it will require as much time as possible to consider what is likely to be a comprehensive transfer of functions order, and it welcomed a commitment given by the junior Ministers that the Office of the First Minister and deputy First Minister would work with the Committee on the matter. To ensure that it is informed in its consideration of the order, the Committee has already written to Statutory Committees to seek their views on the proposed functions of the nine new Departments.

There may have been concerns and cautions correctly and sincerely given in the Committee on the use of the accelerated passage procedure for the Bill, but, as the Chair stated at the end of our session with the junior Ministers, there is no disagreement about the urgent need for departmental reform and a reduction in Departments. On behalf of the Committee, I therefore support the Second Stage of the Bill.

Speaking briefly as an Alliance MLA, in supporting the Bill, I make it clear that Alliance has long advocated a reduction in the number of Departments. In our 2011 Assembly manifesto, we argued and proposed a reduction from 12 to eight, but, in the interests of compromise and good governance, we have agreed to the nine-Department structure. There will hopefully be financial savings, but the primary rationale for the proposal is, indeed, to have more efficient and effective government for the people of Northern Ireland. It is hoped that the reorganisation will bring more joined-up government and that synergies can be delivered. However, the Alliance Party would go further and reduce the number of MLAs to 90 in time for the next election. We would also like to see greater use of a statutory duty on Departments to cooperate.

Institutional reform alone, however, will not deliver the effective power-sharing government that I believe the vast majority of people in Northern Ireland want to see. We need to see greater cooperation and collaboration between all Departments and difficult decisions being taken. There is a need for cooperation on key issues to unite our community, to build a shared, fair and prosperous society and, indeed, to deliver environmental justice.

In supporting accelerated passage for the Bill, the Alliance Party still very much reserves the right to robustly scrutinise the transfer of functions order that will come forward. We do, indeed, have some concerns about how policy provision for children and young people, for example, will be dealt with, how good relations will be across all Departments and, indeed, where the

employment service will rest. Indeed, we make an early indication that we believe it should be in the Department for the Economy. We also have questions about the need for junior Ministers in the Executive Office and, indeed, whether there may be other Departments where there could be a more appropriate use of resources.

I think that Mr McCallister made the most substantive objection to accelerated passage. He mentioned clearly that the Executive branch should not use the legislature as a rubber stamp: I strongly agree with Mr McCallister on that. Accelerated passage is not ideal; it should be used rarely, rather than regularly.

Mr Speaker: We dealt with that matter.

Mr Lyttle: The Assembly should make it clear that it will not be a policy that is tolerated on a regular basis.

The decision before us today is whether we allow failings beyond our making to hold up much-needed institutional reform or show leadership in delivering departmental reform in time for the scheduled elections in May 2016 and to allow proper Programme for Government planning to be delivered further to that election. Alliance, therefore, supports the Bill and supports better, more effective government for everyone in Northern Ireland.

Mr Frew: I support the Bill's Second Stage. Without incurring the wrath of the Speaker, I will also say that I support the accelerated passage. In the House, we are here to make decisions, and it is unfortunate that, for so many months, parties and politicians here were prevented from making decisions because partners in government did not have the courage to make the hard decisions that make this place tick and make Northern Ireland thrive. I am glad that that impasse has been unblocked and that things will move forward. Of course, I deeply regret that it has happened so late in the day and so near to the end of the mandate that, unfortunately, things have been done in an accelerated and fast way. Nonetheless, we are here, and the Committee will be able to scrutinise the transfer of functions order, which will be subordinate legislation but very important and detailed subordinate legislation.

The Bill has only three clauses, but three clauses of something that I believe must happen. If you are on the ground, as I am — some of us may not be, but I am on the ground — you will see how the silo mentality works, where it does not work and how it affects the people we represent in the House. Of course, it is fair to say that a good bit of the population blames everything on the council: if there is a pothole in the road, it is the council's fault; if the grass is not cut, it is the council's fault; if there is something wrong with a house, it is the council's fault. Of course, some people have not caught up with the previous reorganisations. We spend nearly every day trying to educate people in that regard, because poor old council gets the blame for everything. It is slightly different here, of course, but, nonetheless, it is more important and something that I believe has to happen.

When you look at the experience of the last mandate in Westminster, you see that it was hard enough for the coalition Government to function with two parties and all the problems that that led to. Think how much more difficult it is in the Assembly with five parties. It is now four, of course, as one party has walked away. There are four parties in government trying to make decisions, trying to push things forward and trying to make things happen. It

creates silo mentalities and problems when four or five parties are all coming from a different place, all wanting to go to a different place and all occupying a different space.

I welcome the reduction in the number of Departments from 12 to nine, which our party has campaigned for ever since the signing of the Good Friday Agreement and ever since the institutions have been up and running. We promised the electorate on that day that we would make things better and would repair the damage that was caused by the Good Friday Agreement and the functions of government that were formed in it. We stand here today having completed some of that work and are now moving forward, but we have to recognise that, for that to happen and for progress to be made, we must have agreement from all the parties involved. We will strive to do that day in, day out to persuade people of our arguments, persuade them that we are right and persuade them that this is the way to go. I believe that this is the way to go.

Savings will be made, but what we really want is efficient and effective government for our people, as they deserve nothing less; we will push and probe and work every day for that to happen. Even the reduction in the names of the Departments is a good thing, as it will help people to understand exactly what those Departments do and what functions they hold. That is something to be positive about because it will help to educate people on where they need to go and what they need to do.

12.15 pm

The functions, roles and responsibilities of Departments will not change. Some are being merged and some grown, but that is a good thing. That will take away the silo mentality that I talked about and result in more efficient and effective government. With that, there will be savings in pounds and pence in the everyday functions of Departments, and those savings will filter down into the everyday lives of our population. Again, that has to be welcomed.

There is not much more to talk about. It is a three-clause Bill. It needs to happen, and I put it to the House that it should be passed. This is good business, as it is us moving forward. Let us keep going and let us keep making hard decisions. A lot more decisions than just that on this Bill have to be made, and I am glad that those will be made in the following months to try to get the legislation over the line before the mandate is finished. Let the Committee scrutinise the transfer of functions order, which will be the subordinate legislation.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle.

I speak on behalf of Sinn Féin to support the Bill and to commend junior Minister Pengelly for explaining to the House the rationale behind it. She went through the clauses and what they represented comprehensively. It is fair to say that, for some time, there has been all-party support for reform of the structures. There has been agreement on a reduction in the number of Departments. We now have that proposal in front of us, and, as far as we are concerned, this is the time for us to get on with it.

It is about delivering what we promised we would deliver. I hope that, in the context of the recent discussions and negotiations, this will form part of evolving this place into a more efficient place with more effective working relationships. On that basis, I commend the Bill and support it on behalf of Sinn Féin.

Mr Attwood: First, I acknowledge the contribution of Pat Ramsey to politics in the north-west, on the island and in the Chamber. His craft in working with other parties, his craft in his contributions on the Floor of the Assembly and his craft in taking forward many issues in a very productive way are the measure of what he will leave in the Chamber as he moves forward in his life.

In her opening remarks, the junior Minister sourced this proposal not just in Stormont House last Christmas but in 'A Fresh Start'. I wish that people would stop doing that. Everybody knows that 'A Fresh Start' — this is the kindest comment that I can make about it — is a false start. All the hopes, expectations and ambitions of so many of our people in those negotiations can be best summed up as a false start rather than a fresh start. May I also again caution us? If you analyse the contributions of both junior Ministers — I know that this is not what they intended in their contributions, and I am sure that it is not what others, including Mr Frew, intended in theirs — there is a sense that, somehow or other, the reduction to nine Departments is a panacea for the failure of politics, government and Ministers over recent years.

Mr Frew: Will the Member give way?

Mr Attwood: I will give way, but I will finish this point before I do.

The junior Ministers say that having nine Departments:

"will provide for more joined-up government"

and "eliminate ... unnecessary bureaucracy" and so on and so forth. We hear scores of warm, meaningless phrases on how, somehow, the mere reduction to nine Departments will have a transformative impact on the character of government and the content of our politics. That view, if anybody indulges it, is as idle as it is casual, false and foolish.

Having nine Departments can mean more joined-up government and the elimination of unnecessary bureaucracy, but the mere fact of having nine does not bring that into reality.

Mr Frew: I thank the Member for giving way. I do not think that anyone in the House in this debate has said that having nine Departments is a panacea for good government. However, what makes bad government is when elected representatives do not make hard decisions. Not making hard decisions will affect our populace and make their lives worse. That is what makes for bad decisions and bad politicians in the House.

Mr Attwood: I am glad that the Member made that point because I am going to address it in my next comments. I accept that nobody said that the reduction in the number of Departments to nine — or, if Mr Allister had his way, to six, seven, eight, or whatever notion might be presented by any Member — would by itself improve things. I am making the point that Mr Frew made, namely that having nine Departments may help, but only if the wider architecture and character of government is such that it maximises the opportunity presented by having nine, rather than more than nine, Departments.

Let me ask the junior Minister something. There was a phrase that she used. I know why she put it on the record and I would like to probe her a wee bit in this regard. She, rightly so, said:

"no policies will be terminated at this stage as a consequence of the restructuring."

Obviously, that is a very important thing that she should say. However, let me refer to the contribution that she made two weeks ago at Question Time when she made reference to the High Court judgement in relation to the failure of the Government to have an anti-poverty strategy. I will conclude this point quickly because I am sure that it is already beginning to irritate the Speaker, but I think that it is fair to ask, in the context of this proposal, what she was getting at in the contribution that she made on behalf of the First Minister, who has now joined us, when she said, in response to the questioning of Members in respect of the anti-poverty strategy:

"There is a proposition out there that all our programmes should be rolled out in relation to spatial need ... The vast majority of the services that we roll out through the Northern Ireland Executive are on objective need, but not necessarily on spatial objective need ... There are a range of programmes through the Department for Social Development and OFMDFM that we will continue to roll out in relation to spatial deprivation. But there is a lot of misunderstanding in relation to objective need. There needs to be greater clarification about that. Hopefully, we will take the opportunity to develop the strategy and give clarity on that matter." — [Official Report (Hansard), Bound Volume 109, p373, col 1].

I am wondering, behind the comment that she made this morning that no policies will be terminated at this stage, what all those words mean in relation to the core value and principle of objective need rather than spatial deprivation? Is there a rebalancing about to go on, if some people get their way, in relation to all those sorts of issues? The junior Minister may want to come back on that.

I will now deal with the point Mr Frew rightly made in relation to what will happen on the far side of nine Departments being established. That is the key issue. What is going to be the character and content of the Government on the far side of nine Departments being created? In my view and that of the SDLP, if we are going to maximise the opportunities of having nine Departments and the opportunities for the Government into the next mandate and beyond, a range of other interventions are complementary and mutual to the nine-Department model. In that regard, these are the points that I would make to Mr Frew. He may have heard me say this before, because I say it all the time, no doubt somewhat tediously, that there is a huge difference between Ministers being in the Government and being in power, and that any Minister —

Mr P Robinson: Nobody should know that better than you.

Mr Attwood: You may well make that point from a sitting position, First Minister. However, there is a huge difference between being in the Government and being in power. In fact, when I left the Government, I got a letter from the First Minister and deputy First Minister about the contribution that I made during the time that I was in the Government. You may recall that. I do not know whether the First Minister writes to all former Ministers when they have vacated office, but, on this occasion, he certainly found it necessary, for some reason or other, and I acknowledge the letter and thank him and the deputy First Minister for it.

The point that I am making is that, when I was in the Government, I know when I did not live up to the difference between being in the Government and being in power. I know where I made errors and mistakes, and I still regret some of them; because what I left behind when I left the Government was less than I might otherwise have achieved if I had not made those mistakes and errors.

The wider point is this: do we as a political institution, and do those who are going into and are in the Government, fully appreciate the difference between being in the Government and being in power, in the way that, as I have always said, in my view, the Scottish Nationalist Government did? That was long before they led the campaign for independence and had the election result that they had last May and in anticipation of the results that they are likely to have next May. Long before all that narrative, I was saying that Sturgeon, Salmond, Swinney and the other Ministers in Scotland knew more than any panel of Ministers on these islands the difference between being in the Government and being in power. Whether it is nine, 10, 11 or 12 Departments, if you end up with Ministers who are still short in knowing the difference between being in the Government and being in power, the nine-Department model will not remedy that failure. Mr Frew seems to be nodding in agreement.

In terms of the quality and character of our Government going into the next mandate and for decades thereafter, we in the SDLP believe that, whilst one day we will win the argument for the reunification of our country, part of the architecture of the reunification of our country will be an Assembly in the North for a multiplicity of reasons. However, if we are going to have assemblies in the North over many decades, are we going to have a panel of Ministers that demonstrates the difference between being in the Government and being in power?

The reason why that is so important is that a consequence of nine Departments is that Ministers will have a wider range of responsibilities and, if the Ministers are not fully facing up to and able to deal with the wider range of responsibilities that they have within their Departments because the Departments are bigger, there could be a greater failure of government on the far side of nine Departments than before. The need for coordination and integration between Departments could also be at some risk, given that Ministers, even in their day-to-day work, will have a higher level of responsibility and power.

The second point that I will make is this. There is a curious reference in A Fresh Start/False Start. The decision to bring in Eileen Evason in order to make recommendations on how welfare moneys might be spent in mitigation was, in my view —

Mr Speaker: I ask you to clearly establish the connection between this current point and the discussion before us. We are discussing the Departments Bill.

Mr Attwood: I appreciate that, but I am really taking up what Mr Lyttle said in his contribution when he was not speaking as Deputy Chair of the Committee. I am looking at the model of nine and trying to outline, as the SDLP sees it, where there could be added value over and above the fact that there will be nine Departments. The point that I am making, Mr Speaker, is that bringing in Eileen Evason is a recognition that there is such a scale of authority outside government that can inform the work of

nine Departments, when we have the nine Departments established. Going by that model, all the Eileen Evasons should be brought in to help government in order to maximise the working of the nine Departments in the next mandate and beyond.

For all the skills and craft of many in the Civil Service, the lateral and most imaginative independent thinking often comes from outside the nine Departments that we will have. The scale of input that we could have — not through the civic advisory forum alone, useful though limited as that model will be — and the opportunity to bring in people who are the specialists in business, anti-poverty, human rights, disability, the environment or whatever it might be, as we are doing with Eileen Evason on the recommendations on allocations of welfare mitigation moneys, is a model that we need to escalate. The experience that I had in Departments, certainly in the Department of the Environment, was that the freshest thinking often came in when it was structured into the life of the Department through various summonses. Maybe the First Minister thinks that that did not add up to very much; my experience was that it added up to an awful lot. If we are going to maximise the opportunities with nine Departments, there is another way to do it. The reason why I say that is that, in an event held upstairs in the last two hours, the Equality Coalition launched a report called 'Austerity and Inequality: A Threat to Peace?'. I might not necessarily agree with that contention, but, nonetheless, one of the speakers said that the relationship between civil society and government had to be of a different character in the future from what it had been in the past.

12.30 pm

Mr Frew has gone, but I want to make the point that it required a private Member's Bill from Steven Agnew to put into law a statutory requirement on Departments to cooperate on children's services. That was echoed by, I think, the Deputy Chair of the Committee, Mr Lyttle, who called for a more general statutory duty between Departments. My sense is that, while nine Departments could have more coherence internally and externally with the other Departments, the best way to discipline everybody to ensure that we have the best form of government going forward is to have statutory duties to cooperate and statutory requirements in respect of any policy sector. Whilst nine Departments may accommodate that, although it may not for the reasons that I have outlined, in our view, there is a need to build into the legal architecture of government responsibilities and duties to ensure that that to which we all aspire — joined-up government and the best outcomes for our people — is secured, rather than put in jeopardy.

Save those comments, we are content to support the motion.

Mr Allen: Let me say from the outset that the Ulster Unionist Party fully supports the principle that the number of Departments should be reduced and a more streamlined Administration should be able to deliver better government for the people of Northern Ireland.

As I said earlier, the Bill could and should have been brought before the House for proper debate and scrutiny a long time ago. It is not some new idea that has appeared out of the ether. In September 2009, the independent review of economic policy (IREP), chaired by the then

vice chancellor of the University of Ulster, Professor Richard Barnett, put forward a series of significant policy recommendations intended to assist the Executive in realising their goals of strengthening productivity and raising living standards in Northern Ireland. The review was commissioned by the then Enterprise, Trade and Investment Minister, Arlene Foster, to advise on the extent to which existing policies could help to meet the objectives stated in the Programme for Government and to put forward new policies if needed. One of the key recommendations was that the core economic functions covered by DETI and DEL's areas of responsibility should be brought under a single Department of the Economy.

It should be noted that the IREP report was welcomed by Minister Foster, who said that she would give it her:

"full and urgent consideration and will work closely with ... Executive colleagues, listening to their views and seeking a consensus on the way forward."

She also said that, given the importance and complexity of the matters addressed, she intended to carry out a short period of consultation on the report and wanted to reach timely conclusions and initiate purposeful actions as soon as possible. That was just over six years ago.

As far as the Ulster Unionist Party was concerned, we were fully signed up to the idea of a single Department of the Economy, which the party leader, Mike Nesbitt, endorsed at our AGM in March 2013. It entailed effectively scrapping DEL and combining it with DETI. That was followed up in our 2014 European manifesto, which stated:

"The Ulster Unionist Party believes the creation of a single streamlined Department of the Economy is essential if we are to capitalise on opportunities for promoting growth and prosperity in the EU".

With regard to the Assembly more generally, in 2012, the Assembly Executive and Review Committee produced a report on the reduction in the number of Departments. It identified areas of commonality that — I quote junior Minister Pengelly when she appeared before the Committee on 30 November — were:

"broadly comparable to what is now being proposed".

That fed into the Stormont House Agreement process, which hit the buffers, and part of it was resurrected in Fresh Start, bringing us to where we are today. This is not some idea that has emerged out of left field; it has been around the block on a few occasions. As I said earlier, this is not an insignificant Bill. It may be small in the number of clauses, as Mr Lyttle outlined, but it is of acute importance. It will, quite literally, impact on every person in Northern Ireland from the day and hour that we eventually reduce the number of Departments from 12 to nine. That is why, in this debate on accelerated passage, I state that the Ulster Unionist Party has concerns about such an important Bill being introduced so late in the mandate. The attempts to use accelerated passage mean that it will not receive the attention that it deserves or the scrutiny that it clearly merits.

I say again that we are not arguing against the rationale for going from 12 to nine Departments. Our quarrel is not with the content of the Bill per se; it is with the failure of the Executive to run a Government and to get this matter agreed. That is why the Assembly is in the position that it is in today. The IREP report was produced in September

2009. The fact that it has taken more than six years to get to a position where we can firmly begin to see a single Department for the Economy take shape is nothing short of pitiful. The people of Northern Ireland deserve better.

Mr D McIlveen: I welcome the opportunity to speak briefly on the Bill. Before I move to the substantive nature of what I want to say, I, too, pay tribute to Mr Pat Ramsey, who, I understand, will have his last plenary today. Some might say that, in this business of politics, gentlemen are in short supply; therefore, it is regrettable when we lose one. I can certainly say that I have always found Mr Ramsey to be an exceptionally good man and a huge encouragement, and I have enjoyed very much getting to know him over the last few years.

Anybody who knows me will know that, when I speak sometimes, in order for me to process it in my own mind, I like to demonstrate with an anecdote, and I will start with a little story to set the scene for what I want to say. Some people may know that I am a keen motorcyclist. The motorcycle sits in the garage for 49 weeks of the year, given our wonderful Northern Ireland climate, but, in the three weeks of the year that I manage to get it out of the garage, I get on it and do not really choose where I am going. I do not really care where I am going. It is about the experience of the journey and the freedom and enjoyment that come from it. The reason that I tell that brief story is that, in my time in politics, I have met people who fall into that category. They are not overly concerned about the destination; all they seem to be consumed with is the journey. In politics, that is a dangerous position to find ourselves in.

I have found that some people are on a journey of electability. They are more concerned with sound bites and what might be happening around them than with concentrating on their destination.

There are others who are on a journey of — I use the word guardedly — vengeance. They are disappointed by things that have happened in the past and, rather than concentrate on where we should be going, dwell on those things, which allows them to become bogged down in preventing the progress that is required. You may even meet some who are on a journey of inflexibility and do not accept the fact that the world around them is changing. Rather than focusing on the destination, those people are completely bogged down by the changes that are happening around them that they find very difficult to accept.

As my colleague Mr Frew said, that is not what we are elected to do. We are not elected to renege on our responsibilities as elected representatives. Sometimes, decisions will be easy; sometimes, they will be difficult. For the first time in a long time, we are debating a Bill that, in the world outside this little bubble, people are very interested in. We have spent the last four and a half years in the knowledge that we have had spending cuts imposed on us, asking the public and the public sector to tighten their belt, feel a bit of pain and do something to be more efficient. This is our opportunity, as a Government, to contribute. I share Mr Lyttle's aspirations to make the Assembly more efficient, to make it work better and, ultimately, to make sure that there is not wastage in it.

We have been asking doctors, pharmacists and civil servants to tighten their belt. Therefore, we should be very proud of the Bill. It could be better, but it could always be

better. We have finally got to a point at which the number of Departments as they stand will be reduced to nine. Of course, there are then the outworkings of that, with a reduction in the number of private offices, special advisers and permanent secretaries and in the whole infrastructure that comes with government.

I am bemused when I listen to some people in the Assembly, regardless of how long they have been here, who seem to fail to see the complexities that exist in a coalition Government. Whether we like it or not, we are in a Government in which we rely on an element of agreement to get things through. I am hugely regretful that there are some parties in the Assembly who have failed in their duty to step up to the mark, do the right thing and do the things that the people want us to do.

I am glad that 'A Fresh Start' has been produced and that there is agreement on it. I am glad that legislation has already been brought to the House that will enable the decisions that were taken in that agreement to happen, and to happen as quickly as possible. Members should not be in the business of insulting not just the intelligence of the people in the Assembly and on the Executive but the intelligence of people outside the Assembly who know that there is a coalition Government in this place, know the reason for that and know that every effort is being made to try to make this place work as well as it possibly can for the people whom we represent. For anybody to be in denial about that shows, with respect, an element of naivety about the position that we find ourselves in.

I am not going to dwell on the accelerated passage procedure any further. We are where we are with that. If we are to get the Bill passed before the election in 2016, we have to be realistic. It would have been better had we been able to do that this time last year, but, unfortunately, circumstances somewhat overtook us.

12.45 pm

In relation to staff, there will obviously be concerns around a contraction of any element of the public service. My understanding is that the terms and conditions of employment will remain relatively unchanged. Perhaps the Minister can confirm that. Trade unions will be consulted. I understand that trade unions will have their own views, and there is always an element of hysteria among the trade unions when there is any sort of suggestion around a reduction in the number of public servants, the size of Departments, and the number of staff who come along with that. However, I am sure that those consultations will happen. Whilst we may not be able to deliver everything that the trade unions are asking for, I am sure that every effort will be made to make this as smooth a transition as possible.

There is also the issue of arm's-length bodies. I ask the Minister to address in her closing comments what the likely impact will be on those. Will there now be an opportunity, with a reduced government size as far as the number of Departments is concerned, to take a look at the arm's-length bodies — these unelected quangos, if I could call them that? I accept that many of them deliver a very good service. However, I do not believe that they should be any more immune from cuts than the rest of us.

I know that there had been some suggestion that the Northern Ireland Fire and Rescue Service, which I have done a lot of work with, would be brought into the new

Department of Justice. I hope that I am correct in my understanding that that is now not going to be the case and that it will remain in the Department of Health. I would welcome that; perhaps we could get confirmation of that.

I support the Bill and I hope that we will see it progress as quickly as possible. I hope that, for once, the news about the Assembly that is carried this evening will be that we have agreed something that is going to save the public some much-needed money. I look forward to hearing the rest of the debate and hope that we have cross-House support for the Bill.

Mr Lyons: I welcome the opportunity to take part in this debate and very much welcome the Bill. It is very good that we are now at the stage where we are able to progress it. It is another significant step in the much-needed reform of the Assembly and the Executive. It is no secret that my party has been calling for measures such as these for quite a long time; in fact, since 1998. It has to be said that, when these institutions were established in 1998, decisions around the number of Departments and, indeed, the number of MLAs were made not in the best interests of people or government in Northern Ireland but with political considerations factored into them. It was about giving parties seats not only in this place but around the Executive table. The institutions here, which came about as a result of what took place in 1998, are not what they should be. Reform is necessary. I am pleased that we are taking this step today.

When we consider this Bill, what are the benefits that we find in it? Mr Attwood made a number of points. I do not know whether Mr Attwood is trying to steal the crown from Mr Allister for who can be the most negative Member in the Chamber. It seems that he has been quite negative about a lot of things of late, and that is obviously his right as a Member of the Assembly. However, we have in front of us a very good Bill. First, what we have here are savings that will come from our having a smaller government. A reduction in the number of Departments means a reduction in the number of Ministers, a reduction in the number of private offices, a reduction in the number of special advisers, a reduction in the number of permanent secretaries, a reduction in departmental central management units, a reduction in the number of press offices, a reduction in the number of Assembly liaison offices and a reduction in the number of finance and HR branches within those Departments.

Mr McCallister: Will the Member give way?

Mr Lyons: I will, of course, give way.

Mr McCallister: Does the Member accept that, yes, you will save money in the categories he is talking about, but it will be quite a small amount, unless you have a much larger reduction in the overall number of civil servants?

Mr Lyons: I am just getting to that point. Yes, we will have savings. It is obvious that those savings will be made; after all, what I have just listed will not be there any more. However, those savings will, perhaps, be small compared with the benefits that will come as a result of us having more efficient government.

I go back to the point I was making. We will reduce all of those things. That will make savings, but no functions will be done away with, and no policies will be abolished. They will be important savings, but the best thing to come as

a result of the Bill will be the transfer of functions and the joining up of functions that should be together. I want to give one example of that. Yesterday, my colleague Lord Morrow wanted to raise a point of order in the Chamber in relation to flooding that had taken place in his constituency. He asked the Speaker what the best way was for him to raise that matter in the Chamber. The Speaker replied that he had decided not to allow a question for urgent oral answer because:

"I found that not only were a number of areas affected but three Ministers were involved." — [Official Report (Hansard), Bound Volume 110, p84, col 1].

That is the problem that we have with a number of issues: functions are found in different Departments.

Mr Beggs: Will the Member give way?

Mr Lyons: I give way to Mr Beggs.

Mr Beggs: The Member rightly highlights the duplication that exists with regard to flooding. There is the involvement of the Rivers Agency, Transport NI, obviously, and Northern Ireland Water, potentially. In recent years, the former Minister for Regional Development argued that we should bring forward the transfer and create one Department that would be responsible for flooding to try to better coordinate such events: why has that not happened sooner?

Mr Lyons: I do not know why it has not happened sooner, but I am glad that it is happening now. What we see in section F of the Fresh Start Agreement is that a lot of these issues will be brought in under the control of one Department. I would certainly like to see that happen, and I am glad that it will happen.

Obviously, we are here to talk about the general principles of the Bill. I am pleased that we will have further opportunity to talk about what functions are going where, by way of the Committee's scrutiny, which has been promised by OFMDFM. That will give us an opportunity to talk about that further. This is a short Bill. In my view, it brings savings in the cost of government, it brings functions together and it moves around departmental responsibilities, which will allow for more efficient government. However, it does something else: it continues the reform that is needed in this place. I am pleased that we will have a reduction in the number of MLAs. Although that will not happen until 2021, it shows that the process of reform continues. I think it was my colleague Mr Frew who said that we were in a system where we have to get the support of other Members and we have to convince people of the merits of our arguments. There are Members and parties in the House that were opposed to cutting the number of Departments from 12, and we have now secured that agreement. There are parties in the House who disagreed with cutting the number of MLAs, and we have now got that agreement. We are making progress, and that is welcome. There is, of course, more to be done, but this Bill has my full support, and I urge Members to support it.

Mr Beggs: The Ulster Unionist Party welcomes the proposed reduction in the number of Departments from 12 to nine. It is better late than never. There are advantages, such as saving on personnel, but, more importantly, as I briefly outlined, there will be greater clarity of areas of responsibility and an ability to better coordinate.

As my colleague Andy Allen pointed out, the reorganisation of Departments has been in the pipeline for years, with none more so than the creation of a single Department for the Economy. That goes back to 2009, when the independent review of economic policy made its recommendations. We were told at the time by the then Minister of Enterprise, Trade and Investment, Minister Foster, that she would give the report "full and urgent consideration". Improving government structures for the economy has been so urgent that it has taken six long years to get to where we are today. Given the current situation, with the Republic of Ireland's economy reported to be growing three times faster than Northern Ireland's, the sooner that happens, the better.

Mr Lyons: I thank the Member for giving way. I am a little surprised, and perhaps he could provide some clarity for me. He complains about the time that this has taken. However, his party was opposed to accelerated passage, which would allow this to happen in the first place. Does he not see a contradiction in holding those two positions?

Mr Beggs: We are simply pointing out what good government is. Good government should not rely on accelerated passage. This has been talked about for years and years; with regard to the Department for the Economy, it has been six years. Why has this legislation not been moved sooner? It is absolutely ridiculous that we are facing it only now, a few months from the end of the Assembly term. Remember, the Assembly was originally to be a four-year Assembly. We are already on nine months of borrowed time and are beyond what should have been our life.

Mr Lyons: Will the Member give way?

Mr Beggs: I want to proceed.

In its latest forecast, the consultancy firm EY, formerly Ernst and Young, has predicted that the Northern Ireland economy will grow by 1.7% in 2015, whilst the Republic of Ireland's growth is forecast to be 5.8%. I reiterate: three times as fast as ours. The people of Northern Ireland deserve better. The Assembly was supposed to be about delivery, not survival. It was supposed to be about delivering for the people of Northern Ireland. It is past time that this Northern Ireland Executive started delivering. Their time is running out. It is time for a new Executive to be in place and to deliver to meet the needs of the people.

Mr Lyttle: I thank the Member for giving way. Briefly following on from the last intervention, I appreciate that the Member's party has now taken an oppositional stance, but can he advise what his party did on departmental reduction and government reform when it was in the Office of the First Minister and deputy First Minister?

Mr Beggs: The Member is referring to something that happened several decades ago. I do not have the details at hand. You are trying to rely on something that happened decades ago, but that was a very different time. Clearly, we need to move forward. Having sown the seeds of a stable, democratic Northern Ireland several decades ago, we think it should now be about delivering and good governance. That is what needs to happen today.

For too long, the Executive have played fast and loose with people's prospects for jobs and of having money in their back pocket. Youth unemployment remains stubbornly high — among the highest in the United Kingdom — and

the so-called Fresh Start Agreement is beginning to look like a false start, with Sinn Féin already rowing back from its support for the devolution of corporation tax-varying powers and setting the rate at 12.5% in 2018. If the reorganisation of Departments is to happen, it should be done correctly and should not be rushed through. We have not seen the transfer of functions order, which is mentioned in the Fresh Start Agreement. The agreement states:

"There have been some amendments to the transfer of functions from OFMDFM and between departments. These will be reflected in the supporting Transfer of Functions Order which is currently being drafted."

1.00 pm

Earlier in the debate, Mr McIlveen referred to other changes that have been agreed. Whatever is happening behind the scenes should be happening transparently, with the public being able to make suggestions as well. It should not be a case of deals being made in smoke-filled rooms where one side gets this and the other side gets that, or something equally ridiculous. This should be about good governance for Northern Ireland. Hopefully, the Executive will move forward, giving the public and MLAs a copy soon.

Where is this transfer of functions order? The latest that we have been told is that we can expect it some time in the new year. Well, we know that we will definitely get it before the election in May 2016. It is easy to say that we will get it some time in the new year, because if we do not get it then, we will not get it at all. Why do we not have a date for its arrival? Why was the Bill afforded accelerated passage, and why has it not been given proper time for scrutiny?

Every party in the House wants to see a reduction in the apparatus of government to give us a more streamlined and efficient Executive. Sinn Féin and the DUP should have absolutely nothing to fear from proper scrutiny; it makes for better government.

Mr Maskey: I thank the Member for giving way. Does he not agree that, had his colleague stayed in the Executive, he would have had all those answers and, not only that, he would have had his input into the decision-making on the answers that he now seeks? You gave up your opportunity to have an input and to come here and ask questions.

Mr Beggs: I thank the Member for his contribution. If it was a real partnership Executive, with everyone valued and treated with respect, the Member's assertion would have some merit, but that is not my understanding of how his party and the DUP run the Executive. They made their side deals and treated everyone else like fodder. We have to move on to improve things for everyone in Northern Ireland.

I want to pick up on the earlier intervention on the issue of flooding. The Department for Regional Development is responsible for Northern Ireland Water and, when storm water enters our sewerage systems, it has a role, under the responsibilities that it has, to react during floods. Similarly, Roads Service, which is now Transport NI, has a responsibility for culverts and grilles etc. We have learned that there is potential for road grilles to be blocked, and they have to be maintained to avoid flooding. The Rivers Agency, under the Department of Agriculture and Rural Development, has responsibility for the flow of rivers and ensuring, for example, that ditches do not become clogged

and result in flooding. It is also responsible for producing flood maps and determining new development.

The flood helpline service was located in the Department of Finance and Personnel — someone may put me right if I have got that wrong. When there is flooding, the public can contact the Department of Finance and Personnel or go straight to Rivers Agency, to Northern Ireland Water or Transport NI. Frequently, they do not know whom to contact — they just want help — and, in other instances, councils frequently assist. Several years ago, recognising that difficulty, Danny Kennedy, the former Minister for Regional Development — bravely to my mind — suggested that he would be willing to take all this on in one single Department so that there could be single responsibility, better coordination and better delivery for the public. What happened? It was not agreed. Why do we have to wait until there is some big deal and a stitch-up? Why can we not be mature as an Assembly and, when we see areas for improvement, move forward, improving things as we go along? We are meant to be serving the people of Northern Ireland. We are meant to be legislating for improvements and meeting their needs, not the needs of the political bubble that may exist here at Stormont. The changes that are being proposed to reduce the number of Departments from 12 to nine can allow that to happen, and I hope that they will. There is an indication that that is the direction of travel, but why are we taking so long? Why are we not publishing the changes in a draft format, thus allowing the public to have an input? Someone might spot another area for improvement that the experts have overlooked and make a suggestion to the Committee that will be scrutinising it. Again, that would have widespread support. And guess what? It would deliver for the people of Northern Ireland. After all, as the First Minister once said, this Assembly term was to be about delivery, not about survival. We all know what has happened. Where has the delivery been? The current Executive have let the people down. They have failed them. They have not delivered much, apart from stumbling from one false start to another.

It is more important than ever that the next steps that the House takes are the right steps, with a clear direction and sense of purpose. They should be about delivery for the people in Larne, in Carrickfergus, in Newtownabbey and, indeed, right across the Province, not just about what suits some parties here in the Stormont bubble. Why can the House and, indeed, the community not be presented with all the facts on all the proposals, instead of a Bill being railroaded through under accelerated passage? If the Assembly is going to legislate, let us make sure that it does it right. The Bill should get the attention that it deserves. Let us be clear: the Ulster Unionists fully support the reduction in the number of Departments from 12 to nine, but we do not support the rushed job that is being driven through by the Sinn Féin and DUP coalition, which appears to be afraid of scrutiny and seems to be obsessed with retaining its control and its fingerprints. It is about not what is best for the community but whatever Sinn Féin and the DUP decide.

Mr McCallister: I listened intently to Mr McIlveen's story, and, when he talked about being on the journey, it reminded me of what I have often said about the Executive. The old adage is this: if you do not know where you are going, any road will take you there. The Executive have never quite looked as though they have had that purpose and direction, and, if they were to come to a fork

in the road, to use Mr McIlveen's analogy, they would not know what direction to go in. To deal with it, they would probably form a commission or hope that Westminster or somewhere else would come in and make the decision for them. From listening to many Members in the debate, I can see that that demands almost a culture change for our Executive, whatever the number of Departments happens to be. Whether it is six, nine, 12, they have to get to the point at which, as Mr Attwood put it, they look as though they are in power, not just in office, and able to exercise the Departments in a collective manner. That has bedevilled the process almost from when we began with these devolved institutions in 1998, from collapse through to the St Andrews Agreement, where there was almost a trial run at stopping what the DUP termed the end of solo runs by Ministers.

That comes back to how we share power here.

You will have heard me say before that we do not have genuine power-sharing; we have shared-out power. If going to nine Departments helps us to genuinely share power, that is the challenge. Not only do we need a clear direction on where the Government want to go, but there is an onus on political parties to start to work and think about what they want the Government to do. What do they want from whatever Departments or Executive there are and what do they want in a Programme for Government?

I welcome some of the things in 'A Fresh Start'. I welcome some of the changes to the Departments that we are debating today. I also welcome the idea that you would negotiate at the start. It is the wrong way round in 'A Fresh Start': you have to declare that you want to take up your position in the Government before entering negotiations. However, that, I suspect, is something for the parties that qualify to get to.

Once you reduce the number of Departments and whether you like it or not, you change the dynamic of how many parties might qualify for government. If the election results were exactly the same as in 2011, with nine Departments, Alliance would not be a party of government in the sense that it would not qualify under d'Hondt in the current arrangements. That is a change.

My Bill is in Committee at the minute, but I have set out in it some of the issues around unitary government and collective responsibility. Some of what is in this Bill and was agreed in 'A Fresh Start' does not go far enough, but it starts to move us down a certain road. Other parties seem to have accepted that we cannot continue with a model of government that looks so dysfunctional that even the head of the Administration has to refer to it as dysfunctional. These are all things that have to be addressed.

Mr Lyttle: I thank the Member for giving way. Would the Executive not be, arguably, less representative, given what you propose for qualification for the Executive?

Mr McCallister: If you put in a threshold? Absolutely, it would be. You change that by improving collective responsibility. Not everybody who is in government honours those principles. Look at yesterday's debate on a legislative consent motion: two parties in the Government voted one way, and the other half of the Government voted against them. You cannot continue with that, as I have often said about government policy. If this Bill helps to deliver more cohesive government with nine Departments, you start to build in some of that. We cannot continue

with a Government in which half the parties vote one way and half votes the other. That is where collective government comes from. I make the point that, if having nine Departments starts to move us, even slightly, down that road, it is to be welcomed. However, you are relying very much on a culture change to deliver that.

Mr Lyttle talked about needing a statutory duty to cooperate. What I have proposed and what I would like to see in the Departments Bill goes much further than a statutory duty; it will enshrine that collective Cabinet responsibility. It goes significantly further.

On some of the issues around the Bill and the transfer of functions that will come, I note the change in intention to move the Fire and Rescue Service to the Department of Justice. That is probably welcome: the last thing that we need is our Fire and Rescue Service coming into some political mess, which there was a risk of with it coming into the Department of Justice.

1.15 pm

The ultimate aim of all of this has to be delivering good governance. The fact that we are changing the Office of the First Minister and deputy First Minister, which has been described by many as the most dysfunctional Department in government — to the Executive Office and to a coordinating role is to be welcomed. That is why I supported Mr Allister's SpAds Bill. It is important that with these changes we set limits on how many special advisers there should be. For example, the new Executive Office will clearly not need eight SpAds and two junior Ministers. I look forward to the junior Minister responding to this. A much more sensible use of junior Ministers would be to have one in the Department for the Economy to make sure that we did not take our focus off skills and universities, as could become the case. Perhaps there could be a junior Minister in the Department of Education looking at early years and early intervention and how we can really raise our game on that subject. Certainly, there should be one in the Department of Health specialising in social care and how we can deliver on that. I would also like to see, possibly, a junior Minister in the Department for Communities looking at some of the impacts of welfare reform on social mobility and what could be done there. This gives the sense of a broader set of reforms that I would like to see flowing from a Bill like this.

Once you start down the road of change, there are things that, naturally, should flow. Once you bring in junior Ministers to look at things such as social care or at rights and protections for our elder population, you start to question whether we need a Commissioner for Older People or a Commissioner for Children and Young People. Should those responsible not, in the idea of representative democracy, be under the control and scrutiny of this Chamber? That is what is interesting about the current reform, in moving to nine Departments and looking not only at how we get a functioning Executive and a robust Assembly and opposition holding that Executive to account but at how we build in purpose and direction and that challenge to political parties to come up with policies, costed ideas and an idea of what they want to do, what they want to get into a Programme for Government and what they want to do if elected to serve in the Government.

Being in the Government comes with huge privileges, but it must also demand huge responsibility when

making decisions. This is something that we have not seen. Under our current model, we have no idea about what is government policy. The Health Minister is now in the Chamber: if he goes to make a decision under Transforming Your Care, how many other Ministers will protest against him? That is why, when you move to a smaller number of Departments and you have fewer parties in the Government, you will help to bring in a collective Government, a disciplined Government and government policy that makes sure that, when Ministers speak, they do so on behalf of the Government of Northern Ireland and not just on behalf of their Department. There would be no solo runs in Departments. That is where we have to move to, and I very much hope that that will be the direction of travel set out in the Bill. I do and will support the broad principles outlined today.

Mr Principal Deputy Speaker: I call junior Minister Pengelly to conclude and wind up the debate.

Mr Allister: On a point of order, I understood that my name was down to speak in the debate.

Mr Principal Deputy Speaker: Your name was down to speak on it, but you were not in for the previous speaker and are therefore ineligible to speak.

Mr Allister: I explained my predicament to the Chair, but there we go. As you please.

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I am grateful for Members' contributions. They have been invaluable and informative, although some were disappointingly negative, given that this is a good news story and a good day for government in Northern Ireland.

Reforming institutional structures has been a declared objective of government here for many years, and reducing the number of Departments has long been recognised as a key element of reform. The Bill represents a major element in the process of reform. The issues addressed in the Bill featured in a Programme for Government commitment; they were the subject of a review and report by the Assembly and Executive Review Committee in 2012; they underwent detailed consideration during the political process leading to the Stormont House Agreement in December last year; they were extensively discussed by the Executive at the beginning of this year; and they featured in the recent talks process that led to last month's Fresh Start Agreement. It is therefore disappointing that some Members have taken issue with the speed with which we are trying to bring about this reform, given that it has been discussed so extensively over the last four years. I say to those Members that this is the time for action. It should be done, it should be done now and it should be done in advance of the new mandate in 2016.

There is a broad consensus on a nine-Department Executive as a viable model for our future Administration. The Bill creates a framework for the most extensive reorganisation of the departmental system since 1999. Although it is quite a compact Bill, its impact on future Administrations will be far-reaching. A streamlined nine-Department system will offer fresh opportunities for improving the way we do business. The future Departments will have a clearer identity that, in my view, will be appreciated by citizens. The new slimmed-down structure will enable related policies and functions to be

brigaded together and synergies to be achieved. It will provide a leaner, more efficient Executive.

The changes will have consequences for the Assembly too. Having fewer Departments should simplify Assembly Committee structures and business scheduling. Together with wider public-sector reform initiatives, restructuring will lead to a more efficient Administration on many levels. That will help us to deliver the excellence in public service and value for money that the citizen rightly expects.

I will turn briefly to the various contributions and thank all those who contributed. First, Mr Lyttle outlined the role of the Committee thus far in this issue and in the Bill. We appreciate the Committee's support for our actions on accelerated passage and the reform of the Departments. Mr Lyttle welcomed that the Committee will get to scrutinise the transfer of functions Order. I am happy to put it on the record that we will appreciate the Committee's help in this in the next few months and its comments on and analysis of the proposals set before it.

I welcome the support of the Alliance Party on reform. I am fully supportive of driving forward better government and a better Assembly. That is why I have been very involved in the Department, as has junior Minister McCann, on driving forward better working across Departments, trying to break down silo mentalities and to get better cross-policy working. Delivering Social Change is one example of trying to get a delivery framework.

However, Mr Lyttle mentioned rubber-stamping. What I will say is that we exist within a legislative and Executive context that requires hard graft to bring about brokered agreements. That was picked up by a number of Members. As the Member is well aware, the formal procedures are not always conducive to getting those negotiations and agreements that are required to bring these matters forward. So, we have to look outside the formal structures, but, of course, we liaise and interface with those formal structures when required and when appropriate to get that type of feedback.

I will turn to the contribution made by Paul Frew, who welcomed that we have agreement. I absolutely and wholeheartedly concur: getting agreement across a mandatory coalition, especially one that is so ideologically opposed or which comes from such different ideological positions, is not easy. Yes, it is slow and difficult, but it is worth persevering and achieving those agreed actions.

There was negativity, and I will come to that shortly. Others will snipe, sneer and condescend from their utopian fantasy world of what should be instead of what is. What I would say is that we will try to achieve action and agreement within the context that we exist in while striving to make the necessary changes to improve the system, and I believe that today is a very important step towards improving the system.

Alex Maskey welcomed the fact that we are getting on with implementing the agreement on those actions, and I absolutely concur with that sentiment. I think that action is good, but it takes a long time, as I mentioned, to get agreement. I believe that it is right to use this process to ensure that that is in place for the next mandate and to give the next mandate the best possible opportunity to deliver for the people of Northern Ireland.

I move on to the contribution from Alex Attwood. Again, there was a bit of negativity from him. He wanted to pour cold water on 'A Fresh Start'. What I would say to him is that, for many people, this is not a disappointment. Some elements will require further discussion, and we have made commitments to continue to discuss those very difficult and tricky issues. We got agreement on how to deal with welfare reform, on having in place 12.5% corporation tax by April 2018, and on comprehensively taking on cross-border crime and tackling paramilitarism. Those are big, big issues of agreement. They are intractable problems that people have struggled with for very many years. There is an agreement there and, while it may not have everything in it that we would hope for, it is a good agreement and a fresh start on a range of issues, and that should be welcomed, not received with such negativity. I believe that it is ambitious and comprehensive.

Mr Attwood raised the issue of the nine Departments and said that it is not a panacea or the answer to inefficiency or bad working. I absolutely agree. I do not think that anybody is suggesting that it is, but it is a good start. It is one of a range of necessary measures. My colleagues in other Departments, including the Department of Health and the Department of Finance and Personnel, are pushing forward an ambitious agenda for efficiency and reform, and we will continue to do that. We have made it absolutely clear that one of our key commitments is providing better public services for people in Northern Ireland, and that will require a change in how we do things and deliver services. We have made a commitment to drive through efficiencies and reform to bring about those changes.

The Member mentioned the issue of objective need that I had raised. To clarify for him, I am not necessarily saying that we should move away from objective need but, rather, that there is a great deal of misunderstanding about what objective need is. I know, from talking to very many groups, including those involved in the legal challenge, that there seems to be a sense that objective need is almost entirely to do with spatial deprivation. My comments were to try to make it absolutely clear that that is not the case. I mentioned objective need in the Department of Health — the objective medical expertise for your needs. As for unemployment, it does not matter where you live or what the spatial deprivation is, you will get your benefits and the help that you are entitled to. So, my point was more one of clarification about the understanding of objective need, not about actually changing that.

However, we need to step back and change some of what we do right across government. I do not think that anybody is suggesting today that the policy areas in Departments are crystallised and cannot or should not be changed. I have already mentioned the Delivering Social Change agenda, which was a new policy area to be pushed forward. I think that we need to look at the way that we have operated for very many years to see what is working and what is not working, and what is not working should be left behind. On previous occasions, I have mentioned the approach of Departments to strategies. We have started to take an approach of putting many strategies on a statutory basis.

I am firmly of the view, for example, that a huge strategy that collates a range of actions happening in Departments is not the way to bring about change. We need to have an outcomes focus and to look at delivery frameworks and a better way of doing business across policies,

within Departments and between Departments and other agencies. Mr Andy Allen —

1.30 pm

Mr Attwood: I thank the Minister for giving way. I think that I have proposed five interventions, all of which were meant to be positive and should in no way be portrayed as negative. May I probe you further? Hansard will confirm, Minister, that you have just said that you are:

"not necessarily moving away from objective need".

You subsequently said that you were "not actively changing objective need". Can you confirm what your position is? Given that you have said that you would not necessarily move away from objective need, are you saying to the House that there might be circumstances in which you might find it necessary to move away from it?

Mrs Pengelly: There are a range of policies that any Department can implement, and you implement those policies on the basis of the problem that you are trying to resolve. There will be some problems with need, and, in that case, absolutely, there should be an objective-need approach. Section 28E of the Northern Ireland Act 1998 clearly states that there is a statutory obligation that a poverty strategy needs to be based on objective need. There are other strategies, of course, as you and your party will be well aware. For example, there is a statutory obligation in section 75(2) on good relations. There will be other policies and statutory requirements that mean that we will use a different range of criteria.

I will clarify my comments in that context. We have made it clear in the Chamber that we are committed to bringing forward a poverty strategy under section 28E based on objective need, and I seek to give better clarity on what "objective need" means. It is used colloquially to mean "spatial need", and that is a mistake.

Andy Allen said that this should have happened many, many years ago. The first thing that I will say back to the Member from the Ulster Unionist Party is that, given what happened last Christmas and given that the Ulster Unionist Party did not agree to 'A Fresh Start' or want to be part of that agreement, if it were left to that party, it still would not be done. It certainly would not be done in time for the Administration in the next mandate. I find it difficult to take criticism from a party that is not prepared to step up and make the difficult decisions, the compromises and the agreements that are required to move Northern Ireland forward and get those issues moving.

My colleague David McIlveen paid tribute to Pat Ramsey: I add my best wishes to that sentiment. I did not have much opportunity to know Mr Ramsey, except by reputation, or work with him. Warm words have been said, and it has been mentioned many times that he is a gentleman. Probably all of us around the House would like to have that type of tribute paid on leaving a political career, so I support David's comments on that.

David told a story in which he talked about a destination and asked this: where do we want to go? I absolutely concur with that sentiment. We need to have a vision. There are many visions contained in many strategies and many documents, but, for the Programme for Government, we will strive to have a clear vision of where we want to bring Northern Ireland. I have heard it said by all parties

around the Chamber that we have a shared vision of wanting to build a better and brighter future for Northern Ireland. That means economic growth and reforming government, and today is a critical step in doing that.

I will clarify some of the Member's comments. He is not here at the moment, but hopefully he will read this in Hansard. Terms and conditions for staff will be largely unaffected. The only change that is possible may be a change of working location. There is a programme board being led by the permanent secretary in DEL, presumably under the guidance of the head of the Civil Service, and I know that the board has been liaising with the trade unions throughout the process. He mentioned the efficiency of arm's-length bodies. I can give him a confirmation that arm's-length bodies have not been immune from efficiencies over a number of years. We made it clear through the Department of Finance and Personnel that arm's-length bodies must be included in efficiency measures. They have made year-on-year efficiencies, but we will continue to look at how we can improve that relationship. There has been some rationalisation of arm's-length bodies, and we will continue to look at what is necessary. Where it is unnecessary, that should be merged and examined in terms of a better way of working.

Perhaps there was a little misunderstanding by Mr McCallister of whether the Fire and Rescue Service would be retained in the Health Department. I just wanted to clarify that. David McIlveen queried that as well. I can confirm that, and I know that that will be welcomed by the Fire Service and the health service.

I move to the negative contribution of Mr Roy Beggs, who, unfortunately, has not stayed to listen to the response to the many questions that he posed. He started by saying that it was "better late than never". I welcome the agreement. It was hard fought for, hard won and finally achieved, but, quite frankly, that was no thanks to him or his party.

Mr Lyons: I thank the Minister for giving way. Mr Beggs was not able to answer my question but, in the Minister's view, it is not contradictory for the Ulster Unionist Party to oppose accelerated passage, which would allow the Bill to become law and make the progress that we want, while complaining that it has not taken place soon enough?

Mrs Pengelly: I thank the Member for the intervention. Absolutely, I concur. It is deeply ironic that they have opposed accelerated passage. If we want to have better government and a better Assembly, perhaps a good place to start would be our legislative process. Quite frankly, it is far from agile in getting these issues through, necessitating the fact that, to get changes in the last nine to 12 months of an Administration, we have to look at accelerated passage. Perhaps it is a challenge to the Assembly to look at how we can bring about changes and deliver for people in the last year of the Assembly term.

It is also deeply ironic that the Member's party walked away from the agreement. They walked away from the Assembly. He talked about smoke-filled rooms. That is probably testimony to the fact that the Ulster Unionist Party absolutely live in the past. It has been a considerable time since a smoking ban was put in place. There certainly were not any smoke-filled rooms in these discussions. He talked about 1998 and the Belfast Agreement being many decades ago. That was a long, long time ago, so they are

going to wash their hands and take no responsibility for that whatever. That is an utterly ridiculous argument. He stands up there and says, "Better late than never" and "It is about time" and tries to pour scorn on the parties trying to bring about the changes, while his party created these Departments. The Ulster Unionist Party created those Departments and the burdensome system that we are now trying to deliver change on.

Mr Attwood: Will the Minister give way?

Mrs Pengelly: I am trying to move business on. This has been a lengthy response, but I thank the Member for also standing up to take responsibility for the shocking example in relation to —

Mr Hamilton: The ugly scaffolding.

Mrs Pengelly: Yes. The Member also asked what the Executive had delivered. I wanted him to be in the Chamber just, so that I could throw out a few headline statistics: 33% more spend on health; 22,000 jobs created; 12.5% corporation tax secured by April 2018, giving security to businesses that will attract further foreign direct investment and create further jobs for the people of Northern Ireland; no water rates; and the highest foreign direct investment per head of population. We have people sneering and condescending from the peripheries of the Chamber and the peripheries of the political parties in Northern Ireland, trying to pour negativity on what has been achieved. Yes, it has been hard and it has taken a long time, but we have got agreements and are changing things for the better. The Bill is representative of that.

I welcome John McCallister's contribution. He talked of a change of culture, and we can all support that. There is a saying that does the rounds at conferences or between officials that "Culture eats strategy".

The reality is that, unless we change the culture within Departments — the culture of working in silos and of inefficiency — we will not get better outcomes, regardless of how we change the structures. So, this is an important contribution in terms of the reductions, but we are also very conscious that we need to change the way people work. We have been trying to drive that forward, and it has been challenging. However, we need to get officials, bodies, Departments and, quite frankly, people across the Chamber working better outside the silo of where they are comfortable.

We need to be realistic. I take the points that Mr McCallister has raised about the systems that we have, but, if we were to hold out for all parties in the Executive to agree everything, we would have even less agreement and it would make it very difficult to move forward. We have striven to get agreement on a range of these issues. As I mentioned, these changes have been discussed for four years now. The changes in this piece of legislation are very straightforward. It is three clauses. Although some Members have expressed concern about wanting to sit and look at this even further, and add another six or 12 months to that process, it is three clauses, and they are very clear. It has been in the public space for the last four years, and now is the time for action and moving on that. I welcome that today.

In moving to some concluding paragraphs, I thank Members for their contributions to the debate and for the questions and issues that they have raised. I hope that I have answered comprehensively the issues raised.

'A Fresh Start' has provided a basis for addressing some of our most intractable issues. In relation to departmental restructuring, it has made it possible for us to move forward to an area that will benefit good government and society as a whole. A leaner, more joined-up Administration, with improved cohesion within and between Departments, is in all our interests. Most importantly, hopefully, it will help us to achieve our outcomes in a better way. I commend this Bill to the Assembly.

Question put and agreed to.

Resolved:

That the Second Stage of the Departments Bill [NIA 70/11-16] be agreed.

Health (Miscellaneous Provisions) Bill: Second Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Second Stage of the Health (Miscellaneous Provisions) Bill [NIA 72/11-16] be agreed.

The Bill includes two distinct Parts. The original purpose of the Bill was to amend anomalies in the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008. Those amendments are now contained in Part 2 of this Bill. Part 1 of the Bill contains provisions dealing with nicotine-containing products, the most common form of which are e-cigarettes.

I would first like to speak about Part 1. In the past four or five years, the market for e-cigarettes has grown considerably, and it is now estimated that there are almost three million users in the United Kingdom, the vast majority of whom are ex- or current smokers. A recent Northern Ireland health survey revealed that 14% of people here have tried e-cigarettes at least once and that around 5% of the adult population consider themselves to be current users.

E-cigarettes differ from regular cigarettes in that they contain no tobacco. They are made up of a nicotine-based liquid, which is then vaporised and inhaled. No smoke is produced, and, therefore, they can be legally used in places where tobacco-cigarette use is banned. As the e-cigarette market has expanded, concerns have arisen about the health consequences of using these products. A limited amount of research has been carried out, and Members may indeed be aware of a recent report commissioned by Public Health England that estimated that e-cigarettes are about 20 times less harmful than tobacco cigarettes. While this report offers some reassurance, the e-cigarette market remains largely unregulated. Consequently, the quality and safety of existing products on the market cannot be verified. I am glad to say that the position on regulation is shortly to change. From May 2016, the new EU tobacco products directive will require that all nicotine-containing products, which contain less than 20 mg per millilitre of nicotine, are regulated as consumer products.

1.45 pm

In practice, that means that e-cigarette manufacturers will be obliged to comply with a number of requirements if they wish to sell their products within the European Union. These include a limitation on the nicotine content of e-cigarettes; obligatory reporting of the ingredients of and emissions resulting from the use of e-cigarettes, including toxicological data; the provision of information to consumers, including a health warning on packaging; and restrictions on cross-border advertising and promotion.

Application to the Medicines and Healthcare products Regulatory Agency (MHRA) for medicines licensing is an option for those manufacturers wanting to promote their product as a smoking cessation aid or to sell products that contain more than 20 mg per millilitre of nicotine.

There are no age restrictions applied to the sale of e-cigarettes, and there is no requirement in the EU directive for member states to introduce any such restrictions. However, a 2014 report by the World Health Organization (WHO) considered the emerging evidence

on the health risks associated with nicotine-containing products. It concluded that there is sufficient evidence to caution children and young people against using these products. Nicotine is a highly addictive substance, and adolescent nicotine exposure is known to have long-term adverse consequences on brain development. In addition, I am concerned that the availability and promotion of e-cigarettes is reversing the progress made by smoke-free legislation to de-normalise smoking.

Action to address concerns about youth access to e-cigarettes is at various stages of development across the United Kingdom and Ireland. A Government amendment was included in the England and Wales Children and Families Act 2014 to restrict the sale of nicotine-containing products to persons over the age of 18. These regulations came into force on 1 October this year. The Health (Tobacco, Nicotine etc. and Care) Bill, introduced in Scotland in June, also seeks to ban underage sales of e-cigarettes, and the Republic of Ireland is committed to introducing similar measures in the near future.

It is important that young people in Northern Ireland are similarly protected. To that end, my Department sought and obtained the agreement of the Northern Ireland Executive for the inclusion of relevant provisions in the Bill. Part 1 contains provisions that will enable the Department to make regulations prohibiting the sale of nicotine-containing products to minors. A provision to allow the Department to create an offence of the proxy purchasing of these products — in other words, an adult purchasing an e-cigarette on behalf of a minor — is also included.

It is not intended that the legislation will apply to licensed nicotine replacement therapy products currently on the market as aids to smoking cessation. To exempt existing nicotine replacement therapy products, the regulation-making powers will allow the Department to apply the age of sale restrictions either to all nicotine products, nicotine products of a specified kind or nicotine products subject to specified exceptions.

Schedule 1 amends the Tobacco Retailers Act (Northern Ireland) 2014 to allow for offences in relation to the underage sale of nicotine-containing products to be included as an offence that could lead to an application for a restricted sale order or a restricted premises order. This is one of three offences that could result in a retailer being banned from selling tobacco and/or nicotine-containing products for up to three years, so in practice it will mean that, if a retailer commits an underage sales offence in relation to a nicotine-containing product, an enforcement officer could include a ban.

Two small amendments were made to Part 1 of the Bill following the consultation process. The first provides my Department with regulation-making powers in relation to banning the sale of e-cigarettes from vending machines. While there is no evidence of that happening at this stage, I believe that it is important that we have measures in place to prevent such an eventuality.

The second amendment raises the level of fine for sales of tobacco from vending machines to a level 5 fine. That ensures a consistent approach to fines for all underage tobacco or e-cigarette sales offences. I believe that the provisions in Part 1 offer a proportionate response to concerns about youth access to e-cigarettes. This is a new and evolving market. My Department will continue

to review the latest developments and research with a view to ensuring the best outcomes for the health of our population.

Before I move on to Part 2, I want to address an issue that is not in the Bill but that many believe should be. Many were understandably concerned at the omission from the Bill of a clause banning smoking in cars with children. I have listened carefully to the arguments made by many that Northern Ireland should follow the example of other parts of the United Kingdom, and I can confirm to the House today that it is my intention to bring forward an amendment at Consideration Stage to ban smoking in cars with children.

Some Members: Hear, hear.

I would like now to address Part 2 of the Bill. As already mentioned, the original purpose of the Bill was to amend anomalies in the Health (Miscellaneous Provisions) Act (Northern Ireland) 2008, which I shall refer to as the 2008 Act. The 2008 Act amended existing legislation covering the provision of health service dental, ophthalmic and pharmaceutical services in Northern Ireland. It also amended provisions concerning charges for services provided to persons not ordinarily resident in Northern Ireland.

The amendments that we now need to make to the 2008 Act are mainly technical in nature and do not affect the original policy intent. We have already consulted on the amendments, and respondents were content. Mainly, they will ensure that the legislation contains the correct references to the various categories of people and bodies involved in providing dental, ophthalmic and pharmaceutical services. I will now briefly describe the background to the amendments.

The 2008 Act contains the legislation to change the way dental services are organised in Northern Ireland. The provisions move away from the current arrangements whereby only dental practitioners can provide health service treatment. In the new provisions primary dental services are often referred to as the new dental contract. Once introduced, a wider variety of providers will be able to provide dental services, including corporate bodies. Certain anomalies have been identified in the dental provisions in the 2008 Act, and the Department needs to amend particular wording in legislative references. Specifically, we need to amend the description of the dentists who will perform those services. The amendments are technical in nature, and the original policy is unaffected. The relevant amendments are set out in clauses 6, 9 and 10 respectively.

The Health and Social Care Board, which is referred to as the "Regional Board" in the Bill, maintains lists of individuals or bodies that provide pharmaceutical services — that is, dispense health service prescriptions and related services. The Health and Social Care Board also holds lists of those who provide ophthalmic services — in other words, those who carry out health service eyesight tests. There are set application procedures before an individual or body can join either of those lists. Those listed have to abide by certain terms and conditions, the Health and Social Care Board has disciplinary powers over them, and, ultimately, they can be suspended or disqualified by a tribunal. Lists are limited to those who hold contractual arrangements with the Health and Social Care Board; they do not include employed pharmacists or opticians.

The 2008 Act aimed at extending the current listing system to include pharmacists and opticians employed by contractors. Again, anomalies were identified in the 2008 Act, and we have decided that we need to revisit our policy in that area. That will be conducted in a separate exercise and will be subject to further consultation. In the meantime, the Bill returns the general ophthalmic and pharmaceutical services provisions to their pre-2008 Act position. Relevant amendments are set out in clauses 7 and 8.

Under existing legislation, the Department can make health services available to persons not ordinarily resident in Northern Ireland. The Department may determine charges for such services and prescribe exemptions from those charges. In rewording that provision, the 2008 Act removed the phrase

“subject to such exemptions as may be prescribed”.

To avoid any ambiguity and for clarity, the Department wishes to make the minor amendment of restoring those words. Currently, the exemption is implied. Those amendments are set out in clause 11.

The provisions in Part 2 amend anomalies identified in the 2008 Act. The amendments are technical in nature and will ensure that we have the correct legislative references in place when we are ready to introduce the new dental contract. We have restored the Health and Social Care Board's ophthalmic and pharmaceutical listing powers to their pre-2008 position. We will consider the extension of ophthalmic and pharmaceutical listing systems in a separate exercise, and, for clarity, we have restored a specific reference to exemptions in relation to charging persons not ordinarily resident. The Bill also makes important changes to the regulation of e-cigarettes and will, if the Assembly supports my amendment, ban smoking in cars with children.

Mr Principal Deputy Speaker: Before I call the Chair of the Committee, Ms Maeve McLaughlin, I advise her that, as Question Time begins at 2.00 pm, it may be necessary to interrupt her at that stage.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I support the Second Stage of the Health (Miscellaneous Provisions) Bill.

The Minister has outlined that the Bill is split into three parts. Part 1 contains provisions to enable the Department to make regulations prohibiting the sale of nicotine-containing products to minors. A provision to allow the Department to create an offence of proxy purchasing is also included. Part 2 makes provision to amend the 2008 Act in respect of areas such as primary dental services, pharmaceutical services and charges for services provided to persons not ordinarily resident. Part 3 makes provision in respect of the interpretation of the Bill, subordinate legislation and repeals and sets out the title and commencement dates.

The Committee first took evidence from departmental officials on the proposals for the legislation on 1 October 2014. That was during the Department's public consultation on the draft Bill. Back then, officials advised that it was the Department's intention to introduce the Bill in the Assembly by February 2015. It was, however,

introduced late last month. On 23 September 2015, officials came before the Committee again to provide a further briefing on the Bill and to update us on the changes that had been made to it following the public consultation.

Two changes were made to the draft Bill after consultation. The first was the inclusion of the ban on e-cigarettes from vending machines, and the second was the increase in the fine for sales from tobacco vending machines to a level 5 fine. During the briefing, the Committee asked questions on the detail of the Bill, but no objections were raised about its overall aims and objectives. Questions asked sought clarification on the difference between nicotine replacement therapy and nicotine-containing products and whether the legislation would apply to licensed nicotine cessation products. The possibility of a ban on domestic advertising of e-cigarettes was also raised. Members also sought clarification on the Department's rationale for the technical amendments to the Health (Miscellaneous Provisions) Act 2008 on the listing of dentists, pharmacists and opticians.

If I may, in conclusion, I wish to say a few words as a Sinn Féin MLA. In a strange outburst of cooperation today, I had planned to announce my intention to table an amendment to ban smoking in cars carrying children. I very much welcome the Minister's intention to do that and look forward to working directly with him in that spirit of cooperation to bring forward a robust, comprehensive ban that is ultimately about the public health of our children and young people.

Finally, if I may, I indicate my intention to table an amendment on a sugar tax, thus ensuring that the Department will consult on a levy on sugar-sweetened drinks. They are a major source of ill health, particularly among our children and young people, causing conditions such as obesity, type 2 diabetes, cardiovascular disease and tooth decay. The consumption of sugary drinks is higher among young people and those on low incomes. My amendment will deal with the issue of a levy on sugar. I urge Members to support the Second Stage of the Health (Miscellaneous Provisions) Bill.

Mr Principal Deputy Speaker: Question Time begins at 2.00 pm, so 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 Alex Easton.

The debate stood suspended.

2.00 pm

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

Oral Answers to Questions

Health, Social Services and Public Safety

Health Service: Funding

1. **Mrs Overend** asked the Minister of Health, Social Services and Public Safety to outline how the total level of funding awarded to date in 2015-16 to address pressures in the health service compares to the level allocated in 2014-15. (AQO 9290/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): In overall terms, the total level of current expenditure funding awarded to my Department in 2015-16 is some £123 million greater than that available in 2014-15. That increase takes account of the uplift that was outlined in the Executive's Budget for 2015-16 and the additional non-recurrent in-year allocations made to my Department through the monitoring round process.

The Executive's Budget for 2015-16 provided an additional £200 million for front-line health services, but my Department was also required to make some £50 million in savings in other areas of its budget, including the Fire Service and my other arm's-length bodies. In addition, the level of assistance available to my Department in 2015-16 through the monitoring round process is approximately £30 million less than that received in 2014-15.

I welcome the Executive's past support in providing additional funding to my Department, and I will look to their continued support in the future so that my Department is best placed to meet the health and social care needs of the people of Northern Ireland.

Mrs Overend: I thank the Minister for that information. Obviously, I welcome the recent allocation of £40 million, but, as the Minister rightly said, there was far more money awarded last year, yet the situation continued to worsen. Aside from temporary reprieves, what has he done to get to grips with the escalating costs?

Mr Hamilton: I think that everybody understands and appreciates — I am sure that the Member does — the increasing pressure on health in our society and across most societies, with huge increases in demand for most services. Some of that demand is driven by positive things like technological advances and advances in drugs and medicine. That puts increasing pressure on a system that is facing pressure all the time, which is why I have been focusing on the need to reform our system. It is very clear to me that continuing with the system as it currently operates will not suffice in the future.

We are starting to see the pressures build up. We understand the problems that are being caused by having a growing and ageing population. Great that it is that we are all living longer, many of us are living longer with one or more chronic conditions. Earlier, in a different context, the Chair of the Health Committee was talking about unhealthy

lifestyles and the ticking time bomb that that presents for society. That necessitates reform of our system.

In the short term, we need to spend more in health, in part to address the immediate needs and to start to reform and transform our system. We have to be realistic that that increase, particularly at a time of pressure on our budget, is not sustainable in the very long term. So, we need to make those reforms and transformations to get our health service on a sustainable footing. We need to make reforms that take out layers of bureaucracy in our system and ensure that we have a configuration of services, in health and in social care, that meets the needs of our population and puts to the forefront the need to ensure the highest standard of care and safety for our patients. It will be that relentless focus on reform that I will continue to pursue, and I hope that whoever is in my post after the election will continue to do that.

Mr I McCrea: What scope does the Minister see for efficiency savings in his Department? What level of savings has he been able to achieve up to this point?

Mr Hamilton: I very much welcome the additional resources that were granted to my Department by me when I was in the Department of Finance and Personnel. Whilst many at the time argued that that was not enough, including the Health Minister of the time — I understood and appreciated that it was not enough to meet all the demand that the Department and health service faced — it was in the context of a very difficult Budget and was a significant boost, vote of confidence and reflection of the support across the political spectrum and wider society for health.

That £123 million of additional resources would not have been enough in itself to tackle the rising demand as best we could. That is why the Department continued with its pursuit of efficiency savings in this financial year. That is something that we have been doing vigorously over this Assembly term. Between 2011 and the end of this financial year, we are set to release £825 million, nearly £1 billion, in efficiency savings from the system. That compares very favourably to what was achieved between 2007 and 2011, which Members will recall was a very different time for our public finances. Only £426 million in efficiency savings was released between 2007 and 2011. Since the beginning of this Assembly term in 2011, nearly double the amount has been released in efficiency savings by my party, the Member's party and our colleagues who have been in office. That money has been able to go into the front line to help relieve some of the pressures that our hospitals and social care sector face.

Mr McKinney: At his annual conference, the Minister pledged an extra £1 billion in Health spending over the next five years. Could the Minister detail where this money will come from? Has he had discussions on that with his Executive colleagues?

Mr Hamilton: What I pledged, and was very pleased to be able to pledge, was that my party would seek to increase expenditure on Health and Social Care by £1 billion over the next Assembly term. It is my view that that is a financial boost that is required not only to meet the well-publicised pressures that the Department and the system face in the short term but, in the longer term, to get our Health and Social Care service onto a sustainable footing by investing considerable amounts in reform, transformation and innovation within that system. That is something that I am

pledged to do. It is something that I have discussed with the party, particularly the Finance Minister, who supports it, understanding the challenge that it presents.

It was as much a challenge to other parties, including the Member's party, to support that needed boost in expenditure for Health and Social Care over the next five years to transform the system and relieve the pressures that it faces. It will be up to others to support that. It is obviously a matter for the Finance Minister given the constraints that she faces in crafting a Budget for next year. I will certainly do my best. I will fight hard for the much-needed, substantial uplift in expenditure on Health and Social Care, because I believe that it is needed, but I understand and fully appreciate the constraints that the Finance Minister faces. Some of those constraints will, of course, be the views of other parties and whether or not they support it. I have heard different comments and responses from various parties, including some in the Chamber who have opposed it outright. I have not heard the Member say whether he supports a £1 billion uplift in Health spending or not. If he does not, I would ask him to explain why he does not and to set out why, given all the complaining that he and his party do about Health, he does not believe that it needs that substantial increase in funding.

Mr Deputy Speaker (Mr Dallat): I point out to Members that question 3 has been withdrawn.

Mater Hospital: Emergency Department

2. **Mr Humphrey** asked the Minister of Health, Social Services and Public Safety for an update on emergency department services at the Mater Hospital. (AQO 9291/11-16)

Mr Hamilton: The Mater Hospital has a proud and enduring heritage of providing high-quality services to the people of north Belfast and beyond. I pay tribute to the hospital's staff for their dedication and service to the local community. I fully understand that any change to hospital services causes concern to the local community and their representatives. I reassure Members that the action taken by the Belfast Trust in respect of emergency department services at the Mater was a temporary change made as a precautionary measure in response to concerns expressed by senior medical staff about staffing levels in the hospital's emergency department.

The Belfast Trust took the decision on 13 November to temporarily suspend ambulance arrivals from 6.00 pm to 8.00 am and to redirect children arriving at the emergency department to the nearby Royal Belfast Hospital for Sick Children, which has a dedicated paediatric emergency department. The emergency department has remained open on a 24/7 basis throughout, and the ambulance divert was lifted on Thursday 26 November. However, the temporary redirection of paediatric patients under 14 years of age to the children's hospital is continuing. The Belfast Trust is monitoring that temporary arrangement.

Mr Humphrey: I thank the Minister for his answer. I also thank the Minister for the meeting that he facilitated last week between party colleagues and me and trustees from the Mater Hospital.

As a supplementary question, can I ask the Minister how many people have attended the accident and emergency unit in the Mater over the last number of years?

Mr Hamilton: I thank the Member for his comments. Very quickly after the issue arose in the Mater Hospital, Member of Parliament Nigel Dodds contacted my office to facilitate a meeting and discussion that, I am glad to say, the Member and colleagues from the North Belfast constituency, as well as people from the Mater Hospital, were able to attend. I was glad that we were able to do that, because it allowed me to offer, I hope, some reassurance about the future of the Mater Hospital, which I am sure the Member and colleagues will communicate to the community in north Belfast.

The question that he asks about attendances at the emergency department in the Mater highlights how important it is in the overall Belfast Trust picture, particularly for emergency services. In 2010-11, there were 41,405 attendances, and in the last full year, 2014-15, the number rose to 45,623. In every year in between it rose, so it has been growing and growing over that period. It is clearly a key part. Notwithstanding the issues around the temporary nature of the divert and around paediatrics, it has an important role to play in the Belfast Health and Social Care Trust in providing emergency department services. My understanding, having spoken to officials, is that, even with the investment in the Royal Victoria Hospital and the new emergency department there, that hospital could not cope logistically with the numbers coming into it. Notwithstanding those issues — we always have to put patient safety to the fore — the Mater and its emergency department have an important role to play in the Belfast Trust area.

Mr Rogers: Thanks to the Minister for his answers thus far. Minister, you talked about patients being redirected from the Mater to the Royal Belfast Hospital for Sick Children. However, last week we heard that the latter is experiencing pressures that have resulted in cancelled operations. What assurances can you give to the people whose operations were cancelled that they will receive their treatment in a timely manner?

Mr Hamilton: I am aware of the issue that the Member raises about operations for sick children in the Royal Belfast Hospital for Sick Children. My understanding is that that has been due to a spike in seasonal bronchiolitis — I am learning a new language in this job — and that all children's wards in Northern Ireland have experienced an increased number in admissions for that condition. I understand too that that is not something that is particular to Northern Ireland; there is a national increase in the number of young children presenting with bronchiolitis. Obviously, in situations where beds in hospitals are full or close to being full, whether it is for paediatrics or any other area of specialism, it is important that we ensure that there is safety for patients and that the quality of care remains high.

In those exceptional circumstances, it is only right that the clinicians and trusts take the judgement to cancel non-emergency surgery. It is clearly not something that we want to see, and it is not something that we want to see happening frequently, but, in the circumstances, we understand the pressure that was put on the hospital. It is only right that they did what they did. Clearly, we want to see those surgeries slotted back in as quickly as possible so that people are not inconvenienced any further.

Mrs Dobson: Does the Minister accept that the four-hour waiting target has been set only after sound medical advice and that for some people the longer they are forced to wait,

the more harm they come to? Is the Minister satisfied that patients' safety is not being compromised as a result of the pressures not only in the Mater but in all our hospitals?

Mr Hamilton: On the first point, I accept that the target has been set on the basis of clinical advice. Equally, I think we should be open with not only that target but with any targets. If the evidence coming from our clinicians is that the targets are not serving a useful purpose, we should be open to changing them. In conversations that I have had with various royal colleges, some clinicians have questioned the efficacy of some of the targets that we work towards and measurements that we take. So, on the best advice that is there and the figures that we have, I am very open to looking at targets from time to time.

I think that we all understand the pressures that emergency departments are under, in particular. We have talked about them in respect of a range of hospitals over the last number of Question Times when I have been in the House. We know the issues with recruitment, particularly of consultants for emergency departments. Clearly, as we enter into the period of the year — winter — when pressures become even more acute in emergency departments, we understand the difficulties that can arise at this time of year. That is why I met the chief executives of all the trusts yesterday afternoon to discuss their preparedness for the winter, which I suppose we are already at the start of, and I had detailed discussions with them about what they were doing in their areas to address any pressures that are arising or may arise. We talked about the additional £4 million that the November monitoring round has allowed to be released to deal with emergency department pressures or winter pressures. I also informed them that we would give them greater flexibility to spend that money. In the spirit of the reforms that I announced some weeks ago, I do not want to see trusts having to come to the Department to seek permission to do things that will benefit patient safety and quality of care in the short term.

2.15 pm

HSCB: Closure Consultation

4. **Mr Dunne** asked the Minister of Health, Social Services and Public Safety when the consultation on the proposed closure of the Health and Social Care Board will commence. (AQO 9293/11-16)

Mr Hamilton: On 4 November, I outlined wide-ranging, ambitious and radical plans for transforming the health and social care system. The proposed changes seek to reduce bureaucracy. As well as the Department taking firmer strategic control of our health and social care system, I want to make our trusts responsible for the planning of care in their areas and to give them the operational independence to deliver it. I therefore propose that we close down the Health and Social Care Board. Departmental officials are drafting a consultation document that seeks views on those changes. I aim to bring forward that consultation as soon as I can to gather views. I have been encouraged by the positive response to my proposals from other politicians, health and care professionals and from members of the public.

Mr Dunne: I thank the Minister for his answers. I think that we all welcome his decision to progress towards dissolving

the Health and Social Care Board and the projected savings that will flow from that. Can he see potential for change before the legislation is put in place?

Mr Hamilton: The Member welcomes the changes that I have proposed. He and I have spoken about this in the past, and I think that we agree that there has been a clear need for reform in the health and social care system with regard to administration, bureaucracy and taking out bureaucracy that is not required. That is why there has been the broad support that I have spoken about from other political parties and, importantly, from clinicians and others in the public. In coming to my decision and the announcement that I made on 4 November, I listened to what others were saying, and I think that that is why there has been the consensus that there has been.

There has been a conflation of two issues in the speech that I made on 4 November: one is the panel that will look at the best configuration of services and how long it might take to implement, and the other is dismantling the Health and Social Care Board and taking out that bureaucracy and that barrier to innovation. I made some comments at the Committee about taking probably 18 months to do that with regard to the board. That is a reflection of what I believe to be the realistic timetable that it will take to get the legislation in place, bearing in mind that there is an election coming up that will stunt things for a while. Officials have been working assiduously on producing a consultation document. I hope to approve that shortly and launch it quickly thereafter to start the important process of consultation that will inform the drafting of legislation that, I hope, will be in place for early introduction in this place in the new mandate.

There is work that can be done in the intervening period. We are doing some scoping work to see whether there are changes that could be made that do not require legislation to give effect to the changes that I have proposed. I have met the chairperson and the chief executive of the Health and Social Care Board, and I am glad that they are working with my Department and me to make that a reality.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. I thank the Minister for his answers. Can he outline how roles in the Health and Social Care Board will be divided up?

Mr Hamilton: Since making my speech on 4 November, I have been at pains to stress that this is not about the staff but about the system in which they work. There are a lot of good staff right across the system, including in the board, who are doing very important and critical work to make our health and social care system work. Clearly, we are not going to do away with the functions and roles that those staff perform. I envisage staff going in various different directions. Some will come into the Department. Some will go to the trusts, particularly those who are involved in planning for need in particular areas. Some may move to the Public Health Agency, which, as I have said, I want to see working much closer alongside the Department and renewing its focus on the important work that it does.

Part of the scoping exercise that we are doing will identify the best place in which to put staff in order to do various things. There are some obvious ones, such as planning for need, whose staff we can see moving to trusts, but there are others who will be best placed back in the Department. The important point to stress is that this is about reforming

and transforming the system in which our excellent staff work so that we can get the best out of their talents. The additional layer of bureaucracy in the current system, which is causing so many difficulties in getting innovation on to the ground, needs to be taken away so that we can give our staff, who work incredibly hard, the best system possible in which to operate. We will all be the better for that, because that will produce better results and better outcomes for us all.

Mr McCarthy: The Minister will know that up to 600 people or thereabouts are employed in the board at present. Following on from the earlier question, those are people who have been there for a number of years doing a good job. Will he assure the House that there will be no redundancies, and will he advise us on what sorts of savings are expected to come about as a result of the abolition of the board?

Mr Hamilton: I do not envisage there being any compulsory redundancies. That is not to say that there will not be a need to get rid of some posts, but that will not be as a result of a compulsory redundancy process. It is worth emphasising the point again, given that he has raised it, that this is about getting an appropriate system in place for our staff to work in so that we can get the best from them. I do not believe that the current system is getting the best out of our staff, and the talents, skills and abilities that are there are not being optimised in a system that has far too many layers for a very small region such as ours.

What was the second question?

Mr McCarthy: It was about savings.

Mr Hamilton: This is not being done with savings in mind. That is not one of the criteria that I want to see as a result of the reform. It is about reforming and transforming the system and giving our staff the best system possible in which to do their work. I envisage that some savings will be made. The budget for the board is currently around £30 million, so even a 10% saving will release £3 million. Whether it is £3 million, £2 million or £1 million of savings, I can assure the Member and the House that those will be redeployed into the front line to ensure better care for our citizens.

Mr Beggs: The public could not understand why so many high-powered and highly paid individuals were employed in the Department and the Health and Social Care Board, so I welcome the review that is happening. Does the Minister have a target for savings that will come out of the review, as well as other organisational advantages, and does he accept that the board employs far too many people and that it grew far too large over the past number of years?

Mr Hamilton: It is wrong to start off with Health and Social Care reforms of this nature on the basis of saving money. If we can save money — I expect that we will — that is an advantage and something additional that we should welcome. However, to reiterate the points that I made to the two Members who asked questions previously, the whole purpose of this is to create a system that gets the best out of the staff who operate in Health and Social Care across Northern Ireland. As a result of the reforms that were taken forward by the Member's colleague Mr McGimpsey when he was Minister, I do not think those staff have been given a system that maximises their talents, skills and abilities.

I accept the point that he made about the size of the board growing. Since its inception in 2010, it has increased by around 160 members of staff. Interestingly, when Mr McGimpsey gave an interview recently to the 'Belfast Telegraph', he said that he wanted the board to be a lean organisation. Mr McGimpsey said:

"I said there should be a maximum of 250 staff, but after a lot of crying and wailing that they couldn't do it with that number of people, I allowed it to go to 350."

Actually, he did not allow it to go to 350. In 2010, which was during Mr McGimpsey's tenure, it started off at 436 members of staff, considerably north of 350 and a lot higher than the 250 that he envisaged. I presume that the people whom he was talking about, crying and wailing, were civil servants, who he told me at the Committee could not run the health service. It is pretty clear that they could wrap him around their little finger and get him to do whatever they wanted, because he nearly doubled what he wanted to start off with in the board. It is interesting to point out that, over the same period, the number of staff in the Department decreased from 670 to 446, so down 224. That is considerably more than the number of staff by which the board has increased.

Junior Doctors' Contracts

5. **Ms Hanna** asked the Minister of Health, Social Services and Public Safety when he will make a final decision in relation to the proposed changes to junior doctors' contracts. (AQO 9294/11-16)

Mr Hamilton: I recently made a statement indicating that I have no desire to impose a contract on junior doctors in training but that my preferred way forward is through negotiation. I welcome the outcome from the ACAS discussions between the Department of Health and the BMA and that all parties are willing to explore how best to deliver together on a new junior doctors' contract. I see this as a great opportunity, and I am optimistic that these discussions will lead to an agreed way forward. I therefore think that it would be pertinent to await the outcome of these exploratory talks before making a considered decision for Northern Ireland.

Ms Hanna: I thank the Minister for his answer. I think that you will understand the frustrations of ordinary junior doctors, particularly given the swifter resolution of this issue in Scotland and Wales. You will be aware that, as well as their safety concerns, junior doctors are worried about the impact that this issue will have on recruitment. In light of George Osborne's autumn statement and the announcement on nursing bursaries and the potential loss of that subvention for student nurses, can you outline what plans your Department has to address that issue and prevent it from exacerbating an already acute nursing shortage?

Mr Hamilton: There are two issues, which I will try to deal with in the time available to me. On the issue of junior doctors' contracts, as I said, I welcome the fact that both sides — the Department of Health/NHS employers and the junior doctors' side — are now engaged in discussions within a short, limited time period. That is what I wanted to see from the start and I think that that is the most likely way to reach the conclusion that I want to see, which is an agreed contract for the whole of the United Kingdom. The Member said that there had been a "swifter resolution"

in Scotland and Wales. I do not accept the terminology that it was a swifter resolution. Scotland and Wales took a particular decision not to impose a contract. I did not take that decision because I wanted to encourage both sides to go back into negotiations. It may form a resolution from some people's perspective, but I do not consider it to be a satisfactory resolution of a situation that would ensure that a contract that has been agreed by all sides previously as being not fit for purpose remains in place. That is why I want to see a negotiated settlement around this issue, and I encourage all sides to negotiate.

I am aware of the announcement that was made in the Chancellor's autumn statement on nursing bursaries. The Member will be aware that that does not impact on Northern Ireland because of devolution. When I entered the Department back in May, some work had been done by officials in looking at the issue of nursing bursaries and also at nursing fees, which, in most circumstances, I think, are paid for by the Department. That is not a route that I wanted to go down, and I stopped that from heading down that direction. Hopefully, that gives some assurance to nurses. However, I do think that there are issues particularly around the retention of nurses after they qualify, and I am keen to look at that. There are changes that perhaps we can make that I am sure everyone can agree with. If we are investing in fees, in bursaries, in nurses and in nursing students, I think that we want to see the benefit of that investment in the health service here in Northern Ireland. That is something that I am keen to look at.

Mr Deputy Speaker (Mr Dallat): I am afraid that that ends the period for listed questions. We now move to topical questions.

2.30 pm

Cancer Drugs

T1. **Mr McKinney** asked the Minister of Health, Social Services and Public Safety, in light of his attendance yesterday at the funeral in Belfast of Mr Brian Withers who died as a result of oesophageal cancer — while it was a sad event, it was also a celebration of his life and, in particular, his tenacity in fighting for drugs to help to extend his life, with him gaining six years — what assurances he can give to people who are stricken with cancer and other illnesses that they will not have to have a lonely and stressful journey in attempting to access drugs and that drugs will be available on an equitable basis. (AQT 3261/11-16)

Mr Hamilton: I thank the Member for raising the issue. I did not know Mr Withers, whom he mentioned, but I am sure that the Member will pass on my sympathies and condolences to his family. The Member may be aware that, today, I announced my conclusions, views and recommendations in respect of the consultation on the individual funding request. I have agreed to proceed with three of the recommendations. I have agreed to remove 95% exceptionality, which, I think, everybody in the consultation agreed was far too restrictive. I have also agreed to establish a regional scrutiny committee, which will have a much fairer, more consistent and more clinically led approach to the issue of access to specialist drugs. I am going to start work on revising guidance on individual funding requests. Whilst that will not help in the case that the Member raised or, indeed, some others, I hope that the

Member, the House and those outside will recognise that this is positive progress in improving access to specialist drugs in Northern Ireland.

I have not agreed to move forward on the creation of a specialist drugs fund or the introduction of prescription charges because of a lack of political agreement around that issue. However, the lifting of the 95% exceptionality and the creation of the regional scrutiny committee will, I believe, substantially increase access to specialist drugs for cancer patients and others.

Mr McKinney: Clearly, people are dying while they wait. Can the Minister assure the House that, given the many millions of pounds that have become available under the pharmaceutical price regulation scheme (PPRS), appropriate moneys will accompany any new system?

Mr Hamilton: The Member and I have discussed the PPRS before. While I do acknowledge that we get money back in as a result of it, much of that is used annually to cover the increasing cost of drugs elsewhere in the system. So, we are not quids in or sitting with a lot of additional cash as a result of that; it is merely covering some of the costs that are there. The Member is mouthing the figure of 40 million quid — £40 million, rather; I should not use unparliamentary language such as "quid" — but it is not over and above the increasing cost of drugs right across the system.

I hope that the Member recognises, as I am sure most people will, that what I have announced today will substantially increase access to specialist drugs for people, who will have clinically-led decisions. One of the reasons why I did not go down the route of a specialist fund was that I did not want to put a particular figure on it. I wanted to have clinically led decisions, made through the regional scrutiny committees, as to what was appropriate need.

I am disappointed that we have not been able to reach agreement on the reintroduction of modest prescription charges, and, therefore, this additional cost will have to be covered from elsewhere in the Health and Social Care budget, and that all, of course, puts some pressure on a budget that is already considerably challenged. However, for the reasons that the Member has outlined, which I appreciate, and I am sure others do too, I think that it is the right thing to do.

Pulse Oximetry Trial: Update

T2. **Mr Swann** asked the Minister of Health, Social Services and Public Safety for an update on the findings and outworkings of the pulse oximetry trial in Daisy Hill Hospital in conjunction with the Southern Health Trust, and, as Chair of the all-party group on congenital heart disease and the father of a child with congenital heart disease, to accept his congratulations and thanks for its introduction. (AQT 3262/11-16)

Mr Hamilton: I have become aware of the trial only recently. We all realise and acknowledge that innovation will solve many of the problems in our health and social care system that we have been talking about. It comes, sometimes, at considerable cost. That is why we are not always able to bring innovations and changes through the system as quickly as we would like. Sometimes bureaucracy gets in the way of that too. I am aware of the trial that the Member is talking about. I have to say

that I am not fully apprised of it and, therefore, do not want to say too much about it at this stage. In fact, I was discussing it with colleagues in recent days, and I am keen to look into it a bit more. I will certainly do that, and I will update the Member with our views on how it is going and the impact it might have.

I know that the Member has a particular interest in this issue, and he is absolutely right to continue to push for improvements in the service for young children who have heart defects and problems and to ensure that it improves on an ongoing basis. That is something that I am committed to. I met the Children's Heartbeat Trust recently, and we discussed some of the issues that children and service users are facing. I am certainly committed to doing my best to take the service forward to ensure that the excellent service in Belfast continues and that we put the all-island network in place as quickly as possible.

Mr Swann: I thank the Minister for that answer. In reply to a question for written answer from me, your predecessors said that they were going to wait for the results of the UK trial, which are not due until next September. Can I ask this: what changed the Minister's mindset? The big concern was the number of false positives that come from that. Has the Minister put in mechanisms for parents, children and clinicians not just in Daisy Hill but in the Clark clinic to support them given the number of false positives that may come forward?

Mr Hamilton: I am aware that the National Screening Committee (NSC), from which our Administration and, indeed, others across the UK take guidance on issues like this, has been running its own pilot. It is due to report next year, and I will look at that evidence as well. The reason why I said that I will come back to the Member is that I am aware of what is happening at Daisy Hill through the Southern Trust. That is a different trial to the one that the National Screening Committee is doing. I do not think that we should dismiss it because it is not the same, but I am certainly keen to examine it a lot more closely to see how it relates to what the National Screening Committee is doing and to ensure that we learn all possible lessons from it, including those issues that the Member talked about, so that we can iron out any problems and wrinkles there might be.

Day Centre Closures: Western Trust

T3. **Mr Flanagan** asked the Minister of Health, Social Services and Public Safety whether he is aware of the widespread public anger at the Western Health and Social Care Trust's proposals to close popular and effective day centres in Rosslea, Gortin and Dromore and to downgrade centres in Belcoo, Garrison and Teemore, resulting in a recent consultation proving to be a farce, with well over 1,000 people opposing the changes and the trust seeming intent on moving ahead anyway; and whether he is aware of the failure of the Western Trust to listen to the views of local people and representatives. (AQT 3263/11-16)

Mr Hamilton: I am aware of the issues that the Member raises, not least because party colleagues as much as anybody have raised them with me. I think the Member will understand the pressures that the Western Trust is facing with its budget and in the redesign of services that people are facing. Sometimes some changes can be seen entirely through the prism of making budgetary savings in difficult circumstances. Very often, what gets forgotten is that

some services will change to provide better outcomes for people. In that sense, we all need to look at these with an open mind sometimes. That does not mean that we should be supporting them willy-nilly or just because the trusts are coming forward with them.

Certainly, I am aware of the concerns that are there. Obviously, decisions of this nature will have to be made by the trust and then be approved by the board before they come before me. At this stage, they have not arrived on my desk.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. He is right. These are being presented as budgetary savings, but once you factor in the knock-on increases in transportation costs across Fermanagh, and, indeed, parts of Tyrone, you find that it does not actually make financial sense. Would the Minister be willing to accept a delegation from the local community to discuss these proposed changes once the information arrives on his desk so that we can discuss this with all the information at hand?

Mr Hamilton: I will consider any and all of these sorts of decisions where there are changes to services. I fully understand, as the Member articulated, the concerns they can raise within local communities, particularly when the possible benefit of a change has not been articulated as clearly as we would like. This is why I think it is incredibly important that trusts, when making changes to services, present local representatives or the local community with the benefit that a change will make. Clearly, in circumstances where that is not obvious, you would meet the sort of opposition that the Member is talking about. I will approach any and all of these sorts of decisions that arrive on my desk by carefully considering all the evidence presented to me, and I will seek other evidence as appropriate. If that requires me to meet people from the area to discuss their concerns, I would be content to do that.

Four Seasons: Accrued Debt

T4. **Mr G Kelly** asked the Minister of Health, Social Services and Public Safety to confirm that the recently announced proposed closures of residential homes run by the Four Seasons group are to do with accrued debt held by the business in England rather than financial viability here. (AQT 3264/11-16)

Mr Hamilton: I think the Member's analysis is close to being spot on. There have been some who have, no doubt for political reasons, sought to blame the Department of Health for not giving sufficient money to the Four Seasons business to keep it going, through the tariff or whatever, as the reason for its failure — or, indeed, issues about the recruitment of nurses. The fact is that we have a substantial business that still provides a lot of much needed care in Northern Ireland, but its extensive, well-publicised debts, requiring over 10% of its money in interest payments, have put considerable pressure on the business. The announcement on Friday past that two of the homes are to be sold to other private-sector operators in the Northern Ireland market somewhat undermines the argument put forward by some that this was entirely about a failure on my or my Department's part to give enough money to those operators. I am not for one second suggesting that there are not challenges facing that sector with the national living wage or the recruitment of appropriate staff, but the fact that other operators have been prepared so quickly to step

in to take over those businesses — I appreciate that they are still going through their various processes — suggests that there is a profit to be made, contrary to what has been argued by some others.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer. Following on from some of the information that he gave us, does he have a view or is there any notion that, outside the Four Seasons group, there might be others at risk? Are there any checks that can be done on that? He will be aware that there is nervousness about the homes.

Mr Hamilton: I appreciate the concerns that remain about the operator that has been mentioned. I have no intelligence to suggest that there are others in a similar position. Of course, that is not to say that there are not pressures being faced by other operators; I understand that. When I listen to representatives of the independent sector, they articulate the pressures that they face and express concerns about future viability. Because of that and because of the uncertainty, I did a couple of things in the immediate aftermath of the Four Seasons announcement. I halted and called for a review of the closure of statutory residential care homes because of the volatility in the marketplace. To get a better picture of what is going on in the independent sector, I commissioned work to look at the market, what capacity there is in it and the pressures that it faces, to give us a better independent view of what is happening in adult social care and nursing homes so that we are better informed in the decisions that we make, rather than jumping to what somebody says we should do over here or over there. We will take evidence-based decisions with a full and complete understanding of what is happening in the social-care market.

Nurses: Health Service Role

T5. Mr Buchanan asked the Minister of Health, Social Services and Public Safety what role nurses can play in the transformation of the health service that he wishes to see. (AQT 3265/11-16)

Mr Hamilton: The very first event that I attended when I became Minister was at the Ulster Hospital around nurses, and one of the first formal events that I attended thereafter was the Nurse of the Year awards. At both, I pointed out that I view nurses not just as one of the cornerstones of the health and social care system but as pivotal to implementing the reform that I think we all know we need across health and social care.

One of the things that I recall clearly from the Nurse of the Year awards was that all the nominees and all the recipients of awards were receiving those awards and the acknowledgement of their peers because of changes and reforms that they had initiated across the system. Sometimes, I think that we do not view nurses as being innovators in that sense, but the ability, the skill and the capacity that they have to implement change and to bring forward new ideas are truly impressive. I see them as critical to implementing the reforms that we need across our system.

Mr Deputy Speaker (Mr Dallat): I am afraid that there is no time for a supplementary question. Time is up, and we must move on.

2.45 pm

Justice

Coroners Service: Investigative Support

1. Mr Ó hOisín asked the Minister of Justice when he will provide the Coroners Service with investigative support. (AQO 9305/11-16)

Mr Ford (The Minister of Justice): The failure of the latest political agreement to come to a position on legacy mechanisms and to provide significant additional resources makes progress on legacy inquests more difficult. I very much appreciate the disappointment that that will cause victims.

My objective is to deliver as much as I can for families. Consequently, I have agreed to the Northern Ireland Courts and Tribunals Service launching a recruitment scheme with a view to appointing investigative support for the Coroners Service. The scheme was launched yesterday, and I expect appointments to be made by spring of next year. The cost of appointing such investigators will result in a further unfunded legacy pressure on my Department.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answer. Does he agree with me that the current inquest process is not providing access to a sufficiently effective investigation with an acceptable timeline?

Mr Ford: Mr Ó hOisín's point has a number of factors to it. There are certainly problems at the moment with resourcing the Coroners Service. Another issue is that a number of legacy inquests involve matters that require clarification from the police or the Ministry of Defence, particularly where national security issues are engaged. I am determined to put the maximum possible resources into the Coroners Service. Good work has been done in that area by strengthening the complement of coroners, by assigning judges from higher court tiers to deal with coroners' cases. Until we resolve the fundamental issue of the necessary resourcing, however, we will not have all being done as fast as we would wish.

Mr Kennedy: In view of the fact that the Kingsmill families and the sole survivor, Mr Alan Black, have waited almost 40 years for the reopening of the coroner's inquest into the cruel murder of their loved ones, can the Minister assure the House that the timeline now being indicated by the Coroners Service will be adhered to? Will he join me in expressing hope that the matter can and will be addressed after such a very long period?

Mr Ford: I thank Mr Kennedy for his question. I can certainly join him in hoping that the matter will be resolved speedily. I am aware that, in the case of the Kingsmill inquest, a preliminary hearing has recently been held and a further one is due to be held before Christmas time. If matters can be arranged at that preliminary hearing, the intention is to proceed to a full hearing during the first half of 2016. It is interesting that it is one of the cases now being looked after by Judge Sherrard, one of the higher court tier judges who has been moved across to assist the Coroners Service. That is an example of the resources

being put in by DOJ that are currently unfunded but that, I hope, will produce results for the families concerned.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a fhreagraí. Can the Minister inform the House whether there is a realistic chance of the 56 outstanding legacy inquests being completed within a reasonable period or at all?

Mr Ford: Like Mr Ó hOisín, Mr McGlone has put a number of questions in one point. I suspect that a number of Members will be aware that the Lord Chief Justice, having assumed the presidency of the Coroners' Courts, in line with an Assembly decision when the Bill became an Act late last year, has instructed one of the senior judges to review all 56 outstanding cases. That is likely to lead to a hearing on each of them by Lord Justice Weir in January. That will then establish the position for all those cases with regard to which ones are in a position to move forward speedily and which may take longer or create difficulties. There are difficulties around disclosure matters, as Members will know, and those are causing delays in a number of cases. I hope that it will be possible to see a number progress. I am determined that we will put the resources in, if resources can be made available. At this stage, however, I do not have all the funding that is required to do all that I wish.

Mr Dickson: I congratulate the Minister on moving the process forward on the appointment of Coroners Service investigators.

Are those appointments at the expense of other aspects of the justice system or will you be able to avail yourself of additional funds to follow through on those appointments and to support the cost of those appointments into the future?

Mr Ford: At the moment, those posts are being funded from within the DOJ budget, though they are clearly related to legacy issues. Members will recall that, a year ago, there was a promise from the Prime Minister of funding to deal with legacy matters. At this stage, we have not seen the additional funding that we need. Therefore, it is a risk to the Department of Justice. Nonetheless, I am determined to see that we will make progress in the inquest system and, therefore, funding from the Department's current limited budget is being put into dealing with the past.

Fresh Start: Additional Funding

2. **Mrs Dobson** asked the Minister of Justice how the allocation of £160 million additional funding for the next five years through 'A Fresh Start' compares to the allocation for the previous five years. (AQO 9306/11-16)

Mr Ford: The £160 million additional funding provided by the Treasury for the next five years is to support the PSNI in addressing the continuing "severe" national security threat as well as to provide greater capability to tackle continued paramilitary activity and criminality. That amount is based on an assessment by the PSNI of its requirements over the next five years; that is, from 2016-17 to 2020-2021. During the four-year Budget period 2011-15, additional security funding of £199.5 million was made available to the PSNI by the UK Government. That was fully used by the PSNI, except for £5 million in 2012-13, when easements of that amount in other areas were

redirected to security funding. In the current year, a total of £31 million of additional security funding has been made available to the PSNI by the UK Government. That will be fully utilised by 31 March 2016.

Mrs Dobson: I thank the Minister for his answer. What steps does the Minister plan to take in allocating resources to ensure that the situation in Maghaberry prison is addressed and that staffing levels are increased to ensure that prison officers regain control?

Mr Ford: I am used to inventive supplementary questions but I am not quite sure what the relevance of that supplementary is to the question that was asked in the first place. However, I have to respond to the last point that Mrs Dobson made. There is not an issue with prison officers regaining control of Maghaberry prison. It is controlled by the governor and the staff, and not by anybody else.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. I hope that the Minister is happy with my supplementary. Will the Minister consider allocating some of the £160 million to reinstate the rural crime units so that we can more effectively tackle crimes against farmers in rural areas?

Mr Ford: I certainly accept that that is a reasonable question in the current context. The only issue is that that money is allocated directly to the PSNI to deal with major security issues. Whilst concerns have been expressed, including during yesterday's debate, about rural crime, I doubt whether any of the rural crime issues come within that security area. However, it is for the Chief Constable to decide the allocation of that resource.

Mr Allister: So, the situation is that, in the four years, 2011-15, £199 million of extra national security money came. This year, something of the order of £31 million has come, and, for the next five years, £32 million a year is to come. Is it not quite clear, therefore, that bundling that together to claim £160 million as a result of 'A Fresh Start' was a piece of window dressing and pretence because that money was coming our way in any event?

Mr Ford: Mr Allister is aware that I am as critical as many Members of the House of the so-called 'A Fresh Start' document. It is a matter of fact that I have reported on. He correctly highlights the amount of additional security funding being provided in this year and the amount that is being provided for the coming five years. My understanding is that, when the PSNI made its request to the Government, it came to a total of £161 million over five years, and £160 million is being provided. Of course, there are significant issues that are yet to be resolved in the Budget process. I do not believe that my Department has yet received information from DFP as to what the police can expect for security matters and for other matters, as well for other aspects of the justice system.

Prison Officers

3. **Mr Easton** asked the Minister of Justice for his assessment of whether there are sufficient prison officers for the effective management of local prisons. (AQO 9307/11-16)

Mr Ford: There have been ongoing staffing pressures brought about by departures from the Northern Ireland Prison Service (NIPS) and high sickness levels. The service has kept staffing levels under review and worked

to maximise existing resources through the use of staff redeployment and continued robust management of, and support for, absentees. A re-profiling exercise looking comprehensively at operational staffing levels across the service has been completed, and representatives of the Prison Officers' Association (POA) were consulted prior to the introduction of those new profiles. The profiles were agreed and introduced on a phased basis in all three establishments in October and early November.

Over the last four years, many staff have left the service, but NIPS has also recruited officers. Those new officers now have two to three years of prison experience and are valued staff working in all three establishments. The Prison Service launched a further recruitment campaign for custody prison officers and night custody officers on 26 October, and over 1,700 applications were received.

Mr Easton: I thank the Minister for his answer. Could he go into more specifics about what his Department is doing to tackle, in a sensitive manner, the sickness record that is adding to staff pressures?

Mr Ford: The management of sickness absence is a matter for line management in every part of my Department. Members will be aware of very high sickness levels in Maghaberry. Phil Wragg, the current governor, has taken a very close interest in that issue. He and unit managers have been robustly examining the issues, with the result, as I reported recently to the Assembly, that the number of staff sick on any day recently has been under half of those who were running sick in spring this year. That has a major impact, to the benefit of the regime, in ensuring that prisoners are better looked after and have their needs met for things like phone calls at times when their families are expecting them. It is contributing to significant improvement in the atmosphere in the prison.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers thus far. Does he agree that staff levels in the separated regime are outdated, disproportionate and unnecessary and that the over-staffing in Roe and Bush houses leads to under-staffing in the rest of Maghaberry and undermines the attempt to have a regime with purposeful activity at its core?

Mr Ford: Ms McCorley is right to say that staffing ratios are higher among the separated prisoners in Roe and Bush than in other parts of the prison. It is an issue of managing the risk and ensuring appropriate supervision levels depending on the category of prisoners in different parts of the prison estate.

I certainly am not going to agree with her that there are excessive numbers there, but it is an ongoing issue to ensure that numbers are right and ratios managed well. That ties in with the implementation of the August 2010 agreement and ensuring that the threats to prison officers, made inside Roe House and on social media, are removed in order that we can manage the prison better for the good of all.

Mr Cree: What steps is the Minister taking to engage with the Prison Officers' Association to address poor staff morale, in particular with regards to pay arrangements for custody officers?

Mr Ford: I engage with the Prison Officers' Association when requested. Senior members of prison management engage with it, as appropriate, at unit and headquarters

level. To the best of my knowledge, I have not received a request for engagement from the POA for a considerable time. I certainly responded to the last request I received. Managing staff, dealing with staff morale and looking at pay and allowances are issues for management and do not require ministerial engagement all the time. However, I am happy to engage if requested.

Legacy Issues

4. **Mr A Maginness** asked the Minister of Justice what steps are being taken to ensure that funding is in place to support the PSNI in carrying out legacy investigations into historical cases. (AQO 9308/11-16)

7. **Ms Maeve McLaughlin** asked the Minister of Justice what measures he is taking to address the past following this issue not being resolved during the recent negotiations. (AQO 9311/11-16)

9. **Mr Lyttle** asked the Minister of Justice what discussions he has had with the Secretary of State about funding that was promised by the UK Government for institutions to deal with the past. (AQO 9313/11-16)

15. **Mr Dickson** asked the Minister of Justice what are the implications for the justice system of legacy issues not being included in 'A Fresh Start'. (AQO 9319/11-16)

Mr Ford: With permission, Mr Deputy Speaker, I will take questions 4, 7, 9 and 15 together.

I am extremely disappointed that legacy issues were excluded from the recent political agreement. Whilst there is progress in certain areas, the failure to address or make a commitment to the legacy institutions set out in the Stormont House Agreement leaves a major hole in how we address the issues of our past.

There are immediate implications, as well as potential long-term implications, for the justice system and the families of victims of Troubles-related deaths. Without the establishment of the Historical Investigations Unit (HIU), the responsibility for carrying out legacy investigations remains with the existing bodies involved in this important work.

3.00 pm

A key ingredient of the Stormont House Agreement's approach to dealing with the past was the £150 million promised over a five-year period to fund new legacy structures and arrangements. I met the Secretary of State last Monday on legacy matters. At the meeting, I raised a number of issues of concern, including the UK Government's obligations under the ECHR; the implications of non-agreement for victims; the financial implications of managing legacy issues without the new institutions; and funding for existing legacy institutions. The failure to agree to the establishment of the HIU means that significant burdens fall to my Department. Those legacy issues are much wider than the remit of my Department, and responsibility for dealing with them lies with the Executive and the Government. There is no "do nothing" solution. In the absence of political agreement on dealing with the past, it is crucial that existing structures are adequately funded to fill the gap. Without the necessary additional resources to address outstanding Troubles-related deaths, we will fail the families of victims and fail to meet our obligations under the European Convention on Human Rights. We will be potentially throwing away

the best opportunity for a generation to resolve issues of dealing with our troubled past.

Mr A Maginness: I thank the Minister for a detailed reply, and I agree with much of what he said. The failure in the recent talks to agree on the HIU leaves a terrible gap in dealing with the past. Is the Minister telling the House that there is no additional funding coming to the PSNI to deal with legacy issues either from the Department or through it from the British Government? Is that the position, or can some of the moneys that were, at least, notionally committed by the British Government during the talks come forward to assist the PSNI, at least in the interim period?

Mr Ford: I thank Mr Maginness for that supplementary; he puts his finger on a significant issue. There is, at this point, no additional funding for the PSNI. There is, at this point, no additional funding for the Police Ombudsman. There is, at this point, no additional funding for legacy inquests. I have made the point strenuously to the Secretary of State, although it is not a matter solely for her, because it is an issue that also engages the Executive. Given that the Government were promising £150 million for legacy institutions, there are major questions about the responsibility that the Government have to deal with those issues in the absence of the legacy institutions. Certainly, there were to be no new institutions for inquests, and the police and the ombudsman have to carry out functions, including those that, at times, are court-ordered or are ordered by the DPP, in the absence of funding. It is simply not sustainable to expect them to deal with the past on the budget for the present. There will need to be an arrangement to find that funding if we are to meet the needs of the victims of the past.

Mr Deputy Speaker (Mr Dallat): Mr Lyttle, your question has been answered: do you wish to ask a supplementary question?

Mr Lyttle: Yes, please, Mr Deputy Speaker. I thank the Minister for his stark warning about the implications of failing to adequately deal with the past and, indeed, to fund the institutions that are required to do so. Can he provide any insight into where the blockage to the delivery of a comprehensive mechanism for legacy issues lies? Does he believe that the UK Government will honour their responsibility to adequately fund existing structures to ensure that victims and survivors get access to the information, justice and services that they deserve?

Mr Ford: I thank my colleague for that expansion of Mr Maginness's point. It is not easy to define where blockages currently sit. In fairness to the Secretary of State, I know that she has said that the money that was committed by the Treasury is still committed if legacy institutions are established. The challenge is that the work has to be done whether or not legacy institutions are established, and issues such as those that would be dealt with by inquests would be done without new institutions. I believe, therefore, that the commitment that was made by the Treasury on the back of the engagement with the Prime Minister a year ago shows that there was a recognition that the work had to be done. At the end of the day, the obligations under ECHR are obligations for the state party, even though they are carried out by devolved institutions, and it will be the UK Government who will answer in Strasbourg and in other international fora if they fail to provide the necessary resources.

Mr G Kelly: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his comprehensive answer. I agree that doing nothing is not an option as far as victims and survivors are concerned. Does the Minister agree with me that the lack of disclosure, which I think he mentioned earlier, by various agencies of the British Government, including the PSNI, to families and, indeed, to inquests and other courts is a huge issue and that justice delayed, in some cases for a number of decades, is justice denied?

Mr Ford: I thank Mr Kelly for the question. I am not sure that he and I would necessarily have an identical view on issues of national security, but there are difficult issues that need to be worked through in that area. There is no doubt that there are a number of legacy inquests where there are not concerns about national security and it should be possible to make progress. I welcome the work being done by the Lord Chief Justice and Lord Justice Weir to carry through the examination of the state of each potential inquest. The provision of additional resources at judicial level, including the provision of a High Court judge to take on the role of coroner in one complex inquest, the work, which I have already highlighted, being done by Judge Sherrard in another one and the examination of the whole package as one by a single judge in January will be very beneficial. However, there will be issues, and I will continue to engage on the issues of disclosure and how they are carried through in order to best meet the needs of families.

Legal Aid

5. **Mr Girvan** asked the Minister of Justice for an update on the legal aid dispute between his Department and the Bar Council and Law Society. (AQO 9309/11-16)

8. **Mr Murphy** asked the Minister of Justice, in light of the judgement in the judicial review on legal aid, what steps his Department will take to address this issue. (AQO 9312/11-16)

13. **Mr McMullan** asked the Minister of Justice what steps he is taking to alleviate the backlog in the court system. (AQO 9317/11-16)

Mr Ford: With your permission, Mr Deputy Speaker, I will answer questions 5, 8 and 13 together.

The Bar Council and the Law Society have challenged the remuneration for Crown Court cases introduced in May by way of judicial review. In addition, the Criminal Bar Association and a number of solicitors' firms have decided not to represent their clients for work that will be paid under the new fees. The High Court judgement ruled against my Department on two specific areas, namely the absence of a trial preparation fee for solicitors and the way in which my Department undertook its regulatory impact assessments. The judge did not strike down the rules, as the applicants had sought.

My officials continue to meet members of both sides of the profession to discuss a range of legal aid issues, including Crown Court fees. Further meetings have taken place since the judgement. I also met representatives of the Bar Council and the Law Society last week, when both advised that they were considering an appeal. I have made it clear to the professional bodies that I am prepared to listen to any reasonable proposition and to consider adjustments when real issues are identified.

In the meantime, my officials are developing specific proposals to address the judicial review finding in respect of guilty plea fees for solicitors. They will be subject to consultation with the profession and will be brought before the Justice Committee in the new year. Proposals are already at an advanced stage to introduce provisions to remunerate cases that fall outside the standard fee regime, and my officials will present those to the Justice Committee this week. We will also ensure that these changes and any future reforms are subject to a more rigorous regulatory assessment.

The actions taken by members of the legal profession are inevitably impacting on the operation of the Crown Courts, and that is regrettable. It will take some time for cases being affected by the action to progress through the courts, and many areas of the justice system will need to work together to ensure that these cases are progressed without further undue delay.

I encourage all members of the legal profession to re-engage in defending their clients to ensure that they receive the appropriate access to justice to which they are entitled. That will also ensure that victims and witnesses are not subjected to any further unnecessary delays in seeing their cases progressed.

Mr Girvan: I thank the Minister for his very detailed answer. I would like to ask about the fees that were proposed and are being put forward. What is the comparison with what happens in other regions of the United Kingdom in relation to the tariff that is to be paid to legal firms, barristers and solicitors?

Mr Ford: The key issue seems to be as it relates to barristers at the present time, where there are very simple comparisons. As part of the legislative requirement, the original proposals were compared on a value-for-money basis against the fees paid for similar work in England and Wales, which is the most comparable jurisdiction. The original proposals established that the fees paid were roughly 40% higher than those in England and Wales. After various discussions and ameliorations, the proposal is to reduce the fees to barristers by 22%, which still leaves a significant margin over the fees that are paid in England and Wales.

Mr Murphy: Go raibh maith agat, a LeasCheann Comhairle. This is a difficulty that is creating somewhat of a mess and undermining confidence in the system being able to deliver effective and efficient justice. Can the Minister see any plans that can be put in place to step up dialogue with the Bar Council and the rest of the legal profession to try to ensure that the impasse is brought to an end and a proper solution found?

Mr Ford: I agree with Mr Murphy that we need the impasse to end. That is why I met the Law Society and the Bar Council last week. I have made it clear that the judgement that related to one issue of solicitor's trial preparation fees was being addressed urgently, and, as I said, it will be with the Committee this week. I am also in the process of making a specific offer to deal with a couple of areas of difficulty for barristers.

Except for one minor issue of fees for solicitors and the issue of regulatory impact assessments, the High Court decision upheld entirely the Department's proposals, which were backed by the Assembly as being entirely valid. I understand that a challenge is now being made,

as there is an appeal against the judicial review decision. In that context, it is difficult to engage on the substance of the matter, although I am keen to see any of those minor anomalies being addressed as fast as possible.

Mr McKinney: Is it not the real issue that justice is not being served because of the considerable tensions as a result of the dispute? Has it not gone beyond the point of urging barristers to continue to represent their clients? Is it not the situation that the Department should be taking the initiative and attempting to resolve the matter so that justice can be served?

Mr Ford: It is certainly at the point at which the Department should be taking the initiative. If you look at the record of the work that has been done by the Department, you will see that it has taken the initiative all the way through, including seeking the recent meetings.

The reality is that the High Court upheld, in all but one minor respect, the rules that were put in place by the Assembly. In that context, and on the basis of value for money and the availability of finance, that is the position as it stands. If the Court of Appeal were to overturn the decision of the High Court, that would put us in a different place, but, at this stage, I am operating on the basis of Assembly policy as validated by the High Court.

Mr Allister: Will the Minister confirm whether it is the case that the current level of logjam in criminal cases is something of the order of 1,000 cases that have been piled up and unattended to in our Crown Courts? If he is saying that there will be no meaningful engagement until the outcome of the appeal is known, will that situation not spiral even further out of control?

Mr Ford: The figures that I had were of somewhat less than 1,000 cases. The most recent figures that I saw showed that there were somewhere in the region of 600 and 700 cases waiting. I accept that the past week might have seen a slight increase, but I doubt whether it is either at 1,000 or spiralling out of control.

The appropriate decisions were taken by the Department of Justice after lengthy discussions with solicitors and barristers. That approach was supported by the Assembly. There was no attempt to pray against the rules in the Assembly, and they were upheld by the High Court except in one marginal area and in one procedural area.

Mr Deputy Speaker (Mr Dallat): We have time for one very brief question from Mrs Pam Cameron.

Domestic Violence

6. **Mrs Cameron** asked the Minister of Justice, given the recent 16 Days of Action campaign, whether his Department will commit greater resources to tackling domestic violence. (AQO 9310/11-16)

Mr Ford: I welcome the 16 Days of Action campaign and the public focus that it puts on the important issue of domestic violence and abuse. I have instructed officials to consider and introduce a number of initiatives, including domestic violence protection orders, domestic homicide reviews, special listing arrangements, the potential for a domestic violence disclosure scheme and a possible offence that captures patterns of coercive and controlling behaviour in intimate and familial relationships.

Such initiatives will require resources, and details will become more apparent during their development. I remain focused on taking forward those and current priorities associated with domestic violence and abuse. However, we need to be realistic that the current funding constraints will impact on what new work can be developed and delivered.

Mr Deputy Speaker (Mr Dallat): I am afraid that there is no time for a supplementary question because that ends the period for listed questions. We will now move on to topical questions.

3.15 pm

Transgender Prisoners

T1. **Mr Flanagan** asked the Minister of Justice to advise how the particular needs of transgender prisoners will be met by the Prison Service, given that he has advised that a prisoner who identifies as transgender and who is, according to the Minister, the only transgender prisoner in the last five years was remanded into custody at Hydebank Wood on 30 November and that that individual is being accommodated in Ash House, which is the female facility in the North. (AQT 3271/11-16)

Mr Ford: I should, first, repeat to Mr Flanagan and to the House my apology that I gave him a written answer to a question, which was accurate at the time, that there had been no transgender prisoners admitted to custody in Northern Ireland, and, before the date of that answer, one was admitted. The simple answer is that the individual self-identified and was living as female and was therefore admitted to Ash House at Hydebank Wood because that was a reasonable and pragmatic approach by the Prison Service to meet the needs of that individual. The precise details of exactly how she is being cared for in Ash House, I believe, should not be gone into.

Mr Flanagan: Go raibh agat, a LeasCheann Comhairle. I thank the Minister for his answer and I accept the apology that he has given, but I do not really see the need for it. It was an administrative error, and I fully accept that.

I am not asking the Minister to go into the specifics of an individual case, but what we have seen, particularly in places like Britain, is transgender prisoners being put into solitary confinement as a solution. Does the Minister accept that such an approach is not the way to deal with the particular needs of transgender prisoners and that the approach that he says the Prison Service has taken is much more beneficial?

Mr Ford: I thank Mr Flanagan for that supplementary question. I believe that the approach that has been taken by the Northern Ireland Prison Service is significantly better than that which was taken by the National Offender Management Service in England, where, as Members will be aware, there have been two recent suicides of transgender prisoners. I believe that the Prison Service's approach was pragmatic and reasonable, and I do not think that there is any question of somebody being put into solitary confinement for anything other than the most extreme of reasons. There is no question of that happening simply because somebody is a transgender prisoner. I believe that the supervision ratios in Ash House are adequate to ensure that the needs of every prisoner are met and to ensure that there can be no question of any kind of risk to individuals.

Prisoners: Christmas Parole

T2. **Mrs Overend** asked the Minister of Justice for an assessment or, at this early stage, an estimate of the number of prisoners who will be granted parole this Christmas. (AQT 3272/11-16)

Mr Ford: I am afraid that I cannot at this stage. It is an administrative issue within the Prison Service. I have been known in the past to report immediately after Christmas on the numbers who were given Christmas leave and, indeed, whether any of them returned late — sometimes, some of them returned early — but I am afraid that the figures are not available to me at this stage as to the numbers who have applied or the numbers who will be granted.

Mrs Overend: I thank the Minister. I am sure that we will question him again in the new year on that. Will the Minister add his weight to the process and ensure that all paperwork is in order and all checks and balances are in place for releases and, importantly, returns? An important issue that I have raised with the Minister before is the need to ensure that victims and relevant families are informed about each prisoner who is being released.

Mr Ford: Amid the joking about Christmas, there is a very serious point from Mrs Overend, which I entirely accept. There have been difficulties in the past about information not being provided to victims who have asked to be informed about what is happening to those who committed offences against them or a loved one. It is a key issue that needs to be dealt with by the Prison Service adequately, and I will do my best to ensure that that is the case, not just for Christmas but for the future.

Hydebank Wood: Education Services

T3. **Mr Rogers** asked the Minister of Justice for an update on the education services in Hydebank, particularly the progress that has been made in turning it into a college. (AQT 3273/11-16)

Mr Ford: I am slightly shocked by such a positive question. I also think that my colleague the Minister for Employment and Learning should be here at the moment.

Very significant progress has been made since the decision to redesignate Hydebank Wood as a college earlier this year. The outsourcing of the education responsibility to Belfast Metropolitan College, in the case of Hydebank and Maghaberry, and to the North West Regional College, in the case of Magilligan — I should not allow only Hydebank to be mentioned — has gone extremely well, considering the difficulties there sometimes are with putting different organisations together. There has been a significant contribution by the providers, and we have seen very positive results from that.

There is no doubt that well over 90% of the young men are now daily engaged in some constructive activity that will generally lead to a qualification. That is a huge and significant statement. I do not know whether I have said this in the Chamber — I have certainly said it elsewhere — but one of the nicest compliments was from one of the chaplains, who said to me, "It used to be that if you wanted to see one of the boys, you went and looked for him on his landing. Now, you don't know where he is because he's out doing something useful". That is a major statement of massive change.

As someone who had a very enjoyable, albeit larger than I usually have, Christmas lunch in the Cabin Cafe last week, I saw some very good work being done. If Members have not yet bought all their Christmas presents, they could try the Barn at Hydebank this weekend, where there is a variety of crafts for sale that have been made by prisoners, both male and female, in Hydebank. That is all an example of good, positive engagement, in which the outsourcing of learning of skills has been very significant.

Mr Deputy Speaker (Mr Dallat): Mr Rogers for a positive supplementary.

Mr Rogers: I will continue the positivity. I thank you for that, Minister. When the young people leave Hydebank, integrating into the community is obviously very important. What assurances can you give us that the education programmes that they participate in at Hydebank are continued when they go back into the community?

Mr Ford: Again, that is a significant part of the rehabilitation. One of the key benefits of the outsourcing of employment and learning to the colleges is that it enables courses to be run in line with what is what is being done in outside institutions. That makes it easier for somebody leaving the prison to find a place on a relevant college course at more or less the same stage. We cannot guarantee that that always works easily, but it is much better than the situation when the courses were being run entirely independently by Prison Service and did not carry through easily into the community. It is very significant.

We should also be reminded that the number of young men in Hydebank Wood has been reducing significantly. That has, to some extent, made it easier to provide better courses and better options for them. That is just the same as, incidentally, the Woodlands Juvenile Justice Centre, where the number of children and young people is also going down. Part of the wider reform programme of the justice system is to stop people coming in. However, in education and training, we are doing much better for young men when they leave.

Quakers: Prison Visits

T4. **Mr Ó hOisín** asked the Minister of Justice, while ending the positivity, whether the loss of the Quakers to the prison visitor experience should not be evaluated in purely monetary terms. (AQT 3274/11-16)

Mr Ford: I accept that there are issues related to the way in which the visitor centre service was provided at the three prisons, including the very significant service that was provided for many years — four decades, I think — by Quaker Service at Maghaberry. Given that a solicitor's letter has been received on the awarding of the new contract, I do not feel I can go any further than that, but I am happy to praise the good work that they have done over the years.

Mr Ó hOisín: I thank the Minister for that. Does he agree that the cutting of costs has undervalued the work of the Quakers?

Mr Ford: I am sorry, but I really think that that is an area that I cannot go into, given that there is the potential for legal action. However, I certainly value the work that was done.

Criminal Justice Inspection Report: Recommendations

T5. **Ms McCorley** asked the Minister of Justice what steps he plans to take to address the recommendations in the recent CJI report, which called for greater collaboration between the PSNI and the Public Prosecution Service (PPS) to address significant failings in the preparation of case files and the standards applied to disclosure. (AQT 3275/11-16)

Mr Ford: This is one of those questions that I need to be slightly careful with. Ms McCorley has correctly identified that there is a significant issue, and it is one for the DOJ in the context of the wider efforts that we are making to speed up justice. I need to be careful about getting directly involved in the specific recommendations for the PSNI and the PPS.

What I am aware of is the fact that, as is so often the case, CJINI reports are published after a period of time when work to address some of the issues that have been highlighted is already under way. I think that improvements are being made, but there is clearly a significant issue that, I think, is largely founded on the reforms that followed the Good Friday Agreement, which emphasised the ability to provide confidence in the justice system by showing the independence of different organisations. I believe we are now at the point where we need to emphasise much more the interdependence and working together, because that is the way that we will show real confidence. As long as we have the operational independence fully categorised, which we have, we could emphasise more the way that people need to work together to improve the experience of victims and, indeed, defendants.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for that answer. Has the Minister had any engagements with the director of the PPS on the issue?

Mr Ford: I have not spoken to the director specifically on the issue. I meet the director regularly, and these are the issues that come up in general discussion but not in the sense of me telling the director what to do. It is purely in the sense of the work that is done when, for example, the director attends meetings with other leaders across the justice system to see how we can improve our working practices. It is about that difficult balance between independence and interdependence.

Access NI Certificates: Delays

T6. **Mr Dickson** asked the Minister of Justice for an update on the situation with the PSNI and Access NI certificates, given that he will be aware, having received letters from Members, of delays in the production of Access NI certificates to allow people to take on voluntary work and employment, with some concern expressed about a clearance backlog in the PSNI. (AQT 3276/11-16)

Mr Ford: I thank my colleague for that question. There is no doubt that a while ago there were significant concerns about delays in Access NI check processing, especially for issues that need to be referred to the police, whether that is the PSNI or another body, for examination. I believe that the turnaround times for the checks that are dealt with purely by Access NI have been by and large quite good,

although it has not been unknown for people to complain about slow processing when employers had not forwarded the paperwork anyway. The fact that we now have issues being dealt with online by individuals is making a significant improvement in that.

The statistics that I had on the specific issue of police checks showed that, in June, 789 checks had been waiting with the police for over 60 days and that, at the end of November, that had reduced to 54. That is a reduction of over 90%, which is clearly a significant improvement that is much to be welcomed. That sits alongside the fact that Access NI now significantly exceeds all its targets on the timescale for issuing checks.

Mr Dickson: I obviously welcome that information on the reduction in the time taken. Minister, can we be assured that Access NI not only has clear targets but will meet or exceed those targets into the future to allow people to get employment or to continue in voluntary work?

Mr Ford: I certainly hope that that will be the case. We have seen significant progress. There were issues with staffing in the Police Service, and there were changes of staff. We are now seeing the good work being done by the new police staff in enhancing significantly the service that they provide.

The most recent statistics that I have, which are for October, merit repeating. Access NI returned 99·6% of basic checks within 14 days against a target of 95%. It returned 99·7% of standard checks within 14 days against a target of 95%. It returned 98·8% of enhanced checks within 28 days against a target of 90%. All those figures show the extremely good work being done by Access NI and the PSNI.

3.30 pm

Mr Deputy Speaker (Mr Dallat): That concludes Question Time. I invite Members to take their ease while we change the top Table.

(Mr Speaker in the Chair)

Executive Committee Business

Health (Miscellaneous Provisions) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Health (Miscellaneous Provisions) Bill [NIA 72/11-16] be agreed. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Easton: I rise to support the Second Stage of the Health (Miscellaneous Provisions) Bill. The Bill contains three Parts, with 16 clauses and two schedules. The Bill's amendments are required to correct certain terminology used in the 2008 Act so that the Department can achieve its legislative intentions with regard to the introduction of new dental contracts, the application for the provision of ophthalmic and pharmaceutical services and the exemption from charges for services provided to persons not ordinarily resident in Northern Ireland. The Executive have also agreed to the addition of provisions relating to the underage sale of nicotine-containing products.

A consultation was held by the Department to which there were 26 responses, most of which related to the provision of nicotine products. All those who responded were supportive of the proposal to restrict the age of sale of such products to persons under the age of 18. A number of responses called for the Bill to include a provision to prevent the sale of e-cigarettes from vending machines, which was added in an additional clause, and an increase in fines from level 4 to level 5.

Part 1 will concentrate on regulations prohibiting the sale of nicotine products, including e-cigarettes, to persons under 18 and will allow for regulations banning the sale of e-cigarettes from self-service vending machines. Part 2 will look at dental and pharmaceutical services provision. Those amendments are technical in nature, and the original policy is unaffected by them. That will allow the Department the necessary legal powers to introduce a new dental contract provision, including the introduction of performance lists for dentists. Part 2 also sets out the charges for service provision to persons not ordinarily resident in Northern Ireland. Part 3 supports the main provisions of Part 1 and Part 2.

Mr McKinney: As SDLP health spokesperson and a member of the Health Committee, I welcome the opportunity to speak at the Second Stage of the Health (Miscellaneous Provisions) Bill. The SDLP welcomes the provisions in the Bill that deal with nicotine-containing products. I agree with the Minister that it is sensible to prohibit the sale of cigarettes to under-18s. I will return to the under-18 issue later, in the context of passive smoking.

E-cigarettes can help smokers who are trying to quit smoking, but they should not be available to children, especially when there are serious questions about their long-term health effects and genuine concerns have been expressed that e-cigs might act as gateway products that could lead some young people to take up tobacco smoking. I also welcome the provisions on proxy purchasing that will prevent adults from buying e-cigarettes

on behalf of children. It is already illegal to buy cigarettes on behalf of underage children, so it does not make sense that the same offence does not apply to e-cigarette products. I am also pleased to support clause 2, which prohibits the sale of e-cigarettes in vending machines. That is a logical and reasonable provision, as unregulated vending machines could provide an easy point of access for children to e-cigs. The provision makes sense, and I do not have any issue with it.

Part 2, as has been articulated, deals with changes to dental, general ophthalmic and pharmaceutical services. At this stage, those changes seem uncontroversial, and I look forward to scrutinising them more thoroughly at Committee Stage.

The rationale that underpins the majority of the Bill is protecting people's health, especially the health and well-being of children, from the dangers of nicotine and tobacco products. In that context, I welcome the fact that the Minister is considering an amendment to ban smoking in cars carrying children, although I regret that it was not in the original Bill. It is important to remind ourselves that smoking remains the greatest cause of preventable illness and premature death here. Each year, approximately 2,300 people die from smoking-related illnesses. The Assembly has made great advances in changing societal attitudes to smoking. The hugely successful smoking ban in public places and public vehicles, for example, was introduced in 2007. In 2008, we raised the age at which tobacco could be purchased to 18. Last year, we passed the Tobacco Retailers Act (Northern Ireland) 2014, which aims to restrict the availability of cigarettes to children and targets the adults who buy them for children. Next year, Westminster regulations on plain cigarette packaging will come into force that, I hope, will act as a further disincentive to young people taking up smoking. All that is something of a progression that must be welcomed and one that is ever more welcome and important given the prevalence of smoking here.

What we have not done so far is to legislate on smoking in cars carrying children. The Department's statistics show that 15% of adults smoke when their children are in their car. That has serious health implications. Passive smoke poses a serious health hazard, and studies have shown that there is no safe level of exposure, not least in an enclosed vehicle. Every time someone smokes a cigarette, they breathe in a lethal concoction of toxins and other harmful chemicals. Every time that a person breathes in passive smoke, the danger increases, as it contains over 4,000 chemicals. Studies have shown that passive smoke is detrimental to children's health, causing a variety of adverse health effects, including increased susceptibility to respiratory tract infections such as pneumonia and bronchitis. We also know that children are more vulnerable to passive smoke exposure in vehicles as their immune systems are not yet properly developed. They breathe more rapidly and inhale more pollutants than adults. Scientific evidence also shows that ventilation does not eliminate the risks to health of passive smoking in enclosed spaces.

It is against that backdrop that, as with many health issues, early intervention and prevention are key. That is why the anti-smoking narrative from 2007 to today has been so valuable. We must continue that narrative. The only way to provide effective protection for children from passive

smoking in cars is to prevent them breathing it in in the first place. That is what has happened in other jurisdictions: Scotland, Wales and the Republic are all legislating on the issue, and England has already introduced a ban that came into force in October. As I said, what the Minister is doing is welcome, but there is a great risk that, without a ban, children here will be left behind to suffer the detrimental effects.

I must commend the actions of the many organisations that have called for the introduction of the ban. It has overwhelming support from the royal colleges, health experts and leading authorities on public health from across the UK. The Chest, Heart and Stroke Association has been an avid campaigner for bringing in such a ban. In fact, it conducted a public opinion poll that revealed that a staggering 82% of people here agree with a ban, which reinforces the need to include it in the Bill. I welcome the remarks of the Chair of the Health Committee, who was speaking as a Sinn Féin member, in backing the concept of a ban. I welcome the Minister's announcement that he would do so too.

There have been worries that doing such a thing would bolster the concept of the nanny state. The loss of jobs in some constituencies has also been a concern. I respect those concerns. However, I have to say to Members that a ban would not say that you could not smoke in your home or that you could not smoke when alone or when adults are in your car. A ban would say that you could not smoke in your car with children, who are unable to make decisions for themselves.

I welcome what the Minister has said, although I have to note that, last October, when the opportunity came in Parliament at Westminster for just such a ban to be introduced on a UK-wide basis — a ban that would have extended to here — his colleagues voted against.

In that context, it is the SDLP's intention to table such an amendment to ban smoking in cars with children. In light of today's debate, I urge every Member on both sides of the House to support that amendment. I look forward to considering the Bill's other provisions when it reaches Committee Stage.

Mrs Dobson: On behalf of the Ulster Unionist Party, and as my party's health spokesperson, I am glad to support the Bill. In Northern Ireland, approximately one in four people smoke — that is, 340,000 men, women and children — and one in two smokers will ultimately die early because of it. The habit kills well over 2,000 local people every year, which is more than obesity, alcohol, illegal drugs and road accidents put together. It is our leading cause of preventable death. Despite this, research and surveys consistently reveal that many people would like to stop. For far too long, the number of people smoking was either increasing or remaining stagnant. Only now, after a raft of anti-tobacco measures that my colleague Michael McGimpsey put through the Assembly, are we beginning to see a cultural shift, with tobacco becoming less and less attractive.

Another major change in recent years has been the explosion in popularity of e-cigarettes. They seem to be everywhere, and you cannot help but notice the sheer number of people using them. Whilst I appreciate that they are still relatively new, we should at least be pleased that fewer people are pumping the toxic tobacco alternative into their system. It

should be remembered that e-cigarettes are not a toy and are certainly not something that I would encourage non-smokers to take up. Nicotine remains a highly addictive drug, and it is recognised that, in any form, it has adverse health effects. It is important, therefore, that people do not become addicted whilst unaware of the risks involved.

We must ensure that our young people are not taking up a habit that may unwittingly act as a stepping stone to the real thing. I do not think that this message can or should be underestimated. I very much welcome the Bill's proposal to ban the sale of e-cigarettes to under-18s. With the popularity of e-cigarettes, one of the unfortunate spin-offs is the fact that the vapour liquid that they contain comes in a seemingly endless range of flavours, so it was inevitable that they may be seen as more attractive to young people than a traditional cigarette. Whilst it is likely that e-cigarettes are less damaging to health than smoking cigarettes, with their damaging levels of tar and other chemicals, as yet there is insufficient research into the effect of their long-term use. Indeed, because e-cigarettes are not regulated, their contents can often vary significantly, with some even found to contain highly toxic chemicals.

The other issue that is likely to dominate the discussions on the Bill is the ban on smoking in cars carrying children. As I said, tobacco is toxic, and young people in particular are vulnerable to exposure to second-hand smoke. This is down to the fact that, as was outlined, their bodies are still developing, and vital organs such as their lungs are more susceptible to the toxins that are emitted by cigarette smoke. Some parents smoke in cars under the well-intentioned assumption that winding down the car window will let the smoke out. In reality, however, that only pushes it to the back of the car. In those types of conditions, it has been proven that smoke can reach up to 10 times the recognised unhealthy level and often lingers for hours. I believe, therefore, that there is a very sound medical reason to introduce a ban.

I welcome the news from the Minister today that his Department will table an amendment at Consideration Stage to ban smoking in cars carrying children, as, previously, the issue was effectively left to a Back-Bench MLA to take forward. That is interesting from my point of view. I simply cannot understand why a Department, with the advantage of time and resources, could not ensure that it got the necessary clearances to include a ban before the Bill was introduced. It is fair to say that the Minister's Department has been a bit of a back-seat driver, if you will excuse the pun, on the issue. Maybe he can explain to the House why there has been a change of mind, albeit a welcome one. It is certainly a U-turn from the back seat, especially given his predecessor's views on the issue. Overall, however, I welcome the Bill.

3.45 pm

Mr McCarthy: The Bill started out as a very simple and routine technical Bill, but its expansion into the regulation of tobacco and nicotine-related products makes it potentially a very significant piece of legislation. I am delighted that the Assembly has already taken some important steps in this mandate, and, indeed, before, to regulate the sale and use of tobacco better, particularly given the public risks so clearly associated with it and the dangers of children and young adults becoming

addicted to it. However, we need to keep developing policy, practice and law in this area. In that regard, I very much welcome the intention to regulate e-cigarettes for minors. E-cigarettes may well have come along as a perceived more benign alternative to smoking tobacco and a means therefore to wean people off cigarettes. As has already been said, however, they contain nicotine, which is addictive and also has potential implications for brain development.

I am disappointed that agreement at Executive level could not be found at this time for further provisions banning smoking in cars containing children. There seems to be a strong consensus that that reform should take place, and I very much welcome the Minister's statement earlier that he will table an amendment at Consideration Stage to include provision for no smoking in cars where children are on board. Unlike adults, children do not really have any choice over whether they are in an enclosed space with someone who is smoking. We have already banned smoking in enclosed public places and workplaces, and that is very welcome. Smoking has also been prohibited in vehicles if they are work-related. The extension to the law to protect our young people seems logical, and it is consistent with what we have done before. I had hoped that the Committee would seek to amend the legislation in that regard. That will now be unnecessary, as the Minister has said that he will do that himself at Consideration Stage. I have to say that, at a recent Health Committee meeting at which Mr Hamilton, our Health Minister, was present, I asked him about the omission of that very important aspect from the Bill. Although it is not contained in the Bill at present, the Minister was sympathetic to the proposition and said that he would consider an amendment. I am delighted that he is as good as his word, as he has informed us today that he will do just that. I was given encouragement at that meeting. I therefore hope that the Minister will submit such an amendment.

It seems to me that the Health (Miscellaneous Provisions) Bill is the perfect means by which to include the banning of smoking in vehicles in which children are being carried. As I understand it, the other regions of the UK are fully supportive of banning smoking in vehicles in which there are young children, and the same goes for the Republic. As has already been said, Northern Ireland Chest, Heart and Stroke commissioned a poll on the issue last year, and its findings showed that 82% of the Northern Irish people are in support of it. The health of our children is paramount, and I look forward to the amendment that will eventually be included in the Bill. On behalf of the Alliance Party, I am happy to support the Bill at its Second Stage.

Mr Speaker: I call Tom Buchanan. Sorry, Tom, but it is Pam Cameron. I beg your pardon.

Mr Buchanan: OK.

Mrs Cameron: Thank you, Mr Speaker. Thanks, Tom, for sitting down.

As a member of the Health Committee, I welcome the opportunity to contribute to the Second Stage of the Health (Miscellaneous Provisions) Bill. As we have heard, the Bill seeks to amend the current Health (Miscellaneous Provisions) Act 2008. Part 1 looks at the provisions relating to nicotine-containing products, or NCPs, such as e-cigarettes, with Part 2 specifically looking at dental, pharmaceutical and ophthalmic services.

In considering Part 1, I was pleased to see that the Bill will provide for the regulation of the e-cigarette market. Whilst it is reported that e-cigarettes are 95% less harmful than tobacco cigarettes, the current lack of regulation means that the quality, safety, origin and contents of those products cannot be substantiated. From May 2016, any manufacturer of products containing more than 20 mg of nicotine must be licensed by the Medicines and Healthcare products Regulatory Agency. As this is an ever-increasing market, with over two million users in the UK, these measures to protect consumers are timely and a welcome step. This Part of the Bill will also impose age restrictions on the sale of these products. We are all well aware of the addictive nature of nicotine and the effects that it can have on adolescent brain development. It is therefore to be welcomed that under-18s will be prohibited from purchasing e-cigarettes and that proxy purchasing for minors will be made an offence.

Finally and most importantly in this Part, I am delighted to see that the Minister intends to table an amendment that will make it an offence to smoke in cars carrying children. The adverse effects of passive smoking have been well documented for many years, and its effects on children are even greater. Children cannot make their own decisions in respect of passive smoking in the confined space of a car, so, by introducing a ban, we will protect children from those effects and the associated health problems. The ban may perhaps even prevent them from taking up smoking in later life, and that is also to be welcomed. As a similar ban has been introduced in England, Wales, Scotland and the Republic of Ireland, the time is right to introduce this in Northern Ireland, and I believe that there is a strong desire on the part of the general public to see this brought in. I would like to commend the Minister for taking the opportunity to announce that he will table the amendment, which, I am sure, will safeguard the long-term health of children in this and future generations.

Part 2 is largely technical in nature and seeks to remove some minor irregularities in the existing Act. Currently, dentists, pharmacists and ophthalmic services providers are listed by the Health and Social Care Board as businesses but are not necessarily professionals. The Bill seeks to amend this and introduce contractual arrangements with providers.

As I have already mentioned, the Bill is principally a technical exercise. That said, what today's debate will be remembered for is the steps that we take or do not take to ensure that children are protected from the effects of passive smoking in cars. I am confident that this will be met with support from the public and trust that it will assist in improving long-term health outcomes.

Mr McKay: Go raibh maith agat, a Cheann Comhairle. I support the principles of the Bill. It is important legislation that will help to improve public health and deter people from taking up nicotine-related products. For me, the jury is still very much out on e-cigarettes, though many see them as a lesser evil to cigarettes. I still feel uneasy when I see advertisements in newspapers and magazines for those products. It reminds me very much of the time, 20 or 30 years ago, when cigarettes were advertised in the same way. Regardless of what the effects of e-cigs are or are not, there does need to be some regulation. The prohibitions to be brought in regarding these products are

much to be welcomed, given that there are no restrictions on selling these products to children at present.

I also welcome the news that the Minister, in conjunction with the Chair of the Committee, will table an amendment to ban smoking in cars carrying children. For me, that is a common-sense amendment; it should have been done long, long ago. I do not think that there should be any opposition to that.

Sinn Féin will table an amendment relating to the introduction of a levy on sugar-sweetened beverages or fizzy drinks. We believe that moneys raised from such a levy should be ring-fenced and put towards health needs. Of course, this issue has been debated to an extent among the public and in the media, but it needs to be considered more fully by the Assembly, the Department and, indeed, the Executive. Given the growing pressures that there clearly are on public health and on the Department in terms of a growing cost to the budget and given the frightening increase in the levels of diabetes and obesity, it is clear that the issue needs to be given serious consideration by Members. Will it be popular? It probably will not be popular, to a large degree. It may not be popular with certain companies either, but the question we need to ask ourselves is whether it is in the best interests of public health and the people we represent. There needs to be a full debate on that issue.

There has been research carried out. The most recent, in the British Medical Journal, states:

"A tax on sugar sweetened drinks may be an effective measure to improve health for several reasons. Firstly, good evidence shows that regular consumption of sugar sweetened drinks is associated with ill health — principally adverse weight gain, type 2 diabetes, cardiovascular disease and dental caries."

It also says that the greatest effect is on our young people. It is very clear that, any time you go into a filling station or a shop, you see queues of young people in uniform buying their Cokes, Diet Cokes and Sprites. There is a high rate of consumption of fizzy drinks among young people, and that is not good for their health.

Mr McCallister: Will the Member give way?

Mr McKay: Yes.

Mr McCallister: I am broadly sympathetic to what the Member and his colleagues propose around a levy on sugary drinks. Would he want to see any money raised like that being kept and ring-fenced within Health?

Mr McKay: Yes. I think that moneys raised from that should remain within the Department of Health. Of course, it is a very large Department. I think that, when you raise revenue from something like this, you need to target it back on the effects of those drinks. You should look at obesity and diabetes and at those general areas. At this point, we are not saying that there should be anything specific, but we need to have a debate about what the revenue should go to. I do not believe that revenues raised should go to the Department of Finance, as I do not think that that would assist in getting public buy-in.

The public want to see us take brave steps, put our heads above the parapet and make unpopular decisions at times as well. We have seen that there was great resistance to the smoking ban in bars, and, when the plastic bag levy

came in in the South for the first time, there was resistance to that. Today, there is no issue with any of those.

Mr Speaker: Daithí, I ask you to speak into your mike and not rest on it.

Mr McKay: Gabh mo leithscéal, a Cheann Comhairle. We should ensure that those funds are directed back at some of the adverse impacts of those products. There will be an argument about the nanny state — of that there is no doubt — but we cannot continue to do nothing. As the Minister and medical experts have said on many occasions, the pressures on health and the projections on obesity and diabetes are frightening and will have huge financial ramifications if we do not make targeted interventions such as this.

Devolution gives us the opportunity to lead. Of course, we have had the debate in Committee on the Human Transplantation Bill about waiting to see what happens in Wales. The beauty of devolution is that we can lead for ourselves, and we should not leave it to others to lead in areas that are of greatest importance to the people we represent.

I look forward to the Committee consideration of the Bill and to the amendments that will come forward, as I believe that it is a vehicle to help improve the health of the general public. There are a lot of public health aspects to the Bill, and that is why we will table our amendment regarding the levy.

Mr Speaker: I am very pleased to call Tom Buchanan.

Mr Buchanan: Thank you, Mr Speaker. I have just a few brief comments on this today.

This is good legislation that is being brought before the House. The fact that it gives the Department power to prohibit the sale of nicotine to those under the age of 18 and from an automatic vending machine, as well as having a regulation-making power to create an offence in relation to proxy purchasing, is a welcome development.

4.00 pm

I know much has been said around the Chamber today about e-cigarettes, and I agree with it. When we consider the damage caused to the health of our people by nicotine, we see that anything we can do through the legislative process to help to change attitudes and improve people's lives can only be a positive move forward. I welcome the Minister's intention to bring forward an amendment to prohibit smoking in cars. That is something that I have been heavily lobbied about as chair of the all-party group on cancer, and I look forward to that being included in the Bill.

All in all, with the three Parts that make up the Bill, I believe that it will be welcomed by many within the public and private sectors. I add my support to it this afternoon.

Mr Middleton: I, too, support the Second Stage of the Health (Miscellaneous Provisions) Bill. I will focus my brief comments on clauses 1 to 4, which deal with e-cigarettes. Clauses 5 to 12 are, of course, mostly of a technical nature.

With over 450 brands of e-cigs available and over 7,500 unique flavours, e-cigarettes are currently largely unregulated, which means that they have not been determined safe to use. Whilst we are all aware of the dangers of smoking and the significant regulations that come with tobacco products, the same cannot be said about e-cigarettes. In fact, the sale of e-cigarettes is

banned in a number of countries, including Australia, Canada, Brazil and Mexico. I very much welcome the Minister speaking about the new EU tobacco products directive, which is to come into force in May 2016. It is also welcome that that will include the obligatory reporting of ingredients, as well as health warnings on packaging.

Of course, as with many products, many people are opting to buy them online. Several sources estimate that between 30% and 50% of all e-cigarette sales are made on the Internet. That, in itself, causes problems with regulation and increases the risk of an individual using a product that is unsafe. Clauses 2 and 4 provide that the Department may make regulations to prohibit the sale of nicotine products from an automatic vending machine and increase the penalty for those who do so. That is welcome, although like the Minister, I am not aware of anywhere where e-cigs can be accessed in that way. Tobacco products have traditionally been accessed via vending machines, making it easier for under-18s to access them.

Age restrictions are addressed in clause 3. I welcome that the Bill makes provisions enabling the Department to make regulations prohibiting the sale of nicotine products to under-18s, including proxy purchasing, with adults buying for minors. It is clear that there is wide use of e-cigs in Northern Ireland, and we should be doing all we can to ensure that the market is regulated and that young people cannot access them as easily.

In closing, I welcome the Minister's intention to bring forward at Consideration Stage an amendment to address smoking in cars with children on board. There is strong evidence that the level of toxic chemicals is very high when a person is smoking in a car, even with window ventilation.

As clauses 5 to 12 are technical, I have no issues with them being included in the Bill. I look forward to seeing the Bill progress to the next stage.

Mr McCallister: In welcoming the Health (Miscellaneous Provisions) Bill, I will talk at the outset about the approach that the Minister took in his opening remarks to dealing with e-cigarettes. They are something that we probably do not know enough about. We have not had enough experience of the health implications. I think it is right and proper that we have legislation in place, as well as the ability to move, change and adapt as the evidence perhaps unfolds about how we deal with them and about what is the best approach to take to e-cigarettes. They have certainly become very popular over the last few years, and not to have any clear legislative framework or regulation to deal with them would, I think, be a huge gap in our legislation. The Minister is absolutely right to be looking at that.

Also, as the Minister has long known, I have had some contact with him, his special adviser and departmental officials about banning smoking in cars and his intention to amend the Bill on that. I tabled a debate on that in November 2011, and, in January of this year, I wrote to the Department to outline a way that we could look at it. I would be grateful if the Minister, when responding, could say whether he intends to follow that approach and suggested method or whether he will take a different approach to amending the Health Act that is more or less the same as the method used in England, whereby the Children and Families Act 2014 was used to amend the Health Act 2006.

I would like to thank, as colleagues have done, Neil Johnson, from Chest, Heart and Stroke, Nessie Blair, from the British Lung Foundation, Jayne Murray, from the British Heart Foundation, and all the cancer charities, because they have worked tirelessly with all the political parties to bring us to a point where we are going to seriously debate with the Department bringing forward an amendment to ban smoking in cars.

All the arguments as to why we should do that are well rehearsed and include the health implications for children; the lack of choice for them; and the fact that their immune systems and bodies are not fully developed. The harm is exponentially worse for a young child than for one of us sitting in a car, for example. The fact that it takes at least an hour for cigarette smoke to clear from a car and for levels to get back down to what they were is also a huge reason to act. As much as anything, it sends out a message to the public that the Executive and the Assembly are determined to drive home a public health message, over and above people's concerns about the nanny state having gone mad. The nanny state, or any state, has a duty to protect its children. If that means banning smoking in cars, that is what we need to do; if it means making children wear seat belts or get into child seats, as we did years ago, that is what we need to do because it helps to save lives. The Minister has to drive home the important message about the dangers and risks of smoking and second-hand smoke.

We did it before when we banned smoking in pubs and clubs, which others said could not be enforced and would be ignored. However, few pieces of legislation have ever gone through here that have been more widely adhered to. That is why we should quite rightly use the Bill as the vehicle to do it. That in itself will be a huge win for children and young people and for public health in Northern Ireland. I welcome the debate, and although I am not a member of the Health Committee, I will follow with great interest how those ideas develop and the debate on the amendments to be put forward by the Minister. I want to leave the House and the Minister in no doubt of my continuing support for that campaign. I look forward to following the progress.

As for other amendments, Sinn Féin put forward the idea of a levy. There is a huge debate to be had about tackling sugary drinks, fast food and obesity; you might well say that it is a battle that I myself am losing. The Health Minister will know more than most the cost of all those issues and the strain that they put on the health service. That is the reason why the Public Health Agency was set up a number of years ago: to change the nature of the debate about people engaging with their own health. Anything that we can do on that front should be examined seriously and looked at as a way of encouraging the drive in that direction.

I welcome the Bill and the Minister's commitment to tackling smoking in cars. I will watch the progress of the legislation through the Committee with great interest and see what comes back to us at Consideration Stage.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I begin by thanking all Members who have contributed to the debate. As I said at the start, the Health (Miscellaneous Provisions) Bill is a Bill of two Parts. Part 1 deals with provisions for the sale of e-cigarettes. It is clear from those who commented on that subject today that, while e-cigarettes may have a place — I believe that

they do — in helping smokers to give up tobacco, they are not products that we wish non-smokers, particularly children and young people, to use. Therefore, I look forward to the progression of the Bill through the Assembly to enable my Department to introduce regulations at the earliest opportunity to prohibit the sale of e-cigarettes to under-18s.

I do not think that anybody talked about Part 2 at all. I expected the debate probably to centre on things that are not in the Bill, particularly smoking in cars carrying children. Virtually every Member who contributed to the debate raised that issue, and I welcome the support that many expressed for my proposal to table an amendment at Consideration Stage to address that. This is one of those areas where I do not think that an amendment or a change of law should be necessary. My view is that anybody who smokes in a confined space, such as a car carrying children, is an idiot, given the multiplicity of evidence on the damage that smoking does to the individuals themselves and the well-established knowledge and information about the damage that second-hand smoke can do to others and particularly the impact that it can have on young children because, as others have said, their lungs are still developing, just as they are developing and growing. Why anybody cannot see the stupidity of smoking in such a confined space is beyond me. In that sense, we should not have to legislate for this, but I accept the argument that there is a need to do so.

A couple of Members, including the last to speak, mentioned the concern about this being seen as a nanny state intervention. I am always very conscious, on philosophical grounds as much as anything, of that accusation. It is not my preference always to intervene with the heavy hand of the state or government and legislate to solve a problem. People need to take greater responsibility for their behaviour and their life, and I will go into that in greater depth on another issue in a moment. The difference between this and some other nanny state proposals is that I do not envisage our police service enforcing a law on this in the same way as it enforces the law on speeding. It is hard to lie in wait and catch people who smoke in cars carrying children, but the police may catch people as a result of stopping vehicles for other misdeeds on our roads. In my view — I have been persuaded of this — this is about changing the culture. It is about making smokers even more aware, if they are not aware already, of their responsibilities to others and of the damage that their actions can do to others. It is not about a big, heavy-handed nanny state intervention, with the police lying in wait and trying to catch people specifically for this; it is about trying to get the message out that we need to do things differently and change that culture.

Look at other interventions, in cars or elsewhere, and the implementation of legislation that was, at the time, probably similarly defined as nanny state-ish: that has produced positive outcomes. Seat belts were mentioned, and I remember, as a young man, the campaign in the early 1980s. It seems ridiculous now. I am sure that my children would look back at the television campaigns of the 1980s and think it ludicrous that people did not wear their seat belt as a matter of normal practice.

4.15 pm

Points were made about smoking in public places. At the time, I was not entirely convinced about a ban on smoking

in public places until I went to the United States in 2004 and saw it in operation in Massachusetts, and I was immediately convinced that it worked. It completely changed the environment in pubs and restaurants and breathed new life into them. I have been persuaded on that issue.

Mr McCallister asked how we will deal with this: I will discuss in detail with officials how we can best do it. I want to table a pretty clear amendment that is not convoluted and gets the job done. Over the last number of years, the issue has been well aired and well discussed in the Chamber. To be fair, it was not included in the original Bill, and that has sparked some debate over the last number of months. The issue has been well discussed. There should be — I sense that there is — general and broad support for an amendment, so I do not expect any problems. I will try to furnish Members, through the Committee, with a draft of the amendment as quickly as possible, so that the Committee can debate, discuss and have its view. If the Committee has suggestions, we can seek to accommodate them. I thank the Chair for her support for an amendment on the subject.

The issue that dominated the debate was not what was in the Bill but what was not there, but it was not the issue that I did not foresee not being in the Bill. That is a sort of Rumsfeldian riddle, but what I mean is a sugar tax or a levy on sugary products. You will not get any disagreement from me about the impact that our diet or poor dietary choices as a society have on public health and, by extension, the impact on the health service.

Almost from the day and hour that I have been in office, I have cited the need to reform our system. I talked about that in the context of a range of challenges that we face, such as the growth of our ageing population and technological advances. I have always talked about how the unhealthy lifestyles that we lead and our bad dietary choices present problems now. We see that particularly in the rise in type 2 diabetes but also in the long-term problems that are presenting for public health, which will make the problems that we experience now seem timid by comparison. Fundamentally, I think that people need to take better responsibility for their lifestyles and diets. Like Mr McCallister, I am fully aware that I am preaching that but not necessarily always practising it. Although I do my best, I fail miserably virtually every day.

I urge caution for several reasons, however. I genuinely raise these issues in the spirit of good debate, which I am sure is what the Chair and her party want to engender. The first point is that there is no clear consensus. Some have expressed support for the introduction of a so-called sugar tax; some have been lukewarm; and others have been downright opposed. I cut out a story from 'The Times' a number of weeks ago when the debate was raging across the water, with the Prime Minister saying that he was opposed to bringing in a sugar tax after a Public Health England report said that it should be considered. 'The Times' report contained comments from a lady called Catherine Collins from the British Dietetic Association. On reading the report, I initially thought that, if any organisation was going to be in favour of a sugar tax, it was probably the British Dietetic Association, but her comments were also cautionary. She warned against becoming "fixated" on a tax, saying that it was wrong to single out sugar when a bit of everything and not too much of anything remained the best advice. She went on to ask

whether it would make people lose weight. No, it would not. She said that there was no evidence that reducing sugary, sweetened beverages in adults reduced body weight. If we are not buying full-fat Coke — apologies for the product placement — what are we buying instead? A packet of crisps.

That goes to the heart of many problems. I understand that having a sugar tax seems to be in vogue, with many bandying it about as a solution to the problem. However, there is no consensus that it is a solution to the problem. There is also no substantive analysis of its impact, particularly in Northern Ireland. I hope that I have been consistent in saying, from the day and hour that I came into post, that, if we are to make policy changes or take policy in a different direction, particularly in an area such as health and social care, we should always seek to be guided by the evidence that is available to us, particularly when that evidence comes from clinicians.

Ms Maeve McLaughlin: I thank the Minister for taking my intervention. I appreciate his analysis that this is only part of a wider series of initiatives that will be required when we look at health inequalities generally. I suggest to him that, as this debate and the legislation progress, we should consider committing to a public consultation on the need for policy and on what a policy remit would look like. Go raibh maith agat.

Mr Hamilton: I am happy to consider that and take it away. I will do that in the spirit that it is offered. We should not rush to implement something such as this. There are many reasons why we should not rush to pass something that significant. I will certainly consider and reflect on it, and I will come back to the Chair on perhaps commissioning a piece of evidence in Northern Ireland, building on the work that Public Health England has already done on the issue. That should consider these issues: the evidence; the view among clinicians; and the view of other allied health professionals who are expert in the area. It should also consider the cost-of-living impact. We have to be very mindful of that. Who would be hit hardest by a sugar tax? There is some suggestion that those who would be hardest hit are those who can least afford it; that is, those in lower-income families. Although it might appear to be a good thing, would it substantively work? There is a complexity to the issue of obesity. It is not driven entirely by our consumption of sugary products at all. It is as much about a lack of exercise. There might therefore be an argument that we should tax a lack of exercise or a sedentary lifestyle. We should maybe tax ourselves, as being an MLA is one of the most unhealthy jobs that you can do. A tax on MLAs might actually be quite popular out there. It might also deal with the age-old mint problem. Mints might become too expensive to have at the top Table.

Mr Speaker: I thought that you were going to refer to me as age-old. *[Laughter.]*

Mr Hamilton: Sorry, Mr Speaker. My apologies if that remark was partly in your direction.

Moreover, if we are going to levy a tax on sugary products, what about fatty products? What about fast food? It opens up a swathe of other issues. There may be a glint in the eye of the Chair at the mention of other opportunities to levy tax on other things out there. However, we have to be mindful of the fact that, if we are going after obesity, we

have to be clear that going after it in this way would work and have a substantial impact.

A lot of the focus in the debate on the Bill has been around smoking. Although we have implemented a lot of measures, and those have changed attitudes around smoking, there is still too high a number of people smoking in Northern Ireland, even given the amount of tax that there is on a packet of cigarettes. We would have to iron out issues of legality. I suspect that, if we were to plough ahead with this, it would be open to challenge. No doubt there would be some legal challenge to it. We would have to consider what the cost impact would be on small businesses, particularly, say, on the hospitality trade. We would have to consider at what level we should introduce something like this for it to be effective in dissuading people from consuming sugary products. If it were a few pence, would that really dissuade people? I suspect that it would not. If it were very low, comparatively speaking, what would be the health, or indeed, taxation benefits from that? You might not raise a terrible lot to justify doing it, given the other impacts it would have. If the tax were high, what would be the impact on low-income families and small businesses in Northern Ireland?

We therefore need to consider the matter carefully. I take on board the point that the Chair made.

I am open to debate. I hope that I have always shown a willingness to be open to debate and discussion, but I do not think that we should be rushing or doing anything other than considering and deciding this on the basis of evidence.

I was very interested in the point that Mr McKay made on hypothecating the tax for health. That is interesting, but even though it is an obvious attempt to persuade the Health Minister to back something like this, I am not persuaded by that alone to support, at this stage anyway, the introduction of a levy on sugary products or a sugar tax. I do, however, take on board what the Chair said, and I will reflect on that as promised.

There may have been other points raised. If I missed anything substantial, I will come back to Members in writing, but I am sure that a lot of the issues that have been raised will be ironed out in the course of the Committee's consultation and scrutiny. Once again, I am grateful to everyone who has contributed to the debate on what will be, I think, a very important piece of legislation. While I am aware that we have only a short time to progress the Bill through the Assembly in the current mandate, I believe that, by working cooperatively on the issues that are in the Bill and, indeed, those that we want to introduce into the Bill, the Health (Miscellaneous Provisions) Bill can pass into law before the end of this mandate. Mr Speaker, thank you for the opportunity to move the Second Stage of the Bill, and, again, I thank Members for their support, which I hope will be ongoing throughout the passage of the Bill.

Question put and agreed to.

Resolved:

That the Second Stage of the Health (Miscellaneous Provisions) Bill [NIA 72/11-16] be agreed. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Food Hygiene Rating Bill: Final Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Food Hygiene Rating Bill [NIA 41/11-16] do now pass. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

I am pleased to move the Final Stage of the Food Hygiene Rating Bill, which seeks to make it mandatory for food businesses to display information to consumers about hygiene standards based on inspections by district council food safety officers, with the overarching aim of reducing the incidence of food-borne illness. Not only will the Bill allow consumers to make an informed choice regarding where they choose to eat or shop for food but it will provide an impetus for businesses to achieve and maintain compliance with food hygiene law. It will, therefore, be a key mechanism for driving up the food hygiene standards of food businesses across Northern Ireland.

It is worthwhile to remind ourselves that, every year in Northern Ireland, there are over 48,000 cases of food-borne illness, resulting in 450 hospitalisations and, unfortunately, 24 deaths. That comes with an equivalent total cost of £83 million to the Northern Ireland economy. I believe that this Bill will be an important tool in helping to reduce this financial burden.

I want to highlight a couple of very important aspects of this legislation. First, the public will now be able to see the hygiene ratings of establishments that they frequent and from which they buy food. They will no longer have to make a special effort to discover the ratings because they will now be readily available in front of them at the establishment itself. Secondly, the legislation recognises and rewards businesses that have been doing the right thing by their customers, because a good rating is good for business.

Food establishment owners with good ratings are very proud of their rating, and I can understand that they might feel somewhat aggrieved that other establishments that have not scored well may be concealing that fact from their customers. It is not surprising to learn that, in the current scheme, display rates are much lower among establishments with a rating of zero to two. I am aware that the Food Standards Agency and district councils are encouraging all businesses to display their rating, but the reality is that a scheme that operates on a voluntary basis is likely to have little impact on those businesses with a low rating. To achieve the top rating of five only requires compliance with food hygiene law. In my view, if some owners are doing it right, there is no reason why all owners should not be doing it right. The Food Hygiene Rating Bill will make it mandatory for food businesses to display their food hygiene rating sticker and, in so doing, will ensure that customers have access to the information directly at the point of choice.

I am aware that officials have had positive engagement with the Health Committee during its scrutiny of the Bill and I am grateful for the amendments proposed by the Committee, which I believe have improved the original legislation that was introduced back in November 2014. I believe that this is a timely and important Bill that is good for customers, as it will allow them to make informed choices about where they purchase food. I want to see food hygiene standards improved and maintained throughout Northern Ireland. I am

convinced that the introduction of the Food Hygiene Rating Bill will make a positive difference to the health of people throughout Northern Ireland. I encourage all Members to support the Bill.

4.30 pm

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for opening the debate on the Final Stage of the Food Hygiene Rating Bill.

I welcome the fact that we have got to the Final Stage of this legislation. It is very timely and welcome. Having looked closely at the Bill and what it had to offer, the Committee was content that it will take us another step forwards in reducing the incidences of food-borne illness, which, as the Minister said, are caused by poor hygiene standards. The Bill will provide for a mandatory food hygiene scheme, which will give consumers information about food hygiene standards in places where they eat out or shop for food. It will enable consumers to make informed choices, which, in turn, will provide a strong incentive for businesses to comply with existing food hygiene law.

The Bill has been significantly improved and strengthened because of amendments that the Health Committee persuaded the Department to make. The Committee's detailed scrutiny led to it recommending to the Department that it make amendments to a significant number of the 20 clauses in the Bill. Again, I thank the Minister for his cooperative approach and for taking on board the Committee's recommendations.

There are a number of amendments that have been made that I believe deserve particular mention because of their importance to the Bill. A key set of amendments related to concerns around the notification and publication of a food hygiene rating. Originally, clause 2 did not contain a timescale within which councils must inform the Food Standards Agency of a rating. Food businesses were concerned about that omission because they had found from experience that it could take up to two and a half months between an inspection and the rating being published on the Food Standards Agency website. That means that, for that period, the Food Standards Agency website could be displaying an out-of-date rating, which is either detrimental to a business that has improved its rating or, on the other hand, gives a false impression to consumers where a rating has fallen. Food businesses also pointed out that the Bill did not contain a timescale within which the Food Standards Agency must publish a rating on its website. Again, that could lead to delay in an up-to-date rating being displayed on the website.

The Department recognised that those were valid issues and made an amendment to require councils to inform the Food Standards Agency of a rating within 34 days, as well as an amendment to require it to publish a rating online within seven days after the end of the appeal period. The Committee believes that those amendments strengthen the Bill and provide more assurance to businesses and consumers.

Another important amendment related to clause 7, which deals with the duty to display the food hygiene rating. It is fair to say that that issue exercised the Committee

the most, and we engaged in lengthy debates with the Food Standards Agency on it. The Bill sets out the duty for food business operators to display a valid rating sticker in a location and manner that will be specified by the Department in regulations. The Food Standards Agency advised the Committee that its intention was that businesses would only be required to display a sticker made of plastic at the physical location of their premises. The Committee was concerned that the Food Standards Agency did not intend ratings to be displayed on businesses' websites in certain circumstances. We were of the view that, given that customers can place orders for food through websites, those websites should display the business's rating. We drew a distinction between websites that simply advertise a business's existence and those that allow for the direct ordering of food online, either for collection or delivery.

For transactions where customers do not visit the physical location of the premises or talk to someone over the telephone before placing an order, the Committee believed that they should be able to have sight of the business rating on the website through which the transaction is made or be provided with a link to the Food Standards Agency website, which contains ratings for all food business establishments in the North.

In relation to websites that allow online ordering from a range of businesses, the Committee believed that the website should provide a link to the Food Standards Agency website. To be clear, the amendment was not about a blanket requirement for all websites linked in some way to food businesses to display a rating; the Committee's proposal was much more limited, in that we believed that only websites that allow for the direct ordering of food online, either for collection or delivery, should be required to display a rating or to provide access to the ratings on the Food Standards Agency website.

The Department has made an amendment to the Bill to provide for regulation-making powers to require food businesses supplying food by means of an online facility to ensure that the establishment's rating is provided online. The manner of display will be specified in the regulations and could include providing a link to the FSA website. The Committee believes that that amendment significantly strengthens the Bill, as it reflects how people today make choices about ordering food and the role of technology and the Internet.

I conclude by saying that the Committee is pleased to see the Bill come to Final Stage. The prevention of illness through proper food hygiene practices is a significant public health issue, and the Assembly can congratulate itself on getting the Bill onto the statute book.

Mr Easton: I support the Final Stage of the Food Hygiene Rating Bill. The purpose of the Bill is to provide for the operation of food hygiene schemes across Northern Ireland. The scheme will give consumers information about food hygiene standards in restaurants and shops where food is bought. The objective is to enable customers to make informed choices, which, in turn, will provide a stronger incentive for businesses to comply with existing food hygiene law. The aim is to reduce the incidence of food-borne illnesses caused by poor hygiene standards.

The evidence from stakeholders was overwhelmingly in favour of the Bill, and, in general, the Committee was very

supportive throughout its stages. The first key issue was the display of hygiene ratings on websites through which consumers make food orders. The Bill requires businesses to display a valid rating sticker in a location and manner to be specified by the Department. In regulations, that needs to be on only one page of a food business site. The Department advised that its intention was that the stickers would be required to be displayed only at the physical location of a business. The Committee believed that, for transactions that are made online, where customers do not visit the premises or talk to someone over the telephone before placing an order, customers should be able to have sight of the business ratings on the website or be provided with a link to the Food Standards Agency website, which contains ratings for all food businesses established in Northern Ireland. Again, that needs to be specified on only one location on the site.

Given that one of the key stated aims of the Bill is to allow customers to make an informed choice regarding where they choose to shop for food, the Committee strongly believed that the lack of information about orders made through websites was a significant omission. The Department accepted the Committee's rationale and drafted an amendment to provide for regulation-making powers to require businesses supplying food by means of an online facility to ensure that establishments' food hygiene ratings were provided online.

The second issue concerned timescales for the notification and publication of hygiene ratings. The Bill did not contain timescales within which councils must inform the Food Standards Agency of a rating and the Food Standards Agency must publish the ratings online. The Committee was concerned that, without specific timescales, the ratings published on the Food Standards Agency website could become more significantly out of date. That would be detrimental to businesses that improved on previous ratings and could mislead customers where ratings had improved or fallen. The Department accepted the Committee's point and drafted amendments to create timescales for notification and publication. There should be at least a year's lead-in time for businesses to do that.

The third issue related to the provision for a review of the operation of the legislation within three years of its commencement. The Bill, as drafted, permitted the Department to amend the Act by secondary legislation to implement recommendations produced by the Food Standards Agency as part of its review of the scheme. The Committee was of the view that that power was too wide-ranging, given that it ultimately provided for any aspect of the scheme to be altered by secondary legislation. As an alternative, the Committee suggested that the Bill be amended to provide for order-making powers to allow the Department to alter time limits in the legislation only following the review of the Act. The Department accepted those points and drafted the appropriate amendments.

The Bill was not contentious, and it has all our party's support.

Mr McKinney: As SDLP health spokesperson, I welcome the Final Stage of the Food Hygiene Rating Bill, which, as described, is designed to build on the voluntary food hygiene scheme and prescribe in law a mandatory obligation on restaurants and other eateries to display food hygiene rating stickers. We have already heard how it will give customers valuable information to make informed

decisions and provide a strong incentive for businesses to comply with existing hygiene law.

This is about protecting public health. It is shocking that a bill in the region of £83 million annually is attached to cases of food poisoning, with hundreds of hospitalisations and, sadly, over 20 deaths. That underpins the need for the legislation, particularly when you hear that only 10% of food poisoning cases are reported. Today's Bill can only be welcomed in that context, as the health budget continues to face significant pressures.

It is also important to remember that we are not going into this area of law blind; we have come to learn the value of the food hygiene rating scheme in promoting public confidence in many establishments. As Members highlighted, that scheme was a voluntary one, and it has played a valuable role as a pilot by establishing an overall authority. Without doubt, the voluntary food scheme has been very successful, and I underscore, like other Members, the fact that it operates on a completely voluntary basis. When the Committee heard that only 56% of establishments here were adhering to it, it underscored the need for action and further reinforced the need to bring forward today's Bill.

The experience with the Welsh hygiene rating legislation, which was heralded as a great success only last week, gives us a great deal of confidence that today's Bill will be a success too. The latest figures released by the Welsh Government show that 60% of food businesses in Wales have been awarded a five-star rating. That is up from 45% before the legislation came into force. Almost 100% — 94·4% — of businesses have achieved a rating of three or above. A rating of three is awarded where an establishment is rated as being generally satisfactory. Importantly, those figures also reveal that the percentage of businesses in Wales getting a rating of zero is 0·2%. If we can achieve such statistics, we will have done very well.

The Food Hygiene Rating Bill can only be welcomed as a step in the right direction. It builds, as I said, on the voluntary scheme and removes the weakness associated with the scheme, whereby a number of businesses that were getting a lower rating failed to display their rating stickers.

Issues about the nature of the website and linking were highlighted, which involved plenty of debate among Members. The Committee, as has been said, largely backed all the issues. Moreover, it has to be underscored that stakeholders from the private sector were healthily involved in the debate and provoked good outcomes. As described, the Bill has undergone extensive amendment that has further strengthened its provisions, with 36 amendments tabled at Consideration Stage.

Finally, I commend all those involved in bringing forward today's Bill, including the Minister and the Department. I particularly thank the Food Standards Agency for its diligent work and advice to the Committee as well as our local councils and the many stakeholders who engaged with and gave evidence to the Committee. The SDLP supports the Bill, and we look forward to the first review, which I hope will prove that it has been hugely successful.

4.45 pm

Mrs Dobson: As the Ulster Unionist Party health spokesperson, I welcome the opportunity to speak at Final

Stage. It is a Bill that my party and I have been happy to support from the outset. Its primary objective, to make the display of hygiene ratings mandatory, always made sense to us. In fact, I suspect that many people were not even aware that these stickers were not mandatory already. The Bill has, therefore, addressed what some would consider an omission in the existing policy.

We will all be aware of examples that show that, overall, the voluntary scheme has worked well. Inevitably, however, the people who had something to hide were those least likely to get involved, as the numbers proved. Such premises simply will not have the option to opt out under the new system, which will be a really positive outcome of the Bill's commencement. Consumers will have available to them greater information on all establishments, and businesses will no longer be able to hide behind a voluntary scheme.

The Committee played a valuable role in its scrutiny of the Bill. By no means was it poorly drafted, but the Committee rightly identified a number of issues. These included points such as the necessity to ensure that there were no unwarranted delays in councils notifying the Food Standards Agency of a rating. I give credit to the officials who regularly met Committee members and ultimately ensured that the Department and the Minister stepped up and agreed to sensible amendments to improve the Bill.

The Food Standards Agency also listened to our concerns. However, I believe that it took too much persuasion and too much time to take what should have been a logical decision. I am, of course, talking about buying food online, as outlined earlier. People order food very differently now from even a few years ago. Online ordering is increasingly convenient, even more so with the arrival of apps. Initially, the Bill simply required the display of stickers on physical premises, showing no cognisance of the fact that more and more people are ordering food on the Internet. I was firmly of the view that, given that the Bill is as important for takeaway customers as restaurant customers, it needed to be sufficiently robust for both. Unfortunately, however, for a long time, the Food Standards Agency did not necessarily agree. It was reluctant to broaden the scope to include online sales, saying that it would not be resource neutral because staff time would be required to check compliance. That argument is all fine and well apart from one critical point: in the time that an officer makes one physical inspection of a premises, they could have seen many dozens simply by sitting in front of a computer. I am glad that the FSA eventually shifted ground.

In conclusion, I welcome the passage of the Bill. Its primary objective is sound, and I hope that businesses and consumers alike will be able to learn from the new scheme and develop under it.

Mr McCarthy: I will offer a very brief comment on this very important Final Stage. Time is going on and Christmas is coming, and we still have a bit of work to get through this evening. I am delighted that the Bill has reached Final Stage, and I thank the Minister for bringing it to the Assembly this evening. It has taken considerable time to complete all the stages of what is relatively simple and straightforward legislation. However, that is work that had to be done, and it is good that we are now set to conclude. I want to put on record my thanks to all those involved, from the Minister and his officials to the Committee staff and all those who made submissions or gave evidence to

the Committee. I offer special thanks to Michael Jackson — I see that he is sitting in the Chamber with us — and his staff from the Food Standards Agency, who gave us sterling advice as we went along.

The legislation should be good for businesses and consumers. It is mutually reinforcing. Previously, I referred to the reality that people generally tend to eat out more or purchase more takeaways. That, in itself, can throw up public health issues, but that is probably a debate for another day. It is important that people have confidence in the food that is being prepared for or sold to them and the ability to make informed choices between different establishments. Most businesses are already run very responsibly, with a high standard of hygiene, but moving from a voluntary scheme to a compulsory scheme should allow for greater transparency and an opportunity to create incentives for businesses to aspire to an even higher quality.

Looking ahead, we already know how important our food and hospitality sector is to the economy of Northern Ireland and to our international image. That sector is set to take on an even more important role as we seek to develop our tourism product. In that regard, the legislation can help to ensure that we have a reputation for the highest standards and that we continue to promote that reputation.

As I said recently, our Committee, when we were discussing the Food Hygiene Rating Bill, had the pleasure of visiting premises that prepare food and offer food to the public. I was very impressed with the work that goes on in producing the best-quality food for the public to enjoy. I was extremely impressed by the efforts made by the management and staff in our very own Blue Flax restaurant. They must be congratulated on the work that they do. I also commend the environmental health officers who are employed by our local councils for their work in helping to deliver to the public only the best-quality food premises. It is unfortunate that there are occasions when food providers fall foul of what is required. Our environmental health officers do an excellent job in putting things right on those occasions.

On behalf of the Alliance Party, I welcome and support the Final Stage of the Bill.

Mrs Cameron: As a member of the Health Committee, I support the Final Stage of the Food Hygiene Rating Bill. Through extensive scrutiny in Committee, the support of the Department and the hard work of the Food Standards Agency, I am satisfied that we have reached this stage. The Bill that we have arrived at is comprehensive and thorough, but, above all, it is user-friendly for the establishments that serve food and the environmental health officers who will oversee its day-to-day outworkings. Whilst the existing system of a voluntary rating display worked well in instances in which establishments had achieved a good rating, I believe that it led to consumers being less well informed when choosing establishments whose rating had not been so good. It is my perception that most members of the public assume that the scheme is mandatory. It is, therefore, to be welcomed that the Bill will remove that grey area and allow the public to make clear and informed choices when eating food outside of their home.

Around 48,500 cases of food-borne illnesses are reported each year, resulting in 450 hospitalisations and 20 deaths.

I believe that those figures are likely to be much higher due to many minor cases not being reported. The Bill's primary function is to reduce those instances of food-borne illnesses in Northern Ireland and to provide a structure to enable food establishments to improve standards across the industry. The health of the public is of the utmost importance and was at the forefront of the Committee's deliberations on the Bill. The existing voluntary scheme saw 56% of businesses display their rating, but that falls dramatically to only 13% in businesses that have been given ratings between zero and two. The new mandatory scheme will provide a more consistent approach to food hygiene ratings and increase consumer confidence in the hospitality industry.

During the Committee's scrutiny of the Bill, we agreed a number of amendments that will help businesses in administering the scheme. Amendments looked at timescales for councils to inform the FSA of ratings and, amongst other things, how they inform on ratings appeals. I am very pleased that the Committee has also agreed to an amendment to clause 7, which will require businesses that supply food via an online facility to display their rating online also. I raised that issue at every opportunity during Consideration Stage and Committee Stage.

Since the last time that the matter was debated in the House, I have met a number of retailers and retail bodies who expressed their concerns about how they will be affected by the addition to the Bill. I have sought to allay those concerns. I ask for the Minister's assurance that the online element will not be unduly onerous for online businesses. It is my understanding that websites that sell food will display a link to the FSA website, whereby a user can click on the link to find out the food rating of an establishment or retailer.

I also seek the Minister's assurance that online retailers will be permitted a lead-in time — for example, 12 months — as that would allow them the necessary time to make the required technological and programming changes to their website.

I was pleased at the recent comment by the Welsh Deputy Minister for Health, who declared the introduction of a similar scheme to be a "big success story". In the two years since Wales introduced its legislation, businesses reaching the top five-star rating have increased from 45% to 61%, while outlets obtaining a zero rating have halved from 134 to 61. That is a clear indication of how the scheme will work in Northern Ireland and of the difference that we can expect the legislation to make. I firmly believe that the Bill will provide consumers with a clear and simple way to identify the hygiene standards of food outlets and allow them to make choices based on that information. That will undoubtedly improve standards across the hospitality industry and ensure that our food-based businesses go from strength to strength.

Mr Hamilton: I thank Members who contributed to the debate for what have been largely positive and encouraging comments. What has been clear from the debate and, indeed, previous debates on the Bill is that there has been broad all-party support for the legislation as it has progressed through its stages in the House. Members did not raise a lot of issues for me to address, with perhaps the exception of Mrs Cameron's contribution at the end.

I thank the Committee in general for the amendments that it tabled, which have enhanced and improved the Bill. I highlight in particular the amendment on technology, websites and the selling of food online and the amendment on the necessity to display or, as Mrs Cameron said, link to the FSA's website. In particular, I praise her tenacity in ensuring that that amendment is now in the Bill and will hopefully pass into law very soon. I praise her for her efforts in that respect. I agree with her: I do not see why doing that needs to be a particularly onerous or complicated thing for online food businesses. The suggestion that she made is perfectly appropriate. I will certainly come back to the Member about what might be done about a lead-in time. Again, it is not something that we would want to do in a complicated way to make life difficult for food businesses.

I am confident that the Food Hygiene Rating Bill will provide a simple but effective public health measure that will make it easy for everyone to identify the businesses that are committed to complying with food hygiene requirements. I am certain that the Bill will provide a strong incentive for businesses to achieve and maintain compliance with existing food hygiene law, especially because it is mandatory. Indeed, it will almost create a sense of competition between businesses. The food hygiene rating scheme presents a real opportunity for local businesses to demonstrate how seriously they take food hygiene by displaying their ratings for all to see. The consistency and transparency of the scheme make it easy for consumers to use, and it should bring increased business to the food outlets that take pride in their hygiene.

I believe that the Bill will have an overwhelmingly positive impact on the health of the people of Northern Ireland. I am delighted that we are seeking to move to a mandatory scheme. I thank Members for their support so far. I commend the Bill to the House.

Question put and agreed to.

Resolved:

That the Food Hygiene Rating Bill [NIA 41/11-16] do now pass.

Mr Speaker: I suggest that the House take its ease while we change the top Table and see where the Minister of Education is.

There he is now. How is that for timing?

5.00 pm

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

Addressing Bullying in Schools Bill: Second Stage

Mr O'Dowd (The Minister of Education): I beg to move

That the Second Stage of the Addressing Bullying in Schools Bill [NIA 71/11-16] be agreed.

Go raibh maith agat, a LeasCheann Comhairle. Iarraim oraibh tabhairt faoin dara Chéim den Bhille le hAghaidh a Thabhairt ar an Tromaíocht i Scoileanna a aontu. Bullying is a complex and multifaceted problem that can be found, to varying degrees, in almost every school in the world. However, the complexity of the problem does not mean that bullying should ever be considered an inevitable or acceptable part of school life for any pupil. We know that bullying can result in long-term physical and emotional damage to young people, both those who experience it and those who engage in acts of bullying. Bullying in school can also have an impact on pupils' general well-being, their attendance and their educational achievement, robbing them of what should be a happy and positive time in their young life and preventing them from reaching their full potential, possibly extending the impact of the bullying far into adulthood. No child should have to live with that.

Bullying behaviour, in any form, is always unacceptable and must be challenged wherever it is encountered. Our schools, governors, principals, teachers and support staff already understand that, and I begin today by acknowledging the excellent work on discipline and pastoral care that can be seen in so many of our schools. However, it is clear that more can be done and needs to be done to tackle bullying in our schools. That is why, in 2013, I asked the NI Anti-Bullying Forum to review all aspects of our anti-bullying legislation, practices and support services. The review concluded that, while all schools were aware of their responsibilities to tackle bullying, there was still a wide variation in the quality of schools' anti-bullying policies and procedures. It found that policies were not always applied consistently, that sometimes schools were too slow to react to bullying incidents and that some schools' policies were rarely updated, allowing them to become dated and ineffective. The forum recommended legislation as the best way to ensure that all schools brought renewed focus and effort to the problem. I agreed with that argument, and that is why, in June 2014, I announced my intention to bring forward new legislation on the issue within this Assembly mandate.

It is worth clarifying at the outset that the Bill is not intended to impose a straitjacket on schools. Greater consistency rather than a one-size-fits-all approach lies at the heart of the Bill. The Bill is short, with just three objectives: to provide an inclusive definition of bullying; to introduce a duty on schools to keep a record of incidents of bullying; and to introduce a duty on boards of governors to play a much more direct role in how bullying is dealt with in their school. Collectively, those three steps will help to establish a framework of good practice in a way that schools can adapt to their individual needs.

A common definition of bullying is fundamental. It ensures that schools, parents and young people have a clear yardstick to determine whether an incident really is bullying

or a more general disciplinary matter. It will also ensure that all schools, faced with a similar incident, will recognise it correctly and respond appropriately. To mislabel bullying as "harmless banter" or "kids just being kids" does not do a school or the pupils concerned any favours. A definition will go a long way towards providing consistency. In line with that aim, the definition proposed in the Bill is a simple one. An incident is bullying if it involves repeated actions or omissions between two or more pupils and there is an intent to cause physical or emotional harm. I appreciate that there are many other definitions of bullying. Academic definitions, for example, frequently mention the need for an imbalance of power between the bully and the person being bullied.

However, we are seeking to achieve a definition that is easy for schools, young people and parents to understand and apply, and I believe that the Bill provides that.

A requirement to record all incidents of bullying builds on the consistency of the definition. It is often said in business that, if you cannot measure something, you cannot understand it, and, if you cannot understand it, you cannot improve it. I believe the same thing is true in education. Schools already keep their own records of disciplinary incidents. Through the Bill, I seek to ensure that, going forward, schools systematically identify bullying and systematically record details of those involved, its motivations and the actions that the school has taken to deal with it. This will give schools the basic data to assess their performance in tackling bullying and, ultimately, allow them to deliver better outcomes for their pupils. While the local value of this information to school principals and governors is huge, drawn together it will also give the Department an insight into the true scale and nature of the problem that we have never had before.

Lastly, I believe that the duties that the Bill proposes to place on each school's board of governors will provide increased focus on this issue and provide a mechanism for building up knowledge of anti-bullying best practice in each school. Previously, the detailed measures to be taken at a school to prevent bullying have largely been left to the school principal. The Bill will make governors accountable for the detailed anti-bullying measures in the school and for ensuring that they are properly implemented, their effectiveness is monitored and they are kept under periodic review. I want to see the importance of bullying recognised and elevated. I want to see schools' responses to bullying incidents become a regular matter for discussion at board meetings, and I want to empower governors to provide a strong appeals mechanism for any parent unhappy with how the school has dealt with an incident involving their child. I believe that this new duty is, therefore, an equally essential part of the Bill.

In conclusion, I highlight to Members the fact that the public consultation on our proposals attracted 4,860 responses over an eight-week period. This shows the level of concern that the public have on the issue. I was particularly pleased, however, that 4,221 of those responses came from pupils and young people. Their response is a powerful statement in its own right, and the consensus of their views was very clear. Bullying remains an all-too-common experience in their lives, and more must be done to tackle it. The Bill provides the Assembly with an opportunity to say, "We hear you" and that we as legislators are ready to play our part. I commend the Bill

to Members and will carefully consider today's debate in moving it forward.

Mr Weir (The Chairperson of the Committee for Education): Bearing in mind what Mr McCarthy said earlier about the imminence of Christmas, I will try to keep my remarks relatively brief and to stick to my position as Chair of the Committee. My colleague Mr Craig will outline the party position. As the Bill will potentially have an impact on boards of governors, I declare an interest as a member of the board of governors at Ballyholme Primary School, Bloomfield Primary School and Kilcooley Primary School.

I am conscious that, sometimes, when I speak as Chair of the Education Committee, I am listened to by a rather restricted audience. Perhaps sometimes it is the other members of the Committee who are listening, or perhaps it is only the Minister or you, Mr Deputy Speaker, and the officials who are paying attention. Maybe I should say that, sometimes, I would settle for at least getting those rather than even being just restricted to that. From time to time, in offices or at home, representatives of various organisations are also listening closely to our words, watching the highlights on the BBC or even poring over the Hansard report of our deliberations. Today, things might be a little different because, in addition to Members, the Minister, officials and organisations, we may actually have children and young people watching us as we speak or reading our words at a later time. For their benefit, let me make it absolutely clear from the Education Committee that we take bullying in schools very seriously. We understand that school bullying can have a substantial impact on its victims, sometimes, though not always, beyond even the expectations of the bully. Sometimes, as we have sadly seen, it can even be to the point of being life-threatening. We want to listen to the concerns of children about bullying, and we are determined, I think in conjunction with the Minister and through the Assembly, to do something about it.

Bullying is something that, if we think back far enough, many of us may have directly experienced at school. It is one of those things that we all think we know something about. However, I can tell the House that, through the preliminary scrutiny of these matters, the Committee has already learned some things about bullying that it did not expect. Findings from the DE-sponsored surveys in 2002, 2007 and 2011 show that figures for bullying have hardly changed over all that time, indicating that around 30% to 40% of year 6 and year 9 pupils reported being bullied in the previous two months. About 20% of year 6 and year 9 pupils reported bullying other pupils in the previous two months, and, in a more recent survey, 16%, which is a smaller proportion but is still very concerning, reported being the victim of cyberbullying. Now, one may always question just how accurate a handle we can get on the issue from the figures, but what is undoubtedly the case is that the sheer scale of bullying exists and tends to persist. Cyberbullying has hit the headlines and has perhaps led to tragic outcomes and caused parents, teachers and us as legislators to re-evaluate our understanding of the changing learning environment in our schools.

The Department very helpfully briefed the Committee on the findings of its recent consultation and on the contents of the Bill before us today. To be clear and as the Minister indicated, the Bill cannot deal with all the aspects of bullying that we may know about. From that point of view,

we need to make it clear that we are doing as much as we can without raising belief and expectations that there is some magic solution and that we will cure all bullying. However, it might begin to reaffirm the position of our schools as a safe place for learning and growth — a place where bullying simply will not be tolerated.

To begin to tackle something, you first have to know what it is. The Bill proposes a definition of bullying. As the Minister indicated, there are other potential definitions, and I think that is something that, as a Committee, we will need to look at. For example, it might identify groups of potential victims, provide more details of the unacceptable behaviour or more widely demarcate the circumstances in which it occurs. I appreciate that, during the Committee Stage, we will, I suspect, get various suggestions from stakeholders, and that will challenge the Department accordingly. It may also be that members will want to explore the workability of the limits to a school's responsibility as set out in the Bill.

The successful realisation of meaningful change through public policy is generally strongly correlated to listening. Perhaps more correctly, failure to achieve change is sometimes a consequence of not listening. In the case of this Bill, the Department's consultation appears to have been well done, with a strong set of responses from children and young people. With a view to securing robust and insightful feedback from the same group, the Committee, in conjunction with the Assembly's Education Service and Research and Information Service, has commenced a series of focus groups based on children and young people in schools from all sectors in Northern Ireland. I believe that that feedback will be critical to our decisions; indeed, it is difficult to think of a Bill that has a more direct and crucial impact on the individuals concerned.

In that spirit of active listening, I think that the Committee will recognise and welcome the obligations in the Bill for boards of governors to consult on the development of their anti-bullying policies. Members would, I think, particularly welcome the inclusion of children and their parents in developing the anti-bullying policies. It strikes me — I believe my colleague will develop this point — that we need to make sure that the right balance is struck between the role of governors and the role of principals. Again, we will look at the most effective means of doing that.

I mentioned a moment ago the importance of defining a problem and listening to those affected. The third element and the necessary underpinning for the first two is the accurate and consistent capture of information. I think the Committee accepts in principle that the Bill makes adequate provision for that. The recording of bullying incidents, the motivation of the perpetrator and the action to be taken to address the situation is a good beginning for the development of guidance for schools and teachers.

That having been said, Committee members indicated some concerns that the recording of information might lead to an administrative or cost burden for schools. Members were also worried that additional responsibilities for schools might lead to an increased risk of vexatious litigation. Finally, members wondered about the freedom of information consequences of the centralised database, and the danger that mischievous or unhelpful individuals might use the stored information to develop bullying league tables for schools, which is something that all of us want to avoid.

5.15 pm

Clearly, none of the above is the policy intention of the Bill. However, Members would value any reassurance and clarification that can be given by the Minister on those points today.

I said that the Bill is a good beginning. I think that the Committee hopes that the Department will use the information that it gleans from the database, along with the pupil absence data, to develop useful guidance that will begin the process of getting bullying out of our schools. As I said, there is a general welcome from the Education Committee for the Bill. I suspect that — this where much of our deliberations will take place — the greatest anxiety, at times, will be about what is not in the Bill; for example, explicit measures in relation to cyberbullying. It is fair to say that it is difficult to see how such matters could be addressed effectively through legislation. I know that many Committee members have direct connections as school governors, some are former teachers and some are parents or grandparents. There is genuine concern for the protection of our children from what is perceived to be a considerable and growing threat. From that point of view, I ask the Minister if there is any assurance that he can give us today on cyberbullying. If it cannot be given today, could it be given during the anticipated Committee Stage?

I will allow my colleague to address matters from a party perspective. I commend the Bill to the House, as I think that it is a good step. As I said, as a Committee, we will want to scrutinise to make sure that the detail fits the good intentions of the Bill. At this, the Second Stage, I commend the Bill to the House.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I welcome this stage of the Bill. As other Members have outlined, it is a good news story for education in tackling what is a very prevalent problem in some instances. I also want to pay tribute to the Anti-Bullying Forum, which, alongside the Department, has done sterling work in the last few years in assessing and evidencing the issues involved. I hope that this legislation, which comes on the back of that good work, will go some way to giving schools, parents and, most importantly, young people the confidence that bullying is receiving the focus that it deserves. It is an ever changing issue, as no doubt we will discuss. I am also heartened to hear the Minister say that 87% of the responses came from the pupils themselves. The Department deserves some credit for that. I hope that this is a standard that we see maintained in future consultations.

Bullying, as other Members have said, is a highly complex issue. It does not just affect schools; it is also in workplaces. I would go as far as to suggest that even in here I have witnessed bullying in the last three years as an MLA. It is something that happens in sports clubs and in any environment in which people come together for a variety of reasons. Of course, the emerging problem that we are seeing is the development of cyberbullying and the extent to which that goes on. It has added a whole new dimension to bullying in the education process.

As we know, bullying happens for a variety of reasons and takes many forms. It is multi-causal but has a single consequence, which is very often that somebody is hurt. In recent times, we have become increasingly cognisant of the impact of bullying on the learning process, whether

on attendance, educational attainment or general well-being. Teen suicide, self-harm and acts of violence towards others are on the rise. Young people are dealing with issues relating to anxiety, depression, loneliness and unhappiness in greater numbers than ever before. A growing number of young people and pupils have trouble sleeping, focusing and making decisions. In short, far too many of our young people are having their self-esteem smashed to pieces. It does not take a genius to work out that their education and educational outcomes have been severely affected by bullying. Indeed, their entire life is being affected.

Significantly, as a society, we have also acknowledged in recent years that the learning process is not simply one that takes place inside the school gates and that, if we are to tackle a variety of education problems, we need to so in partnership with parents and the community.

The legislation, with the involvement of boards of governors and the wider school community, along with the work that the Department has done with the Anti-Bullying Forum, takes note of that process and of the need for wider action.

The work done by the Anti-Bullying Forum in 2013 found a wide variation in how schools responded and the policies that were in place. Lately, when I was out with people from PIPS in a particular part of Belfast, they said that the single biggest reason for self-harm in schools that they had been in recently was homophobic bullying, yet some of these schools did not even have a policy to deal with such issues. Look at the need for relationships and sexual education (RSE) policies: we know from a recent survey by the Department that less than one fifth of schools that replied had a policy in place. All too often, schools have simply disregarded departmental policies, and I think that the legislation has to call a halt to that. There has to be zero tolerance because, at the end of the day, we are talking about the health and well-being of our young people. The Bill will end that semi-detached attitude.

I look forward to Committee Stage, when we can look at the different aspects of bullying, such as sectarianism, racism and, as I mentioned, homophobia, as well as how the legislation can be expanded to how we deal with cyberbullying. These are not just issues for the classroom; they go far wider than that, into society.

I welcome the fact that the Minister said that the Bill is not a straitjacket or a very rigid approach. We need a consistent approach across the board. If we are to deal with bullying through a partnership between communities, schools and parents, it has to be done in the same way across the board. One sector cannot do it differently.

I welcome the inclusive definition. It is a very practical and usable definition that will be central to the success of the Bill, and I think that it gives confidence to teachers. Going back to a RSE policy, I think that teachers were sometimes afraid to deal with certain types of bullying. Perhaps they thought that it would be better to leave it and let someone else deal with it, but that does not do pupils any favours.

The Minister touched on the notion of something being just traditional banter. As a member of a football club and someone who has coached young people in football clubs, I see this taking place and hear language that is "just traditional banter". Those days are gone, so we need to

knock that on the head and set in place good policies. The Bill gives us an opportunity to do so.

You would think that the recording of incidents would, by now, be taken as read across the board, but, unfortunately, that is not the case. I also welcome that.

I know that some will look at the Bill as placing more responsibilities on governors. We have to look at building the capacity of boards of governors to address the issue. The Bill brings, if not a level of accountability to teaching staff etc, some help in being able to look at bullying as a whole. Most importantly, it gives a wider focus. Bullying should be on the agenda of all meetings of boards of governors. It is an issue that should be addressed across the board.

Finally, I welcome the Bill, and I think that the wider school community and the wider public will welcome it. It comes at a pertinent time, and I look forward to hearing the thoughts of others.

Mr Rogers: I welcome the opportunity to speak at Second Stage. I declare an interest as chair of the board of governors of Grange Primary School.

At the outset, it is important to thank Peter and the Committee team for their support. I also thank Caroline and the team in the Department. They have been helpful, and we look forward to more help as we go through Committee Stage.

The Bill illustrates something very important: education is about the education of the whole person. It is about ensuring that our children have the necessary opportunities to fulfil their potential in a secure learning environment. That is why I believe that pastoral care is so important, and that is where the Bill fits in.

At the outset, I must commend the great work that goes on in our schools to address the issue. Recently, the Northern Ireland Anti-Bullying Forum organised various events as part of a wider anti-bullying event. Last Friday, when I visited the school that I referred to earlier, I was met by three P5 and P6 children with their iPads, showing me very enthusiastically their prize-winning project — a little programme that they had devised in an after-school ICT club, and which they were going to demonstrate to the rest of the school.

Article 19 of the Education and Libraries (Northern Ireland) Order 2003 requires that all schools must have a good discipline and good behaviour policy that addresses how a school should respond to instances of bullying or complaints about bullying. A key principle in more recent departmental publications such as 'Every School a Good School' highlights the fact that all our efforts should be child-centred. Today's Bill seeks to refocus our attention on tackling bullying in our schools and to provide unified legislative action and duties to guide schools on the best possible practice when it comes to dealing with it. The Bill seeks to empower schools and the Assembly through specific legislative powers conferred under the Northern Ireland Act 1998.

From my experience many years ago, in the pre-cyberbullying era, bullying took many forms. It could have been name-calling, teasing, physical attack, isolation, exclusion, gossiping, belongings being stolen or hidden or being blackmailed into doing something that you knew was wrong. My experience tells me that emotional hurt can

have even more long-term consequences than physical hurt. That list is by no means exhaustive, but bullying can be hard to detect in a school situation and is, therefore, hard to address.

In particular, the Bill gives a specific definition of bullying that schools can follow. The new definition incorporates verbal, written and electronic communication, and physical acts of abuse that aim to cause physical or emotional harm. I welcome that definition of bullying, and I further welcome the incorporation of the aggressive use of electronic communication. I welcome this because the instances and complexities of bullying have, along with everything, continued to grow and evolve as technology has. There was bullying back in 2003, but today, in a world of smartphones and social media, the ability to bully, antagonise and humiliate has never been greater. There is nowhere to hide from the cyberbully. Those who are bullied may be harassed in many more ways than ever before, and it is a truly sad and regrettable situation when it occurs. A definition of bullying that reflects this and places a duty to respond ensures that our schools and their staff are aware of the impact of online harassment and are empowered to intervene.

Bullying remains a massive issue for our schools, education system and society in general to deal with. Statistics on the extent of bullying can be elusive because of the very nature of bullying and the silence surrounding it. Official statistics may shed only a partial light on the extent of the problem. In the United Kingdom, there were 26,000 child counselling sessions on bullying, over 7,000 counselling sessions involving online bullying, and over 16,000 young people were absent from school due to bullying. Over 50% of LGBT pupils have faced an incident of homophobic bullying.

As well as providing a definition of bullying, the Bill further seeks to expand on the duties and responsibilities of boards of governors, allowing school administrators to manage and monitor bullying in schools more effectively. Clause 2 places a duty on schools to determine policies that protect pupils when on school premises, when travelling to and from school and when a pupil is under the responsibility of a member of staff. The clause further places a duty on a school to review its bullying policy actively through consultation with staff, pupils and parents. I strongly support the principle behind the clause, but I have a couple of concerns. I believe that the language, to:

"review those measures ... from time to time"

should be stronger and more specific, placing a duty on a school actively to review its policies and practice annually. Schools review their policy and practice as part of the annual review of their school development plan, so I think that this should be incorporated in that. That makes sense when outlining a school's responsibility. I also feel that the clause ignores the nature of electronic bullying, which continues long after the school bell. Children in Northern Ireland may get bullied by peers whom they never see in the school day.

Again, speaking from experience, I also have concerns about how a school can be held responsible for alleged incidents outside the school gates on the way to and from school.

Clause 2(b)(ii) draws attention to that, stating:

"while travelling to or from the school during the school term".

Although schools will make every effort to get to the bottom of an issue, I know, again from experience, that it becomes very complex when you are dealing with different schools, and even more complex if the other person, be it the bully or the one being bullied, is not at school. Even bullying within the school fence is complex.

5.30 pm

Clause 3 places a duty on schools to record incidents and alleged incidents of bullying so that there is a proper data system on the number of bullying incidents. Most schools should have a record of bullying. They probably have it in hard copy at the minute, but here we are talking about getting it on to the school information management system (SIMS). That would allow staff to have detailed progress of incidents while allowing them to determine behaviours and motivations. That would certainly be useful, not only in tackling bullying in general but in collating new, specific statistics on bullying. The motivation list is fairly robust and covers multiple causes. It is important that the data entry on SIMS not be cumbersome and that access to the data be well controlled.

The SDLP supports the general principles of the Bill. It is an important step towards creating an anti-bullying culture in our schools, and in society in general. There are major implications for the training of our governors, for initial teacher education and for continuing professional development. Above all, schools must work with parents and children to ensure that they can address bullying, especially cyberbullying, in a rapidly changing technological age. Schools will be the drivers of that as they build their anti-bullying culture in the school community. We hope that, through the Bill, schools will be able to tackle all forms of bullying, recognise the methods of bullying and understand the motivations behind bullying, because, unless they are happy and feel safe in the school environment, children will not achieve their potential. We have to bear in mind that children spend only about 20% of their school years in school. I hope that the strengthening of legislation will ensure greater consistency, not only across schools but in the wider educational field; for example, in our youth clubs and other community organisations that young people are involved in.

Mrs Overend: On behalf of the Ulster Unionist Party, I welcome the progression of the Bill to address bullying in grant-aided schools to its Second Stage. Saying that is not in any way to suggest that grant-aided schools do not already address bullying. However, it is surely right that we as legislators make sure that the law is clear and right up to date, particularly in the light of recent technological innovations and the omnipresence of the Internet in education. Cyberbullying requires particular focus. Advances in technology are so fast, and they need to be embraced rather than ignored.

I place on record my appreciation of the work of the Northern Ireland Anti-Bullying Forum over a number of years. As the Minister mentioned, it produced a review of anti-bullying policies in local schools in 2013. That review informed the Department of Education's public consultation exercise, which was carried out in January and February 2015. I recognise the good work of the Northern Ireland Anti-Bullying Forum in schools across Northern Ireland. Indeed, the PSNI is also keen to be proactive on the matter. In fact, I was speaking to the

police today about a case in my constituency. I find that my local schools want to address bullying, and they will welcome updated legislation.

The Ulster Unionist Party made a written contribution to the public consultation process in spring of this year, and the Bill is the product of that process, which received almost 5,000 responses. It must be noted that 85% of the respondents were young people. That is commendable, but it also shows the high level of importance attached to tackling bullying and the strength of feeling among our young people that bullying must be eliminated.

I note that the Bill is a short Bill, with five clauses. It provides a definition of "bullying" that includes a reference to electronic communications. It defines the responsibilities of a school's board of governors, sets out the duty on a board of governors to keep a record of incidents and to ascribe motivations to incidents. All of that is to be recorded, and it is estimated that adapting and maintaining the IT system for that will cost in the region of £40,000, which is to be found out of existing budgets. I would like the Minister to expand on that. What exactly are those IT requirements? Will extra training be required for school staff? What exactly are the financial effects of the Bill when broken down? Is it not the case that the current C2k school information management system has a facility for teachers to record pupil behavioural issues? Seven years ago, there was a pilot scheme to assess the usefulness of a specially created module within that IT system to record bullying incidents. I hope that lessons learned in that pilot can be used and a common and consistent reporting method incorporated into the C2k system.

The definition of bullying in clause 1 deserves further consideration. As it stands, it appears that any example of aggressive behaviour by a child in school or any playground scuffle between two pupils will be recorded as a bullying incident. We require further examination of that.

The consultation document suggested that a particular governor would be designated as the responsible person for a school's anti-bullying policy. That could, conceivably, have fallen to a lay governor, which would have radically changed that role and raised capacity challenges. If it were the responsibility of the teacher representative on the board of governors, who may already be charged with child protection and safeguarding duties, questions would have been raised about the increasing administrative and non-teaching burdens falling on teacher-governors. However, I notice that the suggestion that one person on the board of governors should be responsible for a school's anti-bullying policy has not been carried forward into the Bill.

This legislation aims to apply to bullying by pupils only:

"(i) on the premises of the school during the school day;

(ii) while travelling to or from the school during the school term; or

(iii) while the pupil is in the lawful control or charge of a member of the staff of the school;"

That does not appear to take cognisance of cyberbullying, which nowadays could be carried out on Internet-enabled devices provided by the school but used outside school hours. I understand that advice on cyberbullying is to be

included in the legislative guidance that will accompany the new law. I would like to know more about that. Cyberbullying is a growing problem in our schools, aided by the fact that young people can now have virtually constant access to the Internet and bullies can target victims at any time of the day or night. Traditionally, bullying might have taken place in the playground or elsewhere on school premises, allowing schools to take action to tackle the problem once detected. With cyberbullying, the problem becomes more complex. I have been contacted by local schools and concerned parents seeking clarity on the responsibilities and powers that schools possess in relation to cyberbullying that occurs outside school premises and school hours.

I recently asked the Education Minister to provide clarity to parents and teachers with regard to the responsibilities in taking action on cyberbullying. He replied:

"A school can only take action where any incident of bullying falls within the scope of its discipline policy. Typically this will restrict its ability to act to incidents occurring on school premises, within school hours, whilst pupils are travelling to or from the school, whilst they are representing the school or while pupils are otherwise under the control of school staff, such as during an organised school trip or after-school event. Beyond these circumstances, responsibility for addressing bullying incidents lies solely with the parents and guardians of the pupils involved".

The Minister also told me:

"The supporting guidance to the Bill will therefore specifically address cyber-bullying, providing greater clarity for both schools and parents on the boundaries of their respective responsibilities; and suggesting best-practice approaches for each to follow where the responsibility to act lies with them."

Those answers have been replicated with a very minimalist approach to cyberbullying in the legislation. This issue requires closer scrutiny at Committee Stage. We also need to see the supporting guidance to the Bill. What form will the guidance take? Who will write it? When will it be finalised? Realistically, will it be available before the end of March 2016 when the Assembly will be dissolved?

I am glad to see this legislation making progress and I look forward to contributing to the Committee Stage. There were nearly 5,000 responses to the consultation, with 85% from pupils. I will leave the last word to one of those pupils, who wrote to the Department. Angus, a six-year-old, in responding to question 8 under "Any other comments" in the children's version of the consultation document, simply wrote, "Stop bullying. OK?" That is what we, as legislators, must see through.

Mr Lunn: I join others in welcoming the Bill. It is overdue, and I am glad to see that the Minister is, hopefully, going to fit it into the schedule before the imminent end of this mandate on 29 March.

Bullying, as others have said, takes many forms. It can be quite open and overt. It can be insidious and hidden. It can go unnoticed and, sadly, unacknowledged. That has sometimes been a problem. While our principals and staff in schools do their very best, I am sure, there are times when bullying goes under the radar because they do not accept that it has actually happened. I agree with the

Minister when he says that, sometimes, it is passed off as just kids being kids or banter; it goes way beyond that, a lot of the time. Mr Hazzard was right when he pointed out that it leads to examples of self-harm. It leads to worse than that, tragically.

I am glad that we are starting to address the problem in a more considered way than it has been addressed in the past. I am sure that, as parents or grandparents or even those of us who have a memory of our childhood, we know that it has always happened. However, these days, the ways and means of going about bullying, if you are so disposed, are much more diverse. With all the electronic means available — cyberbullying has been mentioned — it is far more complex and complicated than it ever was in the past.

I have a few comments to make about the wording of the Bill. That is not to say that we are going to table amendments; I just want to flag up one or two things. In the definition, for instance, there is reference to:

"the repeated use of a verbal, written or electronic communication".

An act of bullying does not have to be repeated. A single act of bullying can be just as serious as a repeated one, so I query that definition, just slightly. I share Mrs Overend's concern about the fact that it refers to the use of an electronic communication but does not really tie down the extent. If two pupils have iPads and one effectively bullies the other within school hours and continues to do it after hours, it really is the same thing, if they are at the same school. We may have to pay a little more attention to that.

In other definitions of bullying, I notice that the word "aggressive" creeps in. It is not in this definition — maybe it does not need to be — but that is worth looking at. I notice that in one definition — I must say that it comes from America, so I would not pay it too much attention — it says:

"Bullying behaviors happen more than once or have the potential to happen more than once."

That is another way of looking at it. While I am on the subject of America, I will say that all 50 states in the United States have anti-bullying legislation, which, you might think, is quite forward-looking. Most American states also specifically outlaw homophobic bullying, except for the southern states, where they do not allow any discussion of LGBT matters at all. There is the difference: leaders of the free world.

In subsection (2) of the definition, it says:

"For the purposes of subsection (1), "act" includes "omission"."

I presume that that is meant to point to deliberate exclusion or isolation, as Mr Rogers mentioned, but I wonder why it has to be in there separately. Why not just say "act or omission" in subsection (1)? I am just pointing up what I notice at first reading.

On page 2, clause 2(3) states:

"In Article 3(3)(a)(ii) of the Education (Northern Ireland) Order 1998 (duty of the principal to determine measures) omit the words "and, in particular, preventing all forms of bullying among pupils"."

That seems to be the duty that is on a principal at the moment. Do we take it that that duty is being transferred to the board of governors? I do not understand; maybe the Minister can clarify, when he sums up, what the reason for that is.

5.45 pm

Clause 3(3), further down the page, says:

"For the purposes of subsection (2)(a), motivation may include".

Here we go again with "may" and "shall" or "must" and "should". I cannot help thinking that it should at least say "shall". I notice that the explanatory memorandum says "must". We will clarify that at some stage.

Moving on to the various categories, I notice that Mr Hazzard, I think it was, mentioned sectarianism, which is not specifically mentioned. "Political opinion" and "religion or belief" are, but we have a particular problem here with sectarianism, so maybe it needs to be in as a separate item.

I imagine that "sexual orientation" at clause 3(3)(j) could be construed as including homophobic bullying in all its forms. Some of us, however, have had quite a long journey trying to highlight that problem. Mr Rogers mentioned that 50% of LGBT pupils had had an experience of being bullied because of the way that they are. That is utterly disgraceful. That would come as a surprise, and it also points up the fact that there has never been a requirement, until now, to categorise and record those types of bullying separately. Frankly, I can never understand why, when it is such a problem. The scale of the problem is highlighted by the statistic that Mr Rogers gave. I wonder whether we need a more specific reference to homophobic bullying, but, again, we will talk that through at Consideration Stage. The British Psychological Society (BPS) would have something to say for the record about the effect of homophobic bullying on schoolchildren, just as it had something to say about the effect on adults. Maybe we will talk to it.

Having said all that, Mr Deputy Speaker, I am very pleased to see the Bill coming forward. I hope that we can get it through by the end of the mandate, because it would be a tragedy if we did not.

Mr Weir mentioned the possibility of league tables and vexatious complaints and claims. I hope that we do not have to go there; that would be entirely counterproductive. The point here is to acknowledge the problem and to collate the extent of it, as that would help you to understand and to then deal with it in its many forms.

I look forward to the further progress of the Bill. I look forward to Committee Stage as we get into detailed discussion, and I hope that we can finalise it and that the Queen will sign it before the end of term.

Mr Craig: On behalf of my party, I welcome this Bill on anti-bullying. It is fascinating to hear how many people have fed into the consultation on the Bill. That in itself, as the Minister said, highlights how big an issue this is in schools. I will declare an interest: I am on the board of governors of both Killowen Primary School and Laurelhill Community College. I suppose the irony is that I have just received a text message about bullying issues in one of those schools.

What I wish to say concerns the definition itself. Some Members, whom I listened to carefully, are worried about how accurately you define electronic bullying. It was put to me that it is important not to be overly wordy in your definition of bullying. We need catch-all statements, and, looking at what is in the Bill, we see that the term "electronic communication" is a catch-all. That will be welcomed by a lot of schools, because, until now, technology has been well and truly ahead of what any legislation has stated anywhere. Schools, I know for a fact, have struggled with the issue. The difficulty with electronic communications is that they occur not only within schools, from pupil to pupil, but out of schools, into and around schools and, unfortunately, between pupils out of school.

That has always caused a huge conundrum, not only for governors but for teachers in schools. Many a time, it ends up being dealt with by the police.

I welcome the fact that there is a word definition of electronic bullying in the Bill, but I ask the Minister to check with his officials that it is a catch-all definition. If we try to define every electronic device or every piece of software, ultimately someone will get away with bullying because it was done through something that was not mentioned in the Bill. The catch-all definition is much better and is more effective.

I noticed something else interesting about the definition of bullying in the Bill, and I ask the Minister to think long and hard about it. I have no intention of tabling any amendments, but, thinking back to my experiences in schools, I have seen instances of pupils bullying teachers to a very serious extent. To my recollection, I am not at all certain that it was dealt with effectively. I note that, for some reason, all the definitions of bullying in clause 1 are between pupils; it is almost as if it is excluding any other form of bullying, should it be between pupil and teacher or even vice versa. I ask the Minister to think about that because it is an issue that needs to be dealt with. I would welcome some thought on that being included in the definition.

I have looked carefully at the responsibilities for boards of governors, and I welcome the fact that there is now legislation that will put an imperative on governors to take responsibility for anti-bullying policies. I would like the Minister to clarify that in his closing remarks because I take it that it is policy. I do not want governors having to take responsibility for the implementation of the policy in a school; we need to make that very clear. Governors are not in schools on a daily basis, and they are not there to see the minutiae of what goes on in schools. In primary schools, principals or vice principals are predominantly responsible for dealing with bullying issues on a daily basis. In secondary schools, there are usually heads of department or a head of pastoral care who will deal very effectively with the policies in the school.

Sadly, I have to admit that there are schools that do not have effective anti-bullying policies. In my elected role, I have, unfortunately, dealt with some that do not have an effective policy, and I hope and pray that they do now after the advice that I gave them. I am fortunate: I sit on the boards of governors of two schools that have very effective anti-bullying policies, and I praise them for it. I welcome the fact that there is an imperative on all schools to produce an anti-bullying policy and to follow it. I also welcome the fact that there is a duty under clause 3 to keep records of such incidents in the school. When I look at that, I think to myself, "That's just common sense. All

schools should do that". However, if we look at our schools across the Province, we find that that is not universal practice, so that is to be welcomed. Those are the good things about the Bill, and I welcome them.

The other issue is one that teachers have raised with me: the fictitious or false accusations made not only against teachers but, unfortunately, against other pupils, usually to hide some wrong or indiscretion by another pupil in the school. This happens in the real world, and it happens a lot more frequently than any of us would like. I ask that, in the Bill, we find a balance that allows teachers and governors some form of mediation to enable them to make a judgement on what is correct and what is fictitious.

I welcome the Bill, the steps forward for all schools and the level of consistency that it will introduce across all of them. However, we need to be careful, because it will not resolve bullying in our schools. Bullying is an age-old problem, and it is one that will not go away because we have introduced legislation. Hopefully, the Bill will lead to a more effective and consistent approach to bullying across all of our schools, and I commend it to the House.

Mr Kennedy: I am pleased to speak at Second Stage of this important, if concise, legislation. I declare an interest as chairman of the board of governors of Bessbrook Primary School and as a member of the board of governors of Newry High School. Once again, I confirm to the House that, as it knows, my wife is a teacher. I think that nearly every schoolchild knows that.

I reiterate the comments of my colleague Sandra Overend. Of course, we are not starting from scratch, but this is an update to the law and one that is, I think, timely. The current law stipulates that every school must have an anti-bullying policy and a child protection policy. Indeed, at the most recent meeting of the Bessbrook board of governors, we agreed both, which is good practice. Under the Education and Libraries (Northern Ireland) Order 2003, all grant-aided schools have to include in their overall policies one that contains measures to prevent all forms of bullying among pupils. Obviously, however, the world has moved on since 2003, so we, as a party, support moves to update the law so that it better addresses bullying in schools.

Twelve years on from the last major legislative change, there are still wide variations in the quality of anti-bullying policies and practices among schools, and in the consistency with which the policies are being applied. The consistency of existing anti-bullying policies has been called into question by research by the Northern Ireland Anti-Bullying Forum, the National Children's Bureau Northern Ireland and Stranmillis College. That led to the conclusion that tighter legislation was required to protect young people from the impacts of bullying.

The NSPCC has collated some unofficial statistics on bullying from recent research studies, and they make interesting reading. The research revealed that, across the United Kingdom, almost 45,000 children talked to ChildLine about bullying in 2013; over 1,400 young people talked to ChildLine about racist bullying; over half of lesbian, gay and bisexual young people have experienced homophobic bullying at school; and more than 16,000 young people are absent from school due to bullying.

Those are worrying statistics.

6.00 pm

Northern Ireland's anti-bullying legislation must be updated to take into consideration online bullying or cyberbullying, and more emphasis should be put on dealing with homophobic bullying. I do not believe that, as constituted at present, clauses 2 and 3 deal with this issue completely. We really need to see the guidance that is meant to accompany the legislation. The Committee obviously needs to carry out its scrutiny role in the short period that we have to get the Bill onto the statute book before the end of this Assembly mandate. There is no doubt that parents and teachers have a very important role to play in keeping children safe online. Various organisations have very welcome campaigns that have helped to inform and educate young people and their parents about online risks. However, in the continuing absence of an Internet safety strategy from OFMDFM, I ask the Minister to consider a more explicit reference to cyberbullying in the Bill. On the use of the school property, like tablet computers, in loco parentis and the primacy of parental responsibility outside school apply. However, as my colleague Sandra Overend pointed out, pupils nowadays have access to Internet-enabled electronic devices that are supplied by schools but used outside of traditional school hours.

Clause 3 introduces a duty on schools to keep a record of all bullying incidents and to state what the motivation behind each incident appears to be. We support this, but the data has to be reliable to show where the problems lie, otherwise, effective anti-bullying work will not be properly targeted. I ask the Minister, in his winding-up speech, to address whether he thinks that there will be any resistance from the school sector to the requirements enshrined in clause 3 to record and categorise the motivation behind bullying incidents. Some care needs to be taken that it does not lead to school bullying league tables being published to be pored over by the press more generally.

The current legislation stipulates that every school has to have an anti-bullying policy. It is the quality and rigour of those anti-bullying policies that has been called into question by research carried out by the Anti-Bullying Forum and backed up by anecdotal evidence. For those reasons, my party and I support moves towards bringing tighter legislation to the Assembly to protect young people from the impacts of bullying. Those moves are still a work in progress. The definition in clause 1 needs to be looked at more carefully. We would be very wise not to stray too far from internationally accepted definitions. The list of 10 motivating factors in clause 3 needs to be examined in more detail, as it is not clear where they came from and why other factors did not make the list. I look forward to Committee Stage in order to drill down into the issues, but the Ulster Unionist Party broadly welcomes the Bill.

Ms Lo: I declare an interest: I am a school governor of Cranmore Integrated Primary School in south Belfast.

When I first read the Bill, I wondered why the Department's guidelines on schools' current policies are not sufficient, so much so that we need to introduce legal obligations. The fact that we need legislation to address bullying is perhaps an indication that schools have not done enough. I note the comments from the Committee Chair and, to some extent, Mr McIlveen, that the legislation will not be a magic wand and that it probably will not eradicate bullying. As legislators, however, we need to do our best to protect our children from the harm of bullying.

I am particularly concerned by the high levels of racist bullying in our schools. Last year's annual human rights and racial equality benchmarking report revealed some very shocking results. The report stated that 75% of children from ethnic minority groups experienced derogatory, racist name-calling. It also said that 42% of minority ethnic 16-year-old students had been the victims of racist bullying or harassment in their school. That is unacceptable. I say that not only as an MLA for an extremely diverse constituency but as a mother of two half-Chinese sons who were subjected to racist bullying in their early schooling. Although, funnily enough, when I asked them over the weekend whether they recalled those incidents, they had no recollection, but I certainly remember the heartache and anger that they caused us as parents at the time.

I recently met Patrick Yu of the Northern Ireland Council for Ethnic Minorities (NICEM), who outlined to me the council's concerns with the Bill. I will highlight some key points. He said that the definition of "bullying" in the Bill may not be compatible with EU equality directives, which have a common definition of "harassment". NICEM recommends amending the definition of "bullying" to include acts or omissions against another pupil, with the purpose and effect of causing harm or adversely affecting the rights or needs of the child and that create an intimidating, hostile, degrading, humiliating or offensive environment. NICEM has also raised the concern that the Bill is too limited, in that it does not extend to situations outside of school. Students know one another from school, so, if bullying takes place between classmates but is in a public place, in their neighbourhood or over the Internet, which I imagine is becoming increasingly common, the school should be involved. The proposed legislation should take into account outside situations in order to safeguard victims.

There is also a link between racist bullying and educational under-attainment that must be acknowledged. A NICEM report from 2011 looked at the impact of racist bullying on black and minority ethnic (BME) children, particularly Roma and Traveller children. It clearly showed that bullying played a role in low attendance rates and high levels of illiteracy. The Equality Commission's report, 'Every Child an Equal Child', states that 92% of Traveller children leave school without any qualifications. Racist bullying does not just discourage attendance or exacerbate poor grades but contributes to a sense of exclusion. In fact, the 2011 report states that 25% of BME pupils are subjected to exclusion from school activities and to verbal threats.

There are practical measures that can be taken. I would support the appointment of a designated teacher and school governor to be responsible for dealing with racist bullying. The Department and the Education Authority should not only bring in experts to conduct professional training but educate pupils on the unacceptable behaviour of bullying and the different forms that it takes.

Communication between the school and parents should be strengthened, ensuring that information on bullying policy is available. That should include translated materials.

NICEM believes that racist bullying is worsened by the fact that schools are not designated as public authorities in section 75 of the Northern Ireland Act 1998, which means that schools are not subject to the section's equality duties. The Education and Libraries Order 2003 requires grant-aided schools to have an anti-bullying discipline policy.

However, the lack of centralised guidance certainly results in less awareness surrounding bullying, particularly racist bullying. I therefore welcome the legislation and will vote in favour of it.

I would like to make one final and very important point. The disturbing numbers of BME children who suffer racial bullying highlights the deficiencies and underlying gaps in the protection of ethnic minorities in Northern Ireland across all key policy areas. I do not need to remind the House that we are still waiting for the racial equality strategy. Policy deficiencies must be rectified to tackle the underlying inequalities and prejudices that cause hate crime in Northern Ireland.

Mr Allister: I declare, again, that I am chairman of the board of governors of Moorfields Primary School. Bullying is, of course, something that every reasonable effort must be made to stamp out in our schools. It is a pernicious and cruel thing that can leave lasting damage to many children. Therefore, we need to and should do all that we can.

I have a number of issues with the Bill that I would like to give voice to. First, I want to address the very idea of the Bill itself in the context of what the Education Order 1998, as amended, already provides. It already imposes on a board of governors a statutory duty to work up, have and live by a scheme of management within a school. Under article 3 of the 1998 Order, that scheme of management requires regard to be had to all guidance issued by the Department. The vehicle exists in the 1998 Order, as amended, for the Department to issue guidance on matters such as bullying. That scheme of management, the order states:

"shall provide for it to be the duty of the principal".

Here is a statutory duty being put on a principal. It then lists a number of things, one of which is:

"encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils".

The law as it stands requires a scheme of management that places a statutory duty on the principal, in particular, to prevent all forms of bullying. This Bill will create a sort of dichotomy where responsibility in respect of bullying shifts from the principal to the board of governors. Clause 2(3) abrogates and removes the statutory duty on the principal with regard to:

"in particular, preventing all forms of bullying among pupils".

It creates a rather strange situation where the principal still has the surviving statutory duty to encourage good behaviour and respect for others on the part of pupils but no longer has the duty to prevent all forms of bullying among pupils. Of course, good practice suggests that a principal would still seek to do that, but the Bill seems to take the bullying dimension of that obligation and, effectively, superimpose it on the board of governors. It is they who, then, must determine the measures to be taken at the school, according to clause 2. It is they who must prepare a written statement of such measures, ensure that that is available to all parents etc and deal with the implementation of the anti-bullying policy.

6.15 pm

As someone has observed in the debate, boards of governors by their very nature are not present on anything like a daily basis in the school; they have an oversight management role. The daily supervision and hands-on activity in the school rests with the principal and the teachers. I ask whether it is a step forward to remove the statutory duty on the principal to prevent all forms of bullying among pupils and to put that within the measures and framework that the governors must devise and oversee. I am sure that, within that framework, they can devolve functions to the principal, but it strikes me as a little odd that that course has been taken. Since the statutory framework existed in the 1998 Order, as amended in 2003, to compel adherence to guidance on bullying, among other things, why is that path not being trod rather than the path of the Bill? I am sure that the Minister will have an explanation for that.

There are other things in the Bill that I would like to comment on. Clause 3 sets out a requirement to keep records; I will come back to that in a moment. One of the things that must be recorded is the motivation that, from all the circumstances, appears to have lain behind the incident of bullying. Clause 3(3) says:

“For the purposes of subsection 2(a)”

— that is the one that proposes the obligation to state the reason —

“motivation may include”

and then it lists 10 items. What surprises me there is the obvious omission of a catch-all clause. It seems that the person who makes the record is being directed to tick one of the boxes, but there are incidents of bullying outside of those boxes. One of the most distressing incidents of bullying that I have come across was where a young child was picked on by other children and bullied because he did not have the material things in life that the other kids had. He was picked on because he did not go on holiday or have this or that, and that child was demeaned and diminished and bullied on a have/have-not basis.

I must say that I found that it made me very angry that such a situation could arise. Which box would you tick on this tick-box exercise for that? I think there is a need, if we are going to stipulate motivations, to have a catch-all that obviously allows for a more expansive attributing of motives than what is in this Bill. Jealousy can often be a motivation for bullying or the type of example that I gave. I think that is a deficiency that needs to be addressed in the Bill.

On the question of keeping records, I understand that, yes, it is important to keep records, but I will ask this: how long are they to be kept for? Can the Department do anything if they are not kept? Can the Department do anything if they are destroyed? I ask those questions in the context of a case that the Minister will be familiar with, because I have been in correspondence with his Department about it. It is a case from Ballymoney, in my constituency, where bullying was part of the matrix of complaints by parents. A particular primary school there was asked by the parents for all the material relating to the complaint that they made. Under legislation dating back to 1923, there is an obligation to maintain public records, and the Department has issued a disposal of records schedule to schools detailing how they should handle, keep and destroy, when

relevant, records. In this case, when the parent asked to see the records that were kept relating to this complaint, they got back a reply from the chair of the board of governors that said:

“All information provided to and held by this committee for the purposes of considering the complaint has now been destroyed.”

This was a special needs child, and the disposal requirements are that you keep the records for five years, but, in this case, they were destroyed after a few months. In fact, it is a criminal offence, it says, for schools to destroy or to conceal information for the purpose of preventing disclosure. The Minister's reply on that case was that it was really a matter for the Information Commissioner's office and that it would be inappropriate, therefore, for the Department of Education to investigate the issues that I wrote to it about. It would be inappropriate. The parent went to the Information Commissioner, who, having completed his investigation, found that there were breaches of the Data Protection Act regarding delay in responses and failure to supply disclosable information but advised that he had no power to act in relation to the acknowledged destruction of the records, contrary to the disposal of school records schedule. Not surprisingly, I wrote back to the Department and said, “The Information Commissioner says that he cannot do anything about the destruction of the records. What are you, the Department, going to do?” The Minister replied by letter and also put on record in an answer to AQW 47941:

“My Department has no power to enforce or conduct investigations regarding breaches of the Disposal Schedule.”

My question to the Minister tonight is about clause 3, where he imposes an obligation, understandably, to keep records. Will it continue to be the position that, if those records are destroyed and not kept, he is powerless and that, as in the case that I cited, the Department will simply shrug and say, “We have no powers to do anything about it”? Will these records be subject to the same schedule that deals with the disposal of school records? If they are, it is pretty meaningless if records are destroyed, as in the case that I cited.

Maybe the Minister needs to look at putting into the Bill something to stiffen the law on implementing the disposal of records provisions. Maybe he will look at that as something that could and should be done on the back of this Bill, because there is not much point in talking about a duty to keep records of an incident of bullying if failure to keep them results in no action being possible by the Department. So I trust that that will be looked at in light of the experience in the incident that I cited. Otherwise, I see the sense, subject to seeking an explanation, as to why this has not been done by amending the 1998 Order, as already amended, or by guidance.

Certainly, I am very supportive of anything that can help to clamp down on the pernicious practice and the far-reaching consequences of bullying, which, sadly, does happen in the school environment.

Mr B McCrea: I listened to the start of the debate and heard the Minister outline his objectives, which were, as I understand it, to define bullying, to give duties to a board of governors, and to make sure that records are maintained.

I then listened to Mr Peter Weir talk about how pleased he was that, at this time of night, maybe some people would be listening to what we had to say, because time does go on, and you wonder whether anybody is listening. The point that I think he made was that, although there may not be huge numbers in the Chamber now, a lot of people will be looking in from outside.

I want to bring it to the attention of the House that I recently attended a conference organised by Mr Weir's colleague the Chair of the Justice Committee, where they talked, at some length, about cybercrime. What was interesting about that conference was that the police and quite a few authorities were there to talk about the Dark Web, the millions being taken from our businesses and all the things that will happen to our society as a result of cybercrime. What was really interesting, however, was that the majority of those listening were teachers or pupils, and they were saying, "That is all very well; we are not interested in that. What we are interested in is bullying — online cyberbullying.". There was an interesting discussion about what we were really there to talk about.

None other than the Lord Chief Justice, Sir Declan Morgan, was there, and he does not speak lightly on these matters. He actually gave a prepared statement. He said a lot of important things, but one of the most important was his account of a conference — a Commonwealth conference, as it happens — that he had been at in Canada. He said that cyberbullying was a huge concern for young people and those who care for them. At that conference, Canada reported that 250,000 children were bullied in that way every year, some, I am afraid to say, with tragic and fatal results. The Lord Chief Justice said:

"It is impossible not to be stunned by the level of this criminal activity and to be painfully aware of the fact that there is very little response to it."

He said that this was ongoing and would require education and an understanding of what privacy means.

6.30 pm

I have listened to people saying all sorts of things about trying to expand the legislation, not ignoring cybercrime and bringing it into our consideration, but nobody has mentioned the fact that the difference between cybercrime and old-fashioned bullying in the playground is that it is impossible to identify the perpetrators. People hide behind aliases, and, if you close down one name, another one springs up. I, therefore, give notice to the Minister of Education, in a gentle way, that it might be possible to include something specific in the Bill, and it is something that came out of that conference: if a board of governors, a school authority or other responsible individuals come together and request the identity of someone using an anonymous handle online, that request should be expedited.

I realise that there are privacy issues and human rights issues, but what came forward at the conference was that you could see a pattern of abuse or a pattern of threats. You can see online comments, but you do not know who is making them. You could seek a court order to tell you who the person is, but, when you look at the comments again, they might, in the cold light of a day in court, seem innocuous. They are not innocuous to the person to whom they are addressed; they are insidious and damaging. I think that we might take the opportunity to do something

by amendment. If we are to give these responsibilities to boards of governors, as the Minister suggests, we need to give them some opportunity to deal with cybercrime. If they have properly considered matters and reported them to the police, they should have the right to uncover the names of those behind the bullying.

I will not read out all that the Lord Chief Justice said — it is on the record — but he went on to say something strange but very important about this crime:

"There is a culture change that we have to try to bring about as a result in a way that we have not had to do with other crimes, where we have been able to encourage different ways of bringing in deterrents to inappropriate behaviour".

He is talking about a culture change that we need to bring forward. Here is what he said:

"We need a robust response from the legislative and judicial law enforcement agencies, and I am not sure that we are in a position to do that as present."

The Lord Chief Justice is saying, on the record and in public, that the law is deficient in this regard. He says that there needs to be a legislative response, and we should deal with the matter.

Some people might suggest dealing with this at some other stage. I am sure that the Minister, in attempting to get the Bill through the House before the end of the mandate, has tried to keep it fairly constrained and to set down what is achievable. However, the danger in not tackling the wider issues is that we risk losing another three to five years. The Lord Chief Justice said:

"Keeping pace via legislation is often a slow and inadequate response in relation to these issues of bullying."

We have the opportunity now to do something definitive and give boards of governors or principals — I will come back to the point that Mr Allister raised in a moment — the powers to do it.

I hope that my final quotation will be an incentive to us all. Ms Lo raised the matter of harassment, and I am aware of the issues. The Lord Chief Justice said:

"I do not have a sense that the legislation is heavily used, and I do not have a sense that a great deal of this behaviour is being reported to the police. Where there is race crime, homophobic crime, or any other form of bullying, it should be a police matter."

It happens in schools, and it happens to people of a younger age. We have to encourage the authorities and other responsible people to go to the police and ensure that they act on those matters.

I said that I wanted to suggest an amendment to give them that power, and that is all that I want to add to the Bill. However, I want to deal with issues that others have raised, which we will not be able to avoid, one of which is record-keeping. How long do you keep records? Who is allowed to look at records? What are the records to be used for, and how does that impinge on people's human rights? There is one further issue that is not dealt with in the Bill, but I can tell you that we will have to address it: how do we deal with false allegations or counter-

allegations? Those issues are insidious and must be dealt with. I know that the Minister will try to keep the Bill tight so that we can progress it, but I do not think that you will be able to pass the Bill without having a schedule on how to deal with these things.

Mr Allister made this point for me, so I will mention it just for reinforcement. Clause 3(3) cites the purposes or motivation of an attack, but I do not see the words “small boy”, “weak” or “not strong enough”. I remember people being bullied at school, and they were not bullied on the basis of their gender, sexual orientation, background or whatever: they were bullied because some people were bigger than them and they were the runts of the class. I do not know how you deal with that.

On the definition, I heard Mr Craig say that he wanted us to be very careful that there was a catch-all about electronic communication. I have an even better catch-all, which Mr Craig might accept. The Bill says:

“the repeated use of a verbal, written or electronic communication”.

You could put in the word “any”, to cover any form of communication. Clause 1(d) refers to the “intention of causing ... harm”. I do not think that you need the limitation of intention. How do you prove what the intention was? Do you say, “It was only a joke. I didn’t intend to hurt”? The issue is the outcome. The problem with the modern world of cyberbullying is that it is 24/7. There is no safe haven. In my day, at least when you got on the bus or got home, you had a place of safety. You could sit there and recuperate or whatever. Nowadays, it is constant: 24 hours a day and seven days a week. It does not matter where you are because it is everywhere. Cyberbullying is the real issue that we have to tackle.

I am pleased that the Minister has brought forward these issues. I understand the constraints that he is under, and I am not in any way trying to deflect him from this worthwhile issue. However, the deficiencies and challenges are such that we will need to put a fair amount of effort into adding on the issues that were raised. I hope that we do not try to rush it through in the hope of getting it done before the end of the mandate.

When people look online for the name “Basil McCrea”, what comes up is quite interesting. It is not altogether good. Do you know the most interesting thing that comes up? You put in a little search, and the first thing you see is, “Basil McCrea: is he gay?”. That is number one.

Number two is this: “Is he married?” When you look at what people search for, that is what comes up. I will tell you the reason why —

Mr Kennedy: What is number three?

Mr B McCrea: Sorry?

Mr Kennedy: What is number three? *[Laughter.]*

Mr B McCrea: At the risk of —

Mr Deputy Speaker (Mr Beggs): Can the Member relate it to the Bill, please?

Mr B McCrea: At the risk of getting people interested, you will have to look up number three yourselves.

I conclude by saying that some people were surprised when I first took a stance on LGB and T issues in a speech

that I made from the Bench on which Mr Kennedy sits just now. They said, “I didn’t think he was gay. Why is he speaking up?” I can tell you that the issue that brought it to my attention, and Mr McCallister was the man who brought that to my attention, was bullying. Homophobic, racist or any other type of bullying, where bigger people think that they can take advantage of smaller people, is abhorrent in any democracy. Later on, perhaps like Mr Lunn, you get to understand that there are different issues and different things that you can look at that contribute to the wider problem. However, the single most destructive thing in our society, because it is with people for years and years, is being bullied at school, and there is no greater deterrent than people being exposed for that bullying. That is why I want to see in the legislation some form of amendment that states, “Where boards of governors, principals or a responsible authority think that it is necessary, the courts will move immediately to remove anonymity from trolls and people who take advantage of our young people”.

Mr McCallister: I suppose that that is one example of why you should never google yourself.

I commend the Minister for bringing forward the legislation. I accept from the debate that there are issues that the Committee will need to look at, and changes will need to be made. In other areas, it has been shown, particularly with homophobic bullying and homophobic crime, that, when the police get an understanding of the issue and really start to focus on it, you can change the culture, you can encourage people to report it and you can make sure that something is done about it. I am not saying that we are there on homophobic bullying, racist crimes or homophobic crimes, because we are not there, and I suspect that we probably never will be fully there. However, the examples, the lessons and the encouragement that the Minister should take from that is that, when resources are focused on those issues, things can change. The culture can change, and people can change when they reflect on and realise the harm that they are causing.

The issue of cyberbullying has to be addressed, because it follows people everywhere. There has been a huge change in the past 15 or 20 years. There is no escape from it. There is no getting away from it, and that extends to many walks of life and even, dare I say, to Members here. We saw some very unsavoury comments on Twitter about Labour MPs, because people happened to disagree with the way in which they voted in the Syria debate. I have seen it even with colleagues in here over issues such as equal marriage and because of how they voted in such debates. There were some quite unsavoury comments made that did not add up to a proper debate, which is what we should be having on various issues.

It is good that we focus on bullying to see how we can improve the situation. I take Mr Allister’s point about where to place the duty. Do you place it on boards of governors or should it stay with principals? If we move it to boards of governors, do they have enough operational oversight to make a real difference? That is something to bear in mind and to look at.

6.45 pm

Mr Craig brought up the issue of how we handle a situation if a teacher is on the other end of bullying. That can be particularly difficult for new teachers who are starting out on a career. I am sure that many of us can think of

examples of people who left the teaching profession because of bullying or not being able to cope with a class and the pressures that that put on them. We have always had to address issues right across our workforce, and it is about what behaviour is now acceptable, whether in schools or in a workplace, compared with what was acceptable 20, 30 or 40 years ago, if it ever was deemed acceptable. There is important work for the Committee to do. I expect that the Bill will be passed to the Committee. Important changes may need to be made to the Bill and it will possibly have to be improved, but that is always part of the scrutiny process.

I am glad that the Bill is being debated because, quite frankly, the issue is too important for the Assembly and Executive not to address and look at how to help address the various issues. Bullying can have an impact on young lives and, I dare say, on rates of mental ill health, and very extreme cases can lead to suicide and self-harm. We should want to do all that we can as a society. The Assembly, Executive, families and communities should want to make sure that we have an appropriate response so that schools can and do deal with bullying effectively and give support to people.

Colleagues have highlighted that record-keeping is important as well, including issues such as how long records will be kept, who will have access to them and whether they will reflect on people's future employment. We need some reassurance that they could not find their way into the public domain at some future point, because it is a fair comment that government sometimes does not have a great track record of keeping information in a sensitive way. We have had some dreadful experiences over the years. Other than those reservations, I look forward to the passage of the Bill tonight, and I hope that it makes a tangible difference to rates of bullying in our schools and in wider society.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. I have listened with interest to the debate and welcome the interest that Members have shown in their contributions on this important matter. I thank the Education Committee for its positive engagement and support to date and I trust that it will continue to expedite the Bill, if it passes this evening, as it goes through its Committee Stage. I will reflect on the points that Members have raised during the debate. Moving the Bill to the next stage will afford us the opportunity to consider many of the issues more fully. Indeed, we can debate them more closely during the Committee Stage. It was, at times, a very in-depth discussion around various clauses. We are discussing the principles of the Bill today, but the Committee Stage is an ideal opportunity for Members to interrogate each clause separately and, if they intend to, to bring forward amendments or perhaps oppose a clause altogether.

I welcome the fact that everyone spoke from a point of view of wanting to assist schools in tackling bullying and wanting to ensure that our schools are safe places for the young people who attend them and that school is the most enjoyable part of the young person's life. When we look back at our school experiences, we want to look back on them with fondness and not dread and fear.

I will respond to a number of Members' contributions. Many Members covered the same points, and I apologise if I do not cover the contributions of all Members, but at times we did get into great detail on the Bill.

The Chair raised a number of points. Many Members touched on the role of the Bill with regard to cyberbullying. Many Members reflected on the fact that the Bill will not stop bullying: that is correct. We should not go down the road of believing that the Bill will stop cyberbullying. It is no more an opportunity to stop cyberbullying than to stop bullying in terms of racism, sexuality, bullying small people or, indeed, tall people. We cannot define legislation that will stop any of those things, but we have to define areas where bullying can take place. Cyberbullying is one of those areas. It is mentioned in the Bill, and we will issue further guidance on how schools and boards of governors are expected to deal with this matter and, indeed, to draw the boundaries to the attention of parents and pupils. The bigger issue of cyberbullying, in my opinion, is a criminal justice matter; it is not a matter for education legislation.

The Executive have been working through how we assist our entire society in dealing with cyberbullying. The Department has endorsed proposals by the Department of Health, Social Services and Public Safety to commission the Safeguarding Board to develop an e-safety strategy. We expect that to include consideration of cyberbullying in all forms and settings, and we will want to ensure that our own work on the forum is informed and aligned with that of the Safeguarding Board.

I would be concerned — I want to hear the Committee's deliberations on this — if we were to move forward with, for instance, Mr McCrea's proposal that boards of governors be given the power to go to court to find out the names of those behind alleged cyberbullying. I would be concerned about that because I am not sure that boards of governors want that power or whether we would be able to attract people to boards of governors if they had that power. It would place a new and criminal/legalistic responsibility on boards of governors. I know that the suggestion was well intended, but we should move forward with great caution on any proposals of that fashion. This Bill is not criminal justice legislation; it is to assist schools and boards of governors to deal with bullying in schools.

Many Members pointed out that cyberbullying takes place outside school. Schools have responsibility for the activities of their pupils if they are coming to or going from school, if they are on school activities or if teachers are out with a school group. Schools cannot be the 24-hour guardian of pupils. They simply cannot be that. It would be a legal quagmire to insist that schools became the 24-hour guardian of pupils' activities online, offline or any other activity. I am not even sure how it would work legally. I can understand Members wanting to bring as many matters into the Bill as possible to protect our young people, but we could end up having a journey and a discussion at the end of which we would have no revised legislation, no protection for young people and no support and guidance for teachers and boards of governors and we are wishing about what could have been. I have no doubt that cyberbullying and its implications will be much debated at Committee Stage, but I caution Members not to try to give a role to boards of governors that in many ways belongs to the criminal justice system. Boards of governors and schools cannot be expected to be 24-hour guardians of the activities of their pupils. That is simply impossible, in my humble opinion.

On the recording of incidents by schools, the Chair, Sandra Overend and others wondered how that would

be achieved. C2k was, quite rightly, raised. Mrs Overend referred to the fact that there was a pilot scheme a number of years ago. Yes, there was, and lessons have been learned from that. A small number of schools continue to use that system, and lessons can be learned from it. C2k can be programmed to automatically generate management reports to the principal and board of governors on the anti-bullying data that is put in, so it is an ideal platform. There is a cost base of approximately £40,000, as has been said. However, given the nature and extent of bullying in our society and our willingness to tackle it and to assist schools in doing so, £40,000 is a very small contribution to make to achieve a recording system for our schools that is uniform, accessible to schools and up to date. I think our schools would welcome it if we were able to provide them with C2k.

Of course, data collected will be protected by the Data Protection Act 1998. It may be that broader information is made available under freedom of information requests, but I do not believe that personal data would be released under a freedom of information request. However, each case would have to be looked at in its own circumstances.

There is potential for the use of league tables etc, but we have to weigh that against the objective of the Bill, which is to protect our young people as best we can from bullying and to make sure that measures are put in place for that. Perhaps sections of the media may wish to run league tables, but what I want to see from the proper use of the data is schools having the information at hand so that they can see the trends of bullying in their schools and can react to them. As the Department of Education, we will be able to obtain information on universal trends across schools, and we will be able to react to that information and put in place policies and support to assist our schools moving forward.

Members touched on various aspects of bullying, the alleged rationale for bullying or the differences that people have from the bully. Quite rightly, homophobic bullying was raised. An alarming rate of homophobic bullying is being reported among our young people, and we have to do everything in our power to assist members of the gay community and to stand up to homophobic bullying. Ms Lo referred to racist bullying, which, again, is totally unacceptable. She set out personal examples of that.

Some Members asked why we had a list of possible motivations for bullying in clause 3(3). The key words are:

“For the purposes of subsection (2)(a), motivation may include —”

Those are the key words: “may include”. We are not restricting. Some Members say that we have to have a catch-all term. I am sure that the Committee will debate that at length, and I look forward to those deliberations, but the key words are “may include”. We are not ruling anything out, and we are not directing, as was perhaps suggested, anyone to say, “This is the list of motivations. If it does not fall into this list, you cannot record it”. That will not be the case.

Mr Lunn: Will the Minister give way?

Mr O’Dowd: I will.

Mr Lunn: We always seem to be talking about the words “may” and “shall”, Minister. Why does the Minister think

that the use of the word “shall” will exclude any other motivations? I do not understand that.

Mr O’Dowd: It actually highlights the points that other Members made: if we include the word “shall”, it would read, “For the purposes of this subsection, motivation shall include”. Then you rule out other things, in this instance. That is only my humble opinion. I may be wrong; it would not be the first time. If the Bill passes this stage, the Committee will debate that at length. I am more than happy to listen to the views of the Committee on that matter.

Turning to how you define intention, Ms Overend asked this: if there is a fight in the playground, is that bullying? These things happen in our schools; there may be a fight, a disturbance or a falling-out between pupils. I think that the key term is “repeated” actions or omissions. A one-off incident, under the definition as outlined, would not be classed as bullying. It is the repeated actions or omissions that define bullying, and that, therefore, gives guidance to the school about whether it is dealing with a bullying incident or a one-off falling-out, a dispute or whatever it may be. Schools will be able to assess that on that basis.

7.00 pm

We are in a tight time frame for the legislation. I would like, of course, and the indications from the House are that Members would also like, the final legislation to be passed through the Assembly in this mandate and to receive Royal Assent at some stage afterwards. It is not the intention for the Act to become operational then; a commencement order will be signed at a later date. Within that time frame, we can produce guidance. We can work with and support our schools and boards of governors to ensure that they are prepared for the legislation coming into place and that they have the necessary training and guidance to make it a reality.

I have covered a number of points that Members made. Mr Craig asked why it refers only to bullying between pupils and not bullying of pupils by teachers and vice versa, which, as I often say, has also been reported to me. A school’s disciplinary policy would apply in circumstances where a teacher was bullying a pupil or vice versa. I do not intend to interfere in that policy at this time through the Bill. This Bill is designed solely to deal with bullying of pupils by other pupils in the classroom, the school, or in the other venues that I referred to earlier. That is the purpose of this measure, and it is not my intention to go beyond it at this stage; I do not think that there is a need to go beyond that at this stage.

The role of boards of governors is key. A number of Members asked whether we were simply reversing the role of the board of governors and the principal, particularly Mr Allister, who quoted legislation that is in place and asked, “Do we need new legislation or could we amend the old legislation?” I argue strongly that we are not replacing the role of the principal; the principal’s role will still be to prevent bullying in school. The role of the board of governors is to draw up policies, to ensure that the policies are implemented and to monitor bullying in a school.

Why bring forward new legislation? Mr Allister is quite correct: we could have amended the previous legislation. However, I think that one of the important matters in bringing forward legislation is that we as an Assembly send out a very clear message that bullying is wrong

in any context and that we will play our part in updating legislation and in supporting schools to prevent and to deal with bullying. That is as important an aspect of delivering the legislation as the legislation itself, although, clearly, we want to end up with legislation that is workable, achieves its goals and supports the objectives.

I move on to the keeping of records. Mr Allister raised a very valid point here. Perhaps this is the legislation to ensure that — I think that he used the term “investigate”; I am not sure if we want to go as far as “penalise” — we can investigate, certainly, the destruction of documentation, as he pointed out. If the Information Commissioner could not act in the case to which he referred, is there an opportunity to do something in the Bill? I have no doubt that the Committee will take that on board, and I can assure the Member that, during my further deliberations on the Bill, I will take the matter on board to see how we can strengthen the Bill to ensure that, if data is being collected, it is properly stored for the required period to be useful into the future.

I apologise to Members if I have not covered each of their points individually, as they referred to many areas of the legislation. If the House agrees to move to Committee Stage, we will have an ideal opportunity to build on the legislation to ensure that it meets the objectives, which I think all Members agree with, and that it helps our schools and our pupils to — as Mrs Overend said in her closing remarks, quoting from a six-year-old — “Stop bullying. OK?” I am not sure that I will be able to name the legislation that, but, if we can keep ourselves focused on that objective, we will end up with an Act that meets the needs of our young people and schools moving forward.

Question put and agreed to.

Resolved:

That the Second Stage of the Addressing Bullying in Schools Bill [NIA 71/11-16] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Addressing Bullying in Schools Bill. The Bill stands referred to the Committee for Education.

Water and Sewerage Services Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister for Regional Development, Miss Michelle McIlveen, to move the Consideration Stage of the Water and Sewerage Services Bill.

Moved. — [Miss M McIlveen (The Minister for Regional Development).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There is a single group of amendments, amendment Nos 1 to 7. The amendments deal with technical matters, consultation and reporting, and opposition to clause 3 stand part. I remind Members who intend to speak that, during the debate on the group of amendments, they should address all the amendments in the group. Once the debate is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Power to remove or relax duty to install water meters when making domestic connections)

Mr Deputy Speaker (Mr Beggs): We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 7 and the opposition to clause 3 stand part. Members will note that amendment Nos 3 and 4 are consequential to amendment No 1.

I call the Minister for Regional Development, Miss Michelle McIlveen, to move amendment No 1 and address the other amendments in the group.

Miss M McIlveen (The Minister for Regional Development): I beg to move amendment No 1:

In page 2, line 11, at beginning insert

“suspend (whether indefinitely or for a specified period) or”.

The following amendments stood on the Marshalled List:

No 2: In page 2, line 12, leave out “(a)”.— *[Miss M McIlveen (The Minister for Regional Development).]*

No 3: In page 2, line 16, leave out “re-enact” and insert “revive”.— *[Miss M McIlveen (The Minister for Regional Development).]*

No 4: In page 2, line 16, leave out “repealed” and insert “suspended”.— *[Miss M McIlveen (The Minister for Regional Development).]*

No 5: In page 2, line 25, at end insert“() district councils;”.— *[Miss M McIlveen (The Minister for Regional Development).]*

No 6: In clause 5, page 4, line 8, at end insert

“(5C) The reference in subsection (5B) to suitable alternatives includes, in particular—

- (a) the use of landscaping, natural features or any other kind of arrangement, or
- (b) the design or construction of any other feature (whether or not amounting to a "structure" within the meaning of Article 2(3A)),
- for the purpose of reducing the volume of water from the premises or sewer that enters public sewers or watercourses, or the rate at which it does so."— [Miss M McIlveen (The Minister for Regional Development).]

No 7: After clause 6 insert

"Report on investment needs

7.—(1) Before the end of each review period, the Department must—

- (a) carry out a review of water and sewerage infrastructure investment needs;
- (b) set out the conclusions of the review in a report; and
- (c) lay the report before the Assembly.
- (2) The report must in particular set out the assessment of the Department, the water and sewerage undertakers and the utility regulator as to—
- (a) the fitness and adequacy of the infrastructure to carry out essential water and sewerage functions;
- (b) the cost of improvements necessary to maintain reliable and quality supply;
- (c) the likelihood of complying with the Water Framework Directive and other applicable environmental standards;
- (d) the cost of failing to so comply; and
- (e) how finances should be prioritised in order to make necessary reliability, quality and environmental improvements.
- (3) In this section, "review period" means—
- (a) the period of twenty four months beginning with the day on which Royal Assent is received, and
- (b) subject to paragraph (4), each successive period of twenty four months.
- (4) If a report under this section is laid before the Assembly before the last day of the review period to which it relates, the subsequent review period is to begin with the day on which that report is laid."— [Mr Lyttle.]

Miss M McIlveen: There are seven amendments in total, six of which I believe strengthen the Bill and reflect the detailed work carried out by the Committee, the Office of the Legislative Counsel, the Examiner of Statutory Rules and officials in my Department.

I put on record my thanks to all involved in the process for the efforts that they have made. I am grateful for the support shown for the Bill. In particular, I thank the Committee for Regional Development for its positive engagement and thorough scrutiny of the Bill. During Committee Stage, the Committee raised several issues, and, as a result, I proposed a number of amendments to address those. I am pleased to say that the Committee has therefore agreed to support the Water and Sewerage Services Bill, subject to my proposed amendments.

Amendment Nos 1 to 5 help clarify certain aspects of the Bill but do not result in a material change to the policies agreed by the Executive prior to its introduction. Amendment Nos 1 to 4, which are to clause 3, involve a technical change to the power to repeal and, subsequently, to re-enact the requirement to install water meters for domestic connections. The Examiner of Statutory Rules considered that the powers included in clause 3 might go too far for subordinate legislation. He suggested a change to the drafting of the clause to enable the legislation either to suspend and revive the requirement to install water meters or to repeal the requirement entirely.

I have agreed a way forward with the Examiner and tabled an amendment that is of a minor and technical nature and uses the terms "suspend" and "revive" instead of "repeal" and "re-enact". That amendment addresses the Examiner's concerns.

Amendment No 5 to clause 3 is to include district councils as statutory consultees on any subordinate legislation made under the clause. Clause 3 relates to the power to remove or relax the duty to install water meters. If the Department decided to make regulations under that clause, the consultation process would ordinarily include district councils. Therefore, I am happy to include them as statutory consultees.

In relation to clause 3, current legislation requires NI Water to install meters at all properties, whether domestic or non-domestic, that are connecting to the public water supply system for the first time. Meters have been installed at new domestic dwellings since 2007. However, they are not being read and are not being used for charging purposes. This is a result of the Executive's decision not to introduce household charges during the current Assembly mandate. It costs about £45 to install each meter. During the period December 2014 to June 2015, 2,300 meters were supplied and installed at newly connected domestic properties, with an approximate cost of £103,500 for that six-month period.

With the number of new houses built each year being in the region of 3,000 to 4,000, the additional cost imposed by the legislation is approximately £135,000 to £180,000 per year. My predecessor expressed concern at that situation, particularly given the pressures on public funding, and, in November 2014, asked for the requirement to install meters at domestic properties to be removed. At its meeting on 15 January 2015, the Executive agreed the final policy proposals in respect of a new water Bill, including the power to make subordinate legislation to cease the obligation to install water meters at all new domestic connections. The Executive have undertaken not to introduce household charges in the current Assembly mandate, so this practice is causing nugatory expense that, in the current climate, cannot be sustained. The subsequent subordinate legislation required to enact the power to cease the installation of water meters will be subject to draft affirmative resolution, and a full consultation will take place. Should a future Assembly change its view on water charging, the subordinate legislation required to reverse the requirement to install water meters can be made fairly quickly. Since 2007, almost £2 million has been spent on that nugatory work that could very well have been spent on the much-needed upgrading of our water and sewerage infrastructure. Clause 3 is important to the Bill, and the public will

be further assured on the position in respect of water charging, should the installation of water meters cease.

Amendment No 6 to clause 5 will add a specific reference to soft sustainable drainage systems, commonly known as soft SuDS. These are the use of landscaping, green areas or other natural features that can be designed into a new development to provide drainage. They will be added to the Bill and provide a fuller explanation of what is meant by the term "sustainable drainage systems".

The issue of soft sustainable drainage systems has been the subject of considerable debate. The Committee heard evidence from a number of stakeholders during the Committee Stage and provided constructive and useful comments on the issue. I have, therefore, sought to amend the Bill to reinforce the use of soft sustainable drainage systems. The amendment introduces the terminology relating to soft SuDS into the Bill but does not alter the original policy intent of the clause. The inclusion of that terminology will encourage the use of soft SuDS as well as the more traditional hard engineered solutions. I am grateful to the Committee for working so constructively with me and my officials in reaching a common position on that amendment.

7.15 pm

The promotion of soft SuDS is also included in 'Sustainable Water – A Long Term Water Strategy', which is currently with the Executive for their agreement to publish. My officials will consult widely on the most suitable arrangements for approval and management of soft SuDS in Northern Ireland. I assure Members that all due consideration will be given to the matter. In addition, as recommended by the Committee, my Department will consider, in conjunction with other relevant statutory bodies, publishing appropriate guidance on approaches to SuDS in the Northern Ireland context on the basis of authoritative industry standards. This will build on the existing SuDS guidance available from both the Northern Ireland Environment Agency and construction industry bodies and on Planning Policy Statement 15 and the Strategic Planning Policy Statement for Northern Ireland, which also cover the requirement to consider sustainable drainage.

I will now address amendment No 7. First, I have to say that I am somewhat surprised that a member of the Regional Development Committee is proposing an amendment on an issue that he did not choose to raise during the Committee's consideration of the Bill. Had the Committee had the opportunity to consider the need for this additional clause, the Member may have come to the same conclusion as I have: the proposed additional clause would introduce a duplication of the reporting regimes currently in place. That being the case, I do not consider that it is required.

Northern Ireland Water is a regulated utility and is subject to economic regulation by the Northern Ireland Authority for Utility Regulation. In addition, the status of Northern Ireland Water as a non-departmental public body for public expenditure purposes has brought further significant governance and monitoring over and above that required of other water companies in the United Kingdom. Aspects of Northern Ireland Water's operation and performance are also regulated and reported on by the Northern Ireland Environmental Agency, the Drinking Water Inspectorate and the Consumer Council for Northern Ireland.

The regulator is an established independent body that already has statutory duties and powers to regulate water and sewerage services. It has experience, knowledge and access to a range of required industry skills, as well as its own resources. The regulator's role is provided for in the Water and Sewerage Services (Northern Ireland) Order 2006. The authority's primary duties under the 2006 Order are to protect consumer interests, where appropriate, by the facilitation of effective competition and to ensure that NI Water operates properly in all areas of Northern Ireland and is able to finance those activities properly.

The principal method of control is through the price control (PC) process. This involves a detailed scrutiny of the company's costs and performance against the PC15 outputs. The process takes into account customer opinion and reviews government priorities and the requirements of other regulators on environmental issues, including compliance with the urban waste water directive and the industrial emissions directive and achieving the good water status requirement of the water framework directive. Compliance with those directives is a key driver for determining the prioritised investment programme.

Through the detailed price control process, which is subject to public consultation at various points, the regulator scrutinises a comprehensive draft business plan and independently determines the company's income requirements. The current price control determination period, known as PC15, covers the six-year period 2015-16 to 2020-21. This is the basis for Northern Ireland Water's current public expenditure requirement, and Northern Ireland Water is delivering against the efficiency targets contained in it.

One of the principal aims of the price control is to ensure that Northern Ireland Water invests efficiently and effectively and so delivers the desired environmental, public health and customer service improvements at value-for-money prices. To ensure that the outputs agreed during the PC process are delivered by Northern Ireland Water, the regulator requires the company to produce a detailed annual information return, which it scrutinises to publish its cost and performance report for the price control period.

The format is designed to facilitate the benchmarking of Northern Ireland Water against the water industry throughout the United Kingdom. That is an issue to which the Public Accounts Committee attached considerable importance in its report on Northern Ireland Water's performance. In addition, the regulator requires Northern Ireland Water to produce capital investment monitoring reports on a quarterly basis to track the progress of the investment programme.

NIEA reports annually on water utility compliance, and those statistics are presented to the Environment Committee and published on the NIEA website. The Drinking Water Inspectorate also reports annually on Northern Ireland's performance in relation to drinking water quality, and those reports are published on the NIEA website. I contend that it would not be appropriate for my Department to give its assessment of Northern Ireland Water's environmental performance. That is clearly within the remit of the Department of the Environment.

The reporting cycle proposed in the amendment would mean that reports would be due, biannually, by mid-March. That would not align with any of the time frames of the

existing reports, which are based on either a financial year or a calendar year. Therefore, the proposed clause would require considerable additional resources in the Department and the regulator's office to conduct reviews and to produce reports, which would be over and above the existing framework and which would duplicate the work already funded and carried out by the governance and reporting regimes that are currently in place. In addition, the regulator has expressed concern about the proposed amendment and, indeed, considers that it may undermine her role as set out in statute. I fail to see how the additional reports and assessments called for in this amendment would add to the already comprehensive suite of reports available in the public domain.

I am fully committed to the principles of openness, transparency and accountability, and I am confident that the existing reporting framework provides for those. On that basis, I cannot support the proposed amendment.

That concludes my comments on the amendments. I look forward to hearing Members' contributions and to them supporting my amendments.

Mr Clarke (The Chairperson of the Committee for Regional Development): I welcome the opportunity to respond to the Consideration Stage of the Water and Sewerage Services Bill in my capacity as Chair of the Committee for Regional Development. In preparation for the Committee Stage of the Bill, the Committee for Regional Development was afforded a very in-depth briefing at an early stage by the Department. That briefing prepared the Committee for the scrutiny of the Bill. I have already put on record the Committee's thanks to the Minister of the time and his officials for the considerable briefing that was provided to the Committee then and since the new Minister has taken post. I also thank the organisations that took the time to provide the Committee with written and oral evidence on the Bill.

The Examiner of Statutory Rules provided advice to the Committee and raised concerns regarding the provisions at clause 3(4)(b) as drafted. The Department agreed to the amendments suggested by the Examiner of Statutory Rules, and the Examiner has confirmed that he is content with the amendments, as drafted.

Following oral evidence from the Northern Ireland Local Government Association (NILGA), the Committee sought a further amendment to clause 3 to include local government as a statutory consultee where the Department intends to make regulations amending the Water and Sewerage Services (Northern Ireland) Order 2006 in respect of the removal or relaxation of the duty to install water meters when making domestic connections. The Department agreed to the amendment to include "district councils" in the wording of clause 3. The Committee is content with the wording of the amendments to clause 3.

The amendment to clause 5 is to include:

"the use of landscaping, natural features or any other kind of arrangement".

That arose as a result of Committee concerns in relation to clause 4. The Committee was concerned that sustainable drainage systems focused too significantly on the hard, engineered SuDS and not enough on soft SuDS. That view was supported by the Construction Employers Federation. The Committee therefore sought to amend

clause 4 to make reference to soft SuDS. Unfortunately, at that time, the Department did not support the Committee's amendment but has since brought forward an amendment to clause 5 on landscaping, natural features etc. Following consideration of legal advice, the Committee is content that the alternative amendment would achieve the Committee's objective of including soft SuDS within the provisions of the Bill. The Committee is therefore content with the wording of the amendment to clause 5.

However, in relation to clause 5, the Committee recognises that there is a role for property owners, the private sector and other public bodies to engage in the future management of SuDS, but concerns remain that the soft-SuDS option is not being adopted by the Department or Northern Ireland Water. For this reason, the Committee has recommended that the Department publishes guidance on the approaches to SuDS in the Northern Ireland context, which is based on authoritative industry standards. The Committee would welcome an assurance from the Minister that full and prompt consideration will be given to identify who should ultimately take responsibility for this.

Now, I will speak in my capacity as a member of the DUP and not as Chair. I want to put on record my thanks to the Committee staff for the work that they have done in preparation with the Committee and indeed to the departmental staff, who have given considerable time, in Committee sessions and at the additional outside sessions that we had to bring some of us up to speed on soft SuDS.

I have to say that I am astonished at the opposition to clause 3 and indeed at amendment No 7 in the names of Chris Lyttle and Stewart Dickson. To me, this probably fits in with their policy on the introduction of water charges because who else, in their right mind, would set aside something that had been debated at great length on the removal of water meters? We have heard from the Minister today that £2 million has ultimately been wasted because these meters are going into domestic properties and have not been used. One of the things that the Minister did not touch on —

Mr Dickson: Will the Member give way?

Mr Clarke: I will in a moment. One thing should be put on the record about the £2 million that has been wasted. The Minister did not touch on this. The water meters have a 15-year lifespan, so many of those meters that have been installed have been wasted because they have not been used. Because I was concerned, I did seek assurance that, if water charges did come along in the future, we would not be in the position of retrospectively fitting water meters. That is not the case. All the infrastructure is still in place and it is a case only of installing the meter heads. All the other functions that are in the ground would still be there, but the lifespan of the meters is only 15 years.

I am happy to give way now.

Mr Dickson: I thank the Member for giving way. Surely the reality of the installation of meters gives testament to the failure of the party that is proposing these changes to follow through with the implementation of water charges. The Minister stated that the saving was some £45 per household, yet NI Water, on its website, indicates that it charges £255 per 30 household applications. That is £8.50 per household. The reality is this: why is there not full cost recovery in respect of the installation of meters? Why is

the Department wasting our money in respect of this? Why is the Department not imposing full cost recovery per household? It would add the sum of £45 less £8·50 to each household when a house is purchased. That seems to me to be an inconsiderable sum of money in comparison with the cost of purchasing the house. It will future-proof the Assembly when it comes to the time when it will have to make the decision and can no longer bury its head in the sand over where additional funds come from to deliver the healthcare, education and, for many people, welfare in Northern Ireland without making a further contribution beyond rates here. I am somewhat confused about the fact that there is already a charge in place, but it seems to be that sufficient funds are not being charged.

Mr Deputy Speaker (Mr Beggs): I remind Members that interventions must be brief. This is legislation, so everyone will have an opportunity to speak for as long as they wish at some point during the debate.

Mr Clarke: I thank the Member for his statement. It is interesting to note that he is blaming the party whose Minister is bringing the Bill forward today. My last recollection of the Executive's position was that all the parties in the Executive bar his own supported the non-introduction of water charges. If this were only a DUP Bill to prevent the introduction of water charges, I would be happy. However, all the parties bar the Alliance Party have opposed the introduction of water charges.

Maybe I will address the Member's other point about the costs. Of course, he went on to make a statement rather than an intervention about how the money could have been spent and how it had been wasted.

The fact is that the money has been wasted. Two million pounds have been wasted on installing meters that are not going to be used.

Mr Dickson: You wasted it.

7.30 pm

Mr Clarke: I can hear the Member speaking from a sedentary position. I did not waste anything. The waste has come about because of water meters that were installed but not used. I am not sure what part of that the Member does not understand. The water meters are not being used, and there is a cost of £2 million that cannot be recovered. The water meters have a 15-year lifespan. We have been installing them for years, and they have not been used. I am happy to give way.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

Mr Lyttle: I thank the Member for giving way, although I am not sure who he was giving way to. He has made a totally inaccurate comment. The Alliance Party supported the Executive agreement to defer water charges, so hopefully he will be willing to correct his assertion that we did not support that.

Mr Clarke: I am happy to correct that. However, Mr Lyttle is one of those who, on many occasions, has pushed forward with the suggestion that we should look at the introduction of water charges. I know that Mr Lyttle is at pains to outline his party's policy and that he has raised the issue on numerous occasions. His drive is about introducing water charges. However, I will say again that,

thankfully, the Executive made a conscious decision not to do that.

The DUP will support clause 3 as amended by the Minister and will oppose the amendments in the names of Chris Lyttle and Stewart Dickson.

Mr Lynch: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the opportunity to speak on the Consideration Stage of the Bill. I echo much of what the Chair has said, and I thank all those who have been involved in the Bill to date, particularly the officials.

The Chair finished on clause 3, and we agree with the amendments to it. I put it on record that my party across the island of Ireland is against domestic water meters. We have said that, if we are in government in the South after the next election, we will scrap the water charges that were introduced by the current Government.

I welcome the Minister's amendment to clause 5. It is a particularly good amendment, and it will provide positive solutions in future. The Committee supported the inclusion in the Bill of the sustainable drainage systems known as SuDs but was concerned that much of the focus was very much on hard SuDs initially. The evidence taken by the Committee from the storm water management group and stakeholders was very helpful, but it was the Committee's visit to Cardiff, in Wales, that convinced me of the benefits of soft SuDs. This is a relevant issue, particularly at this time, as we see footage of major flooding incidents throughout these islands. I was watching the news coverage last night of a city — I forget which one it was, because it was late when I got home — that had spent something like £38 million on flood barriers because of a previous flooding incident. Again, people there were under several metres of water. We can build bigger barriers and pipes, but, unless we adopt different methods of managing surface water, particularly during heavy downpours, the type of flooding and damage that we have witnessed over the past 48 hours will continue.

Phil Chatfield, from the energy, water and flood division of the Welsh Assembly Government, when speaking about the SuDs approach, said:

"We try to talk about it being an approach to drainage; it is almost a philosophical thing. It is about treating water as an asset rather than a problem. As soon as you start to treat water as an asset rather than a problem, you start to see opportunities to make far better use of it within your developments."

Mr Chatfield said that they had drawn up a set of principles for developers and that building trust with developers was key because, when they saw the benefits of SuDs, they bought in to the concept. I stood in a metre of water in a housing estate in Lisnaskea last Saturday afternoon, and SuDs came to mind when I was standing there. It was very helpful when the Chairperson and I met officials a number of times to talk through the issue there. They told me that, in 25 years, the estate had never flooded, but a householder pointed out to me that the problem had only begun with the recent building of two houses across the road. I am not an engineer and nor was the person I was talking to, but he made a good observation. Planners, as well as developers, have a major role to play in the future not only of hard SuDs but of soft SuDs. Fergus O'Brien, whom a number of us met in Wales, spoke of

green and grey infrastructure, “green” meaning soft and “grey” meaning hard. He said that future solutions would be a combination of both. We must look at and implement new solutions, particularly in our efforts to adapt to climate change, that will take more water out of the system during heavy rain as a result of increasing temperatures. SuDS is critical to the future, particularly to future generations.

I want to finish by talking about the new clause. The Minister made some compelling points about this when she said that they would oppose the new clause, which she said may undermine the regulator’s role. We are minded to support the new clause, which is about laying a report before the Assembly. It is a good idea to have review and monitoring periods. Sin é, a Phríomh-LeasCheann Comhairle.

Mr Dallat: I am happy enough to speak on this. I am sorry about the turbulence that went around the Chamber early on, because I thought that we had agreement on virtually everything. That is politics, and, after all, there is an election coming up.

I welcome the opportunity to speak on the Further Consideration Stage of the Water and Sewerage Services Bill, and I further welcome the progression of the Bill through the Assembly and the work that the Committee and the Minister have put into it. Today, we are asked to debate amendments to the Bill. Fortunately, through the positive efforts of the Minister and the Committee, the majority of the amendments have already been agreed. As they stand, the amendments seek to empower the Bill even further and restrict some of the most undesirable aspects of it. In the past, I have praised the Bill for being an excellent example of collaborative legislation being initially brought forward after consultation with stakeholders and engaging fully with the Regional Development Committee later. Here, it would be remiss of me not to thank the officers of the Committee for the sterling work that they did not only in guiding the Committee but in taking us to other parts of the world with the sustainable drainage systems that Seán spoke about just now.

The Bill seeks to extend the existing arrangements to allow the Department to pay subsidy to Northern Ireland Water in view of the Executive’s commitment not to apply household charges to domestic customers during the current Assembly mandate. It gives the Department the power to make subordinate legislation to extend that period if necessary, and, indeed, the Bill has many other features that the Minister outlined in her speech. I just wish that she had sent her speech round yesterday, as we could have avoided all this duplication. We cannot ask for that, not even in the mouth of Christmas.

I have supported the broad principles of the Bill and have scrutinised its intricacies. In particular, I have welcomed the reduction of the administrative burdens on Northern Ireland Water and the creation of a single plan that sets out specific targets and goals in the five-year period. The Committee, I am sure, has agreed to clause 1 as it stood. Clause 1 involved the extension of the period for which grants to water and sewerage undertakers can be paid. The Committee agreed to clause 2 as it stood. Clause 3 deals with the power to remove or relax the duty to install water meters when making domestic connections, and the amendments to that clause largely seek to clean up the language found around the clause. Of particular note, amendment No 5 provides district councils with a

role in determining new legislation. That will be of a lot of importance in the future. The Committee agreed to clause 4 as it stood. Clause 4 involves sustainable drainage systems, which I have just mentioned.

Amendment No 6 affects clause 5, which deals with the refusal of surface water connection. The amendment creates a new paragraph (5C), which allows for suitable alternatives under paragraph (5B). The clause now recognises:

“the use of landscaping, natural features or any other kind of arrangement, or ... the design or construction of any other feature ... for the purpose of reducing the volume of water from the premises or sewer that enters public sewers or watercourses”.

The Committee agreed the clause, if amended.

It would be remiss of me not to expand a little on clauses 4 and 5, given the devastation across these islands in the past few days as a result of flooding. While it would be unreasonable to argue that sustainable drainage systems of a higher standard might have prevented those floods, it is entirely reasonable to argue that SuDS, soft or hard, as they are now known, could have helped to minimize the huge volume of rainwater that cascaded down whole neighbourhoods in a matter of a few hours.

If sustainable drainage systems are to be a feature of new developments and, indeed, part of the infrastructure of existing settlements in areas prone to flooding, a great deal of work has to be done to bring that about in a manner in which developers and local residents appreciate the value of soft and hard SuDS.

Recently, the Committee travelled to Wales to see examples of SuDS in high-risk areas, and we were impressed by the progress made in reducing the volumes of surface water that go into the sewerage system, which results in a massive reduction in the huge cost of pumping that water to treatment works and also ensures that the water finds its way naturally to rivers in a controlled manner. I am sure that the Minister will correct me, but I believe that we pay well over £30 million a year in electricity costs, much of which is for pumping surface water to pumping stations unnecessarily.

A great deal of work has now to be done to ensure that local councils and their members have a full appreciation of the need to support sustainable drainage systems. I understand that this does not need to be an additional cost on the building of new homes if handled in the proper way. That is very important because the main argument against sustainable drainage systems is the additional cost. It does not have to be that way.

Apart from the unprecedented rainfall that many areas experienced in the last few days as a result of climate change and our failure to do anything about it, there will be ongoing less severe incidents of flash flooding, which also bring havoc to areas such as east Belfast, Newry and others, if we do not systematically embrace the whole concept of sustainable drainage systems. We have no choice. As I have said, we have a lot of people to convince that this is not an option that we can take or leave; we have no choice.

The Committee agreed to clause 6 as it stands, which involves the adoption agreement regarding the connection of

drains and private sewers to public sewers. Amendment No 7 is the only amendment outside of those proposed by the Minister for Regional Development, and, to be honest, we have no strong feelings one way or the other. On balance, we do not see any reason why we could not support it.

It seems to me that the Bill should pass through the Assembly without a Division because an enormous amount of time and effort was taken to ensure agreement.

I am extremely concerned about the power to refuse connection of sewers, because there are probably 70 or 80 settlements throughout Northern Ireland that are at full capacity and cannot have additional dwellings. Kilrea is one of them. Two new homes erected recently in Kilrea have septic tanks. I live in the country, and we have a septic tank, but I would love to see the end of them. I believe that considerable investment should be made to at least link up small sewerage systems to bigger ones. I just hope that infraction fines are not imposed on a future Assembly because of the failure to invest.

7.45 pm

Amendment No 7 necessitates a report every two years. You do not have to be Euclid, and you do not have to be a genius, to know that there have been years and years of underinvestment and that it did not all happen under this Assembly. During direct rule, money that should have gone into water and sewerage was diverted to security and other things. Those historical facts have yet to be addressed in a way that means that we can play catch-up.

As a member of the Committee, I am happy with Bill as it is. As I say, if amendment No 7 is a wee election stunt, I do not mind, to be honest. We can live with it.

Mr Cochrane-Watson: I welcome the Consideration Stage of the Water and Sewerage Services Bill. I thank the Minister for her overview of the amendments, and my party will be initially supportive of amendment Nos 1 to 5. We believe that they strengthen the Bill and offer clarity but with no real material change. We will not be supporting the opposition to clause 3.

Of particular interest to me is amendment No 6. Again, we will be supportive of that. As outlined, some members of the Regional Development Committee attended a best practice visit to Cardiff, and I was fortunate to attend. On soft SuDs, I found the activities in and around Cardiff to be impressive, and they could well make a significant contribution throughout Northern Ireland. I welcome the Minister's overview on the further advice that her Department will be offering on the implementation of soft SuDs.

We will be voting against amendment No 7. We believe that there are already sufficient economic regulation and governance procedures. We do not wish to burden the Department further and commit considerable resources to biennial reporting. We believe that transparency and accountability are there already. We wish to reaffirm our manifesto commitment of 2011 not to implement water charging during this mandate. We believe that the Bill continues to make that a reality and should be welcomed. This is a very important Bill for households across Northern Ireland, offering reassurance to many who are already burdened with increasing financial hardship. I believe that all that has already been said on this tonight.

Mr Lyttle: I welcome the opportunity to speak on the Consideration Stage of the Water and Sewerage Services Bill. I reassure the House that the proposed amendments were solely in relation to the Consideration Stage of the Bill. I am not sure that anyone is going to think that a technical amendment, as is the case with amendment No 7, is an election stunt. I cannot imagine that it will get a whole lot of coverage outside the Chamber, to be honest with you. I have no idea why anyone would think that it is anything other than a genuine, substantive proposed amendment to the Bill.

I am also a bit surprised that people are surprised that Members would seek to propose amendments to legislation — it is kind of our *modus operandi* and what we are paid to be here for. On those grounds, I will try to engage with the amendments and the substance of the Bill.

It is clear that good water and sewerage services are absolutely vital for population growth, the housebuilding industry, commercial business growth and flood prevention, as many Members mentioned this evening, as well as environmental protection. We believe that we need a more mature, open and honest debate on how we are going to govern and finance water and sewerage provision adequately in Northern Ireland. I think we need to nail down the myth that there are no costs or charges for water at this moment in time. The Executive allocate approximately £280 million of public money to Northern Ireland Water towards the cost of water. That is £280 million that is not being allocated to health, education, schools and community safety etc.

It is estimated that it will cost around £2.8 billion to address waste water infrastructure across Northern Ireland, and around £750 billion to address infrastructure in Belfast. Although the Alliance Party has been clear in relation to its support for the provision in the Bill that defers the introduction of itemised water pricing at this time, in line with the Executive agreement that we should support it, we think that there is a need for urgent consideration of how exactly we are going to deliver sustainable governance and finance for our water infrastructure in Northern Ireland. That is what is behind our intention to oppose clause 3, which removes the requirement on NI Water to install meters at domestic properties.

Mr Dickson: Will the Member give way?

Mr Lyttle: I am happy to.

Mr Dickson: I am just interested. Mr Lyttle referred to the installation of meters, and others have referred to the cost of that. I have already raised the issue of why we should not be making a full cost recovery in respect of the installation of meters, but Mr Lyttle, as a member of the Committee, might know this, or perhaps even the Minister might be able to comment. The official reason given for the installation of meters by the Department in 2007 was:

"NI Water would like to categorically state once more that it is not installing meters to facilitate charging; it has no plans to do so; it has not been instructed or financed to do so and suggestions to the contrary are erroneous. The only reason that NI Water is installing meters is to use them to identify leakages in the system at domestic properties."

Has that changed?

Mr Lyttle: I thank the Member for his intervention. Perhaps the Minister will be able to speak to that, or indeed Conor Murphy of Sinn Féin, who I believe was the holder of the ministerial office at that time.

From our perspective, it seems counterintuitive to remove the current policy, given the potential need to future-proof our new homes in relation to this. In the interests of openness and transparency, which has been mentioned this evening, we know that article 9 of the EU water framework directive requires a clear display of recovery of water costs and water pricing policies that provide adequate incentives for users to use water resources efficiently. So, it does seem counterintuitive; that said, if our opposition to clause 3 is opposed, I will agree with my fellow members of the Regional Development Committee that the amendments put forward by the Minister in relation to that provision do tidy up what is being proposed in the Bill.

Our proposed amendment to create a new clause 7 is really to enhance the process and require the Department for Regional Development to provide the Assembly with the information needed to have ongoing, informed consideration of this important matter.

Mr Clarke: Will the Member give way?

Mr Lyttle: I am happy to.

Mr Clarke: I appreciate the tone of what the Member is saying, but is he not concerned about the regulator, its independence and its concern that this is actually unnecessary?

Mr Lyttle: I thank the Member for his intervention. In fairness, the Minister has said this evening that the Utility Regulator has concerns about the proposals. Perhaps fuller consultation with the Utility Regulator in relation to this would be prudent, if I am being sensible about that. However, part of the Minister's rebuttal of the amendment was to set out a detailed list of reporting mechanisms in relation to the issues that the amendment seeks to have reported to the Assembly. I suppose my response to that is that, if there is such a detailed framework of reporting mechanisms in place, surely that will make fulfilling what is being set out in the new clause a straightforward exercise that really only adds greater transparency to exploring, for example, the PC report, which I am sure even a lot of Members might not be particularly aware of, never mind the public, and which goes into great detail as to what is needed to adequately finance our water infrastructure. Indeed, the most recent scrutiny of the PC report raised some concerning information on whether the Department for Regional Development was able to adequately finance our water infrastructure in Northern Ireland.

I think that we need a more public debate about our water and sewerage provision. We have PC15, which the Minister referred to. We also have, as long ago as 2007, the independent water review panel, which proposed that the Water Service should become a government-owned company and that households would be required to have domestic water pricing. The panel was made up of substantial experience and a wide range of interests, including consumers, social justice, economic research, sociology and social policy. It had, at the forefront of its considerations, a desire to avoid any increase in the pain that would be felt by poor and working families in our community.

It set out clearly:

"If as a society we want to replace our out-dated Victorian sewers or stop the discharge of sewerage into our ... coastal waters, we will need to invest in new infrastructure. The money for this will have to be found, whether through the rates or user payments. There is no other option. We face some difficult choices."

I argue that, to date, consecutive Ministers and parties have been unwilling even to discuss or bring forward alternative proposals that we can debate or consider. The motivation behind the amendment is to ensure that we continue or begin to have an open and transparent debate about this extremely important issue.

In noting the panel's conclusion, the Minister at the time, Sinn Féin MLA Conor Murphy, stated:

"The Executive accepted the case made by the report that without an uplift in what people currently contribute, other public services would be deprived of funding."

He went on to say:

"We have concluded that these additional contributions should be phased in with domestic households paying two thirds of their full liability in 2009/10 and full liability the year after. The amount due to be collected from domestic households will be reduced by the amount of the contribution that households are already making via the rates".

Unfortunately, as the chair of the panel acknowledged, reports were prepared, recommendations were made and the Minister agreed with the conclusions, but that has all sat on a shelf. Consecutive Regional Development Ministers have failed to bring this debate forward.

I am aware that concern exists in the community regarding any potential additional cost, which some people have estimated to be in the region of £400 per year, if all households were to pay the same amount. However, the chair of the panel has gone as far as to suggest that the failure to introduce fair domestic pricing policy for water and sewerages services, coupled with a failure to establish a municipal company, as recommended by the independent water review panel, means that DRD is paying a subsidy out of taxpayer contributions of around £270 million a year to Northern Ireland Water and, most likely, a capital depreciation charge of around £200 million, and, as a result of that model, Northern Ireland Water must borrow capital at a higher rate than if it were a stand-alone municipal company. All of that could mean that households are, indirectly, paying more for the provision of water and sewerage services than if a direct charge or fair domestic pricing per household were introduced. That concerns me, and that is the level of detail and information that the Assembly needs to have an open and transparent debate on this issue.

It is also my understanding that the Chair of the Regional Development Committee, Mr Clarke, was quoted on 4 October 2014 as saying:

"Water charges in Northern Ireland have been deferred until 2016"

— as a result of this Bill, which we support, they will be deferred until 2017 for obvious reasons, given that there will be an election in the middle of that period —

“but everything is potentially up for discussion”.

It is my understanding that previous DUP Ministers of Finance and Personnel have made similar comments.

8.00 pm

Mr Clarke: Will the Member give way?

Mr Lyttle: I am happy to give way.

Mr Clarke: I am happy to stand over my comments, just as you were with your party's position. However, if you set aside clause 3 today, you are bringing about the introduction of water charges. In the last five minutes of your contribution, you were giving all the reasons why water charges should start sooner rather than later. I am being a realist. I see a day when they may come. However, there is a commitment from my party and others that there should not be the introduction of water charges in this mandate. In relation to clause 3, this will not prevent meters being installed in the future, because it is only the meter caps that have to go in; the tobies are still in place. To be fair, I think that John Dallat was the first person to raise this in the Committee. He was concerned about the cost. A sum of £2 million has been wasted to date on something that has a 15-year lifespan. Until the day comes that charges come along — if and when — it is time enough to put the meters in place, but we should not continue to waste money until that date.

Mr Lyttle: I thank the Member for his intervention. I note that he did not dispute what I quoted him as saying about how all the issues should be up for discussion. I wish that we were not only discussing the installation of water meters but having a more wide-ranging discussion, which he has supported previously.

It is important to reiterate that a chair of an expert panel appointed by the Executive to look into the important issue of governance and financing for water has gone as far as to say that we could be costing households more under the current governance model than we would be if we were able to apply fair domestic pricing for the recovery of water costs. It is important that the Assembly continues to investigate that important matter.

Mr McCallister: I am grateful to the Member for giving way. Are you making the absolute assumption that, if water charging was brought in, you would want to do it by metering? Originally, it was going to be based on the rating system or on some sort of capital value. Are you committed to the idea that it should be done on a meter?

Mr Lyttle: It should be based on a fair system. We can look into ability to pay as well. As the EU framework directive sets out, it should be based on a manner that incentivises users to use water resources efficiently. I am saying today that, as a result of the ongoing deferral, we are unable to even get into that level of debate in detail. Indeed, I appear to have been chastised for daring to suggest that the Assembly might want to get detailed reports on the governance and financing of our water system in the future to help us make those decisions.

The Minister of Finance and Personnel has previously stated that budget and finance for the Executive and the

Assembly will be about tough choices, yet it appears that we continue to defer difficult decisions on many issues. On this occasion, it will be water services. We have done the same thing on other revenue-raising and revenue-redistribution matters that would help us to adequately invest in our public services such as health, education and schools. Not to put too fine a point on it, at this time, people are arguing that we have a crisis in social care, for example. The argument that the choice is between no water charges and water charges is not very accurate; it is about how we use the money and whether it is being used as effectively as possible.

We need to remember that this is a Department that, only a matter of months ago, could not keep the lights on, could not cut the grass, could not clean our gullies and could not conduct general road maintenance. We welcome the funding that has been achieved to address those issues in the short term, but we clearly need to look at how exactly we prioritise the scarce resources that we have. If we are to have an ongoing ability to modernise the water infrastructure, we will need to make adequate investments.

Amendment No 6 is on sustainable urban drainage. As a Member for East Belfast who has seen at first hand the acute pain and damage that is caused to constituents' homes as a result of inadequate urban drainage, I give a warm welcome to amendment No 6. I welcome the manner in which the Committee for Regional Development, the Department, the Minister and officials worked together and with sectoral representatives to secure an amendment that was appropriate at this time. We will support that. That concludes my comments on the Bill.

Mrs Hale: I also welcome the opportunity to speak on the Consideration Stage of the Water and Sewerage Services Bill. Having been away from the Committee for Regional Development for a while, I will be brief. I apologise for reiteration, but, as I am the sixth speaker, it will be inevitable.

The Chair and Minister outlined most of the points that I would agree with. I thank all those who assisted with the Committee's deliberations for their hard work in crafting the Bill. I acknowledge those who gave evidence to inform the Committee's decisions.

In relation to amendments to clause 3, I support the Minister. Indeed, I welcome the fact that the Committee is in support of the proposed amendments. It makes logical and common sense that, before making regulations under clause 1, the Department must consult local councils to ensure that they have an input into proposed changes. I oppose amendment No 7.

As many Members will be aware from my past life on the Committee for Regional Development, I am enthusiastic about the use of SuDS. I was disappointed when the Department did not support the Committee's amendment on soft SuDS, so I welcome the amendment to clause 5 on landscaping and natural features as that will cover the Committee's view that soft SuDS should be included in the Bill. I expect property owners, the private sector and public bodies to be actively involved in the management of SuDS. In the aftermath of Desmond, I welcome the fact that SuDS is now in the Bill. The cost of the implementation of soft SuDS will far outweigh the distress, the insurance claims and the cost to the public purse that the mop-up demands. Having been with the Committee to the Scottish Parliament and the Welsh Assembly, I have witnessed

their active implementation of soft SuDS. I look forward to the Department publishing guidance on Northern Ireland's approach to SuDS that will be comparative with industry standards.

Miss M McIlveen: I thank the Chair of the Committee and other Members for their comments on the amendments. It is important that the Bill obtains Royal Assent before the end of the mandate and before my Department's power to pay the subsidy in lieu of domestic charges to Northern Ireland Water expires at the end of March 2016. I know that Members appreciate the importance of the issue. In addition to securing the ongoing subsidy-paying power, the Bill will make significant progress on important governance and environmental issues and will benefit everyone living in Northern Ireland.

I note the positive comments of the Chair of the Committee and Mr Cochrane-Watson. I am conscious of the need for clarification of the different roles and responsibilities. My officials are working with stakeholders to promote soft SuDS and to introduce an appropriate regime for the approval and ongoing maintenance of soft SuDS. That will be ongoing, and we will liaise with the Committee on that work and anything that comes out of the discussions that will continue.

A number of issues were raised during the debate, which is welcome. Mr Dickson, although not making a full contribution, had a number of interventions and raised a number of issues, particularly around the installation of meters. It was envisaged that Northern Ireland Water would become a private company when the legislation was in place in 2006. At that stage, it included the requirement to install water meters to enable charging by the company. That subsequently changed, and the type of company that we now have is not as was envisaged at that time, hence the installation of the meters.

You ask why Northern Ireland Water does not recover the cost of the meter from homeowners. Had water charging been introduced for domestic customers, the cost of the meters would have been offset against those charges. It would not be appropriate to pass on the cost of equipment that is not actually being used to householders. I can confirm that the cost of the meter is £45, but the other costs referred to by the Member are in relation to connection charges.

Mr Dickson: I understand the difference in what the Minister says. In reality, however, new property connections are paid for by developers because they have to connect water to the property before they can sell it. Surely, the Department understands that it is rather splitting hairs to say that the pipe is connection charges and not providing the meter on top is additional to that. It is a complete installation of water supply to the property. It seems to me that the Department could easily recover the total cost. After all, it is not unreasonable that total cost recovery should be looked at in a great deal of instances by Departments. At the very least, we should consider the cost of the recovery of installation of meters.

Miss M McIlveen: I appreciate the Member's comments and am happy to look at that.

Mr Lynch and Mr Dallat highlighted the issue of flooding and, obviously, we send our commiserations in many respects to those who are having to deal with the devastation of their homes and properties. Essentially,

their livelihoods have been washed away in floods. I am acutely aware of the need to manage surface water in a more sustainable way. I am looking towards doing that; hence I welcome support for what we are doing today. Obviously, other issues are associated with that in relation to riverbanks and so on that need to be taken into consideration. It is not entirely about surface water; there is more to it.

I turn to Mr Lyttle's comments in relation to amendment No 7. I am somewhat disappointed that Sinn Féin and the SDLP have indicated their support for it. I know that, tongue in cheek, Mr Dallat made the comment that it was an election stunt; however, I believe that it is a little more than that, and, if you look at the consequences, it is much more onerous. It has consequences in relation to the requirements that it places, not only on the Department but also on the Utility Regulator, given the fact that this is a company that is highly regulated. The timing of what is suggested does not fall in line with what is being asked of the company. I ask those parties to reconsider their decision and see what this is really about. It is about gaining evidence in order to do exactly what both parties ask us not to do — introduce water charges. So I ask them to look at that again.

Mr Lyttle said that it is just a technical issue, and he asked what the problem was. However, this provision cuts across existing statutory roles in an area that is already heavily regulated and reported on; and there are also issues in relation to the involvement of the Department of the Environment that need to be explored.

Mr Dallat: Will the Minister give way?

Miss M McIlveen: I am happy to give way.

Mr Dallat: Does the Minister agree with me that probably no government agency has been more heavily scrutinised than the Water Service? I refer to the report from the Audit Office of a few years ago, and I speak as one who has served on the Committee from the beginning. It was one of the most comprehensive and detailed reports into any government agency ever carried out, and, subsequently, it was scrutinised by the Public Accounts Committee. Every issue that I listened to tonight was addressed in two reports over the years. So it is a myth that Northern Ireland Water has not been scrutinised. Remember, there were a few casualties as a result of that report. That did not get a mention tonight from Mr Lyttle. Perhaps he has not read the Audit Office report or, indeed, the subsequent report of the Public Accounts Committee. I recommend it to him for bedtime reading.

8.15 pm

Miss M McIlveen: I thank the Member for his contribution. I hope that, in light of what he has said, he will consider his position in relation to his support for the amendment. It is at odds with what he has said.

Finally, I move to the comment made by Mr Lyttle in relation to Northern Ireland Water's inefficiencies, because it is a public company. Whilst it is true that Northern Ireland Water has to comply with the constraints of public-sector spending, it is also true that, through a more efficient and effective operating model, partly due to the aforementioned PAC report, Northern Ireland Water has been able to reduce the cost of providing water and sewerage, and it is to the company's credit that it

is doing so. I am also somewhat concerned by the fact that Mr Lyttle is content to place an additional burden on households through the introduction of water charges without a much more —

Mr Lyttle: I am laughing again because I did not say that.

Miss M McIlveen: Obviously, that is the direction in which he is willing to travel.

I would like to thank Members again for their contributions. I ask, finally, that Members support amendments Nos 1 to 6. I consider that amendment No 7 does not add any value to the comprehensive reporting structure and I hope that Members who have indicated their support will think otherwise by the conclusion of the debate.

Amendment No 1 agreed to.

Amendment No 2 made:

In page 2, line 12, leave out “(a)”.— [*Miss M McIlveen (The Minister for Regional Development).*]

Mr Principal Deputy Speaker: Amendment No 3 is consequential to amendment No 1.

Amendment No 3 made:

In page 2, line 16, leave out “re-enact” and insert “revive”.— [*Miss M McIlveen (The Minister for Regional Development).*]

Mr Principal Deputy Speaker: Amendment No 4 is consequential to amendment Nos 1 and 3.

Amendment No 4 made:

In page 2, line 16, leave out “repealed” and insert “suspended”.— [*Miss M McIlveen (The Minister for Regional Development).*]

Amendment No 5 made:

In page 2, line 25, at end insert “() district councils;”.— [*Miss M McIlveen (The Minister for Regional Development).*]

Mr Principal Deputy Speaker: Opposition to clause 3 has already been debated.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Refusal of surface water connection)

Amendment No 6 made:

In page 4, line 8, at end insert

“(5C) The reference in subsection (5B) to suitable alternatives includes, in particular—

(a) the use of landscaping, natural features or any other kind of arrangement, or

(b) the design or construction of any other feature (whether or not amounting to a “structure” within the meaning of Article 2(3A)),

for the purpose of reducing the volume of water from the premises or sewer that enters public sewers or watercourses, or the rate at which it does so.”.— [*Miss M McIlveen (The Minister for Regional Development).*]

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

New Clause

Amendment No 7 proposed:

After clause 6 insert

“Report on investment needs

7.—(1) Before the end of each review period, the Department must—

(a) carry out a review of water and sewerage infrastructure investment needs;

(b) set out the conclusions of the review in a report; and

(c) lay the report before the Assembly.

(2) The report must in particular set out the assessment of the Department, the water and sewerage undertakers and the utility regulator as to—

(a) the fitness and adequacy of the infrastructure to carry out essential water and sewerage functions;

(b) the cost of improvements necessary to maintain reliable and quality supply;

(c) the likelihood of complying with the Water Framework Directive and other applicable environmental standards;

(d) the cost of failing to so comply; and

(e) how finances should be prioritised in order to make necessary reliability, quality and environmental improvements.

(3) In this section, “review period” means—

(a) the period of twenty four months beginning with the day on which Royal Assent is received, and

(b) subject to paragraph (4), each successive period of twenty four months.

(4) If a report under this section is laid before the Assembly before the last day of the review period to which it relates, the subsequent review period is to begin with the day on which that report is laid.”.— [*Mr Lyttle.*]

Question, That amendment No 7 be made, put and negatived.

Clauses 7 to 9 ordered to stand part of the Bill.

Schedules 1 and 2 agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Water and Sewerage Services Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease for a few minutes.

Insolvency (Amendment) Bill: Final Stage

Mr Bell (The Minister of Enterprise, Trade and Investment): I beg to move

That the Insolvency (Amendment) Bill [NIA 39/11-16] do now pass.

Insolvency is an unfortunate but very real fact of life. Those who get into financial difficulties range from ordinary consumers who simply cannot pay their debts to large companies that are household names. To give you some idea of the scale of the problem, during 2014-15, in Northern Ireland alone, 1,358 individuals were declared bankrupt, 557 obtained debt relief orders and 1,444 entered into an individual voluntary arrangement. In the same period, 233 companies were compulsorily wound up by the courts.

Broadly speaking, there are two sets of procedures needed to deal with insolvency. The first set comprises the rescue procedures. For example, voluntary arrangements give individuals and companies an opportunity to pay their debts over time, and administration gives companies breathing space while attempts are made to put together a rescue package to secure their future. A further set of procedures is, however, needed to deal with situations where an individual or company is so hopelessly engulfed by debt that rescue is not feasible or possible. The procedures to deal with such cases comprise bankruptcy, debt relief, winding up by the court and creditors voluntarily winding up. In administering those procedures, insolvency practitioners and the official receiver rely on an extensive and detailed legislative framework. That framework is modelled on the one that operates in England and Wales. My understanding is that it is the wish of those whose job it is to deal with insolvency that that should remain the case, and Members have expressed the same view.

Insolvency legislation needs to be modernised and improved to keep pace with changes in wider society. That need for change resulted in a surge in insolvency legislation made at Westminster during the lifetime of the last Parliament. That has prompted the need for a Bill to amend insolvency law in Northern Ireland.

The Insolvency (Amendment) Bill has had a long gestation. At times, it has had to be stalled to allow it to be amended to take account of developments at Westminster. I pay tribute to the work done by my predecessor, Arlene Foster, in taking the Bill through from introduction on 7 October last year to the end of its Committee Stage. I thank the Chair and members of the Committee for Enterprise, Trade and Investment for their diligent scrutiny of the original Bill and the subsequent amendments to it. I am grateful for the work done by the Office of the Legislative Counsel and for its willingness to draft amendments to the Bill at short notice.

The Bill includes a range of measures. Some will be of benefit primarily to the insolvency practitioner profession, while others will mainly benefit bankrupts or their creditors. The insolvency practitioner profession will welcome the measures to enable the use of modern methods of electronic communications in insolvency proceedings, and I am aware that there is support for the ending of licensing of insolvency practitioners by my Department. However, some bodies have expressed misgivings about the inclusion of provisions to allow insolvency practitioners to be partially authorised to take only individual or corporate

cases. The Committee has looked into the matter in great depth and has taken oral evidence from insolvency practitioners as part of its deliberations.

It is important to note that it will remain possible to qualify and be authorised as an insolvency practitioner to deal with both individual and corporate cases. It is expected that the majority of those wishing to enter the profession will choose to do that. However, there will be instances where a practitioner who has chosen to specialise will be able to provide a more efficient and effective service to his or her clients. There is, however, a more fundamental issue. Partial authorisation is being brought in for the rest of the UK, and the legal advice is that we, in Northern Ireland, are obliged to do the same. The Committee was satisfied that that is the case.

A measure aimed at encouraging banks to allow bankrupts to have bank accounts will be welcomed by bankrupts and their advice and support organisations. Banks have historically tended to be reluctant to allow bankrupts to have accounts. In doing so, they are potentially exposed to the risk of claims from trustees in bankruptcy in respect of money paid out of bankrupts' accounts. Not being able to have a bank account can cause serious problems for the individuals concerned, as it is difficult to operate in today's environment without one. They will, for example, need an account to receive payment of wages and benefits and to allow them to take advantage of electronic commerce such as the provision of direct debit payments and associated discounts.

The Bill addresses the problem by giving banks protection against claims by trustees.

8.30 pm

At Second Stage, Mr Allister QC asked to have provision for a code of conduct for insolvency practitioners included in the Bill. My predecessor responded to that request by agreeing to an extensive additional provision being inserted by way of amendment at Consideration Stage. The result, while not a code of conduct as such, will achieve the same outcome. Insolvency practitioners can expect, therefore, to be subject to a much more rigorous regulatory regime in future. That is because the professional bodies responsible for regulating insolvency practitioners will now be required to carry out their functions in conformity with objectives aimed at ensuring that the insolvency practitioners are acting fairly and properly and providing a good service at reasonable cost. There will be a range of penalties for bodies that fail to meet those objectives, up to and including having their recognition revoked.

In summary, the Bill is a mix of measures aimed at modernising and improving insolvency administration for the benefit of those who practise the profession and those who use it. I therefore commend the Insolvency (Amendment) Bill to the House.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Committee welcomes the Final Stage of the Insolvency (Amendment) Bill, which is intended to update insolvency legislation made before the advent of modern methods of electronic communication. I thank the Minister, and more particularly his predecessor, and especially the officials — I see

some of them here today — for their positive engagement with the Committee in both pre-legislative scrutiny and the Committee Stage. It is always very helpful when the officials who attend the Committee are well across their brief and experienced in the advice that they give the Committee. I thank them for that. I thank all those who gave evidence at Committee Stage. I also thank Committee colleagues for their full and conscientious consideration of what were often technical and complex issues.

The Bill helps to bring insolvency legislation into the twenty-first century by maximising the use of electronic communications. It establishes that documents stored and transmitted electronically in the course of insolvency proceedings are as good and valid in law as paper documents. It enables the use of means such as video and teleconferencing at meetings of creditors, members or contributors of companies. It also provides for improvements in the way in which the work of insolvency practitioners is monitored and controlled.

The Committee engaged in a call for evidence from interested organisations and individuals and from the Department. Evidence indicated that there is broad support for the Bill, although concerns were raised over a number of provisions in it. I will focus on the Committee's consideration of these concerns at Committee Stage. The Committee agreed that the introduction of provisions at clause 1 for remote attendance at meetings is a practical and helpful addition to existing arrangements. It will increase access to interested parties, reduce costs and help to make the administration of insolvency cases easier by allowing for the use of modern methods of communication and eliminating unnecessary procedural requirements.

Issues were raised in relation to verifying the identity of remote attendees. However, the Department assured the Committee that safeguards, including password protections and firewalls, will be put in place. The Committee noted that there is also a requirement in the Bill for anyone proposing to hold remote meetings to ensure the identification of those attending and the security of any electronic means of communication used to enable attendance. In addition, every insolvency practitioner is subject to monitoring by their recognised professional body, which will seek to ensure that insolvency practitioners adhere to best practice.

Some concern was expressed about the need to build in adequate time to allow a suitable venue to be identified and for creditors to be informed. The Department informed the Committee that time periods for individual requirements for meetings are specified elsewhere in legislation and that the same requirements for quite generous time periods will remain in place. Following full consideration of the evidence, the Committee was content with clause 1 as drafted.

At clause 3, the Bill introduces provisions for the requirement to hold a meeting to present progress reports in voluntary winding-up procedures to be replaced by a requirement to issue a report on progress. That is intended to reduce the cost of holding meetings that are poorly attended or not of any particular benefit.

The Committee considered options to avoid the situation where, in practice, IPs would have to operate the legacy legislation and the amended legislation concurrently on their portfolios of cases. However, following consideration,

the Committee agreed that, where a procedure is under way, those involved would expect the case to be conducted in accordance with the existing law. The Committee agreed that it would be bad practice for any party to be confronted by a different procedure than the one they had expected and started off with at the outset of that particular case. The Committee was therefore content with clause 3 as drafted.

Clause 6 adds a requirement for the official receiver to notify the Department as well as report to the High Court whether a proposal by a bankrupt for a voluntary arrangement with the official receiver acting as nominee has been approved or rejected by the bankrupt's creditors. Those giving evidence to the Committee supported this proposal. However, the Westminster Small Business, Enterprise and Employment Act 2015 is intended to repeal the fast-track system entirely. When asked whether the system would be retained here, officials informed the Committee that the Department intends to repeal it in a future insolvency Bill to be passed during the next Assembly along with a large number of outstanding amendments to be made to insolvency law in Northern Ireland. On that basis, the Committee was content with clause 6 as drafted.

Clause 12 repeals provision in existing legislation that allows a bankruptcy to end within one year if the official receiver files a notice with the High Court stating that the investigation is unnecessary or concluded. The Committee considered the view that, if a bankrupt is disqualified from holding certain positions for the period of time, early discharge may allow that person to take up a position in society, such as in public service. The Department informed the Committee that there would be a cost to the Department to administer early discharge, which would outweigh any benefit to the individuals involved; that only two individuals had ever been discharged early in Northern Ireland; and that it is of very minor benefit to the individuals. The Committee was therefore content with clause 12 as drafted.

At a time when there is a backlog in cases where there are no assets to be realised, concern was raised by Committee members that the provision in clause 17 for a requirement for the Lord Chief Justice to be consulted may impact on processing times. Under clause 17, the Lord Chief Justice will have to be consulted about the making of orders creating a right of appeal to a court in respect of discretionary decisions to disqualify bankrupts from offices or positions. The Committee was content with the Department's response that, firstly, as the courts have an interest, it is essential that the Lord Chief Justice be consulted and, secondly, the clause will have no impact on processing times. The Committee was therefore content with clause 17 as drafted.

The Department brought a number of amendments to the Bill at Consideration Stage. I covered those in detail during the Consideration Stage debate. I do not intend to go over those areas again today as the Committee's consideration of the issues is already on record. However, there is one area that is worth emphasising. The Committee raised the issue with the Minister of the potential for a statutory code of conduct to oversee supervision, control, accountability and regulation of how IPs conduct themselves. The matter was, in fact, first brought to the Committee's attention by Mr Jim Allister MLA. I was looking round for him, but he

is not here. I want to place on record our thanks to him for doing so.

The Committee considered the Department's outline proposals to put in place a regulatory objective through a future insolvency Bill to include requirements for appropriate training; ensuring consistent outcomes; providing high-quality services; acting transparently and with integrity; considering the interests of all creditors in any particular case; promoting the maximisation of the value of returns; and protecting and promoting the public interest. Thankfully, the Department had a change of heart and decided that provisions could be brought through the current Bill to police the conduct of insolvency practitioners. The Minister informed the Committee that, through the introduction of new clauses 14A to 14H, provisions for an effective route to policing and controlling the conduct of insolvency practitioners would be included in the Bill. This includes penalties that will apply to recognised professional bodies if they do not maintain a satisfactory standard of regulation. It also gives the Department the power to intervene directly by applying to the court for action to be taken against an IP.

That process will operate at two levels. First, the RPB will carry out monitoring inspections of its IPs. Secondly, at government level, there will be an annual programme of inspection whereby every recognised professional body is regularly inspected.

These are new procedures, and, as such, it is important that they are appropriately monitored and reviewed in a timely manner to ensure that they are not overly burdensome on the industry but, more importantly, that they provide the appropriate protection and assurances for those who are unfortunate enough to be involved in the insolvency process, as well as the protection of the public interest. I would welcome assurances from the Minister that this will, indeed, be the case and that the appropriate monitoring and review of these provisions will be undertaken.

Having given the Bill its full consideration and put forward recommendations for amendments, which were accepted by the Department, the Committee for Enterprise, Trade and Investment is content with the provisions in the Insolvency (Amendment) Bill.

Mr Dunne: I, too, welcome the opportunity to speak at Final Stage. Considerable work has been carried out on the Bill since it was first introduced. We know that insolvency is a very complex and technical issue, and I think that all Committee members realised that over the last number of months. I commend all those involved in the Bill for their substantial work, including the Committee staff and DETI officials, as well as the many who took part in the consultation process.

The purpose of the Bill was always to update, amend and modernise some of the insolvency legislation, much of which is very detailed and specialised in nature and some of which had become outdated, and to ensure that, where possible, there is parity with England and Wales. The Bill is designed to assist those who find themselves in the very unfortunate position of being affected by insolvency and to ensure that those who administer insolvency procedures are able to do that in the most effective and efficient way possible.

Insolvency continues to affect quite a number of businesses and organisations in Northern Ireland.

Therefore, it is important that measures are put in place to make the processes as simple and as effective as possible to ensure that we have a modern and fit-for-purpose system in Northern Ireland and that the most effective and efficient system is in place for all those affected by insolvency, directly or indirectly.

Many similar measures have already been introduced in England and Wales through the Legislative Reform (Insolvency) (Miscellaneous Provisions) Order 2010. I commend the previous Enterprise Minister, Arlene Foster, for introducing the Bill, and my colleague, the current Minister, Jonathan Bell, for ensuring that it will progress through Final Stage today.

One of the Bill's main purposes is to allow for the electronic transfer of documents, which is a welcome step forward. The development that electronic documents will now have the same standing as hard copy documents is a positive step that will help to improve insolvency processes. It will allow for a more efficient, effective and streamlined process and help to reduce delays in the completion of transactions involving complex insolvency cases, which will only benefit all parties concerned. However, it is important that those without access to IT equipment are not put at any disadvantage by this process. That is why I am glad that certain safeguards have been built in to ensure that that will not be the case.

The Committee held a number of evidence sessions, and a wide range of stakeholders was involved, all of whom were valuable in helping to shape the Bill. There was general recognition that this was a progressive way to move forward, and I am happy to commend the Bill to the House.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Ba mhaith liom fosta tréaslú le gach duine a raibh baint acu leis an Bhille seo ar shaineolaithe dócmhainneachta. I echo the thanks to the staff of the Bill Office, the DETI officials, the two Ministers and, of course, the Chair of the Committee. There were many times when we were discussing this issue that I was not sure that anyone understood 100% all the complexities, but I think that the Chair came close and kept us going forward.

8.45 pm

It is clear that the demand for these changes came after the start of the crash, when we were deluged with administrations and people being made bankrupt. It has been a while in coming forward, but I think that this will bring relief to those who suffer the trauma of administration and those who are made bankrupt, which is a dreadful experience. It will also help the practitioners who are there to try to set affairs in order and make sure that those who are entitled to be paid and can be paid are paid, and then get people back on their feet. For all those reasons, it is a positive Bill. I think that it is welcome for those who have been waiting, perhaps too long, for this to go through. The Minister said that it has been a long time in gestation. I do not want to delay the birth any longer, so I am happy to endorse the Bill tonight.

Mr Cochrane-Watson: I rise to speak briefly on the Bill and to offer my party's support. We are content for the Bill as it now stands to pass into law and be put on the statute book. I welcome the comments from the Minister, the Chair of the Committee and other Members who,

unlike me, have been here through all of the Bill's various stages. As a relative newcomer to the Committee, I will not delay the House by repeating many of the issues that have been raised, not least because of the lateness of the hour and also because I find this a highly technical piece of legislation that is not in any way party political in nature. As far as my party is concerned, the main issue and the most important aspect of the legislation is that it will bring us into parity with the rest of the United Kingdom. Things have moved on, including technology, and we have to move on and be on a par. On that note, I will finish and take the opportunity to wish the Minister a merry Christmas. Hopefully, Minister, you and I will agree a New Year's resolution and we will come back in better humour with each other. I do thank you; and thank you, Mr Principal Deputy Speaker.

Mr McCarthy: Like others, I will be brief. As I said earlier, Christmas is coming, so we want to get away and get our work and family business done. On behalf of the Alliance Party, I support the Bill and I thank Minister Bell for bringing it to this stage in the Assembly for approval. Insolvency is, of course, a very difficult process for business people and has a significant financial and emotional toll on people affected.

Northern Ireland, like most regions, is emerging from recession, and, as a result of that, we have seen the impact that insolvency can have. Sadly, we have also seen the deficiencies in the law highlighted more often as a result. This is largely a Bill to tidy up the insolvency laws in Northern Ireland. In part, this is about restoring parity between the laws in England and Wales and this region. Although there is no financial cost to having different laws, there is a good case for harmonising some of these rules because of the increasing number of businesses that operate across all jurisdictions. As I understand, there are nine objectives in the Bill, and Alliance is content that the broad thrust of the Bill is well intended and will improve the insolvency process. For example, the proposed abolition of the little-used clause relating to early discharge is welcome. This has been demonstrated in England and Wales to be costly, with little benefit to justify the cost. While I am not on the Committee, I have full confidence in all its members. They have fulfilled their duties and done a good job, and I commend them all for that.

In conclusion, as this is the Final Stage of the Insolvency (Amendment) Bill, it is also the final Christmas when I will have the privilege to contribute to the Assembly. Mr Principal Deputy Speaker, I take this opportunity to wish you, the Speaker and the Deputy Speakers, all your staff, all the staff working in this Building, and my 107 Assembly colleagues and their staff a very happy and enjoyable Christmas and a peaceful and prosperous 2016.

Some Members: Hear, hear.

Mr Bell: I am grateful to all Members who have contributed to the debate. I thank the Chair, Mr McGlone. I think that the reason that this debate has been so short is because of the work that was done in Committee.

I think that, sometimes, people do not fully appreciate the work that Members undertake in Committees, but their work has been comprehensive and diligent, and they have done a huge amount. I think that they can take great credit for the way in which this Bill has gone through. My sincere thanks for that and for his words of commendation to Mrs

Foster, to the officials for the comprehensive work that they undertook and to myself.

(Mr Speaker in the Chair)

Mr Dunne, in an excellent contribution, raised the point about safeguards, and I assure him that there will be safeguards to ensure that anyone who is unable to receive communications electronically will not be at a disadvantage.

I thank Mr Ó Muilleoir for another constructive contribution to the debate. He acknowledged the difficulties that many people found themselves in through a crash, in many cases through no fault of their own. The fact that we have proper legislation will be helpful in future.

I thank Mr Cochrane-Watson for a comprehensive contribution to the debate and for his party's support. He is my friend now; he will be my friend after Christmas, and I wish him a very happy Christmas and prosperous new year.

I turn to the contribution made by Kieran McCarthy, not so much for what he said, excellent though it was, but for the point that he made that it was his last Christmas contribution. I have been privileged to know Mr McCarthy for a number of years. We both served on Ards Borough Council, and it was with a certain sadness that I heard him say that this was his last contribution at Christmas. Anybody who knows Kieran knows that he is a gentleman of the highest integrity. He had huge support from right across all sections of my constituency. He worked extremely hard, from what I could see, in council and in the House. I thank him for his Christmas best wishes, and I assure him of the best wishes from all the House, and particularly from Strangford, for the excellent contribution that he has made. I commend the Insolvency (Amendment) Bill to the House.

Mr Speaker: Thank you. I thought that you were going to forget to do that.

Question put and agreed to.

Resolved:

That the Insolvency (Amendment) Bill [NIA 39/11-16] do now pass.

Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015

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

That the Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015 be approved.

I would be the first to acknowledge that pension regulations can be complex and, as I have said previously, it is all too easy to get lost in the maze of technical provisions and pensions jargon, particularly at this late hour in the evening. The rule that we are considering today is somewhat technical, and whilst I will try to keep my comments at a fairly high level, some jargon is, unfortunately, inevitable, but I will do my best to keep it to a minimum.

Perhaps I could start by providing a brief background to the regulations. The Pensions (No. 2) Act (Northern Ireland) 2008, and corresponding provision in the Westminster Pensions Act 2008, introduced a duty on employers to enrol eligible jobholders into a qualifying workplace pension and to make minimum contributions to it. Under the legislation, employers can choose the qualifying workplace pension scheme that they adopt to discharge this duty. A qualifying scheme is a scheme that meets specific criteria, for example, an occupational pension scheme or a workplace personal pension scheme. As automatic enrolment rolls out, there is a need to ensure that workers' pension savings are invested in well-governed schemes, with fair and reasonable charges.

These regulations aim to protect members in occupational schemes from high and unfair charges and to introduce consistent governance standards. The Financial Conduct Authority introduced similar rules for workplace personal pension schemes. First, the regulations introduce measures to control the level and types of charges in pension schemes used by employers to meet their automatic enrolment duties. They restrict the charging structures that schemes may use in their default arrangement. Broadly speaking, a default arrangement is one into which members contribute if they have not made an active choice about where their savings should be invested or that has a minimum percentage of workers contributing.

Schemes must use either a single funds under management (FUM) charge or an FUM charge together with either a contribution charge or a flat fee. The charge cap is set at 0.75% annually for FUM or an equivalent combination charge. The cap covers all costs and charges relating to general scheme and investment administration. Transaction costs, along with a small number of other costs, including those associated with providing death benefits, are not included.

The regulations provide two methods by which trustees can measure whether charges in their default arrangements have complied with the cap. They may decide which of these methodologies to use depending on how they levy charges on all members. Regulations also prohibit higher charges from being imposed on non-contributing members; a practice sometimes referred to as active member discounts. These are charges imposed on a member's pot, which are increased when they stop

contributing to the scheme because, for example, they leave their job.

All of these measures apply to occupational schemes offering money purchase benefits which are used by employers to meet their duties under automatic enrolment. They do not cover those schemes that include a promise to the member about the benefits they will receive.

Secondly, the regulations set out minimum governance standards for relevant occupational pension schemes. These require trustees or scheme managers to ensure that default arrangements are designed in members' interests and are kept under review. They also require that core financial transactions are processed promptly and accurately, that trustees report on the level of charges and costs borne by scheme members, and that they assess the value of such costs and charges.

To make sure that trustees have appropriate freedom in how they govern their schemes, the regulations also ensure that trust deeds and rules do not tie trustees into using particular service providers. This requirement overrides any conflicting provisions of the scheme. Where a scheme does not already have a chair in place, the regulations require the trustees to appoint one. The chair will be responsible for signing off an annual statement on how the minimum governance standards have been met.

The regulations strengthen the independent oversight of schemes used by multiple employers, known as master trusts. They require that relevant master trusts must have a minimum of three trustees. The majority of these trustees, including the chair, must be independent of any providers of services to the scheme. This will apply to schemes used by employers that are not part of the same corporate group. The regulations also require trustees of master trusts to be subject to limited-term appointments and to be appointed via open and transparent recruitment processes. In addition, they are required to make arrangements to encourage the airing of members' views on matters relating to the scheme. The aim is to ensure that the master trusts have members' interests as their priority.

The National Employment Savings Trust is exempt from these multi-employer trust requirements as it already has rigorous governance requirements set by statute. Similarly, the regulations provide for exemption to the master trust requirements for other schemes set up by statute. This will be reviewed following further work on the level of governance requirements that already exist in these schemes. The governance measurements have a wider scope than the charges measures. They cover occupational schemes offering money purchase benefits regardless of whether they are being used for automatic enrolment.

In summary, these regulations introduce a comprehensive package of measures to ensure that savers' interests are put first by protecting members from high and unfair charges and the consequences of poor governance. These measures are underpinned by the enforcement powers of the Pensions Regulator.

Before I conclude, I would just like to concur with the comments that were made by my colleague the Minister for Enterprise, Trade and Investment in relation to Mr McCarthy. We wish him well in his future and thank him for helping us to remember the important things in life as we get nearer that date of 25 December.

Also, I am glad to be able to remind Members that we are dealing with something that we all have to declare an interest in, and that is our pensions.

9.00 pm

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. Just following on from the Minister's sentiment, I am afraid to leave the Chamber because I do not know who else is going to resign or leave this great gathering. I pay tribute to those Members, because I understand that Mr McCarthy is leaving us, and Pat Ramsey announced his retirement as well. I wish them well and, indeed, anybody else who chooses to leave between now and May of their own volition. What the public may decide after that for the rest of us is something that time will tell.

I thank the Minister for bringing forward these regulations on occupational pension schemes. The Committee for Social Development considered the Department's proposal to make the regulations at its meeting on 4 June 2015 and the resulting statutory rule at its meeting on 3 September. The Committee was supportive of the regulations.

The Committee noted that the regulations are a consequence of clause 42 of and schedule 18 to the Pensions Act to restrict charges or impose requirements on certain occupational pension schemes and set requirements relating to governance. The Committee further notes that the regulations cover a range of measures aimed at controlling the level and range of charges in relevant schemes that are used by employers to meet their automatic enrolment duties. Those include, for example, capping charges in the default arrangements within schemes.

The Committee notes that the regulations also impose a ban on active member discounts from April 2016 and apply new governance measures across broadly all occupational pension schemes that offer money purchase benefits. There are also a number of largely technical provisions in the regulations, which the Minister has comprehensively drawn our attention to.

On that basis and in conclusion, a Cheann Comhairle, the Committee for Social Development formally recommends that the statutory rule be confirmed by the Assembly.

Mrs D Kelly: I will not delay the House too long, except to endorse the comments of the Chairperson and to say that, on behalf of my party, I welcome the regulations. We welcome the assurances given by the Minister that those who have paid into the schemes will have a level of independent scrutiny of how their money is to be spent and that the principle of value for money is not just about who can bid in the lowest tender but will actually be value for money with all its consequences, particularly for the money that is paid back.

I welcome the regulations, and in keeping with the spirit this evening, I wish all of you a very happy Christmas and a very prosperous and peaceful new year.

Mr Beggs: I, too, support the regulations. As the Minister said, it is quite a complex area. The regulations seek to protect members of certain occupational pension schemes by imposing obligations on trusts and managers in relation to the charges imposed on certain members of those schemes and how they are governed. The Minister

also made reference to the Pensions Regulator, and I think it is important that we continue to benefit from the United Kingdom pensions regulation regime and maintain parity for the benefit of our citizens. I am content with the regulations.

Mr Dickson: I note that the debate this evening is on occupational pensions. On that basis at least, I presume that I do not have to declare an interest, in that I became eligible for state pension today.

Some Members: Hear, hear.

Mr Dickson: You worked that one out.

Like others in the Chamber, we are happy to support this and the element of parity that it has for the protection of pensions. Also like others, we wish those who remain in the Building this evening the compliments of the season. To those who will not be returning after the recess, either in the early new year or like my colleague Mr McCarthy, who will actually be with us to the end of the mandate, I say farewell.

Mr Storey: I thank the Members who contributed for the level of consensus across the Chamber. Again, I thank the Chair of the Social Development Committee and Committee members for the positive way in which they have dealt with the issue. I trust that as we have progressed through the regulations we have endeavoured to make sure that we give confidence to people. I think that it is vital that people can have confidence that their pension savings are being safeguarded and are not being eroded by excessive charges. These regulations introduce important measures to ensure that pensions are invested in value-for-money schemes that are run in the members' interests.

With those words, and endorsing the words of the last speaker, Mr Dickson, I want also to say a word of appreciation and thanks to my staff, who worked tirelessly on these issues, for all they have done to ensure that the regulations have been brought forward in the way that they have been. I, therefore, commend the regulations to the House.

Question put and agreed to.

Resolved:

That the Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015 be approved.

Committee Business

Public Services Ombudsman Bill: Final Stage

The following motion stood in the Order Paper:

*That the Public Services Ombudsman Bill
[NIA 47/11-16] do now pass. — [Mr Allen.]*

Motion not moved.

Mr Speaker: Happy Christmas, everybody.

Adjourned at 9.06 pm.

Written Ministerial Statements

The content of these written ministerial statements is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

Written Ministerial Statements

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Education

Outcome of Consultation on Proposals for the Future of the Youth Council and the Way Forward

Published at 10.00 am on Thursday 10 December 2015

Mr O'Dowd (Minister of Education):

Introduction

The purpose of this statement is to inform the Assembly of the outcome of the consultation on Proposals for the Future of the Youth Council and to indicate the approach I intend to take in relation to the Youth Council and the future administration and funding of regional youth services.

The Youth Council was established in 1990 under the Youth Service (NI) Order 1989 (1989 No 2413 (N.I. 22)). Its current status is as an executive Non Departmental Public Body of the Department of Education.

Following the establishment of the Education Authority on 1 April 2015, we now have two statutory organisations with legislation that enables them to provide for youth services on a regional basis. It was therefore right for me to consider the future need for a separate Youth Council. This, coupled with an extremely challenging public expenditure climate, is why I announced to the Education Committee in March of this year my intention to explore how all youth service funding and support might be delivered through a single organisation, the Education Authority.

Consultation

Public consultation on proposals for the future of the Youth Council took place from 20 April 2015 to 3 July 2015. I have today published a "Summary Report of Responses to the Consultation on Proposals for the Future of the Youth Council" which has been placed in the Assembly library and will also be published on my Department's website.

I have carefully considered the responses received to the consultation; the views expressed by the Education Committee; and the points made by various stakeholders and other interested parties.

I found within them a compelling case for the work that goes on in our youth services and a need to underpin that work with a strategic approach to the design, development and delivery of youth services across this jurisdiction.

The responses emphasised the importance attached to the work of our youth services – statutory and voluntary; regional and local - and often highlighted how those involved in delivering youth services have inspired and encouraged young people to reach their full potential.

This evidence was no surprise to me – I have long recognised the importance of our youth services and the value of the work that they do. Even in a difficult financial context, I have prioritised and sought to protect the funding for those services.

The issue at hand is not the value of youth work; it is the structures we need to ensure it is planned, supported, delivered and evaluated efficiently and effectively.

While I have heard and accepted the compelling case for youth services, I have not heard a similarly compelling case for the long-term retention of a separate non-departmental body in an area that is an integral element of our education system.

Future of the Youth Council

In a challenging financial context and in a context where we have a responsibility to reform and streamline how we operate our public services, I have concluded that the key activities currently undertaken by the Youth Council could and should be delivered effectively and efficiently by the Education Authority.

I have today written to my Executive colleagues seeking their agreement to the drafting of a Bill to repeal the Youth Service (NI) Order 1989 to resolve the administrative effect of the creation of the Education Authority (i.e. the existence of two statutory bodies operating at a regional level). The effect of this legislation will be to wind up the Youth Council. Primary legislation is required to repeal the Youth Service (NI) Order 1989 as there are no provisions within the Order itself in relation to the dissolution of the Youth Council.

The passage of legislation will require Executive agreement and will of course be subject to the view of this Assembly.

Arrangements for 2016-17

In the meantime, and in preparation for a new and challenging financial year, I have had to consider what approach might best ensure the effective and efficient delivery of youth services, including those currently undertaken through the Youth Council.

I am satisfied that, under Article 37 of the Education and Libraries (NI) Order 1986, the Education Authority has the power to assist and finance Regional Voluntary Youth

Organisations in place of the Youth Council. I have decided to proceed with a number of structural changes within the current legislative framework to ensure that youth services are supported to continue to provide the maximum level of frontline services within its approved budget.

The funding that the Department provides to support the work of Regional Voluntary Youth Organisations will, from April 2016, be routed through the Education Authority which will oversee its distribution and work in a new and constructive way with the Regional Voluntary Youth Organisations. I will earmark the funding destined for these regional organisations so that they can be confident that it will be available for them, no matter what other priorities the Authority may face.

Youth Council Staff

I want to turn now to the Youth Council itself, and first to its staff. An organisation's human resource is its most valuable asset and that applies as much to a small organisation like the Youth Council as it does to larger bodies. I want to pay tribute not only to the good work of the staff over very many years but also to their patience and understanding. I know that they have continued to operate during a period of uncertainty not just in recent weeks but for many years. I know too that they will be concerned to know what my decisions will mean for them as individuals.

I have been determined that no member of staff should feel that there is no longer a place for them in the education family. With the help and support of the Education Authority, I am able to offer employees of the Youth Council two options, transfer to the Education Authority or access to a Voluntary Exit Scheme. Every member of staff will have the opportunity to transfer to the Education Authority on the basis that the principles of TUPE (Transfer of Undertakings (Protection of Employment)) will apply. This arrangement will ensure that every current staff member who wants to continue to work in the area of education will have the opportunity to do so. It will of course be based on individual circumstances and the precise timing will depend on the progress of the VES.

I am conscious, however, that not everyone may wish to transfer to the Education Authority. Therefore, I can also confirm that a VES for the Youth Council will be launched in the coming weeks, again with the support of the Education Authority. I would like to acknowledge the Education Authority's assistance and support in helping to develop both solutions.

Youth Council Members

I shall turn finally to the Council itself, and the appointed members who serve on it. I am pleased and grateful that the Chair has signalled her willingness to remain in position and to fulfil this role for the remainder of her term of office until September 2016, during which time I hope a Bill to repeal the Youth Service (NI) Order 1989 will have been passed in the Assembly. I am hopeful that other members will similarly agree to serve in this way. I will be asking them to do so and will be making arrangements for Council members to receive the secretariat support they need to fulfil this role.

Taking account of the responses made in the consultation and the important concerns which have been raised, I will

also establish a partnership chaired by my Department and involving the Education Authority and other key stakeholders. Its role will be to chart a way forward that secures full integration of regional and local youth services within the Education Authority. It is being established to ensure that the understanding of the Regional Voluntary Youth Organisations and other dimensions of youth services that the Youth Council has built up over many years can be transferred effectively to the Education Authority. I will announce the precise make-up and terms of reference of this group in the coming weeks. Through this supportive and collaborative partnership there will be an opportunity to find workable solutions which will enable the new arrangements to be as effective as possible. I believe that, while the Youth Council continues to exist in statute, its Council members should also have a role to play in advising and supporting that partnership, recognising their responsibilities in relation to providing encouragement and advice.

Conclusion

In conclusion, I believe change to how we organise our support for youth services is necessary if we are to protect the services themselves. The steps that I have outlined above will provide stability, ensure accountability and deliver a strategic approach. The Education Authority and its predecessor boards have already demonstrated that they recognise and value the important role of youth services – regional and local – and I have confidence in its ability to make these new arrangements work for the benefit of those who matter most – our children and young people. I know that it will want to build on the important legacy that staff and members of the Youth Council, past and present, have built.

I remain fully committed to enhancing and improving the lives of all our children and young people through the delivery of high quality cost effective youth provision both at regional and local level in line with current educational priorities.

Finance and Personnel

Budget 2016-17

Published at 3.00 pm on Thursday 17 December 2015

Mrs Foster (Minister of Finance and Personnel): The purpose of this Statement is to inform the Assembly of the Budget 2016-17 agreed by the Executive today. I will, of course, bring this to the Assembly in January to allow a full debate and Assembly vote on the Budget 2016-17. However, I feel it is important to inform the Assembly as soon as decisions have been reached.

The 'Fresh Start Agreement' committed the Executive to producing a balanced budget for 2016-17, agreed by the Assembly, by the end of January 2016.

Process

Logistically this has been an extremely challenging Budget both in terms of constrained timescale as a result of the late date for the Chancellor's Spending Review announcement and the fact it has been produced on the basis of the new nine department structure that will be in place following the elections in May.

The only way in which the Executive can deliver a Budget within the 'Fresh Start' timetable is through an abridged process with the construction of a single stage Budget. This has been informed by ongoing engagement between DFP and departments and with key stakeholders.

Budget 2016-17 has only been prepared for a single year. This will then give new departments and new Ministers a stable, balanced platform to determine priorities and funding allocations post May elections for a multi-year Budget from 2017-18 to 2019-20.

It is recognised that the migration from the current twelve department structure to the new nine future departments is not without its own difficulties. For that reason the Executive has agreed that there will be additional budget flexibilities available to new Ministers in the first Monitoring round of the year.

A Fresh Start: The Stormont Agreement and Implementation Plan

The 'Fresh Start' Agreement provided significant additional funding in 2016-17. In addition the Executive agreed to set aside £135 million to 'top-up' the UK welfare arrangements for Northern Ireland. Of this £75 million related to welfare enhancements and £60 million related to Tax Credits. The Executive also committed to provide £5 million match funding in relation to tackling paramilitary activity.

This funding has been addressed as follows in the Budget 2016-17:

- **£32 million** Resource DEL security funding allocated to the Department of Justice (DoJ);
- **£10 million** of funding for tackling paramilitary activity will be held centrally pending publication of the required strategy;
- **£25 million** Resource DEL for fraud and error allocated to the Department for Communities (DfC) on a ring-fenced basis;

- **£75 million** Resource DEL allocated to DfC for welfare reform mitigating measures, with the corresponding adjustment to the baseline in respect of the current Discretionary Fund;
- **£30 million** of the £60 million set aside for mitigating measures in respect of tax credits will now be held centrally pending the outcome of Professor Evason's work and Executive agreement on its use. The remaining £30 million will be allocated as part of Budget 2016-17;
- **£12 million** of additional funding for 'A Shared Future' will be held centrally until appropriate allocations are identified;
- **£30 million** funding for bodies to deal with the Past will be held centrally until agreement is reached on how this issue is to be addressed;
- **£50 million** of funding for shared/integrated education and shared housing will be held centrally pending approval of specific projects.

Rates

In line with the approach in previous Budgets the Executive has agreed to hold the level of regional rates increase to that of inflation. This means that both the domestic and the non-domestic the Regional Rate will increase by 1.7% in line with inflation based on the Gross Domestic Product (GDP) deflator.

Central Pressures

There are three emerging pressures in respect of central commitments. The forecast increase in respect of Housing Benefit for rates, which is now a cost to the Executive's Resource DEL, the cost of the Executive-funded concession in relation to Air Passenger Duty (APD) and the cost of IT systems to facilitate the devolution of Corporation Tax. Allocations in respect of these have been made as follows:

- **£4.3 million** Resource DEL to the Department of Finance (DoF) to fund systems development by HMRC to facilitate the devolution of corporation tax;
- **£4.6 million** Resource DEL to the Department for Communities in respect of Housing Benefit for Rates;
- **£2.4 million** Resource DEL is held centrally to cover the cost of Air Passenger Duty;

Central Funds

The Executive has agreed to set aside £14 million Resource DEL and £15 million Capital DEL for the Delivering Social Change agenda. This is equivalent to the funding provided previously for the Social Investment Fund and Child Care Strategy in 2015-16.

In addition, £8 million will be held centrally for Atlantic Philanthropies under the Delivering Social Change agenda. In 2014, the First Minister and the deputy First Minister announced a £58 million joint investment with Atlantic Philanthropies to deliver improved services for parents, shared education and support for people with dementia and their carers. Delivery is led by the Department of Health, Social Services and Public Safety on the Dementia and Early Interventions Programmes, and by the Department of Education on the Shared Education Programme.

Resource DEL funding of £1 million has also been set aside to provide match funding for EU Peace and INTERREG programmes. Although significantly lower than in previous years this reflects the fact that spending on this area is slow due to the start of the new programmes being delayed with Peace IV only approved by the EU on 30 November 2015 and INTERREG VA only opening its applications in September. With spend not expected to accelerate until 2017-18 the requirement for match funding in 2016-17 is not expected to exceed £1 million.

Change Fund

Budget 2015-16 set aside £30 million in respect of a Change Fund. While a full assessment of the projects financed by this fund will only be possible upon their completion, initial indications are that this funding achieves worthwhile results.

In light of the significant pressures facing departments it is proposed that allocations to the Change Fund, as part of Budget 2016-17, is limited to £7.1 million for the specific areas identified below. However, allocations to further projects under Change Fund will be considered in June Monitoring from funding available under the Budget Exchange Scheme.

Of the £7.1 million it is proposed that £1.5 million be held centrally for allocation to the Asset Management Unit to provide an enabling fund for the work they are progressing in delivering the estate rationalisation as required in the Executive's Asset Management Strategy.

A further £4.5 million should be held for allocation to a number of Executive agreed cross cutting reform projects that will deliver significant savings on behalf of the wider NI Civil Service (NICS).

It is also proposed that £1.1 million of the Change Fund be set aside for the establishment of a pilot Small Business Research Initiative Challenge Fund which will support Northern Ireland companies in becoming more innovative.

Allocations

Although the overall level of funding available means that inevitably departments will be facing Resource DEL reductions the Executive has also considered the need for a limited number of allocations to address some of the more significant pressures facing our key public services.

These are detailed below:

- **£133 million** Resource DEL to the Department of Health (DoH);
- **£15 million** Resource DEL to the Department of Justice (DoJ) for Legal Aid;
- **£20 million** Resource DEL to the Department for Infrastructure (DfI) for Roads Structural Maintenance;
- **£40 million** to the Department of Education (DE);
- **£5 million** to the Department for the Economy (DfE) for the skills agenda;

Further allocations of £117.6 million from the Public Sector Transformation Fund (PSTF) for voluntary exit.

Protections

In determining the level of reductions that should be applied to departmental Resource DEL baselines the Executive has agreed protection for some specific areas.

The Stormont House Agreement required the Executive to provide a level of protection to the police budget. In light of this it has been agreed that the level of reductions applied to the core police budget will be limited to 2%.

In light of the pressures facing our health service, to help mitigate against the potential adverse impact on hospital places caused by reductions in social care and to avoid negating the positive impact of the additional allocation it is proposed to protect both the health and social care elements of the new Department of Health budget.

It is also important to distinguish between the functions that the new Department of Finance (DoF) will discharge as a department and those it will discharge on behalf of the wider NICS. It is therefore proposed that those central functions (i.e. shared services) are afforded a degree of protection. The core department of the DoF will have to face the same level of reductions as other departments.

The funding for Housing Benefit in respect of rates has also been provided with protection in light of the pressure indicated above.

Due to the independent nature of the bodies and the separate arrangements that apply to the setting of their budgets it is appropriate that the Assembly Ombudsman/Commissioner of Complaints, the NI Audit Office (NIAO) and the NI Assembly Commission should be considered exempt or partially exempt from the planned baseline reductions. However, I would ask that those responsible for agreeing the budgets for these bodies have due regard to the level of savings departments are being asked to deliver and the need for these bodies to also deliver genuine efficiencies. I am pleased that the NIAO has responded positively to this requirement and has indicated that it will be able to deliver 5% reductions in 2016/17.

Reductions

With the need to produce a balance budget it is inevitable that departments will face some level of reduction to their Resource DEL budget. However, I am please to say that the outcome is much better than previously anticipated with reductions of 5.7% applied to the non protected departmental baselines.

Public Sector Transformation Fund (PSTF)

The Stormont Agreement and Implementation Plan confirmed the flexibility to use up to £200 million of borrowing in 2016-17 to fund voluntary exit schemes. Allocations of £117.6 million are being made to departments in Budget 2016-17 in respect of their proposed schemes. Details are provided in Annex C to this Statement. There will be further opportunity for departments to submit bids in respect of the Fund with allocations for the second tranche being made in June Monitoring.

The 'Fresh Start' agreement also provided the Executive with the flexibility to access the full amount of additional borrowing provided by the Stormont House Agreement even if it is able to realise the agreed efficiency savings from Voluntary Exit Schemes without switching the full amount of existing borrowing for that purpose. Therefore any funding not used by the PSTF may be used for additional capital projects that are suitable for borrowing. As the latest indications are that the full £200 million will not be required for VES related schemes in 2016-17 it is proposed that £25 million of this funding be used for

capital projects. This leaves some £57 million available for allocation from the PSTF in June Monitoring.

Capital DEL

In line with the approach in previous years the Capital DEL budget for each department has been constructed from a zero baseline. In determining the overall capital budget for each department regard has been given to existing contractual and Executive commitments and the priority afforded to new projects. However, with the exception of specifically identified allocations, it will be for individual Ministers to decide which projects to fund within the overall capital funding envelope. The overall capital outcome for each department is shown in Annex A. Along with the specific issues detailed below it should be noted that the proposed outcome includes £46 million for Roads Structural Maintenance.

A5 Western Transport Corridor Serving the North West

As part of the 'Fresh Start' agreement the Irish Government reaffirmed its existing commitment to providing funding of £50 million for this project. It also committed an additional £25 million to ensure that Phase 1 can commence as soon as the planning issues have been resolved. This funding is to be provided in three tranches of £25 million in 2017, 2018 and 2019 respectively. Of the £25 million for 2017 some £13.2 million will be spent in the 2016-17 financial year. This has been allocated to the Department for Infrastructure (DfI) in Budget 2016-17.

Flagship Projects

Although the Executive is only agreeing a single year budget for 2016-17 the nature of some capital projects means it is important to provide funding certainty beyond that time span. Therefore the Executive has agreed to identify a number of flagship projects where funding will be agreed now for future periods. These allocations are shown in Annex D.

Financial Transactions Capital

Financial transactions Capital (FTC) may only be used for loans to or equity investment in private sector organisations. Departments have identified £57.8 million of projects suitable for FTC funding and it is proposed that this funding is made available to them. These allocations are shown in Annex A. It is recommended that the remaining £55.8 million of FTC funding be set aside for use by the Northern Ireland Investment Fund.

Northern Ireland Investment Fund

Significant progress has been made to date on the establishment of a Northern Ireland Investment Fund (the Fund) and work is still ongoing. DFP is in the process

of shortly appointing the European Investment Bank as technical advisors in advancing this work further. This will mean that the Northern Ireland Investment Fund will draw on best practice from funds that have been established elsewhere in the UK and Europe. The intention is that the Fund will provide loan, equity or mezzanine finance to viable local private sector projects that cannot obtain funding from commercial sources. The Fund's remit will extend to Northern Ireland as a whole and individual investment decisions will be taken by a fund manager based on project viability and alignment to the Fund Investment Strategy.

As a first step towards establishing this Fund a feasibility study was commissioned to help determine the optimal structure, scale and investment strategy. This feasibility study considered four key sectors, which included urban regeneration, including Grade A office space; energy and energy efficiency; telecoms; and social housing. The reason these sectors were chosen is that investment is taken forward by private sector promoters and that there were seemingly gaps in access to finance for these types of projects.

The feasibility study has now concluded and the next steps include developing detailed policy proposals for the Fund structure, the Fund Investment Strategy and Fund governance arrangements. Part of this work involves additional market testing to refine the type of projects that the Fund should support and how it will be held accountable. As indicated above, this work will draw on the experience of the European Investment Bank to ensure that best practice is incorporated into the design of the Fund.

The indicative timescale suggests that the fund manager procurement process should commence early in the 2016-17 financial year. This will take up to 6 months to complete, which means that the Fund will not be operational until the autumn of 2016.

The Executive has now formally agreed the establishment of this Fund with the allocation of £100 million of Financial Transactions Capital for this purpose - £55.8 million in 2016-17 and the balance in later years.

Conclusion

The Resource and Capital DEL outcome for departments is shown in Annex A. Detail of the funding held centrally for future allocation is provided in Annex B.

This represents a balanced Budget with no level of over-commitment for the first time in many years. Although the outcome may prove challenging the position is significantly better than previously anticipated. As a result of the decisions taken in 2015-16 both in terms of voluntary exit schemes and the departmental restructuring departments should be well placed to meet these challenges.

Table One: 2016-17 Budget Outcome**£million**

	Resource DEL	Capital DEL	Financial Transactions Capital
Assembly Ombudsman/Commissioner of Complaints	2.3	0.0	-
Agriculture, Environment & Rural Affairs	197.9	48.8	-
Dept for Communities	871.2	148.7	11.0
Dept for Economy	790.0	60.1	30.8
Dept of Education	1,947.5	193.7	-
Dept of Finance	140.1	33.6	-
Dept of Health	4,880.1	222.6	10.0
Dept for Infrastructure	372.8	384.1	-
Dept of Justice	1,050.5	58.0	-
The Executive Office	59.1	5.0	6.0
Food Standards Agency	8.1	0.1	-
NI Assembly Commission	39.4	2.0	-
NI Audit Office	7.9	0.0	-
NI Authority for Utility Regulation	0.2	0.0	-
Public Prosecution Service	31.0	1.5	-
Total	10,398.0	1,158.2	57.8

Table Two: Central Funds**£million**

	Resource DEL	Capital DEL	Financial Transactions Capital
Delivering Social Change	14.0	15.0	-
Change Fund	7.1	-	-
EU Match Funding	1.0	-	-
Atlantic Philanthropies	8.0	-	-
Air Passenger Duty	2.4	-	-
Unallocated Tax Credit Funding	30.0	-	-
Paramilitary Monitoring	0.8	-	-
Funding for Addressing Paramilitary Activity	10.0	-	-
Dealing with the Past	30.0	-	-
Shared Future	12.0	-	-
Northern Ireland Investment Fund	-	-	55.8
Shared/Integrated Education & Shared Housing	-	50.0	-
Total	115.2	65.0	55.8

Table Three: Public Sector Transformation Fund Allocations**£million**

Department	Scheme	Allocation
Dept for Communities	Sport NI	0.2
	National Museums NI	1.9
	Libraries NI	2.7
	Arts Council NI	0.2

Department	Scheme	Allocation
	Armagh Observatory & Planetarium	0.2
	NI Housing Executive	9.1
	Charity Commission NI	0.0
	NI Commissioner for Children and Young People	0.1
	NI Screen1	0.1
Total DfC		14.5
Dept for the Economy	Consumer Council NI	0.1
	Invest NI	0.5
	Tourism NI	0.3
	FE Colleges	15.7
	Stranmillis College	0.2
	Construction Industry Training Board	0.1
Total DfE		16.9
Dept of Education	Non-Teaching	23.4
	Teaching and Teaching Workforce	47.3
Total DE		70.7
Dept for Infrastructure	Translink (NITHCo)	1.4
	NI Water	0.5
Total DfI		1.9
Dept of Justice	PACWAC	0.2
	PSNI	12.0
	Police Rehabilitation & Retraining Trust	0.2
	Criminal Justice Inspection	0.1
Total DoJ		12.4
NI Assembly Commission	NI Assembly Commission	0.4
NI Assembly Commission	Northern Ireland Audit Office	0.6
The Executive Office	Equality Commission NI	0.4
Total		117.6

Table Four: Flagship Projects

£million

	2016-17	2017-18	2018-19	2019-20	2020-21
A5 Road	13.2	40.0	53.0	55.0	68.0
A6 Road	21.0	57.0	60.0	60.0	60.0
Belfast Rapid Transport	17.0	9.0	20.0	12.9	-
Belfast Transport Hub	5.8	16.0	40.0	60.0	-
Mother and Children's Hospital	16.0	29.3	62.8	73.0	61.6
Desertcreat	3.9	0.3	18.3	28.2	28.7
Regional & Sub Regional Stadia	9.8	27.0	30.0	15.0	9.0
Total	86.7	178.6	284.1	304.1	227.3

Health, Social Services and Public Safety

Results of Consultation on the Evaluation of the Individual Funding Request Process — Report and Actions

Published at noon on Tuesday 8 December 2015

Mr Hamilton (Minister of Health, Social Services and Public Safety): The Individual Funding Request (IFR) is the process governing access to specialist drugs that are not routinely commissioned in Northern Ireland's Health and Social Care system. Following concerns raised by patients and survivors, charities, the pharmaceutical industry and political representatives, an evaluation of this process was launched in September 2014 and was then subjected to a 12 week consultation process. The responses to the consultation have now been analysed and I would like to take this opportunity to inform the Assembly of my decisions and the proposed next steps before publishing the report.

Report on the Outcome of the Public Consultation on the Evaluation

I am pleased to say that there was an excellent response to the consultation from a range of key stakeholders as well as individual members of the public. Feedback was also gathered through a series of public and private meetings with patient representative groups, clinicians, academia and the pharmaceutical industry and their representatives.

The recommendations of the evaluation report were:

Rec 1: That the existing exceptionality criteria should be amended to remove the reference to 95%;

The evaluation report identified that the current definition of clinical exceptionality used in NI is almost universally regarded as too restrictive. Currently this criterion means a clinician must demonstrate that their patient is different to 95% of patients with the same condition at the same stage.

There was widespread public support for this recommendation. Comments reflected the difficulty in identifying patients who fit the criterion in small patient populations, for example rare conditions which are defined by the size of the number of patients with a certain condition. However other views highlighted the risk that removing exceptionality entirely could undermine the appraisal processes of organisations such as the National Institute for Health and Care Excellence (NICE), which we rely on to provide guidance and reduce variation in the availability and quality of our health treatments and care.

Rec 2: That the establishment of regional scrutiny committee/s should be considered to ensure all IFR applications are subject to regionally consistent clinical input and peer review;

The evaluation highlighted the fact that there is no regional approach to IFRs at Trust level and there is a lack of evidence on how decisions are made within different areas. This has raised the perception that the approach to IFRs may at times be inconsistently applied in different Trusts.

The creation of a regional group would ensure fair and consistent treatment of all IFRs across all Trusts and would also provide an element of clinical peer review/challenge to IFR decisions which would lend depth and clinical authority to the IFR process. This recommendation also attracted almost universal support.

Rec 3: That the existing IFR guidance should be revised to include greater transparency;

Throughout the consultation and the evaluation process, the team heard repeated criticism that the current system is poorly understood by patients and that the decision making process is not sufficiently transparent. A number of respondents stressed that it would be helpful to understand the reasons why a request had been approved or rejected and that they would welcome greater transparency and feedback in the decision making process. From a clinical perspective, this would also be beneficial in terms of data and evidence collection, and clinicians who responded to the consultation also supported this proposal.

Rec 4: That the Department should establish a Specialist Medicines Fund to meet the costs of administering and maintaining increased access to specialist drugs;

The response to this recommendation was mixed, while many respondents welcomed the suggestion of a separate fund, others, particularly clinicians and those within the Health and Social Care system, expressed concern that such a funding mechanism would be inflexible and unsustainable in the long term. Concerns were expressed that creating a specialist medicines fund could create inequity of access by potentially diverting funding from other health activities which may have a better evidence base.

Rec 5: In order to resource the new fund, the HSC should re-introduce charging for prescriptions.

The consultation on the evaluation of the IFR process sought views on the re-introduction of prescription charges to support the establishment of a new specialist medicines fund. This recommendation elicited the largest number of responses within the consultation, with the majority respondents being opposed to the re-introduction of prescription charges. Where there was some support for the principle of charging, this was predicated on there being a comprehensive range of exemptions.

Next steps

Officials in the Trusts and the Health and Social Care Board have worked hard and have shown great commitment in making difficult decisions about access to new specialist drugs within the constraints of the existing IFR system. I would like to thank them for this work and to emphasise that the changes I propose are no reflection on their performance; rather they are about improving the system within which they operate.

Having considered the responses to the consultation, I have decided to accept and progress options 1 to 3. The consultation has certainly shown that there is widespread support among patients, clinicians and other stakeholders for these measures and I have no doubt they will help to modernise and improve access to specialist drugs for patients in Northern Ireland.

There is however still a great deal of work to do to implement these changes. I therefore propose to establish a short life task and finish group to commence the work to redefine exceptionality, create a regional scrutiny committee to establish peer review and consistency across the province, and revise the IFR guidance to provide more transparency. My officials are currently working to establish this group and it will meet as soon as possible. I understand the importance and urgency attached to this work and I will make sure that the group's terms of reference are tightly focused and that the work is carried out at pace.

With respect to recommendations 4 and 5, I have already made clear that I do not support the re-introduction of prescription charges at this time and this remains my position. On the issue of a specialist drugs fund, I have taken heed of the consultation responses and also the experience in England, where the Cancer Drugs Fund has encountered significant challenges around operation and sustainability. In fact, NHS England is currently conducting a public consultation on proposals to fundamentally change the operating model of the Cancer Drugs Fund which if adopted will provide for a focus on clinical assessment. I will ensure that the task and finish will take full account this development in considering the best way forward for Northern Ireland.

Patients should have access to the drugs they need and I share some respondents concerns that the creation of a specialist drugs fund is not necessarily the best means to achieve this. I have therefore decided that these changes will be funded from within the Health and Social Care budget. However, we must also be aware that reforming the IFR process to increase access to these drugs will carry significant costs at a time when the Health and Social Care budget is facing real pressures.

There has been a tremendous amount of interest in this evaluation and I thank everyone for their contribution to the debate. A full copy of the consultation analysis is available on the Department's website.

Thank you

SBNI Thematic Review — Publication of Review Report

Published at noon on Thursday 10 December 2015

Mr Hamilton (Minister of Health, Social Services and Public Safety): The purpose of this statement is to advise Members of the outcome of the thematic review which was commissioned in 2012. The review report will be published today and will be available on the Department's website.

Background

The thematic review was set up following the establishment of a police operation known as Operation Owl in September 2012. Under Operation Owl, the cases of 22 young people were reviewed to determine whether further investigative action was required. All 22 young people were identified following an analysis of data relating to children and young people from Northern Ireland who had been reported missing to police over a 20 month period in 2011/12. All 22 young people identified had been reported missing repeatedly from care by social services who were also concerned about the risk that some of them may have been victims of sexual exploitation.

The thematic review was carried out under the auspices of the Safeguarding Board for Northern Ireland (SBNI). It was conducted by a team led by Professor John Pinkerton of Queen's University, Belfast and was subject to independent scrutiny by an external panel of experts from child protection, law enforcement and academic backgrounds from other parts of the UK. I place on record today my thanks to those who participated in the review and contributed to the production of the report.

The work was carried out in the context of growing public awareness and concern about the extent of both historical child sexual abuse and child sexual exploitation across the UK. In response to concerns about child sexual exploitation, former Minister Poots, with the support of the Justice and Education Ministers, commissioned an independent expert-led inquiry into its prevalence in Northern Ireland. The report of that inquiry, the Marshall report, was published in November 2014. It confirmed that child sexual exploitation is happening here but there was no definitive evidence that it was as organised or on the same scale as elsewhere in the UK. The fact that it is happening, regardless of scale, means that there is no room for complacency and it is vital we do all within our power to stop its spread in Northern Ireland.

Consent and participation

Consent was sought from all 22 young people for their cases to be included in the thematic review. Ten young people gave consent for their cases to be reviewed and I thank those young people for their willingness and courage to help us learn from their experiences and involvement with services. I also thank those parents who participated in the review.

In 12 cases consent was not, or could not, be given. One HSC Trust had specific concerns about one young person's wellbeing. In a number of others, the PSNI and Public Prosecution Service were concerned about compromising the integrity of ongoing investigations. Consent was withheld by a number of young people, some

of whom are now adults and it was deemed not to be in their interests to release their files against their will.

I would ask that members of the House are respectful of all the young people whose cases have been the subject of this review, given the difficulties and trauma they have endured in their young lives. It is important that in learning the lessons about how services engaged with them that we do not inadvertently add to their trauma, or indeed to the trauma of other young people who may be experiencing, or have had, similar experiences. As required, and with agreement of the young people, there is on-going contact and supports in place from the HSC Trusts.

It is also important that we do not over-generalise from the 10 cases reviewed. They represent a very small percentage (0.35%) of the total population of children in care. This is not intended, in any way, to minimise their experiences or the importance of looking after and protecting them. Rather, it is out of respect for young people in care who have told us that generalisations about life in care are often negative and usually misrepresentative of the majority, many of whose experiences are positive. This can be upsetting and stigmatising for some.

Terms of Reference and overview of report

The terms of reference of the Thematic Review were to assess:

- the extent to which the relevant persons or bodies acted in accordance with established policy procedure and guidance governing the welfare and safeguarding of children;
- the effectiveness of any action taken by the relevant persons or bodies to safeguard the young people and promote their welfare during their time in care;
- the effectiveness of communication and co-operation between the relevant persons or bodies; and
- the effectiveness of engagement with and nature of relationships of relevant staff with young people.

Drawing on the file reviews as well as research and evidence, the report provides contextual background about the importance of good quality parent-child relationships and the impact of inadequate parenting and/or adversity in childhood on a child's development and future life. There is specific consideration of the backgrounds and difficulties experienced by each of the 10 young people before they came into care and while in care and the challenges for both their parents and staff in keeping them safe. The factors that increase children's vulnerability to abuse, including child sexual exploitation, are highlighted in the report. It also highlights the importance of supporting families during children's formative years and intervening early when difficulties are first identified to minimise the negative impact on a child's development and future wellbeing.

The learning from the file review is presented under 4 practice themes as follows:

- i. Assessing need and identifying risk of child sexual exploitation;
- ii. Strategic mobilising of services;
- iii. Enhancing relationship based practice with young people; and

iv. Continuous learning and development.

Good practice and areas for improvement are identified under each theme. There is one overarching recommendation.

It is not my intention to take Members through each of the themes, rather I will highlight key learning points, the things that I believe we need to focus on and stay focussed on to strengthen the protection of any child or young person who is vulnerable to any form of abuse, as well as those things that we need to focus on to better protect young people in care from child sexual exploitation.

Key Learning Points

Family Support and Early Intervention

Evidence confirms that young people from any background can be sexually exploited, however the majority of young people who are sexually exploited are more likely to have experienced adversities in childhood. This was the case for all of the young people whose files were reviewed.

All of the families and young people were known to social services prior to coming into care, some for many years, and a variety of services were offered by a range of statutory and voluntary agencies. While some families and children were helped with some of their problems at some points in time, overall support proved insufficient and was not effective in averting these 10 young people from harm or risk of harm.

There has been a growing evidence base about the effectiveness of early intervention in preventing harm to children which is reflected in my Department's ongoing commitment to family support, prevention and early intervention since 2009 as set out in the Families Matter Strategy. Family Support Hubs, a comprehensive Family Support Database and a Regional Parenting Helpline have all been developed under Families Matter. We now have a network of 25 Hubs providing early help to families across all of Northern Ireland.

Building on the work undertaken under the Families Matter Strategy, in 2013 assisted by private philanthropy, we (and by that I mean a number of government departments working collectively) established a £30m Early Intervention Transformation Programme (EITP), which will run until 2018/19. There are three key strands of work under the EITP: firstly, re-focussing universal services such as midwifery, health visiting and early years to engage proactively and purposefully with all families; secondly, establishing a range of services to assist families showing early signs of difficulty; and, lastly, specific and sustained targeting of children and families already known to statutory services to prevent escalation and minimise the negative impact of problems within families on children's wellbeing. A pioneering intensive family support service, again supported by 5 government departments, has also been established in Belfast. Early indications are that the service is having positive outcomes for families with very complex needs.

The outworking of this focus on family support and early intervention on the future outcomes for children and young people will not be known for several years. However, the research and evidence of the effectiveness of this approach are compelling. I believe this is why Professor Marshall made a recommendation to this House to re-affirm its commitment to strategic, long-term and

sustained funding for services for prevention and early intervention. This approach not only makes economic sense, but is possibly the best opportunity we have to improve outcomes for children and reduce the impact of factors that are harmful to their development. This includes reducing the impact of neglect which affects more children in Northern Ireland than any other form of abuse. By reducing the impact of factors that are harmful to a child, we can reduce their vulnerability to abuse and child sexual exploitation. This is in the interests of our society as a whole and I believe will make Northern Ireland a better and safer place for all children and young people.

Understanding child sexual exploitation

Child sexual exploitation is not a new phenomenon but our understanding of it is growing and developing all the time. The growing understanding that child sexual exploitation was a major concern in individual children's lives was reflected in the 10 case files, in some cases from 2006. The review found improvements in assessments of the risk of child sexual exploitation and in communication and information exchange between agencies. An agreed working definition of child sexual exploitation from 2014 has added to our shared understanding and way of thinking about it as a form of sexual abuse. The collection, analysis and sharing of data and intelligence is crucial to keep on building our understanding of child sexual exploitation and to ensure services are continuously improved and adapted to more effectively protect children and young people. Much improvement has been made within the HSC in this regard.

While our understanding about the nature of child sexual exploitation and those who are exploited has improved, the report identifies a significant gap in our knowledge about the profile of perpetrators of child sexual exploitation. It highlights the importance of developing our understanding about who they are, where they are, how they operate and having a robust focus on the investigation, disruption and prosecution of those who exploit. One of the overriding messages in this report is that we need to stop the perpetrators - if we do not stop the perpetrators, we cannot stop child sexual exploitation.

A strategic, interagency approach to tackling child sexual exploitation

The police and social services in Northern Ireland have long established protocols for working together to protect children and young people and significant efforts by both to care for and protect the 10 young people are highlighted in the report. Police officers were largely responsive and effective in locating and returning many of the young people to care, often repeatedly. In some cases where young people engaged in self harming, including suicidal behaviour, the efforts of residential care staff saved their lives.

While the report identifies improvement in agency responses from 2011 onwards, it also highlights a number of factors that hampered the effectiveness of efforts to keep these young people safe, including reactive crisis-driven responses and the reluctance and fear of young people to share information about the identities of who they were with or their whereabouts.

With the setting up of Operation Owl, a more strategic approach to case management became more evident, marked by more effective interagency working, improved

information sharing and co-ordinated responses largely assisted by the co-location of police officers and social workers. We need to learn from and build on this experience to further improve our effectiveness in tackling child sexual exploitation. I welcome the decision by the PSNI to make Public Protection Units (PPUs) co-terminous with HSC Trust areas. This will enable us to more easily replicate what was achieved under Operation Owl for child protection purposes, building on the existing public protection arrangements, under which social workers and police officers have been co-located for a considerable time. I also welcome the creation of a Central Referral Unit (CRU) by the PSNI, the aim of which is to produce greater consistency in police decision-making about child protection cases. We have agreed to scope what is required from social services to ensure appropriate social work input to the CRU.

These arrangements will strengthen interagency working between the PSNI and social services and support more proactive and strategic approaches to both protect and support young people at risk and to identify, disrupt and secure the prosecution of suspected perpetrators.

Creating safety, security and belonging in care

For some periods in the lives of these 10 young people, neither their parents nor their 'Corporate Parents' (HSC Trusts) were able to provide the physical safety, emotional security or relational belonging they needed. The report describes the young people as beyond the care and control of their parents and beyond the reach of what staff could offer. Our ability to help young people at the time they need it most, but are least open to being helped, is one of the biggest challenges we face in keeping young people in care safe.

Having dependable and trusted adults is key to providing a sense of safety, security and belonging for all children and young people, including those in care. The report acknowledges the efforts of residential care staff to do this but also identifies the challenges of maintaining stability and consistency of relationships with young people in care.

The 10 young people experienced frequent placement changes while in care, including periods in secure accommodation and juvenile justice. The report acknowledges that, on occasion, secure care is the right response to ensure a young person's physical safety. However, it is also clear that locking up victims of child sexual exploitation routinely is not an acceptable long-term response. The report urges for a greater focus on getting the perpetrators locked up at the same time as developing services that can more effectively provide a secure base from which young people at risk can reach out and use the supports that are available.

This is similar to the recommendation in the Marshall report about 'safe spaces' and work has already commenced in this regard. That work will be further informed by the findings from this review and, as recommended by both authors, children and young people will be central to the creation and design of these 'safe spaces'.

A number of areas for improvement are identified in the report focussed on strengthening the effectiveness of current practices in residential care to support and protect young people at risk of child sexual exploitation. These include: dealing with physically aggressive behaviour;

responses to going missing; use of residential therapeutic approaches to care; and building and maintaining positive relationships with family, friends and staff. These will be the focus for improvement alongside the creation of 'safe spaces'. The reconfiguration of residential care provision is intended to improve choice of placements and effectiveness of residential care provision in providing a secure base for young people in care. The implementation of the Department's Improving and Safeguarding Social Wellbeing Strategy aims to strengthen the capacity and capability of the workforce to provide more effective interventions across all settings, including residential care. This work is ongoing.

The HSC Children's Services Improvement Board is also leading a number of initiatives to improve and strengthen child protection services, looked after children services and professional practice with a focus on more effective early authoritative interventions and enhancing relationship-based practice with families and young people, including those in care.

Learning and Continuous Improvement

It is important to recognise that the nature of child sexual exploitation evolves and changes. Today legal highs, technology and social media are posing new threats. We don't know what tomorrow's threats will be. This is why I welcome the emphasis on learning and continuous improvement in practice and service provision in this report. I am committed to building the capacity of staff in the HSC in quality improvement methodologies and evidence-informed practice so that frontline staff can contribute to the development of more effective practice and services, based on evidence of what works as well as on their practice experiences and informed by the experience of young people themselves and their families.

Through the Commissioning Direction for Learning and Development to the HSCB, I am also ensuring that there is a sustained focus on building the capacity and capability of managers and staff in residential care. Member organisations of the SBNI, established by my Department in 2012, will also have an important role to play, individually and collectively, in ensuring learning and continuous improvement within and across agencies in respect of safeguarding and promoting the welfare of children.

Areas for Improvement and Recommendations

Twenty three areas for improvement in practice and service provision are identified against the 4 themes. These are mapped against relevant recommendations in the Marshall report. I am totally committed to making these improvements. To avoid duplication and make the best use of expertise and resources I propose to use the structures established to take forward the Marshall recommendations to implement the improvements from this review.

The review report makes one over-arching recommendation, which is for a regional benchmarking audit to be undertaken 12 months from now to determine the effectiveness of responses to children in care at risk of child sexual exploitation and to report within 3 months of the commencement of the audit. Essentially, we are being asked to demonstrate that the actions, improvements and the momentum for change to support and protect young people in care identified by the reviewers are having the desired effect and are maintained.

I accept this recommendation on behalf of the HSC and have already instructed the HSCB to co-ordinate a regional audit, working in collaboration with HSC Trusts. I have asked for the report to me on the outcome of that audit within fifteen months.

I have also written to Minister Ford recommending that he asks relevant justice agencies, including the PSNI, to undertake a similar audit within broadly similar timescales in line with Professor Pinkerton's recommendation.

Professor Pinkerton had recommended that this audit is undertaken under the leadership of the SBNI. To that end, I have instructed the HSCB and Trusts to share the outcomes of their audit with partner member organisations in the SBNI and I have asked Minister Ford to advise relevant justice agencies in similar terms. I have asked the interim Chair of the SBNI to have oversight of the process of audit to ensure, among other things, that it is undertaken consistently across health, social care and justice agencies. Where individual audits produce inter-agency learning or require resolution on an inter-agency basis, the SBNI will be the vehicle for member organisations to agree what requires to be done. While the areas for improvement identified by the review report relate in the main to police and social services, other member organisations of the SBNI may, within 12 months, wish to carry out an audit of their own responses to young people in care at risk of child sexual exploitation to provide a composite regional overview.

In addition to accepting this recommendation, I have also taken steps for RQIA to follow up its independent review of child protection services in 2011 to ensure they continue to operate to agreed standards. This will be carried out in 2016/17.

Final Reflections

This review, along with the Marshall report, highlights the adversities, injustices and abuses that some young people experience. It is intolerable that any child, in so-called civilised society, is treated as a sexual commodity and his/her young life blighted, often for a lifetime.

I am greatly disturbed by the level of child sexual abuse and exploitation that is happening in Northern Ireland. However, I am also heartened that the responses and efforts of staff working with these vulnerable young people have shown a level of care and commitment to do their best for them, and have not been dismissive or judgemental about the circumstances of their lives.

I want to formally record my thanks for the dedication of staff, particularly residential staff, for the considerable efforts they made to provide stability and safety for these young people in the most difficult of circumstances. I also want to acknowledge the ongoing efforts that staff made over long periods of time to help the young people in their care. As acknowledged by Professor Pinkerton, in some instances, that commitment saved lives.

Improvements in protecting young people in care from the risk of child sexual exploitation have been made. We now need to ensure that this focus on improvement in what is a complex and challenging area of practice is supported and maintained. I am committed that the HSC will continue to make every effort to meet the needs of young people in care and keep them safer from all risks to their wellbeing, including child sexual exploitation.

But the HSC cannot do this alone. Tackling child sexual exploitation, and indeed any form of sexual violence or abuse, requires a sustained government-wide approach which is why I call on members of this House to make the same commitment as my Department to protect all our children and young people from sexual exploitation and, crucially, to bring to account the perpetrators, those who exploit.

Simon Hamilton MLA

Committee Stages

Northern Ireland Assembly

Committee for Social Development
10 December 2015

Housing (Amendment) Bill [NIA 58/11-15]

Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson
Mr Sammy Douglas
Mrs Dolores Kelly
Mr Adrian McQuillan

Witnesses:

Mr Stephen Baird	
Dr Heloise Brown	<i>Department for</i>
Ms Maryann Dempsey	<i>Social Development</i>
Ms Avril Hiles	

The Chairperson (Mr Maskey): I welcome Heloise Brown, Maryann Dempsey, Avril Hiles and Stephen Baird. Before we move to the formal clause-by-clause consideration of the Bill, I ask the officials to update us on the Department's meeting with DFP in respect of the sharing of information on empty properties with councils.

Ms Avril Hiles (Department for Social Development):

We met representatives of DFP Land and Property Services on Monday this week to confirm whether they would be happy to have an information-sharing clause extended to councils. They replied to us in writing to say that it would not be appropriate because councils do not have a role in implementing the empty homes strategy.

The Chairperson (Mr Maskey): You got the answer you expected, I guess.

Mr Beggs: They are saying that the councils do not have a role in implementing the empty homes strategy. They have a role in community planning. They have a role in addressing antisocial activity. They have a role in trying to meet the needs of the local community. Why do they not have a role in addressing the empty homes strategy, if you are saying that is the reason not to widen this?

Ms Hiles: They did not give a reason. All they said was that, if councils wanted an informationsharing clause, they could have the appropriate legislation drawn up, but it could not be done through our legislation.

Mr Beggs: Can we not build enabling powers into our legislation so that we would not have to go through a two-

or three-year consultation period to subsequently put such legislation together? In that way, through regulation, it could be easily addressed in future.

Dr Heloise Brown (Department for Social

Development): I realise that it is frustrating. I think that the issue is that it is DFP's rating information, and it is its call, really, on where it is appropriate to share it. We did a lot of lead-in work with DFP to get the clause that is in the Bill and to make sure that it understood the purposes for which we need information to ensure that it would meet the purposes of the empty homes strategy. Additionally, in supporting DFP's rating duties, information can be provided back to DFP if it is not correct. A lot of lead-in work was done to achieve that. I think the issue is that it believes that providing all that information to the councils is not necessary for the purpose purely of the strategy, because the Department and the Housing Executive lead on the strategy. For the specific purposes set out in the Bill, which are required to be specific for data protection purposes, DFP decided that is not appropriate to extend them to councils.

Mr Beggs: I have given evidence about antisocial activity that has been adversely affecting local communities, which is a very specific area. Can we not provide an information mechanism at present?

I have had to consider various mechanisms. You can pay personally to find out who owns a house. Would it not make sense to build in a provision for joined-up government even for restricted areas where there is an identified need, if not for every vacant property?

The Chairperson (Mr Maskey): I think that the difficulty we have is that the information belongs to

DFP. The issue around information-sharing does not fall within the scope of this Bill, which gives the Department a problem. The Department does not have the power to compel another Department to do something and, actually, when you look at it, we are also being told that the legislation to deliver that is best placed in DFP and DOE as the Departments that lead on local government.

Mr Beggs: Where is the joined-up government? That is what I am asking.

The Chairperson (Mr Maskey): It is about the scope of any particular piece of legislation. That is really what we need to consider. This might well be a point where we accept the clause as it is but make a very strong

recommendation outside of a making formal amendment, because I do not think that we are going to get a valid amendment that is going to stand scrutiny or test. You may want to come back on that, Avril or Heloise.

Dr Brown: It is a data protection issue, really. The Data Protection Act 1998 is there to make sure that information is shared for very specific purposes, and that has been the main limiting factor on this.

Ms Hiles: Yes, and the Housing Executive is very keen to work alongside councils. Once they have made contact with known owners, that information could be shared with councils, with the permission of the owner.

Mr Beggs: With the permission of the owner?

Ms Hiles: Yes.

Mr Beggs: That is the problem. Nobody knows who the owner is.

Ms Hiles: We will know once this becomes law.

The Chairperson (Mr Maskey): There has been a fair bit of discussion around this and laypeople were asking, "Why can we not have that sharing?" We have been given the explanations. It seems to me that we will be flogging a dead horse on this particular issue. We are not going to get an amendment that is going to be valid or which will pass through the Assembly. I think it is an area where we could make a very firm recommendation as a Committee.

Mr Campbell: Chair, it might be something that, under the new Department, 12 months from now, could be brought under review, but it seems as though we cannot make much more progress on the issue at this time.

The Chairperson (Mr Maskey): I agree. Is that fair enough, Roy? It is one of those issues where we are just at the end of the line. On that basis, members, if you are content, we will move on to deal with clause 1 formally. Are we content to do that, notwithstanding the concerns that we have tried to address?

Members indicated assent.

Question, That the Committee is content with clause 1, put and agreed to.

The Chairperson (Mr Maskey): We will return to the issue of the information-sharing protocol at the end of this.

Clause 2 (Disclosure of information relating to anti-social behaviour)

The Chairperson (Mr Maskey): I refer members to the proposed amendment by the Department on page 6 of the tabled items.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Question, That the Committee is content with clause 3, put and agreed to.

Question, That the Committee is content with clause 4, put and agreed to.

Question, That the Committee is content with clause 5, put and agreed to.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Maskey): That concludes the Committee's formal clause-by-clause consideration of the Bill.

At this point, we seek any recommendations that members want to include in the report. We have a paper that sets out some possible draft recommendations. The officials have produced those on the basis of the discussions thus far. Those are on page 16 of the meeting pack. They are, obviously, only to guide and help the Committee in any recommendations that it wants to make and include in the drafting of the report. We recommend that the report comes back to the Committee on 7 January 2016 for formal consideration. Are there any recommendations? I take it that we want to make a firm recommendation — I am not sure how to word it — that the matter of information-sharing protocols between local government and the relevant Departments is addressed. Are members happy that we form a recommendation on that basis? Roy, are you content with that?

Mr Beggs: OK.

The Chairperson (Mr Maskey): That will come back to us at the meeting on 7 January in the final report. Are members happy enough with that?

Members indicated assent.

The Chairperson (Mr Maskey): I thank Heloise, Avril, Stephen and Maryann very much for your help to the Committee and for all the work that you have been doing.

Northern Ireland Assembly

Committee for Education
16 December 2015

Shared Education Bill [NIA 66/11-15]

Members present for all or part of the proceedings:

Mr Peter Weir (Chairperson)
Mrs Sandra Overend (Deputy Chairperson)
Mr Chris Hazzard
Mr Trevor Lunn
Mr Seán Rogers

Witnesses:

Mr Andrew Bell
Ms Jacqui Durkin *Department of Education*
Dr Suzanne Kingon

The Chairperson (Mr Weir): Today, we will set out the formal position of the Committee on the clauses and proposed amendments and divide as necessary. All decisions of the Committee will be final. Of course, that does not mean that Committee members will not be free to take whatever view or table whatever amendments they want in the Chamber. I also remind members that there is the opportunity, if the Committee is not content with a clause, although I do not think that there has been any suggestion of that happening, for the Committee to register its formal opposition to the clause standing part of the Bill. The clause would then have to be debated at Consideration Stage. It is anticipated that the Committee will conclude all formal deliberations today and agree the report arising out of today's meeting on 6 January 2016.

I welcome, somewhat belatedly, the departmental officials, who are here to answer any questions.

We have Andrew Bell, the head of the shared education and community relations team; Suzanne Kingon, the head of the Irish-medium and integrated education team; Joanne Maxwell, from the shared education and community relations team; and Jacqui Durkin, the director of area planning. We will go through the amendments individually. Do you wish to say anything at this stage?

Mr Andrew Bell (Department of Education): Most of the points that we wish to make were made during last week's informal deliberations. However, it may be helpful to make just a few points at this stage on some of the key areas that members will consider this morning.

The definition at clause 1, as you know, sets out the minimum essential requirements for shared education: the education together of those of different religious belief and those from a different socioeconomic background.

Ironically, as was previously indicated, replicating all section 75 categories in the legislative definition risks exclusion rather than inclusion. The words "religious belief" have been used in the Bill, as that is the terminology —

The Chairperson (Mr Weir): Sorry to interrupt. Are there any points that you want to make over and above what will be dealt with directly in the amendments? On each occasion, there will be an opportunity for you to comment on the amendments individually, and that may be more helpful.

Mr A Bell: That is fine. I am happy to do that.

The Chairperson (Mr Weir): Is there anything outside the amendments that you wish to speak about?

Mr A Bell: No, it is mostly on the amendments.

The Chairperson (Mr Weir): Clause 1 provides a common definition of "shared education". We have six or seven amendments that we need to look at. If we include the one from the Department, there are seven.

I direct members first to amendment 1 to clause 1, which would leave out "religious belief" and insert "community background". Does the Department have any comments to make on that?

Mr A Bell: The words "religious belief" are consistent with the policy, and they reflect the wording of the relevant section 75 category. That is why we used "religious belief". Community background information is not routinely collected. To do so would impose further administrative burden on education providers.

Equality Commission guidance and section 75 monitoring guidance indicates that there are two options for monitoring religious belief: current stated religion or community background. What we are proposing is current stated religion. The guidance goes on to state:

"For the purposes of section 75, the current stated religion question is the more appropriate, as it better recognises the increasing diversity of Northern Ireland society."

By contrast, the statistics that the Department collects are organised under 31 separate categories, including "no religion". That is why we believe that "religious belief" is —

The Chairperson (Mr Weir): To clarify, you collect at present from schools on the basis of 31 categories under the broad umbrella of religion. One of the categories is,

effectively, “no religious belief” or “none”. Presumably, the other 30 categories are —

Mr A Bell: All the main religions.

The Chairperson (Mr Weir): — the different denominations and then the different religions, be that Islam, Buddhism or whatever.

Mr A Bell: You have “no religion”. You also have “other Christian”, if it does not fit into one of categories given, “other Protestant” and “unclassified”. Therefore, the full range is covered.

Mr Lunn: Is humanism in there?

Mr A Bell: Not at the moment, no.

Mr Lunn: I am not advocating it. I was just wondering.

Mr A Bell: It would be —

Dr Suzanne Kingon (Department of Education): Under “no religion”. That, presumably, would be the designation.

Mr Lunn: Humanists would argue strongly that humanism is a religion, because they do not have any. You say that “no religion” is one of the categories.

Mr A Bell: I am not sure whether that would be viewed as “no religion” or “unclassified”. I am not sure how the schools would record that.

Mr Hazzard: I am just wondering what effect the adding of “or none” after “religious belief” in clause 1 would have.

Mr A Bell: We are considering whether we need to put something into the Bill to make it clear that “religious belief” at the moment does not include not having any religion. We are looking at whether it would be helpful to put that into the Bill. If so, that would be done at Consideration Stage.

The Chairperson (Mr Weir): Maybe this is overly simplistic. I take the points that have been made by Chris and Trevor. If you are talking about “religious belief or none”, does that not clarify it?

Mr A Bell: The advice is that we are better taking the lines as used in the fair employment guidance. It does not use the word “none” in its terminology.

The Chairperson (Mr Weir): Some sort of phraseology along the lines of “or those of no religion”.

Mr A Bell: A clause would go in to say, “‘religious belief’ as defined in the Bill would include those of a religion and those of no religion”. That is what it would state.

Mr Lunn: A lot of the people who do not have a religion would be quite offended at being categorised as having a religion. I hear the argument, but it does not make any sense to me.

Mr A Bell: It follows the Equality Commission’s guidance.

Mr Rogers: I find there to be a significant difference between the terms “religious belief” and “different religious belief”. To me, “different religious belief” assumes that you have a religious belief. I agree with you that, if you were talking about just religious belief, you could include “or none” there, but to include it under “different religious belief” —

Dr Kingon: It is important to keep sight of the fact that this is a minimum requirement, and that is very much where we are coming from with the Bill. It is about bringing together those of different religious beliefs, including the

reasonable numbers of Roman Catholics and Protestants. That is a minimum requirement for shared education, and it is important to keep sight of that. As we have explained before, the policy is very much directed towards bringing all the section 75 groups together and increasing awareness of them all. This, however, is the minimum requirement, and, because of the historical difficulties with the situation here, there is a focus in the Bill on bringing together children from the two main communities. It is important to keep in mind that it is a minimum requirement. It is not the pinnacle. It is not defining what all the shared education activity will be about.

Mr Lunn: I do not want to trivialise this, but, let me put it this way, if you are saying that somebody who has no religion actually has a religion, that is about the same thing as categorising non-smokers as smokers who do not smoke. The legislation does not need this.

Mr A Bell: There is a section on the form for religion, and you can write “no religion” against that. That is what people would do.

Dr Kingon: “No religion” is an explicit category. It is listed there, and you can designate as “no religion”.

The Chairperson (Mr Weir): I am aware of the time difficulties, but, Andrew, you indicated that the Department was looking to bring forward an amendment to cover that point.

Mr A Bell: We are considering whether it is necessary to do that just for clarity.

The Chairperson (Mr Weir): Sorry, I maybe picked you up wrong. You are saying that you may or may not put down an amendment to cover that point. We do not know what the wording would be for that at present, or even whether you are going to do it.

Mr A Bell: If we were proposing to do that before Consideration Stage, we would try to let you see any amendment ahead of then, but it is really about whether we need to have that clarity in the Bill. We are still getting advice on that.

The Chairperson (Mr Weir): There seem to be a couple of issues with the amendment. It strikes me that the ground has slightly shifted. There is an issue around how those who do not have religious beliefs are categorised. Specifically, I have not heard anybody argue that “community background” should replace “religious belief”. Am I right in thinking that?

Mrs Overend: I wonder whether “different religious belief” should be termed “different religions”, with “belief” taken out. You say that is what is called “religion” includes having no religion. You might like to refer in the Bill to the collected data so that, if you change —

Dr Kingon: The data will probably change. There is the potential that the data collection and the fields will change in the future. I do not think that we would particularly want to refer to data collection.

Mr A Bell: We used “religious belief” because that is the section 75 category. As you know, the policy goes on to encourage other section 75 categories. We used the term to be consistent with the section 75 categories rather than anything else. The Equality Commission guidance says that you can use the current stated religion, which is essentially the data that we are collecting, for religious belief.

The Chairperson (Mr Weir): There seem to be a couple of options for us. The Committee could table its own amendment, although we would need to agree some form of wording, and, depending on what

the Department did, either move it or not move it. The second option is, if the Department is considering this, to hold back on putting forward an amendment and if members are not satisfied with the Department's amendment they can put forward their own. I am happy to be guided by the Committee on what members want to do. If there is an amendment people want to table, they will need to put forward a specific wording for the Committee.

Mr Lunn: Sorry, are we still on amendment 1?

The Chairperson (Mr Weir): Yes.

Mr Lunn: It has been a wee bit discredited, has it not?

The Chairperson (Mr Weir): The point I was making is about the term "religious belief". It is clear that, as far as draft amendment 1 is concerned, nobody wants to push the bit about "community background". The point I am making is that, to cover people with no religious beliefs, the choices for the Committee are twofold. We could provide our own amendment and move or not move it, depending on what the Department does. If we are providing our own amendment, we need some form of suggested wording. The alternative, if the Department is considering an amendment, is to wait and see it and decide whether to support it. If it is not moved, there is the opportunity for members to table their own amendment.

Mr A Bell: The only amendment we will be considering is one that makes it clear that by "religious belief" we include those with religious —

The Chairperson (Mr Weir): I understand that. To be fair, that is where the crux of the argument is. The inclusion of "community background" is dead in the water for the reasons that have been stated, and I do not think that anybody is particularly pursuing that.

Chris, do you want to say something?

Mr Hazzard: No, I have a point about the reference to "Protestant and Roman Catholic" in clause 1(2). Do you want to first take the decision on the first part?

The Chairperson (Mr Weir): The problem is that, unless anybody has a specific amendment, we may have to wait to see what the Department brings forward and consider it.

Mr Rogers: We will wait and see what the Department has to say, but I think that we should put in "different religious beliefs or none".

The Committee Clerk: If the Committee thinks that, you could put it in an amendment.

Mr Lunn: It seems simple.

The Chairperson (Mr Weir): One option is to put in "different religious beliefs or none", as an amendment, and, if the Department comes up with what we consider to be better wording, we could agree to not move our amendment.

Mrs Overend: Would it be better for it to say, "Those of different religious beliefs, including none"?

The Committee Clerk: I will ask the Bill Office to come up with the exact wording, but the spirit of the amendment is evident here.

Mrs Overend: Very good.

The Committee Clerk: That was not intentional. [Laughter.] I have got the idea about what you want. It is going to be "or none", "of different religious belief" or similar phrasing.

The Chairperson (Mr Weir): Can we sign off on the final wording at our meeting on 6 January?

The Committee Clerk: Yes, because it will be in the report.

The Chairperson (Mr Weir): Chris, you have a separate point.

Mr Hazzard: Is it possible to do this without mention of "Protestant and Roman Catholic"? I have a worry that the long-term unintended consequences will be to entrench the divisions of "Catholic" and "Protestant". Is it possible to do this without mentioning "Protestant" and "Catholic" and talk about those of "different religious beliefs or none"?

Dr Kingon: Obviously, it is possible to do that, but the Minister's decision was that this phrase should be included:

"including reasonable numbers of both Protestant and Roman Catholic children or young persons".

Obviously, from the Department's perspective, any amendment would have to be agreed by the Minister.

As for the rationale, some of the arguments that have been rehearsed before include the fact that the phrase makes it much more explicit that there should be cooperation between different school types and sectors that cannot be referenced in the legislation because "sector" is not a legislative term. The use of the phrase makes the requirement for cooperation much more explicit. It reflects the community here and the historic differences that exist. For those reasons, the Minister's decision is that it is important that that phrase is in there.

Mr A Bell: It was also to make sure that it was clear that we were addressing the legacy of the past. That was one of the things that came up during the public consultation. There was a lot of concern that, without specifically referencing that, some education providers may decide that it is too difficult or too sensitive an issue to address. That was clearly not what the intention was.

Mr Lunn: Is it possible to consider saying, "Protestant, Roman Catholic or other children"?

Dr Kingon: That is a matter for the Committee.

Mr A Bell: It is possible, because the wording is:

"religious belief, including reasonable numbers of Protestant and Roman Catholic children or young persons".

"Including" means that "others" are already included in the religious belief definition. It is just expanding that to make sure —

Dr Kingon: "Protestant and Roman Catholic" is setting the minimum bar again; it goes back to that. It is saying that this has to be, at its very core, about bringing children

from the two main community backgrounds together. It establishes that as a minimum requirement in terms of the policy, as I said, bringing all the groups together, including others. It just sets out that, as a minimum, shared education must do this to be shared education. If anything else goes into that clause, it dilutes that as the minimum line of "this must include this".

Mr Lunn: That is for another day.

The Chairperson (Mr Weir): It is for another day; OK. We will move on. Before we get to the second potential amendment, there is one other issue that came up a number of times. The Committee feels that the best way is to seek assurance on it. It is about the interpretation of the phrase "reasonable numbers". We have already had informal discussions with the Department. There is a concern about sharing programmes at small rural schools or, indeed, other schools. Can we get an assurance from the Minister at Consideration Stage that the interpretation of that in the judgement on shared education will not be used to preclude anyone because a school does not, overall, have large numbers?

Mr A Bell: The Committee wrote to the Department, and the Minister is aware that the Committee will seek that assurance at Consideration Stage.

The Chairperson (Mr Weir): He will do that in his opening remarks or, alternatively, there will be an intervention from me or someone else on the Committee to seek that so that it is on the record.

Mr A Bell: He is aware that the Committee is looking for that assurance.

The Chairperson (Mr Weir): OK. We will move on to the next potential amendment, which is to do with the reference to integrated education in the definition of shared education.

Dr Kingon: One of the main reasons why the Department would not support the amendment is that shared education is much wider than just schools. A progression towards integrated education is really only suitable for two schools cooperating. Obviously, we are looking to engage early years providers and youth providers, so the reference to integrated education does not really fit. On our last visit to the Committee, we mentioned that the only legal definition of integrated education is the definition that was set out in the Education Reform (Northern Ireland) Order 1989. In that sense, it is a distinct concept defined in law. There is not a natural progression in the sense of a legal progression from shared education to integrated education.

A transformation to integrated status or the opening of a new integrated school requires a statutory development proposal. If two schools got to the stage where they felt that they wanted to close and become a single integrated school, they would have to go through the statutory development proposal process. There is no natural progression there. The other thing is that a large number of schools will not see shared education as a progression to integrated education; indeed, the idea that it is referenced in the Bill may put some schools off participating in shared education.

The Chairperson (Mr Weir): OK. Do members have any comments?

Mr Lunn: I just want to make the point that it was not me who suggested this. *[Laughter.]* That might surprise you, but it was not me. I have reservations about it, because, first, the Assembly would not accept it anyway and, secondly, we could probably come up with something better than that.

The Chairperson (Mr Weir): Does anyone want to push for that amendment, or are members satisfied with the Department's position?

Mr Rogers: Suzanne, in your explanation, you went straight into talking about integrated education, but we are not necessarily talking about that: we are talking about children being educated together.

Dr Kingon: I appreciate that, but the difference is that the legal definition is such that it is wrapped around the 1989 Order. We talked the last day about the difference between integrated with a capital "I" and integrated with a small "i". I appreciate the spirit of the amendment, but the legal definition is about a grant-maintained school and a controlled integrated school and the meaning of that in law.

The Chairperson (Mr Weir): I know that we got legal advice that said that the law is capital blind when it comes to a big "I" and a small "i" and, I suppose, strictly speaking, a big "E" and a small "e".

Dr Kingon: There is only one definition of "integrated" in law, and that is the definition in the 1989 Order.

The Chairperson (Mr Weir): OK.

We will move on to amendment 3, which makes explicit reference to further education colleges as relevant providers. We have the legal drafting. The amendment would add in:

"further education", as defined in Article 3 of the Further Education (Northern Ireland) Order 1997".

Do you want to comment on that?

Mr A Bell: Again, we point out that the Bill as currently drafted provides for the appropriate inclusion of further education colleges in shared education projects. Our concern about this amendment is that it would potentially leave the Department and its arm's-length bodies with a power to facilitate and encourage but without the relevant ancillary means to do so, as we do not have responsibilities for further education colleges.

The Chairperson (Mr Weir): I understand that, but, outside of that, do you feel that it would do any harm at all?

Mr A Bell: It is already included. It would —

The Chairperson (Mr Weir): Maybe the argument is that it makes something explicit that is, arguably, implicit.

Mr A Bell: It is, and it also gives prominence to further education colleges over any other providers covered by clause 1(3)(b).

The Chairperson (Mr Weir): We do, though, make specific references to youth services, do we not?

Dr Kingon: I think that, the last day, we referenced the fact that a school solely partnering with a further education college is highly unlikely to be able to provide the range and scope of a shared education experience that we would look to provide through the current signature project and future projects. It would be very difficult to extend

cooperation throughout the whole school community. It would be extremely difficult to really broaden out the range of curricular cooperation if it were operating solely. The point that Andrew made is that it perhaps gives an undue prominence to the role of further education colleges.

The Chairperson (Mr Weir): I am maybe playing devil's advocate on this bit, but if the quality of the application and the project does not make it, is that not, to a certain extent, a self-regulating mechanism, without the need to exclude on that basis? I can think of the reasons why they would count as shared education providers. I was at a prize day yesterday for the sixth form of a secondary school, and I know that there has been very strong working between it and some of the local primary schools, for instance, on a shared project. A lot of that is to do with mentoring and teaching younger children by way of peer intervention. I could see something of that nature being done between a further education college and some schools. Do any members have any comments?

Mr Rogers: I agree with the Chair. If we are not going to draw attention to further education, should we not leave out "including youth services" on the next line? Should we not leave out that bit in brackets completely? If you draw attention to youth services, why not draw attention to further education? I agree with the Chair: it certainly could contribute to a school's shared education and what is happening on the ground. Many young people at 14 go to further education colleges on day release. There is some good work going on in area learning partnerships as well. My point is this: should we not leave out "including youth services" on the next line?

Mr A Bell: Youth services is mentioned because it has a specific role in informal education that the Department has responsibility for. The majority of work with the further education colleges would be through the entitlement framework, so it would be at post-primary. However, it would not include the whole of post-primary; it would be Key Stage 3 and above. Given that shared education covers youth and early years as well as schools, we do not envisage that there would be an opportunity for a youth group, for example, in a further education college to participate. If there were opportunities like that, certainly the Bill would not exclude them, but I suppose that, as Suzanne said, actually mentioning them brings prominence to them.

Dr Kingon: The important point for us is that, as the Bill is currently drafted, further education colleges are in no way excluded from participation in shared education. Our view is that they do have a role. We do not see a particularly significant role for further education colleges in the same way. We envisage that we will see significant amounts of cooperation between youth providers through the Peace IV programme, providing shared education projects solely by youth providers working together. We do not envisage that for further education colleges, and we feel that a very specific reference to them in the Bill does give them undue prominence.

Mr Lunn: I am just wondering about the definition of children and young persons. If you brought in further education colleges, you would be bringing in adult education as well. What is a "child" or a "young person"?

Mr A Bell: I think that the 1989 Order defines what is meant by "child", "children" and "young person".

Mr Lunn: Can you tell us off the top of your head?

Dr Kingon: We have not got it here.

Mr Lunn: Does it go by age?

Dr Kingon: I think that it does, yes.

Mr A Bell: It does.

Dr Kingon: I think that the age is 24 for a young person, but we can come back to you on the legal definition.

The Chairperson (Mr Weir): Specifically on amendment 3, do members want to go ahead with the amendment or be guided? Personally, I think that there is a reasonable enough argument to go ahead with it. Does anybody take a different view?

Mr Lunn: I am inclined to go with the Department for once, yes.

Question put.

The Committee divided: Ayes 1; Noes 2; Abstentions 2.

AYES

Mr Weir.

NOES

Mr Lunn, Mrs Overend.

ABSTENTIONS

Mr Hazzard, Mr Rogers.

Question accordingly negatived.

The Chairperson (Mr Weir): We will not move ahead with amendment 3.

We will move on to amendment 4, which relates to the issue of whether it is a duty or a power. It is one that has been reasonably well discussed. I suppose that the issue is probably the issue of promotion, to put it on a parallel with the Education Authority. Again, I appreciate that we have had a reasonable amount of discussion on this already. Is there anything else that you want to add to that? This is obviously very specific with regard to the Department.

Mr A Bell: Again, I suppose that the discussion last week brought out all the key points. It is about the sheer number of settings that are covered and the potential magnitude of impact on education budgets and priorities simply because of the sheer number of settings that are covered. By contrast, a power provides statutory recognition of the importance of the concept of shared education within the system but allows the Department, in conjunction with the Executive —

The Chairperson (Mr Weir): Andrew, I suppose that there are two issues with regard to the impact on budgets. First of all, I know that it goes wider than purely shared education, but between shared education — probably sharing the funding with integrated education — and shared housing, £500 million is going to be made available separately over a 10-year period. There is the argument that essentially, if you have a duty, this will effectively tie the hands from a budgetary point of view. Presumably, there are particular requirements for integrated and Irish-medium education. That presumably has not so skewed the Department's funding that it has made it difficult to fund other aspects of education.

Dr Kingon: You are not comparing like with like. In total, in the integrated and Irish-medium sectors, there are 62 integrated schools and 30 Irish-medium schools. We are talking well below 10% of the total schools estate. I think that, last week, we explained that it is not just about the budget with regard to actual spend on shared education projects, but about how the Department manages its range of policies. Last week, we talked about reasonable adjustments to the transport policy or the temporary variation policy. It would be very difficult to make reasonable adjustments for something that potentially applies to all schools.

The Chairperson (Mr Weir): I am not sure that that all flows from simply having a duty rather than a power in this particular bit. There is a duty on the Education Authority. Will it be —

Dr Kingon: Well, the Education Authority is not responsible for the overall policy framework with regard to how shared education operates.

The Chairperson (Mr Weir): I understand that, but presumably it will have to make a range of spending decisions on that basis. I do not see the fact that it is a duty as particularly skewing that. Anyway, we have reasonably rehearsed the arguments. Again, do members have any thoughts on this?

Mr A Bell: It might be worth pointing out that the £500 million that you referred to is capital specifically for —

The Chairperson (Mr Weir): I understand that, but, from a financial point of view, it is still of significance. All Departments' expenditure is a mixture of resource and capital.

Dr Kingon: The majority of shared education activity is non-capital. It does not involve capital; it involves schools cooperating to deliver the curriculum. It is not explicitly about capital investment.

The Chairperson (Mr Weir): With respect, whatever is put in here does not make reference to it being capital or resource.

Dr Kingon: The duty will apply across —

Mr A Bell: It is the implications of that.

Mr Lunn: I am sorry that I missed last week's session, then, because maybe I am a bit confused here. We are suggesting putting a new clause 1A to emphasise the duty, but the power is under clause 2.

The Chairperson (Mr Weir): Maybe the Clerk can provide clarification.

The Committee Clerk: We would then take the Department out of clause 2. That is just over the page.

The Chairperson (Mr Weir): Trevor, we had a number of groups that made the point about power and duty. To be fair, there seemed to be a distinction between the lobbying that we got from a number of organisations. Nobody seemed particularly keen on making a duty on the arm's-length bodies. There was a feeling that, if CCMS or NICIE or whoever were included, it would be a step too far to impose any duty on them. However, a number of the same organisations that were saying that were also saying that they wanted a duty on the Department. That is where they

were drawing a distinction between the two. That is why I think that it is separated out, potentially.

Mr Lunn: In that case, the wording of suggested new clause 1A is factually correct. That is already in legislation. It might irritate people like me, but it is a fact. The only question is whether or not you want to put it in this Bill to emphasise it.

The Chairperson (Mr Weir): The Department would probably contend that it is not.

Dr Kingon: Are you referring to there being a duty on the Education Authority?

The Chairperson (Mr Weir): There is a duty on the Education Authority. I suppose that the argument about this is whether this is actually the Department and whether it should then be mirroring what is there for the Education Authority.

Mr Lunn: Is this then imposing a new duty on the Department?

Dr Kingon: The Bill is changing it from a power to a duty.

The Chairperson (Mr Weir): It changes it from the Department having a power to having a duty.

Mr Hazzard: On a point of clarity, do all duties on the Department not also transfer to all arm's-length bodies?

Dr Kingon: They do, effectively. That is our interpretation of our statutory duties on Irish-medium and integrated education. We put in a requirement for all of our arm's-length bodies to support us.

The Chairperson (Mr Weir): Does that mean that the CCMS has a duty to promote integrated education?

Dr Kingon: Yes, it has a specific business plan target to support the Department in taking forward its statutory duty.

The Chairperson (Mr Weir): To some extent, there is probably an issue around the interpretation of this. To be fair, what would very much be counted as a duty on the Department will ultimately probably be counted to a lesser extent on the arm's-length bodies.

Mr Hazzard: I may be mistaken, but I think that Justice Treacy found that powers, active or dormant, also spread to arm's-length bodies.

Dr Kingon: Our legal advice is that any statutory duty on us is also applicable to our arm's-length bodies.

Mr Lunn: My brain is going slow here. At the moment, the Education Authority has a duty to promote, encourage and facilitate, but the Department only has a duty to encourage and facilitate.

Dr Kingon: We do not have any duty in relation to shared education. This Bill is proposing that we have a power.

Mr Lunn: We need to have a bit more discussion about this.

The Chairperson (Mr Weir): Amendment 4 is to place a duty on the Department to promote, encourage and facilitate shared education. Do members want to press ahead with that as an amendment?

Mr Lunn: No, we do not.

The Chairperson (Mr Weir): I support the duty.

Mrs Overend: I would.

Question put.

The Committee divided: Ayes 3; Noes 2.

AYES

Mrs Overend, Mr Rogers, Mr Weir.

NOES

Mr Hazzard, Mr Lunn.

Question accordingly agreed to.

The Chairperson (Mr Weir): We sought legal advice on amendment 5. A number of bodies suggested that they should be in the legislation in some shape or form. A point was raised by the Department, which we checked and got legal confirmation that whereas you could make direct reference to the General Teaching Council (GTC) because it was a creature of statute and there was no problem with that, you could not make direct reference to the other bodies. Therefore, there is the formula which has been suggested by the Bill Office. Do you want to comment?

Dr Kingon: The suggested amendment makes reference to “sectoral body” and then provides a suggested definition of “sectoral body”. The Department does not feel that that is an adequate legal description. “Sector” is not recognised in law, and there are a variety of organisations that represent the interests of different schools. The amendment would open the door to a wide range of bodies being listed and giving them a power that was really designed for the Department and its arm’s-length bodies.

The Chairperson (Mr Weir): You spoke about recognition. The wording used by the Bill Office in terms of “sectoral body” is taken word for word from the Department’s own legislation. Clause 73 of the Education Bill says “‘sectoral body’ means” and then quotes exactly the wording for that.

Dr Kingon: Sorry, I was not explicit. I actually mean what the grants are paid under, because we pay grants to a wide range of bodies under article 64 of the —

The Chairperson (Mr Weir): Which, again, is identical to what is in the legislation previously.

Dr Kingon: But then you would be putting a power on those bodies. For example, we make grants to the Integrated Education Fund or the Trust Fund for Irish-Medium Education under the 1998 and 1989 Orders. Therefore, you would be putting a power on those other Irish-medium bodies that we might make grants to. They would then have a power to encourage and facilitate shared education. We would be placing that power on them.

The Chairperson (Mr Weir): With respect, it is conjunctive. This talks about bodies that are recognised by the Department and to which grants are made, so you would have to have a two-tier test. Even on the basis that you were providing a power for somebody, it is not providing them with any obligation or duty, as you indicated yourself. There was strong concern raised by NICIE, the Transferor Representatives’ Council and the Controlled Schools Support Council.

Mr A Bell: It might be worth explaining that there are other bodies. In the Bill, we have mentioned most of the statutory bodies. The other bodies are non-statutory limited companies for the most part. As a general principle

of law, a statutory body has powers conferred on it only by statute. A company, on the other hand, generally has very wide powers, which are set out in its constitution or articles of association. Most sectoral bodies will already have fairly wide general powers in their constitutions to act in relation to their respective sectors. However, if for some reason they did not, it would be a matter of those bodies amending their constitutions to —

The Chairperson (Mr Weir): I understand that, but essentially the argument is that they have fairly wide powers, so they can probably do that anyway. The argument would be stronger if we were imposing a duty on those bodies to offer —

Mr A Bell: The legal advice is that, for all those reasons, it is inappropriate to confer statutory powers on non-statutory bodies.

The Chairperson (Mr Weir): Yes, but you already have referenced that. You will have a range of powers there anyway. Members, any thoughts?

Mrs Overend: Can I just go through that again? If we are giving a power to the Department, then there will be a duty on the Department. I know we are talking about a relation, but that puts the same duty on statutory bodies. Is that what we are saying?

The Chairperson (Mr Weir): Yes, but these are non-statutory bodies that we are referring to.

Mrs Overend: I know, but I am just clarifying that that is already the case.

Dr Kingon: If you amend the Bill to give us a duty, you effectively apply it to our arm’s-length bodies as well.

Mrs Overend: OK, so we are talking about the ones that are not. That is OK. Just clarifying that.

The Chairperson (Mr Weir): What about non-statutory arm’s-length bodies?

Dr Kingon: They are our non-departmental public bodies (NDPBs), so we apply the statutory duty in the same way.

The Chairperson (Mr Weir): It seems strange that you are saying that, if an amendment goes through that places a duty, it will place a duty on all arm’s-length bodies, whether or not they are statutory, but you are objecting to the same bodies having a power.

Mr A Bell: I do not think that it is a matter of placing a duty on non-statutory bodies. It would apply to statutory bodies.

The Chairperson (Mr Weir): That is why I specifically asked about non-statutory bodies.

Mr A Bell: The advice is that there is already provision for non-statutory bodies to build that in and that that is the appropriate way to go, rather than —

The Chairperson (Mr Weir): Maybe I am little confused. I find it a bit odd that we are saying that there is already provision to build it in but that it is not appropriate that the power be given. That seems to be a contradiction.

Mr A Bell: It would not give them a power. It would alter their constitution to include that as part of their constitution, which is different from giving a statutory power.

Dr Kingon: I appreciate the question that you are asking, but I think that there is a difference between giving them an explicit power in legislation, which the Bill proposes, and the Department's application of its statutory duty via its arm's-length bodies. They are two different concepts. In this amendment, you propose to give explicit statutory powers to non-statutory bodies.

The Chairperson (Mr Weir): To be honest, a wide range of sectors are involved in education in Northern Ireland, and, because of the way in which things have developed, some are statutory and some are non-statutory in nature. Given that they provide education and support education to different sectors, I would prefer that the distinctions between the two in terms of powers are as small as possible. I am not sure how appropriate it would be if we were to draw a distinction and say that one body in a certain field will be given a power and another will have to be tackled in a completely different way. Members, do you have any other comments?

Mr Lunn: Instead of having:

"any sectoral body not listed above"

why not have "any body not listed above"? We could leave out the next line and then go straight to subsections (3)(a) and (3)(b):

"which is recognised by the Department as representing the interests [and] to which grants are paid".

How would that work?

Mr A Bell: That would expand it even more.

Dr Kingon: That could be an even wider range of groups.

Mr Lunn: I thought that I was getting rid of the question of sectoral bodies.

The Chairperson (Mr Weir): The amendment contains "sectoral body" because it is a direct lift from previous legislation.

Mr A Bell: In your proposed amendment to clause 2, you also raise a point about the General

Teaching Council. Although the General Teaching Council is a statutory body, the existing legislation — 1989 Education Order — provides for it to give advice to the Department and the employing authorities. That includes training, career development, and the performance management and standards of teachers. We believe that that is sufficient for its role in contributing towards shared education. However, the 1989 Order specifically requires consultation with the GTCNI and other bodies and persons as appropriate, prior to conferring or imposing any additional functions. We cannot do that without a consultation, so that could delay the Bill to such an extent that we would be unable to complete it in the current mandate.

Mrs Overend: Say that last bit again

Mr A Bell: The 1989 Order specifically states that it requires consultation with the GTCNI and other bodies and persons as appropriate, prior to conferring or imposing any additional functions. In other words, we cannot give them additional functions without first having a full consultation.

The Chairperson (Mr Weir): There are two things about that. To be fair, the GTC was mentioned by organisations, but I do not think that there was a particular pressure for

the GTC to be there. From that point of view, I am relatively relaxed about whether it is there. I appreciate that a power could not be conferred ahead of that. I have only one issue. If there was a strong desire to have the GTC on that, all you would need to do is to have it as part of the commencement provisions. You would not enact that bit until that had happened. By the same token, I do not detect that anybody is dying in a ditch over the GTC.

Mr A Bell: We feel that there is already sufficient provision for it to do what we need it to do.

The Chairperson (Mr Weir): If we take out the reference to the GTC, are members supportive of or opposed to amendment 5? Do we have a view? A number of folk lobbied us on that, and I thought that it was a reasonable point. I am supportive of amendment 5. Does anybody have a view to the contrary?

Mr Lunn: I do not have a view, Chairman. Sorry.

The Chairperson (Mr Weir): Are members agreed overall? I appreciate that some people do not have a view, but is everybody happy to take the GTC out?

Members indicated assent.

Clause 1 ("Shared education")

The Chairperson (Mr Weir): We will go back a little. As it turned out, we did not make any amendments to clause 1. We did not propose any amendments.

The Committee Clerk: Yes, we did. It was about the words "or none".

The Chairperson (Mr Weir): Sorry, we did. We have suggested amendments to clauses 1 and 2. On that basis, are members content that I put each of them in turn? What about clause 1, as potentially amended? We will not be opposing clause 1 or clause 2, notwithstanding the concerns about particular elements. Apologies for that.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Question, That the Committee is content with clause 2, put and agreed to.

New Clause

The Chairperson (Mr Weir): Amendment 6, which is the final Committee amendment, is a review clause. We took on board what was said about the timescale because there was a reference to the effect that a review-and-report mechanism could be tied in with the ETI and that we do not want to create any additional administrative burdens. I should also point out that, with the draft that you have in front of you, the Committee is debating the exact wording of one sub-paragraph. Clause 2A(3)(e)(iii), which is about attitudes, will have a slightly tweaked wording, which will read:

"attitudes of participating children towards persons from backgrounds other than their own".

Issues were raised about what counts as relevant section 75 groups. There is still a bit of debate about the precise wording — members may want to raise it with you — of sub-paragraph (ii), which is about good relations and whether it is between "participating children" or "participating children in school communities". There could be variations on that. Before we open it up for members to probe, do you have any comments on that new clause?

Mr A Bell: Attitudinal improvement is notoriously difficult to measure and takes time to achieve. It is also influenced by a range of factors such as family, peers and community. It is not solely within the remit of schools. In the report to the Department, the ministerial advisory group recognised that shared education can lead to improvements in the attitudes of young people, but it stopped short of recommending that that be included in the definition. The reason was that it found evidence that engagement in shared education activities among those living in areas where there is low positive contact between communities may result in negative attitudes in the short term.

The Chairperson (Mr Weir): I should point out that, in the review and any reporting, we are not seeking to change the definition. It is simply to state that, in any report, those things are reflected on.

Dr Kingon: The Department made the point previously that significant reporting requirements on shared education are already in place at system and individual project level. In the Delivering Social Change project, there are reporting mechanisms for that. There is a robust business case and postproject evaluation, and each project will have targets and measures in the ETI. This just adds another reporting burden on the Department. There are also other mechanisms —

The Chairperson (Mr Weir): With respect, our view was that this could be incorporated into an ETI report.

Dr Kingon: The ETI report is presented to the Committee. It is not laid before the Assembly as such. It would be incorporated into the ETI report in any case. This proposed amendment is very explicit.

The Chairperson (Mr Weir): Yes, I appreciate that, but, Suzanne, you have to realise that the Committee had a number of options. It could have looked at a change to the definition because there is a range of issues. It is significant, I think, that educational attainment and broader community cohesion matters are regarded as being important. We could have sought to change the definition, but we felt that that would be inappropriate and would muddy the waters. We could have put in a purpose clause, but that would have run risks. Questions of interpretation might arise if you have a purpose clause and a definition clause. The feeling was that a report every two years was probably the minimum to satisfy some of those aspects. We have tried to make it as compatible with the ETI as we can.

Mr A Bell: I do not think that we are arguing with you. Our point is that there is already sufficient provision without any need to refer to it specifically in the Bill.

The Chairperson (Mr Weir): I appreciate the point, although I do not necessarily agree with it. Can we tease out one area before we talk about generality? I do not know whether Seán Rogers wants to raise the good relations issue, and, if a clause of that nature went in, what the appropriate tests would be. Do members want to quiz the Department on that?

Mr Rogers: In proposed Committee amendment 6, new clause 2A(3)(e)(ii) states:

“good relations between participating children [and schools?]”

What are your thoughts on that?

Mr A Bell: In some respects, good relations covers all areas, as the Department has to address good relations. However, the policy under which we mostly deal with it is the community relations, equality and diversity (CRED) policy, as opposed to the shared education policy. One difficulty will be the current wording, because we are looking at the impact of shared education on, for example, educational attainment, good relations and attitudes. The difficulty is that a number of other departmental policies would impact on it, particularly in relation to educational attainment and good relations. Trying to disaggregate the specific impact of shared education could be challenging, because there will be a number of factors. We will measure how attitudes change, but that could be as a result of a number of factors.

Mr Rogers: We had quite a bit of discussion about whether it should be “good community relations” or “good relationships between participating children in schools”. What are your thoughts? You used the phrase “good community relations” on a number of occasions. My view is that that is probably a better phrase than:

“good relations between participating children and schools”.

Mr A Bell: I assume that the Bill Office drafted this for you and that it has used “good relations” as it is referred to in section 75 legislation.

The Chairperson (Mr Weir): To be fair, the Bill Office has put a question mark over how exactly to word this. It is clear on the reference to “good relations”; but the question is whether it is simply “good relations”, “good relations within the community”, or “good relations between participating children and school communities”. It is how that is qualified. We seek your views as to what would create difficulties. What would be appropriate?

Dr Kingon: Limiting it to the children and young people who participate is obviously an easier measure than wider communities or groups. How you measure that might present us with more difficulty. If we were pushed on it, we would prefer it to be limited to the pupil population.

The Chairperson (Mr Weir): There is, Suzanne, the issue of the wider community and the children. Is it possible to have a reference to “children and school communities”?

Dr Kingon: We take “school community” to mean the whole broad family of a school: parents, governors and the local community. School community is quite a vague term.

The Chairperson (Mr Weir): If something were to be put in there, your preference would be —

Dr Kingon: It would be to limit it to pupils.

The Chairperson (Mr Weir): OK.

Mr Hazzard: Andrew, you just referred to a policy. What is it? I am sorry, I did not get the full title.

Mr A Bell: It is the community relations, equality and diversity policy.

Mr Hazzard: Is that the overall —

Mr A Bell: That is the CRED policy.

Mr Hazzard: With education, is there an overlap? Do you have to take it into account overall in the Department?

Dr Kingon: We have a specific CRED policy for education.

Mr Hazzard: Can we make reference to that because it takes in the wider community?

Dr Kingon: We would be reluctant to have any specific policies referenced in the legislation because policy titles and policies change over time, and it could render the legislation a bit defunct if we start to reference it.

Mr Hazzard: Is the impact of that policy measured by the Department?

Dr Kingon: It is measured by the Department.

Mr Hazzard: Is that the wider community relations policy?

Mr A Bell: We measure the attitudes of children and young people in particular, but the life and times survey will also measure the impact beyond that.

Dr Kingon: The point that Andrew was making was that, in a sense, there is a lot of cross-cutting. A lot of policies contribute to improvements in good relations; it is not just shared education. There is a whole raft of policies designed to improve educational attainment in particular across our system and, at times, to isolate the particular impact. For example, if you had a school that was in the formal intervention process and receiving intense support to improve standards and attainment, it might be quite difficult to isolate the impact of that support. We had the literacy and numeracy signature project. So, there is a whole raft of initiatives that go into schools, and I think that the point that he was making was that that isolation of the particular impact of shared education, particularly in the short term, may present some difficulties.

Mr Hazzard: It is important, and it has been said publicly with regard to the statistics that are coming out, that we need to know which initiatives are having what effect if we are going to put resources in certain places. So, we would like to know to what extent shared education is improving. It would be great if we could say that, overall, community relations are improving, but we need to know what is working and what is not.

Dr Kingon: The qualitative analysis that the ETI does gives us that, but it is not always easy to isolate

—

The Chairperson (Mr Weir): Unless you are talking about something that is very statistical in its nature, any monitoring will always be an inexact science and will be more about getting an idea of trends or improvement on that side of things.

Mr Hazzard: So, the Department currently assesses pupils in relation to good community relations.

Mr A Bell: The CRED policy has a range of measures that we use to measure the impact of that policy. One of the ways that we do that is by commissioning a module every other year in the young life and times survey, which gives us attitudinal change of young people. It is a sample, but it is a representative sample.

Mr Lunn: I think that you have more or less answered my question. I am sure that there are plenty of measures out there already, such as the life and times survey, CRED and all the rest, that measure any improvement in community relations. How do you break that down to general education policy and break it down further to see the effect of this policy? It has been going on for many years. This is

not a new thing; it is just being formalised. So, I think that we need something in here, given the amount of emphasis and money that will be thrown at this over the next number of years, so that we can clearly identify the benefits of this programme. If we cannot do that, it will wither.

Mr A Bell: We are not arguing that we are not doing that. The issue for the Department is that there is existing provision to do that. That is the point.

Mr Lunn: Does the existing provision in any way try to measure the effect of the sharing between schools that is already going on?

Mr A Bell: There is commitment in the Sharing Works policy that the chief inspector's biennial report will specifically refer to shared education, but we also have reporting mechanisms in the Programme for Government's commitment to shared education and mechanisms in the Together: Building a United Community commitments towards shared education. We are not arguing that this should not be reported on. Our only point is that there are already a number of mechanisms and, essentially, it is not necessary to include it in the Bill.

Mr Lunn: Do the present arrangements in any way try to measure the beneficial societal or community effect of integrated education?

Dr Kingon: Individual projects have measures. So, if there was an individual project on integrated education, it would set measures, but, at a system level, it is not something that we would measure.

Mr A Bell: The range of measures that we put in for this is related to shared education. As Suzanne explained, integrated education is, in legislative terms, different. There are benefits for integrated schools participating in the programme, and their participation benefits other schools also. That is what we want to see.

Mr Lunn: At the moment, would you not attempt to measure the beneficial effects of children being educated together in an integrated school?

Dr Kingon: NICIE does quite a bit of work around that, and obviously we fund NICIE. NICIE does quite a bit of work around the positive impact in reconciliation outcomes for children and young people.

Mr A Bell: In some ways, it is outside the scope of shared education because it is specifically integrated education.

Mr Hazzard: Suzanne, I may be picking this up wrong, but you are saying that the Bill does not have to be explicit because it is underpinned by the Sharing Works policy.

Dr Kingon: Yes.

Mr Hazzard: That policy could change. Where would that leave the Bill? Surely it is better to have strong monitoring and reporting specific to the Bill.

Dr Kingon: It is not just underpinned by Sharing Works. All the projects and programmes have very specific reporting mechanisms built into them. The signature project is reported on at a system level to OFMDFM. It is reported on a departmental system-wide level. Its individual projects have their own targets and measures. There is a whole raft of reporting out there. It is not just based on Sharing Works. Sharing Works provides a framework, but individual projects have those measures.

We do not feel that it is necessary to reference that in the Bill. Because of the difficulty of disaggregating that we have talked about, the shared education measures are very carefully devised and put in place so that we can begin that work of disaggregating. We do not feel that it is particularly helpful to add another reporting mechanism with very broad parameters.

The Chairperson (Mr Weir): Given the magnitude of shared education, there has got to be some level of reporting mechanism. I think that we tried to make that point.

Folks, I want to bring this to a conclusion. There are possibly two areas that we need to clarify for ourselves first of all, really in relation to subsection (3)(e). The first point is that it has been suggested by the Department that "good relations" between participating children is the best way of monitoring that. Are members content with that? Can you live with that element?

Members indicated assent.

The Chairperson (Mr Weir): I will take silence as acquiescence.

The second bit, then. Just to clarify, we had previously talked about, on point 3, putting a full stop after "own" and removing "social". Are members happy enough with that as the wording?

Members indicated assent.

Mr Lunn: Is that a full stop after "their own"?

The Chairperson (Mr Weir): Yes, but also remove the word "social", so it is "from backgrounds other than their own". Are members content to agree amendment 6?

Question, That the Committee is content with the new clause, put and agreed to.

New Clause

The Chairperson (Mr Weir): The last amendment is the Department's proposal for a new clause — provisionally, I suppose, we might call it clause 2B — in relation to forming a company to look after the ownership of school buildings on a shared campus.

The Committee Clerk: Sorry, Chairperson, this is on the back page of tabled items.

The Chairperson (Mr Weir): OK. Again, I do not think that there has been any particular controversy on this. Is there anything else that you want to add?

Ms Jacqui Durkin (Department of Education): As mentioned at our previous appearance, the clause is to provide the Department and the Education Authority with a specific power to establish, form and participate in a company to facilitate the governance and ownership of shared campus schools. It is specifically for shared education projects.

The Chairperson (Mr Weir): OK. Does anybody want any final clarification? Are members content to approve the Department's amendment? Are there any dissenting voices?

Mr Lunn: I am not dissenting, but I have only just seen it. I am not dissenting, though.

Question, That the Committee is content with the new clause, put and agreed to.

Clause 3 (Commencement of duty of Education Authority in relation to shared education)

The Chairperson (Mr Weir): I will fly through the other couple of items in relation to this. There have been no suggested amendments to clause 3. I do not think that there is any controversy about clause 3. Unless anyone has anything that they wish to add, is the Committee content with clause 3?

Question, That the Committee is content with the clause, put and agreed to.

Clause 4 (Short title and commencement)

The Chairperson (Mr Weir): There have been no amendments sought in relation to clause 4.

Question, That the Committee is content with the clause, put and agreed to.

The Chairperson (Mr Weir): Obviously, any member or party can table their own amendments at the Consideration Stage. Is there anything anybody wants to put forward as a Committee amendment?

Mr Lunn: There is reference to 2015 in the short title. Should it refer to the year in which the Bill is first introduced or the year in which it receives Royal Assent?

The Committee Clerk: The member is right. We have had this before: the Department will probably table a technical amendment at Consideration Stage to make it "2016".

Mr A Bell: We queried that. We have been told that the Bill Office will make that change.

The Chairperson (Mr Weir): It probably initially reflects the year in which the Bill is introduced, but, as you said, the year in which it gets Royal Assent is what appears on the face of the Bill.

Mr Lunn: I hope it does better than the ESA Bill or it will be 2021. *[Laughter.]*

The Chairperson (Mr Weir): That situation is like a clock in a garage that is going round and round.

Long Title

The Chairperson (Mr Weir): The long title is:

"A Bill to Make provision in relation to shared education."

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Weir): Members, that concludes the formal clause-by-clause scrutiny of the Bill.

I thank the officials for their help. Our sign-off of the Committee report will be on 6 January. Everything is meeting the timetable. If you want to sneak a mince pie on your way out, we have even provided cream. *[Laughter.]* Thank you.

Written Answers

This section contains the written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Northern Ireland Assembly

Friday 4 December 2015

Written Answers to Questions

Office of the First Minister and deputy First Minister

Ms Sugden asked the First Minister and deputy First Minister to detail the steps being taken to implement the recommendations outlined in the Commissioner for Public Appointments's January 2014 report Under-Representation and Lack of Diversity in Public Appointments in Northern Ireland.
(AQW 48451/11-16)

Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister): The recommendations in the Commissioner for Public Appointments's 2014 report on diversity were analysed at the time, and many have since been implemented. The cross-departmental Public Appointments Forum has adopted a role in addressing issues of diversity and under-representation. An external academic member has been appointed to provide a challenge function. The NI Statistical and Research Agency has provided analysis of under-representation and multiple appointments. NISRA and the Forum have developed a new monitoring form for applicants which will permit a more refined analysis in future of candidates' backgrounds and success rates at different stages of the appointment process.

Since March 2015, all public appointment vacancies across government are now advertised on NI Direct, the official website for government services, which will permit consistency in disseminating knowledge of appointment opportunities to a wider audience. The appointment plan for each public appointment competition now includes a section on diversity, which is approved by the relevant Minister. Outreach measures have been undertaken, including greater use of welcoming statements and liaison with key stakeholders across the range of under-represented sectors, in order to encourage a wider spectrum of applications.

It is our intention to bring more of the Commissioner's recommendations, notably on public policy on diversity and on measurable goals, for future Executive agreement.

Ms Sugden asked the First Minister and deputy First Minister for an update on the development of an action plan for the Gender Equality Strategy.
(AQW 48935/11-16)

Mr P Robinson and Mr M McGuinness: A first draft of the new Strategy, in the form of a discussion document, has been considered by the Gender Advisory Panel, and at its next meeting the Panel will further consider the document.

The current Strategy will remain in place until the new Strategy is finalised. It will require full public consultation, consideration by the OFMDFM Committee and Executive approval.

Mr Ross asked the First Minister and deputy First Minister what discussions they have planned with the UK Government around its intention to replace the Human Rights Act 1998 with a UK Bill of Rights.
(AQO 8245/11-15)

Mr P Robinson and Mr M McGuinness: Replacing the Human Rights Act with a British Bill of Rights was a Conservative election manifesto pledge and we are advised that their Ministers intend to make an announcement regarding their plans in due course.

Responsibility for the relevant legislation lies with the Ministry of Justice and the Northern Ireland Office.

Until announcements on the Government's proposals are made it would be unwise to speculate on the impact any new British Bill of Rights may have on the Department's functions.

We will continue to keep a watching brief and as more details emerge on the proposals, we will wish to discuss them.

Mr Agnew asked the First Minister and deputy First Minister whether they intend to publish a progress report on Bright Start; and if so, to provide details on when the report will be published.
(AQW 50617/11-16)

Mr P Robinson and Mr M McGuinness: The first phase of the Executive's Childcare Strategy (A Strategic Framework and Key First Actions) was launched on 25 September 2013. The Framework sets out a direction of travel for the Childcare Strategy and its 15 key first actions are initial steps to getting it there. The draft Childcare Strategy (open for public consultation from 28 July – 13 November 2015) builds on and develops the "Bright Start" themes and priorities. The final Strategy will be subject to a robust monitoring and evaluation framework.

The Bright Start school age childcare grant scheme was launched in 2013 and a third round of funding will open for applications later this month. An evaluation of the Bright Start grant scheme is planned for early 2016; results of the evaluation will be made public and will be used to inform the design and operation of any future grant schemes to support the Childcare Strategy.

Mr Lyttle asked the First Minister and deputy First Minister (i) for an update on the Executive's strategy to improve the lives of people with disabilities 2012-2015; (ii) how individual departmental leads, as identified in the document, have achieved the aims of the strategy; (iii) what progress reports they have received from Departments; and (iv) given the 2012-2015 strategy is now out of date, for an update on a new strategy.

(AQW 50783/11-16)

Mr P Robinson and Mr M McGuinness: Since the publication of the Executive's Disability Strategy in February 2013, departments have taken forward a number of actions to improve the lives of people with disabilities. These actions are highlighted in the first report on the implementation of the Strategy, which is available on our Department's website at: <http://www.ofmdfmrni.gov.uk/disability-strategy-report-2013-2014.pdf>

Although the Strategy was due to run until 2015, in May of this year, we extended the lifetime of the Strategy until March 2017 to ensure that focus remains, and to give additional time for priority areas to be progressed.

Mr Rogers asked the First Minister and deputy First Minister for a breakdown of projects supported by the Social Investment Fund in South Down, including (i) the amount allocated; and (ii) the amount spent by each project to date.

(AQW 50818/11-16)

Mr P Robinson and Mr M McGuinness: South Down falls within the South Eastern Social Investment Fund zone and five of the projects prioritised by the Steering Group have the potential to impact on residents of that area.

One of these projects called Early Intervention – Transitions, with a funding allocation of £2.6 million was formally launched on 18th November 2015. Early engagement of the local community and recruitment of participants has begun with a view to commencing formal delivery in January 2016. Expenditure to date is just over £10,000 which will increase in line with project delivery next year.

A further two capital projects with sites in South Down and two zone-wide revenue projects focused on employment and youth intervention are continuing to be considered for funding through the economic appraisal process. Officials are working to expedite approvals as quickly as possible, subject to affordability.

Ms Sugden asked the First Minister and deputy First Minister for an update on the Revised Child Poverty Strategy; including, (a) when it will be laid in the Assembly; and (b) published.

(AQW 50850/11-16)

Mr P Robinson and Mr M McGuinness: We refer to our response to you dated 22 October (AQW48692/11-16) on this matter.

Ms Sugden asked the First Minister and deputy First Minister for an update on the Social Investment Fund.

(AQW 50852/11-16)

Mr P Robinson and Mr M McGuinness: Currently the Social Investment Fund (SIF) has committed to projects with associated costs of around £58 million profiled over a number of years to reflect project requirements.

Good progress is being made across the nine SIF zones. For example 10 revenue projects have service delivery organisations appointed and six of these are now operational with active participants. The remaining four are engaged in early planning with a view to formally commencing shortly. These projects are aimed at supporting employment and early intervention with one focused on social enterprise. They are expected to bring real benefits to communities and to have them at this advanced stage demonstrates real progress.

SIF capital projects are also progressing well. One, the Coleraine Rural and Urban Network Hub, has been operational since September and two others, the Bryson Street Surgery and Best of the East in the Belfast East zone are expected to be operational before the end of March 2016. A further fifteen capital projects have commenced and are either at the stage of design or in the process of procuring a design team. Four of these are at a more advanced stage and are expected to appoint contractors and commence construction works shortly. Fermanagh House in the Western Zone, has now formally commenced construction and the build is due to complete over the next year with a view to being operational in early 2017.

SIF's remaining £22 million is allocated to projects still in the approvals process. Officials are working to expedite these as quickly as possible subject to affordability.

Ms Lo asked the First Minister and deputy First Minister to detail (i) when the application process for the next round of the Minority Ethnic Development Fund will open; and (ii) whether the funding will be for a period of three years.

(AQW 50937/11-16)

Mr P Robinson and Mr M McGuinness: We expect the application process for the next round of the Minority Ethnic Development Fund (MEDF) to open before the end of the current financial year, after the MEDF budget has been confirmed.

We intend to return to multi-annual support subject to business case approval.

Ms Sugden asked the First Minister and deputy First Minister for an update on plans to establish a new model for engaging with civic society; including progress on a civic advisory panel as proposed in the Stormont House Agreement.

(AQW 51084/11-16)

Mr P Robinson and Mr M McGuinness: The Stormont House Agreement recognised that it is important that civic voices are heard and civic views are considered in relation to key social, cultural and economic issues. A new engagement model was envisaged, based on the establishment of a compact civic advisory panel.

The next steps for the establishment of the panel were set out in the Stormont Agreement and Implementation Plan of 17 November 2015. A panel of six people will be established by the Executive. It will be tasked by the Executive to consider specific strategic issues relevant to the Programme for Government and report to the Executive. It may also propose subjects that it wishes to consider and seek Executive agreement to do so. The panel will seek the views of a wide range of representatives and stakeholders from civic society. Panel members, including the Chair will be identified and appointed by OFMDFM.

Agreed terms of reference for the panel were set out at Appendix F7 of the Stormont Agreement and Implementation Plan.

Ms Sugden asked the First Minister and deputy First Minister for a timeframe for the appointment of a Commissioner for Older People for Northern Ireland.

(AQW 51276/11-16)

Mr P Robinson and Mr M McGuinness: The appointment process for a new Commissioner for Older People commenced on 16 November, with a closing date for applications of noon on Monday 7 December 2015. Interviews are scheduled to be held on 14, 15 and 18 January and an appointment will be made as soon as possible thereafter.

Mr Kennedy asked the First Minister and deputy First Minister for an update on the Gender Equality Strategy 2006-2016.

(AQO 9133/11-16)

Mr P Robinson and Mr M McGuinness: The current Gender Equality Strategy, which is due to end in 2016, sets out an overarching framework to promote gender equality. A review of the Strategy was undertaken during 2013, and in January 2014 we approved the development of a new Gender Equality Strategy. Work on a new Strategy is underway and it is being developed on a co-design basis. This is to ensure that the Strategy development is driven equally through input from users, providers, academia and trade unions. By working closely with our service users we can identify issues and introduce policies that are more responsive, fit-for-purpose and efficient to address these issues.

As part of this process a discussion document was circulated to the Gender Advisory Panel to enable them to put forward suggestions and recommendations. The discussion document has been revised following meetings of the Panel held in June and October this year.

The Gender Advisory Panel will next meet in January 2016 in the form of a workshop to further develop the new Strategy and agree outcomes that can be put forward in a final draft Strategy. Once agreed the draft will of course be subject to full public consultation. The current Strategy will remain in place until a new one is developed and operational.

Mr Allen asked the First Minister and deputy First Minister for an update on responses to their consultation on proposals to extend age discrimination legislation to the provision of goods, facilities and services.

(AQO 9135/11-16)

Mr P Robinson and Mr M McGuinness: Public consultation on proposals to extend age discrimination legislation to the provision of goods, facilities and services ended on 8 October 2015.

A total of 222 written responses were submitted during the consultation period. Of these, 77 were received via the online consultation questionnaire, 49 were hardcopy submissions, mainly from representative organisations, and 96 were from individuals, submitted via the Northern Ireland Youth Forum.

Officials are in the process of analysing all of the consultation responses across the different formats. They are bringing together the responses to each of the consultation questions to provide us with an overall picture of the views emerging from the consultation process.

When this analysis is completed, and final policy decisions are taken, we will then consider all of the options available to us for bringing this legislation before the Assembly.

Mr F McCann asked the First Minister and deputy First Minister for an update on the Junior Ministers' liaison role with the Northern Ireland Council for Voluntary Action in relation to community and voluntary sector funding cuts.
(AQO 9140/11-16)

Mr P Robinson and Mr M McGuinness: At the Executive Meeting on 16th April, Junior Ministers were remitted to establish a dialogue with NICVA on an ongoing basis about the role of the voluntary and community sector and the challenges they are facing.

Junior Ministers also gave an undertaking to report back to the Executive on any action that can be taken.

Junior Ministers have met with representatives of the Voluntary and Community Sectors, Ministerial colleagues and received briefings from officials.

Following extensive engagement with Government departments and the Voluntary and Community Sectors, a number of actions are being considered on a range of issues.

The intention is to present the proposed actions to the Executive for agreement after which the actions will be shared across departments.

Department of Agriculture and Rural Development

Mr Weir asked the Minister of Agriculture and Rural Development when the final report of the working group on the implementation of the Welfare of Animals Act 2011 will be published.
(AQW 50843/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): The consultation on the Interim Report of the Review of the Implementation of the Welfare of Animals Act 2011 closed earlier this year and the Review Team is reviewing the responses in order to finalise the Review's findings and recommendations.

Work is well advanced in many areas of the Review such as the way in which enforcement bodies are structured, and the way they work with each other and with the public.

The Review Team is continuing to consider a number of areas, in particular those that were of significant interest to consultation respondents, such as creating a central register of offenders and standards for dog breeding establishments. The Team is working towards the production of a Final Report by the end of this year.

Mr Hussey asked the Minister of Agriculture and Rural Development for her assessment of the current flood defences in Omagh; and what meetings her officials have had with traders in Lower Market Street and Campsie area on the failure of the pumps to prevent flooding of basements.
(AQW 50968/11-16)

Mrs O'Neill: The concrete walled flood defences maintained by Rivers Agency at this location are routinely inspected and are in a satisfactory condition. These flood defences did not overtop during the recent flood event and performed to their design capability ensuring that the Lower Market Street and Campsie area of Omagh Town was protected from flooding from the Drumragh and Camowen rivers.

However, a long standing issue remains with Transport NI's Campsie Bridge. In flood conditions, water from the Drumragh River seeps through the masonry bridge abutment and contributes to flooding of basements under nearby properties. Rivers Agency has previously advised traders that a scheme to resolve the problem of flooding would not be cost beneficial and have recommended that they seek the services of a competent engineer for advice on individual flood defence measures for their properties.

Rivers Agency's Regional Engineer met with a spokesperson for the traders and riparian property owners on Thursday 19 November to discuss the options for reducing the impact of future flood events on their properties.

The static pumps at this location are owned and maintained by NI Water and consequently Rivers Agency has no responsibility for them.

Mr Lyons asked the Minister of Agriculture and Rural Development to detail the number of dairy farmers in Northern Ireland in each of the last five years.
(AQW 51123/11-16)

Mrs O'Neill: Analysis of the June Agricultural and Horticultural Survey indicates that there were 4,000 Farmers and Business Partners on farms classified as Dairy type in the north of Ireland in 2014. The table below provides the number of Farmers and Business Partners on Dairy type farms from 2010 to 2014.

Table 1: Number of Farmer and Business Partners on Dairy type farms in the north of Ireland

	2010	2011	2012	2013	2014
Full-Time Farmers & Partners	3,483	3,368	3,289	3,345	3,471

	2010	2011	2012	2013	2014
Part-Time Farmers & Partners	457	492	460	483	529
Total Farmers & Partners	3,940	3,860	3,749	3,828	4,000

Source: DARD June Agriculture and Horticultural Survey

Mrs Dobson asked the Minister of Agriculture and Rural Development what steps her Department has taken to mitigate any future frost damage to unharvested potato and vegetable crops.

(AQW 51143/11-16)

Mrs O'Neill: My Department's College of Agriculture, Food and Rural Enterprise (CAFRE) advisors work closely with the potato and vegetable sectors on a range of production issues, offering advice and guidance to promote resilience and efficiency in those sectors. More specifically, the advice offered to producers to help mitigate the effect of frost is set out below.

In relation to potato crops, CAFRE advisors recommend that they are harvested before any frost occurs, as there is little that can be done to protect unharvested potatoes from frost. Ideally, harvesting main crop potatoes should be carried out in September and October, with growers aiming for completion by late October. In order to achieve this, growers are advised to balance the area they grow with their harvesting capacity.

Regarding vegetable crops, producers can avoid frost damage by harvesting crops early; using frost-tolerant varieties; or for crops such as carrots and parsnips, using in-field storage options. CAFRE advisors recommend that frost-tolerant varieties are harvested early in the season, by December/January, to avoid significant risk.

Lastly, it is anticipated that there will be opportunities for potato and vegetable producers to avail of public support through the new Rural Development Programme (RDP), including the proposed Farm Business Improvement Scheme (FBIS). The FBIS will consist of a package of measures aimed at supporting and encouraging knowledge transfer, cooperation, innovation and capital investment.

Mr Flanagan asked the Minister of Agriculture and Rural Development to detail the number of letters sent by her Department in each of the last five financial years; and the cost of sending the letters in each year.

(AQW 51162/11-16)

Mrs O'Neill: The Department of Agriculture and Rural Development does not hold data in relation to the number of letters posted in any given financial period.

The total spend incurred by the Department in relation to postage in the last five complete financial years can be summarised as follows:

2010/11	2011/12	2012/13	2013/14	2014/15
£425,084	£496,441	£604,680	£465,757	£559,678

Mr Flanagan asked the Minister of Agriculture and Rural Development when applicants to the young farmers' scheme will find out whether they have been successful; and when successful applicants will receive their payments.

(AQW 51163/11-16)

Mrs O'Neill: Applications for the Young Farmers' Payment (YFP) must be assessed to check the applicant's compliance with scheme eligibility and evidence requirements.

The majority of YFP applications have been assessed and the Department is working towards completing the remainder as soon as possible.

Applicants are advised of the outcome of their application whenever all the required checks have been satisfactorily completed. Payments to successful YFP applicants who have also successfully established entitlements will begin to issue on Tuesday 1 December 2015. The remainder of applicants will be advised of the outcome of their application as soon as the required checks have been completed and payments, where due, will be issued as soon as possible thereafter.

Mr Moutray asked the Minister of Agriculture and Rural Development what her Department is doing to raise awareness of rural crime.

(AQW 51198/11-16)

Mrs O'Neill: Responsibility for tackling rural crime lies primarily with the PSNI, however DARD's Veterinary Service Enforcement Branch assists and advises the PSNI on a regular basis concerning agricultural crime.

DARD Veterinary Service Enforcement Branch (VSEB) officers have also attended a number of Policing and Community Safety Partnerships (PCSPs) meetings, giving presentations on their work with the PSNI and answering questions from

members. As well as training for police officers on the ground they have recently delivered training to PSNI intelligence officers at the PSNI training college at Garnerville.

DARD continues to work with the PSNI, the Department of Justice and representatives of the farming community on a number of joint initiatives including Farm Watch, the Freeze-branding initiative and the Crimestoppers Campaign.

Veterinary Service represents DARD on the steering group of a dedicated Rural Crime Unit which was set up by the PSNI. The Unit, jointly funded by the Department of Justice and NFU Mutual, is focusing on a range of issues from the identification of trends and patterns to the delivery of targeted initiatives. This multi-agency approach has led to the recovery of stolen animals and successful prosecutions in the north and the south. Veterinary Service Enforcement Branch assists particularly with the detection, tracing, recovery and identification of stolen livestock and has been using sophisticated DNA profiling techniques to verify the ownership of recovered animals.

The PSNI's quarterly updates on agricultural and rural crime show that the number of offences relating to agricultural activity has decreased significantly in recent years. Specific information is available in these updates, which are published by NISRA.

Mr Moutray asked the Minister of Agriculture and Rural Development how many cattle have been imported in each of the last three years; and how many have been identified as being imported for slaughter.

(AQW 51199/11-16)

Mrs O'Neill: The total number of cattle imported to the north of Ireland from Britain, the south of Ireland and the rest of the world, and those that have been identified as being imported for slaughter, during each of the last three calendar years has been recorded as follows:-

Year	Total number of cattle imported	Of which, number imported for slaughter
2012	71,934	41,263
2013	57,277	33,182
2014	60,157	30,930

I hope you find this information helpful.

Mr Moutray asked the Minister of Agriculture and Rural Development how many lambs have been imported in each of the last three years; and how many have been identified as being imported for slaughter.

(AQW 51200/11-16)

Mrs O'Neill: The total number of sheep imported to the north of Ireland from Britain, the south of Ireland and the rest of the world, and those that have been identified as being imported for slaughter, during each of the last three calendar years has been recorded as follows:-

Year	Number of sheep imported	Of which, number imported for slaughter
2012	7,799	0
2013	6,835	357
2014	9,847	2,576

I hope you find this information helpful.

Mr Kennedy asked the Minister of Agriculture and Rural Development when she will report on the findings of the Test and Vaccinate or Remove study into TB in badgers.

(AQW 51303/11-16)

Mrs O'Neill: As the Test and Vaccinate or Remove (TVR) Wildlife Intervention Research project is a 5 year study, we cannot commit to releasing interim findings or test results, as this could lead to premature and potentially inaccurate speculation about TVR and its effects. Some information may become available as the TVR project progresses but this is likely to be quite limited to ensure that we do not compromise the validity of the research study. It would be premature to draw any conclusions about the effectiveness of the TVR approach. However, a final report on TVR will be prepared after TVR field activities are fully completed (in late 2018) and when the accumulated data has been analysed and interpreted. It is anticipated that the final report on the TVR Research Project could be available by late 2019.

You may already have seen the Year 1 TVR report with figures for the first year of the project which show that 280 unique badgers were trapped that year. Year 2 field activities were concluded on 23 October 2015 with the capture of 341 unique badgers. An end of year report will be published in early 2016 to give an overview of Year 2 TVR activities.

I do trust that this clarifies the position for you.

Mr Beggs asked the Minister of Agriculture and Rural Development what action her Department has taken to ensure that drainage networks at Greenisland railway station are an adequate size and regularly maintained.

(AQW 51315/11-16)

Mrs O'Neill: Rivers Agency has no drainage infrastructure in the immediate vicinity of Greenisland railway station, however, a preliminary investigation indicates maintenance works have recently been carried out by a landowner, on a nearby undesignated culverted watercourse. As the watercourses in the area are not designated, responsibility for their maintenance rests with the respective landowners. Rivers Agency will further assess the situation should the drainage issue reoccur.

Mr Kennedy asked the Minister of Agriculture and Rural Development to detail the number of herds in County Armagh (i) currently closed due to TB; and (ii) affected in each of the last three years.

(AQW 51404/11-16)

Mrs O'Neill: Cattle herds are closed due to TB for disease reasons and for outstanding test reasons. Our published statistics provide data on herds that have had their Official Tuberculosis Free (OTF) Status removed, not "closed" herds.

The statistics below are for herds that have had their OTF status removed due to both disease reasons and outstanding test reasons.

DARD records TB data according to Divisional Veterinary Office (DVO) Area and not on a county basis. The map attached shows the division of the north of Ireland into DVO Areas, a copy of which has also been placed in the Assembly library.

The table below shows the number of herds in Armagh DVO Area which had their OTF status removed on 30 September 2015 and on 31 December in the years 2012, 2013 and 2014. Because of the time it takes to confirm TB in herds, the most recent data relates to September 2015. Also included in the table is the number of OTF herds in Armagh DVO Area on each of the selected dates.

Date	Non-OTF herds	OTF herds
30/09/2015	303	2601
31/12/2014	311	2543
31/12/2013	351	2441
31/12/2012	368	2434

Note that in the case of herds with an inconclusive animal and which have not had TB confirmed in the last 3 years, while their OTF status is removed and are included in the Non-OTF statistics above, the herd is not closed and trade of animals within Britain and the north of Ireland is permitted.

Mr McGlone asked the Minister of Agriculture and Rural Development when full details of the Rural Development Programme will be released.

(AQW 51425/11-16)

Mrs O'Neill: The Rural Development Programme 2014 – 2020 was formally approved by the European Commission on the 25th August 2015. The full programme document has been available on the DARD website from that date, at www.dardni.gov.uk/publications/2014-2020-rural-development-programme-version-12.

Department of Culture, Arts and Leisure

Mr Easton asked the Minister of Culture, Arts and Leisure what her Department can do to help football clubs who are finding it difficult to find training facilities in the North Down area.

(AQW 51179/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Responsibility for the provision of leisure services rests in the first instance with District Councils. Sport NI, an arm's length body of my Department, works with Councils to provide support in this area.

I can advise that Sport NI continues to progress the development of a Sports Facilities Strategy for the north of Ireland. The Strategy is complemented by 11 associated Council Area Reports on the provision of sports and leisure facilities in each of their areas, including Ards and North Down District Council. These Reports will ensure that the facility needs of local clubs, community organisations and schools will be included. When complete, the Strategy and Reports will provide a framework for the strategic development of sports facilities throughout the north of Ireland.

In addition, Sport NI, will open a £6.75 million Multi-Facility Fund in 2016. This fund has the potential to create a range of sports facilities, including synthetic pitches, throughout the north of Ireland. These new developments may provide football clubs, including those in the North Down area, with additional training facilities.

The Multi-Facility Fund seeks to create large scale capital projects, with four or more different sports facilities located on a single site. Successful projects will need to evidence a strong sports development need and have a facility need identified in the Northern Ireland Sports Facilities Strategy or the relevant District Council Area Report.

There is potential for organisations in the Ards and North Down area to apply to this fund for developing a range of sporting facilities within a multi-facility environment. Sport NI will announce details of this investment opportunity in 2016.

To deal with the more immediate issue of facilities, Sport NI has published 'Your School Your Club', which is a practical guide to achieving community use of school facilities, along with the Department of Education's Community Use of Schools Toolkit, which aims to make school facilities become more accessible to those in the local community.

Football clubs in the North Down area may wish to explore the use of school premises as an option for access to training facilities.

Mr Dunne asked the Minister of Culture, Arts and Leisure for an update on a local sports museum.
(AQW 51321/11-16)

Ms Ní Chuilín: I understand that officials from Sport NI recently met with representatives of the Ulster Sports Museum Association (USMA) and indicated to them that it was prepared to offer a staff member to assist the organisation to review, update and develop its business case for a local sports museum. This offer of assistance does not imply any commitment to fund the project.

However, as outlined in previous responses to Assembly Questions, the USMA has received significant financial support from Government Departments in recent years to undertake feasibility work and to develop an outline business case for an Ulster Sports Museum/Hall of Fame. To date its proposals have not demonstrated value for money nor long term sustainability without a requirement for on-going public sector support. On this basis, I wrote to the USMA in April 2014 to say that it would be inappropriate to use Taxpayers' money to provide further funds for the organisation. The Association was also previously advised that the development of a local sports museum was not a priority for my Department. This remains my position.

Mr Agnew asked the Minister of Culture, Arts and Leisure, given the link between the Erne and Shannon waterways, for her assessment of the high mortality rates of migrating eels as they pass through the Ardnacrusha Hydroelectric power plant, County Clare; and whether she will raise the issue of this endangered species with (a) his counterpart in the Republic of Ireland; and (b) the European Commission as a matter of urgency.

(AQW 51522/11-16)

Ms Ní Chuilín: The link between the Shannon and Erne systems is man made, via a canal through the watershed and there are barriers on it in the form of locks. The vast majority of eels entering these systems from the sea would also probably attempt to leave via the system they ascended and not cross the watershed.

There is no Departmental responsibility in the North for mortality of elvers ascending the Shannon from the sea and attempting to ascend past Ardnacrusha, nor for silver eels moving downstream to the sea through Ardnacrusha. The responsibility for managing eel stocks in this system and for complying with the EU Eel Regulations lies with the Department of Communications, Energy and Natural Resources.

My Department has no data and does not gather data or monitor eel stocks in the Shannon system. I am not therefore in a position to make any assessment of elver mortalities on it. However as a result of the elver mortalities last year at the Ballyshannon Hydro station on the Erne catchment, I did raise my concerns of the impact of this with Minister Mc Hugh. I am pleased to confirm that a new protocol has been put in place to ensure that this does not happen again on the Erne system and mitigation measures have been agreed in lieu of the elvers killed at that time.

Department of Education

Mr McNarry asked the Minister of Education how the Programme for Government 2011-16 could be reviewed and modified to better facilitate his Department.

(AQW 50445/11-16)

Mr O'Dowd (The Minister of Education): A review of the implementation of the current Programme for Government (PfG) is being undertaken by OFMdfM to identify opportunities to support more effective delivery.

A number of lessons have been learned in relation to the structure, administration and governance of the PfG that have fed into the review process and will ultimately inform the preparation of future PfGs.

The Stormont House Agreement requires the parties that will form the next Executive to resolve the PfG before Ministers are appointed.

This constrains the time available for development work following the next election. For this reason, to the extent possible, preparatory work is in hand now to review the implementation of the current Programme, and to position us to secure early agreement on a way forward.

It will be important that the processes that lead to the development of the next PfG are responsive to a number of critical influencing factors including: the aspirations of people; the financial position; achievement of wellbeing; new structures and powers in local government; and being capable of implementation.

Mr Weir asked the Minister of Education to detail the role of the (i) Teaching Appointments Committee of the Education Authority; and (ii) Board of Governors of schools when appointing principals and vice-principals for (a) Controlled; (b) Maintained; (c) Integrated; and (d) Irish-medium schools in nursery education.

(AQW 50822/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and is not responsible for the appointment of school Principals and Vice Principals; this is the role of the employer/employing authority.

The Transitional Teaching Appointments Scheme (TTAS) of the Education Authority (EA), which came into effect in May 2015, relates only to the process of appointments to teaching positions in Controlled schools, including nursery education. This includes a small number of Controlled Integrated and Controlled Irish Medium schools, for whom the scheme is equally applicable.

The TTAS sets out the policy and procedures for the recruitment and selection of teaching staff, including Principals and Vice Principals employed by Controlled schools across the EA, and sets out the role of the Board of Governors (BoG). The purpose of the Scheme is to define, as clearly as possible, the basis on which the EA will seek to make teaching appointments with the aim of ensuring that the most suitable persons are appointed to the posts.

All grant aided schools are managed by a BoG and recruitment and selection is one of the Governors' responsibilities, although the degree of involvement varies according to the sector. BoGs of Controlled schools with fully delegated budgets are responsible for determining the complement of the teaching staff and the management structure for the school.

Where a BoG determines that a vacant post should be filled, it will constitute a Selection Panel (Stage 1) in accordance with the TTAS. On completion of the Stage 1 selection process, the Selection Panel submits a list of candidates deemed suitable for appointment to the EA's Teaching Appointment's Committee (TAC), which undertakes a Stage 2 selection process to include an interview and may include other assessment exercises such as the delivery of a short presentation. The TAC can include up to two voting Governors nominated by the BoG.

The TAC members decide their individual scores, which are collated to determine an overall ranking and the successful candidate is notified of his or her appointment.

The EA has no role in the appointment of teachers to Grant Maintained Integrated Schools, Maintained Schools, Voluntary Grammar Schools or other Irish Medium Schools.

The EA has a statutory responsibility to provide training to BoGs irrespective of sector. The EA provides an annual training programme which is revised each year in accordance with the needs of Governors.

Mr Weir asked the Minister of Education to detail the role of the (i) Teaching Appointments Committee of the Education Authority; and (ii) Board of Governors of schools when appointing principals and vice-principals for (a) Controlled; (b) Maintained; (c) Integrated; and (d) Irish-medium schools in primary education.

(AQW 50823/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and is not responsible for the appointment of school Principals and Vice Principals; this is the role of the employer/employing authority.

The Transitional Teaching Appointments Scheme (TTAS) of the Education Authority (EA), which came into effect in May 2015, relates only to the process of appointments to teaching positions in Controlled schools, including primary education. This includes a small number of Controlled Integrated and Controlled Irish Medium schools, for whom the scheme is equally applicable.

The TTAS sets out the policy and procedures for the recruitment and selection of teaching staff, including Principals and Vice Principals employed by Controlled schools across the EA, and sets out the role of the Board of Governors (BoG). The purpose of the Scheme is to define, as clearly as possible, the basis on which the EA will seek to make teaching appointments with the aim of ensuring that the most suitable persons are appointed to the posts.

All grant aided schools are managed by a BoG and recruitment and selection is one of the Governors' responsibilities, although the degree of involvement varies according to the sector. Governors of Voluntary Grammar and Grant Maintained Integrated Schools for example, would have a greater degree of involvement and responsibility because those schools also have employing authority status. BoGs of Controlled schools with fully delegated budgets, are responsible for determining the complement of the teaching staff and the management structure for the school.

Where a BoG determines that a vacant post should be filled, it will constitute a Selection Panel (Stage 1) in accordance with the TTAS. On completion of the Stage 1 selection process, the Selection Panel submits a list of candidates deemed suitable for appointment to the EA's Teaching Appointment's Committee (TAC), which undertakes a Stage 2 selection process to include an interview and may include other assessment exercises such as the delivery of a short presentation. The TAC can include up to two voting Governors nominated by the BoG.

The TAC members decide their individual scores, which are collated to determine an overall ranking and the successful candidate is notified of his or her appointment.

The EA has no role in the appointment of teachers to Grant Maintained Integrated Schools, Maintained Schools, Voluntary Grammar Schools or other Irish Medium Schools.

The EA has a statutory responsibility to provide training to BoGs irrespective of sector. The EA provides an annual training programme which is revised each year in accordance with the needs of Governors.

Mr Weir asked the Minister of Education to detail the role of the (i) Teaching Appointments Committee of the Education Authority; and (ii) Board of Governors of schools when appointing principals and vice-principals for (a) Controlled; (b) Maintained; (c) Integrated; (d) Irish-medium schools; and (e) voluntary grammar schools in post-primary education.

(AQW 50824/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and is not responsible for the appointment of school Principals and Vice Principals; this is the role of the employer/employing authority.

The Transitional Teaching Appointments Scheme (TTAS) of the Education Authority (EA), which came into effect in May 2015, relates only to the process of appointments to teaching positions in Controlled schools, including post-primary education. This includes a small number of Controlled Integrated and Controlled Irish Medium schools, for whom the scheme is equally applicable.

The TTAS sets out the policy and procedures for the recruitment and selection of teaching staff, including Principals and Vice Principals employed by Controlled schools across the EA, and sets out the role of the Board of Governors (BoG). The purpose of the Scheme is to define, as clearly as possible, the basis on which the EA will seek to make teaching appointments with the aim of ensuring that the most suitable persons are appointed to the posts.

All grant aided schools are managed by a BoG and recruitment and selection is one of the Governors' responsibilities, although the degree of involvement varies according to the sector. Governors of Voluntary Grammar and Grant Maintained Integrated Schools for example, would have a greater degree of involvement and responsibility because those schools also have employing authority status. BoGs of Controlled schools with fully delegated budgets, are responsible for determining the complement of the teaching staff and the management structure for the school.

Where a BoG determines that a vacant post should be filled, it will constitute a Selection Panel (Stage 1) in accordance with the TTAS. On completion of the Stage 1 selection process, the Selection Panel submits a list of candidates deemed suitable for appointment to the EA's Teaching Appointment's Committee (TAC), which undertakes a Stage 2 selection process to include an interview and may include other assessment exercises such as the delivery of a short presentation. The TAC can include up to two voting Governors nominated by the BoG.

The TAC members decide their individual scores, which are collated to determine an overall ranking and the successful candidate is notified of his or her appointment.

The EA has no role in the appointment of teachers to Grant Maintained Integrated Schools, Maintained Schools, Voluntary Grammar Schools or other Irish Medium Schools.

The EA has a statutory responsibility to provide training to BoGs irrespective of sector. The EA provides an annual training programme which is revised each year in accordance with the needs of Governors.

Mr Weir asked the Minister of Education to detail (i) how many successful appeals have taken place following the appointment of a principal or vice-principal that has resulted in a new appointment process involving a new Board of Governors in the last twelve months; and (ii) what percentage this represents of the total appointments made.

(AQW 50825/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and is not responsible for the appointment of Principals and Vice Principals. Teachers are employed by the Board of Governors (BoG) for each school setting, and appointments are carried out in conjunction with the relevant employing authority; such as the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) or in the case of Voluntary Grammar and Grant Maintained Integrated schools by individual BoGs.

In the Controlled sector, appointments to Principal and Vice Principal posts are made under the EA's Transitional Teaching Appointments Scheme (TTAS), which has been in use since May 2015. There is no appeal process included in the TTAS and the EA has advised that an appeal process was not part of the Education & Library Board's Teaching Appointment Schemes that were in use prior to the establishment of EA in April 2015.

Where an unsuccessful candidate wishes to make a complaint regarding a recruitment exercise, the EA has advised that they can do so by means of the Grievance Procedure, the Complaints Procedure or through the Office of Tribunals.

Where the decision to appoint a Principal or Vice Principal is challenged, the BoG would not be reconstituted; therefore there are no incidences of a new appointment process involving a new BoG in the last 12 months. However, if the EA challenged the recommendation of a BoG, it may require the serving BoG to re-advertise the post.

As the scheme does not include an appeals process, the EA has advised that the answer to Part (i) is none and (ii) is zero.

In respect of CCMS, an appeals procedure included in the Council's Scheme of Management provides for such appeals to be made to the Human Resources Manager of the Council, and advises that a sub-committee of the Council's Finance and Personnel Committee shall consider such an appeal and, if the appeal is upheld determine the action to be taken.

CCMS confirmed that the answer to Part (i) is none and (ii) is zero.

Mr McKay asked the Minister of Education to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.

(AQW 50873/11-16)

Mr O'Dowd: The buildings occupied by Department of Education staff are either owned or leased by the Properties Division the Department Of Finance and Personnel (DFP). I understand that DFP is replying to this Question on behalf of all NICS Departments owned or leased by them.

Mr Dallat asked the Minister of Education to detail how much his Department spent on substitute teachers covering absences due to teachers suspended from (i) primary and (ii) post-primary schools in each of the last five years.

(AQW 50925/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of Teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions on precautionary suspension are therefore a matter for the BoG, in conjunction with the relevant employing authority.

Teachers can be placed on precautionary suspension by the BoG, the Chairperson of the BoG or the Principal for any of the following reasons:

- an allegation of misconduct which requires to be investigated; or
- an allegation of a child protection nature; or
- on medical or health and safety grounds awaiting a referral to an Occupational Health physician.

The decision to place a teacher on precautionary suspension, without prejudice, should only be taken after careful consideration and where it is deemed absolutely necessary.

The breakdown of substitution costs covering absences due to teachers suspended from primary and post-primary schools in each of the last five years is set out in the table below:

	Total Cost 2010/11	Total Cost 2011/12	Total Cost 2012/13	Total Cost 2013/14	Total Cost 2014/15
Primary	£67,499.14	£48,670.01	£98,524.55	£123,964.19	£143,009.49
Post-Primary	£56,439.53	£47,565.29	£59,418.37	£95,602.06	£195,541.73

Notes:

- 1 Figures supplied are in financial years i.e. April - March.
- 2 Figures exclude Voluntary Grammar schools.
- 3 Figures do not include employers' costs.

Mr Dallat asked the Minister of Education, given only six teachers were found to be worthy of dismissal of the 106 teachers suspended, to detail what steps he is taking to address the suspension of teachers.

(AQW 50926/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of Teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions on precautionary suspension are therefore a matter for the BoG, in conjunction with the relevant employing authority.

Teachers can be placed on precautionary suspension by the BoG, the Chairperson of the BoG or the Principal for any of the following reasons:

- an allegation of misconduct which requires to be investigated; or
- an allegation of a child protection nature; or
- on medical or health and safety grounds awaiting a referral to an Occupational Health physician.

The decision to place a teacher on precautionary suspension, without prejudice, should only be taken after careful consideration and where it is deemed absolutely necessary and in accordance with agreed procedures.

However, I am aware of the implications associated with the number and length of many suspensions and the considerable cost to the public purse.

Whilst not wishing to take on or replicate the responsibilities of employers or employing authorities, the Department monitors the number and length of precautionary suspensions through quarterly reports received from the employing authorities and challenges cases where it would appear that little or no progress has been made since the last update. This monitoring role

has recently been extended to include reports from the Voluntary Grammar and Grant Maintained Integrated sectors, where BoGs are both the employer and employing authority.

To ensure that such matters are considered fully but carefully, I have asked my Department to continue to work with the Employers/Employing Authorities to ensure that such suspensions are managed appropriately.

Mr Ó Muilleoir asked the Minister of Education for an update on the four minor works schemes submitted by St Joseph's College, Ravenhill Road, Belfast.

(AQW 51090/11-16)

Mr O'Dowd: Four minor works schemes have been submitted by the School Authorities for the St Vincent Centre (an annexe of St Joseph's College). These cover refurbishment of technology/design, new rainwater system, electrical rewire and upgrade of play/outdoor area.

The refurbishment of technology/design and the new rainwater system have been given approval to proceed to pre-tender stage. Approval letters for these schemes issued to the School Authorities earlier this month. Approval has been given for the Education Authority (EA) to undertake a fixed wire test for the electrical rewire and work associated with the upgrade of play/outdoor area is under consideration and will be assessed further once a scoping report detailing the necessary works has been received.

In addition, there are several applications that relate specifically to the main part of St Joseph's College which are at different stages of consideration or approval. These include upgrade of heating which was approved in 2014/15 and completed in 2015/16, fire compartmentation and removal of mobile which were approved to go to tender stage on 30 October 2015, curtain walling and raising banister height which has been approved to go to pre-tender stage on 12 November 2015, electrical rewire which has had approval for a fixed wire test to be carried out to ascertain the extent of the required work and replacement windows which is awaiting a scoping report from the Education Authority.

Mr Ó Muilleoir asked the Minister of Education for his assessment of outdoor sports and recreation provision at St Joseph's College, Ravenhill Road, Belfast.

(AQW 51091/11-16)

Mr O'Dowd: There are currently no minor works applications on the Department's database for the refurbishment of the sport and recreation facilities at St Joseph's College, Ravenhill Road campus. However, an application was submitted in relation to the St Vincent Centre (an annexe of the school) requesting an upgrade to the play/outdoor area for which the Department is presently waiting on a scoping report and estimate of cost, from the Department of Finance and Personnel's Central Procurement Directorate.

While the call for minor works applications is now closed, the Department will continue to accept urgent and essential health and safety applications.

Mr McKinney asked the Minister of Education to detail how he intends to spend the extra £5m for special educational needs allocated through the November monitoring round.

(AQW 51150/11-16)

Mr O'Dowd: I have allocated the additional £5m, which I secured as part of the November monitoring round, to the Education Authority via their block grant. This additional funding will assist the Education Authority to address in-year pressures in the provision of Special Educational Needs in both mainstream and special schools.

Mr Allister asked the Minister of Education how many children with statements confirming their severe learning difficulties classification are not being educated in severe learning disability schools.

(AQW 51211/11-16)

Mr O'Dowd: In 2014/15, out of 1,484 pupils that have a statement of special educational needs and whose primary need is severe learning difficulties, 159 are educated in a school that is not classified as a "severe learning difficulties" or "severe learning difficulties / mild learning difficulties" special school.

Support for pupils with special educational needs is tailored to the individual needs of the child and a child with SEN and a statement can be educated in a special school or a mainstream school.

Source: NI school census

Notes:

- 1 Figures relate to the 2014/15 academic year. While the 2015/16 school census took place on the 9th October this year, provisional figures will not be available until December 2015 and will not be finalised figures until February 2016.
- 2 Figures include pupils at stage 5 on the Special Educational Needs Code of Practice that have "severe learning difficulties" listed as their primary special educational needs.

- 3 Classification of special school types can be found here:
<https://www.deni.gov.uk/sites/default/files/publications/de/Review%20of%20Special%20School%20Provision%20in%20Northern%20Ireland%282%29.pdf>. Please note that as Belmont and Foyleview special schools have amalgamated since, any pupils attending the new Ardnashee special school have been counted as attending an SLD/MLD special school.
- 4 Figures include pupils enrolled in primary (nursery units, reception and year 1 – 7 classes), post primary and special schools.

Ms Sugden asked the Minister of Education whether (i) funding for the youth service is ring fenced; and if so, (ii) he has plans to maintain this protection.

(AQW 51228/11-16)

Mr O'Dowd:

- (i) Funding to the Education Authority for youth services during 2015-16 has been protected. A separate budget exists for the Youth Council.
- (ii) Departmental budgets beyond 2015-16 are not yet available, but it is known that the outlook will continue to be challenging for public sector financing. Therefore, I cannot confirm at this stage if I will be in a position to maintain the current protection in place for the Education Authority's youth service budget beyond 2015-16.

Ms Sugden asked the Minister of Education detail the organisations, agencies and arm's-length bodies in his Department that can avail of the Voluntary Exit Scheme.

(AQW 51229/11-16)

Mr O'Dowd: The Department of Education's arm's length bodies that could avail of the Voluntary Exit Scheme are:-

- Education Authority
- Council for Catholic Maintained Schools
- Council for Curriculum, Examinations and Assessment
- Northern Ireland Council for Integrated Education
- Comhairle na Gaelscolaíochta
- General Teaching Council for Northern Ireland
- Youth Council for Northern Ireland
- Middletown Centre for Autism Ltd

It is a matter for each of these bodies as individual employers to determine whether or not they have a need for a Voluntary Exit Scheme.

In order to access funding from the Public Sector Transformation Fund for a Voluntary Exit Scheme, the arm's length body will need to have a scheme which has been approved by my Department.

Ms Sugden asked the Minister of Education whether he has considered absorbing the functions of the Youth Council for Northern Ireland into the remit of the Education Authority.

(AQW 51230/11-16)

Mr O'Dowd: Earlier this year, I announced my intention to explore how all youth funding might be delivered through the Education Authority (EA) in order to streamline the administration of all youth services to ameliorate the effect of the creation of the EA whereby we now have two statutory authorities with legislation that enables them to provide regional youth services; and to enable more resources to be used for front line youth provision.

I subsequently consulted on proposals for the future of the Youth Council between 20 April and 3 July. I am carefully considering all the responses received and will be announcing my decision on the way forward in the near future.

The consultation documents are available on the Department's website via the following link:

<https://www.deni.gov.uk/consultations/consultation-proposals-future-youth-council>

Ms Sugden asked the Minister of Education for his assessment of (i) the Youth Council for Northern Ireland's contribution to the youth sector, (ii) the future of the Youth Council for Northern Ireland; and (iii) the evolving role of the Youth Council for Northern Ireland since it was formed.

(AQW 51231/11-16)

Mr O'Dowd: Since it was established in 1990, the Youth Council has performed a range of statutory functions to support regional voluntary youth organisations as set out in the Youth Service (NI) Order 1989. These have included:

- Advising the Department, Education and Library Boards (the Education Authority) and other bodies on the development of the youth service;

- To encourage cross-community activity by the youth service;
- To encourage the provision of facilities for the youth service and facilities which are especially beneficial to young persons; and
- To encourage and assist the coordination and efficient use of the resources of the youth service.

The Youth Council has discharged its duties in a professional and effective manner throughout its 25 years and I acknowledge the dedication of its staff and Board, who have contributed greatly to the development of a vibrant and robust regional youth service who provide support to local youth groups.

As you will be aware, I am currently considering the responses to the recent public consultation held on the future of the Youth Council and I will be announcing my decision on the way forward shortly.

Mr Weir asked the Minister of Education, pursuant to AQW 50750/11-16, for a single Board of Governors for each sector listed, to detail the number of appointments nominated by the (i) Education Authority; (ii) Department; (iii) Trustee Governors positions; (iv) Transferors; (v) parents; and (vi) teachers.

(AQW 51248/11-16)

Mr O'Dowd: The composition of a single Board of Governors by sector in nursery education is as follows:

Controlled Sector

Membership 8, 16 or 24 members

Chosen by the EA	3/8th
Nominated by DE	1/4qtr
Nominated by Trustees	None
Nominated by Transferors	None
Elected by Parents	1/4qtr
Elected by Teachers	1/8th

Maintained Sector

Membership 9, 18 or 27 (100% Capital Funding)

Membership 10, 18 or 27 (85% or no Capital Funding)

	100% Capital Funding	85% or No Capital Funding	
		10 members	18 or 27 members
Nominated by EA	2/9th	1/5th	2/9th
Nominated by DE	1/9th	0	0
Nominated by Trustees	4/9th	3/5th	5/9th
Nominated by Transferors	None	None	None
Elected by Parents	1/9th	1/10th	1/9th
Elected by Teachers	1/9th	1/10th	1/9th

Mr Weir asked the Minister of Education, pursuant to AQW 50752/11-16, for a single Board of Governors for each sector listed, to detail the number of appointments nominated by the (i) Education Authority; (ii) Department; (iii) Trustee Governors positions; (iv) Transferors; (v) parents; and (vi) teachers.

(AQW 51250/11-16)

Mr O'Dowd: The composition of a single Board of Governors by sector in post primary education is as follows:

Controlled Sector- Non Grammar

Membership 9, 16 or 24 members

Chosen by the Education Authority	1/4qtr
Nominated by the Department	None
Nominated by Trustees	None
Nominated by Transferors ¹	3/8th

Elected by Parents	1/4qtr
Elected by Teachers	1/8th

1. Nominated by the Transferors on the Board of Governors of contributory Primary Schools

Controlled Sector - Grammar

Membership 8, 16 or 24 members

Chosen by the Education Authority	3/8th
Nominated by the Department	1/4qtr
Nominated by Trustees	None
Nominated by Transferors	None
Elected by Parents	1/4qtr
Elected by Teachers	1/8th

Controlled Sector - Integrated

Membership 14 or 21 members

Chosen by the Education Authority	2/7th
Nominated by the Department	None
Nominated by the Trustees of catholic maintained schools in the area.	1/7th
Nominated by Transferors ²	1/7th
Elected by Parents	2/7th
Elected by Teachers	1/7th

2. Nominated by the Transferors on the Board of Governors of contributory Primary Schools

Maintained Sector

Membership 9, 18 or 27 (100% Capital Funding)

Membership 10, 18 or 27 (85% or no Capital Funding)

	100% Capital Funding	85% or No Capital Funding	
		10 members	18 or 27 members
Nominated by the Education Authority	2/9th	1/5th	2/9th
Nominated by the Department	1/9th	None	None
Nominated by Trustees	4/9th	3/5th	5/9th
Nominated by Transferors	None	None	None
Elected by Parents	1/9th	1/10th	1/9th
Elected by Teachers	1/9th	1/10th	1/9th

Voluntary Grammar Sector

Membership 9, 18, 27 or 36 (100% Capital Funding)

Membership 10, 18, 27 or 36 (85% or no Capital Funding)

	100% Capital Funding	85% or No Capital Funding	
		10 members	18, 27 or 36 members
Nominated by the Education Authority	None	None	None
Appointed by the Department	1/3rd	1/5th	2/9th
Trustees / Subscribers appointed per Scheme of Management	4/9th	3/5th	5/9th

	100% Capital Funding	85% or No Capital Funding	
		10 members	18, 27 or 36 members
Nominated by Transferors	None	None	None
Elected by Parents	1/9th	1/10th	1/9th
Elected by Teachers	1/9th	1/10th	1/9th

Grant-Maintained Integrated Sector

Membership 16 or 24

Nominated by the Education Authority	None
Appointed by the Department	1/4qtr
Foundation Governors	3/8th
Nominated by Transferors	None
Elected by Parents	1/4qtr
Elected by Teachers	1/8th

Mr Lyons asked the Minister of Education for an update on the new school build for Islandmagee Primary School.
(AQW 51269/11-16)

Mr O'Dowd: A new build for Islandmagee Primary School (PS) was included in my capital announcement in January 2013. However as an appropriate solution for the future of primary provision in the Islandmagee area was not clear at that time, the project was not included in the list of schemes to be advanced in planning. This in no way implied that Islandmagee PS would not be considered for capital funding in the future.

The Education Authority, as the managing authority for controlled schools will have the opportunity to submit the Islandmagee PS project for consideration as part of any future capital announcement process. The timing of the next capital announcement has yet to be determined.

Mr Agnew asked the Minister of Education for an update on how the three schools funded by Together: Building a United Community are progressing.
(AQW 51296/11-16)

Mr O'Dowd: I have approved Ballycastle, Limavady and Moy shared education campus projects to proceed in planning. Detailed feasibility studies and economic appraisals are well advanced. Capital funding for these projects is subject to discussions with the Department of Finance and Personnel.

When economic appraisals are approved and capital funding is secured these projects will proceed to design and construction.

Lord Morrow asked the Minister of Education whether there is a specific policy or procedure in place in respect of statemented special needs pupils who attend mainstream schools, both primary and post-primary; and if so, to place a copy in the Assembly Library.
(AQW 51348/11-16)

Mr O'Dowd: Provision for all pupils with special educational needs (SEN), including those with a statement of SEN, is met within the SEN policy framework which comprises legislation, the Code of Practice on the Identification and Assessment of SEN and the Supplement to the Code.

Within this policy framework, provision is matched to the individual needs of the child. Mainstream schools, Learning Support Centres (LSCs) and special schools form part of a continuum of provision for pupils with SEN to ensure their diverse range of needs are met.

The guidance provided in the Code of Practice and the Supplement to the Code addresses the identification, assessment and provision made for all children who may have SEN, including those with a statement, attending a mainstream school, a LSC or a special school.

Copies of the Code of Practice and the Supplement to the Code are available in the Assembly Library.

Mr Agnew asked the Minister of Education whether transport funded by his Department will be made available to ensure that those schools not based on the Lisanelly site but that are part of the Omagh Learning Community will be supported and collaborate fully.

(AQW 51363/11-16)

Mr O'Dowd: My Department will continue to provide funding for the Education Authority's delivery of the Home to School Transport Policy across all grant-aided schools including those within the Omagh Learning Community.

Ms McGahan asked the Minister of Education what percentage of his Department's budget is spent on addressing domestic violence or on the delivery of the Stopping Domestic and Sexual Violence and Abuse Strategy 2013-2020.

(AQW 51370/11-16)

Mr O'Dowd: It is not possible for my Department to estimate the percentage of costs required to currently address domestic violence which contributes to the new Stopping Domestic and Sexual Violence and Abuse Strategy however I can provide an overview of our approach.

While there are no resources within the curriculum focusing specifically on domestic violence, a range of teaching resources and guidance for all year groups in relation to the associated Areas of Learning is available from the Council for the Curriculum, Examinations and Assessment's website and has been circulated in hard copy to schools.

My Department has also recently issued updated Relationships and Sexuality Education Guidance, partly in response to the draft Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy.

The Department's iMatter programme is the overarching vehicle for promoting pupils' emotional health and wellbeing and there are a number of areas within this that provide support to children and young people experiencing domestic violence:

- iMatter resources produced for schools include the subject of 'Family Problems' which covers domestic violence. These resources include posters, leaflets and diary inserts.
- My Department funds the Women's Aid 'Helping Hands' teacher training programme which was specifically developed in response to an identified need to share understanding and best practice in order to provide support and protection for primary aged children affected by domestic violence.
- My Department has also commissioned NSPCC to undertake a 'Preventative Education' project which aims to build the capacity of staff in primary schools (including special schools) to build the capacity of school staff to deliver effective preventative education addressing such sensitive issues as domestic violence. The project is currently at the development stage and will be piloted in primary and special schools throughout NI before further roll out.

Mr Hazzard asked the Minister of Education to outline what steps his Department has taken in recent years to lower energy bills in schools.

(AQW 51385/11-16)

Mr O'Dowd: The Department of Education (DE), in partnership with the Education Authority (EA) is committed to improving the energy efficiency of the schools estate to both reduce school energy costs and also contribute to a reduction in carbon dioxide (CO₂) emissions. The EA deploys full time Energy and Environment Officers to support schools in improving their energy efficiency.

Investment in energy reduction measures in schools has been ongoing over recent years, subject to available funding. In the 2014/2015 financial year, £10m of capital funding was made available for energy efficiency and renewable energy measures across the schools estate under an 'invest to save' initiative. This funding supported a range of energy reduction measures as outlined in the table below:

	Nursery Schools	Primary Schools	Post- primary Schools	Special Schools	Miscellaneous*	Total
Solar photovoltaic (PV) installations	19	215	69	8	2	313
Gas conversions	0	10	6	0	0	16
Boiler upgrades	1	18	5	3	0	27
Automatic metering	0	55	4	5	4	68
Water metering	2	41	1	2	2	48
Window replacement	0	1	1	1	0	3
Roofing projects	0	2	7	1	0	10
Lighting upgrade	0	10	7	0	0	17
Insulation	0	2	1	0	0	3

	Nursery Schools	Primary Schools	Post- primary Schools	Special Schools	Miscellaneous*	Total
Heating controls upgrades	0	10	1	0	0	11
Totals	22	364	102	20	8	516

* Miscellaneous refers to a number of administrative buildings within the EA.

DE and the EA will continue to promote a culture of energy efficiency in schools and the EA's energy officers will offer practical advice and support to schools and undertake advisory visits, if required.

Mr Hazzard asked the Minister of Education to detail when the specification for school builds has been amended in light of technological developments in renewable energy.

(AQW 51386/11-16)

Mr O'Dowd: In accordance with the Sustainability Action Plan, which was introduced in 2004, all new school builds are designed to achieve an "Excellent" rating when assessed using the Building Research Establishment Environmental Assessment Methodology (BREEAM) and refurbishments are designed to achieve "Very Good". Guidance in relation to renewable energy, along with other environmental requirements, is contained within BREEAM. The BREEAM assessment methodology was updated in 2008 and 2011.

One of the Department of Education's specific actions in the Executive's "Sustainable Energy Action Plan 2012-2015 and beyond", is to "Provide modern sustainable accommodation for educational establishments, with consideration being given to the use of renewable energy sources where economically feasible."

Mr Hazzard asked the Minister of Education to detail what research his Department undertakes to ensure school estates are as eco-friendly as possible.

(AQW 51387/11-16)

Mr O'Dowd: The Department of Education does not undertake any specific research to assess how eco-friendly schools are. However every school here is now registered on the Eco-Schools programme, which aims to combine learning and action for the improvement of the environmental performance of the school's own estate, as well as the wider community.

Mr Weir asked the Minister of Education what action his Department is taking to ensure parents are aware of the support available under a Special Educational Needs statement.

(AQW 51399/11-16)

Mr O'Dowd: Under legislation, the Education Authority (EA) has a duty to arrange for the parent of any child with special educational needs (SEN) to be provided with advice and information about matters relating to those needs.

The Department provides funding for the EA's Advice and Information Service. This Service is to ensure that parents of children at all Stages of the Code of Practice, including those with a Statement, know where and how to access information and advice in relation to the needs of their children so they can make appropriate and informed choices and decisions.

When issuing a proposed Statement, parents are informed by the EA that they may seek advice from the Advice and Information Service or make use of the Dispute Avoidance and Resolution Service, which is also funded by the Department. Contact details for these services are provided, as are those of the named officer in the EA who is available to answer queries parents may have in regard to the statementing process or about the statement itself.

In addition, the Code of Practice on the Identification and Assessment of SEN and the Supplement to the Code recognise the importance of schools and the EA working in partnership with the parents of a child with SEN. Both documents provide guidance on arrangements for informing parents about the support available within the school and the EA.

Mr Weir asked the Minister of Education to detail who inspects the quality of the specialist services available to children with special educational needs.

(AQW 51401/11-16)

Mr O'Dowd: The Education and Training Inspectorate (ETI) evaluates the quality of education provision for children with special educational needs in special schools, mainstream schools and specialist provision.

The ETI does not inspect the quality of specialist health interventions, such as the work of speech and language therapists.

The ETI has evaluated specialist services such as Middletown Centre for Autism (with DES) in 2012.

An evaluation of pupil behaviour in schools and other educational settings was carried out by ETI in 2010 across mainstream and special schools

Previously, surveys have been carried out by ETI, including one evaluating the work of Music Therapists in special schools over the 2004-2006 period.

Mr Weir asked the Minister of Education why one to one educational support is not available for deaf children unlike other jurisdictions.

(AQW 51402/11-16)

Mr O'Dowd: The Education Authority (EA) provides a comprehensive level of support to help deaf children achieve to their full potential, tailored to the individual needs of each child.

Support is available from the Qualified Teachers of the Deaf in the EA's specialist peripatetic services for the hearing impaired. Special schools are also an integral part of the education system, with Jordanstown School specialising in education for children who are hearing (or visually) impaired.

The EA also provide appropriate specialist equipment and, where deemed necessary, a designated level of classroom assistant support to meet the needs of individual pupils.

Mr Weir asked the Minister of Education what plans he has to review the number of teachers for deaf pupils.

(AQW 51403/11-16)

Mr O'Dowd: The Department is not the employer of teachers, and is not responsible for the appointment of teachers. Teachers are employed by the Board of Governors (BoG) for each school setting, and appointments are carried out in conjunction with the relevant employing authority; such as the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) or in the case of Voluntary Grammar and Grant Maintained Integrated schools by individual BoGs.

The EA has responsibility for special needs provision for all schools and have recently commenced a review of support services for children with a range of identified needs. This initial analysis includes services for hearing impairment. This will provide information on the staffing profile in each of the five sub-regions to assist with future planning and to begin to redress any inconsistencies in service delivery or provision that may emerge. This information is likely to be shared with the EA members in early 2016, with recommendations, as appropriate.

Mr Ó hOisín asked the Minister of Education (i) for an update on the proposed amalgamation of St Joseph's College, Coleraine with the Loretto College, Coleraine and the Dominican College, Portstewart; and to detail (ii) a timeframe for this amalgamation; and (iii) what proposals are in place for the St Joseph's building once vacated.

(AQW 51418/11-16)

Mr O'Dowd: No proposal has been published to amalgamate St Joseph's College, Coleraine with the Loreto College, Coleraine and the Dominican College, Portstewart.

There have, however, been three Development Proposals (DPs) published for these schools to effect the following changes:

- (i) DP 400 - to close St Josephs College, Coleraine on a phased basis from 1 September 2016 or as soon as possible thereafter;
- (ii) DP 401 - to increase the enrolment and initiate a phased and complete transformation away from academic selection at Dominican College, Portstewart. The College will initiate a move away from the use of academic selection criteria over 4 years from 1 September 2016 or as soon as possible thereafter; and
- (iii) DP 402 to increase enrolments at Loreto College, Coleraine to take effect from 1 September 2016 or as soon as possible thereafter.

My officials are currently collating all information linked to the proposals and I will make a decision in the near future based on the best educational interests of the young people in the area.

St Joseph's College is a maintained school and should I approve the DP for closure of the school, the responsibility for the building would revert to the Trustees and it would be for them to decide what use to make of it.

Mr Agnew asked the Minister of Education whether he will publish the consultation completed with the pupils of the five individual schools moving to the Lisanelly site.

(AQW 51433/11-16)

Mr O'Dowd: The Department has recently carried out significant informal engagement with local stakeholders to develop an overarching brand for the Strule Shared Education Campus. As part of that work, discussions were held with a wide range of groups and individuals, including pupils, teaching and non-teaching staff, Boards of Governors, school managing authorities, community representatives and the general public.

As this was not a formal consultation process but an aspect of the ongoing discussions throughout the project, a consultation report has not been prepared. I am pleased, however, to advise that there is widespread local support for the Programme and broad agreement on the new name, the Strule Shared Education Campus Omagh, which I announced at an event on 21 October.

Further information about the Strule Programme is available on the new website at www.strule.org, which reflects the new branding.

Mr Agnew asked the Minister of Education to detail what measures he will put place to ensure the schools that are not based on the Lisanelly site but that are part of the Omagh Learning Community are not disadvantaged in collaborating with those schools located at the Lisanelly site.

(AQW 51434/11-16)

Mr O'Dowd: I fully recognise the important contribution which strong Area Learning Communities (ALCs) make to the delivery of a broad and balanced curriculum which seeks to meet the needs of all pupils.

It is anticipated that schools within the Omagh ALC will continue to have ongoing interaction and participation and will continue to be able to avail of a range of collaborative and sharing arrangements when the Strule Shared Education Campus becomes operational.

The effectiveness of an ALC is clearly dependent, however, on the commitment of and close collaboration between its members.

I encourage all schools within the Omagh ALC to continue to work collaboratively to build on existing good practice for the benefit of all pupils in the area irrespective of which school they attend or its location.

Mr Agnew asked the Minister of Education to detail the number of pupils entitled to free school meals and that left school without achieving five or more GCSEs including English and Maths, broken down by (a) Maintained; (b) Controlled; (c) Integrated; (d) Irish-medium; and (e) gender.

(AQW 51435/11-16)

Mr O'Dowd: The answer can be found in the following table.

The number of pupils entitled to free school meals leaving school without achieving 5 or more GCSEs including English and Maths, 2013/14

	Number
(a) Maintained	1,366
(b) Controlled	875
(c) Integrated	349
(d) Irish-medium	21
(e) Gender - boys	1,521
(e) Gender - girls	1,120

Source: School Leavers Survey

Notes:

- 1 Maintained includes both Catholic and Other Maintained.
- 2 Integrated includes both Controlled Integrated and Grant Maintained Integrated.
- 3 Irish Medium is not a separate management type and includes pupils from different management types; these pupils will appear twice in the above table.

Lord Morrow asked the Minister of Education (i) to provide or place in the Assembly Library a copy of his Department's Whistleblower Policy; and (ii) to detail whether it covers all staff within agencies and arm's-length bodies under his departmental remit.

(AQW 51444/11-16)

Mr O'Dowd:

- (i) The Department's Raising Concerns at Work (Whistleblowing) Policy is published on the DE website at Raising Concerns at Work Whistleblowing Policy.

Para 1.6 of this document refers to Non – Departmental staff and advises that the Public Interest Disclosure (NI) Order 1998 affords protection to employees that raise concerns of malpractice/wrongdoing. These arrangements however encourage contact from anyone external to the Department who has concerns about the Department's use of public funding such as trainees, agency staff, independent consultants, volunteers, contractors, suppliers, DE Board Members and members of the public. These arrangements do not however cover complaints about the Department's performance or service as there is a separate complaints procedure for this:

- (ii) Complaints Procedure.

Mr Hussey asked the Minister of Education, pursuant to AQW 48786/11-16, (i) for an update on the meetings between departmental officials and the PSNI; and (ii) to detail any new strategy in relation to reports of sex offences, alleged cases of rape and physical sexual assaults committed in school premises
(AQW 51473/11-16)

Mr O'Dowd: Department officials recently met with the PSNI and agreed a number of measures to ensure improved cooperation and communication including agreement that the PSNI will inform the Education Authority (EA) when a school reports a sexual offence to Social Services or PSNI. The EA and PSNI will maintain their liaison through the Safeguarding Board (SBNI).

As you know, the objective of the SBNI is to safeguard and promote the welfare of children and young people by coordinating the work and ensuring the effectiveness of each person or body represented on the Board. Both the EA and PSNI are members of the SBNI.

A PSNI officer has been invited to attend the next meeting of the Designated Officers of Child Protection in Education (DOCPEG). The Department will consider what further advice could be issued to schools on foot of this.

Mr McKay asked the Minister of Education to detail all new capital build schools planned in North Antrim; and when they are due to be built.
(AQW 51496/11-16)

Mr O'Dowd: I have been delighted to announce a number of capital builds in the North Antrim constituency and these are detailed in the table below:-

Name of School	Comment
Braidside Integrated PS	This build is dependent upon Castle Tower site being vacant. This is currently estimated as June 2017 and it is anticipated that the build should be completed by mid 2018.
Castle Tower Special School	Construction works commenced 7 September 2015 with an anticipated completion date of June 2017.
Cullybackey College	The business case has not yet been approved for this project and therefore it is too early to give a timescale when this build will commence.
Dunclug High School	The business case has not yet been approved for this project and therefore it is too early to give a timescale when this build will commence.
Mary Queen of Peace PS, Glenravel	It is anticipated that construction will commence on site in Spring 2016 with an estimated completion date of Spring 2017
Shared Campus, Ballycastle HS and Cross and Passion HS	The business case is anticipated to be submitted early 2016 but until approval is obtained a timescale for commencement on site cannot be provided.

Most of these projects are at an early stage and where possible I have indicated the relevant timescales however these may change as the projects progress through the planning process.

Ms Sugden asked the Minister of Education to detail how the £5m of additional funding for special educational needs received in the November monitoring round will be spent.
(AQW 51508/11-16)

Mr O'Dowd: I have allocated the additional £5m, which I secured as part of the November monitoring round, to the Education Authority via their block grant. This additional funding will assist the Education Authority to address in-year pressures in the provision of Special Education Needs in both mainstream and special schools.

Mr Weir asked the Minister of Education what strategies are being pursued or planned to reduce the educational attainment gap between deaf children and other children in the educational strategy.
(AQW 51511/11-16)

Mr O'Dowd: In May of this year you had previously asked this question (AQW 46052/11-15). Please refer to the response published in the official report on 29th May 2015. This position has not changed.

Mr Weir asked the Minister of Education what actions are being taken to address the regional disparity in educational provision for deaf children.
(AQW 51512/11-16)

Mr O'Dowd: The Education Authority (EA) has recently commenced a review of support services for children with a range of identified needs. This initial analysis includes services for hearing impairment. This will provide initial information on the staffing profile in each of the five sub-regions to assist with future planning and to begin to redress any inconsistencies in

service delivery or provision that may emerge. This information is likely to be shared with the EA members in early 2016, with recommendations, as appropriate.

Mr Weir asked the Minister of Education what strategies are being pursued to ensure that there are sufficient teachers for deaf pupils given the current age profile of teachers in this field.

(AQW 51514/11-16)

Mr O'Dowd: The Department is not the employer of teachers, and is not responsible for the appointment of teachers. Teachers are employed by the Board of Governors (BoG) for each school setting, and appointments are carried out in conjunction with the relevant employing authority; such as the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) or in the case of Voluntary Grammar and Grant Maintained Integrated schools by individual BoGs.

The Education Authority has responsibility for special needs provision for all schools. The number of staff and profile of the service for children with hearing impairment is currently under review. Inconsistencies in the number of staff by sub-region is being considered as part of this review process.

Mr Middleton asked the Minister of Education to detail what support his Department provides to both primary and post-primary schools to address bullying.

(AQW 51536/11-16)

Mr O'Dowd: The Department works in partnership with schools and other stakeholders to tackle bullying in a broad, holistic manner.

At primary level, as part of the Personal Development and Mutual Understand area of learning, all children are encouraged to develop an awareness and understanding of their own and others' feelings and emotions and of how their actions affect others. They are also taught strategies and skills for keeping themselves healthy and safe.

At post-primary level, the Learning for Life and Work area of learning teaches young people to develop strategies to promote personal safety including learning about different forms of bullying. At Key Stage 4 this includes understanding of how pupils can maximise and sustain their own health and well-being.

The Department has produced guidance for schools in developing effective anti-bullying policies which includes practical initiatives and case studies to support schools to tackle bullying. The guidance "Pastoral Care in Schools: Promoting Positive Behaviour" is available on the Department's website at <http://www.deni.gov.uk/ppbehaviour-4.pdf>. The effectiveness of a school's anti-bullying measures is monitored through the regular cycle of school inspections.

My Department funds the local Anti-Bullying Forum (NIABF), a grouping which brings together over 25 statutory and non-statutory organisations involved in tackling all forms of bullying. The Forum delivers awareness raising activities, such as the annual Anti-Bullying Week (ABW) and provides practical support, resources and guidance to schools, parents and pupils. In 2013 it released its own resource pack for schools "Effective responses to Bullying Behaviour" which highlighted best-practice and suggested a number of approaches which schools could use in responding to bullying incidents.

The Independent Counselling Service for Schools (ICSS) has been accessible to young people of postprimary age in mainstream schools since September 2007 and to postprimary aged pupils in special schools from January 2011. This allows pupils to speak to a trained counsellor about their concerns or fears around bullying.

The Department's "iMatter" Programme is intended to support the entire school community to be engaged in promoting resilient emotional health for all pupils. Under the programme a suite of homework diary inserts and posters on topics of concern to young people such as self esteem and coping with stress, worry, anxiety and bullying, and outlining sources of help are prepared and distributed annually.

Building on this, I introduced the "Addressing Bullying in Schools Bill" to the Assembly on 30 November 2015. This will provide a single definition of bullying and require grant-aided schools to record all bullying incidents. It will also increase the direct responsibility of each Board of Governors for the school's anti-bullying policies and procedures; and for ensuring the effectiveness of those systems is monitored and reviewed on a regular basis.

I believe these measures will encourage all schools to bring additional effort and focus to tackling this problem, will promote the more widespread adoption of best-practice in this area and will enhance the consistency with which all schools seek to address bullying.

Mr Middleton asked the Minister of Education what steps his Department is taking to work with stakeholders to raise awareness among young people in schools about the dangers of legal highs and to prevent them being brought onto school premises.

(AQW 51537/11-16)

Mr O'Dowd: The "New Strategic Direction" for Alcohol and Drugs (NSD) is the DHSSPS led cross-departmental strategy to tackle the harmful impacts caused by alcohol and drugs addiction. My Department is represented on the NSD Steering Group of stakeholders which oversees the delivery of NSD Phase 2, monitoring and ongoing policy development process of the strategy.

My Department also receives drugs information and alerts through the Drugs and Alcohol Management Information System, and these are forwarded to the Education Authority for action as appropriate. Likewise, my Department passes on advice from the Chief Medical Officer as appropriate.

It is a statutory requirement for every grant-aided school to have in place a drugs education policy. Drugs education is provided in the curriculum which is taught to all pupils of compulsory school age in grant-aided schools.

Mr Easton asked the Minister of Education to detail what discussions or correspondence have taken place between his Department and St Columbanus College, Bangor, to progress plans for a new school build.

(AQW 51572/11-16)

Mr O'Dowd: There have been no discussions or correspondence between my Department and St Columbanus' College relating specifically to progressing plans for a new school build. The school has not been included in any of my capital announcements to date due to area planning considerations and the Department of Education does not hold waiting lists of capital projects for funding. However CCMS, as the managing authority for maintained schools, will have the opportunity to submit the St Columbanus' College project for consideration as part of any future capital announcement process. Any such announcement would be dependent on the availability of capital funding.

Mr McGimpsey asked the Minister of Education for his assessment of the Delivering Social Change Improving Literacy and Numeracy Signature Programme in addressing educational underachievement.

(AQO 9203/11-16)

Mr O'Dowd: The Delivering Social Change Literacy and Numeracy Signature Programme (DSC) has had a positive impact on pupils but, any recent improvement in performance has to be looked at in the current school context.

The DSC Programme represented a significant investment and was one of a number of programmes and interventions provided in schools to improve literacy and numeracy.

In line with the Every School a Good School policy; many schools have from within their own resources been working hard to improve the teaching and learning for pupils particularly in maths and English.

The evidence from evaluations carried out by the ETI and Education Authority suggests that the DSC programme has had a positive impact on identifying underperformance, targeting and addressing underachievement.

The ETI evaluation of DSC found that "A significant strength of the programme has been the impact it is having on bringing greater cohesion to the other initiatives operating currently in schools to effect overall improvement in the literacy and numeracy standards attained by the pupils"

Principals and teachers are to be commended for the way in which they embraced the programme and developed it within their schools. In the most successful schools, the learning has been shared across the curriculum and many principals are already mainstreaming the approaches learnt under DSC within their schools.

Undoubtedly the learning they have gained will provide a lasting legacy for those schools. To support this, I have set aside an additional £200,000 this year to provide a legacy programme to disseminate the best practice developed during DSC to all schools.

Mr Moutray asked the Minister of Education what plans he has to invest in the estates of the controlled primary sector in Upper Bann.

(AQO 9205/11-16)

Mr O'Dowd: Since 2012 I have announced a number of Major Capital and School Enhancement Projects in the Upper Bann constituency representing an investment of some £90m. These include, from the Controlled sector, projects for Ceara Special School, Lurgan, Donard Special School, Banbridge and Millington Primary School, Portadown.

This is a significant investment for the constituency not only in economic terms but it will also benefit the children and the community of the area. All projects that are not contractually committed will, however, be subject to funding being available to permit the project to proceed to tender stage.

Should there be a further announcement for either the Major Capital or a School Enhancement Programmes then the primary schools in the Upper Bann constituency will have the opportunity to reapply for consideration for inclusion at that time.

Mr Ramsey asked the Minister of Education, in relation to Public Private Partnerships for new school builds, to outline the percentage of the total repayments over the contract period that cover the initial capital costs.

(AQO 9207/11-16)

Mr O'Dowd: On average across all of the schools' PPP projects, the estimated capital cost of constructing the school buildings represents 24% of the estimated total unitary repayments over the contract period. The percentage varies from project to project depending on the level of facilities management services procured over the term of the contract.

The last school procured by means of public private partnership opened in 2013 and my Department currently has no plans to use private finance for future school builds.

Mr Easton asked the Minister of Education for an update on the proposed new build for Bangor Central Primary School.
(AQW 51628/11-16)

Mr O'Dowd: Bangor Central Integrated Primary School (IPS) is not announced to proceed in planning at this time. The School was considered under the protocol developed to select projects to proceed in planning in 2014 but did not achieve sufficient priority to be included in the list of schools that I announced at that time.

I am currently considering the merits of a further capital announcement in the New Year. However, it will be a matter for the Education Authority to determine if it wishes to include Bangor Central IPS in its list of priorities for consideration as part of this process.

Mr Beggs asked the Minister of Education what investment has been made to date on the new Islandmagee Primary School site to obtain the land and necessary planning permissions.
(AQW 51771/11-16)

Mr O'Dowd: No capital investment has been made to date on a new site for Islandmagee Primary School (PS). A new build for the school was considered in advance of my capital announcements of January 2013 and June 2014. An appropriate solution for the future of primary provision in the Islandmagee area was not clear at that time and therefore the project was not included in the list of schemes to be advanced in planning.

However the Education Authority, as the managing authority for controlled schools, will have the opportunity to submit the Islandmagee PS project for consideration as part of any future capital announcement process. If the project was then selected to be advanced in planning, a site search and planning application would be carried out as part of an economic appraisal process. The timing of the next capital announcement has yet to be determined.

Mr Dickson asked the Minister of Education what initiatives are in place to encourage the development of computer programming skills in schools.
(AQO 9211/11-16)

Mr O'Dowd: The curriculum has been designed to provide flexibility for schools to develop experiences that best suit the needs of their pupils. Embedding mandatory, cross-curricular skills and keeping prescribed content to a minimum, allows schools to choose the most appropriate approach to take to ensure that pupils are engaged and challenged, to reach their full potential.

Computer Science, which includes computer coding, is a specialised field and the flexibility already in place within the curriculum, enables schools to teach Computer Science at any Key Stage.

My Department continues to provide core funding of £300k in 2015/16 to Sentinus, the Department's frontline STEM delivery partner, to deliver a range of STEM interventions to primary and post-primary schools.

Sentinus's "IT's Your Choice" programme, which promotes practical computer programming to young people from Key Stage 2 to post 16 will be available this year and will engage over 8,000 primary and post-primary pupils.

Mr Kennedy asked the Minister of Education for an update on the review of the administration of admission criteria at St Paul's High School Markethill in relation to the temporary variation in enrolment requests.
(AQO 9212/11-16)

Mr O'Dowd: In responding, I am assuming that the question relates to St Paul's High School, Bessbrook.

My Department commissioned a focused review into the admissions procedure at the school in relation to the September 2015 admission. However I would emphasise that this review was commissioned in light of a number of successful appeals to an Independent Appeals Tribunal and is unrelated to any temporary variation requests.

The review was carried out jointly by the Education Authority and the Council for Catholic Maintained Schools and has been recently submitted to the Department.

I am currently considering the contents of the report.

Mr Cree asked the Minister of Education, following the cessation of the Primary Modern Languages Programme, to outline the assistance being provided to primary schools to encourage the introduction of modern foreign languages to pupils.
(AQO 9213/11-16)

Mr O'Dowd: I know there has been considerable angst expressed over my decision to end this programme. In no way was this, or any other programme facing budget reductions, not important, not doing good work or not making a positive impact on the lives of individuals and communities.

However, I have had to provide stability to the education budget and the education service moving forward and therefore maintaining all services at previous levels was simply not deliverable.

I would encourage principals who are interested in providing second language learning in their school to consider applying for Erasmus+ funding to build the capacity of their staff to deliver a language. The 2016 application process opened within the last few weeks and I would encourage all schools to consider applying.

Mr McNarry asked the Minister of Education to outline the rationale for continuing to grade GCSEs alphabetically when numerical grading will be introduced in England in 2017.

(AQO 9214/11-16)

Mr O'Dowd: My statement to the Assembly on 17 November 2015 set out the rationale for my decision that grading of all GCSEs here will continue under the present alphabetical system.

The changes to GCSE grading to a 9 to 1 grading system applies to qualifications offered in England. Education is a devolved matter and it is for me to decide the grading system that should be adopted here.

As I said in my statement, there have been no educational arguments put forward to change the grading system. I also acknowledged that having a mixture of letters and numbers would present an unnecessary confusion and that there would in those circumstances be a need to ensure that parents, schools, employers and others know how the two grading scales compare.

I believe that it is in the best interests of learners here to continue with the well established grading using letters, and requiring all GCSEs here to be graded in this way should avoid unnecessary complexity.

It is of course important that any decision taken ensures that qualifications offered in the north of Ireland are relevant and appropriate for our young people, and our economy. It is also vital that qualifications offered here continue to be recognised by universities and employers across these islands and beyond.

That is why I will seek to ensure that our qualifications retain the currency and portability which they have long enjoyed.

Mr Cochrane-Watson asked the Minister of Education for an update on development proposals for Crumlin Integrated College.

(AQO 9215/11-16)

Mr O'Dowd: The former North Eastern Education and Library Board published the following Development Proposals (DPs) in respect of post primary provision in Crumlin:

- DP 299 – Proposal to establish a Grant Maintained Co-Educational 11-19 Post Primary School with an enrolment number of 600 in Crumlin, from 1 September 2016 or as soon as possible thereafter; and
- DP 300 – Proposal to discontinue Crumlin Controlled Integrated College with effect from 31 August 2016 or as soon as possible thereafter.

In June 2015, following careful consideration, I decided not to approve these two DPs. In turning down these proposals I expect the Education Authority (EA) to provide the necessary support to the school to build on the educational improvements and develop a strategy to enhance local community confidence and address the issue of low enrolments. I also expect the Northern Ireland Council for Integrated Education (NICIE) and the EA to work with Crumlin College to refresh its Transformation Plan and subsequently to implement key objectives.

Mr Weir asked the Minister of Education how he intends to allocate the additional £5m provided for special educational needs in the November monitoring round.

(AQO 9216/11-16)

Mr O'Dowd: I have allocated the additional £5m, which I secured as part of the November monitoring round, to the Education Authority via their block grant. This additional funding will assist the Education Authority to address in-year pressures in the provision of Special Education Needs.

Department for Employment and Learning

Mr Rogers asked the Minister for Employment and Learning for a breakdown of the gender balance on each of his Department's publicly appointed boards and arm's-length bodies.

(AQW 50868/11-16)

Dr Farry (The Minister for Employment and Learning): The information requested is provided in the table below:

Body	No. of Males	No. of Females
Certification Officer for NI	0	1
ConstructionSkills NI (formerly CITB)	8	5
Fair Employment Tribunal	49	31

Body	No. of Males	No. of Females
Governing Bodies of Further Education Colleges	71	33
Industrial Court (NI)	6	4
Industrial Tribunals (NI)	54	34
Labour Relations Agency	3	8
NI Commissioner for Employment and Skills	1	0
Reinstatement Committee for Reserve Forces in Civil Employment	4	5
St Marys University College – Board of Governors	2	2
Stranmillis University College – Board of Governors	9	5
Ulster Supported Employment Ltd	5	1
Total	212	129

Mr Easton asked the Minister for Employment and Learning what percentage of the European Social Fund has been awarded to women's groups in each of the last three years.

(AQW 50903/11-16)

Dr Farry: The table below sets out the information requested:

Financial Year	Programme Funding (DEL/ESF Contribution)	Funding to Women Groups (DEL/ESF Contribution)	% of Women Group Funding of Total Funding
2012/13	£17,400,209	£941,687	5.41%
2013/14	£23,482,883	£1,821,111	7.75%
2014/15	£23,929,738	£1,868,390	7.80%
	£64,812,830	£4,631,188	7.14%

All other ESF programmes are open to all genders.

Mr Easton asked the Minister for Employment and Learning to detail the (i) number of trips taken by departmental officials to Brussels in relation to the European Social Fund in each of the last three years; and (ii) for a breakdown of all costs associated with those trips.

(AQW 50904/11-16)

Dr Farry: The information requested is included in the table below, for both Departmental staff and for any contracted staff who were representing the Department:

Date of Visit	Number of Staff	Total Cost	Breakdown of Cost
30/01/13 - 01/02/13	1	£644.70	Flights: £333.49 Hotel: £194.26 Taxis: £16.00 Train: £22.53 Meals: £60.58 Bus: £17.84
20/03/13 – 21/03/13	1	£384.54	Flights: £226.17 Hotel: £104.02 Meals: £22.55 Taxis: £7.61 Bus: £12.83 Trains: £11.36
14/04/13 – 18/04/13	1	£710.49	Flights: £529.36 Taxis: £39.15 Meals: £28.77 Dinner: £6.66 Hotel: £106.55

Date of Visit	Number of Staff	Total Cost	Breakdown of Cost
05/06/13 – 07/06/13	1	£757.68	Flights: £377.66 Hotel: £308.68 Taxis: £51.79 Meals: £12.91 Train: £6.64
09/06/12 – 12/06/12	1	£881.71	Flights: £377.66 Hotel: £426.37 Taxis: £64.00 Train: £13.68
25/06/13 – 27/06/13	1	£303.64	Hotel: £238.30 Taxis: £15.30 Train: £13.68 Meals: £36.36
03/07/13- 05/07/13	1	£775.89	Flights: £517.66 Hotel: £208.18 Taxis: £16.00 Train: £13.60 Meals: £20.45
09/09/13 – 10/09/13	1	£389.24	Flights: £157.65 Hotel: £231.59
02/10/13 – 04/10/13	2	£1,749.72	Flights: £978.92 Hotel: £758.00 City Tax: £12.80
13/11/13 – 15/11/13	1	£694.74	Flights: £342.66 Hotel: £285.98 Taxis: £16.70 Trains: £21.16 Meals: £28.24
08/12/13 – 10/12/13	2	£1,098.69	Flights: £681.38 Hotel: £417.31
03/02/14 – 06/02/14	1	£964.84	Flights: £330.96 Hotel: £433.10 Taxis: £52.85 Metro: £11.53 Trains: £49.74 City Tax: £17.30 Meals: £62.36 Airport Transfer: £7.00
05/02/14 – 07/02/14	1	£925.75	Hotels: £644.40 Hotel Tax: £12.58 Taxis: £81.44 Meals: £187.33
25/03/14 – 27/03/14	1	£714.75	Flights: £291.86 Hotel: £296.80 Train: £14.71 Taxis: £19.00 Meals: £76.48 City Tax: £15.90
12/05/14 – 13/05/14	1	£666.03	Flights: £512.06 Hotel: £153.97
21/01/15 – 22/01/15	1	£417.84	Flights: £254.61 Hotel: £132.97 Train: £13.52 Meal: £16.74

Date of Visit	Number of Staff	Total Cost	Breakdown of Cost
09/02/15 – 11/02/15	1	£600.25	Flights: £321.24 Hotel: £240.90 Train: £13.06 Meal: £25.05

Mr Flanagan asked the Minister for Employment and Learning, pursuant to AQW 49115/11-16, to detail the number of participants that gained employment from October 2014 to June 2015 through the Steps 2 Success Programme.
(AQW 50941/11-16)

Dr Farry: Official statistics relating to employment outcomes from the Steps 2 Success (S2S) programme are currently under development and it is anticipated that the first release of these statistics will be on 25 February 2016.

The reasons for the length of time it takes to publish official statistics on employment outcomes are as follow:

- Clients are on the programme for 12 or 18 months (depending on their client category). In order to calculate the percentage of clients within each monthly cohort who move into employment we must wait until all clients within each cohort complete the S2S programme. The first cohort of clients did not complete the programme until October 2015.
- Official statistics on employment outcomes will be based on outcome payments made to Lead Contractors. Lead Contractors can claim an outcome payment for a job which starts while a client is on the programme or within three months of a client leaving the programme.
- Lead Contractors have up to three months after a client moves into employment within which to claim an outcome payment for that job.
- In advance of publishing data on employment outcomes, the data must be validated to ensure its accuracy.

The length of time taken to publish statistics on outcomes is not unusual for employment programmes of this type. For example, the Work Programme in GB commenced in June 2011 with the first employment statistics published in November 2012.

Mr Easton asked the Minister for Employment and Learning to detail how many staff are currently working on the European Social Fund for the 2014-2020 tranche of funding.
(AQW 50985/11-16)

Dr Farry: The table below provides the information requested. It should be noted that, under the 2007-2013 European Social Fund (ESF) Programme, staff are working on both the Priority 1 (mainly Voluntary and Community) strand, as well as the Priority 2 (Government Programmes) strand of the Programme.

	2007-2013 Programme	2014-2020 Programme
ESF Managing Authority	26	11
Departmental Temporary Staff	18	
Temporary Contract Staff	5	2
Total	49	13

Once work has been completed on vouching claims under the 2007-2013 ESF programme, Departmental temporary staff will be deployed elsewhere in the Department, and temporary contract staff will cease to be engaged. Those ESF Managing Authority staff currently working on the 2007-2013 Programme will then be deployed to work on the 2014-2020 Programme.

Mr Easton asked the Minister for Employment and Learning to detail how many staff are currently working on the European Social Fund 2007-2013 tranche of funding.
(AQW 50988/11-16)

Dr Farry: The table below provides the information requested. It should be noted that, under the 2007-2013 European Social Fund (ESF) Programme, staff are working on both the Priority 1 (mainly Voluntary and Community) strand, as well as the Priority 2 (Government Programmes) strand of the Programme.

	2007-2013 Programme	2014-2020 Programme
ESF Managing Authority	26	11
Departmental Temporary Staff	18	
Temporary Contract Staff	5	2
Total	49	13

Once work has been completed on vouching claims under the 2007-2013 ESF programme, Departmental temporary staff will be deployed elsewhere in the Department, and temporary contract staff will cease to be engaged. Those ESF Managing Authority staff currently working on the 2007-2013 Programme will then be deployed to work on the 2014-2020 Programme.

Mr Weir asked the Minister for Employment and Learning for an update on the funding for the provision of an additional sports pitch at Stranmillis University College.
(AQW 51009/11-16)

Dr Farry: The College has submitted an economic appraisal to the Department which, due to the size and nature of the project, will also require the approval of the Department of Finance and Personnel.

Mr Weir asked the Minister for Employment and Learning to detail why St Mary's University College, Belfast and Stranmillis University College have non-departmental public body status.
(AQW 51015/11-16)

Dr Farry: Stranmillis University College and St. Mary's University College were classified as central government bodies by the Office of National Statistics (ONS). ONS is independent of both my Department and the Northern Ireland Executive and has the authority to decide on what sector an actual or a proposed body should be in. The decisions are made in accordance with international guidelines set out for European Community member states in the European System of Accounts (ESA95), published by Eurostat. ESA95 is legally binding for certain purposes, including some returns to the EU.

The decisions were taken in October 2010 and the status came into operation on 1 April 2012.

Mr Weir asked the Minister for Employment and Learning to detail whether (i) Stranmillis University College; and (ii) St Mary's University College, Belfast are classified as non-departmental public bodies, and when each of their current status commenced.
(AQW 51016/11-16)

Dr Farry: Stranmillis University College and St. Mary's University College were classified as central government bodies by the Office of National Statistics (ONS). ONS is independent of both my Department and the Northern Ireland Executive and has the authority to decide on what sector an actual or a proposed body should be in. The decisions are made in accordance with international guidelines set out for European Community member states in the European System of Accounts (ESA95), published by Eurostat. ESA95 is legally binding for certain purposes, including some returns to the EU.

The decisions were taken in October 2010 and the status came into operation on 1 April 2012.

Mr Weir asked the Minister for Employment and Learning to detail what steps his Department is taking to change the status of Stranmillis University College as a non-departmental public body.
(AQW 51017/11-16)

Dr Farry: The non-departmental public body status of Stranmillis University College was referenced in the Aspiring to Excellence report. I am considering this status alongside the wider issues arising from two stage review of Initial Teacher Education Infrastructure.

Mr Easton asked the Minister for Employment and Learning to detail when he intends to visit the Kilcooley Women's centre to see the work that they do, and to discuss the European Social Fund.
(AQW 51073/11-16)

Dr Farry: I, and my Departmental officials, have already had a number of meetings with the Training for Women Network, with which Kilcooley Women's Centre was a partner, and Kilcooley Women's Centre directly to discuss the European Social Fund.

Mr Easton asked the Minister for Employment and Learning whether the European Social Fund can be moved into departmental spend.
(AQW 51074/11-16)

Dr Farry: No. The European Social Fund (ESF) is the European Union's main financial instrument for supporting employment in the Member States of the European Union, as well as for promoting economic and social cohesion.

The ESF funds are provided by the European Commission. Northern Ireland receives its ESF allocation, which is additional to Exchequer funding, as of right, but the funds must be spent in line with the Operational Programme agreed with the Commission. Any movement of ESF-funded activity into Departmental spend would require cuts of equivalent value to other Departmental programmes.

Mr Easton asked the Minister for Employment and Learning to detail how many staff currently work within his Department.
(AQW 51075/11-16)

Dr Farry: As at 20 November 2015, my Department currently employs 2,109 staff. This figure is provided in terms of headcount and equates to 1,914.61 Full Time Equivalents.

Mr Ramsey asked the Minister for Employment and Learning to detail whether his Department has a role in administering the payment of pensions in third level institutions.

(AQW 51443/11-16)

Dr Farry: My Department has no role in administering the payment of pensions in third level institutions.

Mr Ramsey asked the Minister for Employment and Learning to outline any departmental plans or support programmes to assist people not in education, employment or training for three or more years.

(AQO 9230/11-16)

Dr Farry: My plans and programmes for addressing the needs of young people who are not in education, employment or training operate within the overall 'Pathways to Success' strategy. This, the Executive's cross-departmental strategy, will guide the direction of our programmes to 2020.

A recent independent interim evaluation carried out by the Centre for Economic and Social Inclusion indicated that our overall policy direction was on track and concluded that Gross Value Added of £61 million was generated by the direct DEL programmes evaluated.

With the cessation of funding for NEET programmes under the Economy and Jobs Initiative in March 2015, my Department has continued to support young people in the NEET category through 19 projects under the new European Social Fund Programme.

Currently, under Priority 1.2 of the Programme, my Department is funding 13 projects throughout Northern Ireland until 2018.

These projects will ensure that young people have ready access to positive learning opportunities that allow them to develop the necessary vocational and life skills to make successful transitions into further and higher education, training, or employment.

Under Priority 2.2 of the Programme, my Department is funding 6 projects throughout Northern Ireland until 2018. There are 5 providers covering six geographical areas.

These will provide a wraparound family intervention support and employability mentoring service, helping families address the health, social, economic, educational, employment and training issues that impact on their daily lives.

The project will support all family members and break the cycle of intergenerational unemployment and associated poverty in communities.

Mr Newton asked the Minister for Employment and Learning, given that a 12.5 per cent rate of corporation tax has been agreed, what action he is taking to ensure Northern Ireland's skills base will match the needs of a growing economy.

(AQO 9226/11-16)

Dr Farry: It is essential that we are well placed to derive the full benefits of a 12.5% corporation tax rate, which could significantly increase the jobs that would otherwise be produced locally. However, a lower rate will not transform the economy in isolation of investment in, and a coherent focus around, the key economic drivers of skills and employability as the bedrock of economic success. It is crucial that we maintain and increase our investment in skills if we are to derive the benefits of the lower rate.

Research commissioned by my Department highlights in particular the importance of strong skills in Science, Technology, Engineering and Mathematics; management and leadership; and literacy, numeracy and employability skills, and the importance of acting quickly to meet the skill needs of employers in a lower corporation tax rate environment.

These are issues that my Department is already working to address and they are central to the overarching Skills Strategy. However, although the Department is already on the right path, there will need to be further investment to address the quantum of skills required.

My Department has developed a draft action plan to direct our skills interventions in preparation for and in response to a lower rate. This covers existing policies and programmes, such as investment in STEM skills, the implementation of the new Apprenticeship Strategy and in particular the supply of skills at Level 3 and above, developing new pathways such as higher level apprenticeships; our work in partnership with InvestNI to promote Foreign Direct Investment; the further development of careers provision; and work to upskill the existing workforce.

Together with the information from the recently published Skills Barometer, this will provide a strong basis to articulate and address future skills needs and so help to ensure we realise the potential from a lower rate.

However, in order to ensure that we maximise this economic opportunity, it is essential that an appropriate level of investment in skills is restored, the structural deficit of underfunding in higher education is addressed, and we invest in additional measures to ensure we meet the forecast skills demand. The financial analysis undertaken indicates that the total additional cost may be in the region of an average £111 million per annum over the next 15 years, or £1.67 billion in total by 2030.

It will be essential as work progresses across government to develop the Programme for Government and Economic Strategy, in the context of a future lower corporation tax rate, that skills continue to be recognised as integral to economic growth and levels of investment.

Mr Girvan asked the Minister for Employment and Learning whether any job fairs are planned for South Antrim.
(AQO 9219/11-16)

Dr Farry: There are currently no Job Fairs planned for South Antrim.

Bringing Job Fair events into local communities has proven to be a very successful means of assisting people back into work.

When planning to host a Job Fair my Department carefully considers the number of job opportunities employers have available in the location, and establishes whether there is sufficient interest and demand from local companies to participate.

Should the opportunity arise, and there is sufficient demand from employers in the South Antrim District, my officials are available to organise and facilitate a Job Fair.

Mr Poots asked the Minister for Employment and Learning to outline the progress made in the establishment of a veterinary college at Ulster University.
(AQO 9224/11-16)

Dr Farry: Ulster University first proposed establishing a Veterinary School in 2013 and commenced the preparation of a business case to support this. However, a full business case has not been presented to my Department. There have been no discussions with the University on this matter since June 2014.

Veterinary science is one of the highest cost courses to fund and there is currently no forecast shortfall in the number of vets until at least 2020. In the current financial climate when funding for the higher education institutions has been reduced and undergraduate places withdrawn, it is very unlikely that funding will be made available for veterinary science courses in the short to medium term.

Mr I McCrea asked the Minister for Employment and Learning to outline how Further Education Colleges can help address the educational underachievement of boys.
(AQO 9225/11-16)

Dr Farry: Further Education colleges have a key role in supporting social inclusion by providing those who have low or no qualifications, or who have barriers to learning, with the skills and qualifications needed to find employment and to become economically active.

In this regard, colleges are key deliverers of the Training for Success Programme for 16 and 17 year olds, providing 44% of all provision in Northern Ireland. Training for Success guarantees training for up to 104 weeks to enable participants to gain qualifications at level 2 or level 3 with a view to finding employment in a trainees' chosen vocational areas. The programme therefore helps all young people who reach school leaving age without achieving 5 GCSEs at grades A* to C, including English and maths to achieve an equivalent qualification. Within colleges 85% of participants on Training for Success are male.

My Department is also introducing wide ranging innovative reforms to Northern Ireland's system of professional and technical training, through a new Level 2 Youth Training programme and a new system of apprenticeships at Level 3 and above. The FE Colleges will be central to the success of this new system, working with employers to develop appropriate curriculum and as a key deliverer of off-the-job training for Youth Training and Apprenticeships from Level 3-5.

My Department and the Department for Education are taking forward an innovative project to develop and build upon models of delivery of Essential Skills in schools.

The overall aim is to address the underachievement in GCSE English and maths - currently 31% of young people leave school without a grade C or above in GCSE English and maths -, to ensure young people develop their English and maths to enable them to progress into work; their chosen career path and to opportunities for further learning.

Mr McNarry asked the Minister for Employment and Learning, given the identified skills shortages at foundation degree and higher apprenticeship levels, particularly in Science, Technology, Engineering and Mathematics subjects, to outline the specific incentives he has put in place to address this issue.
(AQO 9228/11-16)

Dr Farry: It is clear that skills in Science, Technology, Engineering and Mathematics are, and will continue to be, essential to our economy. The Skills Barometer identifies a strong need for intermediate and graduate level skills, particularly in STEM-related subjects.

As it is more costly to deliver certain STEM courses of study, the funding from my Department to both further and higher education establishments reflects this.

In Higher Education, my Department provides direct teaching grant funding for eligible student places to each institution. Narrow STEM subjects attract more teaching grant funding due to the costs involved in their delivery. As such, my Department provides over double the level of funding for narrow STEM subjects in comparison to subjects such as Business, History and English.

In further education an additional weighting provides an incentive for colleges to ensure that students have sufficient opportunities in provision which includes STEM.

Given the financial constraints that my Department is under and the impact that this has had on the higher and further education sectors, I would be in no position to offer any additional incentives for individuals, or indeed for the institutions at present.

However, through my Department's Access to Success Strategy, I have incorporated several initiatives to increase the uptake of foundation degrees, including improvements to entry procedures to recognise the value of practical work-based experience; improved validation systems to ensure local employers are involved in the development and delivery of foundation degrees; and a successful promotional campaign through which we have achieved the target of increasing participation on foundation degree courses to over 2,500 in 2015 from a baseline of 1,000 in 2010. A significant proportion of these are in STEM subjects. I have also increased the number of STEM-specific higher education places in local further education colleges by 353 since 2012.

Mr Gardiner asked the Minister for Employment and Learning for his assessment of the Higher Level Apprenticeship pilot projects.

(AQO 9231/11-16)

Dr Farry: In collaboration with employers throughout Northern Ireland, further education colleges and universities have been working to develop a number of pilot Higher Level Apprenticeships to commence during 2015/16.

To date, 31 higher level apprenticeship pilots, across nine occupational areas are being funded. These pilots have the potential to deliver over 400 higher apprenticeships.

I am encouraged by the number of pilots that have been developed and the range of occupational areas covered.

The Skills Barometer, launched in November, identified that there will be a strong need in our economy for people with intermediate and graduate level skills across a range of sectors in the coming years.

Higher Level Apprenticeships will help to meet this demand as well as increasing the general employability of those undertaking them. The Skills Barometer also shows that those who complete a Higher Level Apprenticeship will also greatly increase their earning potential.

An evaluation framework for the pilots has been developed in conjunction with relevant sector partnerships and the Strategic Advisory Forum. The evaluation will be ongoing throughout the lifetime of the pilots with regular feedback sought from employers, colleges and universities and the apprentices themselves.

The results of the evaluation will help to inform the future development of Higher Level Apprenticeships as the new apprenticeship system is introduced from September 2016 onwards.

Department of Enterprise, Trade and Investment

Mr Frew asked the Minister of Enterprise, Trade and Investment (i) for details of the £750,000 grant scheme aimed at bringing down energy costs at Michelin; (ii) how much Michelin management were informed about the scheme; and (iii) when was the scheme was agreed with management.

(AQW 50805/11-16)

Mr Bell (The Minister of Enterprise, Trade and Investment): On 13 March 2012, my predecessor, Arlene Foster announced in the Assembly that Invest NI would consider, on a pilot basis, providing financial assistance to those large energy users that bring forward proposals for capital expenditure on equipment that will have a significant impact on energy efficiency and, by extension, reduce their energy costs and improve their competitiveness.

On 27 March 2014, Michelin submitted an application for Selective Financial Assistance towards a capital investment in a gas fired Combined Heat & Power plant for the Ballymena site. Implementation of the project could have resulted in savings of circa £1.4m per year.

The project was fully appraised and was approved by Invest Northern Ireland on 23 June 2014. A Letter of Offer relating to a capital grant, not exceeding £750k, was issued on 24 June 2014 and duly signed by Michelin on 25 June 2014. In the intervening period, Invest NI provided considerable advice to Michelin in relation to the implementation of this project.

The majority of pre-conditions had been met but due to internal financial constraints Michelin did not commence the project prior to the closure announcement on 3 November 2015.

Mr Frew asked the Minister of Enterprise, Trade and Investment what was the total potential cost to bill payers in the SL1 on the closure of the Renewables Obligation in June; and how this figure compares to the current proposed cost to bill payers of the closure.

(AQW 50810/11-16)

Mr Bell: The two proposals cited were for different policy positions and are not comparable. The SL1 of June estimated that the cost of NI consumers alone paying for renewables of all types of technology during 2017/18 might add £9-16 to an average annual household bill at today's prices and at current ROC values.

The 30 September consultation paper on NIRO closure for onshore wind set out proposals for closure to onshore wind in 2016 with early closure eligibility criteria which allow projects which met the criteria to accredit by April 2017 with a one year grace period. I have secured agreement from the DECC Secretary of State that, under this proposal, costs would remain socialised across the UK which means that there would be no additional costs to NI consumers.

Mr Allister asked the Minister of Enterprise, Trade and Investment for an update on the full commissioning of the Moyle interconnector.

(AQW 50811/11-16)

Mr Bell: Work is progressing well to restore the Moyle interconnector to full transfer capacity, with new low voltage cables having recently been laid between Northern Ireland and Scotland. Mutual Energy is working to provide an interim restoration of the Moyle interconnector to full capacity in early 2016, in advance of permanent commissioning before 2017.

Mr Allister asked the Minister of Enterprise, Trade and Investment for an update on the security of electricity supply.

(AQW 50812/11-16)

Mr Bell: The 2015-2024 SONI Generation Capacity Statement notes there is currently adequate capacity margin in Northern Ireland, and to ensure this continues over the medium term, SONI has contracted with AES Corporation to provide 250 megawatts of reserve capacity by January 2016.

New low voltage Moyle interconnector cables have been laid, and security of supply will be enhanced through plans for interim restoration of the Moyle interconnector to full transfer capacity in early 2016, prior to permanent commissioning of the new cables before 2017.

To address longer term security of supply, I look forward to planning decisions in both Northern Ireland and the Republic of Ireland for the second North-South electricity interconnector, so the project can proceed to the construction and delivery stage as quickly as possible.

Mr Allister asked the Minister of Enterprise, Trade and Investment, given that gas prices are at a six year low, to outline the reasons why electricity prices in Northern Ireland remain so high.

(AQW 50813/11-16)

Mr Bell: Electricity prices in Northern Ireland have been stable since 2013 and have fallen in 2015 following a number of regulated and standard tariff reductions announced by suppliers. The Regulator's assessment of the 9.2% regulated tariff reduction announced by Power NI in April 2015 was that domestic consumer electricity bills would be among the lowest in the UK and Republic of Ireland while small business consumers would typically see a decrease of around £200 a year. While large business users typically negotiate their requirements outside regulated tariff arrangements, they will also have seen price decreases.

Mr Allister asked the Minister of Enterprise, Trade and Investment what is the established efficiency rate of wind generated electricity turbines in Northern Ireland.

(AQW 50815/11-16)

Mr Bell: There is no established efficiency rate of wind generated electricity turbines as this will vary based on factors such as location and type and size of turbine.

Load factors are used to calculate generation from the capacity of a renewable technology. The load factor for Northern Ireland on shore wind (as published by DECC as part of the UK wide calculation of the Renewable Obligation level for 16/17) is assumed to be between 28 -32%.

Mr Rogers asked the Minister of Enterprise, Trade and Investment for a breakdown of the gender balance on each of his Department's publicly appointed boards and arm's-length bodies.

(AQW 50869/11-16)

Mr Bell: The current gender balance on the boards of each of the Department's publicly appointed boards and Arms Length Bodies is as follows:-

Tourism Northern Ireland	5 Male and 4 Female
General Consumer Council	5 Male and 4 Female
Invest Northern Ireland	9 Male and 3 Female
Health & Safety Executive for Northern Ireland (HSENI)	7 Male and 2 Female
Agri-Food Strategy Board (sponsored jointly with DARD)	9 Male and 0 Female (plus 3 Male and 1 Female ex officio members)

Mr McKay asked the Minister of Enterprise, Trade and Investment to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.
(AQW 50875/11-16)

Mr Bell: This answer relates only to DETI owned buildings which sit outside the DFP owned/leased office estate and therefore refers only to the Trading Standards building at Newtownbreda.

The additional facilities available to staff at this location are male and female showers.

Mr Allister asked the Minister of Enterprise, Trade and Investment what is the claimed value of the renewable industry sector as opposed to the level of public investment involved to date.
(AQW 50918/11-16)

Mr Bell: It is misleading to refer to public investment in renewables as the costs are met by developers and by consumers through their electricity bills for example, for subsidies through the Northern Ireland Renewables Obligation (NIRO). The costs of the NIRO are socialised across the UK and NI consumers benefit from significantly lower contributions as a result of the lower Renewables Obligation imposed on NI electricity suppliers.

Analysis undertaken into the costs and benefits of the Executive's 40% renewable electricity target indicates that benefits outweigh costs to the NI economy at all levels up to 40%. The current level of renewables penetration is therefore positive for the NI economy as a whole.

Mr Allister asked the Minister of Enterprise, Trade and Investment to explain the basis of constraint payments to the renewable energy sector; and to detail the amount paid in each of the last five years.
(AQW 50919/11-16)

Mr Bell: Constraint payments are made by the Single Electricity Market Operator (SEMO) to generators to compensate for the difference between the level they were due to run at in the Single Electricity Market Schedule, based on a stack of cheapest generator bids, and the extent to which they were actually dispatched by EirGrid and SONI, if there was a difference for reasons outside of the generator's control.

Information on constraint payments made to the wind industry in each of the last five years is not readily available from SEMO.

Mr Allister asked the Minister of Enterprise, Trade and Investment to detail Northern Ireland's legal obligation, pursuant to EU requirements, on the percentage of electricity required to be provided from renewable sources; and how does this differ from the target set.
(AQW 50920/11-16)

Mr Bell: Northern Ireland contributes to the United Kingdom's Member State legal obligation under the Renewable Energy Directive 2009/28/EC to deliver 15% of energy consumption from renewable sources by 2020, which can be comprised of renewable electricity, heat and transport.

The Northern Ireland Programme for Government target of 20% electricity consumption from renewable sources by 2015 has been met.

The Northern Ireland Executive's Strategic Energy Framework target of 40% electricity consumption from renewable sources by 2020 is not a statutory requirement.

Mr Cochrane-Watson asked the Minister of Enterprise, Trade and Investment when he was first advised that jobs were being cut at (i) Caterpillar; (ii) Invista; and (iii) Sensata/ Schrader.
(AQW 50938/11-16)

Mr Bell: I was advised of the Caterpillar announcement on the evening of 10 November, the day before it was made.

In the case of Invista I received the news of the voluntary redundancies on 11 November, the same day the company made its formal announcement.

I was advised that Sensata/Schrader was in the process of letting 42 temporary workers go on 4 November 2015.

Mr Cochrane-Watson asked the Minister of Enterprise, Trade and Investment, following his meeting with Bombardier management in Montreal on 27 October 2015, whether he received any indication of an imminent business necessity to cut costs at the Belfast facility by 20 per cent.
(AQW 50939/11-16)

Mr Bell: During my visit to Bombardier's Mirabel site in Quebec on 27 October, I had the opportunity to continue discussions with the company's top management including receiving an up-date on the work of its transformation teams, announced earlier this year, to deliver important cash savings across its operations worldwide, over the next five years. While a specific figure had not been discussed, following my appointment as Minister of Enterprise, Trade and Investment, I was briefed by Bombardier's Belfast management on the company's initiative to drive improved performance across the organisation, which included a focus on overall costs, better control of working capital and effective use of cash. I recognise that businesses,

large and small, must manage costs effectively to maintain competitiveness. Bombardier is now moving to implement its cash saving initiatives.

Mr Allister asked the Minister of Enterprise, Trade and Investment how far electricity prices in Northern Ireland have fallen in consequence of the increase in electricity generated from renewable sources.

(AQW 50975/11-16)

Mr Bell: Changes in electricity prices can occur for a variety of reasons. With so many variables influencing the final price it is not possible to isolate the effect of the increase in electricity generated from renewable sources on its own. Research recently commissioned by DETI found that the most influential driver of final electricity prices in Northern Ireland is fossil fuel prices which are determined in international markets. Renewable electricity can put negative pressure on electricity prices by reducing the System Marginal Price in the single wholesale market but can also put upward pressure on prices by necessitating increased network investment and through subsidies.

Mr Allister asked the Minister of Enterprise, Trade and Investment when the Health and Safety Executive report on Scraggagh Wind Farm will be published.

(AQW 50976/11-16)

Mr Bell: HSENI does not publish investigation reports into accidents / incidents as a matter of course and does not plan to publish a public report for the incident at Scraggagh Wind Farm.

However, I can inform you that the investigation into the wind turbine collapse at Scraggagh Wind Farm revealed that the turbine collapsed due to a fault concerning the wind turbine blade control system.

During HSENI's normal activities of inspection, investigation and dealing with complaints, there are occasions where information needs to be passed on, either to a wide audience or to a specific group or sector of industry. This was not required on this occasion, as following identification of the failure mechanism, the manufacturer (Nordex) immediately checked their fleet of wind turbines worldwide and implemented an additional protective measure to exclude any recurrence of this incident.

HSENI is satisfied that Nordex has taken reasonable steps to identify the cause of the failure and implement corrective actions.

Mr McNarry asked the Minister of Enterprise, Trade and Investment to detail any assistance his Department is giving to the local company engaged in the proposal to link Mauritania to Djibouti through an 8000km water desalination pipeline as part of the Green Wall project.

(AQW 51012/11-16)

Mr Bell: Invest NI has not provided any assistance to the company referred to but has had very early stage discussions with the company in relation to the potential development and growth of the business. Invest NI is waiting on further information to be provided by the company.

Mrs Dobson asked the Minister of Enterprise, Trade and Investment what links have been made with the cruise industry to enable visitors to experience tourism venues and visit towns across Northern Ireland while docked in Belfast; and for his assessment of the economic impact of cruise ship passengers to the local economy.

(AQW 51014/11-16)

Mr Bell: Visit Belfast and Belfast Harbour Commissioners have worked in partnership for 14 years to sell Belfast and Northern Ireland as a cruise destination. This involves a range of activities including attendance at key trade events such as Sea Trade Miami/Fort Lauderdale and Hamburg Germany plus annual sales trips across Europe and the USA to the major cruise liners. At these events all of the benefits of Northern Ireland as a cruise destination are promoted and in turn the cruise liners offer day trip itineraries to the Giant's Causeway and North Coast, Ards Peninsula and Mount Stewart, Hillsborough, Saint Patrick's Country and Londonderry.

Cruise ships represent a growth area for Belfast. The number of cruise ships docking in Belfast is increasing each year. In 2009, 36 cruise ships docked while 76 cruise ships are expected in 2016. In 2015 Visit Belfast estimated that cruise ships generated £6million in visitor spend.

Mr Ó Muilleoir asked the Minister of Enterprise, Trade and Investment for an update on efforts to secure direct air route from Belfast International Airport to Canada.

(AQW 51093/11-16)

Mr Bell: My Department, Invest NI and Tourism Ireland work together to engage with airlines and Northern Ireland airports to encourage additional air connectivity to Northern Ireland. Air connectivity is an important driver for economic growth in Northern Ireland.

Providing direct access to destinations such as Canada would provide increased choice for Northern Ireland residents and improve our linkages to important business and inbound tourism markets.

On my recent trade visit to Canada I met with Canadian Airlines and the owners of Belfast International Airport to reinforce Northern Ireland's proposition for a direct service from Northern Ireland to Canada.

The decision on air route development is a commercial matter for airlines. Government has a role in encouraging airlines to add new routes to and from Northern Ireland; however, the final decision rests with the airlines.

Mr Easton asked the Minister of Enterprise, Trade and Investment what steps he has taken to support 3M in Bangor.
(AQW 51108/11-16)

Mr Bell: 3M has availed of a range of Invest NI support towards R&D and business improvement. It has also received advice and guidance from Invest NI to help reduce its costs through energy saving and manufacturing efficiency. The company has also attended an Invest NI workshop aimed at developing industrial partnerships.

Mr Easton asked the Minister of Enterprise, Trade and Investment what energy efficiency help or advice his Department can give to help reduce the energy costs for businesses.
(AQW 51109/11-16)

Mr Bell: Invest NI provides a range of both advisory and financial support for businesses with a resource spend of over £30,000 to assist with the management of energy and resource costs and for the deployment of renewable energy to help reduce operating costs.

This support includes technical advice, action plans and project management support to help inform businesses and to assist in implementing the most effective cost saving opportunities.

Invest NI also provides funding for the Energy Efficiency Loan Fund in Northern Ireland which is managed and delivered by Carbon Trust. The Loan Fund offers interest-free loans from £3,000 - £400,000 to Northern Ireland businesses to help them install more energy efficient equipment. In 2014/15 the Loan Fund offered 206 loans totalling nearly £5.5million.

My Department also provides support to businesses through the Non-Domestic Renewable Heat Incentive and is also currently developing an energy efficiency support scheme which may offer some support to businesses outside that offered by Invest NI.

Mr Swann asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 50467/11-16, what information he received from the Scottish Government that their investment was solely for car tyre manufacturing.
(AQW 51132/11-16)

Mr Bell: I received no information from the Scottish Government that this investment was solely for car tyre manufacturing. This investment in Scotland relates to car tyre manufacturing and could not have been secured for the Ballymena plant which manufactures heavy duty truck tyres.

Mr Agnew asked the Minister of Enterprise, Trade and Investment what (i) financial; and (ii) other support 3M has received from Invest NI. in each of the last five years.
(AQW 51153/11-16)

Mr Bell: 3M has made no application for financial assistance during the last five years.

The Company has however availed of Invest NI advisory services on a number of occasions over the period with the focus being on cost reduction through energy saving and manufacturing efficiency.

In 2013 there was one advisory meeting to discuss training options.

In 2014 there were three referrals for R&D and Sustainable Development advisory services to look at options for reducing energy costs. The Company also attended an Invest NI workshop aimed at developing industrial partnerships.

In 2015 there were three referrals for advisory services to look at manufacturing efficiency, sustainable development, energy efficiency and R&D.

Mr McQuillan asked the Minister of Enterprise, Trade and Investment whether there are any plans to reintroduce a Super Connected Cities Voucher Scheme; and would there be a separate Voucher Scheme planned for rural businesses.
(AQW 51155/11-16)

Mr Bell: Managed and funded by the Department of Culture, Media and Sport (DCMS), the Connection Voucher Scheme has helped many thousands of businesses and third sector organisations to reap the benefits of an improved broadband connection by subsidising the upfront capital costs of getting a connection to their premises.

SME vouchers were designed to show suppliers where there was strong demand for better connectivity. Rather than replace private funds with public subsidy, the small grant enabled the market to build a case for commercial investment in locations where there was previously limited evidence of demand. In addition, since the closure of the scheme a number of suppliers have announced that they are offering discounted or free connections to businesses for superfast broadband. The scheme therefore stimulated the market.

The UK Government recently announced plans for broadband in the spending review, and this did not include any further voucher schemes. Future focus will be on the introduction of a new Universal Service Obligation.

Mr McQuillan asked the Minister of Enterprise, Trade and Investment for an update on the Super Connected Cities Voucher Scheme.

(AQW 51157/11-16)

Mr Bell: Managed and funded by the Department of Culture, Media and Sport (DCMS), the Connection Voucher Scheme has helped many thousands of businesses and third sector organisations to reap the benefits of an improved broadband connection by subsidising the upfront capital costs of getting a connection to their premises. Vouchers were issued to some 2,411 businesses across Northern Ireland.

In April 2015 the voucher scheme was extended and £40 million was made available in a challenge fund. Demand for vouchers was high, particularly in the final weeks of the scheme. Applications were 8 times higher in the final week of the scheme than in previous weeks. The scheme was suspended on 12 October because all of the funding had been committed.

Early analysis by DCMS has indicated that participating SMEs have increased profits and jobs, equating to a return on investment of over £5 for every £1 that was invested in the scheme. 86% of the value of vouchers were contracted with suppliers outside the big 3 (BT, Virgin Media, and Talk Talk)

(More details at: <https://www.connectionvouchers.co.uk/schemefacts/>).

The vouchers were designed to show suppliers where there was strong demand for better connectivity. Rather than replace private funds with public subsidy, the small grant enabled the market to build a case for commercial investment in locations where there was previously limited evidence of demand. In addition, since the closure of the scheme a number of suppliers have announced that they are offering discounted or free connections to businesses for superfast broadband. The scheme therefore stimulated the market.

Mr Frew asked the Minister of Enterprise, Trade and Investment what discussions he has had to ensure that proposed interconnection projects between the Republic of Ireland and Wales and the Republic of Ireland and France benefit from EU funding to help explore the feasibility of interconnection.

(AQW 51165/11-16)

Mr Bell: I have had no discussions with any party in respect of these proposed projects.

Mr Frew asked the Minister of Enterprise, Trade and Investment what studies have taken place to assess the benefits to Northern Ireland domestic and business bill payers of the proposed interconnection projects between the Republic of Ireland and Wales and the Republic of Ireland and France.

(AQW 51167/11-16)

Mr Bell: The proposed projects are European Union Projects of Common Interest (PCI). PCIs are developer-led projects and Government has no role to assess their financial viability or associated costs and benefits. This role is exercised on behalf of the European Commission by the Innovation and Networks Executive Agency. Any potential benefits for Northern Ireland bill payers from enhanced interconnection between the Republic of Ireland and Wales and the Republic of Ireland and France would only be realised with delivery of the North South Interconnector.

Lord Morrow asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 50530/11-16, whether he will engage with the relevant agencies and seek to bring this under his departmental remit, in the interests of public and consumer regulations.

(AQW 51176/11-16)

Mr Bell: There are no plans to bring the responsibility of the setting of taxi fares or metering under my department's remit. There is already specific legislation relating to taxi fares and meters, which gives the sole responsibility for the enforcement of the relevant legislation to the Department of the Environment.

Mr Frew asked the Minister of Enterprise, Trade and Investment to outline the remit of the recently announced advisory panel on energy costs and the timeframe for its recommendations.

(AQW 51183/11-16)

Mr Bell: It is envisaged that the precise remit of the advisory panel on energy costs, including terms of reference and a proposed timeframe for recommendations, will be agreed at the first meeting of the group.

Mr Frew asked the Minister of Enterprise, Trade and Investment to detail the composition of the advisory panel on energy costs; and any associated costs of the panel.

(AQW 51185/11-16)

Mr Bell: I am currently in contact with a number of key individuals within the manufacturing and energy sectors and will make an announcement as to the composition of the panel once this has been finalised. At that point I will also address the issue of any costs associated with the work of the panel.

Mr Frew asked the Minister of Enterprise, Trade and Investment when the advisory panel on energy costs will have its first meeting; and how often it will meet.

(AQW 51187/11-16)

Mr Bell: I am currently in the process of finalising the membership of the advisory panel on energy costs and will then make an announcement as to its composition and date for its first meeting. Thereafter, it will be for the panel itself to agree how often it meets going forward.

Mr McKinney asked the Minister of Enterprise, Trade and Investment what discussions he has had with Belfast International Airport over the possibility of establishing direct flights to Canadian airports.

(AQW 51202/11-16)

Mr Bell: Providing direct access to destinations such as Canada would provide increased choice for Northern Ireland residents and improve our linkages to important business and inbound tourism markets.

On my recent trade visit to Canada I met with Canadian Airlines and the owners of Belfast International Airport to reinforce Northern Ireland's proposition for a direct service from Northern Ireland to Canada.

Air connectivity is an important driver for economic growth in Northern Ireland.

My Department, Invest NI and Tourism Ireland work together to engage with airlines and Northern Ireland airports to encourage additional air connectivity to Northern Ireland.

The decision on air route development is a commercial matter for airlines. Government has a role in encouraging airlines to add new routes to and from Northern Ireland; however, the final decision rests with the airlines.

Mr Frew asked the Minister of Enterprise, Trade and Investment what interaction the advisory panel on energy costs will have with his Department's energy branch and the utility regulator.

(AQW 51239/11-16)

Mr Bell: The precise remit and configuration of the advisory panel on manufacturing and energy has still to be determined. Once the panel is in place I intend meeting with the chairperson to discuss its terms of reference. I will also take that opportunity to agree any interaction the panel might have with other relevant bodies, including DETI and the Utility Regulator.

Ms Sugden asked the Minister of Enterprise, Trade and Investment to detail the applications which have been received by Northern Ireland Electricity from prospective wind farms, for grid connection to the NIE Network's electricity grid, in each of the last two years; and which of these applications have (i) been processed; and (ii) received a grid connection offer.

(AQW 51342/11-16)

Mr Bell: The information requested is not kept by the Department. Information on generation connections is available on the NIE Networks website at <http://www.nienetworks.co.uk/Connections/Generation-connections>

Mr Flanagan asked the Minister of Enterprise, Trade and Investment, pursuant to AQW 48683/11-16, on what evidence he has determined that this is not a matter requiring Executive approval, given the comments of the then Minister of the Environment on 11 December 2007.

(AQW 51347/11-16)

Mr Bell: The power to consent the installation of certain overhead lines under Article 40 of the Electricity (Northern Ireland) Order 1992 is exclusively conferred on the Department of Enterprise, Trade and Investment (DETI). A decision under Article 40 does not impinge on the responsibilities of any other Northern Ireland Department or require their approval or input.

Mr Moutray asked the Minister of Enterprise, Trade and Investment to outline his plans to develop manufacturing in Northern Ireland.

(AQO 9242/11-16)

Mr Bell: Manufacturing is hugely important to the Northern Ireland economy. In October 2015, for the first time since 2008, the total number of manufacturing jobs in Northern Ireland surpassed 80,000.

The economy remains the number one priority for the Executive, with a significant focus on supporting and growing the manufacturing sector. Invest NI has developed a range of bespoke sectoral strategies to identify and maximise opportunities focused on improving competitiveness and increasing exports.

In addition, the recent announcement of a date and rate for Corporation Tax has the potential to greatly assist the manufacturing sector to grow and develop.

Mr Attwood asked the Minister of Enterprise, Trade and Investment for his assessment of the effect on all-Ireland trade of the UK's withdrawal from the European Union.

(AQO 9238/11-16)

Mr Bell: Members will be aware that we have joined an existing research project by Oxford Economics which is examining the potential impacts of a UK exit from the EU under a selection of plausible exit scenarios and that this work will be extended to cover Northern Ireland.

Obviously the Republic of Ireland is a key trading partner for us and so we are obviously keen to gauge how trade within the internal market could be impacted by some of those exit scenarios examined within the work.

However, we need to bear in mind that this research is being undertaken at a time when we simply do not know which scenario will play out, while different exit scenario could well have quite different trade impacts.

Mr Newton asked the Minister of Enterprise, Trade and Investment for an update on the work undertaken on HMS Caroline.

(AQO 9236/11-16)

Mr Bell: Work is progressing well on the HMS Caroline restoration project. Indeed the Project Promoter, The National Museum of the Royal Navy, held a media event earlier today on board the ship to announce that there are six months to go until HMS Caroline is officially opened to the public as a visitor attraction on 1st June 2016.

The opening of the project is good news for local tourism. The newly restored HMS Caroline will be a great addition to our maritime and heritage assets and will enhance Titanic Quarter as a premier visitor destination.

Ms Fearon asked the Minister of Enterprise, Trade and Investment for his assessment of the extent of investment interest by North American companies following A Fresh Start.

(AQO 9237/11-16)

Mr Bell: The "Fresh Start" agreement has enabled the setting of a "date and a rate" for the reduction of Corporation Tax. This will enhance our already world class investment proposition and generate increased interest, particularly in the key market of North America. Invest NI's sales teams now have a new proposition to target companies with tax sensitive projects. Those companies will then explore and find Northern Ireland to be an increasingly attractive location to invest.

Through a combination of in-market visit programmes, new advertising promotions, events and meetings, Invest NI, with support from Executive Ministers, will be able to reach an even wider audience of potential US investors in the drive to create high quality jobs for Northern Ireland.

Mr Murphy asked the Minister of Enterprise, Trade and Investment for an update on his discussions with the Department of Energy and Climate Change on the Northern Ireland Renewables Obligation.

(AQO 9239/11-16)

Mr Bell: I have written to the Secretary of State for Energy and Climate Change informing her of the tenor of responses to the recent consultation on potential closure of the Northern Ireland Renewables Obligation to onshore wind in 2016. There is understandable concern at the early closure proposals however divergence from the GB policy position will have cost implications for Northern Ireland.

My intention remains to obtain an outcome which secures the most renewable generation capacity at least cost to the consumer.

Mr Beggs asked the Minister of Enterprise, Trade and Investment for his assessment of the recent job losses in the manufacturing sector in East Antrim.

(AQO 9240/11-16)

Mr Bell: Caterpillar's recent announcement that it is seeking a further 50 voluntary redundancies (as well as reducing its agency staff by 50) throughout its NI sites comes as a disappointment to the manufacturing sector in East Antrim. These job losses, together with earlier Caterpillar redundancies and the JTI and Michelin announcements, represent a major blow to the sector in Northern Ireland in general. Nevertheless, the manufacturing base remains robust with exemplar companies such as Wrightbus, Moy Park and Schrader continuing to invest and grow.

With Invest NI's support over 4,200 new manufacturing jobs have been promoted since April 2014 by local and international firms.

The recent announcement concerning Corporation Tax, also has the potential to greatly assist the manufacturing sector to grow and develop in Northern Ireland.

Mrs Overend asked the Minister of Enterprise, Trade and Investment to detail the current economic inactivity rate in Mid Ulster.

(AQO 9243/11-16)

Mr Bell: In 2014, the proportion of the working age population (aged 16 to 64) who were economically inactive in the Mid Ulster District Council was 24.8%.

This was jointly the second lowest rate among the 11 local government districts and was below the Northern Ireland average rate of 27.5%.

Mr Boylan asked the Minister of Enterprise, Trade and Investment whether he has any plans to meet Bombardier regarding the financial situation at the company.

(AQO 9244/11-16)

Mr Bell: Since becoming Minister of Enterprise, Trade and Investment, I have met members of Bombardier's senior management on three occasions, most recently during my visit to Montreal in October, when I was briefed on the current situation, which is undoubtedly very challenging for the company. I welcome the recent announcement by Bombardier of the Québec Government's intention to invest US\$1 billion in the C Series and this should be viewed as a very positive development. Bombardier is confident that the current difficulties can be overcome and my officials at Invest NI are in regular contact with Bombardier's management. I am being kept fully informed about the current situation and I am willing to meet the company at any time should it be considered appropriate.

Ms Maeve McLaughlin asked the Minister of Enterprise, Trade and Investment what progress has been made on the regional targets for job creation contained in Invest NI's corporate plan.

(AQO 9245/11-16)

Mr Bell: The Northern Ireland Executive's Programme for Government focusses on job creation for Northern Ireland as a whole and does not include sub-regional targets. Invest NI's targets flow from the Programme for Government, its job creation targets are also focussed on Northern Ireland as a whole.

Following Local Government Reform councils now have responsibility for Community Planning. This process will enable councils to work with partners to tailor a sub-regional proposition that will help drive investment in and set relevant targets for their areas. Invest NI welcomes the opportunity that these new responsibilities bring to councils and is committed to playing its role as one of the statutory partners in this process.

Mr Allen asked the Minister of Enterprise, Trade and Investment what assistance he is providing to help secure employment at Bombardier in East Belfast.

(AQO 9246/11-16)

Mr Bell: Between 2002 and 2015, Invest NI made a total of 75 offers of assistance to Bombardier valued at £75.4m in support of investment commitments totalling £844.5m. This assistance relates to capital investment, research and development, skills development and jobs.

A number of the projects supported are still being implemented and my officials at Invest NI continue to engage with Bombardier to identify opportunities for future investment although such discussions remain commercially confidential.

Department of the Environment

Mr Swann asked the Minister of the Environment, pursuant to AQW 50414/11-16, what types of surface developments (i) would; and (ii) would not be permitted.

(AQW 50831/11-16)

Mr Durkan (The Minister of the Environment): Each planning application will be considered on its own individual merits in the context of relevant planning policy and material considerations. It is therefore not possible to pre-determine a definitive list of developments which would or would not be permitted.

Mr Milne asked the Minister of the Environment, given the introduction of the Strategic Planning Policy Statement removed the protection given to shop units, to detail what action he plans to take to address this while new local development plans are being formulated.

(AQW 50879/11-16)

Mr Durkan: The Strategic Planning Policy Statement (SPPS) signals a new approach to Departmental planning policy. Policies are pitched at a more strategic level to reflect the reformed two tier planning system that became operational on 1 April 2015. The SPPS allows councils flexibility to bring forward detailed policy provisions to support and sustain vibrant town centres tailored to their own council area. These provisions must reflect the strategic approach, set out in the SPPS, of promoting established town centres as the first choice location for retailing and other complementary functions. As such councils will take decisions appropriate for their own town centre uses through the formulation of their own local development plans (LDPs) and through the development management process.

The new strategic policy has been informed by an updated evidential context following research undertaken on the Department's behalf by GL Hearn Limited. It reflects the modern day dynamics of the evolving role and function of our town centres as important hubs for a range of land uses and activities and aims to put councils in control of their own town centres.

This means Councils have the responsibility to either protect retail in primary retail cores or allow a greater mix of uses as appropriate.

Ms Lo asked the Minister of the Environment to detail how he will facilitate the Council for Nature Conservation and the Countryside to ensure it fulfils its statutory roles when the duties of his Department are partitioned amongst three separate Departments.

(AQW 50943/11-16)

Mr Durkan: My officials have been working closely with CNCC as we prepare for the transfer of DOE's environmental functions to the future Department for Agriculture, Environment and Rural Affairs (DAERA). This has included exploring key functions and issues and the opportunities presented by the new structural arrangements.

I met with the Chair and representatives of CNCC yesterday to discuss preparations for their future role as Statutory Advisory Council for DAERA.

Senior DOE officials will be having another meeting shortly with the Chairs of the three Statutory Advisory Councils to discuss progress to date.

Mr Agnew asked the Minister of the Environment to detail departmental procedure for notifying the public of his decisions in respect of planning applications, including at what stage of the decision making process the (a) public; and (b) local council are notified.

(AQW 50963/11-16)

Mr Durkan: Responsibility for determining most planning applications transferred to the new District Councils on 1 April 2015. The Department will only deal with a small number of applications that are considered to be regionally significant or those called in from a District Council. Section 26 of the Planning Act (Northern Ireland) 2011 outlines the process for determination by the Department.

In reaching a decision on any application being processed by the Department it is a requirement to first consider if there is a need to hold a Public Local Inquiry. Where this is considered necessary all parties, including those members of the public who have made representations on an application, are given the opportunity of appearing before and being heard by the Planning Appeals Commission (PAC). When this is not deemed necessary the Department will issue a Notice of Opinion to both the applicant and the relevant district council advising them of the likely decision on the application. On receipt of this Notice, both the applicant and the council have 28 days to request an opportunity to appear before and be heard by the PAC. If no such request is made then the Department will proceed to issue its decision. All those that made representations to the Department will be notified of the decision and if the application is subject to Environmental Impact Assessment provisions a notice will be placed in the local press informing the public of the decision made.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 49762/11-16, (i) to detail the legal issues referred to in answer; and (ii) whether the European Court of Justice ruling his Department sought to rely on is case C-215/06, Commission v Ireland.

(AQW 50964/11-16)

Mr Durkan: Legal issues referred to in the answer to AQW 49762/11-16 are those pertaining to planning appeal 2012/E044. Whilst I am aware of this case it would not be appropriate for me to comment or to offer opinions on matters of legal interpretation.

Mr Agnew asked the Minister of the Environment to detail what procedures are in place to allow his Department to approve passing bays required to facilitate a development, if the passing bays didn't form part of, and lie outside of the original planning application.

(AQW 51031/11-16)

Mr Durkan: The Department fully considers all relevant issues in the determination of planning applications. Each application is treated on its individual merits.

The determination of an application can result in the inclusion of conditions on a planning permission that will require certain matters to be addressed prior to the commencement of a development.

Mr McMullan asked the Minister of the Environment whether his Department will grant Parkmore Station and the Water Tower listed building status.

(AQW 51046/11-16)

Mr Durkan: My Department commissioned a survey of this building in 1994 and it was not considered worthy of listing at that time, when considering the statutory tests that apply in such cases. The provision of extra evidence could warrant a reopening of this case. If you are in a position to provide supporting information to officials in my Department's Historic Environment Division along with reasons in support of your request, they will consider this and provide you with the conclusions of that review.

Mr Agnew asked the Minister of the Environment, pursuant to AQW 49497/11-16, to detail (i) the origin of the soil and stone layered among waste at Mobuoy Road; and (ii) whether this material benefited from tax relief under the Aggregates Levy Credit Scheme.

(AQW 51088/11-16)

Mr Durkan: I am not in a position to comment on the origin of the soil and stone, or whether the material in question benefitted from tax relief under the Aggregates Levy Credit Scheme. The processing of tax relief is an HMRC responsibility and my Department holds no records as to the details and the dates of claims made for aggregate levy rebates.

Ms Hanna asked the Minister of the Environment what actions he is taking to improve road safety.

(AQW 51092/11-16)

Mr Durkan: I refer you to my response to your earlier question AQW/50678/11-16.

The number of road deaths in 2015 is a serious concern and I extend my sympathy to those who have lost loved ones and also those who have suffered life changing injuries. So far this year, 64 people have died compared to 73 for the same time last year.

At the beginning of the year, severe cuts were made by the Executive to my Department's budget allocation. Despite the very challenging financial position, I was able to allocate just over £1 million to road safety communications, grants and educational materials. In recent weeks, I have been able to supplement this with a further £184,000 through internal re-allocations.

We focus on problem areas, such as drink driving, speeding, carelessness and inattention; and on groups which are over-represented in the casualty figures. These are a key focus of the Road Traffic (Amendment) Bill which completed its Consideration Stage in June 2015. The Bill includes a package of measures to tackle drink driving, to reform the learner and restricted driver schemes and to introduce a system of Graduated Driver Licensing (GDL).

I plan to bring the Bill back to the Assembly for Further Consideration Stage on 1 December 2015, with Final Stage provisionally scheduled for 12 January 2016. This is an important Bill that seeks to address key causes of death and serious injury on our roads and I hope that we can work together to ensure early completion of its legislative passage.

In March I launched a new motorcyclist safety campaign and in June, I launched the 2015/16 Road Safety Grant Scheme, through which I have approved funding for 15 projects across the North.

Also in June, I launched a road safety Community Toolkit to give local voluntary groups all the resources they need to organise events, bringing road safety messages into the heart of local communities. In the same month, I rolled out the Safe Driving Teaching Aid, enabling driving instructors to address road safety with the learner driver.

I have recently commissioned two social media campaigns – the first to reinforce that the only safe level of alcohol when driving is no alcohol; the second will specifically address the various issues in relation to mobile phone use while driving.

My Department also continues to provide a range of resources and schemes to be used by teachers to allow them to improve road safety behaviours in children and young people.

This week (23 – 29 November) is Road Safety Week and I lend my full support to this initiative which this year focuses on young drivers as its main theme. I was pleased to officially launch this year's Road Safety Week at the new RADAR centre together with our road safety partners, to an audience which included a number of young drivers from projects delivered by Springboard.

I can assure you that I remain fully committed to continue working with my Executive colleagues, the PSNI and other stakeholders to improve road safety and to reduce casualties.

Mr Easton asked the Minister of the Environment what support his Department can give councils to assist them in providing community centres for villages such as Millisle.

(AQW 51110/11-16)

Mr Durkan: Decisions on the provision of community facilities are a matter for councils to take forward in conjunction with, where appropriate, other interested organisations.

However the community planning powers which I introduced as part of the Local Government Act (NI) 2014 involves integrating all the various streams of public life (such as the services and functions that are delivered in an area) and producing a plan that will set out the future direction of a council area.

The effective community engagement and a sound evidence base that are required to identify community planning priorities will help councils and their partners decide on the future direction for districts including how to best manage their assets and estate and this might include decisions on the placement of civic amenities such as community centres.

Mr Weir asked the Minister of the Environment for a breakdown by council area, of the allocation of £6.2m in local government grants as a result of the internal departmental reallocation.

(AQW 51116/11-16)

Mr Durkan: As part of the November monitoring round, my Department put forward a number of adjustments to DFP to re-align the in-year budget position across the business areas in my Department. These were required following an internal review of my Department's financial position and in light of a significant number of staff leaving on the voluntary exit scheme which generated in year salary savings.

The re-allocation of £6.2 million to Local Government grants includes opening budget adjustments and in-year allocation adjustments to the budget lines for the De-Rating Grant; Rates Support Grant; Emergency Planning Grant.

After all adjustments have been made across the budget lines the funding for these Local Government Grants currently sits at £45.2 million (De-Rating grant £27.1m, Rates Support Grant £17.6 million and Emergency Planning grant £0.5 million).

Table 1 below provides a breakdown of the De-Rating grant (£27.1 million) and Rates Support Grant (£17.6 million) by Council Area.

The breakdown of the Emergency Planning grant by council area has not yet been determined.

Table 1: Breakdown of 2015-16 De-Rating Grant and Rates Support Grant by Council area

Council	De-Rating Grant 2015-16 £million	Rates Support Grant 2015-16 £million
Antrim and Newtownabbey	2,232,305	-
Armagh, Banbridge and Craigavon	3,536,265	3,848,688
Belfast	5,091,162	-
Causeway Coast and Glens	1,349,940	2,445,169
Derry and Strabane	1,776,697	3,498,862
Fermanagh and Omagh	1,534,542	1,561,987
Lisburn and Castlereagh	2,142,911	-
Mid and East Antrim	2,686,037	1,083,116
Mid Ulster	3,652,968	2,726,920
Newry, Mourne and Down	1,901,102	2,435,258
North Down and Ards	1,153,651	-
	27,057,580	17,600,000

Mr Allister asked the Minister of the Environment whether all the necessary planning permissions are in place to enable the A5 project between Londonderry and Strabane to start.

(AQW 51142/11-16)

Mr Durkan: The A5 Western Transport Corridor which includes that section between Londonderry and Strabane is a road improvement scheme that is being brought forward under The Roads (Northern Ireland) Order 1993. Any required permissions/directions would be a matter for the Department for Regional Development.

Ms Hanna asked the Minister of the Environment whether he has any plans to introduce harsher penalties for taxi drivers who refuse to carry assistance dogs.

(AQW 51147/11-16)

Mr Durkan: It is currently an offence under Section 37 of the Disability Discrimination Act (DDA) for a taxi driver to refuse to carry an assistance dog or to make any additional charges for doing so. Taxi drivers who are successfully prosecuted for failing to adhere to the requirements of the legislation face a fine of up to £1000.

The Driver and Vehicle Agency have no records of any incidents of this nature being reported to them.

In response to evidence stating that taxi users with disabilities were concerned about the low level of disability awareness from taxi drivers, the Department is from 1 September 2016 requiring all taxi drivers who are renewing their Taxi Driver Licence, to undertake at least 3½ hours Disability Awareness training. This training will help taxi drivers further understand the needs of users with disabilities.

I have recently been advised that information exists in a published survey which indicates that despite the offence provisions in the DDA, there remains an issue in relation to assistance dogs being taken by taxi drivers. I have asked my officials to engage with the appropriate disability groups to determine who carried out the survey, obtain a copy and determine what action would be appropriate based on the information it contains.

Mr Agnew asked the Minister of the Environment, given the ruling by the Planning Appeals Commission to extend the time period for the submission of an environmental statement relating to unauthorised sand extraction from Lough Neagh Special Protection Area, (i) for his assessment of why the Planning Appeals Commission could not discern why his Department didn't consider it reasonable to extend the deadline as requested; and (ii) to detail his Department's opposition to any extension in time.

(AQW 51156/11-16)

Mr Durkan: These matters are subject to an independent appeal process and a related judicial review. Therefore I do not intend to comment on this or any related matters pending the outcome of these processes.

Mr Agnew asked the Minister of the Environment, given his Department's opposition to the proposed extension of the deadline for submission of an environmental statement relating to unauthorised sand extraction from Lough Neagh Special Protection Area, for his assessment of the suggestion by the Planning Appeals Commission's that the service of stop notices is the solution to addressing any concerns his Department has in relation to extended deadlines.

(AQW 51158/11-16)

Mr Durkan: These matters are subject to an independent appeal process and a related judicial review. Therefore I do not intend to comment on this or any related matters pending the outcome of these processes.

Mrs Dobson asked the Minister of the Environment (i) why motorists resident in Northern Ireland that want to apply for a provisional or full driving licence are unable to do so online unlike motorists that reside in the of the UK; and (ii) what consideration has been given to establishing an online application service for local residents.

(AQW 51160/11-16)

Mr Durkan: The Driver & Vehicle Agency (DVA) is responsible for the administration of driver licensing in Northern Ireland (NI) and issues driver licences to drivers who are resident in NI. The Driver and Vehicle Licensing Agency (DVLA) in Swansea issues driving licences to those drivers who are resident in Great Britain (GB).

The existing Driver Licensing IT system does not currently have the functionality to be able to support online services.

I can confirm, however, that the DVA is currently developing a new Driver Licensing IT system, the first phase of which is to be delivered by April 2016. This system will improve the customer experience and will enable DVA to begin to phase in a range of online services, including making an application online.

Mr Weir asked the Minister of the Environment to detail the projected costs of (i) a meter for each taxi; and (ii) a printer for each taxi in terms of both the installation and running costs.

(AQW 51186/11-16)

Mr Durkan: The cost of purchase and fitment of a taximeter and a receipt printer is likely to be around £220 and £200 respectively with a fee of £35 to be paid for the taximeter test. The taximeter fee will be paid in Year 1, and only thereafter when a meter is replaced or the fare changed or the seal broken, rather than every year.

I have taken the decision to implement an 'offer and print' policy, where no receipt is required if the customer has been offered one and clearly declined. This is an alternative to the more expensive 'print and offer' approach that could lead to a large number of unwanted receipts being printed.

Mr Weir asked the Minister of the Environment to detail (i) what research his Department has made on the use of printers in taxis in other jurisdictions; and (ii) what trends are occurring in other jurisdictions in relation to the necessity for using printers in taxis.

(AQW 51188/11-16)

Mr Durkan: Prior to the introduction of the Taxis Act, officials from my Department met with counterparts from London and Dublin to research the use of printers in taxis. Receipt printers were introduced in the Republic of Ireland in 2000 and in London in 2005.

In relation to trends which are occurring in other jurisdictions, I am aware that from 1 January 2013 taxis in London are no longer required to have electronic taxi meter receipt printers installed as a condition of the cab licence and that it remains a requirement in taxis in the south of Ireland.

Mr Weir asked the Minister of the Environment to detail the (i) hours; (ii) frequency; and (iii) projected cost to drivers of the proposed periodic training for taxi drivers.

(AQW 51189/11-16)

Mr Durkan: From 1 September 2016, periodic training will be a requirement for all taxi drivers renewing their Taxi Driver's Licence (TDL). Rather than require all drivers to undertake the 35 hours from the outset, the new requirement is being phased in as set out in the table below. This means that drivers can take a more manageable seven hours per year in advance of their TDL renewal date.

Date of expiry of licence	Training required
1 September 2015 – 31 August 2016	Nil
1 September 2016 – 31 August 2017	7 hours
1 September 2017 – 31 August 2018	14 hours
1 September 2018 – 31 August 2019	21 hours
1 September 2019 – 31 August 2020	28 hours
From 1 September 2020 onwards	35 hours

In the longer term, a TDL will only be granted if a driver has undergone 35 hours of such training, by an authorised training provider, within 5 years of the TDL renewal date.

The cost to drivers, based on similar Drivers Certificate of Professional Competence (DCPC) courses delivered by approved providers in respect of the freight and bus sector, is estimated to be in the region of £50 per seven hour module.

The Department is also, in association with IMTAC (The Inclusive Mobility and Transport Advisory Committee), finalising two 3½ hour Disability Awareness modules that will be made available to approved training providers free of charge. This may reduce costs for providers and these reductions can be passed on to course participants.

Mr Agnew asked the Minister of the Environment for (i) an estimate of the volume of the remaining waste at the River Ridge Recycling yard, Maydown at the time of the fire; (ii) who is responsible for its disposal; (iii) how it will be disposed of; and (iv) the estimated cost for its disposal.

(AQW 51220/11-16)

Mr Durkan:

- (i) Approximately 10,000 tonnes of mixed household and commercial waste (no hazardous waste) was stored onsite, the majority of which was baled as Refuse Derived Fuel (RDF).
- (ii) River Ridge Recycling is responsible for the disposal of waste on the site.
- (iii) The waste was to be assessed and processed –with some being recycled, some used to produce RDF (Refuse Derived Fuel), and some going to landfill.
- (iv) It is difficult to provide an estimate of the cost of disposal, as this would depend on how much of the waste could have been recycled or recovered. It is currently not clear how much material has remained after the fire. The cost for landfill disposal is approximately £100 per tonne.

Mrs Cochrane asked the Minister of the Environment to detail the (a) number of resits; and (b) the pass rate of those resits through the testing regime for new taxi driver licence applicants that came into force on 31 October 2014.

(AQW 51222/11-16)

Mr Durkan: The Driver & Vehicle Agency (DVA) do not hold statistics relating to the number of re-sits nor the pass rate for re-sits for new taxi driver licence applicants.

Mrs Cochrane asked the Minister of the Environment whether he has any plans to review the current testing regime for new taxi driver licence applicants to ensure that it is fit for purpose.

(AQW 51223/11-16)

Mr Durkan: The new taxi driver licence theory test and practical tests came into force in October 2014. My Department is currently in the process of carrying out a review of the theory part of the taxi driver test and would intend to complete a review of all other areas in due course.

Although the Regulations became operational in October 2014, just over a year ago, the periodic training requirements only began from 1 September 2015. My Department would intend to allow a period of operational time to allow the regime to become properly established before completing a review in this area.

Mr Weir asked the Minister of the Environment to detail the maximum penalty for taxis refusing to carry guide dogs.

(AQW 51246/11-16)

Mr Durkan: A taxi driver who refuses to carry a passenger's guide dog is guilty of an offence under the Disability Discrimination Act 1995 and liable, on summary conviction, to a fine not exceeding £1,000.

Mr Agnew asked the Minister of the Environment to detail who was responsible for depositing the waste located (a) outside; and (b) inside the building at the River Ridge Recycling site at Maydown.

(AQW 51297/11-16)

Mr Durkan:

- (i) Brickkiln Waste Ltd was responsible for depositing the waste located outside the building; and
- (ii) Brickkiln Waste Ltd was responsible for depositing the waste located inside the building at the site in Maydown, which is now owned by River Ridge Recycling.

Mr Frew asked the Minister of the Environment how many taxi drivers have been fined for refusing to carry a guide dog in each of the last five years.

(AQW 51301/11-16)

Mr Durkan: There have been no specific complaints received by my Department concerning taxi drivers refusing to carry a guide dog and consequently no cases have been referred for prosecution in the last five years.

Mr Frew asked the Minister of the Environment for his assessment of his Department's enforcement of legislation that requires taxi drivers to carry guide dogs in their vehicles; and to outline any plans he has to review these regulations.

(AQW 51302/11-16)

Mr Durkan: The Driver & Vehicle Agency has no record of receiving any specific complaint concerning taxi drivers refusing to carry a guide dog. However, I am confident that should a complaint of this nature arise that the matter would be thoroughly investigated and, where appropriate, referred to the Public Prosecution Service for consideration.

I have recently been advised that information exists in a published survey which indicates that despite the offence provisions in the Disability Discrimination Act, there remains an issue in relation to assistance dogs being taken by taxi drivers. I have asked my officials to engage with the appropriate disability groups to determine who carried out the survey, obtain a copy and determine what action would be appropriate based on the information it contains.

Mr G Robinson asked the Minister of the Environment, given the delays in his Department, to detail what action he has taken to protect the house at 360 Seacoast Road, Limavady.

(AQW 51316/11-16)

Mr Durkan: I am aware of this property, and indeed have visited it and met with the owners. I recognise the very difficult situation in which the owners find themselves.

My officials continue to work with the owner's agents to explore how they can provide support and advice to the owners. The most pressing issues, as I understand it, are to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my officials have remained in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a building.

There is then also the issue of repairs to the property. In this regard, my Department's area architect is currently in liaison with the newly appointed conservation architect for the project, who will oversee the necessary approvals and consents to effect repairs to the property and take forward the application for Northern Ireland Housing Executive grant. The possibility of providing the temporary assistance of a CITB joiner, employed by my Department, is also being explored, but cannot be progressed until a structural engineer has reviewed and updated a report on structural matters. I understand that the agent is meeting with the structural engineer on site on 1 December to carry out a further assessment of the structure of the cottage; he will then update my officials to determine what temporary works are appropriate and who is best placed to undertake them.

This is all within the overall context that responsibility for the maintenance and protection of a building lies with the building's owners. My Department has powers to provide grant assistance to owners to support them in regard to repairs; however, as I have previously explained, in light of overall budgetary pressures, funds are not currently available for such support. My Department also has powers to directly intervene and compulsorily acquire a listed building if 'reasonable steps are not being taken for properly preserving it' (Section 202 of the Planning Act 2011). This must be two months after the service of a 'repairs notice' by the Department. Such an approach is not warranted in this case as the Department's architects are actively liaising with the owner's representatives at present and have, over the years, involved a number of other organisations in this work to explore appropriate options for maintaining and improving this important listed building.

I am not aware of any delays in grant being made available in this case. My officials have recently reviewed in detail the interaction with the owners and their agents over a number of years, in order to respond to letters from you regarding this property. The records show that my officials have repeatedly advised the owners, since at least 2006, to submit an application for listed building grant. My officials have also sent application forms to the owners. A completed application was received on 19 January 2015, by which stage reductions in my Department's budget had meant that we had had to cease processing applications for listed building grant for privately owned properties.

Mr G Robinson asked the Minister of the Environment what actions he is taking to investigate the delays in a grant being made available to 360 Seacoast Road, Limavady.

(AQW 51317/11-16)

Mr Durkan: I am aware of this property, and indeed have visited it and met with the owners. I recognise the very difficult situation in which the owners find themselves.

My officials continue to work with the owner's agents to explore how they can provide support and advice to the owners. The most pressing issues, as I understand it, are to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my officials have remained in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a building.

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Mr G Robinson asked the Minister of the Environment what action he is taking to protect the listed thatched cottage at 360 Seacoast Road, Limavady.
(AQW 51318/11-16)

Mr Durkan: I am aware of this property, and indeed have visited it and met with the owners. I recognise the very difficult situation in which the owners find themselves.

My officials continue to work with the owner's agents to explore how they can provide support and advice to the owners. The most pressing issues, as I understand it, are to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my officials have remained in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a building.

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Mr G Robinson asked the Minister of the Environment whether he will undertake to protect the thatched cottage at 360 Seacoast Road, Limavady.
(AQW 51319/11-16)

Mr Durkan: I am aware of this property, and indeed have visited it and met with the owners. I recognise the very difficult situation in which the owners find themselves.

My officials continue to work with the owner's agents to explore how they can provide support and advice to the owners. The most pressing issues, as I understand it, are to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my officials have remained in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a building.

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Mr G Robinson asked the Minister of the Environment what action he intends to take in relation to 360 Seacoast Road, Limavady following a structural report stating the building is unsafe.
(AQW 51320/11-16)

Mr Durkan: I am aware of this property, and indeed have visited it and met with the owners. I recognise the very difficult situation in which the owners find themselves.

My officials continue to work with the owner's agents to explore how they can provide support and advice to the owners. The most pressing issues, as I understand it, are to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my officials have remained in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a building.

There is then also the issue of repairs to the property. In this regard, my Department's area architect is currently in liaison with the newly appointed conservation architect for the project, who will oversee the necessary approvals and consents to effect repairs to the property and take forward the application for Northern Ireland Housing Executive grant. The possibility of providing the temporary assistance of a CITB joiner, employed by my Department, is also being explored, but cannot be progressed until a structural engineer has reviewed and updated a report on structural matters. I understand that the agent is meeting with the structural engineer on site on 1 December to carry out a further assessment of the structure of the cottage; he will then update my officials to determine what temporary works are appropriate and who is best placed to undertake them.

This is all within the overall context that responsibility for the maintenance and protection of a building lies with the building's owners. My Department has powers to provide grant assistance to owners to support them in regard to repairs; however, as I have previously explained, in light of overall budgetary pressures, funds are not currently available for such support. My Department also has powers to directly intervene and compulsorily acquire a listed building if 'reasonable steps are not being taken for properly preserving it' (Section 202 of the Planning Act 2011). This must be two months after the service of a 'repairs notice' by the Department. Such an approach is not warranted in this case as the Department's architects are actively liaising with the owner's representatives at present and have, over the years, involved a number of other organisations in this work to explore appropriate options for maintaining and improving this important listed building.

I am not aware of any delays in grant being made available in this case. My officials have recently reviewed in detail the interaction with the owners and their agents over a number of years, in order to respond to letters from you regarding this property. The records show that my officials have repeatedly advised the owners, since at least 2006, to submit an application

for listed building grant. My officials have also sent application forms to the owners. A completed application was received on 19 January 2015, by which stage reductions in my Department's budget had meant that we had had to cease processing applications for listed building grant for privately owned properties.

Mr Hilditch asked the Minister of the Environment to outline how many senior management posts in local councils are vacant. (AQO 9247/11-16)

Mr Durkan: Information on how many senior management posts in local councils are vacant is not held centrally by the Department. This information is held by individual councils.

Mrs Hale asked the Minister of the Environment how his Department ensures that Northern Ireland is meeting its recycling targets. (AQO 9252/11-16)

Mr Durkan: I published the Northern Ireland Waste Management Strategy "Delivering Resource Efficiency" in October 2013. The Strategy includes a coherent framework of policies, legislation and mechanisms to promote and increase recycling in order to meet recycling targets.

In February this year the Food Waste Regulations (Northern Ireland) 2015 came into operation and prohibited the landfill of separately collected food waste from 1 April 2015. In addition from 1 April 2016 large producers of food waste will have to take measures to ensure the separate collection of their food waste. The Regulations will also require district councils to promote the separate collection of food waste and to provide receptacles to householders for the separate collection of food waste by 1 April 2017. This legislation will not only increase the amount of recycled food waste collected but the separate collection will also improve the quality and hence its value for conversion to an energy source or as compost.

The Department's Rethink Waste Programme is used as a delivery mechanism for the strategy. The Programme provides a variety of incentives to help increase levels of recycling. These range from the provision of financial assistance through to technical advice and communications.

Between 2010 and 31 March 2015 the Rethink Waste Capital Fund provided £12.72 million in funding in order to provide new, or improve, re-use and recycling infrastructure and services. This year, I made a further £1.75 million of capital funding available for councils.

In addition, since 2010 other Rethink Waste funding schemes have provided £2.74 million in funding to council, Third Sector and private sector projects focused on waste prevention, re-use and, recycling.

All of which has helped bring about a step change in our household recycling rates, which have increased fourfold from 10% in 2002 to 42% for the 2014/2015 year.

Mrs Dobson asked the Minister of the Environment for his assessment of the impact of the Road Traffic (Amendment) Bill NIA 35/11-15 on people living in rural areas. (AQO 9253/11-16)

Mr Durkan: I believe that the Road Traffic (Amendment) Bill will have a positive and proportionate impact on people living in rural areas. I believe that lives will be saved through this legislation.

Last year, there were 55 people killed in collisions on rural roads, which is the highest number recorded in the last five years. The Bill includes a package of measures to tackle drink driving, to reform the learner and restricted driver schemes, introduce a system of Graduated Driver Licensing (GDL) and mandate the wearing of helmets on quad bikes on public roads. I am confident that each of these measures will improve road safety in rural communities where the devastation of collisions is most keenly felt.

I do of course appreciate that this comes at a price. Some of the measures will impinge on people's mobility, and this will be more evident in rural communities. However, I believe that the Bill is proportionate and strikes the correct balance between road safety gains and people's mobility.

In terms of drink driving the Bill makes provision for a lower drink drive limit and also increases the likelihood of being stopped and tested by the police.

Much of our road network is rural and as I've already noted, the impact of road deaths and serious injuries is most keenly felt in rural communities. This is certainly true for drink/drug driving with 79% of fatalities and 53% of serious injuries caused by drink/drug driving, over the last 5 years, happening on rural roads.

I should emphasise that a comprehensive Rural Impact Assessment of the drink drive proposals uncovered no evidence of a negative impact on rural areas or communities. Indeed the assessment concluded that since rural areas are more severely impacted by drink driving casualties they would be expected to benefit disproportionately from a more effective drink driving regime.

In terms of Graduated Driver Licensing, I accept that some of the restrictions, such as the passenger restriction will pose an inconvenience to rural dwellers. However, I believe this is proportionate to the road safety problem faced on rural roads. By limiting the restriction to 6 months post test and providing exemptions, I believe the measure will not unduly impact on those living in rural communities.

GDL will also better prepare young, novice drivers to deal with the complex task of driving. The Programme of Training will include driving at night and on different types of roads so that drivers are better prepared for real life driving.

It's also worth noting that the development and introduction of the Bill is in line with the aims of the Rural White Paper Action Plan, which commits my Department to better understand the cause of collisions on rural roads and to reduce their number. As such, the Bill has the potential to make a significant contribution to the reduction of deaths and serious injuries on rural roads and indeed Northern Ireland as a whole.

Mrs Overend asked the Minister of the Environment when the final report into the study of residential emissions from the burning of solid fuel will be published.

(AQO 9254/11-16)

Mr Durkan: The Member is referring to the North South Ministerial Council-commissioned report on air pollution from solid fuel burning in the residential sector.

An interim report was completed earlier this year, marking the end of the first phase of the research, and was shared with key stakeholders. The interim report was accompanied by a detailed questionnaire seeking views on the information gathered and on potential policy measures. This consultation exercise was then used to inform the next phase of the work.

The research is now nearing completion, and a final report is being assessed by officials, with a view to presenting to Minister Kelly and me in early December, for our respective considerations of its findings.

It is envisaged that, following agreement between Ministers, the report will be published early in the new year.

As I have previously made clear, before any recommendations arising from the research that I consider appropriate for action can be taken forward, I will consult with Ministerial colleagues, Assembly Committees and key stakeholders.

Mrs McKeivitt asked the Minister of the Environment to outline the support he has provided to groups and organisations in South Down as a result of the Carrier Bag Levy.

(AQO 9255/11-16)

Mr Durkan: Over the last 3 years a number of organisations and groups in South Down have benefited from over 1.2 million pounds in grant funding from the Carrier Bag Levy. In 2014/15 alone over half a million pounds was provided from the Challenge Fund, and other natural and historic environment funding schemes.

I will arrange for you to receive a list of these bodies.

Organisation	Project
Ardaluin Regeneration Trust	Ardaluin Community Care Farm
Ardaluin Regeneration Trust	Eco Education Unit
Ballyholland Sunshine Club	Bring the Past to Life
Ballyhornan & District Community Association (BDCA)	Ballyhornan Environmental Design Programme
Ballyhornan & District Community Association (BDCA)	Ballyhornan Environmental Improvement
Butterfly Conservation	Interpreting Butterflies and Moths
Charles Sheils Housing	Units 1-6 and 22-31, Killough
Charles Sheils Housing	Units 8-14, Killough
Clonallan Parish Church, Warrenpoint	Clonallan Parish Church
Down DC	Path between Down Museum & Delamont Country Park.
Down DC	Strangford Lough & Lecale Partnership
Downpatrick Nursery School	Forest School Training Initiative
Glebe House Harmony Community Trust	Glebe House Nature Area
Grange Primary School	Eco-Schools Sensory Garden & Green Community Space
Harmony Community Trust	Environmental Learning for Fun
Harmony Community Trust	Glebe Gardens Project
Kilkeel Development Association	The Big Beach Crusade
Lecale Conservation	Sharing our homes with birds
Mourne Heritage Trust	Mourne Upland Vehicular Access for Conservation Projects

Organisation	Project
Mourne Heritage Trust	Happy Valley Wildfire Damaged Fire Restoration
Mourne Heritage Trust	Mourne Red Squirrel Conservation - Phase 2
Mourne Heritage Trust	Mourne Mountains Landscape Partnership
Mourne Heritage Trust	Mourne AONB Management & Enhancement
National Trust	Castle Ward's Pine Martens
National Trust	Murlough Visitor Use Survey
National Trust	Castle Ward Removing Alien Invasion
National Trust	Delivery of Strangford Lough Conservation Plan
Newry, Mourne & Down DC	Strangford Lough & Lecale Partnership
Newry, Mourne & Down DC	Delivery of Strangford Lough Conservation Plan
Outdoor Recreation Northern Ireland	Bunkers Hill Forest Nature Play Trail & Play Trail Guide
Outdoor Recreation Northern Ireland	Enhancing the Castletwellan Peace Maze
River Valley Development Association Ltd	Repairing Hanna's Close
St Brigid's Primary School	ECO Garden Project
St John's Drumnaquoile GAC	Community Allotment Gardens
St Patrick's Primary School, Saul	Saul About Nature
Strangford Community Association	Kilclief and Strangford Walking and Cycling Trail
Ulster Wildlife	Strategic Partnership
Tullymurray House	Outbuildings - Newry

Ms Boyle asked the Minister of the Environment to outline the measures he will put in place to ensure the protection of Lough Neagh following the Planning Appeals Commission decision to give the sand traders another year to complete their Environmental Impact Statement.

(AQO 9256/11-16)

Mr Durkan: I am fully aware of the ongoing issues in relation to Lough Neagh and the Planning Appeals Commission (PAC) decision to grant the request by the appellants to extend the time frame for the submission of the Environmental Statement to 31 October 2016.

I am conscious that this is a complex case involving important environmental and socio-economic considerations. However as these matters are subject to an independent appeal process and a related judicial review I am limited in what I can say and do not intend to comment further pending the outcome of these processes.

Mr Allen asked the Minister of the Environment for his assessment of the Planning Appeals Report in relation to the public inquiry into the proposed modification of the planning agreement with George Best Belfast City Airport.

(AQO 9257/11-16)

Mr Durkan: My Department recently received the PAC report in respect of the public inquiry into the proposed modification of the planning agreement between George Best City Airport and DOE. Officials are currently reviewing the report and its recommendations and will provide advice to me in due course. I will then decide if and how the Planning Agreement should be modified before approaching the Airport to seek agreement.

The report contains a significant amount of commentary and a number of recommendations covering the full range of topics discussed at the inquiry. These will take some time to fully consider and I am therefore not in a position to release my assessment of the PAC report at this time.

Mr Givan asked the Minister of the Environment to outline any proposals for enhancing the power of local government.

(AQO 9258/11-16)

Mr Durkan: On 11 April 2013, the Executive agreed the package of functions which would transfer to the 11 new councils with new powers and responsibilities from 1 April 2015. The transfers were based on the vision of a strong, dynamic local government creating communities that are vibrant, healthy, prosperous, safe and sustainable, and which have the needs of all people at their core.

There was a clear view that, in order to deliver this vision, the functions to be transferred should be cohesive and that there was a critical mass or “family of functions” needed. Combining the transferred planning and yet to transfer regeneration powers coupled with new community planning powers will allow locally elected leaders to begin to shape the places they live in. I am therefore disappointed by the DSD Minister’s recent Written Statement announcing that the Regeneration Bill will not now proceed. I firmly believe that regeneration functions would be best delivered at a local level, to allow councils to take the lead in reshaping their areas and communities in the context of their new powers of community planning.

However, I think it is important that we recognise that the Transfer of Functions from Central to Local Government should be a process, rather than an event. There are potentially other functions which would be better delivered at local level. Therefore, the Executive also agreed that in April 2016, one year after the initial transfer, the transfer package should be reviewed, with a view to augmenting the package.

The Partnership Panel which I chair has in its agreed work plan, undertaken to review the functions and resources transferred with a view to considering whether the package of transferred powers can be augmented and this review will be taken forward in 2016.

Mr Lyons asked the Minister of the Environment whether his Department has any plans to update taxi regulations.
(AQO 9259/11-16)

Mr Durkan: My Department continues to work to implement the various elements of the Taxis Act with the intention of providing the travelling public with a safer, fairer and fit for purpose taxi industry.

The following regulations will be made by my Department in the within the next few weeks and come into operation in May 2016.

- The Taxi Licensing Regulations provide for the regulation, testing and licensing of vehicles which are to be used as taxis;
- The Taxi Operator Regulations are amended to make mostly minor amendments consequential to the introduction of the Taxi Licensing Regulations. The Regulations also contain a requirement for additional information to be carried in taxis providing a tour service;
- The Taximeter Regulations make provision for the Department to inspect, test and seal approved taximeters and set out the maximum fare and additional charges associated with the hiring of taxis and provide for the display of fares and production of receipts; and
- The Taxi Accessibility Regulations will mean that all taxis will be licensed as wheelchair accessible or non-wheelchair accessible and will be tested as such.

Mr Wells asked the Minister of the Environment for an update on the designation of Areas of Special Scientific Interest.
(AQO 9260/11-16)

Mr Durkan: To date, the Northern Ireland Environment Agency has declared a total of 385 Areas of Special Scientific Interest. This includes the 10 new ASSIs designated in 2014/15 and confirmed this year, which included a range of biological and earth science sites.

The Department is committed to completing its network of designated sites on the basis of available scientific evidence, as outlined in the recently published Biodiversity Strategy. The current focus of the designation programme for 2015/16 is the completion of the suite of Marine Special Protected Areas under the Birds Directive.

My officials are also considering a small number of potential sites for designation as ASSIs in the new year, should the evidence meet the standards required by the Environment Order. A greater emphasis is also being placed on the management of our invaluable network of designated sites.

Department of Finance and Personnel

Mr Swann asked the Minister of Finance and Personnel, pursuant to AQW 48992/11-16, how many times has the District Valuer checked the information on which assessments are made on applications for Agriculture Rate Relief on individual premises in each of the last 3 financial years and this year to date.
(AQW 49638/11-16)

Mrs Foster (The Minister of Finance and Personnel): The District Valuer has a statutory duty to maintain the Valuation List and to ensure that the assessments are accurate and in compliance with the legislation. In determining whether the property under consideration should be distinguished as a farmhouse and the valuation allowance applied, the District Valuer will issue a questionnaire to the householder. The information supplied will be checked and any necessary clarification or omitted information sought from the householder. Details of the number of times the District Valuer checked the information is not held by the Department.

Mr Swann asked the Minister of Finance and Personnel, pursuant to AQW 48992/11-16, to detail the circumstances that would cause the District Valuer to revisit the information contained in applications for Agriculture Rate Relief.
(AQW 49640/11-16)

Mrs Foster: The District Valuer has a statutory duty to maintain the Valuation List and to ensure that the assessments are accurate and in compliance with the legislation. In determining whether the property under consideration should be distinguished as a farmhouse and the valuation allowance applied, the District Valuer will issue a questionnaire to the householder. The information supplied will be checked and any necessary clarification or omitted information sought from the householder. Details of the number of times the District Valuer checked the information is not held by the Department.

Mr McNarry asked the Minister of Finance and Personnel how the Programme for Government 2011-16 could be reviewed and modified to better facilitate her Department.
(AQW 50502/11-16)

Mrs Foster: I am content that the Programme for Government process appropriately facilitates my Department in taking forward its commitments.

Mr McMullan asked the Minister of Finance and Personnel whether consideration will be given to increasing the 25 per cent reduction in rates available under the Disabled Person's Allowance.
(AQW 50663/11-16)

Mrs Foster: This is not something that my Department is considering.

Disabled Persons Allowance was set at a standard 25% in 2007. Before then cases were individually assessed by the District Valuer, which was costly, inconvenient for claimants and caused delays.

Analysis at that time indicated that awards averaged around 19% and a decision was made to standardise it at a 25% allowance, 6% higher than the historic average and 5% higher than the level which applies in the rest of the UK. My Department is not aware of any difficulties that the current policy is causing.

Mr Rogers asked the Minister of Finance and Personnel to detail any work undertaken by her Department on the development of the Narrow Water Bridge project during the past four years.
(AQW 50732/11-16)

Mrs Foster: The Narrow Water Bridge project was approved in October 2012 to a value of £15 million under the INTERREG IVA programme. The tenders received to deliver the project were substantially in excess of the funding approved resulting in the Letter of Offer to the project being withdrawn in November 2013 by the Managing Authority for the programme.

My Department has had no further involvement in, nor are there any plans for future EU funding to be made available to, the project.

Mr Allister asked the Minister of Finance and Personnel to detail the current drawdown of borrowings by the Executive.
(AQW 50770/11-16)

Mrs Foster: The Public Income and Expenditure Account, which is laid in the Assembly, provides details of the Executive's borrowing each year.

At 12 November the Executive had drawn down loans of £148 million in 2015-16, from the National Loans Fund, under the Reinvestment and Reform Initiative.

Ms Sugden asked the Minister of Finance and Personnel how changes in the uptake of Employment Support Allowance have impacted the latest figures showing economic activity; and to outline the criteria used to arrive at these figures.
(AQW 50838/11-16)

Mrs Foster: Official estimates of economic activity are sourced from the Labour Force Survey (LFS). The LFS is a sample survey that is primarily designed to provide labour market information at the Northern Ireland level.

Estimates of the numbers in receipt of Employment Support Allowance (ESA) cannot be provided from the LFS due to the wide survey margins of error associated with these estimates. It is not therefore possible to calculate how changes in the uptake of Employment Support Allowance have impacted the latest figures showing economic activity.

The official source for Employment Support Allowance statistics is the Department for Social Development (DSD).

For information, Table 1 provides levels of economic activity from the LFS and Table 2 shows ESA estimates sourced from DSD.

Table 1 Economic activity levels (16+), 2010 – 2015

Year	Quarter	Number of economically active (16+)
2010	Jan-Mar	818,000
	Apr-Jun	822,000
	Jul-Sep	824,000
	Oct-Dec	831,000
2011	Jan-Mar	837,000
	Apr-Jun	849,000
	Jul-Sep	843,000
	Oct-Dec	844,000
2012	Jan-Mar	840,000
	Apr-Jun	843,000
	Jul-Sep	848,000
	Oct-Dec	844,000
2013	Jan-Mar	842,000
	Apr-Jun	833,000
	Jul-Sep	844,000
	Oct-Dec	849,000
2014	Jan-Mar	851,000
	Apr-Jun	853,000
	Jul-Sep	850,000
	Oct-Dec	839,000
2015	Jan-Mar	852,000
	Apr-Jun	847,000
	Jul-Sep	843,000

Source: Labour Force Survey

Table 2 Employment and Support Allowance levels, 2010 - 2015

Year	Month	All Claimants	Recipients	Credits Only
2010	February	16,760	14,560	2,200
	May	19,210	17,070	2,130
	August	21,170	18,500	2,680
	November	23,090	20,520	2,570
2011	February	24,700	21,870	2,840
	May	25,810	23,100	2,710
	August	28,130	25,500	2,640
	November	32,290	29,240	3,060
2012	February	36,280	33,020	3,260
	May	44,020	40,240	3,780
	August	49,830	45,990	3,840
	November	57,110	53,740	3,370

Year	Month	All Claimants	Recipients	Credits Only
2013	February	64,100	60,400	3,700
	May	74,190	70,500	3,690
	August	81,340	77,610	3,730
	November	90,650	86,930	3,730
2014	February	96,340	93,060	3,280
	May	103,860	99,950	3,910
	August	111,670	107,190	4,480
	November	113,800	109,090	4,710
2015	February	116,430	111,730	4,690
	May	118,140	113,670	4,470

Source: Department for Social Development

Mr McKay asked the Minister of Finance and Personnel to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.

(AQW 50877/11-16)

Mrs Foster: During the last three full financial years, additional cycling and cycle parking facilities provided to departmental staff and outside departmental buildings, either leased or owned by my Department, are detailed below:

- (i) 7 showers; lighting at 1 covered bicycle rack; and 19 bicycle racks which can accommodate up to 83 bicycles have been provided to departmental staff; and
- (ii) 2 cycle parking facilities have been provided outside 2 departmental buildings.

Mr McGlone asked the Minister of Finance and Personnel to detail how many meetings her Department has had with Cerberus since the sale of Project Eagle.

(AQW 50891/11-16)

Mrs Foster: My Department has arrangements in place whereby my officials meet with representatives of Cerberus on a regular basis, and they have done so on four occasions since the latter half of 2014.

However, it is important to recognise that DFP does not have any formal authority in relation to the regulation of financial services or the monitoring of such activities. That is a matter for the proper regulatory authorities.

The purpose of this engagement is to enable high level discussions in relation to the firm's activities in Northern Ireland. While detailed information regarding guarantees has not been provided to my Department, Cerberus has indicated that the firm will seek to release personal and corporate guarantees as a key part of consensual workout plans with cooperative borrowers.

Mr McGlone asked the Minister of Finance and Personnel, given that a letter of understanding was issued by Cerberus to the Minister of Finance and Personnel and to the First Minister following the sale of Project Eagle to Cerberus stating that no personal guarantees would be called in by Cerberus from cooperative debtors, how she has monitored that commitment since Cerberus obtained the loan book.

(AQW 50892/11-16)

Mrs Foster: My Department has arrangements in place whereby my officials meet with representatives of Cerberus on a regular basis, and they have done so on four occasions since the latter half of 2014.

However, it is important to recognise that DFP does not have any formal authority in relation to the regulation of financial services or the monitoring of such activities. That is a matter for the proper regulatory authorities.

The purpose of this engagement is to enable high level discussions in relation to the firm's activities in Northern Ireland. While detailed information regarding guarantees has not been provided to my Department, Cerberus has indicated that the firm will seek to release personal and corporate guarantees as a key part of consensual workout plans with cooperative borrowers.

Mr McGlone asked the Minister of Finance and Personnel, given that Cerberus issued a letter to the Committee for Finance and Personnel in September 2015 reiterating its fair treatment of debtors in the former NAMA portfolio known as Project Eagle and stating that it had called in less than £200,000 in personal guarantees because of the cooperative nature of most debtors, whether she has asked Cerberus for an update on its call-ins on personal guarantees.

(AQW 50893/11-16)

Mrs Foster: My Department has arrangements in place whereby my officials meet with representatives of Cerberus on a regular basis, and they have done so on four occasions since the latter half of 2014.

However, it is important to recognise that DFP does not have any formal authority in relation to the regulation of financial services or the monitoring of such activities. That is a matter for the proper regulatory authorities.

The purpose of this engagement is to enable high level discussions in relation to the firm's activities in Northern Ireland. While detailed information regarding guarantees has not been provided to my Department, Cerberus has indicated that the firm will seek to release personal and corporate guarantees as a key part of consensual workout plans with cooperative borrowers.

Ms Sugden asked the Minister of Finance and Personnel how many businesses in the Causeway Coast and Glens Council area submitted an appeal to their rates revaluation, following Reval2015; and how many received a (i) successful, and (ii) unsuccessful outcome.

(AQW 50935/11-16)

Mrs Foster: As at 31st October 2015, 237 ratepayers in the Causeway Coast and Glens Council area had submitted an application to the District Valuer following Reval 2015. Of the 142 applications completed, 79 valuations were reduced, 3 valuations were increased; and 60 valuations were not changed.

Mr Agnew asked the Minister of Finance and Personnel what consideration has been given to the establishment of a body, similar to the Central Procurement Directorate, to contract services from the voluntary sector.

(AQW 50961/11-16)

Mrs Foster: Public Procurement Policy requires departments to undertake their procurement with an estimated value above £30k through CPD or a CoPE. All these procurement opportunities are available in the new eTendersNI procurement portal.

Voluntary sector organisations can register on eTendersNI and take advantage of the new system that will notify them of an appropriate tender opportunity.

Mr Dallat asked the Minister of Finance and Personnel to detail (i) the number of civil servants suspended from work in each of the last five years together with a breakdown of the period suspended; (ii) the cost in salaries, national insurance and employer's pension contributions paid to suspended employees; (iii) the cost of substitute workers; and (iv) the number of civil servants reinstated following suspension.

(AQW 51004/11-16)

Mrs Foster: This information is not held centrally, therefore the response relates to DFP only.

(i)

Financial Year	Number of suspensions	Details of Period Suspended (Days)
2011/12	0	
2012/13	1	1 month 23 days
2013/14	0	
2014/15	1	7 months 13 days
2015/16	1	3 months ongoing

(ii) Total Cost to date £31,186.58

(iii) No cost for substitution

(iv) 1 employee reinstated, 1 retired, 1 case ongoing

Mr D Bradley asked the Minister of Finance and Personnel, following the determination by the Pensions Ombudsman in May 2015 and having secured the necessary £133million from the Treasury, to detail when she expects payments to be made to retired members of the Police Pension Scheme and retired members of the Fire Fighters' Pension Scheme.

(AQW 51042/11-16)

Mrs Foster: My Department does not have responsibility for making these payments and I have therefore obtained the following update from the relevant departments. The Department of Justice has advised that the administration of the Pension Ombudsman's ruling is being undertaken by the Northern Ireland Policing Board in its role as Pension Scheme Manager. It is expected it will begin processing cases in December 2015 with a view to completing the process in March 2016. The Department of Health, Social Services and Public Safety has advised that it is currently putting in place arrangements to make payments to the retired officers affected; payments are to issue early in 2016.

Mr Allister asked the Minister of Finance and Personnel whether there are any plans to remove the rates exemption from university owned properties occupied by students.

(AQW 51071/11-16)

Mrs Foster: I have no current plans to remove the rates exemption for university-owned properties occupied by students where that exemption applies under Article 42(2B) of the Rates (Northern Ireland) Order 1977.

All business rates policies are currently being considered in line with the wide ranging review that I announced on 25 October 2015.

Mrs Dobson asked the Minister of Finance and Personnel what action her Department has taken on the issue of equal pay for the PSNI, the Department of Justice and the Northern Ireland Office personnel given that an Assembly motion calling for urgent action on this issue was agreed on 12 October 2015.

(AQW 51079/11-16)

Mrs Foster: When the matter was discussed in the Assembly on Monday 12 October I placed on record my thanks to all staff who worked in the affected areas during very difficult times.

However, as the matter is a cross cutting issue requiring legislation to provide a route for payment and substantial funding would have to be found within already challenging budgets; there is no further action my Department can take and the issue remains firmly with the Executive for consideration.

Mr Craig asked the Minister of Finance and Personnel to detail whether civil servants over 65 years of age can utilize the Voluntary Exit Scheme.

(AQW 51085/11-16)

Mrs Foster: Yes. The Scheme applies to permanent NICS staff regardless of age.

Mr McCausland asked the Minister of Finance and Personnel to detail (i) any plans she has to introduce a Voluntary Exit Scheme for public sector organisations (ii) any agencies or arm's-length bodies which have or will not be included in either the civil service or public sector schemes; and (iii) if so, why they have been excluded.

(AQW 51096/11-16)

Mrs Foster: The Stormont House Agreement (SHA) included public sector voluntary exit schemes to reduce pay-bill costs. The SHA provided flexibility to use up to £700m of capital borrowing to fund a voluntary exit scheme over a period of 4 years with £200m in 2015-16, £200m in 2016-17, £200m in 2017-18 and £100m in 2018-19.

Bodies within scope are core departments and their ALBs and NDPBs. NI Water is considered to be within scope as are further education bodies and schools.

The ONS classification of public bodies (last updated in January 2015) provides background on what constitutes a public body. Those bodies considered not to be in scope include local councils, universities, north/south bodies and voluntary bodies which receive public funding.

Each organisation is responsible for developing its own scheme supported by a business case to address its needs. The terms and conditions of each scheme are governed by the legislation and rules guiding the specific scheme and therefore the terms and conditions may be different between schemes.

Mr Weir asked the Minister of Finance and Personnel to detail the total amount available through Financial Transactions capital in (i) 2015-16; and (ii) 2016-17; and for each year the total amount that is currently unallocated.

(AQW 51126/11-16)

Mrs Foster: Following the November Monitoring Round, the Executive has now allocated all of the £129.3 million ring-fenced Financial Transactions capital available to the Executive in 2015-16.

The Chancellor's Spending Review on 25th November resulted in an allocation to the Executive of £113.6 million ring-fenced Financial Transactions capital for 2016-17. It will be for the Executive to agree allocations to departments through the upcoming Budget process.

Mr Weir asked the Minister of Finance and Personnel to provide further details on what the £2 million Capital DEL allocated to the Rate Rebate Replacement Project will be spent on.

(AQW 51128/11-16)

Mrs Foster: With the implementation of Welfare Reform and Universal Credit, there is a requirement for a new DFP Rate Rebate Scheme replacing Housing Benefit rates arrangements for the majority of working age claimants.

The £2 million Capital DEL allocation is the initial investment required to set up the underpinning infrastructure to deliver the ICT solution for the Rate Rebate Scheme.

Mr Swann asked the Minister of Finance and Personnel to define a prescribed recreation as recognised by Land and Property Services.

(AQW 51191/11-16)

Mrs Foster: The Rates (Northern Ireland) Order 1977 - Article 31 (6) defines prescribed recreation as "...a recreation, whether conducted indoors or outdoors, which in the opinion of the Department demands an appreciable degree of physical effort and which is of a kind specified by the Department, after consultation with the Sports Council for Northern Ireland and with any association which appears to the Department to be representative of district councils..".

The list of prescribed recreations is set out in The Rates (Recreational Hereditaments) Order (Northern Ireland) 2007.

Mr Swann asked the Minister of Finance and Personnel to detail how an activity gains recognition and inclusion as a prescribed recreation in accordance with the Land and Property Service list.

(AQW 51192/11-16)

Mrs Foster: Rating legislation defines prescribed recreation as "a recreation, whether conducted indoors or outdoors, which in the opinion of the Department demands an appreciable degree of physical effort and which is of a kind specified by the Department, after consultation with the Sports Council for Northern Ireland and with any association which appears to the Department to be representative of district councils".

The list of prescribed recreations is set out in subordinate legislation and is reviewed periodically following consultation with the Sports Council for Northern Ireland and other interested bodies. It requires the formal approval of the Assembly through the affirmative resolution procedure.

Mr Swann asked the Minister of Finance and Personnel will she include pigeon racing in the Land and Property Services' list of prescribed recreations, with or without its recognition as a sport, as is the case of camping, recreational walking and wild fowling.

(AQW 51193/11-16)

Mrs Foster: I have no plans to include the activity in the list of prescribed recreations.

This list is for activities that require an appreciable degree of physical effort. I understand the reference point used is a list of activities recognised by the UK Sports Council for the purpose of registering clubs as Community Amateur Sports Clubs (CASCs). These are designated by Sport England who works alongside UK Sport, Sport Northern Ireland, Sport Scotland and Sport Wales to determine what is officially recognised as a sport. Pigeon racing is not found on that list which can be accessed at the following link:

<http://www.sportengland.org/our-work/national-work/national-governing-bodies/sports-that-we-recognise/>

It is worth noting that pigeon lofts which are subject to non-domestic rating, may already be automatically entitled to small hereditament rate relief (commonly known as small business rate relief) which provides discounts ranging from 50% to 20% relief, depending on their size.

Mr McKay asked the Minister of Finance and Personnel to detail the percentage of forms that were sent to non domestic ratepayers asking for information relating to business turnover ahead of the rates revaluation were returned completed.

(AQW 51195/11-16)

Mrs Foster: Land & Property Services requested trading information and accounts from the occupiers of 3,691 properties as part of Revaluation 2015. In response 1,860 forms were returned, which equates to 50.4 per cent.

Mr McKay asked the Minister of Finance and Personnel to detail when the next non domestic revaluation is scheduled.

(AQW 51196/11-16)

Mrs Foster: This will be a matter for the Executive to decide in due course. It is an issue upon which we are currently consulting as part of the Review of Non Domestic Rating System.

I am aware that a number of business organisations are seeking revaluations as frequently as every 3 years. Indeed, I met representatives from the Belfast Chamber of Trade Commerce recently and this subject was discussed. I think there is a lot of merit to having much more regular revaluations, and for this to be written into legislation, however I want to consider the final outcome of the consultation and the views of the DFP Committee before presenting the case for change to the Executive.

Mr McKay asked the Minister of Finance and Personnel what percentage of non domestic properties in Ballycastle town received an increase in their rates this year of over 50 per as a result of the rates revaluation.

(AQW 51278/11-16)

Mrs Foster: The requested information has been compiled using the wards of Ballycastle and Kinbane as an approximate delineation of the town of Ballycastle. Within this area there are 347 non domestic properties. Of these, 59 (17%) had increases of over 50 per cent in their Net Annual Values (NAV) as a result of Revaluation 2015. This data is based solely on NAV and not rate bill. It therefore does not take into account the effect of Exemptions, Empty Premises Relief, Sport &

Recreational Relief, Industrial De-Rating, Small Business Rate Relief, adjusted rate poundages, or eligibility for District Rate Convergence.

Mr Clarke asked the Minister of Finance and Personnel to detail the annual total amount saved by the loan pensioner rate reduction scheme, to the rate payer.

(AQW 51280/11-16)

Mrs Foster: The net amount of Lone Pensioner Allowance awarded in 2014/15, which off-set ratepayer liability, (the latest complete financial year for which information is available) was £5.3 million.

Mr McKinney asked the Minister of Finance and Personnel to detail all bids by all Departments to the November monitoring round.

(AQW 51357/11-16)

Mrs Foster: Details of all bids submitted by departments in the 2015-16 November Monitoring Round are set out in the tables accompanying my Statement to the Assembly on 18 November 2015.

Mr Weir asked the Minister of Finance and Personnel for her assessment of the update of the civil service Cycle to Work Scheme.

(AQW 51364/11-16)

Mrs Foster: The Cycle to Work Scheme continues to be well supported by civil servants, with over 1,900 bicycles having been processed under the scheme since its inception in June 2012. There are currently 512 NICS staff availing of the Cycle to Work Scheme.

My Department is responsible for the HR policy governing the operation of the NICS Cycle to Work Scheme.

Mr Weir asked the Minister of Finance and Personnel to detail what support her Department provides to the civil service Cycle to Work Scheme.

(AQW 51365/11-16)

Mrs Foster: The Cycle to Work Scheme continues to be well supported by civil servants, with over 1,900 bicycles having been processed under the scheme since its inception in June 2012. There are currently 512 NICS staff availing of the Cycle to Work Scheme.

My Department is responsible for the HR policy governing the operation of the NICS Cycle to Work Scheme.

Mr B McCrea asked the Minister of Finance and Personnel whether she plans to publish the Deloitte feasibility study into establishing a Northern Ireland Investment Fund.

(AQW 51375/11-16)

Mrs Foster: I can confirm that the Deloitte feasibility study into establishing a Northern Ireland Investment Fund will shortly be made available via my Department's publication scheme.

Mr B McCrea asked the Minister of Finance and Personnel to detail what evaluation was given to the decision to allocate £10 million of Financial Transactions Capital to Queen's University Belfast.

(AQW 51376/11-16)

Mrs Foster: The allocation to Queen's University was agreed by the Executive in the context of the resources available and competing bids submitted by departments in the November Monitoring Round.

DFP Supply has approved the Business Case for the Queen's University project supported by this allocation.

Mr Ó hOisín asked the Minister of Finance and Personnel whether she plans to install seats in the bus shelters on the Stormont Estate.

(AQW 51436/11-16)

Mrs Foster: Bus shelters are provided at the following locations on the Stormont Estate:

- Parliament Buildings;
- Craigantlet Buildings;
- Castle Buildings; and
- Dundonald House

A number of additional bus stops are located along the bus route through the estate.

DFP has no current plans to install seating in the bus shelters on the Stormont Estate.

Mr McKay asked the Minister of Finance and Personnel how many newborn babies have died as a result of group B strep in each Health and Social Care Trust area, in each of the last five years.

(AQW 51611/11-16)

Mrs Foster: During the five year period 2010 to 2014, one infant death was registered as a result of group B strep. This death was registered in the Belfast Health and Social Care Trust in 2014. Finalised birth data for the 2014 registration year are the latest available.

Mr Agnew asked the Minister of Finance and Personnel what assistance can be given to statutory agencies that may go over budget due to a lack of staff applying for the voluntary redundancy scheme.

(AQW 51749/11-16)

Mrs Foster: It is for departments and their arm's length bodies to manage within agreed budget allocations, taking account of robust assumptions around the impact of the voluntary exit scheme.

The Executive's In-year monitoring process provides an opportunity for departments to bid for any inescapable pressures arising during the course of the year that cannot be managed internally.

Department of Health, Social Services and Public Safety

Ms Sugden asked the Minister of Health, Social Services and Public Safety to detail (i) the value of rebate payments from the Pharmaceutical Price Regulation Scheme (PPRS) since 2014; and (ii) how this money has been spent.

(AQW 47487/11-15)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): Receipts due to Northern Ireland under the terms of the Pharmaceutical Price Regulation Scheme (PPRS) are paid directly by the Department of Health to the Health and Social Care Board. Since 1 January 2014, the apportioned returns to Northern Ireland from the PPRS total £36 m, which includes residual payments from the previous scheme (2009).

PPRS receipts of £16.7 m were received in the 2014/15 financial year and were used to offset £21m growth in expenditure on branded medicines in 2014/15 compared with 2013/14.

PPRS receipts received in 2015/16 are also being used to offset the growth pressure in branded medicines. The HSC Board estimates that it will receive a total of £39m in PPRS receipts for 2015/16. However, it is estimated that the growth pressure for expenditure on branded medicines in 2015/16 will be £43m compared with 2013/14.

Mr Hussey asked the Minister of Health, Social Services and Public Safety to detail the number of hip replacement operations scheduled for (i) July 2015; (ii) August 2015; and (iii) September 2015, broken down by hospital.

(AQW 47520/11-15)

Mr Hamilton: Information on the number of elective hip replacement operations which took place during July, August and September 2015, broken down by hospital site, is shown in the table below.

Hospital Site	Number of elective hip replacement operations carried out		
	July 2015	August 2015	September 2015
Musgrave Park Hospital	69	84	95
Craigavon Area Hospital	20	16	22
Altnagelvin Hospital	22	14	24
Royal Victoria Hospital Trauma Unit			9

Source: HSC Trusts

Mr A Maginness asked the Minister of Health, Social Services and Public Safety to detail the services that (i) have been removed, or (ii) are no longer available from the Mater Hospital in the last ten years.

(AQW 47850/11-15)

Mr Hamilton: In modern healthcare, specialist services increasingly are provided at specific sites within networks of hospitals in order to maximise available resources to provide high quality healthcare. The Belfast Trust's main hospitals are located within relatively close proximity to each other and their services have been configured to deliver the best possible outcomes for patients. The Mater Hospital exclusively delivers ophthalmology macular outpatient services and the regional hepatobiliary surgery service. The following service changes with implications for the Mater Hospital have also been implemented across the Belfast Trust's acute hospital network:

- A single site location for gynaecology and urology services at Belfast City Hospital (BCH) was implemented in 2011/2012; however day cases continue to be provided at the Mater;

- Maternity services changed in April 2013 when a new midwifery led unit was established at the Mater Hospital for straightforward pregnancies, with obstetric care provided for complications or particular medical needs at the Royal Jubilee Maternity Service;
- The implementation of the emergency surgical unit at the Royal Victoria Hospital (RVH) as a single location for emergency surgery was introduced in 2013;
- A single stroke service is to be provided at the RVH. A limited stroke service continues at the Mater;
- As phase 1 of a temporary plan for out of hours services, all out of hours laboratory services will be delivered from the RVH.

In addition the Old See House re-development, located on the Antrim Road, was completed in mid-2014 for psychiatric mental health services. The new mental health community hub incorporates home treatment services and is the base for mental health out-patients, primary and recovery support as well as self harm and personality disorder services.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail all completed or partially completed plans being considered by his Department and the Health and Social Care Boards in relation to the reform and transformation of health and social care services,

(AQW 48097/11-15)

Mr Hamilton: The HSC continuously seeks to improve and reform the delivery of health and social care services. The Department, the Health and Social Care Board (HSCB), the Public Health Agency (PHA) and Health and Social Care Trusts regularly publish plans and strategies on their websites.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to detail (i) all new Information Technology systems installed within his Department; (ii) the initial budget; (iii) the actual cost; (iv) the estimated start date; and (v) the actual start date for each of the last three years.

(AQW 48256/11-16)

Mr Hamilton: No new Information Technology systems have been installed in my Department in the last three years. A number of small systems have been amended or modernised.

Mr McCallister asked the Minister of Health, Social Services and Public Safety how much has been received and is estimated to be received through the Pharmaceutical Price Regulation Scheme (PPRS) rebate payments in (a) 2014/15; (b) 2015/16; and (c) 2016/17.

(AQW 48260/11-16)

Mr Hamilton: Receipts due to Northern Ireland under the terms of the 2014 Pharmaceutical Price Regulation Scheme (PPRS) are paid directly by the Department of Health to the Health and Social Care (HSC) Board.

- (a) In the 2014/15 financial year, the HSC Board received receipts through the PPRS totalling £16.7m, which includes receipts from the 2014 PPRS and the previous scheme (2009). The receipts were used to offset £21m growth in expenditure on branded medicines in 2014/15 compared to 2013/14.
- (b) In this financial year (2015/16), the HSC Board has received receipts to date totalling £19.3m which includes receipts from the 2014 PPRS and the previous scheme (2009). The HSC Board estimates that it will receive a total of £39m in PPRS receipts for 2015/16. Those receipts will be used to offset an estimated £43m growth in expenditure on branded medicines in 2015/16 compared to 2013/14.
- (c) As set out in the PPRS agreement between the Department of Health (London) and the Association of British Pharmaceutical Industry, payment percentages are adjusted annually. The annual payment percentages for 2016 and 2017 are not yet available and so it is not possible to estimate the level of projected PPRS receipts for 2016/17.

Ms Sugden asked the Minister of Health, Social Services and Public Safety when the new draft Strategy on Domestic and Sexual Violence and Abuse will be published; and whether a meeting of the Ministerial Group on Domestic and Sexual Violence is planned to coincide with this.

(AQW 48282/11-16)

Mr Hamilton: While I am aware that the Department of Justice has a number of issues to resolve with the Justice Committee, the strategic development process is now largely complete. In partnership with Minister Ford, I am currently giving active consideration to how my Department can deliver against the aims of the proposed Strategy in this exceptionally difficult financial environment.

As the Strategy must be endorsed by the Inter-Ministerial Group on Domestic and Sexual Violence (IMG) before publication, an IMG meeting will be arranged as soon as Minister Ford and I are agreed on the route for progression.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety to outline any progress that has been made in developing or streamlining the commissioning process.

(AQW 48332/11-16)

Mr Hamilton: I recently announced my plans to end the current arrangements for commissioning health and social care services, giving more operational freedom and flexibility to Trusts to plan and deliver services, while placing firmer strategic control with my Department. This change will reduce bureaucracy in the health and social care system and ensure that the focus is on the delivery of high quality services which result in the best possible outcomes for the people of Northern Ireland.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 47789/11-15, to detail the average waiting times, broken down by Hospital.

(AQW 48607/11-16)

Mr Hamilton: Information on the average waiting time, in weeks, for patients waiting for MRI and CT scans, broken down by hospital site, are shown in the table overleaf.

Regionally consistent information on 'liver scans' is not readily available. Liver scans can be carried out as a CT, MRI or Ultrasound and patients attending scans of the abdomen may or may not be under investigation for liver related symptoms. As such, it is not possible to provide an average waiting time for 'liver scans'.

Average waiting time, in weeks, for patients waiting for a MRI scan or a CT scan, by hospital site.

HSC Trust ^{1,2}	Hospital	Average number of weeks waiting for a MRI scan	Average number of weeks waiting for a CT scan
Belfast Trust	Royal Victoria Hospital	13.0	3.6
	Belfast City Hospital	7.7	8.3
	Mater Hospital	3.0	2.7
	Musgrave Park Hospital	9.8	5.5
	Royal Belfast Hospital for Sick Children	N/A	2.8
Northern Trust ³	Antrim Area Hospital	4.4	9.6
	Causeway Hospital		10.9
	Mid-Ulster Hospital		10.5
South Eastern Trust	Ulster Hospital	6	6
	Lagan Valley Hospital	N/A	6
	Downe Hospital	N/A	5
Southern Trust	Craigavon Area Hospital	7	6
	Daisy Hill Hospital	N/A	4
	South Tyrone Hospital	N/A	6

1 Comparable information broken down by hospital site was not provided by Western Trust.

2 Information from Trusts relates to those waiting during week commencing 26th October 2015.

3 All Northern Trust patients waiting for MRI scans are treated in chronological order from a single waiting list, regardless of where the actual scan is performed; therefore it is not possible to provide a hospital breakdown for this test.

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the proportion of his Departmental budget that goes towards mental health services.

(AQW 49296/11-16)

Mr Hamilton: The spend by Trusts under the Mental Health Programme of Care for the period 2009/10 – 2013/14 (latest available) was as follows:

	£m
2009/10	224.3
2010/11	228.0
2011/12	227.5
2012/13	229.8
2013/14	233.8

Note: Excludes primary care and any investments made directly by PHA and HSCB

Mrs Cochrane asked the Minister of Health, Social Services and Public Safety for his assessment of whether funding shortages will have a significant impact on the ability of patients with suspected or confirmed cancer to access specialist multi-disciplinary teams.

(AQW 49323/11-16)

Mr Hamilton: A recent review of Northern Ireland Cancer Multi-Disciplinary Teams (MDTs), undertaken by the UK National Peer Review Programme which is a national quality assurance programme for NHS cancer services, has not reported risks/concerns over lack of access to MDTs for patients with suspected or confirmed cancer.

Mr Frew asked the Minister of Health, Social Services and Public Safety to detail what action he has taken to address waiting times for appointments for patients suffering with sleep apnoea.

(AQW 50017/11-16)

Mr Hamilton: My Department has made significant investment in the obstructive sleep apnoea service with funding allocated across the region to appoint more staff and provide more treatments during this year and in 2016/17. Action taken to tackle unacceptably high waiting times in the Belfast Trust includes developing additional capacity over the next year. There has also been investment in the Belfast Trust to develop tertiary level sleep services for more complex patients.

Mr McKinney asked the Minister of Health, Social Services and Public Safety what assessment his Department has undertaken in relation to the number of older people on waiting lists for elective care operations and procedures.

(AQW 50128/11-16)

Mr Hamilton: At 30th June 2015 there were 60,127 patients waiting for inpatient admission at HSC hospitals in Northern Ireland. Table 1 below provides a breakdown of those aged 65 or over at 30th June 2015.

Table 1: Number of patients, aged 65 years and over, waiting for inpatient treatment, by age band, at 30th June 2015

	Number of patients, aged 65 years and over waiting for inpatient treatment, by age band, at 30th June 2015				
	65-69	70-74	75-79	80-84	85+
Northern Ireland	5,516	4,787	3,849	2,414	1,320

Source: DHSSPS Inpatient Waiting Times Dataset

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail the proportion of his budget dedicated to mental health services in each of the last five years.

(AQW 50130/11-16)

Mr Hamilton: The spend by Trusts under the Mental Health Programme of Care for the period 2009/10 – 2013/14 (latest available) was as follows:

	£m
2009/10	224.3
2010/11	228.0
2011/12	227.5
2012/13	229.8
2013/14	233.8

Note: Excludes primary care and any investments made directly by PHA and HSCB

Mr Somerville asked the Minister of Health, Social Services and Public Safety to detail the latest waiting times for patients in the South West Acute Hospital.

(AQW 50184/11-16)

Mr Hamilton: Information on the latest waiting times for patients in the South West Acute Hospital is shown in Tables 1-3.

Table 1: Number of patients waiting, in weeks, for outpatient treatment in the South West Acute Hospital, at 27th October 2015

	Number of patients waiting, in weeks, for outpatient treatment in the South West Acute Hospital						Total Waiting
	0-6 weeks	>6-9 weeks	>9-12 weeks	>12-15 weeks	>15-18 weeks	>18 weeks	
Outpatients	1,264	359	303	293	255	1,636	4,110

Table 2: Number of patients waiting, in weeks, for a diagnostic service in the South West Acute Hospital, at 30th September 2015¹

	Number of patients waiting, in weeks, for a diagnostic service in the South West Acute Hospital						Total Waiting
	0-6 weeks	>6-9 weeks	>9-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks	
Diagnostic services	1,770	282	58	#	*	*	2,138

1 Diagnostic waiting list information is only collated monthly

* Cell sizes of less than 5 have been masked due to patient confidentiality

Figure has been suppressed under rules of disclosure

Table 3: Number of patients waiting, in weeks, for inpatient treatment in the South West Acute Hospital, at 27th October 2015

	Number of patients waiting, in weeks for inpatient treatment in the South West Acute Hospital					Total Waiting
	0-6 weeks	>6-13 weeks	>13-21 weeks	>21-26 weeks	>26 weeks	
Inpatients	392	247	170	94	332	1,235

Mr Frew asked the Minister of Health, Social Services and Public Safety what funding his Department and other sources have made available for research into the causes and treatment of sarcoma.

(AQW 50224/11-16)

Mr Hamilton: Health and Social Care (HSC) research is carried out in all Trusts, usually in association with universities. There are a great many sources of funding, including Government, charities and industry. This applies equally to cancer, including sarcoma, as to other aspects of health or care. With the small scale of Northern Ireland, much research is undertaken in collaboration with other centres nationally and internationally.

Locally, our HSC R&D Fund, managed through the Public Health Agency, supports research that focusses on benefits for patients and the population. Funding is provided for the Northern Ireland Cancer Trials Network (NICTN) involving all Trusts. This enables Trusts to employ health care professionals with the skills and experience to deliver high quality clinical research for patients locally who have cancer.

The NICTN has enabled a number of clinical trials for adults and children with sarcoma. Seven studies offering treatment for sarcoma have recruited 33 patients. Currently there are three active trials open to recruitment with a further three scheduled to open within the next few months.

The results of such trials, undertaken locally or elsewhere, are published and presented at conferences so that findings can inform future practice.

Details on clinical trials in the UK are available on the UK Clinical Trials Gateway www.ukctg.nihr.ac.uk

Details on clinical trials across the globe are available on www.clinicaltrials.gov

Ms Sugden asked the Minister of Health, Social Services and Public Safety what discussions he has had with (i) the Health and Social Care Board; (ii) Health and Social Care Trusts; and (iii) independent social care providers, regarding the impact of the increased national living wage on the social care sector.

(AQW 50233/11-16)

Mr Hamilton: The Department has recognised that the domiciliary care sector is currently facing significant challenges, including the introduction of the National Living Wage.

In response to these challenges the Health and Social Care Board has undertaken a regional review of domiciliary care provision in Northern Ireland. It is intended that the review will shape the future direction of domiciliary care provision, taking into account the financial and other challenges facing the sector. During the review the Board consulted with users and carers, trade unions and sector representatives, as well as liaising with Age NI, Patient and Client Council and the Commissioner for Older People for Northern Ireland.

Once my officials have had an opportunity to consider the review they will provide me with recommendations for consideration in due course.

Mr Agnew asked the Minister of Health, Social Services and Public Safety for an update on proposals to permanently close the GP ward at Bangor Community Hospital.

(AQW 50246/11-16)

Mr Hamilton: The South Eastern Health and Social Care Trust's revised model of intermediate care includes a proposal to permanently close the GP Ward at Bangor Community Hospital. Following public consultation the Trust has recommended that the revised model should be implemented. The Health and Social Care Board has assessed and endorsed the revised model. Departmental officials are currently considering the revised model and will submit their advice to me as soon as this work is completed. All other services provided by the hospital continue to operate as normal.

Ms McCorley asked the Minister of Health, Social Services and Public Safety (i) what is the current provision of Elderly Mentally Infirm units in West Belfast; and (ii) whether the funding for the units is secure.

(AQW 50254/11-16)

Mr Hamilton: Colinvale Court, Orchardville House and Ballyowen Residential Care Home provide facilities for the Elderly Mentally Infirm (EMI) in West Belfast.

The Health and Social Care Board has not been informed of any changes to the funding arrangements for either Orchardville House or Ballyowen. Colinvale Court is an independent sector facility.

Mr Easton asked the Minister of Health, Social Services and Public Safety what plans he has in place to address any shortfalls in paediatric or antenatal nursing positions.

(AQW 50277/11-16)

Mr Hamilton: The Department has recently completed a Nursing and Midwifery Workforce Review currently being considered by officials, which highlights evidence of a global shortage of nurses at present and emphasises the need to retain newly qualified nurses to work within Northern Ireland. It makes a series of recommendations to ensure that Northern Ireland becomes a destination Employer of Choice by reviewing recruitment processes and the implementation of pre and post registration education programme forecasts.

Children's Nursing (Paediatric Nursing), has been considered as part of the Workforce Review. In view of the factors impacting on the paediatric workforce, proposed commission forecasts are to increase the numbers of pre-registration training places over the next five years subject to available funding.

The Department also annually funds post registration education for paediatric and neonatal courses to develop the skills and competencies of this workforce.

Additionally, the development of Advanced Nurse Practitioners for Paediatrics is being considered by the Department.

The Department monitors vacancy levels across the Nursing workforce and the most recent available information shows the Paediatric nurse vacancy rate at 2.9% (whole time equivalent). The vacancy rate for Nursing & Midwifery staff as a whole was 4.0%.

Lord Morrow asked the Minister of Health, Social Services and Public Safety to detail the number of (i) ambulance crew; and (ii) fire crew assaulted or attacked while on duty; and of those (iii) how many were unable to report to work for any duration in (a) 2013; (b) 2014; and (c) 2015.

(AQW 50284/11-16)

Mr Hamilton:

- (i) The Table below details the number of reported attacks on Ambulance Crew while on duty in the year 2013, 2014 and 2015.

Year	No of Attacks on Ambulance Crew
2013	340
2014	356
2015	250

- (ii) The Table below details the number of reported attacks on Firefighters while on duty in the year 2013, 2014 and 2015.

Year	No of Attacks on Firefighters
2013	135
2014	99
2015	123

- (iii) Information on the number of ambulance crew who were unable to report to work for any duration in 2013, 2014 and 2015 is not currently available and could only be provided at disproportionate cost.

The Table below details the number of Firefighters attacked while on duty and who were unable to report to work in year 2013, 2014 and 2015.

Year	Firefighters
2013	1
2014	2
2015	2

Mrs Dobson asked the Minister of Health, Social Services and Public Safety, in relation to all funding provided to the Southern Health and Social Care Trust to facilitate a clinical trial of Everolimus at Craigavon Area Hospital, to detail (i) the total amount of funding received; (ii) how this funding was expended; and (iii) how the trial results will be used to improve the care of patients with Tuberous sclerosis.

(AQW 50305/11-16)

Mr Hamilton: Health and Social Care (HSC) research is carried out in all Trusts, sometimes in association with universities. There are a great many sources of funding, including Government, charities and industry. With the small scale of Northern Ireland, much research in relation to less common conditions (such as tuberous sclerosis) is undertaken in collaboration with other centres nationally and internationally.

The results of a clinical trial are subject to scientific peer review prior to publication. If results are positive, they may influence practice by individual clinicians. Trial results will be considered with other relevant information by guideline bodies and may then be incorporated into treatment guidelines, following which uptake of a new treatment will become more widespread.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety to outline the processes adopted by his Department following a motion relating to issues within his departmental remit being passed in the Assembly.

(AQW 50310/11-16)

Mr Hamilton: All health, social services and public safety motions passed in the Assembly and individual members' contributions to the associated debates are noted by my Department.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety how he will address the findings of the Diagnosis Manifesto for Northern Ireland as issued by Pancreatic Cancer UK in September 2015.

(AQW 50311/11-16)

Mr Hamilton: I welcome the contribution of the Diagnosis Manifesto for Northern Ireland published by Pancreatic Cancer UK to increasing public awareness of the disease and highlighting the need for early diagnosis and treatment. The ten points in the publication are already being taken forward in the treatment and care of this illness in Northern Ireland.

One of the recommendations in the Manifesto refers to the publication of Northern Ireland Cancer Patient Experience Survey. This survey was published on 6 October 2015.

Mr Flanagan asked the Minister of Health, Social Services and Public Safety to detail (i) what qualifications or authorisation a person is required to have to provide teeth whitening services; (ii) what regulations exist for people engaged in teeth whitening; (iii) the number of people legally permitted to perform teeth whitening; (iv) whether any action has been taken to address unauthorised people or practices performing teeth whitening; (v) the number of people that have been found and prosecuted for providing teeth whitening services without authorisation; and (vi) what steps his Department will take to protect patients from unauthorised people or practices performing teeth whitening.

(AQW 50346/11-16)

Mr Hamilton: The High Court case of GDC v Jamous (2013) confirmed that tooth whitening is the practice of dentistry and can only be legally performed by a registered dentist or a dental therapist, dental hygienist or a clinical dental technician working to the prescription of a dentist.

In order to be registered, dental professionals must comply with the various legal and professional standards as set by the General Dental Council and other standard-setting bodies.

Numbers of professionals registered with the GDC as legally able to carry out tooth whitening are set out in the table below (figures are correct as of 9.36 am on Thursday 5 November 2015):

Profession	Number of registered practitioners in Northern Ireland
Dentist	1548
Dental Hygienist	114
Dental Therapist	30
Clinical Dental Technician	8

One individual has been prosecuted in Northern Ireland in relation to illegally practicing tooth whitening by unlawfully holding himself out as being prepared to practise dentistry, contrary to section 38 (1) and (2) of the Dentists Act 1984 and unlawfully using the title 'dental therapist', contrary to section 39 (2A) of the Dentists Act 1984.

The regulation of dental professionals and the provision of tooth whitening products are reserved matters over which my Department has no jurisdiction.

Prospective users of tooth whitening services can and should check register of the General Dental Council to ensure that the practitioner is registered to legally perform this treatment.

The GDC also has information for patients considering tooth whitening available at this link:

<http://www.gdc-uk.org/Newsandpublications/Publications/Publications/Considering%20Tooth%20Whitening.pdf>

Mr McKinney asked the Minister of Health, Social Services and Public Safety to detail how he is addressing health inequalities.

(AQW 50378/11-16)

Mr Hamilton: Health inequalities (the different health and wellbeing outcomes experienced by different groups within society) are wholly or partly a result of differences in the wider socio-economic circumstances of people's lives. Reducing health inequalities is therefore an ongoing challenge which goes beyond the remit of my Department, and requires long-term coordinated effort.

At strategic level DHSSPS led the development of the Executive's strategic framework for public health "Making Life Better", published in June 2014, to reinvigorate efforts to improve health and reduce health inequalities. It provides direction for action from Government, to regional and local levels, and in many settings such as communities, workplaces, schools, homes, and health settings. Through strengthened co-ordination and partnership working, a key aim is to create the conditions for individuals, families and communities to take greater control and be enabled and supported to lead healthy lives. Making Life Better (<http://www.dhsspsni.gov.uk/mlb-strategic-framework-2013-2023.pdf>) and the first Progress Report (<http://www.dhsspsni.gov.uk/making-life-better-1st-progress-report-2014-15.pdf>) are available online.

The role of the Health and Social Care sector is also vital. A wide range of projects, programmes and activities are ongoing through Public Health Agency and Health and Social Care Trust programmes - and through partnership working with the statutory, community and other sectors - on a range of issues such as smoking, obesity, home accidents, alcohol and drug misuse, mental health and suicide. These take account of the need to prevent and address health inequalities by taking a population wide approach but also targeting services at those in greatest need.

Mrs Cameron asked the Minister of Health, Social Services and Public Safety for an update on the Stopping Domestic and Sexual Violence and Abuse in Northern Ireland 2013-2020 strategy.

(AQW 50401/11-16)

Mr Hamilton: In partnership with the Department of Justice, I am giving active consideration to how my Department can deliver against the aims of the proposed Domestic and Sexual Violence and Abuse Strategy in the current exceptionally difficult financial environment.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail the number specialist cancer nurses for each cancer type in each of the Health and Social Care Trusts, in each of the last five years.

(AQW 50413/11-16)

Mr Hamilton: Whole-time equivalents (WTE) for Cancer Specialist Nurses are shown in the tables below. Not all Trusts hold figures for all five years.

Belfast HSC Trust

Specialism	WTE		
	2015	2014	2011
Brain	2.0	1.0	1.0
Breast	5.8	7.0	4.57
Colorectal	1.0	1.0	1.0
Dermatology	1.0	0.0	1.0
Gynae	2.0	2.0	1.0
Haematology	3.0	1.0	3.0
Head & Neck	1.0	1.0	1.0
Hepato-Biliary	1.0	0.0	0.0
Lung	2.0	2.0	2.0
Oncology Nurse Practitioner	0.0	0.0	1.0
Sarcoma	1.0	1.0	1.0
Teenagers and Young Adults	1.0	0.0	0.0
Thyroid/Endocrine/Neuroendocrine	1.0	0.0	0.0
Upper GI	2.3	2.0	1.0
Urology	2.0	2.6	1.5
Total	26.1	20.6	19.07

Northern HSC Trust

Specialism	WTE		
	2015	2014	2011
Breast	3.44	3.4	3.4
Colorectal	2.0	0.5	0.0
Haematology	1.0	1.0	0.0
Lung	1.5	1.5	1.5
Total	7.94	6.4	4.9

South Eastern HSC Trust

Specialism	WTE				
	2015	2014	2013	2012	2011
Breast	2.8	2.8	2.8	2.8	3.0
Colorectal	3.93	3.43	3.5	3.5	3.5
Gynaecology	1.0	1.0	1.0	1.0	1.0
Haematology	1.0	1.0	1.0	1.0	1.0
Head and Neck	1.0	1.0	1.0	1.0	1.0
Lung	2.0	2.0	2.0	1.0	1.0
Skin	1.8	1.8	1.8	2.0	2.0
Upper Gastrointestinal	0.5	0.0	0.0	0.0	0.0
Urology	2.0	2.0	2.0	2.0	2.0
Total	16.03	15.03	15.1	14.4	14.5

Southern HSC Trust

Specialism	WTE		
	2015	2014	2011
Acute Oncology	1.5	1.0	1.0
Breast	2.8	2.6	2.5
Colorectal	2	2.0	1.0
Gynaecology	0.5	0.5	0.5
Haematology	1	1.0	1.0
Lung	1.0	1.0	1.0
Malignant Dermatology	1.0	0.0	0.0
Upper Gastro Intestinal	0.5	0.5	0.5
Urology	1.0	0.0	0.0
Total	11.3	8.6	7.5

Western HSC Trust

Specialism	WTE		
	2015	2014	2011
Breast	3.2	3.6	4.0
Clinical Trials	2.0	0.0	0.0
Chemotherapy (CVAD)	1.0	0.0	0.0
Colorectal	1.0	1.0	1.0
Gynae	1.0	0.6	1.0
Haematology	1.0	0.0	1.0
Head & Neck	1.0	1.0	1.0
Lung	1.0	2.0	2.0
Urology	2.0	2.0	2.0
Total	13.2	10.2	12.0

Mr Gardiner asked the Minister of Health, Social Services and Public Safety whether he intends to adopt and implement a tinnitus strategy.

(AQW 50418/11-16)

Mr Hamilton: Action on Hearing Loss (AoHL) produced a Tinnitus Strategy for Northern Ireland last year. Subsequently, in liaison with AoHL my Department and the Health and Social Care Board (HSCB) proposed that there should be a multi-agency group set up to consider the actions contained within the strategy.

Subsequently, these actions, contained within the strategy, can be progressed on a cost neutral basis under the auspices of the Regional Sensory Impairment Group, which was established by the HSCB to take forward the implementation of the Department's Physical and Sensory Disability Strategy and Action Plan (2012-2015).

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail (i) the number of people affected by tinnitus; and for his assessment of how people are currently diagnosed and supported in the health service.

(AQW 50419/11-16)

Mr Hamilton: (i) The Department does not hold this information which could only be provided at disproportionate cost.

(ii) In 2009, the Department produced "A Good Practice Guide – provision of services for Adults with Tinnitus". Action on Hearing Loss subsequently produced a Tinnitus Strategy for Northern Ireland in 2014, which offered helpful suggestions to improve services for patients. These have provided a reference for the broad range of activities currently being taken forward by the HSC Board through the Regional Sensory Impairment Group (RSIG).

These activities do not focus on individual symptoms but rather embrace all of the needs associated with sensory impairment and the provision of holistic care for service users. The various strands of work being progressed by RSIG provide a

framework that helps inform the identification and management of people with sensory impairment, including those with tinnitus symptoms.

The HSC Board, working through the RSIG, is continuing to work with a range of interest groups to address the key issues in the provision of care for tinnitus patients and has prioritised two key areas;

- Raising awareness among the public and healthcare professionals that will enable earlier identification and timely referral to ENT services and provide information to service users to help them understand their tinnitus and develop coping mechanisms.
- Training to enhance the skills of staff within the Sensory Impairment Teams and Audiology Services to provide long-term coping strategies to service users.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 50162/11-16, in which month is the review due for completion.

(AQW 50427/11-16)

Mr Hamilton: We are unable to confirm which month, but can confirm that the review will be completed in the first quarter of 2016.

Ms Maeve McLaughlin asked the Minister of Health, Social Services and Public Safety (i) to detail the cost of the Clinical Excellence Awards scheme in the last five years; and (ii) whether he intends to remove the scheme.

(AQW 50481/11-16)

Mr Hamilton:

- (i) The total cost of the higher and lower level Clinical Excellence Awards over the past 5 financial years is detailed below. These include employer costs of between 25%-27%.

Year	Total cost
2010/11	£13,903,107
2011/12	£12,001,453
2012/13	£10,888,064
2013/14	£10,294,608
2014/15	£8,511,602

- (ii) The modernisation of the Clinical Excellence Scheme forms part of the consultant contract negotiations which are ongoing. No new awards have been made since the 2009/10 awards round; in October 2015 I decided that no new awards would be made for the 2012/13 & 2013/14 awards rounds and the position in respect of 2014/15 – 2015/16 will be consulted on at a later stage. Existing awards continue to be paid as a contractual obligation.

Mr Rogers asked the Minister of Health, Social Services and Public Safety whether he will provide assurances that the Emergency Department service at Daisy Hill hospital will not be reduced in a similar way to those service in the Downe Hospital.

(AQW 50487/11-16)

Mr Hamilton: The Southern Health and Social Care Trust is continuing in its efforts to recruit medical staff to Daisy Hill Hospital's emergency department. In the meantime, a detailed action plan has been agreed which will support continued provision of emergency care on a 24-hour basis in the short term. However, sustaining the service in the medium to long term remains a challenge and the new model will be kept under review by the Trust.

I would not wish to see any reduction in the opening hours of the emergency department at Daisy Hill Hospital. However, my priority is to ensure the highest possible levels of quality and safety in our health and social care services. That includes making sure services are sustainable and safe for the patients who use them.

Mr Clarke asked the Minister of Health, Social Services and Public Safety how many Intervention Therapists there are within the Adult Autism Service, broken down by constituency.

(AQW 50510/11-16)

Mr Hamilton: Health and Social Care is not provided on a constituency basis- each local Health and Social Care Trust has responsibility within its respective area. The number (headcount and whole-time equivalent [WTE]) of intervention therapists employed by each HSC Trust is shown in the table below.

	Headcount	WTE
Belfast	1	0.5
Northern	2	1.2

	Headcount	WTE
South Eastern	3	1.9
Southern	6	4.2
Western	4	4

Notes

- 1 The Belfast, Northern, and South Eastern Trusts note that the clinicians above offer interventions only as part of their role.

Mr McGlone asked the Minister of Health, Social Services and Public Safety, in relation to domiciliary care packages that have been approved by Health and Social Care Trusts and are due to be implemented, to detail how many packages have been outstanding for (i) up to two weeks; (ii) up to four weeks; (iii) up to two months; and (iv) more than two months since being approved, broken down by Health and Social Care Trust.

(AQW 50511/11-16)

Mr Hamilton: Information on the number of domiciliary care packages that have been approved by Health and Social Care (HSC) Trusts which have yet to be implemented, as at 9th November 2015, is detailed in the table below.

Number of Domiciliary Care Packages Waiting¹ to be Implemented at 9th November 2015

HSC Trust	Waiting time				Total
	Less than 2 weeks	2 - 4 weeks	4 - 8 weeks	More than 8 weeks	
Belfast	74	39	40	21	174
Northern	125	81	87	160	453
South Eastern	30	15	19	15	79 [#]
Southern	21	13	9	4	47
Western	1	0	8	29	38 [*]
Northern Ireland	251	148	163	229	791

Source: Health and Social Care (HSC) Trusts

- 1 Includes clients waiting in community and hospital settings for the delivery of their domiciliary care package.
- # Figures include clients who have had the main component of their care package provided but may be waiting on additional assessed and approved increases.
- * 74% of clients have part of their assessed domiciliary care package in place.

Mr Hilditch asked the Minister of Health, Social Services and Public Safety to detail the number of emergency ambulances currently in operation.

(AQW 50513/11-16)

Mr Hamilton: The Northern Ireland Ambulance Service (NIAS) indicate that on 31st October 2015 there were 116 established A&E Ambulances in Northern Ireland. Of which, 58 on average operate during a day shift, and 49 on average operate during a night shift.

Mr Easton asked the Minister of Health, Social Services and Public Safety how much money has been saved through the implementation of Transforming Your Care.

(AQW 50553/11-16)

Mr Hamilton: I refer the member to my response to AQW 47163/11-15.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of people that donated organs in each of the last three years.

(AQW 50558/11-16)

Mr Hamilton: Information on organ donations within Northern Ireland is available from the NHS Blood and Transplant website (www.nhsbt.nhs.uk). The number of organ donors from Northern Ireland hospitals in each of the last three years is detailed in the table below.

	2012/13	2013/14	2014/15
Deceased donors	40	46	48
Living donors	53	60	60
All organ donors	93	106	108

Source: NHS Blood and Transplant

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of people that received an organ transplant in each of the last three years.

(AQW 50560/11-16)

Mr Hamilton: Information is not recorded on the number of people who have received an organ transplant in each of the last three years. The number of organ transplants that have taken place in Northern Ireland in each of the last three years is detailed in the table below.

	2012/13	2013/14	2014/15
Deceased donors	69	72	79
Living donors	54	61	56
All organ donors	123	133	135

Source: NHS Blood and Transplant

Information on organ donations within Northern Ireland is publicly available from the NHS Blood and Transplant website (www.nhsbt.nhs.uk).

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail the number of people on the organ donation register.

(AQW 50561/11-16)

Mr Hamilton: Information on organ donations within Northern Ireland is available from the NHS Blood and Transplant website (www.nhsbt.nhs.uk). The number of people who had opted in to the organ donation register at the end of each of the last three years is detailed below.

2012/13	2013/14	2014/15
548,291	582,554	619,094

Source: NHS Blood and Transplant

Mr Easton asked the Minister of Health, Social Services and Public Safety how many organ transplants have taken place in each of the last three years.

(AQW 50564/11-16)

Mr Hamilton: Information is not recorded on the number of people who have received an organ transplant in each of the last three years. The number of organ transplants that have taken place in Northern Ireland in each of the last three years is detailed in the table below.

	2012/13	2013/14	2014/15
Deceased donors	69	72	79
Living donors	54	61	56
All organ donors	123	133	135

Source: NHS Blood and Transplant

Information on organ donations within Northern Ireland is publicly available from the NHS Blood and Transplant website (www.nhsbt.nhs.uk).

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail the average age of district nurses.

(AQW 50569/11-16)

Mr Hamilton: At 30th June 2015, the average age of a District Nurse (AfC Band 6 and over) was 48.1 years.

District Nurses are nurses who have completed a specialist practice qualification in District Nursing and who are employed at Agenda for Change (AfC) pay band 6 or above. Community staff nurses are qualified nurses who work within district nursing teams and who are employed at AfC Band 5.

Headcount and whole-time equivalent (WTE) figures for District Nurses and community staff nurses working within district nursing teams, as at 30th June 2015, are shown in the table below. Figures exclude bank staff, members of staff with a WTE of less than 0.03 and those on career breaks.

		Community Staff Nurses (Band 5)	District Nurses (Band 6+)
Belfast	Headcount	122	100
	WTE	104.2	87.8
Northern	Headcount	171	50
	WTE	127.8	45.1
South Eastern	Headcount	155	69
	WTE	108.8	63.8
Southern	Headcount	3	77
	WTE	2.2	67.9
Western	Headcount	158	70
	WTE	133.6	61.2

Source: HSC NI Human Resources, Payroll, Travel & Subsistence (HRPTS)

Mr McMullan asked the Minister of Health, Social Services and Public Safety to detail the number of nurses categorised as district nurses by the Department of Health, Social Services and Public Safety that are (i) employed as district nurses; and (ii) employed as community staff nurses.

(AQW 50570/11-16)

Mr Hamilton: At 30th June 2015, the average age of a District Nurse (AfC Band 6 and over) was 48.1 years.

District Nurses are nurses who have completed a specialist practice qualification in District Nursing and who are employed at Agenda for Change (AfC) pay band 6 or above. Community staff nurses are qualified nurses who work within district nursing teams and who are employed at AfC Band 5.

Headcount and whole-time equivalent (WTE) figures for District Nurses and community staff nurses working within district nursing teams, as at 30th June 2015, are shown in the table below. Figures exclude bank staff, members of staff with a WTE of less than 0.03 and those on career breaks.

		Community Staff Nurses (Band 5)	District Nurses (Band 6+)
Belfast	Headcount	122	100
	WTE	104.2	87.8
Northern	Headcount	171	50
	WTE	127.8	45.1
South Eastern	Headcount	155	69
	WTE	108.8	63.8
Southern	Headcount	3	77
	WTE	2.2	67.9
Western	Headcount	158	70
	WTE	133.6	61.2

Source: HSC NI Human Resources, Payroll, Travel & Subsistence (HRPTS)

Mr McKay asked the Minister of Health, Social Services and Public Safety to detail what support his Department is giving to community based suicide prevention groups in North Antrim.

(AQW 50582/11-16)

Mr Hamilton: In this financial year the Public Health Agency has allocated £109k to North Antrim Community Network for suicide prevention projects. A further £576k has been allocated to suicide prevention groups in the Northern area which deliver some services in North Antrim. This includes Community Direct; Aware Defeat Depression; Dare to Stretch; Community Networks; ZEST; Barnardo's; Northern HSC Trust; and the Education Authority NI Youth Service.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for an update on the (i) the community Meals on Wheels service in all Health and Social Care Trusts; and (ii) implementation of the proposed changes within the Western Health and Social Care Trust.

(AQW 50605/11-16)

Mr Hamilton:

- (i) All HSC Trusts continue to provide a community meals service to service users who have no other means of providing their own meals. The South Eastern HSC Trust introduced a new cook chilled service in October 2015.
- (ii) The Western HSC Trust is currently reviewing its community meals service and is exploring options for delivery with guidance from dietetics and food standards professionals. It is aiming to have new arrangements in place by July 2016.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 50112/11-16, (i) to detail the specific suicide prevention services that have targeted at risk groups in each of the last three years; (ii) for his assessment of their effectiveness; and (iii) how he intends to deliver preventative services in future.

(AQW 50606/11-16)

Mr Hamilton: A wide range of groups are at increased risk of suicide including: those bereaved by suicide; people who self harm; people with a mental health condition; prisoners; people in specific occupations; and the long term unemployed. General suicide prevention services are relevant to the needs of these groups. In addition, specific services include:

- (i) bereavement support; intervention for people who self harm; mental health crisis response services; the Card Before You Leave protocol; awareness raising for farmers; outreach for young men; and training for custody and prison staff.
- (ii) The Public Health Agency commissions evidence-based suicide prevention services which are known to be effective and has introduced Quality Standards for the delivery and evaluation of these services.
- (iii) A new strategy is being developed and will be issued for public consultation in 2016. It will be in two parts, the first covering frontline intervention and postvention, and the second covering early intervention to promote mental health.

Ms Sugden asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 48792/11-16, to detail which of the eighteen strategic priorities remain outstanding; and whether (i) data; and (ii) indicators have been identified to measure progress against each of the priorities.

(AQW 50607/11-16)

Mr Hamilton: Since the publication of the Executive's Disability Strategy in February 2013, Government departments have taken forward a number of actions to improve the lives of people with disabilities. These actions are highlighted in the first report on the implementation of the strategy, which is available on our Department's website at: <http://www.ofmdfmi.gov.uk/disability-strategy-report-2013-2014.pdf>

In May of this year, we extended the lifetime of the Strategy until March 2017 to ensure that focus remains, and to give additional time for priority areas in the strategy to be progressed.

Following a public consultation exercise, we are currently developing a set of indicators to measure progress on the implementation of the Strategy.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety to detail how much has been spent on mental health provision in each of the last ten years.

(AQW 50609/11-16)

Mr Hamilton: Expenditure by the Health and Social Care Trusts in the Mental Health Programme of Care in the last ten years available was:

	£m
2004/05	169.4
2005/06	178.9
2006/07	187.2

	£m
2007/08	195.7
2008/09	221.4
2009/10	224.3
2010/11	228.0
2011/12	227.5
2012/13	229.8
2013/14	233.8

Source Trust Financial Returns. Excludes primary care and any investments made directly by PHA and HSCB.

Mr Allen asked the Minister of Health, Social Services and Public Safety what plans he has to update the Mental Health (Northern Ireland) Order 1986 to ensure that it is applicable in 2015.

(AQW 50615/11-16)

Mr Hamilton: The Mental Capacity Bill, introduced in the Assembly on 8 June 2015, will, once commenced, replace the Mental Health (Northern Ireland) Order 1986 for persons aged 16 and over. It will also insert new safeguards into the amended Mental Health (Northern Ireland) Order 1986 for persons under the age of 16.

Mr Rogers asked the Minister of Health, Social Services and Public Safety whether he has given any consideration to the introduction of a cardiac testing program for the early diagnosis of Atrial Fibrillation.

(AQW 50637/11-16)

Mr Hamilton: Screening for atrial fibrillation (AF) in people aged 65 and over has been considered by the UK National Screening Committee (NSC), an expert body that advises the four UK Health Departments on screening programmes. In July 2014 the NSC recommended that screening for atrial fibrillation should not be offered. This is because;

- the treatment and care for people with AF is not optimal;
- better evidence is needed about whether AF detected at screening carries the same long term risk of stroke as AF found in the context of other conditions; and
- the test needs to be improved and standardised.

The UK NSC will be commissioning an update review of any new evidence in 2017/2018. I will consider any advice from the NSC when it is made available.

Mr Rogers asked the Minister of Health, Social Services and Public Safety to detail what support his Department is giving to suicide prevention groups specifically targeted at 17-18 year olds within South Down.

(AQW 50639/11-16)

Mr Hamilton: In 2015/16 the Public Health Agency provided funding of £70k to MACS for mentoring and one to one support for young people aged 16-25. £20k was also provided to Start 360 for mentoring support for 20 young people aged 11-25 who are at risk of suicide and self harm. A range of further suicide prevention services in the South Down area are open to all age groups.

Mr Gardiner asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 48170/11-15, to detail why this information could only be provided at a disproportionate cost.

(AQW 50668/11-16)

Mr Hamilton: Information at this level of detail is not held centrally and its extraction would involve a significant manual and time consuming exercise being undertaken across the Department and all of its Arm's Length Bodies.

Mr Ó hOisín asked the Minister of Health, Social Services and Public Safety, pursuant to AQW 48569/11-16, for an update on the business case for the Dungiven Fire and Rescue Service Station.

(AQW 50703/11-16)

Mr Hamilton: Due to current budgetary constraints the Northern Ireland Fire and Rescue Service will not be progressing the Dungiven business case in this financial year.

Mr McKinney asked the Minister of Health, Social Services and Public Safety for his assessment of the levels of addiction and suicide in the Foyle constituency; and whether he has plans to establish or expand services in the area.

(AQW 50710/11-16)

Mr Hamilton: There is a strong relationship between non-fatal acts of self-harm and suicide. A Self harm Registry was established in the Western Health and Social Care Trust (WHSCT) area in 2007 to collect data on attendances at Emergency Departments as a result of an act of self harm or suicide behaviour. The Public Health Agency recently published a comprehensive report on the prevalence of self-harm in the WHSCT for 2007-12. During this period there were 8,175 self-harm presentations to hospitals, involving 4,733 individuals giving an incidence rate of 342 presentations per 100,000 of the population – over 60% higher than that in the Republic of Ireland. To address this issue a self harm intervention project was established involving a local community group and Altnagelvin Hospital to provide follow up counselling for people who attended the Emergency Department as a result of self harm. There were 19 deaths by suicide in Foyle constituency in 2014.

The link between substance misuse and suicidal behaviours is well established, and the Protect Life suicide prevention strategy has identified alcohol and drug misuse as a key target area in its action plan. Alcohol and drug abuse may lead to suicide attempts through disinhibition, impulsiveness and impaired judgment. Data from the Self-harm Registry would indicate that over 60% of individuals who attend the Emergency Department in the Western area had consumed alcohol. According to the NI Health Survey (2011/12) more than one in four people in the West (26%) consume more than the recommended number of units per week.

The Public Health Agency provides education and prevention, treatment and support services to address alcohol and drug misuse across all population groups. In this financial year, the PHA has invested £465k in a range of suicide prevention, self harm and mental health promotion initiatives within the WHSCT area. A further estimated £100k will be invested in a small grants programme. In addition, the PHA spending in respect of Alcohol and Drugs in the area is approximately £1,164,000

Mr McKay asked the Minister of Health, Social Services and Public Safety what actions his Department has taken to improve uptake of the cycle to work scheme.

(AQW 50725/11-16)

Mr Hamilton: The Cycle to Work Scheme is now an established NICS wide scheme and continues as an open ended scheme which has been available to all Civil Servants since February 2013.

Bicycle parking facilities are available for staff in my Department who cycle to work.

Mr Lyttle asked the Minister of Health, Social Services and Public Safety for an update on the Families Matter Strategy.

(AQW 50734/11-16)

Mr Hamilton: The Families Matter strategy emphasised the need to prioritise early intervention and prevention services to support parents and families in Northern Ireland. The strategy acts as a framework for delivery of family support services and focuses on joint and partnership working at strategic and operational levels. My Department allocated £2.8m funding to deliver services in support of the aims and objectives of Families Matter under four themes: information for parents and service planners; access to services; supporting families and parents; and working together for families and communities. Key developments under implementation of the strategy include: the creation of a family support website, which receives up to 30,000 hits per month; and the development of a network of 27 Family Support Hubs across Northern Ireland. The Early Intervention Transformation Programme, which is led by my Department and supported by five other government departments, is also delivering the early intervention aims of Families Matter.

Mr Swann asked the Minister of Health, Social Services and Public Safety to detail what nutritional protocols apply when a patient is unable to feed themselves in hospital.

(AQW 50736/11-16)

Mr Hamilton: The Promoting Good Nutrition Strategy outlines that all people who need assistance with eating and drinking should be given this support when required. The Malnutrition Universal Screening Tool is used as part of the nursing assessment to identify patients who need support. There are variable models to provide assistance, across the region and if appropriate patients can have assessment and provision of equipment to assist them with eating.

Some Trusts have a number of volunteers trained in providing assistance with meals. All registered and non-registered nursing staff receive training commensurate with their role to support patients who are unable to feed themselves.

In the case where some patients may be unable to take food by mouth or it is necessary for medical reasons for them to receive nutrition by either enteral feeding (directly into the gut via a tube) or parenteral feeding (through an intravenous line) there are professional and clinical guidelines and standards for this to ensure that patients receive nutrition which is appropriate to their individual needs.

Ms Sugden asked the Minister of Health, Social Services and Public Safety for an update on (i) dementia; and (ii) early intervention transformation programmes under the Delivering Social Change initiative.

(AQW 50753/11-16)

Mr Hamilton: Progress is being made across each of the work streams in the Delivering Social Change Dementia initiative. Scoping exercises have now been completed for all of the work streams including:

- (i) awareness raising , information and support; training of staff; and short breaks respite and support to carers; and the recruitment of ten dementia navigators is underway.

- (ii) The Early Intervention Transformation Programme continues to make good progress as its workstreams are well established and a number of projects are now delivering services to embed early intervention approaches for the purpose of improving the lives of children in Northern Ireland.

Mr Swann asked the Minister of Health, Social Services and Public Safety to detail (i) the number of patient deaths recorded in each Health and Social Care Trust where malnutrition in a hospital setting is suspected of being a factor in their death since January 2015; and (ii) how many patients deaths in hospitals in the Northern Health and Social Trust area are currently being investigated to determine whether malnutrition arising during a hospital stay may have been a factor in their death.

(AQW 50801/11-16)

Mr Hamilton: The information requested for part (i) of the question is not recorded by Health and Social Care Trusts. For part (ii), the Northern Health and Social Care Trust are currently considering a complaint where concerns have been raised regarding the care of a deceased patient including issues involving their nutrition.

Mr Rogers asked the Minister of Health, Social Services and Public Safety for a breakdown of the gender balance on each of his Department's publicly appointed boards and arm's-length bodies.

(AQW 50872/11-16)

Mr Hamilton: The breakdown of the gender balance on each of the Department's publicly appointed boards and arms length bodies is as follows:

Name of ALB	Males	Females	Total
Business Services Organisation	7	2	9
RQIA	8	5	13
Belfast HSC Trust	4	4	8
South Eastern HSC Trust	5	2	7
Northern HSC Trust	3	2	5
Southern HSC Trust	2	5	7
Western HSC Trust	3	4	7
NI Ambulance Service Trust	6	0	6
HSCB	6	2	8
NIBTS	3	1	4
NIFRS	7	1	8
NIGALA	3	2	5
NIMDTA	5	0	5
NIPEC	3	8	11
NISCC	5	7	12
PCC	6	8	14
PHA	6	1	7
SBNI	2	1	3
Total	84	55	139

Mr Flanagan asked the Minister of Health, Social Services and Public Safety (i) for his assessment of whether there is an over reliance on the supply of nurses on an ad-hoc basis through nursing banks and agencies; (ii) what action he will take to address over reliance on nursing banks and agencies; and (iii) whether there is a need for workforce planning that is based on health needs and strategic priorities rather than financial considerations.

(AQW 51127/11-16)

Mr Hamilton:

- (i) The use of agency and bank nurses is necessary to ensure that safe and effective services are sustained for patients. It is essential that the costs associated with agency, locum and bank staff are established on a sustained, financially stable basis.
- (ii) It is an important policy aim for the health service, to endeavour to reduce expenditure on agency, locum and bank staff. Costs for agency and locum staff have been rising significantly over the last number of years to a point where

that position is no longer financially sustainable in the short to medium term. HSC Trusts have therefore been asked to examine reliance upon agency staff and my Department will continue to monitor expenditure closely and consider options to further reduce spend in this area.

- (iii) Workforce planning is about ensuring that the Health and Social Care sector has the people we need when we need them. My Department undertakes workforce planning to ensure that the workforce meets the needs of today's patients whilst delivering the future workforce in a way that not only maintains staffing levels, but supports the health service in order to improve the quality of care and deliver strategic health priorities.

Mr Beggs asked the Minister of Health, Social Services and Public Safety to detail (i) the number of applications received; (ii) how much was awarded and distributed by the Family Fund in each of the last three years; and (iii) how much funding will be available in the 2016-2017 financial year.

(AQW 51215/11-16)

Mr Hamilton: (i & ii) The data in the table below was provided by the Family Fund (FF) who administer and process grant applications.

Year	Applications Received	Awarded by DHSSPS	Distributed by FF*
2012/2013	3,720	1,576,212	1,683,444
2013/2014	3,053	1,576,212	1,693,631
2014/2015	4,479	1,572,106	1,679,593

* The amount distributed by FF is higher than the amount provided by the Department as the Family Fund realises additional income by using a range of suppliers to fulfil its grant support and this ensures that discounts and rebates from suppliers can be utilised as grant income to support more families.

- (iii) It is not possible at this stage to advise on the funding allocation for the FF for 2016/17 as the budget has not been agreed.

Department of Justice

Mrs Hale asked the Minister of Justice how many persons charged with paramilitary activity or criminality are on bail; and how many of those have broken their bail conditions and been returned to jail.

(AQW 50930/11-16)

Mr Ford (The Minister of Justice): On 4 November 2015 there were 22 defendants on bail who were charged with an offence relating to paramilitary activity¹. That is the latest date for which information is readily available. No defendants charged with paramilitary activity had broken their bail conditions and been returned to jail at this time.

There are no criminal offences relating specifically to paramilitary criminality. The identification of such activity within generic criminal charges would require a manual trawl of court records, an exercise that would incur a disproportionate cost.

¹Relates to defendants charged with at least one offence contrary to the Terrorism Act (2000), the Terrorism (Northern Ireland) Act (2006) or the Counter Terrorism Act (2008).

Lord Morrow asked the Minister of Justice how many preliminary investigations and mixed committals are within the court system, broken down by court division.

(AQW 51007/11-16)

Mr Ford: As of 18 November 2015 the number of preliminary investigations and mixed committals within the court system, broken down by court division, is detailed in the table below.

Court Division	Number of Preliminary Investigations and Mixed Committals ¹
Antrim	1
Ards	1
Armagh and South Down	1
Belfast	6
Craigavon	1
Fermanagh and Tyrone	3
Grand Total	13

1. These figures relate to cases with a hearing date on or after the 19 November 2015

The additional costs incurred by the Northern Ireland Courts and Tribunal Service in non-legally aided preliminary investigations and mixed committals are funded within the existing judicial and administrative resources of NICTS and are not separately identifiable. Similarly, the collective additional costs associated with staff and judiciary cannot be separately identified.

Lord Morrow asked the Minister of Justice who meets the additional costs incurred by the court service in non-legally aided preliminary investigations and mixed committals.

(AQW 51008/11-16)

Mr Ford: As of 18 November 2015 the number of preliminary investigations and mixed committals within the court system, broken down by court division, is detailed in the table below.

Court Division	Number of Preliminary Investigations and Mixed Committals ¹
Antrim	1
Ards	1
Armagh and South Down	1
Belfast	6
Craigavon	1
Fermanagh and Tyrone	3
Grand Total	13

1. These figures relate to cases with a hearing date on or after the 19 November 2015.

The additional costs incurred by the Northern Ireland Courts and Tribunal Service in non-legally aided preliminary investigations and mixed committals are funded within the existing judicial and administrative resources of NICTS and are not separately identifiable. Similarly, the collective additional costs associated with staff and judiciary cannot be separately identified.

Lord Morrow asked the Minister of Justice what has been the collective additional cost to Courts and Tribunal Service of additional staff, judges, and other considerations for preliminary investigations and mixed committals in each of the last three years, broken down by court division.

(AQW 51010/11-16)

Mr Ford: As of 18 November 2015 the number of preliminary investigations and mixed committals within the court system, broken down by court division, is detailed in the table below.

Court Division	Number of Preliminary Investigations and Mixed Committals ¹
Antrim	1
Ards	1
Armagh and South Down	1
Belfast	6
Craigavon	1
Fermanagh and Tyrone	3
Grand Total	13

These figures relate to cases with a hearing date on or after the 19 November 2015

The additional costs incurred by the Northern Ireland Courts and Tribunal Service in non-legally aided preliminary investigations and mixed committals are funded within the existing judicial and administrative resources of NICTS and are not separately identifiable. Similarly, the collective additional costs associated with staff and judiciary cannot be separately identified.

Mr Flanagan asked the Minister of Justice what regulations control the use of firearms for game hunting near residential properties or areas.

(AQW 51121/11-16)

Mr Ford: There are no regulations which control the use of firearms for game hunting near residential properties or areas. There will be a condition attached to a firearm certificate requiring that the holder must ensure that the land over which he

intends to shoot is suitable for the firearm and its use presents no danger to public safety. In addition, the firearm certificate holder must have the consent of the landowner to shoot over the land.

Mr Flanagan asked the Minister of Justice, pursuant to AQW 50334/11-16, how many prisoners have self-identified as transgender in the last five years.

(AQW 51161/11-16)

Mr Ford: No prisoners committed to prisons in Northern Ireland have self-identified as transgender in the last five years.

Lord Morrow asked the Minister of Justice what is the criteria for HMP Magilligan prisoners to qualify to avail of the Skype facility.

(AQW 51173/11-16)

Mr Ford: Skype is currently only available to eligible prisoners residing in the Foyleview Unit.

Foyleview holds prisoners close to the end of their sentence who have made constructive use of their time in prison.

Lord Morrow asked the Minister of Justice, pursuant to AQW 50835/11-16, to obtain and place a copy of the report, with any necessary redactions, in the Assembly library.

(AQW 51175/11-16)

Mr Ford: There is no report of the disciplinary investigation by the Professional Conduct Committee of the Bar Council. The role of that Committee is to determine if there is a case to answer on a breach of the Code of Conduct. In cases where there is such a finding, disciplinary proceedings will be heard by a specially constituted panel including a lay person and a barrister, chaired by High Court Judge. These proceedings are held in public and a written decision issued. In cases where the Professional Conduct Committee determines that there is no case to answer, the complainant and barrister are notified in writing of that decision and the reasoning. The complainant has a right to appeal and request a re-consideration.

I am advised that the Professional Conduct Committee has not completed its investigation of this particular matter.

The Member may wish to contact the Bar directly on this matter.

Mr Gardiner asked the Minister of Justice to detail the legal aid paid in the case of David McConaghie broken down by (i) law firm; (ii) junior counsel; and (iii) senior counsel.

(AQW 51234/11-16)

Mr Ford: To date, the Legal Services Agency has not received a claim for payment from the legal team.

Lord Morrow asked the Minister of Justice what is the current maximum penalty for (i) common assault; (ii) assault occasioning actual harm; and (iii) grievous bodily harm, in summary and indictable disposal.

(AQW 51256/11-16)

Mr Ford: The current maximum penalties under the Offences against the Person Act 1861, as amended, are outlined below.

Common assault on summary conviction carries a maximum penalty of six months imprisonment or a level three fine (£1,000). If tried on indictment, it carries a maximum penalty of two years, or an unlimited fine or both. In certain circumstances, the indictable offence of common assault may be tried summarily, with the consent of the prosecutor and defendant. In this circumstance, the maximum penalty would be 12 months, or a fine not exceeding the statutory maximum (£5,000), or both.

The offence of assault occasioning actual bodily harm (AOABH) carries a maximum penalty if tried on indictment of seven years, or an unlimited fine, or both.

Under Article 45 of and Schedule 2 to the Magistrates' Courts (Northern Ireland) Order 1981, AOABH offences may also be tried summarily, with the consent of the prosecutor and defendant. When tried summarily, the maximum penalty is 12 months, or a fine not exceeding the statutory maximum (£5,000), or both.

Wounding or causing grievous bodily harm (GBH) carries a maximum penalty on indictment of seven years, or a fine, or both. It may also be tried summarily with the consent of the prosecutor and defendant, in which case it attracts a maximum penalty of 12 months, or a fine not exceeding the statutory maximum (£5,000), or both.

Wounding or causing GBH with intent to cause GBH or to resist apprehension is an indictable only offence which carries a maximum penalty of life imprisonment and/or an unlimited fine.

Lord Morrow asked the Minister of Justice how many criminal cases are currently stymied as a result of lawyers coming off record, or refusing to act as a result of the new legal aid fees, broken down by (i) alleged offence; and (ii) court division.

(AQW 51257/11-16)

Mr Ford: As of the 19 November 2015 there were 531 cases relating to 629 defendants, where either the solicitor or counsel came off record or the defence has been unable to engage counsel due to the Legal Aid dispute. These cases are at various stages before the Crown Court ranging from committal through to cases awaiting arraignment.

The figures below set out the alleged offences pertaining to the 629 defendants by court division.

Charge Type	Court Division							Total
	Antrim	Ards	Armagh and South Down	Belfast	Craigavon	Fermanagh and Tyrone	Londonderry	
All Offences Against the Person	12	9	4	12	12	11	16	76
All Sexual Offences	11	4	3	20	5	6	11	60
All Burglary Offences	1	4	2	2	4	4	2	19
All Robbery Offences	0	0	1	5	1	0	2	9
All Theft Offences	4	4	1	8	4	11	3	35
All Fraud and Forgery Offences	8	1	2	12	7	2	7	39
All Criminal Damage Offences	0	3	0	2	0	1	2	8
All Offences Against the State	4	0	0	1	0	0	1	6
All Other Offences	3	2	0	3	2	1	3	14
All Drug Offences	6	10	11	12	14	2	21	76
All Motoring Offences	2	4	2	6	3	3	2	22
All Breach	0	3	0	8	3	0	1	15
Combination of charges	28	40	25	72	32	24	29	250
Total	79	84	51	163	87	65	100	629

Lord Morrow asked the Minister of Justice (i) to list the reductions of services at each courthouse that has been proposed for closure, which have been imposed as cost saving measures; (ii) whether full operational standards continue to be met; (iii) whether these reductions in services are active across other facilities not earmarked for closure; and (iv) whether there is a deliberate running down of services in proposed closure facilities.

(AQW 51259/11-16)

Mr Ford:

- (i) There has been no reduction in operational services at any of the courthouses proposed for closure.

There are numerous contracted services that will naturally be reduced if the proposed courthouses are closed. These include Security and Ancillary Services, Office Cleaning, Contract Messengers & Portering Services, Vending Machines, File Transfer, Window Cleaning, Postal Services, Confidential Waste disposal, Dry Recycling and general waste disposal, Electricity, Oil and Gas, Contract Computer Services including printers, Jury Meals, Telephone Rental, Water Charges and Planned Preventative Property Maintenance- which excludes statutory obligations.

- (ii) NICTS performance standards have not been revised in the context of the proposals for rationalisation and performance remains consistent across all divisions.
- (iii) There will be no reduction in contracted services across any venues not proposed for closure as part of the Court rationalisation programme.
- (iv) No contracted services are being deliberately run down in the proposed closure of facilities in advance of the Minister's decision.

Mr McKinney asked the Minister of Justice to detail the number of people convicted and imprisoned for not paying their TV licence in the last twelve months.

(AQW 51286/11-16)

Mr Ford: Offences in relation to TV licensing may be prosecuted under the Communications Act 2003. No one can receive a custodial sentence for non-payment of the television licence fee, as legislation specifies that the maximum penalty for this offence is a fine. However, non-payment of this fine can result in a custodial sentence. In 2014, the most recent period for which information is available, one individual was imprisoned for defaulting on a fine imposed for non-payment of the television licence fee.

Lord Morrow asked the Minister of Justice what is the current maximum penalty for assaulting a police officer in both summary and indictable disposal.

(AQW 51341/11-16)

Mr Ford: The Police (Northern Ireland) Act 1998 provides for the offence of assaulting a police officer and the associated penalties.

On summary conviction, the maximum penalty is six months imprisonment, or a fine not exceeding the statutory maximum, or both.

On conviction on indictment, the maximum penalty is two years imprisonment, or an unlimited fine, or both.

As well as the offence under the Police (Northern Ireland) Act 1998, it is open to the prosecution to bring charges for any other offence, such as assault occasioning actual bodily harm or grievous bodily harm, if the prosecution believes these offences have been committed.

Mr Givan asked the Minister of Justice why gates were not erected outside HMP Maghaberry main entrance following the first republican protest.

(AQW 51388/11-16)

Mr Ford: The Maghaberry Prison site is secured by a perimeter fence and gates which have been in place since the prison opened.

Mr Givan asked the Minister of Justice to detail the procedure for gate closures at HMP Maghaberry if prior notice or information is learnt about a protest.

(AQW 51389/11-16)

Mr Ford: The Northern Ireland Prison Service does not comment on security matters.

Mr Givan asked the Minister of Justice who requested the introduction of a safety journal into each location within HMP Maghaberry; and why this measure was not introduced.

(AQW 51390/11-16)

Mr Ford: The matter of a Safety Journal was raised by a Prison Officer Association representative at a Whitley Sub Group meeting in January 2010. A pilot scheme was agreed and implemented in April 2010.

The scheme was piloted for three months in Foyle House, Maghaberry and extended for a further three months in Braid House.

The matter was discussed again at the March 2011 Whitley meeting. As there had only been one entry which would have been dealt with through normal procedures the Prison Officers Association then formally requested that the pilot be discontinued and the Whitley Committee agreed to this.

Mr Givan asked the Minister of Justice whether provision can be made to permit unannounced visits to HMP Maghaberry by MLAs or the Minister, rather than await availability of the Prison Inspectorate.

(AQW 51391/11-16)

Mr Ford: Requests for general interest visits from an elected representative are subject to the approval of the Governor following consultation with my Department.

Some administrative notice is required. However, every effort is made to facilitate visits and MLAs, including Justice Committee members, have visited Maghaberry Prison recently.

Mr Givan asked the Minister of Justice how many staff warnings were issued to those who reported work related stress within each prison site, in each of the last three years.

(AQW 51392/11-16)

Mr Ford: This information cannot be provided without disproportionate costs being incurred as a manual examination of each individual case would be required.

Mr Easton asked the Minister of Justice how many prison officers are employed by the Prison Service.

(AQW 51412/11-16)

Mr Ford: There were 1305 prison officers employed by NIPS on 1 November 2015, which, due to a number working part time hours, equates to 1278.43 Full Time Equivalents (FTE).

Mr Ross asked the Minister of Justice when the investigation into the cause of the Erne House fire at HMP Maghaberry will be concluded.

(AQW 51595/11-16)

Mr Ford: An independent inquiry has been commissioned into the cause and management of the fire at Erne House, and what lessons can be learnt for the future.

A senior governor from the National Offender Management Service is conducting this work and is expected to report by the end of 2015.

Mr Ross asked the Minister of Justice how many prisoners have been transferred from local prisons to prisons in Great Britain in each of the last five years.

(AQW 51601/11-16)

Mr Ford: Over the last five years a total of 11 prisoners have transferred from local prisons to prisons in Great Britain and a total of 46 prisoners have transferred from prisons in Great Britain to local prisons. The annual breakdown is set out in the table below.

Calendar Year	To Northern Ireland from Great Britain	To Great Britain from Northern Ireland
2011	8	2
2012	7	1
2013	12	2
2014	6	4
2015	13	2
Total	46	11

Mr Ross asked the Minister of Justice how many prisoners have been transferred from prisons in Great Britain to local prisons in each of the last five years.

(AQW 51602/11-16)

Mr Ford: Over the last five years a total of 11 prisoners have transferred from local prisons to prisons in Great Britain and a total of 46 prisoners have transferred from prisons in Great Britain to local prisons. The annual breakdown is set out in the table below.

Calendar Year	To Northern Ireland from Great Britain	To Great Britain from Northern Ireland
2011	8	2
2012	7	1
2013	12	2
2014	6	4
2015	13	2
Total	46	11

Lord Morrow asked the Minister of Justice, pursuant to AQW 51043/11-16, what percentage of these costs the NI Legal Aid Agency will seek to recover.

(AQW 51616/11-16)

Mr Ford: Under the Criminal Legal Aid (Recovery of Defence Costs Orders) Rules (Northern Ireland) 2012, the Agency may seek to recover the full costs for Crown Court proceedings.

The Legal Services Agency is seeking 100% of the costs incurred for Mr Seales defence before the Crown Court.

Mr McCallister asked the Minister of Justice how his Department will respond to the determination by Mr Justice Horner in the Belfast High Court that abortion legislation in Northern Ireland is in breach of Human Rights law.

(AQW 51718/11-16)

Mr Ford: The judgment given in the High Court on 30 November is lengthy and complex and one which requires careful consideration.

As there are further steps in the legal process still to be completed, it would not be appropriate for me to comment on the detail, or the impact, of the judgment at this early stage.

However, one of the conclusions reached by the Court aligns with my policy proposal to amend the law to provide for abortion in cases of fatal fetal abnormality. The Member will be aware that on 1 June I presented proposals to the Executive seeking agreement to introduce legislation to make this change. I am not yet in a position to assess what impact the judgment will have on this proposal until the court has ruled on whether or not it will make a declaration of incompatibility.

Ms Sugden asked the Minister of Justice what discussions he has had with the PSNI regarding the recent security alerts in rural areas of the North West.
(AQW 51719/11-16)

Mr Ford: I have regular discussions with the PSNI on security related matters. I last met the Chief Constable on 24 November. A further meeting is arranged for 10 December.

Mr Ó hOisín asked the Minister of Justice what discussions he has had with the PSNI regarding the recent security alerts in the North West.
(AQW 51757/11-16)

Mr Ford: I have regular discussions with the PSNI on security related matters. I last met the Chief Constable on 24 November. A further meeting is arranged for 10 December.

Department for Regional Development

Mr Eastwood asked the Minister for Regional Development to detail the budget available for maintaining road markings in the Foyle constituency.
(AQW 49294/11-16)

Miss M McIlveen (The Minister for Regional Development): My Department is increasing routine maintenance operations as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before all the backlog will be cleared.

Therefore, I expect that resource levels will increase over the coming weeks and this will allow the backlog of road repairs to be addressed.

Mr G Robinson asked the Minister for Regional Development what plans there are to resurface the Seacoast Road, Limavady, from the Lisnakilly roundabout to the junction with Lomond Road.
(AQW 50355/11-16)

Miss M McIlveen: My Department's engineers have identified three locations on this stretch of Seacoast Road which would benefit from resurfacing schemes. I am pleased to confirm that the highest priority scheme known as "Cornfields North" which extends the resurfacing carried out in February 2014 by some 780 metres towards Lisnakilly roundabout has commenced. Preparatory works are underway with resurfacing expected to be complete in four to five weeks time.

Further resurfacing works on this stretch of Seacoast Road will be reassessed and prioritised against other competing resurfacing demands when further additional funding becomes available.

Mr Gardiner asked the Minister for Regional Development to detail (i) how many planned ministerial meetings were cancelled between the 10 September 2015 and the 20 October 2015; (ii) the intended date and attendees of each meeting; (iii) which of those meetings have since taken place; and (iv) which of those meetings have now been rescheduled for a future date.
(AQW 50596/11-16)

Miss M McIlveen: Since my appointment as Minister for Regional Development none of my Ministerial meetings have been cancelled. During the period 10 September 2015 to 20 October 2015 six ministerial meeting which were scheduled for my predecessor were either fulfilled by senior officials or are being rescheduled.

These meetings are:

- 15/9/15 UK Cards Association
- 17/9/15 NI Chamber of Commerce
- 17/9/15 J Donaldson MP
- 21/9/15 D McKay MLA
- 30/9/15 Big Lottery Fund
- 7/10/15 Belfast Parking Association

Mr Dallat asked the Minister for Regional Development (i) why wheelchair users must give Translink one days notice before being able to use the Goldline service; and (ii) whether this arrangement conforms to Equality legislation.

(AQW 50602/11-16)

Miss M McIlveen: Translink has advised that some Ulsterbus vehicles are currently not accessible to wheelchair users on a 'turn up and go' basis and in order to accommodate the needs of individual passengers, Translink must receive advance notice so that the necessary arrangements can be put in place for the deployment of the most suitable vehicle. The advance booking system also ensures that the wheelchair space is reserved for the passenger concerned, thus avoiding any potential disappointment. This is in line with practices in the rest of the United Kingdom.

Translink has advised that it complies with Section 5 (Disability Discrimination Order NI 2009). Since 2010, procurement of replacement coaches for Goldline Express services has incorporated the latest industry improvements in wheelchair accessibility. 86% percent of Translink's current fleet is fully compliant with Equality legislation.

Mr McKay asked the Minister for Regional Development what actions his Department has taken to improve uptake of the cycle to work scheme.

(AQW 50730/11-16)

Miss M McIlveen: The NICS now has an established cycle to work scheme in each Department. It is available to civil servants all year round and has enjoyed a good level of uptake.

My Department continues to promote cycle to work schemes through the Travelwise initiative, when running various promotional events and as other opportunities arise (such as in the development of Workplace Travel Plans).

Mr Weir asked the Minister for Regional Development how his Department is improving road safety in North Down for cyclists.

(AQW 50816/11-16)

Miss M McIlveen: My Department is committed to improving road safety on the road network and, in line with current Government policy, to provide pedestrian and cycling measures where possible to promote and encourage a modal shift of transportation away from private vehicles.

It is my Department's plan to deliver a cycling infrastructure to give a coherent and connected network of safe cycling routes and provide people with the freedom and confidence to use their bicycle.

With this in mind, my Department has recently completed an upgrade of cycling and pedestrian measures at Gransha Road roundabout in Bangor, as part of the Active School travel initiative. This upgrade included the provision of new controlled TOUCAN and PUFFIN crossings, which will improve road safety for cyclists and pedestrians and in particular vulnerable road users such as children, the elderly and those with a disability as well as being of great benefit to everyone accessing the local schools.

Work is also currently underway on Gransha Road from the newly signalised roundabout, with the provision of a new shared cycle / footway up to the local grammar school and beyond to link the footway and cycleway network to the existing cycle facilities on Balloo Road.

This significant investment forms part of the strategy to improve active school travel and cycling facilities in Bangor and the North Down area.

Mr Beggs asked the Minister for Regional Development how many vehicles per day use the new Killyglen Link Road, Larne; and why this road has not been added to the gritting schedule.

(AQW 50839/11-16)

Miss M McIlveen: I can confirm 2823 vehicles per day use the Killyglen Link Road and it has not been added to salting schedules as the nearby Linn Road serves as a salted parallel route.

Mr Beggs asked the Minister for Regional Development how many residential properties are accessed via the new Killyglen Link Road, Larne.

(AQW 50840/11-16)

Miss M McIlveen: My Department does not hold information of this type, however my officials estimate from mapping that around 500 to 600 properties access via Killyglen Link Road.

Mr G Robinson asked the Minister for Regional Development whether she has any plans to install traffic lights at the junction of the Rathmore Road and the Limavady bypass.

(AQW 50886/11-16)

Miss M McIlveen: There are no plans to install traffic lights at the junction of the Rathmore Road and the A37 Broad Road/ Limavady Bypass.

However, detailed designs for the proposed roundabout at the junction of Greystone Road and A37 Broad Road, close to the Rathmore Road junction, are at an advanced stage. Subject to funding, land acquisition and scheme initiation this will be progressed in due course.

Delivery of this scheme will contribute significantly to improved safety along the A37 Broad Road, including the Rathmore junction, while leading to improved efficiency at the Greystone Road/Broad Road junction.

Mr Dallat asked the Minister for Regional Development what discussions have taken place in relation to alternative uses for the Knockmore railway line.

(AQW 50921/11-16)

Miss M McIlveen: My Department has not had any discussions in relation to alternative uses for the Knockmore railway line. Translink continues to maintain the Knockmore to Antrim branch line in an operational condition to enable non-timetable rolling stock movements and for use as a potential emergency diversionary route in times of disruption or planned engineering works.

As yet there are no plans to re-introduce timetabled services on the line.

Mr McKay asked the Minister for Regional Development to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.

(AQW 50953/11-16)

Miss M McIlveen: The vast majority of the Department's staff and customer-facing services are located within buildings either owned or leased by the Department of Finance and Personnel. Therefore, any facilities available at those sites are as stated in their response.

My Department's Traffic Section in Ballymena has provided a cycle stand in Castle Street car park opposite the Jobs and Benefits office in Antrim.

This would be of benefit to staff from my Department, the Department for Social Development (DSD) and members of the public visiting the offices.

Mr Rogers asked the Minister for Regional Development for a breakdown of the gender balance on each of her Department's publicly appointed boards and arm's-length bodies.

(AQW 50956/11-16)

Miss M McIlveen: The gender breakdown of members of each of my Department's publicly appointed boards and arm's length bodies at 1 November 2015 is set out in the table below:

Board / Arm's Length Body	Male	Female
Northern Ireland Water	8	2
Northern Ireland Transport Holding Company	6	1
Belfast Harbour Commissioners	8	2
Londonderry Port & Harbour Commissioners	6	3
Warrenpoint Harbour Authority	8	2

Mr Hussey asked the Minister for Regional Development what meetings her officials have had with traders in Lower Market Street and Campsie area in Omagh on the failure of the pumps to prevent flooding of basements.

(AQW 50970/11-16)

Miss M McIlveen: NI Water has advised that during the recent storm events all its wastewater assets, including pumping stations in the Omagh area, performed satisfactorily and as designed. During this period no operational issues relating to this area were reported to NI Water's customer call centre. The flooding of properties and basements in Lower Market Street and Campsie areas was not as a result of any failure on the part of NI Water pumping stations in that area.

NI Water, in association with Rivers Agency and Transport NI, actively participates in local flood liaison groups across Northern Ireland. Staff meet with customers regularly to address customer issues as and when they arise. I have been advised by NI Water that the last meeting with local public representatives and Traders in relation to this area was approximately 3 years ago when some minor repairs were carried out to flap valves and the sewer was desilted. NI Water is not aware of any further problems raised by the local traders in the intervening period.

Mr Hussey asked the Minister for Regional Development (i) how many roads in West Tyrone were closed during the recent floods; and (ii) whether damage has been caused to roads which has resulted in a need for urgent remedial action.

(AQW 50972/11-16)

Miss M McIlveen: A total of 18 roads were closed in West Tyrone during the recent floods.

My officials are not aware of any damage being caused to these roads other than a short section of stone wall on the approach to Clady Bridge. This has been temporarily made safe until the necessary permanent repairs can be undertaken.

Mr McGlone asked the Minister for Regional Development what resources are available to her Department for the repair and maintenance of street lights in Mid Ulster.

(AQW 50983/11-16)

Miss M McIlveen: My Department is currently ramping up routine maintenance operations as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before all the backlog will be cleared.

Therefore, I expect that resource levels across Mid Ulster and indeed all District Council areas will increase over the coming weeks and this will allow the backlog of street lighting repairs to be addressed.

Mr Ó hOisín asked the Minister for Regional Development how much her Department has spent on the provision and maintenance of the (i) Rathlin; and (ii) Strangford ferries.

(AQW 50991/11-16)

Miss M McIlveen: Under the contract for provision of the Rathlin Island Ferry Service, my Department pays a subsidy to the Service Provider. This payment covers a range of associated costs including the provision and maintenance of two vessels used by the Service Provider to serve Rathlin Island. Over the last three financial years the average annual subsidy paid has been around £670,000.

The cost of maintaining the Strangford Ferry over the last three financial years is as follows:

- 2012/13: £328,553
- 2013/14: £336,585
- 2014/15: £271,821

The direct cost of providing the service for the last three financial years is as follows:

- 2012/13: £1,442,800
- 2013/14: £1,459,455
- 2014/15: £1,328,759

In addition, MV Strangford II is currently under construction at a cost of £5.7 million, plus some £400,000 for a spare engine and propulsion unit.

Mr Ó hOisín asked the Minister for Regional Development for an update on the number of street lights that have been reported with a fault and remain in need of repair.

(AQW 50993/11-16)

Miss M McIlveen: As of 23 November 2015, the number of street lights that have been reported as faulty and in need of repair was 6,358.

My Department is currently ramping up its routine maintenance operations as a result of the Executive decision to prioritise street lighting funding in the recent monitoring round. This funding will deliver enhanced levels of service. We are working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before all the backlog will be cleared.

Ms Sugden asked the Minister for Regional Development for an update on the future of the Northern Ireland Concessionary Fares Scheme.

(AQW 51002/11-16)

Miss M McIlveen: My Department continues to fund the Northern Ireland Concessionary Fares Scheme which I fully support. I have no plans to change the Scheme.

Ms Sugden asked the Minister for Regional Development whether funding is available to protect the Senior Citizen Smart Pass for people aged 65 years and older, for 2015/16.

(AQW 51003/11-16)

Miss M McIlveen: I fully support the Northern Ireland Concessionary Fares Scheme, which includes the Senior Citizen Smart Pass for people over 65. This element of the scheme contributes in a very positive way to reducing social isolation for older people and in revitalising Public Transport.

I welcome the additional £2m funding for Concessionary Fares that was provided to my Department in November monitoring. This additional funding will support the provision of the Senior Citizen Smart Pass element of the scheme in 2015/16.

Mr Agnew asked the Minister for Regional Development, pursuant to AQW 49800/11-16, (i) to outline the suitable remedies identified; (ii) the costs of those remedies; and (iii) whether this remediation has been agreed with the Department of the Environment.

(AQW 51018/11-16)

Miss M McIlveen: The A6 Londonderry to Dungiven Environmental Statement December 2011 (Section 1: Londonderry to Claudy) outlines a range of proposals for mitigation and enhancement measures to be taken as part of the scheme. These include: further site investigation; a contaminated land risk assessment to assess appropriate remediation/mitigation measures, such as capping of contaminated areas; and the preparation of a Construction Environmental Management Plan.

Following examination of the existing ground investigation records relating to the contaminated lands, consultants experienced in the remediation of contaminated land have advised that the contaminated material can be left in situ provided:

- 1 a watertight cut-off trench is installed alongside the River Faughan to prevent contaminated groundwater migrating into the river;
- 2 filter drains are installed within the contaminated material to direct contaminated groundwater to a sump where it can be removed and dealt with offsite;
- 3 an impermeable membrane is installed over the contaminated area to prevent ingress of rainwater into the contaminated area; and
- 4 the contaminated area is capped with surplus excavated material arising from the road construction.

Item 4 listed above is an integral part of the earthworks for the scheme and is already allowed for in the scheme estimate.

Detailed costs will be available when further investigation has been undertaken and detailed design completed.

Discussions are ongoing with the Department of Environment, which is currently considering the management of the site and long-term options for remedial measures. My Department will align any proposed works with any potential remediation solutions proposed by the Department of the Environment.

Mr Agnew asked the Minister for Regional Development, pursuant to AQW 49800/11-16, how the increased estimates of the amount of waste impacts on the identified remedial measures; and what impact this has on the costs of (i) those remedial measures and (ii) the overall scheme.

(AQW 51019/11-16)

Miss M McIlveen: I am content that, should the contamination issue remain unresolved when the road is being constructed, cost effective measures can be deployed to remedy the undesirable effects of the waste as outlined in my response to AQW 51018/16.

Provision has been made within the earthworks preliminary design to address any potential contamination issues, and allowance made within the scheme estimate for those areas of the waste site that are impacted upon by the proposed road alignment and flood compensatory areas. Allowance has also been made within the scheme estimate to defray cost of unforeseen events. Taking these into account, increased estimates of the amount of waste should not have significant impact on the costs of either remedial measures and/or the overall scheme.

Detailed costs will be available when further investigation has been undertaken and detailed design completed.

Discussions are ongoing with the Department of the Environment, which is currently considering the management of the site and long-term options for remedial measures. My Department will align any proposed works with any potential remediation solutions proposed by the Department of the Environment.

Mr Agnew asked the Minister for Regional Development, pursuant to AQW 49800/11-16, how much contaminated land at Mobuoy Road is impacted by the proposed A6 strategic road proposal, including the amount of waste buried within the affected land take.

(AQW 51020/11-16)

Miss M McIlveen: Approximately 24 hectares of the Mobuoy Road land is impacted by the proposed A6 works.

Having examined existing ground investigation records relating to the contaminated lands, consultants experienced in the remediation of contaminated land have advised that the contaminated material can be left in-situ subject to the installation of appropriately engineered measures to contain the illegal waste.

Mr Agnew asked the Minister for Regional Development, pursuant to AQW 49800/11-16, whether her Department has completed its Habitats Regulation Assessment for the proposed Derry to Dungiven stretch of the A6 strategic road proposal, including the date this was completed.

(AQW 51021/11-16)

Miss M McIlveen: The Habitats Regulations Assessments for the A6 Londonderry to Dungiven dualling scheme were published in December 2011, prior to publication of the Draft Statutory Orders. A Habitats Directive Stage 2 'Statement to Inform the Appropriate Assessment' was prepared for the River Faughan & Tributaries SAC (affected by the Londonderry

to Claudy part of the scheme), and a Habitats Directive Stage 1 'Article 6 Screening Matrix (Test of Likely Significance)' was prepared for the River Roe & Tributaries SAC (affected by the Claudy to Dungiven part of the scheme).

The Habitats Directive Stage 2 'Statement to Inform the Appropriate Assessment' for the River Faughan & Tributaries SAC was reviewed and updated in March 2014. The Habitats Directive Stage 1 'Article 6 Screening Matrix (Test of Likely Significance)' for the River Roe & Tributaries SAC was taken forward to a Habitats Directive Stage 2 'Statement to Inform the Appropriate Assessment'.

The Habitats Regulation Assessments will be concluded when I make the "Appropriate Assessment" decision, prior to making the Decision to Proceed and the making of the statutory orders for the proposed scheme.

Mr Dunne asked the Minister for Regional Development for an update on winter gritting services.
(AQW 51028/11-16)

Miss M McIlveen: My Department's winter service programme is provided to mitigate against the effects of adverse winter weather, however, it does not eliminate them.

Throughout the winter season, some 300 staff and a fleet of 130 gritters are available every day to salt the road network that serves around 80% of daily traffic flow in Northern Ireland to help drivers and road users cope with wintry conditions.

Salt barns and stockpiles have been filled to maximum capacity with reserve stocks of around 20,000 tonnes of salt, strategically placed at points across Northern Ireland, taking the overall stock level to over 90,000 tonnes of salt. I have also made provision for further supplies of salt, if required, at the rate of around 15,000 tonnes per month.

During periods of prolonged snow, all gritters will be fitted with snow ploughs and efforts directed to clearing snow from motorways and the trunk roads, before moving to other main roads and the busiest urban link roads. To further improve resilience I have approved the purchase of four more Snow Blowers to supplement the Department's current fleet of eight blowers. Snow clearance contracts are also in place to enable contractors and farmers to help to clear roads of snow.

My Department will continue to provide approximately 4,800 salt bins and 50,000 grit piles, placed at strategic locations, for use on a self help basis by Pedestrians and Motorists alike to help prevent the formation of snow and ice on pavements and untreated roads. These will be continually replenished, as required, throughout the winter period.

In addition, as a further measure relating to footways, I can confirm that at the end of last season arrangements were in place with 25 out of the 26 Councils for the clearance of ice and snow from town and city centre footways during prolonged severe weather. My Department is currently consulting with the new super councils to roll over these agreements for this important service and encouragingly, early indications have been positive.

Mr Dallat asked the Minister for Regional Development when she will be in a position to provide funding for a tug boat for Londonderry Port.
(AQW 51062/11-16)

Miss M McIlveen: My officials are working with the Port to ensure the necessary borrowing is facilitated to allow the purchase of a tug within this financial year.

Mr Dallat asked the Minister for Regional Development for a breakdown of the allocations for essential road maintenance in each division as a result of the November monitoring round.
(AQW 51066/11-16)

Miss M McIlveen: My Department allocates additional funding to its four TransportNI Divisions on the basis of need, using a range of weighted indicators, tailored to each maintenance activity. Divisions use these indicators when apportioning across council areas to ensure, as far as possible, an equitable distribution of funds.

Following the outcome of November monitoring, allocations have been made to my Department's four TransportNI Divisions as detailed below:

Activity	Northern £k	Southern £k	Eastern £k	Western £k	Total £k
Capital	1,160	1,551	824	1,465	5,000
Resource	802	1,003	790	1,055	3,650
Total	1,962	2,554	1,614	2,520	8,650

Capital allocations will primarily be used to deliver resurfacing on the local road network, along with some additional drainage and reconstruction work.

Resource funding will be used to deliver improved services across a wide range of important areas such as patching, gully emptying and road markings.

My Department has also received an extra £11.5million to cover the cost of the limited road maintenance service during the period April to November 2015.

Mr Dallat asked the Minister for Regional Development what discussions have taken place with Iarnród Éireann or the Dublin Government with a view to increasing the capacity on the Enterprise Rail Service.

(AQW 51068/11-16)

Miss M McIlveen: The Chair of Translink intends to meet his counterpart in Córas Iompair Éireann (CIE) to discuss a range of issues. Officials from Northern Ireland Rail and Irish Rail are in regular contact about the Enterprise rail service.

Capacity on the Cross-Border rail route will be restored to the level prior to the refurbishment of the entire De Dietrich Enterprise fleet in early 2016. The customer experience on the new trains will be significantly enhanced and passenger numbers will be monitored closely.

Furthermore Northern Ireland Railways and Irish Rail have discussed proposals to enhance the frequency of the Enterprise in the medium term. This is subject to additional revenue and capital funding being made available across both jurisdictions.

The two Companies are currently future-proofing timetables to ensure future train paths are secured.

Ms Sugden asked the Minister for Regional Development what consideration she has given to the development of a separate rural transport strategy.

(AQW 51081/11-16)

Miss M McIlveen: My Department's policy "Ensuring a Sustainable Transport Future: A New Approach to Regional Transportation" outlines the High Level Aims and Strategic Objectives for transportation in Northern Ireland. Recognising that the transport needs of those who live in rural areas differ from those in urban areas it includes a strategic objective to improve access in rural areas. Whilst other strategic objectives of the policy will also benefit rural communities the inclusion of a specifically rural strategic objective should ensure that the needs of rural dwellers are considered as this policy is implemented.

Ms Sugden asked the Minister for Regional Development why references to community transport, including integrated schemes such as Dial-A-Lift or the Disability Action Transport Service, are absent from her Department's consultation for an Accessible Transport Strategy 2025.

(AQW 51083/11-16)

Miss M McIlveen: The consultation document for a new Accessible Transport Strategy sets out the vision for a new Strategy under five distinct themes around improving the accessibility of public transport and other transport infrastructure. Services such as Dial-A-Lift and the Disability Transport Service while not mentioned by name are included under Theme 2 which highlights taxis and specialised transport schemes as important travel options for those who are older and those who have a disability.

The focus of the consultation is the broad strategic approach rather than detail on delivery of specific services. Significant work with a range of stakeholders will be required to develop measures for inclusion in a proposed Action Plan to deliver the new Strategy.

Ms Boyle asked the Minister for Regional Development, in light of the allocation of £22m in the November monitoring round, whether she will allocate the necessary funding to address the backlog in street lighting repairs.

(AQW 51261/11-16)

Miss M McIlveen: The Executive has recognised the problems caused by the reduced capacity to fix streetlights that are not working by providing additional funding for this purpose in the recent monitoring round.

My officials have already issued instructions to contractors to supplement in-house resources and repair streetlights across Northern Ireland. By end March 2016, my Department envisages that the vast majority of the backlog for repair of streetlights will have been removed and the public can assist us by reporting failures on NI Direct - 'Report a Street Light Fault' <http://www.nidirect.gov.uk/street-lighting-and-reporting-a-fault> or by telephone to 0300 200 7899.

Mr Beggs asked the Minister for Regional Development what action her Department has taken to ensure that Greenisland Railway Station does not suffer from repeated flooding and that pedestrians can safely use the underpass.

(AQW 51270/11-16)

Miss M McIlveen: I refer you to my previous response AQW 51120/11-16 on this issue.

Translink has advised me that the underpass remains safe for pedestrian use and it is carrying out further checks on the wider sewer system which it hopes to have completed by 27 November 2015.

Department for Social Development

Mr Weir asked the Minister for Social Development to detail the number of people living in sheltered accommodation in North Down.

(AQW 50999/11-16)

Mr Storey (The Minister for Social Development): The Housing Executive advised that at present there are 441 people living in sheltered accommodation in North Down.

Mr Lyons asked the Minister for Social Development for an update on the public realm scheme in Larne.

(AQW 51022/11-16)

Mr Storey: Work commenced on the Larne town centre public realm scheme on 2nd September 2015, it is progressing on schedule and is expected to complete on 31 August 2016. The cost of the scheme is estimated to be £2.2m and will deliver significant improvements to Larne town centre. These improvements include improved footpaths, enhancing Broadway as a central events space and the installation of new bespoke street lighting and furniture.

Mr McMullan asked the Minister for Social Development whether he will review the decision taken by the Northern Ireland Housing Executive to delay the kitchen scheme in Shane's Park, Cushendun until 2016.

(AQW 51047/11-16)

Mr Storey: The NIHE has advised that this scheme had originally been programmed to begin on site this month, but unfortunately the start dates has slipped by some months. The NIHE is currently anticipating a start in February 2016 but will keep this under review.

This is an operational decision made by the Housing Executive. I will inform the member should there be a further change to the proposed start date.

Mr Allister asked the Minister for Social Development to detail the number of prosecutions that have taken place in relation to the use of non-licensed properties as multiple occupancy units.

(AQW 51064/11-16)

Mr Storey: The current HMO Registration scheme is administered by the Northern Ireland Housing Executive (NIHE).

According to the Housing Executive, the figures in the table below show the number of prosecutions for the period 1 April 2010 to 31 October 2015.

Prosecutions Database - HMO Department

Date Range	Cases Opened	Cases with a hearing	Convictions*
1 Apr 10 to 31 Mar 11	114	70	38
1 Apr 11 to 31 Mar 12	46	31	20
1 Apr 12 to 31 Mar 13	96	76	58
1 Apr 13 to 31 Mar 14	105	77	57
1 Apr 14 to 31 Mar 15	97	63	18
1 Apr 15 to 31 Oct 15	26	7	1
	484	324	192

* In relation to the cases scheduled for hearing that didn't proceed to trial, these were withdrawn, subject to the rectification of the nuisance and in the majority of cases the payment of NIHE legal costs.

Mr Allister asked the Minister for Social Development to detail how much funding his Department has provided to lesbian, gay, bisexual and transgender groups since May 2011.

(AQW 51065/11-16)

Mr Storey: Since my response to AQW/39719/11-15 in December 2014, Laganside/Belfast City Centre Events Grant and the Northern Ireland Housing Executive (NIHE) have proved funding to support Groups.

The tables below provide details of the Groups and the amount of funding from December 2014 to date:

Laganside/Belfast City Centre Events Grant

Financial Year	Name of LGBT Group/s Funded	Amount of Funding (£)
2015/16	Belfast Pride	6,000
2015/16	Outburst Queer Arts Festival	3,500

Advocacy Worker Project (part funded by NIHE)

Financial Year	Name of LGBT Group/s Funded	Amount of Funding (£)
2014/15	The Rainbow Project	1,500

Research Project funded by NIHE

Financial Year	Name of LGBT Group/s Funded	Amount of Funding (£)
2014/15	The Rainbow Project and Council for Homeless	20,000

Mr Flanagan asked the Minister for Social Development, pursuant to AQW 50280/11-16, in what format is this information available; and to provide the information.

(AQW 51136/11-16)

Mr Storey: Information in the form requested is not readily available and could only be obtained at disproportionate cost.

Mr Flanagan asked the Minister for Social Development to detail how much (i) has been spent in the last five years; and (ii) will be spent in the next five years on new build social housing in Fermanagh.

(AQW 51172/11-16)

Mr Storey:

- (i) There have been 82 new social housing starts in the (former) Fermanagh District Council area during the period 2010/11 to 2014/15, resulting in a total spent of £9.7m.
- (ii) I am unable to advise you at this time on the proposed spend in the next five years as the new SHDP for 2016/17 to 2018/19 is currently being agreed with a view to it being published in early 2016.

However, I can advise that a single bespoke unit at Lisolvan Park, Brookebrough is programmed to start on-site in 2015/16 and will be delivered at an estimated cost of £240k.

Please be advised that can be lost or slip to future programme years for a variety of reasons, e.g. relating to site acquisition / achieving Planning Permission. Additional schemes can also be added to the SHDP in-year e.g. through the purchase of Existing Satisfactory / Off-the-shelf properties.

Mr Dallat asked the Minister for Social Development, pursuant to AQW 50986/11-16, to detail what is meant by due course; and to provide a timeframe.

(AQW 51214/11-16)

Mr Storey: Liquor licensing law is a complex matter and invites a wide spectrum of strongly held views.

I am continuing to consider the content of the draft Bill to avoid any unintended consequences.

I will announce how I plan to proceed once I am satisfied I have given the draft Bill the consideration it requires.

Mr Easton asked the Minister for Social Development, pursuant to AQW 48509/11-16, when the remaining 134 houses included in the SERC report will have remedial work on cavity wall extractions completed.

(AQW 51242/11-16)

Mr Storey: The Joint DSD / NIHE Asset Commission has provided the NIHE with comprehensive robust data on the condition of its stock, and a holistic understanding of its long term future investment needs.

As a result the NIHE has drafted a new Asset Management Strategy that sets out its long term investment approach. This change of direction to adopting active asset management principles allows the NIHE to consider its investment priorities strategically in light of the likely funding that will be available, and to focus on those assets with a clearly sustainable future in terms of demand and rental income. This will include properties where there are issues with cavity wall insulation.

In the meantime, the NIHE will continue to address any problems associated with cavity walls through its response maintenance service.

Ms Sugden asked the Minister for Social Development to detail the major infrastructure projects that are being considered that will enable Portrush and the surrounding area to maximise the opportunities which the Open Golf Championship will bring to the North Coast in 2019.

(AQW 51277/11-16)

Mr Storey: The news that Royal Portrush Golf Club will host the Open Championship in 2019 presents huge opportunities not only for Portrush but also for the wider Northern Ireland economy. In order to realise this potential I have written too Executive colleagues asking them to consider approving funding for a major programme of regeneration work which includes:

- A new combined bus and rail facility.
- Redevelopment of Portrush harbour
- Public Realm Improvements
- Improvements to parking and transportation
- Redevelopment of the recreation grounds
- An Urban Development Grant and Revitalisation Programme.

I have also recently announced funding of £1.5M for a public Realm scheme in Portstewart.

Mr Allister asked the Minister for Social Development whether (i) the ring-fenced funding of £25m referred to in paragraph D3.5 of A Fresh Start, is part of a UK wide initiative; and (ii) likewise is the 50:50 sharing of savings in parallel to the arrangements for the rest of the UK.

(AQW 51323/11-16)

Mr Storey: Neither the ring fenced funding of £25million or the 50:50 sharing arrangements are part of a wider UK or parallel initiative.

Mr Agnew asked the Minister for Social Development how much will be spent annually to administer welfare top up payments.

(AQW 51432/11-16)

Mr Storey: The Executive has agreed a total of £585 million over four years to “top-up” the UK welfare arrangements in Northern Ireland. This figure includes administrative costs to maximise the use of these additional resources allocated.

It is not yet known what the proposals of the working group established by the Executive will be or how much will need to be spent annually to administer the top up payments.

Mrs Dobson asked the Minister for Social Development, pursuant to AQW 50248/11-16, to detail to the findings of the research conducted by his Department into the use of food banks.

(AQW 51437/11-16)

Mr Storey: My Department undertook research to better understand why people in Northern Ireland are using food banks working with users of the service as well as food bank providers. A report on the findings of this research, An Insight into Food Banks in Northern Ireland, is available on the Department for Social Development’s internet website.

Mrs Dobson asked the Minister for Social Development, pursuant to AQW 50248/11-16, given social security offices in England, Scotland and Wales actively promote food banks, to detail why the local social security agency does not.

(AQW 51439/11-16)

Mr Storey: Social Security Offices in England, Scotland and Wales do not actively promote food banks and indeed Jobcentre Plus stopped a referral system to food banks in the last two years. Whilst Jobcentre Plus continue to operate a signposting service, it does not get involved in any decision to award a food parcel. My Department takes a different approach by working with food bank providers to ensure people who use their services are able to access all of the social security benefits to which they are entitled.

Food banks are not part of the welfare state, and there is no strong evidence that the use of food banks is directly linked to welfare or to benefit processing times in Northern Ireland.

Officials in my Department continue to engage with a wide range of food bank representatives to better understand their issues and to explore how public services

from my Department and those of other Departments can be delivered in a way that helps reduce the need for food banks in our society.

Mr Allister asked the Minister for Social Development, pursuant to AQW 50990/11-16, to detail (i) what arrangements have been made with the councillor to repay the benefits; and (ii) any discussions his Department has had with Sinn Féin on this matter.

(AQW 51547/11-16)

Mr Storey: With regards to the questions pursuant to AQW 50990/11-16:

- (i) The Department does not comment on individual cases; and
- (ii) There have not been any discussions with Sinn Féin on this matter.

Mr Allister asked the Minister for Social Development, pursuant to AQW 51146/11-16, to detail how the response provided fully answers the question asked.

(AQW 51549/11-16)

Mr Storey: As per the answer to AQW 51146/11-16, the Executive has agreed the monies for welfare and tax credit top ups as detailed in the Fresh Start Agreement.

In order to give effect to such payments it will be necessary for the required secondary legislation to be approved by the Assembly.

Mr I McCrea asked the Minister for Social Development to detail the qualifications that health care professionals are required to have in order to conduct work capability assessments for Employment and Support Allowance claimants.

(AQW 51593/11-16)

Mr Storey: The medical assessments are carried out by private sector supplier healthcare professionals. Currently only medical practitioners, registered nurses and physiotherapists are employed in the provision of the service to the Department for Social Development.

The qualifications required are set out in the Medical Support Services Agreement, which defines a healthcare professional as:

- (a) a registered medical practitioner;
- (b) a registered nurse;
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of Health Care Act 1999; or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as the Secretary of State may prescribe.

This includes the following required qualifications:

- (a) in the case of a Medical Practitioner:
 - current registration to practice in the UK;
 - 3 years post-registration full-time equivalent experience across a range of relevant clinical disciplines (within the last 6 years prior to an advertisement for positions being placed); and
 - full and unconditional registration with the UK General Medical Council (GMC).
- (b) in the case of a nurse:
 - fully registered, without restrictions or conditions, with the Nursing and Midwifery Council (NMC); and
 - have a minimum of 3 years post registration experience.
- (c) all other healthcare professionals:
 - fully registered, without restrictions or conditions, with the relevant licensing body;
 - have a minimum of 3 years post registration experience;
 - possess good communication skills;
 - have an understanding of customer care issues; and
 - have an understanding of disability issues.

Mrs Overend asked the Minister for Social Development, in light of his decision to not to progress the Regeneration Bill, to detail his plans for the Community Investment Fund.

(AQW 51603/11-16)

Mr Storey: My officials are now reviewing existing applications for funding in the 2016/17 financial year, which will be subject to budget considerations and organisations currently in receipt of funding under the programme have been written to advising them of the position.

Mr Easton asked the Minister for Social Development what is the criteria for someone to apply for a funeral payment.

(AQW 51625/11-16)

Mr Storey: The Funeral Payment scheme provides help towards a simple, respectful, low-cost funeral. Payments are made to a person responsible for funeral costs who is in receipt of (or whose partner is in receipt of) a qualifying benefit or tax credit.

The applicant must also have accepted responsibility for the funeral expenses and based on their relationship with the deceased; it must be deemed reasonable for them to have taken responsibility for arranging the funeral.

Other conditions of entitlement require that:

- the deceased was ordinarily resident in the United Kingdom at the date of death;
- the Funeral Payment claim is made within 3 months of the date of funeral; and
- the funeral takes place in the United Kingdom or, providing the deceased was normally resident in Northern Ireland, in the Republic of Ireland or, in certain circumstances, in a member state of the European Union, Iceland, Liechtenstein, Norway or Switzerland.

The amount of Funeral Payment the applicant is entitled to will also depend on whether there is any other money available to meet the funeral costs, for example from an insurance policy or from the deceased's estate.

Northern Ireland Assembly Commission

Mr Wells asked the Assembly Commission to detail why the World War 1 exhibition in the Great Hall of Parliament Buildings has a bilingual text in English and Irish.

(AQW 51124/11-16)

Ms Ruane (The Representative of the Assembly Commission): The World War 1 exhibit currently in the Great Hall has its title in both English and Irish to reflect the Commission's desire to make Parliament Buildings an inclusive venue.

The Exhibit was launched by Peter Weir MLA on behalf of the Assembly Commission (in the Speaker's absence) on 22 September 2014 as part of the wider 'Perspectives on the Outbreak of the First World War' series. The exhibit was approved by the Commission on 1 July 2014. The following Commission's 'Principles for NI Assembly Commission Events to Mark Historic Anniversaries' as agreed in May 2012 are relevant:

- Official NI Assembly events hosted by the Speaker to mark historic anniversaries should show leadership by being inclusive, tolerant and respectful of our shared history and differing views on it.
- All events will be of a measured and sensitive tone avoiding divisiveness, controversy and confrontation.

Northern Ireland Assembly

Friday 11 December 2015

Written Answers to Questions

Office of the First Minister and deputy First Minister

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 43430/11-15, for their assessment of the importance of developing a children's budgeting pilot to assess the impacts of financial decisions on child prospects and well-being. **(AQW 47197/11-15)**

Mr P Robinson and Mr M McGuinness (The First Minister and deputy First Minister): The issue of budgetary analysis has been raised by the UN Committee of the Rights of the Child and it is recognised that clear information on public expenditure on children can help to illustrate the importance which Government attaches to children's rights, prospects and wellbeing.

Experiences in other countries show that bringing clarity to the public expenditure on children's services bears results and we are fully committed to this.

NICCY and The Atlantic Philanthropies published their "Fund-Mapping: The Investment of Public Resources in the Wellbeing of Children and Young People in Northern Ireland" report, on 15th October 2015. This formed the basis for discussion at their Investing in Children at a time of Austerity: Developments in Children's Budgeting conference held on the 16 October 2015.

Fund map information is used to aid understanding of how current investments align with key child development outcomes and to maximise opportunities to better coordinate programmes and services different departments and agencies and/or how to improve the commissioning of services.

Following the publication of the report we will consider how best to take this matter forward in the light of budgetary constraints and the forthcoming restructuring of Departments.

Mr Dallat asked the First Minister and deputy First Minister for an update on the implementation of recommendations made by the Commissioner for Public Appointments in his report 'Under-Representation and Lack of Diversity in Public Appointments in Northern Ireland, dated January 2014.

(AQW 47606/11-15)

Mr P Robinson and Mr M McGuinness: The response of 31 March 2015 to the member's recent Assembly Question AQW43040/11-15 indicated that OFMDFM officials had categorised the Commissioner's recommendations in terms of whether they were achievable in the short, medium or long term.

Of the 26 recommendations, 11 were deemed to be already actioned or achievable in the short-term, and these have all now been achieved. Four were regarded as achievable in a medium-term timescale; of these two have been achieved and one is at an advanced stage. Nine recommendations were regarded as longer-term, some of which require Executive approval, and preparatory work is progressing on these. The remaining two actions were for the Commissioner himself to lead on and are now complete. It is anticipated that, in the near future, the Executive will have an opportunity to consider future approaches to diversity in public appointments.

Mr Middleton asked the First Minister and deputy First Minister what plans they have for further investment at the Ebrington site, Londonderry.

(AQO 8669/11-16)

Mr P Robinson and Mr M McGuinness: Earlier this year, we commissioned an independent review of the Ilex Urban Regeneration Company to determine if it remains the best model to take forward future development of Ebrington. The review found that while there has been some progress by Ilex, there has been insufficient focus on the development of Ebrington and recommended that the site be transferred to Derry City & Strabane District Council from 2017. This approach has been accepted and the intention is for a future transfer of the site to the Council. However, in the short term given the recent resignations of the entire senior management team of Ilex, we have decided that the development of Ebrington will be taken forward by the Department from April 2016.

Ilex will continue to have responsibilities in respect of the site until 31 March 2016. A capital budget of £2.2m is available for this work within 2015/16.

An Outline Planning application for the entire site is being considered by the Planning Service. We anticipate that this will provide approval for the Ebrington Development Framework which will facilitate future development on the site.

Mr Nesbitt asked the First Minister and deputy First Minister to detail (i) on how many occasions; and (ii) on what dates departmental officials met with the National Crime Agency to discuss the sale of the National Asset Management Agency's Northern Ireland portfolio.

(AQW 49941/11-16)

Mr P Robinson and Mr M McGuinness: The Head of the Civil Service met with officials from the National Crime Agency on 28 July 2015 to discuss the sale of the National Asset Management Agency's Northern Ireland portfolio.

Mr Allister asked the First Minister and deputy First Minister whether the recently appointed Junior Minister will be required to repay the severance package she received or is due to receive following the termination of her role as a special adviser, given her appointment as a Junior Minister within the same Department.

(AQW 50258/11-16)

Mr P Robinson and Mr M McGuinness: As a Special Adviser the individual in question was employed as a temporary civil servant and entitled to a severance payment under the terms and conditions of employment outlined in the "Code Governing the Appointment of Special Advisers".

Those terms and conditions of employment also specify that if a severance payment has been made and the individual is subsequently re-appointed as a Special Adviser within the time span to which the payment refers, he or she is entitled only to an amount equivalent to their salary during the gap between the periods of employment and the remainder is re-paid on re-appointment.

However, a former Special Adviser who is subsequently appointed as a Junior Minister is not employed as a civil servant; therefore the above Code does not apply.

Mr Allister asked the First Minister and deputy First Minister whether the annual salaries of departmental Special Advisers and Ministers are a charge on the Department's budget and accounts.

(AQW 50297/11-16)

Mr P Robinson and Mr M McGuinness: The annual salaries of Special Advisors in the Office of the First Minister and deputy First Minister are included as a charge in the Department's (DEL) budget and Resource Accounts.

Ministers salaries are paid by the Northern Ireland Assembly and are included in the Resource Accounts as a Notional cost. Notional costs are Non Budget and therefore do not have an impact on the Department's (DEL) budget.

Mr Allister asked the First Minister and deputy First Minister what consideration they have given to the potential for a conflict of interest given the recently appointed Junior Minister is married to the Permanent Secretary in the Department of Health, Social Services and Public Safety.

(AQW 50298/11-16)

Mr P Robinson and Mr M McGuinness: The Ministerial Code of Conduct requires all Ministers to declare any personal interests which may conflict with their responsibilities. Permanent Secretaries are required to do the same as part of their conditions of employment.

Mr Lyttle asked the First Minister and deputy First Minister for an update on the delivery of, and budget for the (i) Refugee Integration Strategy; (ii) Minority Ethnic Development Fund; and (iii) Crisis Fund.

(AQW 50411/11-16)

Mr P Robinson and Mr M McGuinness: The Refugee Integration Strategy is currently being developed by officials who are consulting with NGOs and stakeholders. The aim is to have a draft Strategy available for consideration by us by Christmas.

The Minority Ethnic Development Fund 2015/16 budget is £1.1m. The majority of groups have received their letters of offer and officials are working with the remaining groups in order to release their letters.

The Crisis Fund has a budget of £100,000 and the procurement process to appoint an administrator is currently underway.

Mr Allen asked the First Minister and deputy First Minister for an update on the Planning Appeals Commission investigation into Belfast City Airport's proposals to modify their planning agreement, including, (i) when the appeal first began; (ii) on what date the appeal should have concluded to be compliant with current targets; (iii) the reasons for the delay in the publication of the independent report; and (iv) when they anticipate the report will be published.

(AQW 50468/11-16)

Mr P Robinson and Mr M McGuinness: The Planning Appeals Commission is an independent tribunal Non-Departmental Public Body. Given its status, we have asked its Chief Commissioner to provide a response directly to you.

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 48792/11-16, to detail which of the eighteen strategic priorities remain outstanding; and whether (i) data; and (ii) indicators have been identified to measure progress against each of the priorities.

(AQW 50607/11-16)

Mr P Robinson and Mr M McGuinness: Since the publication of the Executive's Disability Strategy in February 2013, Government departments have taken forward a number of actions to improve the lives of people with disabilities. These actions are highlighted in the first report on the implementation of the strategy, which is available on our Department's website at: <http://www.ofmdfmi.gov.uk/disability-strategy-report-2013-2014.pdf>

In May of this year, we extended the lifetime of the Strategy until March 2017 to ensure that focus remains, and to give additional time for priority areas in the strategy to be progressed.

Following a public consultation exercise, we are currently developing a set of indicators to measure progress on the implementation of the Strategy.

Mr Agnew asked the First Minister and deputy First Minister to detail (i) what actions they are taking to ensure parents are aware of the support available for childcare costs; and (ii) to detail any future proposals for addressing childcare costs.

(AQW 50618/11-16)

Mr P Robinson and Mr M McGuinness: A Key First Action of the first phase of the Executive's Childcare Strategy, launched in September 2013, was to ensure better access to information on childcare and related financial support. The creation by the Department of Health, Social Services and Public Safety of the Family Support website (www.familysupportni.gov.uk) has been a key element in delivering on this action. The Website contains information on childcare services and financial assistance available for childcare and recorded 35,000 hits in October 2015. The website is currently being promoted in the following ways:

- Social Media (Facebook/Twitter);
- The Family Support team attending workshops, conferences and seminars with key stakeholders and service users;
- Information in Bounty Packs and the Bounty presentations given to health visitors;
- Website and app being used by Family Support Hubs and Lifeline Counsellors; and
- Articles due to be published in NI4Kids and Primary Times.

Achieving further improvements to information and uptake of financial assistance remains a priority for the full Childcare Strategy.

Achieving greater affordability and accessibility of childcare are key objectives of the Executive's draft Childcare Strategy (open for public consultation from 28 July – 13 November). The Childcare Strategy will work to reduce the percentage of local household income that goes on childcare through a range of co-ordinated interventions. The final range of interventions will be informed by careful consideration of the responses to public consultation.

Mr Middleton asked the First Minister and deputy First Minister, following the announcement that the Ilex regeneration company in Londonderry is to close in March 2016, to detail who will be responsible for sourcing and managing major events such as the MTV Crashes event at the Ebrington site.

(AQW 50632/11-16)

Mr P Robinson and Mr M McGuinness: Since the opening of Ebrington Square in 2011 it has played host to many major events particularly during the City of Culture year.

The plan is that responsibility for the site will move to Derry City and Strabane District Council by April 2017. In the interim, the Department will continue to liaise with the Council and all parties interested in the promotion of Ebrington Square as a major events space. This will ensure that the full potential of the site continues to be fully realised during this exciting phase of its ongoing development.

Mr Rogers asked the First Minister and deputy First Minister, pursuant to AQW 45801/11-15, (i) for an update on any progress on the Narrow Water Bridge project; and (ii) whether any possible funding has been identified.

(AQW 50682/11-16)

Mr P Robinson and Mr M McGuinness: The position remains as reported in AQW 40751/11-15 and AQW 45801/11-15, that during discussions at North South Ministerial Council meetings both Governments indicated that they remain supportive of the concept of a bridge at Narrow Water subject to the availability of funding for the project.

The recently published Stormont Agreement and Implementation Plan contains the following commitment:

- "that the Irish Government remains committed to the concept of the Narrow Water Bridge, which would provide a valuable North-South link between counties Louth and Down with potential to provide jobs and a significant boost to tourism in the area".
- "The Executive and the Irish Government agree to undertake a review of the project with a view to identifying options for its future development, for consideration by the North South Ministerial Council in June 2016".

Mr Rogers asked the First Minister and deputy First Minister to detail what financial commitment the Executive has made to support the delivery of the Narrow Water Bridge project.

(AQW 50720/11-16)

Mr P Robinson and Mr M McGuinness: There are currently no proposals with the Executive in respect of the Narrow Water Bridge project and there is no extant financial commitment to the project.

However, the recently published A Fresh Start, The Stormont Agreement and Implementation Plan contains the following commitment:

- “that the Irish Government remains committed to the concept of the Narrow Water Bridge, which would provide a valuable North-South link between counties Louth and Down with potential to provide jobs and a significant boost to tourism in the area”.
- “The Executive and the Irish Government agree to undertake a review of the project with a view to identifying options for its future development, for consideration by the North South Ministerial Council in June 2016”.

Mr Rogers asked the First Minister and deputy First Minister to detail (i) the amount of money that would be required to close the gap in funding created by an increase in project costs of the Narrow Water Bridge in 2013; (ii) the level of funding that would be required in any future commitment to deliver the project.

(AQW 50721/11-16)

Mr P Robinson and Mr M McGuinness: There are currently no proposals with the Executive in respect of the Narrow Water Bridge therefore it is impossible to provide specific details in relation to costs and funding. However, A Fresh Start, The Stormont Agreement and Implementation Plan, arising from the recent political talks, contains the following commitment:

- “that the Irish Government remains committed to the concept of the Narrow Water Bridge, which would provide a valuable North-South link between counties Louth and Down with potential to provide jobs and a significant boost to tourism in the area”.
- “The Executive and the Irish Government agree to undertake a review of the project with a view to identifying options for its future development, for consideration by the North South Ministerial Council in June 2016”.

Mr McKay asked the First Minister and deputy First Minister what actions their Department has taken to improve uptake of the cycle to work scheme.

(AQW 50804/11-16)

Mr P Robinson and Mr M McGuinness: The Cycle to Work Scheme is now established across the NICS and is available to all Civil Servants on an open ended basis since February 2013. The Scheme has been advertised on an NICS-wide basis and details are made accessible to all OFMDFM staff via the Department's HR system.

Mr Lyttle asked the First Minister and deputy First Minister for an update on the Refugee Integration Strategy.

(AQW 50878/11-16)

Mr P Robinson and Mr M McGuinness: A Refugee Integration Strategy is currently being developed by officials with the aim of having a draft available for consideration by Christmas.

The Refugee Integration Strategy is not intended to address the immediate needs of those refugees who arrive under the Vulnerable Persons Relocation (VPR) scheme. Rather it will provide a wider framework to ensure a smooth transition between being an asylum seeker and a refugee, supporting both those already living here and those who arrive in the future and helping them to integrate. The detailed work on the resettlement and integration of Syrian refugees through the VPR scheme is being taken forward by the relevant Strategic and Operational Groups.

Relevant learning from participation in the VPR scheme, discussions with local experts, and strategies in other devolved regions will inform our Refugee Integration Strategy and its implementation.

Mr Rogers asked the First Minister and deputy First Minister for a breakdown of the gender balance on each of their Department's publicly appointed boards and arm's-length bodies.

(AQW 50958/11-16)

Mr P Robinson and Mr M McGuinness: The breakdown of the gender balance on each of the Department's publicly appointed boards and arm's length bodies at 17 November 2015 is provided in the table below.

Name of Body	Males	Females
Community Relations Council ¹	15	8
Planning Appeals Commission and Water Appeals Commission	7	11
Equality Commission for NI	10	6
NI Judicial Appointments Commission	9	4

Name of Body	Males	Females
Maze/Long Kesh Development Corporation ²	9	1
Ilex Urban Regeneration Company Limited ³	7	2
Strategic Investment Board	6	2
Victims and Survivors Service	4	3
Commissioner for Victims and Survivors for NI	0	1
Commissioner for Children and Young People for NI	0	1
Office of the Commissioner for Public Appointments NI	0	1
NI Ombudsman	1	0
Attorney General for NI	1	0
Commissioner for Older People for NI ⁴	0	0

1 1 current vacancy

2 1 current vacancy

3 2 current vacancies

4 Vacancy currently being advertised

Mr McKay asked the First Minister and deputy First Minister to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.
(AQW 50992/11-16)

Mr P Robinson and Mr M McGuinness: OFMDFM staff participate fully in the NICS Cycle to Work scheme which has been well received within the Department.

The only building for which OFMDFM is directly responsible is the North South Ministerial Council Office in Armagh. Existing facilities include a cycle shed, cycle racks and shower facilities for staff.

Ms Sugden asked the First Minister and deputy First Minister for an update on progress to reallocate statutory responsibilities within Departments following a reduction in the number of Executive Departments.
(AQW 51082/11-16)

Mr P Robinson and Mr M McGuinness: Work to implement the decisions reached by the Executive on future departmental structures has been progressing. As indicated in the Stormont Agreement and Implementation Plan ("A Fresh Start") of 17 November 2015, we propose to introduce shortly in the Assembly a Departments Bill which will establish the statutory framework for the Executive to be appointed on a nine-department basis after the 2016 election.

Appendix F5 of the "Fresh Start" document also set out a revised list of functions transferring between departments. A Transfer of Functions Order will make detailed provision for the statutory responsibilities of the future departments. Drafting of the Transfer of Functions Order is at an advanced stage. Extensive administrative preparations have been taken forward under the leadership of a cross-departmental Programme Board chaired by a Permanent Secretary.

Mr Swann asked the First Minister and deputy First Minister to detail which Department will be responsible for the delivery of Good Relations grants following the reduction in the number of Executive Departments.
(AQW 51168/11-16)

Mr P Robinson and Mr M McGuinness: The Executive Office will be responsible for the delivery of good relations grants.

Mr McKinney asked the First Minister and deputy First Minister for an update on the Crisis Fund for asylum seekers and refugees.
(AQW 51207/11-16)

Mr P Robinson and Mr M McGuinness: The Crisis Fund is not limited to asylum seekers and refugees. It is intended to support migrants who lack a support network including vulnerable migrants (EU and non-EU nationals), destitute refugees and asylum seekers and other identifiable vulnerable groups such as Roma.

The 2014/15 Crisis Fund distributed a total of £36,621, over 980 interventions in respect to 930 people, including dependants. The Red Cross was lead administrator of the fund and there were 12 partners in total delivering funding from the Crisis Fund.

The 2015/16 Crisis Fund has a budget of £100,000. An administrator for the 2015/16 Fund will be appointed shortly, following a competitive tendering process.

The Fund is most crucial in the winter months and therefore we are making sure that we cover those times when there is greatest need.

Mr Ó Muilleoir asked the First Minister and deputy First Minister (i) to list the organisations that received funding from the Ethnic Minority Development Fund in 2015-2016; (ii) to detail the amount each organisation received; (iii) whether this information will be published on an annual basis on their departmental website; and (iv) whether the 2016 Ethnic Minority Development Fund will operate on a three year cycle.

(AQW 51233/11-16)

Mr P Robinson and Mr M McGuinness: Following the 2015-16 Minority Ethnic Development Fund competition the following awards were made:

Tier One	
Active Citizens Engaged	£10,000
Chinese Welfare Association	£1,850
Creggan Education and Research Services	£8,425
First Steps Women's Centre	£9,870
Greater Shankill Partnership Property Development Co. Ltd	£9,970
Polish Abroad	£9,998.50
Punjabi Cultural Association	£6,000
Richmount Rural Community Association	£10,000
Stronger Together	£9,946.49
The MAC	£2,610
Tier Two	
Ashton Community Trust	£44,972
Ballymena Inter Ethnic Forum	£45,000
Ballymoney Community Resource Centre	£44,780
Belfast Islamic Centre	£44,964
Chinese Welfare Association	£45,000
Community Intercultural Programme	£45,000
Dialogue for Diversity	£38,879.28
Horn of Africa People's Aid NI	£22,460.50
NICEM	£45,000
NICEM North West	£45,000
NICRAS	£45,000
North Down YMCA	£37,680
North West Migrants Forum	£45,000
Northern Ireland Alternatives	£44,958.52
Omagh Ethnic Communities Support Group	£44,985
Polish Education Cultural Association	£43,337.74
South Belfast Roundtable	£44,958
The Welcome Project	£45,000
Wah Hep	£45,000
Whiterock Children's Centre	£20,295
Tier Three	
LORAG	£51,786.96
STEP	£75,000

The majority of groups have received their letter of offer/letter of variance and officials are working with the remaining groups in order to release their letters.

Once these have been accepted information will be updated and placed on the OFMDFM website. We intend to return to multi-annual support subject to business case approval.

Mr Allister asked the First Minister and deputy First Minister (i) to detail a timeframe for agreeing a strategy to address continuing paramilitary activity as referred to in Section D, 8.2 of A Fresh Start which states that funding will only be released after the Executive has agreed a strategy; and (ii) whether the strategy is subject to approval by Her Majesty's Government.
(AQW 51292/11-16)

Mr P Robinson and Mr M McGuinness: We refer the Member to Section A, 4.1 of "A Fresh Start" which states that a three person panel will be appointed by the Executive by the end of December with the task of bringing back to the Executive for agreement and action a report before the end of May 2016 with recommendations for a strategy to disband paramilitary groups. No other agreement to the strategy is required by the terms of the document.

Mr Swann asked the First Minister and deputy First Minister what actions they will take to ensure that due consideration is given to the Department for Social Development's evaluation of the Women's Centre Childcare Fund when drafting their childcare strategy.
(AQW 51336/11-16)

Mr P Robinson and Mr M McGuinness: The Executive's draft Childcare Strategy was open for public consultation from 28 July to 13 November 2015. During the consultation period the Department engaged with a wide range of stakeholders and supported direct consultation with children and parents. Officials are currently collating and analysing responses to the public consultation and the final Strategy will be informed by the views of consultees and by any other evidence. The draft Childcare Strategy acknowledged the value of the services supported by the Department for Social Development's Women's Centre Childcare fund and we are pleased to note the positive evaluation of the scheme.

Mr Givan asked the First Minister and deputy First Minister for an update on the Social Investment Fund.
(AQO 9134/11-16)

Mr P Robinson and Mr M McGuinness: The Social Investment Fund, through the area planning process, focused on the development and prioritisation of projects to address local needs.

Currently we are committed to projects with associated costs of around £58 million profiled over a number of years to reflect project requirements.

Delivery is now well underway. For example 10 revenue projects have appointed delivery organisations. Six of these projects are designed to provide training and work placements targeted at the long term unemployed. Three are designed to support families and young people and one is focused on social enterprise.

Six of the projects have active participants which is a significant boost for the local communities. The remaining four projects are planning to start shortly.

Junior Ministers have attended many events recently to formally launch projects and the support from local communities has been evident. People are really starting to see the benefits of SIF and are committed to making it a success.

SIF capital projects are also progressing. One, the Coleraine Rural and Urban Network Hub, has been operational since September and two others, the Bryson Street Surgery and Best of the East in the Belfast East zone are expected to be operational before the end of March. A further fourteen capital projects are either at the stage of design or construction team appointment or procurement. We anticipate that they will begin work later this year or early next year.

Indeed we look forward to seeing how SIF has helped improve communities and benefitted the people within them.

Ms McGahan asked the First Minister and deputy First Minister what percentage of their Department's budget is spent on addressing domestic violence or on the delivery of the Stopping Domestic and Sexual Violence and Abuse Strategy 2013-2020.
(AQW 51367/11-16)

Mr P Robinson and Mr M McGuinness: Although our Department has no funding stream to directly address these issues, we lead on the NI Executive's Gender Equality Strategy 2006-2016. This Strategy sets out an overarching framework for departments, their agencies and other relevant statutory authorities to promote gender equality, and contains the objective to eliminate gender based violence in society.

The Minister of Health, Social Services and Public Safety and the Minister of Justice, jointly lead on the Domestic and Sexual Violence and Abuse Strategy. You may therefore wish to seek further information from those departments.

Mr Allister asked the First Minister and deputy First Minister to detail what has been agreed in relation to paragraph A3.10 of A Fresh Start.

(AQW 51373/11-16)

Mr P Robinson and Mr M McGuinness: The detail relating to the commitments at paragraph A3.10 will be determined as part of the implementation process.

Ms Sugden asked the First Minister and deputy First Minister for an update on the Bright Start Grant Scheme, including when the application process for further funding is expected to open.

(AQW 51431/11-16)

Mr P Robinson and Mr M McGuinness: Key First Actions 1, 2 and 5 of the first phase of the Executive's Childcare Strategy aim to create or sustain school age childcare places. The Bright Start School Age Childcare Grant Scheme was launched in March 2014 and delivers on these actions. A first call for applications to the Grant Scheme took place in May 2014 and a second call for applications occurred in September 2014. Through the first two calls 79 childcare settings applications were approved representing funding of some £3 million to create or sustain over 2,200 places. A third round of funding opened on 26 November 2015 and will close on 29 January 2016.

Ms Sugden asked the First Minister and deputy First Minister, pursuant to AQW 49611/11-16, (i) for a breakdown of how they intend to spend the remainder of the Executive's Childcare Fund; (ii) whether they have any plans for expenditure outside the Bright Start programme; and (iii) for a timeframe for expenditure.

(AQW 51507/11-16)

Mr P Robinson and Mr M McGuinness: To date £4.2 million has been spent out of the Executive's Childcare Fund. It has been agreed that the balance of the childcare fund should be used to resource the Key First Actions contained in the initial phase of the Childcare Strategy. The Bright Start School Age Childcare Grant Scheme was launched on 27 March 2014 and the letters of offer issued to childcare settings are for a three year period. There have been two rounds of Bright Start funding to date with £3m already committed under the scheme; a third round of funding opened for applications on 26 November. It is anticipated that Bright Start funding will continue until 2018/19.

Other Key First Actions have enhanced childcare services for children with a disability and improved the information available to parents on the childcare services available locally.

Mr Lyttle asked the First Minister and deputy First Minister why the Together: Building a United Community ministerial panel has not met since October 2014.

(AQW 51539/11-16)

Mr P Robinson and Mr M McGuinness: We continue to liaise with other departmental Ministerial offices to seek a suitable date for the next meeting. However, in the meantime, we engage regularly with Senior Responsible Owners through the Good Relations Programme Board meetings on progress with implementation and delivery of their respective actions and commitments.

Mr Easton asked the First Minister and deputy First Minister to detail the timeframe for the release of funds through the Social Investment Fund to extend community houses in (a) Bloomfield; (b) Whitehill; (c) Beechfield; and (d) Breezemount.

(AQW 51573/11-16)

Mr P Robinson and Mr M McGuinness: Work on the Social Investment Fund's (SIF) Community Houses project is at an advanced stage. The NI Housing Executive is currently considering the feasibility of a number of properties including those at Bloomfield, Whitehill, Beechfield and Breezemount. It is anticipated this work will be completed in early December to allow for finalisation of the economic appraisal early in the new year with a view to securing approval shortly after. The release of funds will be subject to approvals being secured.

Mr Easton asked the First Minister and deputy First Minister to detail the timeframe for the release of funds through the Social Investment Fund to facilitate a 3G pitch in Kilcooley.

(AQW 51574/11-16)

Mr P Robinson and Mr M McGuinness: The Social Investment Fund's Community Operated Sports Facilities project is at an advanced stage in the approvals process but there are a number of issues to be addressed to inform the final funding decisions. Officials are working closely with the project promoters to secure the necessary information with a view to presenting for approval early in the New Year. The release of funds will be subject to approvals being secured.

Department of Agriculture and Rural Development

Mr McMullan asked the Minister of Agriculture and Rural Development which other EU countries are dealing with the double label issue with beef, lamb and pork.

(AQW 51241/11-16)

Mrs O'Neill (The Minister of Agriculture and Rural Development): All countries within the EU must comply with the Country of Origin labelling (CoOL) rules, which are required to ensure that consumers are not misled with regard to origin or provenance of a food product and, specifically, that details on the place of origin or provenance of a product have to be indicated whenever failure to give such details might mislead the consumer. Broadly similar rules are in place for a range of meats, including beef, lamb and pork.

We do not have specific evidence that any other individual EU country has encountered difficulties with "double label" or "mixed origin" products. However, we do know that the Commission feasibility reports on potential extension of CoOL to other food products, including milk, flagged up possible fragmentation of the internal market and disruption to trade flows, as well as the additional costs arising from mandatory CoOL. Concerns were also raised by some Member States during the EU Agri-Fish Council debate on these reports in June 2015. The Commission therefore concluded that voluntary origin labelling would be the best solution for other food products.

As you will be aware, CoOL was cited as a factor in depressed lamb prices in the north earlier this year, as it was with beef prices during 2014. Therefore, I raised this matter on a number of occasions with the Defra Secretary of State, the EU Agriculture Commissioner and with my southern counterpart Simon Coveney TD. I have also liaised closely with stakeholders north and south on the issue around a suitable voluntary label for our meat to find a workable solution for everyone.

I am pleased that Defra Secretary of State, Liz Truss has offered her support in finding a solution. Commissioner Hogan is also confident that a suitable arrangement can be found within the EU rules for voluntary labelling. During the summer, Minister Coveney indicated that he would liaise with the EU Commissioner about what labelling terms would be deemed acceptable. I have recently written to Minister Coveney seeking an update on his discussions.

I can assure you that I will continue to do what I can to support the competitiveness and profitability of our local livestock farmers and to encourage improved and transparent communications throughout the livestock supply chain. I will also be looking to the industry to work together to ensure that all partners along the supply chain are sustainable and profitable.

Mrs Dobson asked the Minister of Agriculture and Rural Development whether participants in the voluntary Bovine Viral Diarrhoea Scheme will be awarded any dispensations when the scheme begins.

(AQW 51304/11-16)

Mrs O'Neill: The proposed draft Bovine Viral Diarrhoea Eradication Scheme Order (NI) 2015 will require all herd keepers equally across the north of Ireland to tag and test (for BVD) all new born calves (including aborted bovine fetuses, stillborn bovine calves or bovine calves that have died before being tagged) from the commencement date of the legislation. While those herd keepers who supported the voluntary scheme are to be applauded, it is not possible to allow any dispensations in the statutory scheme.

Mrs Dobson asked the Minister of Agriculture and Rural Development what protections she will put in place to ensure that beef and dairy herd keepers will not be faced with compulsory future cost increases to their farm businesses when the proposed compulsory Bovine Viral Diarrhoea Scheme commences; and whether herd keeper levies will cease if Bovine Viral Diarrhoea is eradicated.

(AQW 51306/11-16)

Mrs O'Neill: I have no plans to provide a subsidy to herd keepers in relation to the costs associated with BVD eradication. This eradication scheme was proposed by industry and as BVD is a production disease, it is the responsibility of both industry and herd keepers to tackle this disease without the need for government intervention. While it is acknowledged that a set of BVD tags (which include the test kit and associated cost of testing by the laboratory) will cost approximately £3.44 per set more than a set of standard tags, it has also been estimated that the economic benefits to herd keepers of improving herd health and productivity through eradicating BVD, would give a potential return of 10 to 1 on any investment. My Department does not raise any statutory levy in relation to BVD.

Mr Agnew asked the Minister of Agriculture and Rural Development what consideration has been given to a minimum staff to dog ratio on breeding establishments, as is currently being considered in Wales.

(AQW 51349/11-16)

Mrs O'Neill: As you are aware I commissioned a Review of the Implementation of the Welfare of Animals Act 2011, under which the Welfare of Animals (Dog Breeding Establishments and Miscellaneous Amendments) Regulations (NI) 2013 are made. The consultation on the Interim Report of the Review closed earlier this year and the Review Team is reviewing the responses in order to finalise its findings and recommendations.

As part of its work I understand that the Review Team have looked at the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 which came into operation in April 2015 and puts in place a minimum requirement of 1 full time attendant per 20 adult dogs kept or 1 part-time attendant per 10 adult dogs kept.

The Review Team is finalising its considerations and is aiming to produce its Final Report shortly.

When I receive the Final Report I will consider the recommendations made by the Review Team, including those relevant to Dog Breeding Establishments.

Ms Sugden asked the Minister of Agriculture and Rural Development what assistance her Department can offer farmers to develop business plans to maximise rural development funding potential.

(AQW 51492/11-16)

Mrs O'Neill: Through the Knowledge Transfer element of the Farm Business Improvement Scheme (FBIS), under the Rural Development Programme (RDP), Business Development Groups (BDGs) and Farm Family Key Skills (FFKS) will provide free business training programmes to assist farmers complete business plans.

Farmers applying for grant to set up a new non agricultural enterprise through the Rural Business Investment Scheme (RBIS) will be able to avail of free training and assistance to develop their business plan through the 'Go for It' Programme which is run by Councils

Mr Agnew asked the Minister of Agriculture and Rural Development what protections exist for Cairn Wood in North Down should the land be sold to a private developer.

(AQW 51516/11-16)

Mrs O'Neill: My Department owns an area of forest land known as Cairn Wood in North Down which is managed by Forest Service in line with sustainable forestry management objectives. My Department does not consider this land surplus to its requirements; consequently there are no plans for its disposal.

There is other land in this vicinity that is owned by NI Water (NIW) which has recently been offered for sale. Part of this NIW land adjoins my Department's land at Cairn Wood. Forest Service manage trees on some of the NIW land by agreement with NIW.

Any proposal involving removal of trees from this land, should it be sold to the private sector, is subject to felling licence requirements under the Forestry Act 2010. Where any proposals include the conversion of woodland to an alternative land use, the Environmental Impact Assessment (Forestry) Regulations 2006 will apply, or in the case of development proposals environmental assessment is required through the Planning legislative process.

Mr McMullan asked the Minister of Agriculture and Rural Development whether Glenarm salmon farm has ever breached their licensing conditions.

(AQW 51633/11-16)

Mrs O'Neill: The Glenarm Organic Salmon Company is visited by DARD Fish Health Inspectors on a monthly basis during harvesting, as part of the sea lice monitoring and fish health inspection regime. These inspections have shown that the Company adheres to the terms and conditions of its Fish Culture Licences and Aquaculture Production Business Authorisations.

Mr McMullan asked the Minister of Agriculture and Rural Development whether the salmon cages at Glenarm or Red Boy have been responsible for an outbreak of infectious pancreatic necrosis at any time over the last twelve months.

(AQW 51634/11-16)

Mrs O'Neill: The salmon cages at Glenarm Bay and Red Bay have not been responsible for an outbreak of Infectious Pancreatic Necrosis (IPN) over the last twelve months. In recent years, all results for IPN at the Glenarm Bay and Red Bay sites have been negative.

Mrs Dobson asked the Minister of Agriculture and Rural Development, in relation to her press release issued on 30 November 2015, what is meant by appropriate support.

(AQW 51684/11-16)

Mrs O'Neill: In the press release issued on 30 November 2015, I referred to "While production diseases are the responsibility of the herd keeper and industry to resolve, appropriate support can be provided by government when it makes economic sense to do so."

I recognise that, in certain circumstances, it may be appropriate for Government to assist industry through enacting legislation or provide start-up funding or project development assistance in support of an industry led proposal, when it makes economic sense to do so. Any such proposal would of course be subject to an economic appraisal.

Mr Swann asked the Minister of Agriculture and Rural Development whether the Test and Vaccinate or Remove pilot has been affected by the global shortage of the Bacillus Calmette-Guerin vaccine.

(AQW 51978/11-16)

Mrs O'Neill: The Test and Vaccinate or Remove (TVR) Project is a wildlife intervention research project rather than a pilot scheme. This unique project was designed to provide much needed ecology information on badgers and to assess the logistics and costs of implementing the TVR approach. The Project is taking place in a 100km² area around Banbridge and is scheduled to run for 5 years, ending in late 2018.

I can confirm that the ongoing shortage of BCG vaccine did not impact the TVR Project this year. My Department had sufficient supplies of badger BCG vaccine for Year 2 of the TVR project; field activities were completed on 23 October 2015.

During the on-going shortage of BCG vaccine, the World Health Organisation recommends that vaccination should be made available to humans only, in keeping with strict prioritisation guidelines. Use of the BCG vaccine on animals is to be restricted to conserve global supplies.

This may impact on the TVR research project next year but it is too early to assess the full impact considering that BCG vaccine is not required for the TVR research project until mid 2016.

My officials are in regular contact with Defra and will continue to monitor the situation on future availability of the BCG vaccine.

Lord Morrow asked the Minister of Agriculture and Rural Development what urgent action she is taking to remedy and prevent any recurrences of the flooding-related issues which fall under her Department's areas of responsibility, in particular at the Linen Green in Dungannon where flooding from a designated water course has caused severe damage.

(AQW 51987/11-16)

Mrs O'Neill: Across the north, despite a very wet and windy weekend, Rivers Agency engineers and support staff worked hard to ensure that the impact of the flooding was kept to a minimum. Agency staff also distributed sand bags at several locations to help protect affected properties.

The Linen Green shopping complex is on the site of a historic mill. A designated watercourse known to Rivers Agency as the Park Lake Stream flows through the area and enters a culvert system in the grounds of a Transport NI (TNI) depot at Moygashel Road. The inlet is protected by a metal grille to prevent debris entering the culvert system which passes through the Linen Green, before crossing the Moygashel Road and discharging to the River Rhone. Rivers Agency removed debris from the grille on the 30th Nov 2015 as part of its routine maintenance. However, rainfall and high winds from Storm Desmond on Saturday the 5th of December into Sunday the 6th of December caused debris to collect again and this obstructed the flow of water. The blockage was removed as soon as possible on Sunday morning and this allowed the water to drain away.

There are also undesigned watercourses within the site but these are not considered to have contributed to this flooding.

It is planned that Rivers Agency personnel will inspect the grille daily during periods of heavy rainfall until repairs can be carried out to the structure. A detailed engineering assessment of the drainage infrastructure in the area is being carried out to determine what works could be implemented to reduce the flood risk.

Rivers Agency will continue to Liaise with TNI and the management of the Linen Green site to validate Rivers Agency's analysis of the cause and to ensure a viable solution is developed to reduce the flood risk in the future.

Rivers Agency also maintains other watercourses in the area and is currently conducting a significant maintenance programme on the Blackwater costing approx £150k to reduce the likelihood of trees inhibiting capacity and impeding the flow of water.

Mr Agnew asked the Minister of Agriculture and Rural Development what fee is paid to Forestry Service for the management of Cairn Wood.

(AQW 52018/11-16)

Mrs O'Neill: Recently forestry land owned by NI Water (NIW) in the North Down area, commonly referred to as Cairn Wood, has been offered for sale, however, this does not include adjoining woodland in the ownership of my Department.

Forest Service manages the Department owned woodland from within its own allocated resources and without receipt of fees from any 3rd party. Forest Service also manages the trees on the NIW land under arrangements agreed with NIW. These arrangements enable each party to contribute to their respective statutory functions, however, do not obligate either party to pay fees.

No fees are therefore paid to Forest Service for the management of the trees in the Cairn Wood area.

Mrs Dobson asked the Minister of Agriculture and Rural Development whether the shortage of the BCG Vaccine will affect the Bovine Tuberculosis eradication programme.

(AQW 52038/11-16)

Mrs O'Neill: I am aware that there is a global shortage of both human and badger BCG vaccine and this will affect supplies into 2016.

My Department was made aware of the potential for delay in supply of BCG vaccine on 25 September 2015. I can, however, confirm that the ongoing shortage of BCG vaccine does not impact DARD's current TB Eradication Programme as it is not used as part of this programme.

You will be aware that the BCG vaccine was given to TB-test negative badgers that were captured this year under the Test and Vaccinate or Remove (TVR) Wildlife Intervention Research Project. At this stage it is too early to assess what the impact will be on the TVR project next year, as the BCG badger vaccine is not required for that project until mid 2016.

My officials are in regular contact with Defra and will continue to monitor the situation on future availability of the BCG vaccine.

Department of Culture, Arts and Leisure

Mr Ó hOisín asked the Minister of Culture, Arts and Leisure whether she has received any reports over safety concerns at recent fixtures at Windsor Park.

(AQW 51328/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Responsibility for safety at sports grounds rests, in the first instance, with the owners and operators of sports grounds. As part of this, my Department has responsibility for the associated legislation i.e. the Safety at Sports Grounds (NI) Order, which sets out the details of a safety certification scheme that is administered and enforced by District Councils. Sport NI, acting on behalf of my Department, monitors the implementation of the safety certification scheme.

During the development of the new stadium at Windsor Park, the ongoing safety arrangements for fixtures there are a matter for the Irish Football Association Stadium Development Company and Belfast City Council.

Sport NI officials were in attendance at Windsor Park during the International fixture against Latvia on Friday, 13 November and my Department has since received Sport NI's assessment report on the safety arrangements in place during that match. I understand that the main issues identified were around the condition of the entrance and exit routes to ground following the heavy rain in the days leading up to this fixture; that Sport NI has communicated its concerns to Belfast City Council; and has asked for a Safety Advisory Group meeting to be convened to discuss these issues further.

I am also aware that following the Linfield and Cliftonville football match on Saturday, 14 November, concerns were raised by Cliftonville FC regarding the safety of the access routes to and from the ground. While Sport NI officials were not in attendance at that fixture, I have asked to see the safety report that Sport NI will receive from Belfast City Council in this regard.

Ms McGahan asked the Minister of Culture, Arts and Leisure what percentage of her Department's budget is spent on addressing domestic violence or on the delivery of the Stopping Domestic and Sexual Violence and Abuse Strategy 2013-2020.
(AQW 51368/11-16)

Ms Ní Chuilín: Currently, Libraries NI provides, through its network, information to support those affected by or at risk of domestic violence and it also participates in Safe Place schemes. However, it does not separately identify any costs involved.

More generally, the Stopping Domestic and Sexual Violence and Abuse Strategy, led by DHSSPS and DOJ, has not yet been finalised but I expect that the culture, arts and leisure sectors would be very keen to engage with the lead departments involved once this takes place and concrete action plans are being developed.

Mr Humphrey asked the Minister of Culture, Arts and Leisure how community or cultural groups can apply for funding through her Department's Cultural Programme.
(AQW 51519/11-16)

Ms Ní Chuilín: As the Member will be aware from his role as a member of the Culture, Arts and Leisure Committee, the Cultural Partners who will deliver the 2015-2016 Culture Programme have been decided upon and the funding has been allocated.

Mr Middleton asked the Minister of Culture, Arts and Leisure what support her Department offers local communities who are planning to commemorate the 100th anniversary of the Battle of the Somme in 2016.
(AQW 51533/11-16)

Ms Ní Chuilín: My Department is committed to collaboratively promoting inclusive approaches to commemorating the key anniversaries such as the Battle of the Somme and these have been taken forward by museums, libraries, PRONI, the arts and creative industries.

The DCAL family has partnered with the Living Legacies 1914-18 Engagement Centre at Queens University Belfast in helping community groups tell their stories and share their stories with others.

National Museums NI is developing a temporary exhibition which will open in March 2016 called 'Remembering 1916: Your Stories' at a cost of £14,000. The exhibition will be divided into four main sections – 'The Easter Rising'; 'The Battle of the Somme'; '1916: War and Society'; and 'Legacy'.

The Somme Heritage Centre has developed a programme of work to complement the NI Executive's plans to mark significant anniversaries occurring during the Decade of Centenaries 1912-1922. It has received £79,000 as part of a three year funding agreement to support this work and will receive a further £30,000 in this financial year.

The Nerve Centre continues to develop the 'Creative Centenaries' online platform and will be adding to its suite of online resources relating to the Decade of Centenaries and will be developing a 1916 exhibition.

The Arts Council has provided funding of £33,640 to organisations including: £6,000 provided to The Somme Association for Reflections to the Irish soldier on the Somme; £20,000 provided to DU Dance for Alternative Energies - First World War Project; and £7,640 which has been provided to Rathcoole Friends of the Somme for Tales of Time.

PRONI continues to work collaboratively in making available its rich resources relating to the First World War available by publishing material online and providing digital copies to other interested partners. They have also produced a First World War travelling exhibition which is currently touring Libraries NI and will host a conference in September/October on the Somme in conjunction with the Western Front Association.

Lord Morrow asked the Minister of Culture, Arts and Leisure, pursuant to AQW 51100/11-16 given the location of this exhibition and the views expressed the Minister for Employment and Learning, why this is not considered a breach of equality obligations or good relations commitments.

(AQW 51554/11-16)

Ms Ní Chuilín: I will restate my position in that I do not believe there has been a breach of equality obligations or good relations commitments in this instance. You may wish to discuss any concerns you might have with the Equality Commission. The Equality Commission can be contacted as follows:

Telephone: 028 9050 0600
 Address: Equality House
 7-9 Shaftesbury Square
 BELFAST BT2 7DP
 Email address: information@equalityni.org

Lord Morrow asked the Minister of Culture, Arts and Leisure, pursuant to AQW 51100/11-16, (i) to list those invited to take part in the exhibition; (ii) to outline the criteria used to select those invited; (iii) to place a copy of the invitation in the Assembly Library; and (iv) why St Mary's University College was selected as the venue.

(AQW 51555/11-16)

Ms Ní Chuilín: As I do not hold the information you have requested, I suggest you contact the organisers of this event, Féile an Phobail, directly. Féile can be contacted as follows:

Address: Féile an Phobail
 473 Falls Rd,
 BELFAST BT12 6DD
 Telephone: 028 9031 3440

Mr Humphrey asked the Minister of Culture, Arts and Leisure what percentage of people in Northern Ireland that use sign language use (i) British; and (ii) Irish sign language.

(AQW 51731/11-16)

Ms Ní Chuilín: At the time of the official recognition of Irish and British Sign Language by the British Secretary of State in March 2004, it was estimated that there were 5,000 Deaf Sign Language users in the north of Ireland (18,000 when families and friends were included) - broken down as follows:

- 3,500 British Sign Language (BSL) users; and
- 1,500 Irish Sign Language (ISL) users.

According to the DCAL Continuous Household Survey, in 2013/14, nine per cent (9%) of adults in the north of Ireland could communicate using Sign Language. Of these, eight per cent (8%) could communicate using British Sign Language while one per cent (1%) could communicate using other Sign Languages, including Irish Sign Language.

My officials are currently liaising with Departmental statisticians to commission further analysis that will provide more detailed breakdown of Sign Language usage generally and, in particular BSL/ISL user numbers.

Mr Flanagan asked the Minister of Culture, Arts and Leisure why Ferney Park, Ballinamallard is not eligible for funding in the sub-regional stadia programme for soccer.

(AQW 51758/11-16)

Ms Ní Chuilín: The Executive agreed in March 2011 that £36 million should be allocated for football stadia development at sub-regional level and that this should be taken forward as a priority area of spend in the next Comprehensive Spending Review period. The Executive agreed to meet the strategic needs of football including those as outlined in the IFA's draft facilities strategy dated March 2011.

Whilst the IFA have subsequently updated their Facilities Strategy since this time, it is only proper that the consultation is based on what the Executive agreed at that time.

The consultation document for the sub regional programme has been developed to reflect the five priorities/strands as outlined in the draft Facilities Strategy prepared dated March 2011.

Ballinamallard FC is not eligible for funding under the proposed strands as they are not a designated venue and they do not play in the Championship.

However, the funding strands detailed in the IFA's subsequent Facilities Strategy dated August 2012 reflect the entirety of the Domestic game in the North of Ireland where all member clubs and eligible organisations would have the opportunity to apply for funding.

The purpose of the public consultation is to seek views and feedback from stakeholders on the proposals including: the proposed strands and whether they can be more inclusive; the proposed level of funding; the eligibility criteria; and also on how best the needs that have emerged since the draft facilities strategy was developed can be incorporated into the programme.

I would encourage all parties likely to be affected by, or who have an interest in, this programme to participate in the forthcoming consultation events and to respond to the consultation. It is particularly important that any clubs including Ballinamallard FC that feel they are excluded from applying for funding under their current proposals respond to the consultation clearly stating their position and provide details on how the programme can be made more inclusive.

Responses to the consultation document will help to shape the programme going forward.

Department of Education

Mr Weir asked the Minister of Education to detail the number of teaching staff on temporary contracts in North Down, broken down by school.

(AQW 51335/11-16)

Mr O'Dowd (The Minister of Education): The Department is not the employer of teachers, and is not responsible for the appointment of teachers. Teachers are employed by the Board of Governors (BoG) for each school setting, and appointments are carried out in conjunction with the relevant employing authority; such as the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) or in the case of Voluntary Grammar and Grant Maintained Integrated schools by individual BoGs.

Whilst the decision on whom to appoint to a particular post rests with the BoG of individual schools, the Department of Education has advised schools that they should recruit to vacancies on a permanent rather than a temporary basis unless the vacancy is clearly of a temporary nature.

The number of teaching staff on temporary contracts in North Down, broken down by school, is outlined in the table below. This information is provided by the EA and the CCMS, at November 2015.

School	Number of Teachers employed on temporary contracts
Ballymagee Primary School	*
Bangor Academy & Sixth Form College	*
Bangor Central Integrated Primary School	*
Bloomfield Primary School	*
Clandeboy Primary School	*
Clifton Special School	*
Crawfordsburn Primary School	*
Glenlola Collegiate	*
Hollywood Primary School	*
Kilcooley Primary School	*
Priory College	*
Rathmore Primary School	*
St Comgall's Primary School	*
St Columbanus' College	*
St Patrick's Primary School	*

School	Number of Teachers employed on temporary contracts
Towerview Primary School	*
Total	39

Notes

- *Figures have been suppressed due to the small numbers involved. This is in accordance with the confidentiality principle of the Statistics Authority's Code of Practice on Official Statistics.
- The figures do not include teachers engaged by schools from NI Substitute Teachers' Register (NISTR) to provide urgent, short term cover for absent teachers.
- Information relating to Voluntary Grammar schools and Grant Maintained Integrated schools is not available.

Mr Campbell asked the Minister of Education, following the announcement by the Chancellor of the Exchequer that he will not to proceed with proposals to reduce Working Tax Credits, whether he will seek additional monies from the proceeds to pursue the Capital Build Schools programme.

(AQW 51487/11-16)

Mr O'Dowd: The Chancellor of the Exchequer's decision not to proceed with the proposal to reduce Working Tax Credits will not result in additional capital funding being released.

Mr Weir asked the Minister of Education to detail what continual professional development training is available for the teachers of deaf pupils.

(AQW 51513/11-16)

Mr O'Dowd: The Interim Chief Executive of the Education Authority (EA) has advised that professional development training was previously provided on an individual basis by the legacy education and library boards. In most cases, mandatory accredited training that was funded by the legacy boards was provided to teachers who were appointed to the services for hearing impairment. Professional development in specific areas (for example meeting the needs of young children with cochlear implants and input from audiology on new devices) was provided locally, although it is recognised that there were variations in the level and frequency of this support. As the EA moves forward, a more co-ordinated approach will be developed in relation to continued professional development in this and other areas.

Mr Weir asked the Minister of Education to detail what financial resources are allocated to specific training for the teachers of deaf pupils.

(AQW 51578/11-16)

Mr O'Dowd: The Education Authority (EA) is the main provider of in service training for teachers. The Interim Chief Executive of the EA has advised that approximately £18k has been allocated in the 2015/16 financial year to provide specific training for teachers of deaf pupils. In addition, teachers of deaf pupils have access, through the EA, to training that is mainly free of charge from other providers such as the British Association of Teachers of the Deaf (BATOD) and the National Deaf Children's Society (NDCS).

Mr Weir asked the Minister of Education to detail the number of teachers of deaf pupils that have (a) qualified; (b) retired; and (c) practised in each of the last five years.

(AQW 51579/11-16)

Mr O'Dowd: The information sought is not available. The Education Authority is responsible for providing support to all pupils with special needs including those who are deaf or hard of hearing.

Ms Sugden asked the Minister of Education to detail how much funding his Department has allocated to special education in each of the last five years.

(AQW 51582/11-16)

Mr O'Dowd: The table below provides the total departmental spend on special education in each of the last five years.

	2010-11 £m	2011-12 £m	2012-13 £m	2013-14 £m	2014-15 £m
Total	202	196	214	231	242*

* the 2014-15 Resource Accounts for the ELBs are yet to be finalised and as such may be subject to change.

The above figures include spend on statemnted pupils in mainstream schools, pupils in special schools and home to school transport for statmnted pupils attending primary, post-primary and special schools. The table also includes funding provided for Middletown Centre for Autism and a number of capacity-building initiatives within the Review of SEN and Inclusion.

Schools are also responsible for meeting any additional needs of pupils within the first three stages of the Code of Practice on the Identification and Assessment of SEN. Such funding is not separately identified from within the overall delegated budget distributed to schools, nor is it separately reported on. The level of spend by schools for such pupils cannot be disaggregated from the schools' overall expenditure.

Ms Sugden asked the Minister of Education (i) for his assessment of the role of classroom assistants; and (ii) to detail the number of (a) primary; and (b) post-primary school classroom assistants in schools in East Londonderry, in each of the last five years.

(AQW 51583/11-16)

Mr O'Dowd:

- (i) I remain fully committed to ensuring that all pupils receive the educational support that is necessary to ensure they are able to reach their full potential. When used effectively, classroom assistants support children in addressing barriers to learning, and support the teaching and learning. For some children and young people, classroom assistants play an important role in the meeting of their special educational needs.

The statutory responsibility for securing provision for pupils with special educational needs (SEN), such as the provision of a classroom assistant, rests with schools and the Education Authority which is responsible under special education legislation for identifying, assessing and, in appropriate cases, making provision for children with SEN.

- (ii) The number of classroom assistants (head count) employed in primary and post-primary schools in East Derry in each of the last five years is as outlined in the table below.

Phase/Year	2010/11	2011/12	2012/13	2013/14	2014/15
Primary	262	258	260	259	281
Post-Primary	87	84	83	97	106
Total	349	342	343	356	387

The data above includes classroom assistants employed in voluntary grammar (VG) and grant maintained integrated (GMI) schools taken from my Department's 'Annual Survey of all Support Staff in VG and GMI Schools', all other data was provided by the Education Authority.

Mr Weir asked the Minister of Education to detail the number of pupils with statements that have (a) autism; (b) cerebral palsy; (c) Down syndrome; (d) attention deficit hyperactivity disorder; and (e) learning difficulties, broken down by former Education and Library Board area.

(AQW 51711/11-16)

Mr O'Dowd: The number of pupils with statements whose primary need in 2014/15, as recorded in the school census, is in relation to one of the conditions listed above is as follows:

	Primary need	Total
(a)	Autism	2540
(b)	Cerebral Palsy	307
(c)	Down syndrome	339
(d)	Attention deficit disorder (ADD) / Attention deficit hyperactivity disorder (ADHD)	552
(e)	Learning difficulties ¹	5608

As the information relates to 2014-15 and is prior to the establishment of the regional Education Authority, a further breakdown is available by former ELB area. This sub-regional breakdown is as follows:

Primary need	Belfast	Western	North Eastern	South Eastern	Southern
Autism	525	419	293	779	524
Cerebral Palsy	108	55	49	47	48
Down syndrome	41	93	52	50	103
Attention deficit disorder (ADD) / Attention deficit hyperactivity disorder (ADHD)	151	110	54	144	93
Learning difficulties ¹	885	695	1658	1280	1090

- 1 Learning difficulties refers to pupils that have a primary need of either: mild learning difficulties, moderate learning difficulties, severe learning difficulties or profound and multiple learning difficulties

Source: NI school census

Notes:

- Figures relate to the 2014/15 academic year. While the 2015/16 school census took place on the 9th October this year, provisional figures will not be available until December 2015 and will not be finalised figures until February 2016.
- Figures include funded children in voluntary and private preschools, nursery schools, primary (including nursery, reception and year 1-7 classes), post primary and special schools.
- Figures include pupils at stage 5 on the Special Educational Needs Code of Practice.
- Data refers to primary special educational need only in primary, post-primary and special schools.

Mr Weir asked the Minister of Education to detail of the number of pupils with statements broken down by either age or school year.

(AQW 51712/11-16)

Mr O'Dowd: Pupils with a statement of special needs in 2014/15 broken down by age is as follows:

Year of age	Total pupils with statements
3 or under	155
4	661
5	899
6	1012
7	1043
8	1030
9	1153
10	1289
11	1371
12	1378
13	1429
14	1480
15	1567
16	686
17	489
18	224
Total	15866

Source: NI school census

Notes:

- Figures relate to the 2014/15 academic year. While the 2015/16 school census took place on the 9th October this year, provisional figures will not be available until December 2015 and will not be finalised figures until February 2016.
- Figures include pupils in primary (including nursery, reception and year 1-7 classes), post primary and special schools. It does not include funded children in voluntary and private preschools nor nursery schools as this data is not available at a pupil level
- Figures include pupils at stage 5 on the Special Educational Needs Code of Practice.

Mr Weir asked the Minister of Education to detail the average number of visits an education authority psychologist makes to assess a statemented pupil annually.

(AQW 51714/11-16)

Mr O'Dowd: It is not possible to provide a meaningful calculation for the average number of visits an Education Authority psychologist makes to assess a Statemented pupil annually, as the information per child is not calculated or held centrally.

The number of psychologist visits will depend on a number of factors, including the complexity of the case and the changing needs of the child.

Mr Weir asked the Minister of Education to detail the number of psychologists employed by (a) each Education and Library Board in 2010; and (b) the Education Authority.

(AQW 51715/11-16)

Mr O'Dowd:

- (a) The number of psychologists employed by each Education and Library Board (ELB) in 2010 is outlined in the table below:

	Belfast	North Eastern	South Eastern	Southern	Western	Total
Number of psychologists (head count) employed by each ELB in 2010	35	27	31	34	28	155

- (b) The number of psychologists employed by the Education Authority is 166.

Mr Dallat asked the Minister of Education to detail what equality screening and monitoring of the precautionary suspensions of teachers is in place in accordance with Section 75 of the Northern Ireland Act (1998) to ensure that these suspensions are not contravening their stated commitment to equality legislation.

(AQW 51735/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of Teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting.

Decisions on precautionary suspension are therefore a matter for the BoG, in consultation with the Employing Authority. Schools are not designated as Public Authorities under Section 75 of the Northern Ireland Act 1998 and are therefore not subject to the Section 75 Statutory duties.

Mr Dallat asked the Minister of Education, with reference to teacher suspensions and TNC 2007/5, to detail (i) what length of time needs to lapse to constitute (a) unreasonable delay (section 1.2); (b) expeditiously (section 4.3); and (c) reasonable time (section 4.2.8); and (ii) for his assessment of this.

(AQW 51736/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of Teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions relating to the imposition of precautionary suspension in accordance with TNC 2007/5 are therefore a matter for the BoG, in consultation with the relevant employing authority.

TNC 2007/5, Disciplinary Procedure for Teachers, including Principals and Vice-Principals, in Grant-Aided Schools with Fully Delegated Budgets, was agreed through the forum of the Teachers' Negotiating Committee (TNC) and forms part of teachers' terms and conditions. The TNC is made up of representatives from Management Side and the NI Teaching Council.

The Management Side of the TNC have advised that, in relation to the length of time that needs to lapse to constitute (a) unreasonable delay (section 1.2); (b) expeditiously (section 4.3); and (c) reasonable time (section 4.2.8), these matters are considered on a case by case basis.

I am aware that the circumstances leading to each precautionary suspension are unique and can be complex. Further, in some circumstances detailed investigation by outside agencies may be required to be undertaken in advance of any internal investigation being concluded. Therefore, in the interests of due process and fairness, a blanket approach with prescribed time limits cannot, and should not be defined.

Decisions in relation to precautionary suspensions are not taken arbitrarily, and all such cases are reviewed regularly by the relevant employing authority in consultation with the BoG. In addition, my Department monitor all cases of precautionary suspension, whilst paying due regard to the role of the employer.

Mr Dallat asked the Minister of Education, with reference to teacher suspensions and TNC 2008/4, to detail (i) the period of time that needs to elapse to constitute unduly protracted (section 4.2); and (ii) for his assessment of this.

(AQW 51737/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of Teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions relating to the imposition of precautionary suspension in accordance with TNC 2008/4 are therefore a matter for the BoG, in consultation with the relevant employing authority.

TNC 2008/4, Disciplinary Procedure for Teachers - Notes of Guidance for Relevant Bodies, was agreed through the forum of the Teachers' Negotiating Committee (TNC) and forms part of teachers' terms and conditions. The TNC is made up of representatives from Management Side and the NI Teaching Council.

The Management Side of the TNC have advised that, in relation to (i) the period of time that needs to elapse to constitute unduly protracted (section 4.2), these matters are considered on a case by case basis.

I am aware that the circumstances leading to each precautionary suspension are unique and can be complex. Further, in some circumstances detailed investigation by outside agencies may be required to be undertaken in advance of any internal investigation being concluded. Therefore, in the interests of due process and fairness, a blanket approach with prescribed time limits cannot, and should not be defined.

Decisions in relation to precautionary suspensions are not taken arbitrarily, and all such cases are reviewed regularly by the relevant employing authority in consultation with the BoG. In addition, my Department monitor all cases of precautionary suspension, whilst paying due regard to the role of the employer.

Mr Dallat asked the Minister of Education to detail (i) what support is provided to teachers whose suspensions are, or have been, unduly protracted; and (ii) to state what departmental guidelines are in place to ensure schools comply with their duty of care to teachers that are suspended and how this is monitored in real time.

(AQW 51738/11-16)

Mr O'Dowd: The Department of Education does not employ teachers, and as such is not directly involved in employment matters, including the precautionary suspension of teachers. Teachers are employed by the relevant Board of Governors (BoG) for each school setting. Decisions on precautionary suspension are therefore a matter for the BoG, in consultation with the relevant employing authority.

The BoG, as the employer of teachers, is responsible for the provision of support to teachers who have been placed under precautionary suspension.

DE Circular 2015/13, 'Dealing with Allegations of Abuse Against a Member of Staff' provides guidance to BoGs in relation to the support they should provide to teachers in such cases, to include a named contact in the school, access to the Staff Welfare Officer's contact details and being made aware of the availability of confidential and independent Staff Care Services.

One of the roles of the Employing Authorities is to work with BoGs in order to regularly review all such cases.

I can advise that my Department monitors the numbers of teachers on precautionary suspension on a Quarterly basis within the Education Authority and CCMS, and has recently begun to monitor the Voluntary Grammar and Grant Maintained Integrated Sectors as well.

Mr Dallat asked the Minister of Education to detail (i) the training received by governors in the implementation of the TNC 2007/5; TNC 2008/4; and TNC 2009/11 procedures; and (ii) whether this training is mandatory.

(AQW 51739/11-16)

Mr O'Dowd: Members of Boards of Governors have access to a variety of non-mandatory training courses provided by the Education Authority through an annual training and support programme. The training and support programme for 2015/16 does not include specific training on the implementation of the procedures set out in TNC 2007/5, TNC 2008/4 and TNC 2009/11. However, it is the responsibility of individual Boards of Governors to familiarise themselves with these procedures.

Mrs Overend asked the Minister of Education, in relation to call 1 of the Delivering Social Change Shared Education Programme that closed in December 2014, to detail how many (i) partnership applications were received; (ii) partnership applications have been approved; (iii) partnerships received letters of offer; (iv) partnerships accepted the letters of offer; and (v) partnerships have had their letter of offer withdrawn.

(AQW 51740/11-16)

Mr O'Dowd:

- (i) 34 applications were received in the first call of the Delivering Social Change Shared Education Signature Project; 2 partnerships subsequently withdrew
- (ii) 32 applications have been approved
- (iii) 32 letters of offer issued
- (iv) 17 partnerships accepted the letter of offer
- (v) 15 partnerships identified they could not comply with the terms and conditions set out in the letter of offer due to on-going industrial action, resulting in the offer being withdrawn. In light of negotiations to resolve the industrial action, NASUWT has recently suspended its action and INTO and UTU have written to schools in the first tranche agreeing that they can comply with their offer conditions in respect of the current academic year. The Education Authority has been asked to reinstate those offers that were withdrawn,

Mrs Overend asked the Minister of Education, in relation to call 2 of the Delivering Social Change Shared Education Programme that closed in May 2015, to detail how many (i) partnership applications were received; (ii) partnership applications have been approved; (iii) partnerships received letters of offer; (iv) partnerships accepted the letters of offer; and (v) partnerships have had their letter of offer withdrawn.

(AQW 51741/11-16)

Mr O'Dowd:

- (vi) 105 applications were received in the second call of the Delivering Social Change Shared Education Signature Project
- (vii) 87 applications have been approved of which 6 were deferred pending further work
- (viii) 69 letters of offer have issued to date
- (ix) 10 partnerships accepted the letter of offer to date
- (x) No partnerships have had their letter of offer withdrawn to date

Mr Agnew asked the Minister of Education whether there will be any future announcements for new school builds in the current financial year; and if so, to provide details.

(AQW 51751/11-16)

Mr O'Dowd: I am currently considering the merits of making a further Major Capital announcement for schools, the timing of which is still to be determined.

Mr Beggs asked the Minister of Education to detail the criteria and points matrix used to prioritise capital investment in a new school

(AQW 51772/11-16)

Mr O'Dowd: The criteria for the selection of Major Capital projects to be taken forward in planning, announced in June 2014 is set out in a protocol document that is available on the Departments website at the following hyperlink;

<https://www.deni.gov.uk/sites/default/files/publications/de/protocol-for-selection-for-the-selection-of-major-capital-works-24-june-2014.pdf>

Mrs Hale asked the Minister of Education to detail what training is available for teachers assisting deaf children.

(AQW 51814/11-16)

Mr O'Dowd: The Interim Chief Executive of the Education Authority (EA) has advised that professional development training was previously provided on an individual basis by the legacy education and library boards. In most cases, mandatory accredited training that was funded by the legacy boards was provided to teachers who were appointed to the services for hearing impairment. Professional development in specific areas (for example meeting the needs of young children with cochlear implants and input from audiology on new devices) was provided locally, although it is recognised that there were variations in the level and frequency of this support. As the EA moves forward, a more co-ordinated approach will be developed in relation to continued professional development in this and other areas.

Mrs Hale asked the Minister of Education to detail the number of deaf children in both mainstream primary and secondary schools.

(AQW 51815/11-16)

Mr O'Dowd: In 2014/15, there were 97 pupils in primary schools and 97 pupils in post-primary schools that have severe or profound hearing loss as one of their special educational needs.

Source: NI school census

Notes:

- 4 Figures relate to the 2014/15 academic year. While the 2015/16 school census took place on the 9th October this year, provisional figures will not be available until December 2015 and will not be finalised figures until February 2016.
- 5 Figures for primary includes nursery, reception and year 1 - 7 classes.
- 6 Figures include pupils at stages 1 – 5 on the Special Educational Needs Code of Practice.

Ms Sugden asked the Minister of Education to detail why the Education Authority does not undertake the process or cover the associated expenses of Access NI checks for school crossing patrols.

(AQW 51865/11-16)

Mr O'Dowd: The Education Authority has confirmed that it undertakes pre-employment vetting for regulated positions working in or providing a service for schools which includes school crossing patrol attendants.

The Executive's Budget has been reduced by the Westminster Government by £1.5bn over the last five years. As a direct result of this reduction there is significantly reduced money to spend on frontline services such as Education. I have taken every action possible to protect Education funding and those frontline services within the Department of Education's remit. However, it is simply impossible to protect everything and it is for this reason that it has not been possible to meet the cost of vetting checks for paid employees working in/for schools.

Ms Sugden asked the Minister of Education to detail the process for ensuring that the safety of school children is maintained when a designated school crossing patrol person takes (i) a planned; and (ii) an unplanned leave of absence.

(AQW 51866/11-16)

Mr O'Dowd: Overall responsibility for road safety lies with the Department of the Environment. However, the Education Authority (EA) has a role to play and can take such measures as they may set out in a scheme, approved by my Department with a view to assisting in the prevention of accidents involving school children. This enables the EA to hire and deploy school crossing patrols where particular traffic hazards have been identified.

As the EA have no statutory responsibility for such provision, their delivery of a School Crossing Patrol service is on a discretionary basis and the primary responsibility for ensuring children get safely to and from school rests with parents.

Every effort is taken to ensure that crossing patrols are maintained with as little disruption as possible. Where there is a period of absence, EA will endeavour to ensure alternative cover is provided on a temporary basis. However, it may not be possible to provide alternative cover in all cases of absence, particularly where it is unplanned.

Some schools may have a designated member of staff who has received the required training to operate legally as a substitute in this role and they can be used as a substitute to cover periods of absence.

On occasions where cover cannot be provided, School principals are requested to notify parents that the School Crossing Patrol location will not be manned and that the safety of pupils is a matter of parental responsibility.

Mr Ó hOisín asked the Minister of Education what plans his Department has in place to increase deaf awareness.

(AQW 51883/11-16)

Mr O'Dowd: My Department does not directly promote deaf awareness; however the Education Authority (EA) recently participated in information events, with the British Deaf Association (BDA), to provide an overview of the education system for parents, with particular emphasis on pre-school, primary and post-primary provision and addressed concerns raised by the parents. It was provided to raise awareness of the EA's statutory functions and the services provided.

In addition the BDA (NI), with advice and guidance from the EA, has produced Effective Working with Deaf Parents - Guidelines for Education Professionals; which have been circulated electronically to schools. These guidelines are designed to encourage effective co-operation and communication between education professionals and Deaf parents who are Sign Language users.

Mrs Overend asked the Minister of Education to detail how many partnership applications were received to call 3 of the Delivering Social Change Shared Education Programme which closed on 30 November 2015.

(AQW 51932/11-16)

Mr O'Dowd: Twenty five applications, involving seventy one schools, were received in call 3 of the Delivering Social Change Shared Education Signature Project which closed on 30 November 2015.

Mrs Dobson asked the Minister of Education to detail the cost per text message sent via the C2K information and communications network system from schools to pupils, parents and staff, in each of the last two years.

(AQW 51971/11-16)

Mr O'Dowd: The cost of a text message sent via the C2k network is 2.9p. So, for example, a text sent by a school to 100 parents would cost the school £2.90.

This cost has been static since the introduction of this service in the Autumn of 2013.

Mrs Dobson asked the Minister of Education to detail the number of text messages sent via the C2K information and communications network system from schools to pupils, parents and staff, in each of the last two years.

(AQW 51972/11-16)

Mr O'Dowd: I am unable to provide 2 full years of data as the texting service was only introduced in the Autumn of 2013 and data collection was only available from 1 February 2014.

In addition, the C2k service only collates higher level school data. C2k counts each text once - they do not collate data on the number of recipients that each text is then forwarded to by a school.

The following data is therefore the number of texts recorded by C2k at the higher level.

At total of 28,198 texts have been recorded from February 2014 to date which can be split as follows: -

- 4,750 texts (5 months - February 2014 to June 2014)
- 17,296 texts (12 months - July 2014 to June 2015)
- 6,152 texts (5 months July 2015 to November 2015)

Department for Employment and Learning

Mr Campbell asked the Minister for Employment and Learning, pursuant to AQW 49037/11-16 and following receipt of the outline business case over two months ago, does he expect to be able to announce, before April 2016, the decision to proceed with any construction required for a new Northern Regional College.

(AQW 51469/11-16)

Dr Farry (The Minister for Employment and Learning): The Outline Business Case submitted on 22nd September 2015 by the Northern Regional College was assessed by my Department and deemed to require further amendment. A final version was submitted on 15th October which sets out the College's proposals for addressing its accommodation needs in the Coleraine, Ballymoney and Ballymena areas. I have accepted the Business Case proposals and have sought approval from the Department of Finance and Personnel.

Following Department of Finance and Personnel clearance, the decision on the size and location of campuses will be made public. Any decision to proceed with construction will be dependent on the availability of funding in the Comprehensive Spending Review.

Mr Allister asked the Minister for Employment and Learning to detail whether there will be an apprentice levy for local businesses, as announced by the Chancellor in the Spending Review and Autumn Statement 2015.

(AQW 51666/11-16)

Dr Farry: The Chancellor announced in the Autumn Statement 2015 that the apprenticeship levy will come into effect in April 2017. This fiscal measure will apply across the UK, therefore it will apply to all local businesses both in the private and public sectors.

The Apprenticeship Levy will be set at a rate of 0.5% of an employer's pay-bill and will be paid through PAYE. Each employer will receive an allowance of £15,000 to offset against their levy payment. This means that the levy will only be paid on any pay-bill in excess of £3 million.

Now that further detail has been announced by the Chancellor, a group of senior officials are working with HM Treasury on the details of how the Levy will be implemented and more detail will be available in due course

Mrs D Kelly asked the Minister for Employment and Learning to outline his Department's guidelines to universities on the policy and protocol to be followed when a student has been deemed to have failed their studies, including how the news is to be communicated.

(AQW 51706/11-16)

Dr Farry: The Universities are autonomous institutions responsible for their own policies and procedures including those relating to the communication of exam results. My Department does not therefore provide guidelines to the Universities on this matter.

For information on the Universities' policies and protocols on the communication of exam results you should contact the institutions directly.

Mrs D Kelly asked the Minister for Employment and Learning to detail the number of students at (i) Queen's University; and (ii) Ulster University, who have had their studies terminated in each of the last two years; and how this decision was communicated to the students in question.

(AQW 51707/11-16)

Dr Farry: My Department does not hold this information. You may wish to contact the institutions directly.

Mr Swann asked the Minister for Employment and Learning why Loughguile Community Association has not received payment for the monies owed from the European Social Fund as part of payment outstanding to Training Women Network.

(AQW 51821/11-16)

Dr Farry: This is a regrettable position in respect of ESF funding to the Loughgiel Community Association (LCA). It is imperative, however, to understand the background to the Department's funding relationship with the Training for Women Network (TWN), as lead funding partner, under the ESF Programme. The Department's contract relationship is solely with TWN, and it has no contracting or funding relationship with LCA. As such, I have set out the full detail of the ESF Managing Authority's engagement with TWN under the Programme.

TWN submitted an unvouched financial claim for two claim periods covering July to December 2014 on the 9 September 2015, with a 65% payment value of £186,241. On 14 September 2015, a DEL claims inspector made an initial visit to the project to verify what supporting documentation was available to perform a claims inspection visit.

Following this initial visit, the claims inspector contacted TWN on the 15 September 2015, detailing additional information required to perform the claims inspection visit and requesting a standard claims expenditure list. A suitable date to perform the inspection visit was also requested.

Under the accelerated payments process that I approved in July 2015, a payment of £93,120.95 was issued to TWN on 15 September 2015. This advance payment equates to 50% of the monies claimed for this period, with the remainder payable when the claim is fully vouched.

On 22 September 2015, the claims inspector again contacted TWN, informing them that he had tried to contact them a number of times by telephone to arrange a suitable date for the claims inspection visit. A TWN representative replied on 22 September 15, explaining that she would speak with the TWN Finance Director about the expenditure list, and that Quarter 3 (October – December 14) was not fully complete as partners had not paid their bills; as such, TWN had not vouched this expenditure.

On 23 September 2015, TWN informed the DEL claims inspector that TWN still needed to vouch partner expenditure for some of Quarter 2 (July – September 2014) and most of Quarter 3 (October – December 2014), in order to be in a position to accommodate a DEL inspection visit.

On the 6 October 2015, the DEL claims Inspector informed TWN again that he would be unable to move the process forward until he had received a claim, complete with a full breakdown of expenditure to be verified. He asked for clarification if TWN had completed the necessary exercise at partner level, and asked whether TWN would be in a position to submit a claim for either Quarter 2 or Quarter 3, to enable him to arrange a date to complete an inspection visit. He did not receive a reply from TWN.

To date, DEL officials have not been able to undertake the full claim verification process due to incomplete supporting documentation being made available by TWN. When all the necessary supporting documentation is available, DEL will then commence an inspection visit.

TWN has yet to submit their final financial claim to DEL for the period January to March 2015. Until this is submitted to DEL, and all appropriate supporting documentation is available for inspection, DEL will not be able to perform an inspection visit to complete the claim verification process.

The Department is very aware of the position with TWN's partners and it is important that I set out this full timeline of engagement with TWN, to demonstrate that the Department has been fully engaged with TWN to try and ensure that all its partner organisations receive their funding. The Department has also offered to lend TWN members of Departmental staff to assist with providing the supporting documentation. While TWN initially indicated an interest, to date this offer has not been accepted.

Whilst I fully appreciate the difficulty that this process has created for TWN's partner organisations, the fact remains that the Department is doing all it can at this stage in order to bring the situation to a resolution. However, it remains the case that TWN has not provided the required supporting documentation for its previous claim, and has not yet submitted its claim for the final Quarter of the project. Until both of these requirements have been met, I regret that the Department cannot proceed with paying the relevant claims.

My officials remain open, however, to meeting with any ESF Project Promoters, to try and resolve any outstanding financial difficulties.

Department of Enterprise, Trade and Investment

Mr McGlone asked the Minister of Enterprise, Trade and Investment to detail the meetings which he or his predecessors have held with Cerberus Capital Management since 1 January 2012, including (i) the dates of these meetings; (ii) those in attendance; and (iii) the purpose of each meeting.

(AQW 48251/11-15)

Mr Bell (The Minister of Enterprise, Trade and Investment): After the company acquired the Northern Ireland loan portfolio, the CEO of the European arm of Cerberus Capital Management offered to brief my predecessor, Mrs Arlene Foster MLA, on how Cerberus planned to progress the management of the portfolio.

A briefing was subsequently held on 24 September 2014 with representatives from the company and officials from Invest NI.

Mr McGlone asked the Minister of Enterprise, Trade and Investment to detail the meetings which he or his predecessors have held with the NI Advisory Panel of the National Asset Management Agency since 1 January 2012, including (i) the dates of these meetings; (ii) those in attendance; and (iii) the purpose of the meeting.

(AQW 48253/11-15)

Mr Bell: No such meetings have been held.

Mr McGlone asked the Minister of Enterprise, Trade and Investment to detail the meetings which he or his predecessors have held with any individuals or organisations in relation to the selling of the Northern Ireland loan portfolio of the National Assessment Management Agency since 1 January 2012, including (i) the dates of these meetings; (ii) those in attendance; and (iii) the purpose of each meeting.

(AQW 48254/11-15)

Mr Bell: There have been no such meetings in relation to the selling of the Northern Ireland loan portfolio.

However, after the sale of the Northern Ireland loan portfolio, the CEO of the European arm of Cerberus Capital Management offered to brief my predecessor, Mrs Arlene Foster MLA, on how Cerberus planned to progress the management of the portfolio.

A briefing was subsequently held on 24 September 2014 with representatives from the company and officials from Invest NI.

Mr Allister asked the Minister of Enterprise, Trade and Investment how many established clients for a Northern Ireland operation Tech Mahindra had developed when Invest NI first offered it assistance to set up in Northern Ireland.

(AQW 50576/11-16)

Mr Bell: Invest NI first offered assistance to Tech Mahindra to set up a 'nearshore' operation in Belfast in 2007.

At that time the company had an established client base in the European market, primarily through its relationship with BT, and it also had a number of other clients in North America.

The rationale behind the creation of the Belfast office was to support the company's planned expansion in both North America and mainland Europe.

Mr Allister asked the Minister of Enterprise, Trade and Investment how much funding has been afforded to Tech Mahindra since it established in Northern Ireland.

(AQW 50577/11-16)

Mr Bell: The Company was offered support of £2,237,500 in 2007 to create 220 software development roles in Northern Ireland by 2009.

No grant was ever paid against this offer and there are no clawback implications for Invest NI.

Mr Agnew asked the Minister of Enterprise, Trade and Investment (i) whether he has awarded, or intends to award, any grants to Bombardier to assist with its proposed waste incineration facility at Airport Road, East Belfast; (ii) on what basis such a grant would be made; (iii) how much the grant would amount to; and (iv) whether such a grant relates to any planning permission.

(AQW 50600/11-16)

Mr Bell: The Energy from Waste plant to which the Member refers is not being funded nor will it be operated by Bombardier. The construction of the plant, which involves total investment of £107 million, is being led by Full Circle Generation Ltd and it is being funded in partnership with a consortium of equity investors. The project is not receiving DETI or Invest NI funding.

Mr Campbell asked the Minister of Enterprise, Trade and Investment what steps are being taken to encourage increased self employment in the north and north west of Northern Ireland.

(AQW 50620/11-16)

Mr Bell: Under Local Government Reform (LGR) a number of economic development functions transferred to local Councils. These include (a) enterprise awareness (including under-represented groups), (b) start-up provision and (c) social entrepreneurship.

From 1 April 2015 the new local councils have responsibility to deliver local start-up support in their areas. Invest NI continues to deliver The Regional Start Initiative (RSI) on behalf of Councils until March 2016. RSI is designed to support locally focused entrepreneurs into self-employment by providing one-to-one advisory support, workshop based learning and provision of a commercially focused business plan. In the three years of RSI provision to October 2015, there have been over 1,600 business plans delivered in the North West contract region of the programme.

Invest NI also provides a portfolio of support to entrepreneurs, start-ups and growth businesses with export potential across Northern Ireland including the North and North West.

Invest NI's <https://www.nibusinessinfo.co.uk/> website offers easy to use, comprehensive and up to date practical advice and guidance on all aspects of starting, running and growing a business. The Invest NI Business Support Team provides a centralised service to respond to enquiries from all types of businesses across Northern Ireland.

'Export Starts/Global Starts' are programmes dedicated to entrepreneurs who are starting an export focused business or who have an established business who are seeking to enter export markets for the first time. The Propel Programme is aimed at those entrepreneurs deemed to have the potential to start and rapidly grow an export focused business. Support is also provided to High Potential Start Ups that have ambition to achieve £1million revenue in 3 to 4 years commercializing Intellectual Property that can compete in global markets.

Mr Middleton asked the Minister of Enterprise, Trade and Investment what plans his Department has to promote the 2019 Open golf tournament throughout the North West and to encourage cities such as Londonderry to ensure they maximise the tourism benefit of the event.

(AQW 50634/11-16)

Mr Bell: I welcome the announcement that The Open Championship is to be held at Royal Portrush Golf Club from 18 – 21 July 2019. Securing The Open Championship is a magnificent achievement. It is a key part of Tourism NI's events strategy and is crucial to consolidating our efforts to grow visitor numbers and visitor spend.

The Open Championship is expected to attract 200,000 spectators over the competition days. With the estimated spend per golf tourist at £385 per day, or £2,500 per trip, hosting major golf events plays a key role in realising our ambitious plans to grow tourism in Northern Ireland to a £1 billion industry by 2020. The potential economic return of £70million makes The Open coming to Portrush in 2019 a success story not just for golf and golfing fans but our entire economy.

Major events are recognised as key economic development and tourism drivers, the promotional and economic benefits from hosting major golf events are demonstrable. Hosting The Open Championship will provide the opportunity to raise the profile of Northern Ireland as a golf destination and showcase it to a wider global audience.

A comprehensive Marketing and PR strategy will encourage visitors from both the Republic of Ireland and Northern Ireland markets to take a short break and attend the event. Tourism NI will also work with Tourism Ireland to promote the event internationally to both media and consumers.

The Open Championship will also be promoted across Tourism NI's social and digital channels and a coherent content marketing strategy will be devised with an emphasis on targeting visitors from the Republic of Ireland. In addition, Tourism NI will brief tour operators of the opportunity.

From a regional perspective, Tourism NI will be engaging with and supporting the relevant local authorities and industry in the North West and beyond to maximise the tourism benefits and opportunities that a world class event of this scale and significance can bring.

I commend the R&A for their confidence and commitment to Northern Ireland. I have no doubt the 2019 Open at Royal Portrush, which will be broadcast to half a billion people worldwide, will be a stunning sporting success.

Mr Allister asked the Minister of Enterprise, Trade and Investment to detail the genesis and content of the £750,000 energy grant which was intended for Michelin at the time of its announced closure.

(AQW 50693/11-16)

Mr Bell: On 13 March 2012, my predecessor, Arlene Foster announced in the Assembly that Invest NI would consider, on a pilot basis, providing financial assistance to those large energy users that bring forward proposals for capital expenditure on equipment that will have a significant impact on energy efficiency and, by extension, reduce their energy costs and improve their competitiveness.

On 27 March 2014, Michelin submitted an application for Selective Financial Assistance towards a capital investment in a gas fired Combined Heat & Power plant for the Ballymena site. Implementation of the project could have resulted in savings of circa £1.4million per year.

The project was fully appraised and was approved by Invest Northern Ireland on 23 June 2014. A Letter of Offer relating to a capital grant, not exceeding £750,000, was issued on 24 June 2014 and duly signed by Michelin on 25 June 2014.

The majority of pre-conditions had been met but due to internal financial constraints Michelin did not commence the project prior to the closure announcement on 3 November 2015.

Mr Allister asked the Minister of Enterprise, Trade and Investment how much funding CVS Caremark received from his Department and InvestNI; and whether any of this funding is repayable.

(AQW 50747/11-16)

Mr Bell: In total CVS Caremark received grant assistance of £538,028 from Invest NI.

CVS has entered into a 30 day consultation period involving all staff within the Belfast operation.

On conclusion of this consultation period Invest NI will determine the amount of clawback relating to the CVS offers and recover this as appropriate.

Mr Frew asked the Minister of Enterprise, Trade and Investment, given the recent decisions to close the JTI and Michelin plants in North Antrim and the reality that all other bill payers will still have to pay the total amount of network charges for electricity and conveyance on gas, what measures he will put in place to help mitigate against bill increases for all other businesses and households.

(AQW 50760/11-16)

Mr Bell: As I stated in response to AQW 50539/11-16, the majority of an electricity bill is made up of wholesale costs which, in the SEM, are largely determined by the price of natural gas on world markets. Recent industry reports show that energy costs in Northern Ireland are at their lowest level for six years. For domestic consumers and most businesses, costs are around the

EU average following retail tariff reductions in 2014 and 2015. While larger energy users negotiate their requirements outside formal tariff arrangements, they will also have seen significant reductions in their bills as a consequence of falling commodity prices, primarily gas, on world markets.

Oversight of energy market arrangements is a matter for the Utility Regulator through the process of Price Determinations for network costs, and setting of retail tariffs for incumbent energy suppliers. A 2014 report on network costs found that NI's core network costs are broadly similar to GB and significantly lower than RoI. An independent report commissioned by the Regulator in 2014 concluded that competition arrangements for large energy users were unanimously perceived to be competitive.

I continue to support the delivery of the North South Interconnector in the most cost-efficient manner and further extension of the gas network to which the Executive has approved grant assistance of £30million. We are also working with the Regulator on arrangements to re-design the electricity market to meet EU market harmonisation and integration requirements.

Mr Gardiner asked the Minister of Enterprise, Trade and Investment the (i) destination; (ii) duration; (iii) total cost; and (iv) purpose of each trip outside the United Kingdom and Ireland taken by (a) the Minister; (b) his Special Adviser; (c) his departmental officials; and (d) personnel in each of the departmental arm's-length bodies, in each of the last five years.
(AQW 50800/11-16)

Mr Bell: In relation to overseas trips taken by officials in DETI and its arm's length bodies, the information sought is not readily available and may only be obtained at disproportionate cost.

However, please note that information on Ministerial overseas visits is available on the DETI website for the period April 14 to March 15 and can be accessed via

<https://www.detini.gov.uk/publications/deti-minister-overseas-travel>

Mr McKay asked the Minister of Enterprise, Trade and Investment what impact his decision on the Northern Ireland Renewables Obligation will have on the proposal for a community wind turbine on Rathlin Island.
(AQW 50909/11-16)

Mr Bell: The consultation on proposed early closure of the Northern Ireland Renewables Obligation (NIRO) to onshore wind sets out the criteria that would allow projects to continue to accredit under the scheme after 31 March 2016. The criteria includes being able to demonstrate evidence of planning consent, an accepted grid offer and land rights dated no later than 30 September 2015 for onshore wind generating stations not connecting to a cluster.

I am considering my response to the consultation.

Mr Allister asked the Minister of Enterprise, Trade and Investment whether the £25m from HM Treasury is being treated in the accounts of the Presbyterian Mutual Society as a liability due to the fact that his Department has insisted on it being repaid or treated as a loan; and if so, how this is consistent with (a) the express terms of the letter of 29 March 2011 from his Department to the administrator; (b) the express terms of SR 2011 No. 142; and (c) the then Minister's affirmation in the press dated 16 February 2011 to the effect that the £25 million from HM Treasury was a gift which would not have to be repaid by the Society.
(AQW 50977/11-16)

Mr Bell: The answer to AQW 48424/11-16 outlines how the Presbyterian Mutual Society is treating the amount in question and confirms that the treatment complies with the relevant legislation. The accounting treatment has been agreed by the Presbyterian Mutual Society with its auditors.

Mr Dickson asked the Minister of Enterprise, Trade and Investment whether his Department will consider lowering the charges for registering co-operatives in Northern Ireland, given it costs five times more to register new co-operatives than in the rest of UK.
(AQW 51011/11-16)

Mr Bell: Charges to register co-operatives in Northern Ireland and GB are not directly comparable as an annual fee is paid in GB whereas in NI, societies are only charged for the transactions they make.

In NI, if a co-operative registers using pre-approved ('model') rules, the cost is £200; or £535 if the co-operative wishes to register its own amended rules. In GB, if a co-operative registers using pre-approved ('model') rules, the cost is £40, but can increase to £950 if the co-operative wishes to register its own amended rules. Additionally, an annual fee is applied in GB based on the assets held by the co-operative, from £60 to £470 per annum. There is no annual fee in Northern Ireland.

However, my officials are currently working with their counterparts in HM Treasury and the Financial Conduct Authority to bring about the transfer of responsibility for the registration of Northern Ireland incorporated industrial and provident societies from DETI to the Financial Conduct Authority.

The proposed transfer of societies will result in the consistency of registration fees throughout the United Kingdom.

Mr McKay asked the Minister of Enterprise, Trade and Investment whether he would make a policy exception for community renewables projects under Renewables Obligation, such as that on Rathlin Island.

(AQW 51052/11-16)

Mr Bell: Closure of the Renewables Obligations across the United Kingdom will apply to all onshore wind. There are no exceptions for community projects in Great Britain, including under proposals to reduce the small scale Feed-In Tariff for onshore wind. Any deviation in policy by Northern Ireland risks the desocialisation of consumer costs.

Mr Allister asked the Minister of Enterprise, Trade and Investment what is the minimum efficiency rate of wind generated electricity turbines in Northern Ireland which makes the investment in same viable.

(AQW 51069/11-16)

Mr Bell: This would be a commercial decision for the investor based on a range of factors including site location, turbine design and installation costs.

Mr Allister asked the Minister of Enterprise, Trade and Investment what audit has been conducted into the jobs created by renewable energy projects as opposed to the promise of jobs associated with their promotion.

(AQW 51070/11-16)

Mr Bell: Invest NI has supported the creation of 77 jobs in the renewable energy sector between 2011-12 and 2014-15.

The data capture and ICT systems have been in place since 1 April 2014 to allow Invest NI to monitor and report on jobs created as a result of the entire support it provides. Invest NI is the first economic development agency in the UK and Ireland to introduce such an approach for reporting on jobs created. As such, this metric is yet to be subject to audit, however a robust methodology is in place to enable jobs created to be calculated and reported.

Mr Ó Muilleoir asked the Minister of Enterprise, Trade and Investment whether he has explored the potential for a route from Belfast International Airport to Toronto with stopover in Halifax, Nova Scotia.

(AQW 51094/11-16)

Mr Bell: Providing direct access to destinations such as Canada would provide increased choice for Northern Ireland residents and improve our linkages to important business and inbound tourism markets.

On my recent trade visit to Canada I met with Canadian Airlines and the owners of Belfast International Airport to reinforce Northern Ireland's proposition for a direct service from Northern Ireland to Canada.

Air connectivity is an important driver for economic growth in Northern Ireland.

My Department, Invest NI and Tourism Ireland work together to engage with airlines and Northern Ireland airports to encourage additional air connectivity to Northern Ireland.

The decision on air route development is a commercial matter for airlines. Government has a role in encouraging airlines to add new routes to and from Northern Ireland; however, the final decision rests with the airlines.

Mr Ó Muilleoir asked the Minister of Enterprise, Trade and Investment whether she has received any requests for support for new air routes from Belfast International Airport or carriers to North America or Germany.

(AQW 51095/11-16)

Mr Bell: My Department is in ongoing dialogue with our airports to attract routes to destinations which could be served directly from Northern Ireland, however these discussions are commercially sensitive at this time.

As you are aware we already have a direct flight from Belfast International Airport to Newark which celebrated its 10th anniversary in May this year. Building further links to North America and Europe, would provide increased choice for Northern Ireland residents and improve our linkages to important business and inbound tourism markets.

To assist this Northern Ireland has been successful in attracting the air route development conference Routes Europe which will take place in Belfast in 2017, with over 100 airlines and approximate 1,200 delegates expected. This conference bid was jointly delivered by Invest NI, Visit Belfast and Tourism NI. I am confident this will provide a tremendous opportunity to showcase the Northern Ireland proposition to airlines and other regions in Europe, build mutually beneficial relationships and secure new routes to enhance our international connectivity.

My Department is also scoping the potential for a specific Air Route Development Fund for Northern Ireland.

The decision on air route development is a commercial matter for airlines. Government has a role in encouraging airlines to add new routes to and from Northern Ireland; however, the final decision rests with the airlines.

Department of the Environment

Mr Newton asked the Minister of the Environment whether his Department has prosecuted successfully any companies or individuals for fly tipping in the last twelve months.

(AQW 50598/11-16)

Mr Durkan (The Minister of the Environment): NIEA deals with incidents of Flytipping, the illegal dumping of waste, as an offence under Article 4 of The Waste and Contaminated Land (Northern Ireland) Order 1997. There are also number of legislative provisions that Councils could use to tackle Flytipping and these include: The Waste and Contaminated Land (NI) Order 1997; The Litter (NI) Order 1994; The Pollution Control and Local Government (NI) Order 1978; The Rats and Mice (Destruction) Act 1919 and The Public Health Ireland Act 1878.

NIEA introduced a pilot partnership project to better address flytipping in June 2012. This pilot project was needed to provide data and develop operational arrangements with local Councils with a view to giving them broadly identical investigative, enforcement and clean up powers as the Department under the new Waste and Contaminated Land (amendment Bill). Under the terms of the pilot project, the partner councils could refer certain flytipping cases to NIEA for investigation and clean up when necessary. NIEA has cleaned up all cases of toxic waste including fuel laundered waste which is abandoned outside the confines of the laundering sites, and non-hazardous wastes greater than 20m³ in volume, and since June 2012 has been involved in the clean up of 600 incidents of flytipping at a cost of over £1.3 million.

NIEA has been working hard to try to prevent illegal activity, including flytipping, from being committed in the first place, and is putting resources to a number of key interventions to ensure that waste is managed in accordance with legal requirements.

Flytipping is often clandestine in nature and usually carried out in remote areas under the cover of darkness making detection of the act and the gathering of evidence, extremely difficult. Whilst the Agency has investigated and cleaned up 118 incidents in the past 12 months, unfortunately there has been insufficient evidence to prepare any prosecution action. However NIEA have initiated new processes for issuing fixed penalty notices for fly tipping offences with two fixed penalty notices issued in the past months.

Mr McKay asked the Minister of the Environment to detail what additional cycling and cycle parking facilities have been provided (i) to departmental staff; and (ii) outside departmental buildings to increase the uptake of cycling.

(AQW 50876/11-16)

Mr Durkan: Most of DOE's office buildings are owned or leased by DFP and I understand they will be included in that Department's response. Of the DOE buildings not owned or leased by DFP in 2013 the Driver and Vehicle Agency upgraded its 15 Test Centres to ensure that each has shower facilities available for staff. While these were not installed with the specific objective of increasing the uptake of cycling, it is hoped their provision has encouraged staff to do so.

The Northern Ireland Environment Agency's Water Management Unit premises in Lisburn provided cycle sheds and shower facilities in 2012/13. Provision has also been made for the storage of staff cycles at a number of sites and country parks.

Ms Lo asked the Minister of the Environment whether (i) the Council for Nature Conservation and Countryside as a statutory advisory expert body has the opportunity to develop its role further to encompass the need for independent oversight of departmental performance and prioritisation of activities which arise due to the lack of an independent Environmental Protection Agency; and (ii) whether there is a greater need for the role of Council for Nature Conservation and Countryside to be enhanced given the potential for conflict between the remits of environmental protection and support for the farming industry.

(AQW 50944/11-16)

Mr Durkan: I am due to meet the Chair and representatives of the CNCC to discuss their role in light of the new DAERA being created.

A part of my meeting with CNCC will cover the potential opportunities identified in a 'mapping' exercise undertaken by the Department to consider potential issues, and proposed management strategies, to minimise the impact of Departmental restructuring on the work of CNCC.

Any proposal to expand the role of CNCC to encompass 'oversight' responsibilities, would be a major policy change and would also require changes in primary legislation. Given the significant policy and legislative implications and the timeframe which this would take, it is considered that any such proposals should be a matter for DAERA.

Mr McCallister asked the Minister of the Environment whether the presumption against the extraction of unconventional hydrocarbons in the Strategic Planning Policy Statement is in relation to the extraction phase only and not the exploration phase.

(AQW 50998/11-16)

Mr Durkan: The Strategic Planning Policy Statement (SPPS), which I published on 28 September, provides the strategic planning policy framework for minerals development, including the exploitation of unconventional hydrocarbon extraction. The SPPS reaffirms my long established position that there should be a presumption against the exploitation of unconventional hydrocarbon extraction until there is sufficient and robust evidence on all the environmental impacts.

The SPSS does not refer to the exploration of unconventional hydrocarbon extraction.

Lord Morrow asked the Minister of the Environment, pursuant to AQW 50405/11-16, whether any form of application, including a non-completed application has been received in relation to taxi operator licences for Uber or Hailo.
(AQW 51111/11-16)

Mr Durkan: An application for a Taxi Operator Licence is not considered by the Department until a completed application has been received. HAILO and UBER have both submitted applications for a Taxi Operator Licence; however, to date, HAILO's application is not yet complete.

UBER's completed application was received on 27 November 2015 and a Taxi Operator Licence granted on 2 December 2015.

Mr Weir asked the Minister of the Environment to detail what provisions will be made in regulations to ensure that consumers will be able to distinguish between the different classes of taxis.
(AQW 51184/11-16)

Mr Durkan: Under the forthcoming taxi legislation each of the four classes of Taxi will have unique and individual requirements in respect of signage.

Class A taxis will be required to display a yellow roof sign on which their taxi plate must be displayed. In addition, smaller, yellow, internal signs issued by the Department will be displayed on the windscreen and rear side windows.

Class B taxis will be required to display a roofsign which is white to the front and yellow to the rear, but they will additionally have to display a wheelchair logo on the sign. Again, smaller, yellow, internal signs will be displayed on the windscreen and rear side windows. A further wheelchair logo will be displayed on the outside of the door most likely to be used by a person boarding the vehicle in a wheelchair.

Class C taxis are not required or permitted to use a roofsign, although they will be required to use a smaller, green, internal sign on the front windscreen.

Class D taxis will also be required to display the smaller, white and blue internal sign in the front windscreen and the rear window.

Mr Agnew asked the Minister of the Environment to detail (i) how his Department will establish the extent of the environmental damage caused by the fire at River Ridge Recycling site at Maydown; and (ii) whether the findings will be made public.
(AQW 51219/11-16)

Mr Durkan: NIEA staff worked with the Northern Ireland Fire and Rescue Service (NIFRS) and the owners of the site on a plan to deal with all runoff from the site prior to the NIFRS fighting the fire with water. A bund was constructed around an area of land at the front of the site to which all runoff from the site during the fighting of the fire was directed. Consequently all fire water was prevented from discharging to any watercourse. Due to the good drainage properties of the land in the bunded area the firewater soaked into the ground and none had to be removed off site. NIEA Field Staff monitored the runoff during the course of the fire and there was no significant contamination with oil. During the fighting of the fire, waste from the burning shed was moved to the bunded area. Again this was to ensure any runoff from this waste didn't reach any watercourse.

DOE Marine Environment Division maintains a surveillance monitoring programme throughout Lough Foyle estuarine and coastal waters in connection with its commitment to delivering the Water Framework Directive (WFD) and Shellfish Waters programmes. DOE will continue to maintain a programme of chemical and biological monitoring in the area, at its designated monitoring sites within the Lough and work with other agencies with statutory responsibility for the area including the Loughs Agency, Food Standards Agency and local councils. The results of routine monitoring and subsequent water quality classifications under the WFD are published by DOE on its website.

Mrs Cochrane asked the Minister of the Environment to detail the (a) pass; and (b) failure rate of the testing regime for new taxi driver licence applicants that came into force on 31 October 2014.
(AQW 51221/11-16)

Mr Durkan: The pass and failure statistics for taxi driving test are published as National Statistics and are subject to pre-release protocols. This means that only statistics which have already been published can be provided. I am therefore only able to provide you the figures from 31 October 2014 to 30 June 2015 these are set out in the following tables.

Taxi Theory Test			Taxi Practical Driving Test		
Result	Number of Tests	Pass / Fail Rate	Result	Number of Tests	Pass / Fail Rate
Pass	31	17.7%	Pass	22	78.6%
Fail	144	82.3%	Fail	6	21.4%
Total	175	100%	Total	28	100%

National Statistics for the period 1 July 2015 to 30 September 2015 will be published on 17 December 2015.

The taxi driving test was introduced on 31 October 2014 and is in two parts; a theory test and a practical test. The taxi theory test comprises a multiple choice test and a hazard perception test. Both elements of the theory test are taken as part of the same test event and must be passed before a theory test certificate can be issued.

The pass mark for the multiple choice element is set at 80 out of 100 with a minimum of 19 correct answers in each of the bands to ensure candidates have a good knowledge and understanding in each of the subject areas.

The hazard perception test is the same test used for all learner car drivers but the pass mark is higher to reflect the higher standard expected from experienced drivers who will be driving professionally (57 or more out of a possible 75 as opposed to 47 out of 75 for learner drivers).

The pass rate for the taxi theory test is low in comparison with other theory tests. It was envisaged that initially the pass rate would be low but would rise through time.

The practical taxi driving test lasts for 90 minutes and in order to pass the test candidates must be able to demonstrate that they are competent in the principles of safe driving and have consideration for the safety and comfort of passengers. Candidates must be able to use the controls with a high degree of skill and finesse in all traffic situations. At the time of the assessment candidates must also be able to demonstrate that they are a competent and considerate driver and not a danger to themselves or other road users.

The pass rate for the practical test is consistent with the pass rate for other vocational driving tests, suggesting that candidates are preparing better for the practical test with some taking lessons with driving instructors prior to taking the test.

Mr Lyttle asked the Minister of the Environment whether he plans to introduce a Climate Change Bill.
(AQW 51245/11-16)

Mr Durkan: You will be aware that I received a further mandate in support of a Climate Change Bill for Northern Ireland during the Assembly debate on 30 November.

I see Northern Ireland climate change legislation as having a key role in achieving my aim of a Better Environment – A Stronger Economy. That is why I have issued a discussion document to stakeholders seeking their views on a range of proposals that I would like to see included in a future Northern Ireland climate change Bill. These include ensuring that we contribute to the reduction of greenhouse gas emissions by the setting of a long-term target; providing powers to set interim targets that would assist in evaluating progress being made towards the long-term target while ensuring that we remain competitive in a global economic market; and providing powers to establish an independent climate change advisory body.

In parallel with this exercise, at my request, the Committee on Climate Change is working on an update of its 2011 report 'The Appropriateness of a Northern Ireland Climate Change Act'. That update is expected to be published next month. I believe that the outcome of the negotiations in Paris on an international agreement, my discussion document on proposals for taking forward our own climate change legislation and the update from the Committee on Climate Change on the appropriateness of legislation will ensure that we are well placed to make a climate change Bill central to the work programme of the new Department of Agriculture, Environment and Rural Affairs. I will also endeavour to ensure that the passage of this vital legislation is central to the next Programme for Government.

Mr Weir asked the Minister of the Environment to detail the legislation requiring taxis to carry guide dogs.
(AQW 51247/11-16)

Mr Durkan: It is currently an offence under Section 37 & 37A of the Disability Discrimination Act (DDA) for a taxi driver to refuse to carry an assistance dog or to make any additional charges for doing so. Taxi drivers who are successfully prosecuted for failing to adhere to the requirements of the legislation face a fine of up to £1000.

It is possible for a taxi driver to apply to DVA for a certificate of exemption on medical grounds and this certificate must be displayed in the manner prescribed in the Disability Discrimination (Private Hire Vehicles) (Carrying of Guide Dogs etc.) Regulations (Northern Ireland) 2008.

Mr Ó hOisín asked the Minister of the Environment to detail the number of planning applications that (i) have been approved; (ii) have been refused; and (iii) were pending in the Causeway Coast and Glens Borough Council in the 2014-2015 financial year.
(AQW 51253/11-16)

Mr Durkan: Causeway Coast and Glens Borough Council commenced processing planning applications only at 1 April 2015. During the 2014-15 financial year, responsibility for processing applications rested with my Department. However, the new Borough Council is composed of the four previous Local Government Districts (LGDs) of Limavady, Coleraine, Ballymoney and Moyle.

Table 1 below provides the information requested for last year, broken down by the 4 previous LGDs.

Table 1: Decided applications by LGD in 2014/15, and live applications at 31st March 2015

Ballymoney, Coleraine, Limavady and Moyle LGDs				
	Applications Approved	Applications Refused	Total Applications Decided 1	Live applications at 31/03/2015
Ballymoney	196	11	207	114
Coleraine	428	33	461	228
Limavady	211	13	224	184
Moyle	176	16	192	107
Total	1,011	73	1,084	633

Notes:

- 1 Applications decided do not include withdrawn applications.

Mr Agnew asked the Minister of the Environment to detail (i) the number of fires that have broken out at waste recycling sites since 2010; (ii) what actions his Department has taken in each case; and (iii) for his assessment of whether these actions have helped in preventing any reoccurrences.

(AQW 51295/11-16)

Mr Durkan:

- (i) Since 2010 there have been 18 recorded fires at waste recycling sites across Northern Ireland.
- (ii) NIEA requires that waste management licence holders provide a Fire Action Plan for their facility detailing the fire prevention measures that have been put in place. NIEA has developed and distributed guidance to operators. This is available on the NIEA website at the following link: http://www.doeni.gov.uk/niea/niea_preventing_fires.pdf
- NIEA has also produced a regulatory position statement for reducing fire risk at sites storing waste and other combustible materials. http://www.doeni.gov.uk/niea/rps_-_fire_risk_storing_combustible_materials.pdf
- (iii) This guidance and the regulatory position statement has raised awareness amongst operators and has helped to reduce the occurrence of fires at waste recycling sites.

Mr Allister asked the Minister of the Environment whether a sunroom is to be included in light loss calculations and classed as a main room for such purposes under the High Hedges Act (Northern Ireland) 2011.

(AQW 51322/11-16)

Mr Durkan: Under the High Hedges (NI) Act 2011, local councils are responsible for dealing with complaints in relation to high hedges which are affecting the light entering domestic properties. Guidance is available to councils in implementing the Act. However, the guidance is non-statutory and, while the Department would hope that it is applied consistently by councils, they are at liberty to enhance or alter the guidance as they see fit to suit their specific requirements, provided that this does not contradict the requirements of the High Hedges Act.

Section 5.1 of the guidance states, "Where a dwelling has a conservatory, the opening between it and the house, not the front or side faces of the conservatory, is taken as the window position". Unfortunately, there is no legal definition of the term 'sunroom' nor is the term specifically referred to in the guidance. Some people may refer to "conservatories" as "sunrooms".

Councils treat each case on its merits, taking into account the guidance, as well as the specific set of circumstances surrounding that case, such as, the type of roof, the amount of windows and the amount of light they let into the room. Each decision is, therefore, stand alone and dependent on all of the contributing factors.

Mr Ó hOisín asked the Minister of the Environment whether he has had any discussions with the Northern Ireland Environment Agency regarding their consultation on the new build site for the Roe Valley Integrated Primary Schools, given the results will influence the planning process and therefore the preferred site.

(AQW 51332/11-16)

Mr Durkan: The responsibility for planning functions transferred from DOE to the new councils on the 1st April 2015 and since then Causeway Coast and Glens District Council has responsibility for the planning process in relation to the preferred site for the Roe Valley Integrated Primary School. NIEA's advice when consulted is of a technical nature and it does not consult with me where the planning authority is the Council.

Mr Ó hOisín asked the Minister of the Environment to detail what discussions he has had with Crown Estates in relation to coastal erosion and its prevention.

(AQW 51333/11-16)

Mr Durkan: I have had no discussions with The Crown Estate on this matter.

My Department has a specific regulatory role as the marine licensing authority for construction/development proposals up to the high water mark.

However it has no statutory responsibility for carrying out the construction, maintenance or repair of coastal defences in relation to coastal protection; and no role in inspecting incidents of coastal erosion.

Mr Ó hOisín asked the Minister of the Environment to detail the number of prosecutions the Northern Ireland Environment Agency has pursued in relation to the misuse of end of life tyres.

(AQW 51334/11-16)

Mr Durkan: Since 2012, the Northern Ireland Environment Agency has overseen 11 successful prosecutions, with fines totalling £21,250, for offences involving the storage, transport, deposit or burning of end of life tyres. In addition, two confiscation orders worth £170,000 were secured against tyre recyclers from Newry and Londonderry for the unauthorised storage and burning of tyres. A number of cases are also currently under investigation.

Lord Morrow asked the Minister of the Environment to detail (i) what action he has taken following a report from the PSNI Strandtown to DVA Enforcement in 2013 following allegations of stolen taxi meters; and (ii) who dealt specifically with the matter, and on what dates.

(AQW 51345/11-16)

Mr Durkan: The Agency can confirm that it received a report from PSNI in 2013 concerning the theft of stolen taxi meter programming keys, which could be used to fraudulently alter a taxi meter's internal memory to enable overcharging.

Following this report, enforcement officers paid particular attention when inspecting meters installed in licensed Belfast Public Hire taxis to ensure they had been appropriately tested, calibrated and sealed. To date none of those taxi meters found to be non compliant at the roadside have been associated with the potential altering of the meters internal memory.

To date there have been no taxi meters detected with a programmed internal memory associated with stolen taxi meter programming keys. Enforcement officers continue to be vigilant.

Lord Morrow asked the Minister of the Environment, pursuant to AQW 50579/11-16, to detail (i) why he will not intervene as a matter of urgency in the interests of the public's health and safety; and (ii) whether he will conduct a review into the decisions to ascertain why the concerns of residents were not adequately considered or addressed by the Planning Service.

(AQW 51350/11-16)

Mr Durkan: Pursuant to my previous answer, I do not consider that it is necessary or appropriate to intervene or conduct a review into the decision of Mid Ulster District Council as the local planning authority.

As previously set out, every planning application raises site specific issues and must be considered on a case-by-case basis against all material considerations that are relevant to it. Material considerations include policy and guidance prepared by my Department and any representations received from the public, including objections from concerned residents that raise material planning issues. They also include responses from expert consultees, such as Environmental Health. The relevance of material considerations, and weight afforded to each, is a question of planning judgement for the decision-taker, in this case Mid Ulster District Council.

If there is a concern with how this planning application has been dealt with by Mid Ulster District Council, the appropriate course of action is to raise this matter with the Council in accordance with their Customer Service Policy. A complainant who is dissatisfied with the outcome of the Council's investigation may then refer the matter to the Northern Ireland Ombudsman.

Mr Girvan asked the Minister of the Environment to detail how his Department is ensuring and supporting further professionalisation in the taxi industry.

(AQW 51405/11-16)

Mr Durkan: My Department introduced a new taxi driver licence theory test and practical test in October 2014; as well as introducing mandatory periodic training for all taxi drivers and disability awareness training.

The rationale behind the proposals to require existing taxi drivers to complete this training before the renewal of their taxi driver licence is to improve road and passenger safety, and increase service standards and professionalism within the industry which will, in addition, help to create an improved public image of the industry and make it a more attractive career option.

Mandatory periodic training will bring the taxi industry in line with other professional drivers in the bus and freight industries.

My Department is currently in the process of carrying out a review of the theory part of the taxi driver test and would intend to complete a review of all other areas in due course.

Mr Girvan asked the Minister of the Environment how many new taxi driver licences have been issued since 1 January 2010 broken down by month.

(AQW 51411/11-16)

Mr Durkan: The statistics for the number of new taxi driver licences issued, broken down by month for the period 1 January 2010 to 30 June 2015, are detailed on the attached table.

Month	2010	2011	2012	2013	2014	2015
Jan	205	85	72	77	56	70
Feb	205	76	83	73	74	25
Mar	205	122	97	63	64	15
Apr	111	78	64	87	109	18
May	104	81	76	61	67	10
Jun	77	101	58	73	74	15
Jul	74	102	54	54	69	
Aug	113	111	91	59	79	
Sep	106	70	90	80	71	
Oct	80	88	106	95	92	
Nov	108	93	108	88	140	
Dec	89	60	60	75	150	
Total	1,477	1,067	959	885	1,045	153

Source: DOE National Statistics

Figures for July to September 2015 are not available until 17th December 2015.

Mr Girvan asked the Minister of the Environment how many new taxi driver licences have been issued since the testing regime for new applicants came into force on 31 October 2014 broken down by month.

(AQW 51413/11-16)

Mr Durkan: The statistics for the number of new taxi driver licences issued, broken down by month for the period 1 January 2010 to 30 June 2015, are detailed on the attached table.

Month	2010	2011	2012	2013	2014	2015
Jan	205	85	72	77	56	70
Feb	205	76	83	73	74	25
Mar	205	122	97	63	64	15
Apr	111	78	64	87	109	18
May	104	81	76	61	67	10
Jun	77	101	58	73	74	15
Jul	74	102	54	54	69	
Aug	113	111	91	59	79	
Sep	106	70	90	80	71	
Oct	80	88	106	95	92	
Nov	108	93	108	88	140	
Dec	89	60	60	75	150	
Total	1,477	1,067	959	885	1,045	153

Source: DOE National Statistics

Mr Ó hOisín asked the Minister of the Environment to detail what funding is available for the restoration of historically important and listed buildings.

(AQW 51419/11-16)

Mr Durkan: There are a range of sources of funding for listed and historic buildings. The Listed Places of Worship (LPOW): Roof Repair Fund, a DCMS (Department for Culture, Media and Sport) government-sponsored fund, was set up to help make the UK's listed places of worship weather tight, safe and open for use. The Fund is administered by the National Heritage Memorial Fund on behalf of DCMS. After the programme opened for applications, the significant demand resulted in the Chancellor committing a further £40 million to the Fund in the 2015 Budget. This new money brings the total funding available to £55 million, with £1.2 million made available here to support 25 local historic churches. I understand that the Fund is currently closed; but that it will reopen to new applications later this year, with a view to making awards during 2016. The new application form and application guidance will be available shortly on the LPOW website.

Further information on grants and alternative funding for listed buildings and places of worship may also be found at the Funds for Historic Buildings website www.ffhb.org.uk.

You will be aware that my Department faced difficult choices as a result of the money allocated for 2015-16 in the Executive's Budget. Under the final Budget for 2015-16, my Department's budget was reduced by 10.7%, the highest percentage reduction of any Department.

This significant reduction meant that I had to make very tough decisions in order to manage within the limited financial resources available. Unfortunately, this meant that I had to make reductions in a number of areas, including listed building grants. I was, however, able to allocate £594,000 funding from the Carrier Bag Levy (CBL) Scheme specifically to assist with repairs and maintenance in buildings that provide facilities for community access and use, including listed churches.

My officials are working on proposals for future support arrangements for heritage buildings and structures that recognise reduced budgets and focus on priority categories. I hope to publish draft proposals for comment early in the New Year. Any such arrangements will then be considered within the overall budget available to Departments for 2016-17 and beyond.

Mr Campbell asked the Minister of the Environment whether the planning status of planning application Cam Burn C/2011/0459 is considered as under confirmation and that a formal decision will only be taken after the Causeway Coast and Glens Borough Council hearing and the subsequent Planning Appeals Commission Report has been fully considered by his Department.

(AQW 51442/11-16)

Mr Durkan: The Department received notification from Causeway Coast & Glens District Council on 17 November 2015 that they wished to appear before and be heard by the Planning Appeals Commission (PAC) into the Notice of Opinion to grant planning permission for a wind farm development known as Cam Burn.

Following the hearing, the Commission will prepare a report for the Department. I can confirm that the report of the PAC will be fully considered before the final decision is issued. The final decision will rest with me the Minister of the Environment.

Lord Morrow asked the Minister of the Environment to detail how many taxi drivers have had their licences suspended due to pending or ongoing criminal proceedings of any nature.

(AQW 51445/11-16)

Mr Durkan: In assessing applications for a taxi licence, the Department is required to determine whether an applicant can be considered to be a fit and proper person to hold a taxi licence whilst maintaining a balance between the need to ensure the safety of the public and the need to allow for the rehabilitation of offenders.

Any record of convictions will always be a material consideration in assessing repute. However, in assessing repute the Department has an obligation to look beyond convictions and consider other information in cases where there may be a public safety risk.

Under 'The Common Law Police Disclosure' (CLPD) scheme the PSNI, in cases where there is a public protection risk, will notify the Department at 'charge' or 'arrest' stage rather than waiting for conviction. Such notifications are rare but are of a serious nature and they allow the Department to respond rapidly to information which indicates possible harm to children or vulnerable adults.

Each case is considered on its own merit and may result in the suspension of a taxi driver's licence pending the outcome of any investigation or court case. The volume of licences suspended in such circumstances is extremely low, however, the information is not currently stored in a way that would enable the precise number to be extracted. Work has commenced on the IT system which will enable this data to be provided going forward.

Lord Morrow asked the Minister of the Environment, pursuant to AQW 50579/11-16, to detail what liability his Department has in respect of any installation, safety, health, injury or violation of terms which may occur as a result of the approval of a Centralised Anaerobic Digestion plant, particularly in relation to concerns expressed by objectors.

(AQW 51446/11-16)

Mr Durkan: As my previous reply advised, following the transfer of the majority of planning powers to councils on 1 April this year, the responsibility for the assessment and determination of this application transferred from my Department to Mid Ulster District Council, as the relevant planning authority.

In making a determination the council must have regard to the local development plan, so far as material to the application. The council must also have regard to any other material considerations, including representations received from the public, as well as advice from consultees, such as Environmental Health.

In this instance Mid Ulster District Council has determined that planning approval should be granted, subject to such conditions as they consider necessary to make the development acceptable in planning terms. It will be for Mid Ulster Council to be satisfied that development work is carried out in accordance with the approved development. The granting of planning permission does not negate the necessity to meet all other relevant statutory obligations.

I am satisfied that as the council is the decision taker, and subject to compliance with all relevant legislation, liability does not rest with my Department.

Mr Lyttle asked the Minister of the Environment to detail when he intends to commence the planned review of high hedges legislation.

(AQW 51456/11-16)

Mr Durkan: The High Hedges Act (Northern Ireland) 2011 came into operation on March 2012 and whilst the legislation was introduced by my Department responsibility for its implementation rests with councils.

I previously indicated my intention to undertake a review of the High Hedges Act once sufficient time has been given to allow its full implementation within the new council structures and my Department is able to free sufficient resources to allow this to proceed.

I would anticipate that an important consideration of the review will be the public usage of the legislation and its effectiveness at helping to resolve neighbour disputes. The charging system, the level of maximum fee and improving access to the legislation will all be considered as part of this future review.

Whilst I had hoped the review would commence in the autumn, my department has had to re-prioritise issues because of resource pressures caused by imposed budget cuts. However, I would hope that the review can move forward as soon as practically possible.

Mr McKay asked the Minister of the Environment what steps he is taking to prevent damage to the dark hedges as a result of a lack of parking facilities.

(AQW 51471/11-16)

Mr Durkan: I am aware that 'the dark hedges' remains one of our most iconic natural phenomena in Northern Ireland and has been extensively used as a setting for our local film industry.

The Dark Hedges, an avenue of beech trees planted in the eighteenth century is subject to a Tree Preservation Order (TPO), and thus afforded statutory legal protection. On 1 April 2015 the majority of planning functions transferred to our 11 new local councils for Northern Ireland. These functions included the necessary powers to make and enforce TPOs. Responsibility for the statutory protection of The Dark Hedges is thus now a matter for Causeway Coast and Glens Borough Council.

It will be a matter for Council to have regard to the use of TPO powers and to consider whether parking facilities are required to prevent damage to the trees.

I have therefore forwarded your correspondence and this reply to the Chief Executive of Causeway Coast and Glens Borough Council, Mr David Jackson, for his consideration. You may also wish to contact Mr Jackson directly and he can be reached at the address below:

Mr David Jackson

Chief Executive, Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY

Mr Hussey asked the Minister of the Environment, pursuant to AQO 8858/11-16, to detail (i) why of the 3746 substantiated pollution incidents reported to the Northern Ireland Environment Association only 93 incidents resulted in successful prosecutions; (ii) the number of cases in which a prosecution was sought; (iii) the number of resolved without prosecution; and (iv) the rationale behind the processes used by the Northern Ireland Environment Agency when deciding whether to proceed to prosecution.

(AQW 51488/11-16)

Mr Durkan: Under NIEA's Enforcement Policy, appropriate enforcement action is pursued where a water pollution incident is of medium or high severity. For low severity incidents, by definition minor incidents with minimal environmental impact, enforcement action such as prosecution is rarely appropriate. Of the above 3746 incidents, 3078 were classified as low severity.

For the remaining 668 medium/ high severity incidents, the range of enforcement options available to NIEA includes not only prosecution but also formal warning letters, enforcement notices and cost recovery. Farm businesses may also be subject

to a deduction from their Single Farm Payment monies. Rates of prosecution for water pollution in Northern Ireland have consistently been higher than in other jurisdictions.

The table below details cases submitted to the Public Prosecution Service for consideration for prosecution. These have changed from the original figures provided, reflecting progress through the legal justice system. It should be noted that a single case may involve a number of pollution incidents.

	Submitted to PPS	Rejected by PPS*	Dismissed in court	Polluter convicted
2012	36	2	0	34
2013	48	7	1	40
2014	52	2	0	35 to date
Totals	136	11	1	109 to date

* These cases were rejected on public interest, rather than evidential grounds.

It is not possible to give a definitive figure for those incidents resolved without prosecution, but in principle, alternative enforcement action will have been taken on all remaining medium and high severity incidents. For some particularly difficult premises, enforcement action is ongoing and escalating.

NIEA enforcement action, and particularly prosecution, is intended to protect the environment by ensuring that preventative measures are carried out, that there is sufficient deterrent to prevent recurrence, and to ensure that regulatory systems are complied with. Where appropriate, it is used to ensure that appropriate remediation takes place.

Where prosecution is considered a likely appropriate response, NIEA conducts a case conference once all relevant facts are available. This is attended by the investigating officer(s) and operations staff. The purpose is to confirm that the totality of evidence available justifies prosecution as the appropriate enforcement action.

In addition to the evidence, NIEA also consider other factors in favour of prosecution, many of which are later examined by PPS in their Public Interest test. These include seriousness of the offence (eg, extent and duration of environmental damage), previous/ recurring pollution, and attitude of the alleged offender.

The current NIEA Enforcement Policy provides further detail, and can be accessed at:-

<https://www.doeni.gov.uk/sites/default/files/publications/doe/niea-enforcement-document-2011.pdf>

Mr Allister asked the Minister of the Environment to detail the number of road convictions in relation to the non-agricultural use of tractors on public roads in each of the last five years.

(AQW 51500/11-16)

Mr Durkan: A tractor used for the commercial transportation of goods by road is defined as a 'Goods Vehicle', under the Construction & Use Regulations (NI) 1999 and is recorded by the Driver & Vehicle Agency as such for statistical purposes.

I am aware that there have been a number of convictions relating to the illegal use of tractors on public roads during the last 5 years; however, it is not possible to determine the number that relate solely to the non-agricultural use of tractors given that they fall under the general classification of goods vehicles.

Lord Morrow asked the Minister of the Environment to detail the number of taxi drivers that have had their licences revoked due to a criminal conviction of any nature in each of the last three years.

(AQW 51540/11-16)

Mr Durkan: The Department has the powers to suspend or revoke a taxi driver's licence during the currency of a licence where the Department is no longer satisfied that the licence holder is fit to hold such a licence.

The Department will normally suspend a licence for a period upon conviction. However, where the period of suspension would exceed the expiry of the licence the Department will revoke the licence instead.

For completeness the table below includes the figures for suspended and revoked taxi driver licences.

Period	Revoked	Suspended	Total
2012-13	25	31	56
2013-14	26	37	63
2014-15	11	38	49

Note: The figures are provided from the Driver & vehicle Agency's computer records and do not form part of published and validated DOE National Statistics.

Mr McKay asked the Minister of the Environment if a solar developer is unable to meet the decommissioning of solar farms in future years whether his Department will accept responsibility for decommissioning.

(AQW 51569/11-16)

Mr Durkan: It would be the responsibility of the solar farm operator to comply with any obligations regarding decommissioning. Any non compliance with planning related obligations may be subject to enforcement action by the relevant planning authority. Enforcement action would be considered on a case by case basis based on the particular circumstances at that time.

Mr Agnew asked the Minister of the Environment to detail any training, including costs, delivered to planning staff by Quarry Products Association Northern Ireland prior to the transfer of planning functions to local councils.

(AQW 51588/11-16)

Mr Durkan: Prior to the transfer of planning functions to local councils, minerals training was provided to staff on the 23 February 2015 in Orchard House, Derry, 3 March 2015 in Marlborough House, Craigavon and on 9 March 2015 in Causeway Exchange, Belfast.

Quarry Products Association (QPA) partnered the Planning Division in bringing forward bespoke training. The input from QPA was provided free of charge and encompassed presentations from the Woodland Trust and RSPB.

Mr McMullan asked the Minister of the Environment whether he will give consideration to the use of tyres as a method of sea defence.

(AQW 51636/11-16)

Mr Durkan: Tyres which have reached the end of their useful life are classified as waste. The UK is a contracting party to the OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic. Annex II of OSPAR specifically prohibits the disposal of waste in the marine area.

The use of tyres as a method of sea defence could not therefore be considered as a licensable activity on our coast.

Mr Ó hOisín asked the Minister of the Environment what planning regulations exist on the positioning of electronic display boards.

(AQW 51657/11-16)

Mr Durkan: The legislative framework for the control of outdoor advertisements is the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. This legislation enables the relevant council, as the local planning authority, to regulate or restrict the display of advertisements in the interests of amenity and/or public safety. Under these regulations proposals such as large commercial advertisements with illumination and moving displays or electronic display boards would require the express consent of the council in the form of an application for advertisement consent.

The strategic planning policy framework is set out in the recently published Strategic Planning Policy Statement which aims to ensure that proposals do not prejudice amenity or public safety (including road safety), having regard to the specific circumstances of each proposal.

Mr McKay asked the Minister of the Environment (i) whether the Planning Service will ensure that the successful application for a new substation at Finvoy Road, Rasharkin, will be effectively screened; and (ii) when this will be completed.

(AQW 51696/11-16)

Mr Durkan: As the Member has not provided a planning reference number, I understand that he is referring to application D/2012/0276/F for the construction of a new 110 and 33kV substation at 300m west of no. 269 Finvoy Road, Rasharkin. This was granted approval by the Department in May 2014.

The member, in referring to 'effectively screened' is, it is assumed, seeking information about the landscape proposals for the site. A landscape scheme was conditioned as part of the approval and the scheme is required to be carried out during the first available planting season after the commencement of development.

On 1 April 2015 the majority of planning functions transferred to our 11 new local councils for Northern Ireland. Responsibility for any planning issues including the monitoring and enforcement of the landscape condition is now a matter for Causeway Coast and Glens Borough Council.

Given the issues you raise, I have asked my officials to forward your correspondence to the Chief Executive of Causeway Coast and Glens Borough Council, David Jackson, for his attention. You may also wish to contact Mr Jackson directly and he can be reached at the address below:

Mr David Jackson

Chief Executive, Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine BT52 1EY

Mr Ó hOisín asked the Minister of the Environment, following his on-site visit, (i) for an update on the eighteenth century thatched cottage at 360 Seacoast Road, Limavady; and (ii) any initial proposals he has on the restoration of the building.
(AQW 51763/11-16)

Mr Durkan: My officials continue to work with the owner's agents, to explore how they can provide support and advice to the owners. The most pressing issue, as I understand it, is to provide suitable accommodation for the owners. This is, as you will appreciate, not primarily a matter for my Department, but my I have asked officials to remain in contact with the local authority and the Northern Ireland Housing Executive to ensure that they are aware of the difficult situation the owners find themselves in. My officials' level of involvement is much greater than their normal involvement in repairs to a listed building.

In regard to the restoration of the property, officials are currently in liaison with the owners' newly appointed conservation architect for the project, who will oversee the necessary approvals and consents to effect repairs to the property and take forward the application for a Northern Ireland Housing Executive grant. The possibility of providing the temporary assistance of a CITB joiner, employed by my Department, is also being explored, but cannot be progressed until a structural engineer has reviewed and updated a report on structural matters. I understand that the owners' agent met with the structural engineer on site on 1 December to carry out a further assessment of the structure of the cottage; his report is imminent and the agent will then update my officials to determine what temporary works are appropriate and who is best placed to undertake them. This is within the context that the primary responsibility for the maintenance and protection of a building lies with the building's owners.

Department of Finance and Personnel

Mr Rogers asked the Minister of Finance and Personnel for a breakdown of the gender balance on each of her Department's publicly appointed boards and arm's-length bodies.
(AQW 50871/11-16)

Mrs Foster (The Minister of Finance and Personnel): The gender breakdown of the Boards to which my Department makes public appointments is detailed in the table below.

Gender balance of DFP Sponsored Bodies

Public Body	Male	Female	Total
Northern Ireland Authority for Utility Regulation	5	2	7
Statistics Advisory Committee	7	3	10
Northern Ireland Building Regulations Advisory Committee	8	1	9

Mr Allister asked the Minister of Finance and Personnel to detail the distinction between the anticipated work of the Independent Fiscal Council, referred to in A Fresh Start, and the functions performed by the Executive's Budget Review Group.
(AQW 51224/11-16)

Mrs Foster: The 'Fresh Start' document outlines the role envisaged for the Independent Fiscal Council. The Budget Review Group was created by the Executive to consider and advise on a range of standalone workstreams in development of the Executive's Budget 2011-15. The Budget Review Group included Ministers as members and did not report publically on Executives ability to balance its budget or sustainability of the Executive's public finances as is planned for the Independent Fiscal Council.

Mr Allister asked the Minister of Finance and Personnel, given that her Department brought forward a Budget Bill this year which exceeded Treasury control totals for Northern Ireland, for her assessment of whether D 4.2 of A Fresh Start provides a protection against same happening again.
(AQW 51283/11-16)

Mrs Foster: I brought a Budget Bill to the Assembly earlier this year that assumed implementation of the Stormont House Agreement, this allowed departments to continue spending on the delivery of public services whilst outstanding issues relating to implementation of the Stormont House Agreement were resolved. Those outstanding issues have now been resolved through the Fresh Start agreement.

I believe the circumstances this year were unique, however it is not unreasonable for the UK Government, with Assembly consent to put in place legislation that ensures that going forward spending plans agreed by the Assembly are aligned to the resources available to the Executive.

Mr Allister asked the Minister of Finance and Personnel what will be the relationship between the Independent Fiscal Council for Northern Ireland, referred to at D 4.1 of A Fresh Start, HM Treasury and the Office of Budget Responsibility, particularly since its membership and terms of reference have to be agreed with Her Majesty's Government.
(AQW 51284/11-16)

Mrs Foster: The 'Fresh Start' document outlines the role of envisaged for the Independent Fiscal Council and as stated in the document it will be for the UK Government to agree the membership and Terms of Reference proposed by the Executive for this new body.

The nature of the Independent Fiscal Council's relationship with the Office for Budget Responsibility and HM Treasury has yet to be agreed.

Mr Allister asked the Minister of Finance and Personnel whether the £160m to address the Severe National Security threat, mentioned in D 8.1 of A Fresh Start, would have been payable to the PSNI with or without the agreement of 17 November 2015. (AQW 51285/11-16)

Mrs Foster: The £160 million for National Security and enhanced capability to address paramilitary activity and criminality is over and above Barnett and provides the PSNI with guaranteed funding in order to plan effectively. The certainty provided for by the political agreement avoids any doubt around whether the funding stream would be made available under normal arrangements.

Mr Allister asked the Minister of Finance and Personnel in light of the Chancellor's commitment to grant aid housing for first time buyers and thereby assist the construction industry, will a parallel scheme be rolled out locally. (AQW 51461/11-16)

Mrs Foster: You will be aware that in Northern Ireland we already have a number of housing schemes delivered by the Department for Social Development (DSD) to assist first time buyers and you could conclude that in some regards, England is playing catch up in this section of the market.

Local schemes include Co-ownership, which has delivered over 4,000 affordable homes in the last four years. In addition, DSD are piloting two variant models utilising Financial Transactions Capital targeting the first time buyer; the Affordable Homes Loan Fund and the Rent to Purchase Initiative.

Officials will continue to monitor the outworking of the Chancellor's statement to ensure that any Barnett consequential is recognised and actioned.

Mr Allister asked the Minister of Finance and Personnel whether she intends to hold a public consultation on the draft 2016/17 budget. (AQW 51463/11-16)

Mrs Foster: Given the timeframe involved it will not be possible to hold a formal public consultation on the 2016-17 Budget, however I have asked my officials to engage with key stakeholders as part of the process.

Mr Beggs asked the Minister of Finance and Personnel for an update of the value of the Dormant Accounts Scheme that has been available to the NI Executive following the Dormant Bank and Building Society Accounts Act 2008; and how funds made available has been spent locally. (AQW 51528/11-16)

Mrs Foster: Financial institutions participating in the dormant accounts scheme surrender funds held in dormant accounts to the Reclaim Fund. The Reclaim Fund estimates the prudent level of funds required to meet future claims and determines how much funding to release.

The funds released by the Reclaim Fund are apportioned according to the Barnett Formula, as set out in "The Distribution of Dormant Account Money (Apportionment) Order". To date £7.15m is available to meet expenditure in Northern Ireland, with £1.3m being received in 2011-12, £1.4m in 2012-13, £2.3m in 2013-14, £1.4m in 2014-15 and £0.75m in 2015-16.

It is my intention that the monies will be made available in the form of a Fund to support Social Investment in Northern Ireland. I will announce the way forward in respect of the Fund shortly.

Mr McNarry asked the Minister of Finance and Personnel how many employees taking the exit leaving strategy from public service jobs have since (i) been re-employed in the public sector; (ii) found employment elsewhere; (iii) since signed for unemployment benefits; and (iv) sought start up grants for new business. (AQW 51529/11-16)

Mrs Foster: We do not hold this information for employees exiting under the Transformation Fund for the Northern Ireland Civil Service or wider public sector.

Mr Nesbitt asked the Minister of Finance and Personnel whether the projected savings from the Voluntary Exit Scheme in this financial year have been achieved. (AQO 9282/11-16)

Mrs Foster: I am pleased to report that the Scheme will successfully deliver the requirements of all departments. The pay-bill saving this financial year, from the first three tranches of exits, will amount to just under £24 million.

The saving will be lower than the £26 million estimated in the business case. That estimate was based on a number of planning assumptions, including the need to protect business continuity. As the year progressed departments, as a result of careful management and control, amended their requirements.

Mr Byrne asked the Minister of Finance and Personnel for her assessment of the current budget situation for Northern Ireland given the recent Comprehensive Spending Review announcement and the decision to retain working tax credits in their current form until 2018.

(AQO 9281/11-16)

Mrs Foster: The UK Spending Review and Autumn Statement will see the NI Resource DEL fall in real terms by 5% by 2019-20. This is in spite of receiving some £1.1 billion consequential from funding for Health services in England.

The Capital budget fares much better with conventional Capital set to rise by 12% in real terms by 2020-21.

Although reducing, Financial Transactions Capital will still make up £410.8 million of our overall Capital DEL funding over the period.

The Chancellor's decision on tax credits means that the Executive will now have to take decisions on how best to utilise the funding set aside for mitigation measures.

Mr Cree asked the Minister of Finance and Personnel why, in the November monitoring round, her Department included a reduced budget requirement for depreciation of £1.9m.

(AQO 9285/11-16)

Mrs Foster: During the 2015-16 budget exercise, my Department bid for additional depreciation requirements in anticipation of receiving funding for a number of capital projects.

As the Department was not successful the additional depreciation was not required and was therefore surrendered.

Mr F McCann asked the Minister of Finance and Personnel when she plans to undertake the revaluation of non-domestic rates.

(AQO 9286/11-16)

Mrs Foster: This will be a matter for the Executive to decide in due course. It is an issue upon which we are currently consulting on as part of the Review of Non Domestic Rating System.

I am aware that a number of business organisations are seeking revaluations as frequently as every 3 years. Indeed, I met representatives from the Belfast Chamber of Trade and Commerce recently and this subject was discussed.

While I think there is a lot of merit to having much more regular revaluations, and for this to be written into legislation, I want to consider the final outcomes of the consultation and the views of the DFP Committee before presenting the case for change to the Executive.

Mr Lyttle asked the Minister of Finance and Personnel for an update on the delivery of the independent audit of departmental spending as included in the Stormont House Agreement.

(AQO 9288/11-16)

Mrs Foster: I have commissioned the Ulster University's Economic Policy Centre to carry out an independent audit into the cost of division and I anticipate that a draft report will be available later this year.

While I have not had sight of the draft report I fully expect the costs identified in it to be significantly less than the findings of the initial Deloitte report.

Mr Gardiner asked the Minister of Finance and Personnel for an update on the budget process for 2016-17, including the probable time table.

(AQO 9289/11-16)

Mrs Foster: The UK Spending Review outcome announced on 25 November set the overall funding envelope for the Northern Ireland Executive for 2016-17 to 2020-21.

Unfortunately, the timing of the Spending Review announcement does not facilitate the Executive's usual Budget process, I have therefore brought a paper to the Executive proposing the way forward and this will be discussed at the first available opportunity.

Department of Health, Social Services and Public Safety

Mr McElduff asked the Minister of Health, Social Services and Public Safety whether his Department will adopt the recommendation of the Western Health and Social Care Trust for the retention and development of acute mental health services in Omagh.

(AQW 47142/11-15)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): The business case from the Western Health and Social Care Trust regarding the location of the second Mental Health Inpatient Unit in the Western Trust area was received on 23 June 2015. The Department raised a number of queries in August and currently awaits the response to these from the Trust. A final decision will be taken after that.

Mr Rogers asked the Minister of Health, Social Services and Public Safety to detail what support his Department is giving to suicide prevention groups within South Down.

(AQW 50638/11-16)

Mr Hamilton: For the current financial year, the Public Health Agency has allocated £690k to groups to deliver suicide prevention and mental health promotion services in South Down. Groups in receipt of funding are: Kairos Centre; MACS Supporting Children and Young People; Down Rural Community Network; The HUB Counselling service; New Life Counselling; Protect Life Community Resource Service; PIPS Newry and Mourne; Start 360; Northern Ireland Association of Mental Health. The funding also provides for a mental health specialist post.

Mr Easton asked the Minister of Health, Social Services and Public Safety to detail his Department's budget for each of the last three financial years.

(AQW 51453/11-16)

Mr Hamilton: My Department's closing Departmental Expenditure Limit (DEL) Budget (including Capital) for each of the last three years was as follows:

	£m
2014/15	4,974.9
2013/14	4,895.8
2012/13	4,827.0

Mrs Cameron asked the Minister of Health, Social Services and Public Safety for an update on the current evidence regarding blood donations from men that have sex with men.

(AQW 51840/11-16)

Mr Hamilton: The Northern Ireland Court of Appeal is currently considering appeals from my Department and the Department of Health in London against elements of the judgement in the judicial review case JR65 regarding the policy of permanent deferral from blood donation in Northern Ireland by men who have had sex with men (MSM).

Whilst no policy decision can be taken while the Court is considering whose responsibility it is to decide donor referral policies for Northern Ireland and it will be necessary in due course to take account of the ECJ's ruling in the Leger case, I believe that the policy should be resolved promptly once responsibility is established.

At all times, my primary focus, and that of my predecessors, has been to ensure patient safety. I have also made it clear that I will be guided in my decisions by the available evidence. To that end, I have recently written to the Secretary of State for Health Jeremy Hunt MP suggesting that he and I request that SaBTO provide us with the current state of evidence regarding the risks for recipients of blood and to give us their assessment of the levels of risk associated with permanent deferral of MSM, a five-year deferral and a one-year deferral in Northern Ireland. I have suggested that this piece of work be done because some time has elapsed since SaBTO considered the report to the Working Group in 2011 and because this work would permit consideration of up to date expert advice as soon as the Court reaches its judgement.

If such a piece of work confirms that the current system in Great Britain has presented no significant additional risk to the safety of blood donations, and indeed affirms emerging evidence that blood safety has been increased in Great Britain, it would be my view that such evidence should be followed and that Northern Ireland should adopt the same policy on blood donations from MSM as the rest of the United Kingdom.

Mr Hilditch asked the Minister of Health, Social Services and Public Safety what level of support he has received for extra funding for the Health Service.

(AQO 9292/11-16)

Mr Hamilton: The total level of current expenditure funding awarded to my Department in 2015/16 is some £123m greater than that available in 2014/15. This increase takes account of the uplift that was outlined in the Executive's Budget for 2015/16, and the additional non-recurrent in-year allocations made to my Department through the Monitoring Round processes.

The Executive's budget for 2015/16 provided an additional £200m for front line health services but my Department was also required to make some £50m of savings in other areas of its budget, including the Fire Service and my other ALBs. In addition, the level of assistance available to my Department in 2015/16 through the Monitoring Round process is approximately £30m less than that received in 2014/15.

I welcome the Executive's past support in providing additional funding to my Department and would look to its continued support in the future so that my Department is best placed to meet the health and social care needs of the people of Northern Ireland

Mr Newton asked the Minister of Health, Social Services and Public Safety to outline the action he is taking to assist those residents affected by the recent announcement of the closure of local Four Seasons care homes.

(AQO 9295/11-16)

Mr Hamilton: As I said in this House last week, Four Seasons Health Care has taken a business decision to close these homes. This decision was taken independently of the Department and the Health and Social Care Board.

The closure of these seven homes by Four Seasons Health Care will impact on many residents and their families and will cause great anxiety and uncertainty for those directly affected by the closures. However, I want to assure residents in these homes that I am determined to reduce the impact of this unavoidable situation.

On this basis, my Department is working closely with colleagues in the Health and Social Care Board, Health and Social Care Trusts, the Regulation and Quality Improvement Authority and Four Seasons Health Care in developing plans to manage the transition to alternative care arrangements. Our shared aim is to ensure that any relocation will be managed with minimal disruption to residents, and that they are able to remain as close to their original location as possible.

I am clear that the continued well-being of residents is the priority in dealing with the transition to alternative care arrangements.

My Department has established a joint working group with the Health and Social Care Board, the Regulation and Quality Improvement Authority and the Trusts to monitor developments and to oversee the resettlement of the residents affected by the closures.

Within the Trusts, multi-disciplinary teams have been established to work through the detail of all of the moves, to identify new placements and to manage the terms of all of the moves. You will appreciate that this is a complex and difficult task and team members will therefore be drawn from across the Trusts.

Mr Girvan asked the Minister of Health, Social Services and Public Safety to outline the additional services that will be delivered following the November monitoring round.

(AQO 9296/11-16)

Mr Hamilton: My department received an additional £47.6 million in-year resource to invest in essential front line services.

The bulk of the funding, some £40 million, will go towards tackling waiting lists for elective care and treatment. A further £7.6m will be invested to meet a range of priority pressures across essential front line services, including unscheduled care/patient flow, Transforming Your Care, the Family Fund, Insulin Pumps, Psychological Therapies and Children's services.

Mr Lyons asked the Minister of Health, Social Services and Public Safety how his Department is preparing for winter pressures within the health service.

(AQO 9297/11-16)

Mr Hamilton: All Health and Social Care Trusts have plans in place to deal with pressures on unscheduled care and increases in demand this winter. I have allocated an additional £8 million to support these plans by addressing the anticipated pressures over the winter period, including pressures in primary care.

The funding will be used to provide: additional diagnostic capacity; more beds; increased patient discharge team capacity to free-up beds; additional domiciliary care and nursing home placements; additional GP surgeries in-hours; additional GP, nursing and call handler support out-of-hours; and, additional ambulance cover.

Mrs McKevitt asked the Minister of Health, Social Services and Public Safety to outline how his Department will implement the recommendations of the July 2012 McCollum Report.

(AQO 9298/11-16)

Mr Hamilton: The Health and Social Care Board and Public Health Agency are taking forward the implementation of the McCollum Report's recommendations.

Progress has been made in a number of areas including:

- i. A lead has been identified in the Public Health Agency for muscular dystrophy and related neuromuscular conditions in Northern Ireland.
- ii. The Health and Social Board has allocated funding to the Belfast Health and Social Care Trust to appoint six neurological care advisers. These care advisers provide advice, support and information to people living with neurological conditions including neuromuscular conditions.

The Health and Social Board has allocated funding to Belfast Health and Social Care Trust for the appointment of an adult neuromuscular consultant and adult neuromuscular nurse specialist.
- iii. A training event for health and social care professionals, including GPs, was held on 25 February 2015 to raise awareness of living with neuromuscular conditions.

Ms Ruane asked the Minister of Health, Social Services and Public Safety for his assessment of the impact the statutory regulation of clinical physiologists will have on providing a safe and effective practice.

(AQO 9299/11-16)

Mr Hamilton: My assessment, which I am aware is shared by the administrations across the UK, is that statutory regulation of Clinical Physiologists is not required to ensure safe practice.

I consider that the current system of voluntary registers is the most proportionate and effective approach to ensuring safe and effective care.

Mr Kennedy asked the Minister of Health, Social Services and Public Safety, of the 109,721 patients waiting in excess of 18 weeks for a first outpatient appointment at the end of September 2015, to outline how many were waiting longer than 26 weeks, 52 weeks, 78 weeks and 104 weeks.

(AQO 9300/11-16)

Mr Hamilton: Reducing waiting times is one of my top priorities. I welcome the additional funding of £40 million, secured at November Monitoring, which will go directly towards tackling waiting lists. Already, patients are being contacted to attend appointments for hip and knee operations, spinal procedures and urology for example.

This is just a start, much more additional funding will be needed to get us back to where we previously were, but we are now going in the right direction and I hope patients see the benefit of this as soon as possible.

At the end of September 2015, there were 80,506 patients waiting longer than 26 weeks for a first consultant-led outpatient appointment, with 20,840 of these waiting longer than 52 weeks, 2,489 waiting longer than 78 weeks and 177 waiting longer than 104 weeks.

Mr McElduff asked the Minister of Health, Social Services and Public Safety to outline any discussions with the Minister for Health regarding a cross border approach to an air ambulance service.

(AQO 9301/11-16)

Mr Hamilton: My officials have had ongoing discussions on my behalf with their counterparts in the Republic of Ireland's Health Department concerning this service. Both jurisdictions have decided to establish separate regional services with a view to further explore opportunities for collaboration at a later stage. The current position is set out in my statement to the Assembly of 3 September 2015 and the statement issued by the Minister for Health, Leo Varadkar TD and the Minister for Defence, Simon Coveney TD on 15 July 2015 announcing the Permanent Establishment of the Emergency Aeromedical Support Service.

Mrs Dobson asked the Minister of Health, Social Services and Public Safety whether increased waiting times for assessment, that in turn lead to delayed diagnosis of serious or life threatening conditions, pose a risk to patient safety.

(AQO 9302/11-16)

Mr Hamilton: Delays in assessment and diagnosis can carry an increased risk to patients. Trusts seek to mitigate this risk by on-going triage of assessment and by upgrading routine patients as appropriate. Patients remain at all times under the care of either their GP or consultant.

I welcome the additional funding of £40m, recently announced, which will go directly towards reducing waiting times, this is the first step towards restoring timely access to treatment.

Mr Clarke asked the Minister of Health, Social Services and Public Safety for an update on his Department's plans following the recent announcement of the closure of private sector care homes.

(AQO 9303/11-16)

Mr Hamilton: My Department is working closely with colleagues in the Health and Social Care Board, Health and Social Care Trusts, the Regulation and Quality Improvement Authority and Four Seasons Health Care in developing plans to manage the

transition to alternative care arrangements. Our shared aim is to ensure that any relocation will be managed with minimal disruption to residents, and that they are able to remain as close to their original location as possible.

I am clear that the continued well-being of residents is the priority in dealing with the transition to alternative care arrangements.

My Department has established a joint working group with the Health and Social Care Board, the Regulation and Quality Improvement Authority and the Trusts to monitor developments and to oversee the resettlement of the residents affected by the closures.

Within the Trusts, multi-disciplinary teams have been established to work through the detail of all of the moves, to identify new placements and to manage the terms of all of the moves. You will appreciate that this is a complex and difficult task and team members will therefore be drawn from across the Trusts.

Mr Allen asked the Minister of Health, Social Services and Public Safety when he was first informed of the risk of the Four Seasons business closing local care homes.

(AQO 9304/11-16)

Mr Hamilton: As with many people who follow the news, I have been aware for some time that Four Seasons is experiencing financial difficulties.

In terms of these specific homes, I was aware in general terms in mid-November that Four Seasons was considering closing a number of homes in Northern Ireland.

However the closure of these seven homes was not formally notified to my department until 24 November.

Department of Justice

Mr Easton asked the Minister of Justice whether there are any covenants to restrict what can be built on the Woburn site in Millisle.

(AQW 51178/11-16)

Mr Ford (The Minister of Justice): Due to the volume and complexity of the documentation relating to the Woburn site, the Departmental Solicitor's Office has informed the Northern Ireland Prison Service that it will take some time to provide a full response.

It will be provided as soon as possible.

Lord Morrow asked the Minister of Justice how many cases are within the court system in which a full or partial anonymity order has been granted, broken down by (i) court division; and (ii) court level.

(AQW 51260/11-16)

Mr Ford: The number of cases currently within the court system for which there is an active Anonymity Order is given in the table below.

Division	Court Tier	Number
Belfast	Crown	1
Londonderry	Crown	1
Armagh & South Down	Magistrates'	1
Craigavon	Magistrates'	1
Londonderry	Magistrates'	10

Source: Integrated Court Operations System as at 24 November 2015

The court may also make an order restricting the information that the media can publish about a case. This may include a prohibition on the publication of a defendant's name. A manual review of these reporting restriction orders would be required to identify if they contained anonymity clauses, which could not be completed without incurring disproportionate cost.

Mr Lyons asked the Minister of Justice to detail the amount of funding his Department awarded to the RUC GC Widows' Association, in each of the last five years.

(AQW 51267/11-16)

Mr Ford: The amount of funding provided by my Department to the RUC George Cross Widows' Association in each of the last five years is shown in the table below:

Year	£k
2010-11	40
2011-12	38
2012-13	38
2013-14	0
2014-15	25

Due to a change in the classification of the RUC George Cross Widows' Association in April 2013, the mechanism available to the Association to access funding from my Department is now via a grant application process.

Mr Easton asked the Minister of Justice what plans he has to resolve the 500 criminal cases which are currently unable to proceed due to a dispute over reforms to legal aid fees.

(AQW 51395/11-16)

Mr Ford: The Bar Council and the Law Society challenged the remuneration for Crown Court cases, introduced in May, by way of judicial review. The High Court ruled against my Department on two specific areas, but did not strike down the Rules as the applicants had sought.

My officials continue to meet with members of both sides of the profession to discuss a range of legal aid issues, including Crown Court fees. Further meetings have taken place since the judgment. I also met with representatives of the Bar Council and the Law Society last week when they advised that they were considering lodging an appeal against the Judicial Review decision. I have made it clear to the professional bodies that I am prepared to listen to any reasonable proposition and to consider adjustments where real issues are identified.

Lord Morrow asked the Minister of Justice, pursuant to AQW 50332/11-16, what guidance is available for a client who is placed in this position by a solicitor or law firm.

(AQW 51440/11-16)

Mr Ford: If a solicitor is unwilling to provide assistance the individual can access detailed guidance on completing the forms from the Legal Services Agency website.

Lord Morrow asked the Minister of Justice to what extent sentencing is enhanced in respect of aggravated assaults, as opposed to straightforward assaults.

(AQW 51441/11-16)

Mr Ford: In determining the appropriate sentence for all offences within the legislative framework, the independent judiciary consider all aggravating and mitigating factors.

Lord Morrow asked the Minister of Justice, pursuant to AQW 50410/11-16, what is meant by Abused Prescription Medication; and which of these prescription medications are detectable.

(AQW 51474/11-16)

Mr Ford: Abused prescription medication refers to the abuse of medications prescribed by a General Practitioner, for example, opiate based drugs for pain relief. When a test shows the presence of these drugs the hostel staff will check against the list of medications which the individual is prescribed. If they are not prescribed these medications then they will be regarded as having failed the test.

If there are concerns that someone may be taking more of this drug than has been prescribed by their GP, it is possible to have these samples laboratory tested to determine the level of the drug present in the sample. If it is over the prescribed level, this would also be viewed as a failed test.

Lord Morrow asked the Minister of Justice how many cases are in the court system in which full or partial reporting restrictions have been granted in respect of the defendant, broken down by (i) court division; and (ii) court level.

(AQW 51475/11-16)

Mr Ford: A manual review of all reporting restriction orders would be required to identify if they were in respect of the defendant or a witness. This could not be completed without incurring disproportionate cost.

Mr Givan asked the Minister of Justice whether a Stress Risk Assessment has been considered for HMP Maghaberry.

(AQW 51483/11-16)

Mr Ford: A stress risk assessment has been considered for Maghaberry.

Following the outcomes of the NICS wide Wellbeing at Work Survey 2014, my Department has been working closely with the Health and Safety Executive Northern Ireland (HSENI) on the development of Mental Wellbeing at Work Risk Assessments.

The Northern Ireland Prison Service is part of this initiative and arrangements are in place for NIPS, in conjunction with the core Department, to engage with HSENI in early 2016 on the development of a mental wellbeing at work risk assessment. Maghaberry will be included in the development of such assessments.

Mr Givan asked the Minister of Justice whether there is a protocol for the use of electronic signatures on email correspondence and notices for management grades within the Northern Ireland Prison Service.

(AQW 51484/11-16)

Mr Ford: There are no such protocols in the Northern Ireland Prison Service.

Mr Givan asked the Minister of Justice whether he is aware of instances when the Northern Ireland Prison Service sent correspondence to staff, who had moved homes through the Special Purchase of Evacuated Dwellings, at a previous address.

(AQW 51485/11-16)

Mr Ford: It is not appropriate to comment publicly on matters relating to the safety and security of prison officers.

Lord Morrow asked the Minister of Justice (i) how many judicial reviews were taken against the Prison Service by non-separated prisoners in each of the last five financial years; (ii) how many were dismissed; (iii) how many were upheld; and (iv) what was the cumulative legal aid costs in each year.

(AQW 51553/11-16)

Mr Ford:

Year	No. taken	Dismissed	Upheld	Withdrawn	Ongoing	Leave not granted
11/12	40	15	12	11		2
12/13	54	22	13	12		7
13/14	67	19	15	19		14
14/15	74	24	13	19	2	16
15/16	35	11	9	3	7	5

In relation to part (iv) I will write to you to provide the cumulative legal aid costs when I receive them.

Mr Ross asked the Minister of Justice what damage was caused during the Erne House fire at HMP Maghaberry.

(AQW 51598/11-16)

Mr Ford: Damage caused during the Erne House fire was isolated to a store room, link corridor and staff control pod. The contents of the store room were also destroyed. All areas have required refurbishment.

Mr Ross asked the Minister of Justice how many people have received a custodial sentence for animal welfare offences in each of the last five years.

(AQW 51600/11-16)

Mr Ford: Animal cruelty offences span a number of statutes. During the period in question, offences were prosecuted under the Welfare of Animals Act (Northern Ireland) 1972, repealed under the Welfare of Animals Act (Northern Ireland) 2011, the Wildlife (Northern Ireland) Order 1985 and the Welfare of Animals Act (Northern Ireland) 2011.

The table below gives the number of persons imprisoned following a conviction for animal cruelty for the calendar years 2010 to 2014, the latest year for which data are available.

Persons receiving a custodial sentence following a conviction for animal welfare offences, 2010 - 2014

Year	Persons given custodial disposal
2010	4
2011	3
2012	3
2013	2
2014	10

Note:

- 1 Figures relate to initial court disposals only. Results of cases brought to appeal are not included.
- 2 Figures relate to persons convicted of any one of the offences in question, whether or not they were the primary offence at conviction.

Lord Morrow asked the Minister of Justice, pursuant to AQW 51044/11-16, how this answer is consistent with press coverage that states calls are made in a sound-proof suite, but are monitored by security cameras.

(AQW 51613/11-16)

Mr Ford: The press coverage was with regards to the Skype facility pilot at Magilligan prison, not Maghaberry Prison.

Mr Weir asked the Minister of Justice whether the PSNI has asked his Department for additional funding to conduct the Stakeknife investigation; and if so, to detail the bid.

(AQW 51637/11-16)

Mr Ford: Funding of specific investigations is an operational matter for the Chief Constable, for which he is accountable to the Policing Board. I can confirm that the Chief Constable is in discussion with my Department and the Policing Board on this matter.

Lord Morrow asked the Minister of Justice, pursuant to AQW 51006/11-16, whether he wishes to review this answer given his previous answer AQW 44828/11-15; and to detail any further costs claimed.

(AQW 51704/11-16)

Mr Ford: The information provided in both AQW 51006/11-16 and AQW 44828/11-15 is accurate.

AQW/51006/11-16 sought the current cost in legal aid of the combined cases referenced 14/020710. The response to AQW/51006/11-16 therefore related to ICOS number 14/020710 which refers to Crown Court proceedings against three co-defendants.

As stated, no claims have been received from any of the legal representatives in respect of the Crown Court proceedings.

AQW/44828/11-15 correctly indicated the fees paid in respect of the Magistrates' Court proceedings.

Lord Morrow asked the Minister of Justice, pursuant to AQW 50911/11-16, whether this is the case if a prisoner is dangerously psychotic, as opposed to mentally ill and not suitable for inpatient care in any health facility.

(AQW 51705/11-16)

Mr Ford: I would refer the member to my response to AQW/50911/11-16 which stated that prisoners with serious mental health illness, which includes dangerous psychosis, are assessed by the Mental Health Team and depending on the diagnosis those identified to have a mental illness may be transferred to an external psychiatric facility.

Mr Hussey asked the Minister of Justice to outline the rationale for the absence of an authority for police officers serving in British forces to return to the PSNI; and what steps he can take to remove this block to allowing police officers to return to Northern Ireland from Great Britain.

(AQW 51781/11-16)

Mr Ford: I refer to the answer I gave to AQW/49455/11-16 on 21 October 2015.

Police officers who previously served in Northern Ireland and are now serving in Great Britain are not blocked from returning to the PSNI but, as with all workers, can do so only within the requirements of the respective police services/forces.

As vacancies arise, chief constables are able to advertise for serving officers with certain skills, qualifications or expertise to apply to fill those vacancies. Officers who feel they meet the requisite criteria can apply to be considered for appointment.

Alternatively, former officers can apply to join the PSNI as a trainee through the PSNI recruitment programme.

Mr A Maginness asked the Minister of Justice, pursuant to AQW 50928/11-16, how, in line with international standards and children's rights, the youth justice system will be kept separate and distinct from the criminal justice system as it applies to adults; and how, in the child's best interests, a childcare centred ethos will be ensured.

(AQW 51784/11-16)

Mr Ford: The youth justice system in Northern Ireland is entirely separate and distinct from that which applies to adults. Children have bespoke arrangements in place which emphasise the need for welfare support and appropriate diversion from the justice system.

Furthermore, the Department of Justice introduced legislation under the Justice Act (NI) 2015 to amend the statutory aims of the youth justice system to fully reflect the 'best interest' principle as espoused in Article 3 of the United Nations Convention on the Rights of the Child.

I have no intention of changing the separate nature of the youth justice system. In fact, I have commissioned a Scoping Study into Children in the Justice System to consider the entire legislative and structural framework surrounding youth justice with a view to further improving the way the justice system responds to children who come into contact with it.

Likewise, and in line with a strong recommendation from the United Nations Committee on the Rights of the Child, I fully support an increase in the Minimum Age of Criminal Responsibility. However any such change would require cross-party support, and there is currently an absence of sufficient political support to implement such an increase.

Mr Easton asked the Minister of Justice how much annual funding the Prison Service receives from his Department.
(AQW 51806/11-16)

Mr Ford: The Resource and Capital Departmental Expenditure Limit (DEL) budget allocated by my Department to the Prison Service for the 2015-16 financial year is shown in the table below:

Departmental Expenditure Limit (DEL) Budget 2015-16 £k

Resource DEL	114,883
Capital DEL	10,000

Mr D Bradley asked the Minister of Justice to detail (i) the number of personnel impacted by the Pension Ombudsman ruling in May 2015 on the Police Pension Scheme in Northern Ireland; (ii) the total amounts owed to retired Police Officers; and (iii) when they should expect to receive payments owed.

(AQW 51882/11-16)

Mr Ford: In relation to the Pension Ombudsman ruling in May 2015, the Police Service of Northern Ireland has advised that:

- (i) 2952 members of the Police Pension Scheme in Northern Ireland have been impacted by the Pension Ombudsman ruling in May 2015.
- (ii) Current estimates show that backdated payments amount to around £45m, with a possible £12m in terms of interest payments.
- (iii) Redress payments to affected members (based on the date of retirement from 1 December 2001 forward) commenced in December 2015 and it is anticipated that all payments will be completed over the coming months.

Mr McGlone asked the Minister of Justice, pursuant to AQW 50768/11-16, and given his stated commitment to keeping children and young people out of the criminal justice system and providing effective, targeted support and intervention, and further to the commitment under the Hillsborough Agreement to ensure compliance with international obligations and best practice and the recommendations of the Youth Justice Review, how this aim is served by aligning the Youth Justice Agency with the adult NI Prison Service.

(AQW 51940/11-16)

Mr Ford: The youth justice system in Northern Ireland is entirely separate and distinct from that which applies to adults. Children have bespoke arrangements in place which emphasise the need for welfare support and appropriate diversion from the justice system.

Furthermore, my Department introduced legislation under the Justice Act (NI) 2015 to amend the statutory aims of the youth justice system to fully reflect the 'best interest' principle as espoused in Article 3 of the United Nations Convention on the Rights of the Child.

I have no intention of changing the separate nature of the youth justice system. Indeed, as I indicated in my response to AQW/50768/11-16, I have commissioned a Scoping Study into Children in the Justice System to consider the entire legislative and structural framework surrounding youth justice with a view to further improving the way the justice system responds to children who come into contact with it.

I would also reiterate that the creation of a Reducing Offending Directorate within my Department, which incorporates the Youth Justice Agency, strategic policy on reducing offending amongst children, young people and adults, and the NI Prison Service, allows for the sharing of experience, research and knowledge and is ultimately to the benefit of the criminal justice system.

Mr Givan asked the Minister of Justice for an update on the tendering process for the construction of an additional cellular accommodation block at HMP Maghaberry, including the timescale within which it is hoped the tender will be awarded and the construction phased completed.

(AQW 51980/11-16)

Mr Ford: The tendering for the design and construction of a 360 Cell Accommodation Block at Maghaberry is currently being evaluated prior to completion and approval of the business case. Approval by DFP is required prior to award. An award of contract is anticipated in early 2016.

The 360 Cell Accommodation Block is expected to be completed by 2020.

Mr Craig asked the Minister of Justice what action his Department has taken to introduce new cross border arrangements to address cross border crime.

(AQO 9314/11-16)

Mr Ford: A Fresh Start – The Stormont House Agreement and Implementation Plan was published on 17 November. It announced the establishment of a Joint Agency Task Force to be led by senior law enforcement officers from both sides of the border.

This will build on the good work already being carried out in the area of cross border organised crime.

My Department is working with the British and Irish Governments and law enforcement agencies to establish how this can best be taken forward. A Tri-lateral Ministerial meeting is being planned for later this month to consider details, including membership, priorities and agreed goals.

Mrs D Kelly asked the Minister of Justice for his assessment of the statement by Her Majesty's Chief Inspector of Prisons in England and Wales that HMP Maghaberry is one of the worst prisons he has ever seen and the most dangerous he has visited.

(AQO 9315/11-16)

Mr Ford: The inspection carried out in May provided a deeply worrying analysis of how Maghaberry Prison was performing at that time.

However, the comments from Her Majesty's Chief Inspector of Prisons in England and Wales went beyond the considered opinions of the report.

In the six months since the inspection, the Prison Service has taken actions to improve the immediate performance of Maghaberry as well as putting in place a longer- term plan to address resourcing, regimes and ensuring the prison is delivering better outcomes for prisoners and a safe, decent and secure environment for staff and prisoners.

NIPS has published the actions that will address the nine recommendations from the Report and in parallel work has already begun to ensure that any previous recommendations are addressed.

I am confident that when the Inspectors return in January they will see significant progress and a prison delivering for people in custody and playing its part in building a safer community.

Mr Campbell asked the Minister of Justice how many people have been convicted for failure to pay their television licence fee in each of the last three years.

(AQO 9316/11-16)

Mr Ford: In 2012, there were 4,350 convictions for failure to pay the television licence with 3,545 in 2013 and 3,670 in 2014.

Mr Maskey asked the Minister of Justice for an update on the consultation on the Rationalisation of the Court Estate.

(AQO 9318/11-16)

Mr Ford: The Northern Ireland Courts and Tribunals Service has completed the analysis of the responses received to the consultation and drafted a set of recommendations on the proposals for closure. Having listened to the views of consultees the original proposals have been modified in two areas.

First, it is recommended that Enniskillen should be retained at this time but that it should be designated as a hearing centre and opened only on those days when a court is sitting.

Second, the establishment of a Family Justice Centre in the Old Townhall Building is not economically viable at this time although it remains a longer-term aspiration which will be considered in the context of the DOJ Estate Strategy. As a result, it is recommended that Newtownards Courthouse is retained at this time.

It is recommended that the other proposed court closures (in Armagh, Ballymena, Limavady, Magherafelt and Strabane) proceed. In the vast majority of closures, the business will transfer to larger and more modern court buildings capable of offering a better standard of accommodation and facilities for court users.

My officials briefed the Justice Committee on the outcome of the consultation exercise on 26 November and I expect to reach a final decision early in 2016.

Department for Regional Development

Mr Allister asked the Minister for Regional Development what savings have been made by her Department within the 2015-16 budgetary allocations.

(AQW 50146/11-16)

Miss M McIlveen (The Minister for Regional Development): Against a total of £60m resource budget pressures at the start of 2015-16 my Department currently envisages making savings of some £48m.

Mr McMullan asked the Minister for Regional Development how many street lights in rural areas are not working; and whether she has set aside adequate resources to have all street lights working before the end of 2015.

(AQW 50573/11-16)

Miss M McIlveen: The Executive has recognised the problems caused by the reduced capacity to fix streetlights that are not working by providing additional funding for this purpose in the recent monitoring round. While my Department's records system does not allocate streetlights between rural and urban areas, officials have already issued instructions to contractors to supplement in-house resources and repair streetlights across Northern Ireland. By end March 2016, my Department envisages that the vast majority of the backlog for repair of streetlights will have been removed and the public can assist us by reporting failures on NI Direct - 'Report a Street Light Fault' <http://www.nidirect.gov.uk/street-lighting-and-reporting-a-fault> or by telephone to 0300 200 7899.

Mr Dallat asked the Minister for Regional Development what steps have been taken to ensure that funding provided to Translink is used to keep bus and train fares at an affordable level; and that further cuts to bus and train routes are avoided.

(AQW 51061/11-16)

Miss M McIlveen: Translink fares have fallen in real terms over the last number of years and compare favourably with those in the rest of the UK and with the Republic of Ireland. That is a position I intend to maintain.

Translink have made significant management savings this year in response to budget pressures. Even after these savings, fare rises and changes to services, Translink still face a financial deficit this year and it will need to ensure income matches expenditure over time. The Executive has provided an extra £2m for concessionary fares in the recent monitoring round.

I want to ensure that Translink's fares remain value for money going forward and that it continues to serve the needs of the public wherever possible.

Mr Easton asked the Minister for Regional Development what the final financial cost will be for the new Millisle Sewage pumping system works.

(AQW 51118/11-16)

Miss M McIlveen: Ongoing essential improvement work to upgrade the sewerage infrastructure and a key pumping station in Millisle, which commenced in June 2015, will cost an estimated £1 million.

However, the overall programme of work is not due to complete until summer 2016, and final accounts would not be agreed until sometime after that. Therefore it is not possible to provide the final financial cost for the project at this stage.

Mr Campbell asked the Minister for Regional Development to detail the average number of Vehicles Per Day that use the (i) A5 between Londonderry and Strabane; and (ii) the A6 between Londonderry and Dungiven.

(AQW 51169/11-16)

Miss M McIlveen: Based on 2014/15 data from permanent traffic counters, the average workday traffic flows along sections of the A5 and A6 are as outlined below:

- (i) A5 between Londonderry and Strabane
 - 17,400 - Victoria Road at Bollies;
 - 12,400 - New Buildings;
 - 12,000 - south of Cloghcor; and
 - 15,600 - Strabane Bypass.
- (ii) A6 between Londonderry and Dungiven
 - 30,300 - between Altnagelvin Roundabout and hospital entrance;
 - 13,500 - east of Dumahoe;
 - 10,000 - east of Claudy Crossroads; and
 - 16,500 - west of the bridge crossing the River Roe in Dungiven.

These figures represent total flows in both directions.

Mr Campbell asked the Minister for Regional Development whether she would implement a policy of greater awareness for motorists using the A26 between Glarryford and Ballymoney while the current roadworks are ongoing, by morning updates on the likelihood of delays due to roadworks on local radio and the departmental website.

(AQW 51171/11-16)

Miss M McIlveen: The current traffic management arrangements along the A26 dualling scheme, between Glarryford and the A44 Drones Road, are being carefully managed to ensure that any delays due to these works are kept to a minimum.

There is currently a temporary 40mph speed restriction along this section of the road, which is advertised on the Trafficwatchni website, advising that there could be delays of up to five minutes. In addition, to help reduce delays, the contractor is not permitted to carry out work that disrupts two-way flow during peak travelling times.

My Department has also made provision for a system to monitor the journey time of vehicles through the works. This is linked to variable messaging signs to inform motorists of any delays and also notifies the site team of excessive journey times through the works. If these are a result of the contractor's traffic management, then the traffic management will be removed as quickly as possible.

To date, there have been no significant delays due to the works, however, my Department is continually monitoring this situation. If traffic management is required that may cause significant delays, my Department will make motorists aware of this through local radio, the Trafficwatchni website, as well as placing appropriate signage along the scheme.

Mr Ó hOisín asked the Minister for Regional Development for an update on the progress of the official inquiry into the Dungiven bypass and the dualling of the A6 Dungiven to Derry.

(AQW 51180/11-16)

Miss M McIlveen: A report has been prepared addressing the recommendations arising from the Public Inquiry, held in 2012, for the Londonderry to Dungiven scheme. Once I have considered this report I will make a decision on how the scheme should proceed.

Funding is in place to develop the scheme to a point where the Departmental Statement is published, setting out how the project should proceed. Further progression will be subject to final approval of the business case and be dependent upon the financial settlement for the next budget period commencing in April 2016.

Mr McCarthy asked the Minister for Regional Development for an update on negotiations to agree a new passenger walkway at Cultra Station.

(AQW 51201/11-16)

Miss M McIlveen: The walkway at Cultra Station belongs to a developer as part of his property in the area. Translink has a right of way to the walkway.

Translink has been working with the developer's professional team for some time, trying to come to an agreement on their proposals for an access path to the down platform.

The developer is to construct this path and once completed Translink has agreed in principle to take responsibility for the path, lighting and maintenance.

Translink has been in contact with the architect and has arranged a meeting in order that its proposals can be discussed in more detail.

Mr Dickson asked the Minister for Regional Development whether her Department intends to procure new trains for the Enterprise service in the near future.

(AQW 51203/11-16)

Miss M McIlveen: £12 million of European funding, through the Special European Union Programme Body, is being invested in the current Enterprise refurbishment programme. This project is to completely overhaul and refurbish all 28 coaches.

The first refurbished train was launched on Monday 16 November 2015 and work on the remaining sets is expected to be completed by February 2016.

There are no plans to procure new trains for the Enterprise service in the near future. This would require agreement between Irish Rail and NI Rail.

Mr Dickson asked the Minister for Regional Development to account for the delays to the Enterprise service on the day of its relaunch; and the unreliability of the rolling stock in general.

(AQW 51204/11-16)

Miss M McIlveen: Translink has advised me that the 11:00 hours Enterprise departure from Dublin Connolly on 16 November 2015 was delayed by 88 minutes due to severe wheel slip in Balbriggan area of the Irish Republic. Low adhesion on the railway line resulted in significant delays and damage to the train wheels.

Over the past six months the performance of the services on the Belfast to Dublin route for punctuality and reliability has been a 99.93% score for reliability and a 93.8% for punctuality. Punctuality is defined as trains arriving at their destination either on time or within 10 minutes as set out in the timetable.

The Passenger Charter targets for the Dublin line are that 99.5% of trains will operate and 90% of trains will arrive no more than 10 minutes late. These targets have been more than achieved.

Mr Dickson asked the Minister for Regional Development to outline the logic of the road numbering system in Northern Ireland.

(AQW 51205/11-16)

Miss M McIlveen: Road classification dates back pre 1973 and consequently it has not been possible to locate any historic record of how the classification system was originally determined. Its use today is limited to route identification, and has no

relevance to current funding allocations. Any new road outside a motorway would be classified on the basis of the comparable route classification in the area.

Mr Dickson asked the Minister for Regional Development whether Translink will consider a later final service on the Larne Line to allow passengers on the last Dublin to Belfast train to connect to the Larne Line.

(AQW 51225/11-16)

Miss M McIlveen: Translink has advised me that Irish rail are currently considering the rescheduling of their Intercity and Commuter (Dublin Area Rapid Transit) services that use Connolly Station which also has a knock on effect on the Enterprise Services.

The proposals mean that the Enterprise service would become a two-hourly service leaving Dublin and arriving in Belfast Central Station at 25 minutes past the hour from 09:25 to 23:25.

Currently the last service to Larne departs Belfast Central station at 22:55 but following a number of requests I can inform the member that this departure time is currently under consideration and will be considered as part of the January 2016 timetable review.

This and other Translink timetable revisions from next year are still under consideration. Translink will need to consider its overall timetable connections when considering changes.

Mr Eastwood asked the Minister for Regional Development when construction work will begin on the A5.

(AQW 51226/11-16)

Miss M McIlveen: Included within the "Fresh Start: the Stormont Agreement and Implementation Plan", the Northern Ireland Executive and the Irish Government have agreed that, subject to successful completion of statutory procedures, the construction of a section of the A5 shall commence in 2017 with a view to completion by 2019.

Mr Easton asked the Minister for Regional Development for an update on the sale of the old Donaghadee Translink bus depot site.

(AQW 51240/11-16)

Miss M McIlveen: The property was put through Land & Property Services (LPS) D1 process in 2014 with interests shown from a Housing Association and the local Council. After protracted negotiations both parties failed to submit an offer.

The property has recently (November 2015) been placed on the open market for sale via an agent.

To date no formal offers have been received but interests have been noted from a number of Housing Associations and local developers.

Mr Dallat asked the Minister for Regional Development to detail the extent of the current backlog in processing Blue Badge applications; and when the backlog will be cleared.

(AQW 51268/11-16)

Miss M McIlveen: A backlog of Blue Badge applications made under assessed eligibility criteria means that some applicants have been waiting up to four months for a response to their application. Consequently, additional staff resource has been assigned to deal with this and the backlog is reducing.

I am happy to report that applications made under the automatic eligibility criteria, are being processed on target within 30 working days.

Mr Ó hOisín asked the Minister for Regional Development how many staff are employed to repair street lights in the Causeway Coast and Glens area.

(AQW 51281/11-16)

Miss M McIlveen: My Department does not directly employ staff to repair lights in the Causeway Coast and Glens Council area.

However, the Measured Term Contactor for the area has three fully equipped teams providing strategic cover across the Causeway Coast & Glens Council area. These teams are allocated to the Limavady/Dungiven, Coleraine/Garvagh and Ballymoney/Moyle areas.

Mr Ó hOisín asked the Minister for Regional Development when the streetlights in Drumsurn, Limavady will be repaired.

(AQW 51282/11-16)

Miss M McIlveen: All defective street lighting in Drumsurn was repaired on Tuesday 24 November 2015.

Mr Easton asked the Minister for Regional Development how many pot holes require repaired in Bangor.

(AQW 51309/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. We are working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

As a result, surface defects which were not able to be repaired will now be identified and programmed for repair in line with my Department's maintenance guidelines.

My Department does not hold information specifically on potholes as during inspections officials record all surface defects including potholes, carriageway depressions, surface cracking, manhole defects, etc

It will take a full inspection cycle to quantify outstanding work and therefore I am not able to provide a definitive figure at this time.

Mr Easton asked the Minister for Regional Development how many pot holes require repaired in Donaghadee.
(AQW 51310/11-16)

Miss M McIlveen: I would refer the member to the answer provided in his recent question.

Mr Easton asked the Minister for Regional Development how many pot holes require repaired in Millisle.
(AQW 51312/11-16)

Miss M McIlveen: I would refer the member to the answer provided in his recent question.

Mr Easton asked the Minister for Regional Development how many pot holes require repaired in Hollywood.
(AQW 51313/11-16)

Miss M McIlveen: I would refer the member to the answer provided in his recent questions.

Mr Ó hOisín asked the Minister for Regional Development how much her Department has invested in the RADAR safety village at Sydenham, Belfast.
(AQW 51327/11-16)

Miss M McIlveen: My Department has supported the establishing of the RADAR Safety Centre by providing a Puffin Pedestrian Crossing. The equipment was a stock item held by the Traffic Information and Control Centre, and the commercial cost of the equipment would be in the region of £8,500.

Mr Dickson asked the Minister for Regional Development why Translink services are not integrated with the Google Maps route finder facility, as is the case in other parts of the UK.
(AQW 51383/11-16)

Miss M McIlveen: Translink has provided Google with a selection of its timetabling data, which is in line with the relevant public transport industry standard formats. However, Google uses a different format. Translink has, therefore, engaged its software supplier to identify what will be necessary to provide data in a format that meets Google's requirements. Translink envisages that it will be in a position to release data sets to Google in 2016.

Mr Lyttle asked the Minister for Regional Development to outline the criteria used to determine which evidence is supplied to prove an infraction to an individual issued with a penalty charge notice and which evidence is withheld.
(AQW 51393/11-16)

Miss M McIlveen: When a Penalty Charge Notice (PCN) is issued the following information is captured electronically:

- Date and time (including any observation and/or grace times that may be appropriate);
- Location where vehicle is detected in contravention;
- Vehicle registration mark, type and colour;
- Wheel valve position information (if appropriate);
- Contravention code (according to the restriction contravened);
- Unique reference number (all starting with RS);
- Photographs;
- CCTV footage in relation to Moving Traffic Offences in bus lanes;
- Additional "electronic" notes deemed appropriate by the issuing Traffic Attendant (TA);
- Hand written pocket book notes were superseded by "electronic" notes but, if required, for example, when dealing with Blue Badge concerns, additional notes and statements may be completed by the issuing TA;
- Traffic Attendant reference number; and

- Vehicle keeper details are sought from the Driver and Vehicle Licensing Agency, if neither payment nor challenge is received.

Apart from issues relating to Data Protection, no information is withheld.

Mr Easton asked the Minister for Regional Development what is the timescale for the works for the Belfast Rapid Transit system to be completed.

(AQW 51396/11-16)

Miss M McIlveen: The Belfast Rapid Transit (BRT) system is scheduled to become operational in September 2018.

Implementation works on the BRT system began in May 2014 and a new 520 space Park & Ride site is now in service in Dundonald and works have been completed on the routes at Ballyhackamore in East Belfast and on the Falls Road, between Grosvenor Road and Whiterock Road, in West Belfast. Works are underway on the Upper Newtownards Road between Hollywood Arches and Sandown Road, and on the Falls Road and Divis Street, between Millfield and Grosvenor Road. Work on the remaining sections of the BRT routes will be scheduled over the next few years to ensure that the infrastructure is in place to meet the September 2018 operational date.

In advance of BRT becoming operational, the new infrastructure will help to provide a more reliable public transport service which will benefit the large numbers of passengers currently using the routes.

Mr Easton asked the Minister for Regional Development whether there are any plans to resurface the footpaths in Fairfield Park, Bangor.

(AQW 51398/11-16)

Miss M McIlveen: My officials have assessed the footways in Fairfield Park, Bangor and consider that they are in a safe and serviceable condition. This being the case, I can advise that they do not currently have sufficient priority to be considered for inclusion in footway reconstruction rolling programme.

Mr Easton asked the Minister for Regional Development whether there are any plans to repair the potholes at Ashfield Drive, Donaghadee.

(AQW 51400/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

As a result, surface defects which were not able to be repaired will now be identified and programmed for repair in line with my Department's maintenance guidelines.

Mr Ó hOisín asked the Minister for Regional Development how many street lights are in need of repair; and what is the estimated cost of repairs.

(AQW 51406/11-16)

Miss M McIlveen: The Executive has recognised the problems caused by the reduced capacity to fix broken street lights by providing additional funding for this purpose in the recent monitoring round. As of 30 November 2015, it is estimated that there are some 25,000 street lights not working, and the estimated cost of these repairs is £1million.

My officials have already issued instructions to contractors to supplement in-house resources and repair street lights across Northern Ireland. By end of March 2016, my Department envisages that the vast majority of the backlog for repair of streetlights will have been removed and the public can assist us by reporting failures on NI Direct - 'Report a Street Light Fault' <http://www.nidirect.gov.uk/street-lighting-and-reporting-a-fault> or by telephone on 0300 200 7899.

Mr Ó hOisín asked the Minister for Regional Development how much was paid in productivity bonuses to departmental staff who carried out (i) verge cutting; and (ii) pot hole repairs compared to the cost of the previously employed contractors.

(AQW 51407/11-16)

Miss M McIlveen: My Department does not hold the information on productivity bonuses requested.

Due to budgetary pressures on the Department's resource budget, TransportNI has been unable to employ external contractors since the end of March. Therefore, to date, there has been no expenditure on employing external contractors to undertake verge cutting or pothole repair during financial year 2015/16.

Mr A Maginness asked the Minister for Regional Development how many motorists have been caught driving in bus lanes each week (i) by camera at location; and (ii) by mobile detection vehicle, since they were installed; and how much revenue has been raised in fines each week.

(AQW 51409/11-16)

Miss M McIlveen: The level of detail requested could only be made available at disproportionate cost. However, the table below shows the information requested by month instead of by week.

Bus Lane/Buses Only Street	Penalty Charge Notices (PCNs)				
	*Jun-15	Jul-15	Aug-15	Sep-15	Oct-15
Albertbridge Road		7	1	3	2
Andersonstown Road		4	6	2	2
Antrim Road	10	22	14	23	30
Castle Street (Fixed Camera)	835	1,748	1968	1466	1515
Castlereagh Road (Belfast)				7	11
Chichester Street				2	
Cregagh Road				5	3
College Square East (Fixed Camera)	189	379			
Donegall Square East (Fixed Camera)	625	3,006	3695	1185	2662
Donegall Square South (Fixed Camera)	58	217			
East Bridge Street (Fixed Camera)	245	250			
Falls Road	56	167	84	27	64
Great Victoria Street (Fixed Camera)	316	2,091	2425	103	
Kingsway, Dunmurry	14	5	11	1	7
Lisburn Road		3		10	5
Ormeau Road	17	4	30	12	17
Queensway		6			
Saintfield Road	11	7	10	29	12
Shankill Road	4	2			
Shore Road	22	109	12	65	48
Upper Lisburn Road Finaghy			3	17	3
Upper Newtownards Road (Belfast)			1	5	22
Upper Newtownards Road (Dundonald)		44			
Upper Queen Street		2	9		3
Victoria Street		12		1	3
Whitewell Road				3	
Woodstock Road		1	5	7	1
York Road		10	3	7	5
York Street	14	3			
TOTAL PCNs	2416	8099	8277	2980	4415
Income (£) received in respect of PCNs issued within the time periods above	67,760.00	308,645.00	304,426.05	100,705.00	138,240.00

* PCNs issued in Bus Lane/Buses Only Street commenced 22 June 2015

Mr A Maginness asked the Minister for Regional Development (i) how many requests to repair streetlights have been received by TransportNI in each of the last 26 weeks; and (ii) how many repairs have been carried out in each of these weeks. (AQW 51410/11-16)

Miss M McIlveen: The Executive has recognised the problems caused by the reduced capacity to fix broken street lights by providing additional funding for this purpose in the recent monitoring round. My officials have already issued instructions to contractors to supplement in-house resources and repair street lights across Northern Ireland.

The level of detail requested could only be made available at disproportionate cost. However, the table below shows the information requested by month instead of by week.

I would point out that my Department is aware that the number of street lights out at present is significantly higher than the numbers of requests detailed in the table, and I would encourage the public to assist us by reporting failures on NI Direct - 'Report a Street Light Fault' <http://reportfaultproblem.nidirect.gov.uk/streetlight.html> or by telephone to 0300 200 7899.

Requests to repair street lighting defects; and numbers of repairs carried out

Month (2015)	June	July	Aug	Sept	Oct	Nov
Requests	1,728	2,018	2,138	3,282	4,388	7,825
Repairs	1,418	1,367	1,228	1,759	*1,169	*621

* Please note that the numbers of repairs shown for October and November are not yet complete, as my Department is awaiting the return and processing of all completed work instructions.

Mr Easton asked the Minister for Regional Development how many expressions of interest in the old Donaghadee bus depot site have been received.

(AQW 51454/11-16)

Miss M McIlveen: Translink has advised me that to date no formal offers have been received but interests have been noted from a number of Housing Associations and local developers.

Mr Easton asked the Minister for Regional Development when work will begin on the new sewage facility at Abbey Street, Bangor.

(AQW 51455/11-16)

Miss M McIlveen: As detailed in my previous answer (AQW 50490/11-16), the proposed work in Castle Park (Abbey Street) is part of an overall estimated £10 million investment in the sewerage infrastructure in Bangor. The work is currently programmed to commence in Spring 2016, subject to statutory approvals and the availability of funding.

Mr Campbell asked the Minister for Regional Development, following the deployment of additional money to repair street lights, whether she plans to seek a similar solution for roads maintenance.

(AQW 51468/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

Additional funding has already been allocated to TransportNI Divisions, and work instructions have issued to my Department's internal workforce and external contractors. Indeed, work has already started on the ground in some areas.

Mr McKay asked the Minister for Regional Development for an update on the proposal for a new bus and rail station in Ballymena.

(AQW 51470/11-16)

Miss M McIlveen: Translink has advised me that the procurement process for an Integrated Design Team for Ballymena Station project has commenced with a view to completing a feasibility study in 2016/17 and identifying options to take forward to a Business Case, which must be approved by my Department.

Subject to approval of a Business Case funding options will need to be considered in the relevant Budget.

Mr Easton asked the Minister for Regional Development whether there are any plans to repair the potholes at Beechfield Drive, Donaghadee.

(AQW 51477/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

As a result, surface defects which were not able to be repaired will now be identified and programmed for repair in line with my Department's maintenance guidelines. This will include any actionable defects identified in Beechfield Avenue, Donaghadee.

Mr Easton asked the Minister for Regional Development whether there are any plans to repair the potholes in Millisle.
(AQW 51480/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

As a result, surface defects which were not able to be repaired will now be identified and programmed for repair in line with my Department's maintenance guidelines. This will include any actionable defects identified in Millisle.

Ms Sugden asked the Minister for Regional Development for a timescale on the repair of street lights in the Causeway Coast and Glens area.
(AQW 51495/11-16)

Miss M McIlveen: My Department is currently increasing routine maintenance operations, as a result of the Executive decision to prioritise funding for this area in the recent monitoring round. This funding will deliver enhanced levels of service. My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding that it will take some time before the entire backlog will be cleared.

The measured term street lighting contractor has two fully equipped maintenance teams currently repairing street lights across the Causeway Coast and Glens Council area.

My Department aims to repair the majority of the lights that it is aware of by Christmas. However, given the scale of the current backlog of outages, it may be that some lights will not be fully operational until early January 2016.

Mr Agnew asked the Minister for Regional Development what discussions have taken place with conservation charities on the sale of Ballysallagh Upper Impounding Reservoir and surrounding forestry.
(AQW 51517/11-16)

Miss M McIlveen: In accordance with the terms of its operating licence, NI Water has an obligation to dispose of assets that are no longer of use. The Ballysallagh Impounding Reservoirs are surplus to NI Water requirements and as a first step in disposing of the redundant reservoirs, expressions of interest were invited from the public sector. No expressions of interest were received for the Ballysallagh Upper Reservoir and recent contact with officials in Ards and North Down Borough Council has confirmed that it is not interested in purchasing the reservoir.

Where no expressions of interest are received from the public sector, NI Water will advertise the property for sale on the open market. In disposing of surplus assets, NI Water must ensure it gets best price and high standards of propriety are achieved. NI Water has now advertised the property on the open market.

NI Water has advised that to date, no conservation charities have expressed an interest in the property and that it would be happy to discuss the disposal of this redundant asset with any interested party.

Mr Agnew asked the Minister for Regional Development whether Ballysallagh Upper Impounding Reservoir has been considered for Community Asset Transfer rather than public sale.
(AQW 51518/11-16)

Miss M McIlveen: I have been advised by Northern Ireland Water (NI Water) that in matters of asset disposal, it must adhere to the terms of its operating licence, achieve best value and demonstrate openness and transparency in the management of public money.

NI Water met with representatives of the Development Trust NI (DTNI) regarding the potential for Community Asset Transfer of this property. DTNI were advised of NI Water's disposal policy and terms of its operating licence and informed that given the significant value of the Ballysallagh Upper Reservoir, there was no opportunity to transfer the asset under Community Asset Transfer for less than market value.

This property is currently advertised on the open market and NI Water will welcome and consider all expressions of interest.

Mr Dickson asked the Minister for Regional Development whether her Department will undertake more robust measures to tackle the flouting of the pedestrian precinct rules by drivers on North Street and West Street in Carrickfergus.
(AQW 51521/11-16)

Miss M McIlveen: I am aware that a relatively low number of Penalty Charge notices have been issued on both streets. However, pedestrian permits issued for Carrickfergus Pedestrian Zone might give the impression to the public that vehicles are parking in contravention. In addition, vehicles loading/ unloading in these locations would be permitted as long as drivers remain within the appropriate observation times.

Both locations form part of a wider route patrolled by Traffic Attendants and therefore cannot receive permanent attention. The current daily frequency for Traffic Attendants at both North Street and West Street is a minimum of four visits per day.

However, my Department will examine the possibility of providing additional visits by Traffic Attendants from the Parking Enforcement Mobile Unit.

I should also advise that Moving Traffic offences, which may be contributing to the overall problem, cannot be enforced by NSL. This would be an issue for the PSNI.

Mr Ó hOisín asked the Minister for Regional Development how many claims for compensation have been made against her Department for damage caused to vehicles or injuries sustained due to unsatisfactory road maintenance since 2012/13; and how many of these claims were (i) successful; and (ii) unsuccessful.

(AQW 51530/11-16)

Miss M McIlveen: Details of the number of claims my Department has received for damage caused to vehicles, or injuries sustained, since 2012/13, are shown in the table below. However, it is not possible to provide details of how many of these claims were due to unsatisfactory road maintenance.

The table also provides details of the number of claims that were successful, unsuccessful or are still ongoing. It should be noted that claims received by my Department may not always be concluded in the same financial year.

Claims for Damage Caused to Vehicles and Injuries Sustained

	Claims Received	Successful	Unsuccessful	Ongoing
2012/2013	2,403	948	1,337	118
Personal Injury	958	190	660	108
Vehicle Damage	1,445	758	677	10
2013/2014	2,341	841	1,362	138
Personal Injury	970	174	678	118
Vehicle Damage	1,371	667	684	20
2014/2015	1,849	644	1,042	163
Personal Injury	826	75	608	143
Vehicle Damage	1,023	569	434	20
2015/2016*	1,241	267	479	495
Personal Injury	607	2	270	335
Vehicle Damage	634	265	209	160

* The figures for 2015/2016 relate to claims received up to 30/11/2015.

Mrs Cochrane asked the Minister for Regional Development, pursuant to AQW 40164/11-15 and in light of her announcement of a £19 million contract award for Belfast Rapid Transit, whether she will allow school children in uniform to travel for free on BRT routes in a bid to encourage greater use of public transport.

(AQW 51535/11-16)

Miss M McIlveen: The Belfast Rapid Transit system will be operated by Translink and the fare structure will be the same as for Metro services in the city. There are already a range of travel concessions available to encourage children and young people to use public transport. These include half fare travel for those aged under 16 and the y-Link smart card offering one third off bus and rail services for those aged between 16 and 23.

Provision of home to school travel is the statutory responsibility of the Department of Education.

Mr McNarry asked the Minister for Regional Development for an update on the number of functioning and non-functioning streetlights.

(AQW 51551/11-16)

Miss M McIlveen: My Department is responsible for more than 285,000 street lights across Northern Ireland. As of 2 December 2015, it is estimated that 260,000 of these lights are working normally, while approximately 25,000 are not functioning.

The Executive has recognised the problems caused by the reduced capacity to fix streetlights that are not working by providing additional funding for this purpose in the recent monitoring round.

My officials have already issued instructions to contractors to supplement in-house resources and repair streetlights across Northern Ireland. By the end of March 2016, my Department envisages that the vast majority of the backlog for repair of

streetlights will have been removed and the public can assist us by reporting failures on NI Direct - 'Report a Street Light Fault' <http://www.nidirect.gov.uk/street-lighting-and-reporting-a-fault> or by telephone to 0300 200 7899.

Mr McNarry asked the Minister for Regional Development for an update on the number of unblocked and blocked roadside gullies.

(AQW 51552/11-16)

Miss M McIlveen: My Department is responsible for the maintenance of some 582,000 gullies. Given the numbers involved, my officials do not maintain an inventory of the number of gullies that are blocked at any given time.

That said, I am pleased to advise that my Department is currently increasing routine road maintenance operations as a result of the Executive's decision to prioritise funding for this important area of work in the recent monitoring round. This additional funding will help deliver improved levels of service across a range of activities including patching, road markings and gully cleaning.

My Department is working to ensure the public can see the difference made as quickly as possible but would ask for understanding as it will take some time before the entire backlog will be cleared.

I acknowledge the difficulties that the limited service has had on road users but I am determined to ensure that a proper level of service is delivered in the future.

Department for Social Development

Mr Easton asked the Minister for Social Development to detail the number of houses (i) that have benefited from the Affordable Warmth Scheme; and (ii) referred to the Housing Executive by councils since September 2014.

(AQW 51243/11-16)

Mr Storey (The Minister for Social Development): The Affordable Warmth Scheme was launched on 15 September 2014 and ran in parallel with the Affordable Warmth Scheme until 31 March 2015. Since 1 April 2015 the Affordable Warmth Scheme has been my Department's primary anti fuel poverty vehicle.

The Affordable Warmth Scheme is a new and innovative approach to tackling fuel poverty in Northern Ireland. The scheme is delivered in partnership with the eleven local councils and the Northern Ireland Housing Executive. All eleven councils have shown full commitment to the new scheme and as well as assessing homes for Affordable Warmth they have been able to introduce other council services such as home safety checks.

The Affordable Warmth Scheme's focus is on helping those in the most severe fuel poverty by targeting them directly and installing measures to increase energy efficiency in their homes. This approach has been endorsed by leading fuel poverty experts both in academia (both in Britain and Northern Ireland) and lobbying organisations. The targeted nature of the Affordable Warmth Scheme means that there is no need to take any additional measures to maximise take up as local councils have extensive lists of potentially eligible homes to visit.

Already circa £11.6 million in Affordable Warmth grants has been approved to improve the energy efficiency of homes in the most severe fuel poverty. These homes are receiving cavity wall and loft insulation, new and improved heating systems, and even replacement windows if needed.

My Department has recognised that it is taking longer than anticipated to process applications and the Housing Executive has conducted an urgent review of the process aimed at streamlining it, whilst maintaining financial and eligibility assurance levels. Some changes have already been made which will speed up the process.

My Department will also carry a comprehensive end-year-review to examine performance to date, scheme qualifying conditions, process effectiveness and delivery arrangements; including the potential for easier access to installers.

The table below shows activity between 15 September 2014 and 27 November 2015

Referrals received by NIHE	Applications failed to proceed*	Approvals to proceed with works Issued	Value of Approvals £	Measures Installed	Homes helped
2014/15 Year					
3,606	503	157	554,225	9	8
2015/16 Year to date					
8,429	2,866	2,889	11,045,775	1,746	1,123
Grand Total					
12,035	3,369	3,046	11,600,000	1,755	1,131

- * Applications fail to proceed for a number of reasons, including:
- their household income exceeded the £20,000 threshold;
 - following a technical inspection no measures were required; or
 - the householder no longer wished to proceed with measures.

The Information provided in this response is governed by the Principles and Protocols of the Code of Practice for Official Statistics. This is enforced by UK Statistics Authority.

Mr Easton asked the Minister for Social Development whether his Department has instructed councils that no new surveys are to be carried out under the Affordable Warmth Scheme until April 2016.

(AQW 51244/11-16)

Mr Storey: The Affordable Warmth Scheme is a new and innovative approach to tackling fuel poverty. It was launched in September 2014 and targets households considered to be on a low income and at risk of extreme/severe fuel poverty. Householders are identified using an algorithm developed by the Ulster University; however, Councils have autonomy to accept referrals into the scheme from non targeted vulnerable households.

It has taken time for the scheme to bed in, which is comparable to the service experienced by householders in the early days of the former Warm Homes Scheme. My Department has been working closely with the Housing Executive and local councils to review the end to end process. I am pleased to inform you that a revised process is now being rolled out across all eleven council areas.

As a result of the revised process local council staff will now complete the Housing Executive application form and confirm the householder's annual income at the initial visit with the householder. This revised process will:-

- (i) mean that only households which meet the eligibility criteria will be forwarded to the Housing Executive for processing;
- (ii) reduce the number of interventions involved for the householder;
- (iii) improve the time it takes from first contact with the householder to delivery of improved energy efficiency measures; and
- (iv) allow the Housing Executive to focus on carrying out technical inspections, issuing approvals and helping householders to select an installer to deliver the approved measures.

It is important to manage the expectation of householders who have already been surveyed and are awaiting an approval from the Housing Executive. In view of the volume of referrals already in the system, the Housing Executive and councils are working collaboratively to progress the outstanding cases as quickly as possible.

I want to assure you that while the focus is on the cases already received, my Department has been very clear to both local councils and the Housing Executive that vulnerable households in urgent need must continue to be referred to the scheme and they will be treated as a priority.

My Department continues to scrutinize overall Affordable Warmth Scheme performance very closely. It is hoped that the streamlined process will allow my Department to deliver increased volume of measures in the 2016/17 year.

Mr Allister asked the Minister for Social Development to detail the method used by his Department's Standards Assurance Unit to estimate the overpayments of housing benefit expenditure due to fraud and error.

(AQW 51550/11-16)

Mr Storey: Estimates of the amount of Housing Benefit overpaid due to fraud and error are produced by statistical analysis of data collected through survey exercises in which staff, from the Social Security Agency's Standard Assurance Unit (SAU), review a randomly selected sample of cases each year.

SAU staff interview Housing Benefit claimants in their home, using a structured and detailed set of questions about the basis of their claim. The interview aims to identify any discrepancies between the claimant's current circumstances and the circumstances upon which their benefit claim was based.

The results from these interviews, alongside an internal examination of the claim for possible staff error, are analysed by statisticians who are independent of the Agency. The statisticians extrapolate the findings to estimate the amount of Housing Benefit overpaid due to fraud and error.

The detailed methodology used to provide the estimate of Housing Benefit overpaid is kept under review and closely mirrors that used by the Department for Work and Pensions in Great Britain.

Mr Allister asked the Minister for Social Development to detail the number of staff in (a) the Northern Ireland Housing Executive; (b) Social Security Agency; and (c) his Department are dedicated to identifying fraud.

(AQW 51556/11-16)

Mr Storey: The Northern Ireland Housing Executive (NIHE) currently has six members of staff in its Counter Fraud and Security Unit who deal with fraud; three in the Corporate Fraud Unit and three in the Tenancy Fraud Unit. There are also 20

staff within the NIHE Housing Benefit Department dedicated to dealing with housing benefit fraud. All staff within the NIHE with customer contact have been trained in identifying potential housing benefit fraud.

The Social Security Agency's Single Investigation Service (SIS) has a complement of 80 fraud investigators, alongside a range of additional staff identifying and dealing with customer error. All benefit processing staff within the Social Security Agency are aware of how to identify potential fraud.

Within the wider Department, the Child Maintenance Service currently has 3 members of staff dedicated to identifying fraud, with all staff within the Service aware of the potential for fraud and the procedures in place for reporting potential fraud. In addition, the Corporate Investigations Unit has 4 staff, trained to investigate any suspicions or allegations of internal fraud and irregularity.

Mr Agnew asked the Minister for Social Development to detail the terms of reference for the working group chaired by Professor Evason.

(AQW 51884/11-16)

Mr Storey: The Fresh Start agreement provided for Professor Evason to lead a working group to bring forward proposals to top up the UK welfare payments in Northern Ireland. Her advice has been sought in order to make best use of the additional measures which the Executive had provided for mitigating welfare reform in Northern Ireland. The modalities underlying this high level set of terms of reference for the working group are currently being finalised.

Mr Agnew asked the Minister for Social Development to detail the additional support for the advice sector agreed to as part of A Fresh Start.

(AQW 51887/11-16)

Mr Storey: As part of the Fresh Start Agreement, the Executive has committed that in preparing its budget for next year, it will provide additional funding for independent advice services in recognition of the complexity of welfare and tax credits. The Executive is currently going through the budgetary process and details of funding will be set out in the draft budget.

Discussions are also ongoing with senior representatives of the advice organisations in exploring ways as to how they can assist with the implementation of welfare reform.

Northern Ireland Assembly Commission

Mr Ó hOisín asked the Assembly Commission when the e-car outlets at the rear of Parliament Buildings will be operational.

(AQW 51532/11-16)

Mr Ramsey (The Representative of the Assembly Commission): The two electric charging points for cars at the rear of Parliament Buildings are now fully operational and the facility is available to all building users during standard working hours.

Access for building users who do not normally have access to the upper car parks can be arranged through Usher Services by completing an upper car park access request form.

Revised Written Answers

This section contains the revised written answers to questions tabled by Members.

The content of the responses is as received at the time from the relevant Minister or representative of the Assembly Commission, and it has not been subject to the official reporting (Hansard) process or changed.

Northern Ireland Assembly

Revised Written Answers

Department of Education

In this Bound Volume, page WA24, replace AQW 51771/11-16 with:

Mr Beggs asked the Minister of Education what investment has been made to date on the new Islandmagee Primary School site to obtain the land and necessary planning permissions.

(AQW 51771/11-16)

Mr O'Dowd (The Minister of Education): A potential site was identified and purchased for a proposed new Islandmagee Primary School (PS) back in 2007 by the then North Eastern Education and Library Board, at a cost of £960K and outline planning approval was obtained. A new build incorporating the school was included in my capital announcement of January 2013 but was later withdrawn. Consideration was again given to a new build proposal in advance of my capital announcement of June 2014 however as an appropriate solution for the future of primary provision in the Islandmagee area was not clear at that time the project was not included in the 2014 list of schemes to be advanced in planning.

The Education Authority, as the managing authority for controlled schools, will have the opportunity to submit the Islandmagee PS project for consideration as part of any future capital announcement process. If the project was then selected to be advanced in planning, a revised review of site options (which would include consideration of the site purchased in 2007) would be carried out as part of the process of preparing the economic appraisal.

The timing of the next capital announcement has yet to be determined.

Department of Justice

In this Bound Volume, page WA80, replace AQW 51161/11-16 with:

Mr Flanagan asked the Minister of Justice, pursuant to AQW 50334/11-16, how many prisoners have self-identified as transgender in the last five years.

(AQW 51161/11-16)

Mr Ford (The Minister of Justice): One prisoner has self-identified as transgender in the last five years.

Journal of Proceedings

Minutes of Proceedings

Northern Ireland Assembly

Tuesday 1 December 2015

The Assembly met at 10.30am, the Principal Deputy Speaker (Mr Newton) in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Assembly Business

2.1 Consideration of business not concluded on Monday 30 November 2015

The Principal Deputy Speaker informed the Assembly that all business listed on the Order Paper for 30 November 2015 was concluded.

3. Executive Committee Business

3.1 Statement – British Irish Council: Summit

The First Minister, the Rt Hon Peter Robinson, made a statement regarding the British Irish Council Summit meeting held in London on Friday 27 November 2015, following which he replied to questions.

3.2 Statement – Sign Language Legislation Process

The Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín, made a statement regarding the Consultation on a Sign Language Legislation Process, following which she replied to questions.

3.3 Second Stage – Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Second Stage of the Health and Personal Social Services (Amendment) Bill (NIA Bill 68/11-16).

Debate ensued.

The Health and Personal Social Services (Amendment) Bill (NIA 68/11-16) passed Second Stage without division.

3.4 Consideration Stage – Special Educational Needs and Disability Bill (NIA Bill 46/11-16)

The Minister of Education, Mr John O'Dowd, moved the Consideration Stage of the Special Educational Needs and Disability Bill (NIA Bill 46/11-16).

Twelve amendments were tabled to the Bill and selected for debate.

Clauses

The question being put, it was **agreed** without division that Clause 1 stand part of the Bill.

The sitting was suspended at 12.56pm.

The sitting resumed at 2.00pm, with the Deputy Speaker (Mr Dallat) in the Chair.

4. Question Time

4.1 Enterprise, Trade and Investment

Questions were put to, and answered by, the Minister of Enterprise, Trade and Investment, Mr Jonathan Bell.

4.2 Environment

Questions were put to, and answered by, the Minister of the Environment, Mr Mark Durkan.

5. Executive Committee Business (cont'd)

5.1 Consideration Stage – Special Educational Needs and Disability Bill (NIA Bill 46/11-16) (cont'd)

Debate resumed.

The Deputy Speaker (Mr Beggs) in the Chair

After debate, Amendment 1 to Clause 2 was **made** without division.

The question being put, it was **agreed** without division that Clause 2, as amended, stand part of the Bill.

After debate, Amendment 2 to Clause 3 was **made** without division.

After debate, Amendment 3 to Clause 3 was **made** without division.

After debate, Amendment 4 to Clause 3 was **made** without division.

The question being put, it was **agreed** without division that Clause 3, as amended, stand part of the Bill.

After debate, Amendment 6, as an amendment to Amendment 5, was **made** on division (Division).

After debate, Amendment 5 inserting new Clause 3A, as amended, was **made** without division and it was **agreed** that the new clause stand part of the Bill.

After debate, Amendment 7 to Clause 4 was **made** without division.

The question being put, it was **agreed** without division that Clause 4, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 5 stand part of the Bill.

After debate, Amendment 8 inserting new Clause 5A was **made** without division and it was agreed that the new clause stand part of the Bill.

The question being put, it was **agreed** without division that Clause 6 stand part of the Bill.

After debate, Amendment 9 to Clause 7 was **made** without division.

The question being put, it was **agreed** without division that Clause 7, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 8 stand part of the Bill.

After debate, Amendment 10 to Clause 9 was **made** without division.

After debate, Amendment 11 to Clause 9 was **made** without division.

The question being put, it was **agreed** that Clause 9, as amended, stand part of the Bill.

The question being put, it was **agreed** that Clauses 10 to 14 stand part of the Bill.

After debate, Amendment 12 inserting new Clause 14A was **made** without division and it was **agreed** that the new clause stand part of the Bill.

The question being put, it was **agreed** that Clauses 15 and 16 stand part of the Bill.

Schedule

The question being put, it was **agreed** that the Schedule stand part of the Bill.

Long Title

The question being put, the Long Title was **agreed** without division.

The Special Educational Needs and Disability Bill (NIA Bill 46/11-16) stood referred to the Speaker.

5.2 Further Consideration Stage - Road Traffic (Amendment) Bill (NIA Bill 35/11-15)

The Minister of the Environment, Mr Mark Durkan, moved the Further Consideration Stage of the Road Traffic (Amendment) Bill (NIA Bill 35/11-15).

Two amendments were tabled to the Bill.

Clauses

After debate, Amendment 1 to Clause 19 was made without division.

After debate, Amendment 2 to the Long Title was made without division.

The Road Traffic (Amendment) Bill (NIA Bill 35/11-15) stood referred to the Speaker in accordance with section 10 of the Northern Ireland Act 1998.

6. Adjournment**Proposed:**

That the Assembly do now adjourn.

The Deputy Speaker

The Assembly adjourned at 6.12pm

Mr Mitchel McLaughlin

The Speaker

1 December 2015

Special Educational Needs and Disability Bill

Annotated Marshalled List of Amendments

Consideration Stage

Tuesday 1 December 2015

Amendments tabled up to 9.30am Wednesday, 25 November 2015 and selected for debate
The Bill will be considered in the following order-
Clauses, Schedule and Long Title

Amendment 1 [Made]

Clause 2, Page 2, Line 18

Leave out 'may' and insert 'shall'

Minister of Education

Amendment 2 [Made]

Clause 3, Page 2, Line 33

After "take" insert 'all'

Minister of Education

Amendment 3 [Made]

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).”.

Minister of Education

Amendment 4 [Made]

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).’

Minister of Education

Amendment 5 [Made]**New Clause**

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 Authority and the health and social services authorities (“the relevant bodies”) shall co-operate with one another 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.”’

Chair; Committee for Education

Amendment 6 [Made on Division]**As an amendment to Amendment 5**

After paragraph (5) insert —

‘(5A) 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.’

Chair; Committee for Education

Amendment 7 [Made]**Clause 4, Page 3, Line 33**

At end insert -

‘(2A) After paragraph (4), insert —

“(4A) If, in helping the Authority 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.”’

Chair; Committee for Education

Amendment 8 [Made]**New Clause**

After clause 5 insert -

‘Nature and extent of special educational provision

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”’.

Chair; Committee for Education

Amendment 9 [Made]**Clause 7, Page 5, Line 18**

Leave out ‘may’ and insert ‘shall’

Minister of Education

Amendment 10 [Made]**Clause 9**, Page 7, Line 34

Leave out 'may' and insert 'shall'

*Minister of Education***Amendment 11 [Made]****Clause 9**, Page 7, Line 36

Leave out 'may' and insert 'shall'

*Minister of Education***Amendment 12 [Made]****New Clause**

After clause 14 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."

Minister of Education

Road Traffic (Amendment) Bill

Annotated Marshalled List of Amendments

Further Consideration Stage

Tuesday 1 December 2015

Amendments tabled up to 9.30am Wednesday, 25 November 2015 and selected for debate

Amendment 1 [Made]

Clause 19, Page 20, Line 32

Leave out '10' and insert '11'

Minister of the Environment

Amendment 2 [Made]

Long Title

Leave out 'the age at which a provisional licence may be obtained,'

Minister of the Environment

Northern Ireland Assembly

1 December 2015

Division

Consideration Stage – Special Educational Needs and Disability Bill (NIA Bill 46/11-16) (Amendment 6, as an amendment to Amendment 5)

The Question was put and the Assembly divided.

Ayes: 52

Noes: 31

AYES

Mr Agnew, Mr Allen, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs Dobson, Mr Durkan, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Gardiner, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Nesbitt, Ms Ni Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden, Mr Swann.

Tellers for the Ayes: Mr Kennedy, Ms Maeve McLaughlin.

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Givan, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr Middleton, Lord Morrow, Mrs Pengelly, Mr Poots, Mr Ross, Mr Storey, Mr Weir.

Tellers for the Noes: Mr Buchanan, Mr Lyons.

Northern Ireland Assembly

Papers Presented to the Assembly on 1 December 2015

1. Acts of the Northern Ireland Assembly
2. Bills of the Northern Ireland Assembly
3. Orders in Council
4. Publications Laid in the Northern Ireland Assembly
5. Assembly Reports
6. Statutory Rules
 - S.R. 2015/384 The Charities (Accounts and Reports) Regulations (Northern Ireland) 2015 (DSD).
 - S.R. 2015/385 The Charities Act 2008 (Substitution of Sums) Order (Northern Ireland) 2015 (DSD).
 - S.R. 2015/386 The Waste Management Licensing (Amendment No.2) Regulations (Northern Ireland) 2015 (DOE).
7. Written Ministerial Statements
8. Consultation Documents
9. Departmental Publications
10. Agency Publications
11. Westminster Publications
12. Miscellaneous Publications

Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

Committee Stage (Comm. Stage): Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

Consideration Stage (CS): Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

Further Consideration Stage (FCS): Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Stages in Consideration of Public Bills 2 December 2015

2011-2016 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15	Bill fell at Final Stage on 26.05.15	
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15	24.06.15	24.07.15
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15	29.06.15	01.12.15		
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15	16.06.15 & 22.06.15	30.06.15	24.07.15
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15	23.06.15	06.10.15		
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15	29.06.15	30.11.15		
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15	Minister not planning to move Bill			

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15			
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16					
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15					
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15				
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15				
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15				
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15				
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16					
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16					
Houses in Multiple Occupation Bill 60/11-16	07.09.15							

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16					
Rural Needs Bill 67/11-16	09.11.15	17.11.15	19.01.16					
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15						
Departments Bill 70/11-16	30.11.15							
Addressing Bullying in Schools 71/ 11-16	30.11.15							
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15							

2011-2016 Mandate**Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15	14.10.15				
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15		
Ombudsman and Commissioner for Complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16					
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	18.01.16					
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	18.01.16					
Licensing Bill 69/11-16	24.11.15							

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

Northern Ireland Assembly

Monday 7 December 2015

The Assembly met at noon, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Assembly Business

2.1 Motion – Suspension of Standing Orders 10(2) to 10(4)

Proposed:

That Standing Orders 10(2) to 10(4) be suspended for 07 December 2015.

*Mr P Weir
Ms C Ruane
Mr P Ramsey
Mr R Swann
Mr S Dickson*

The Question being put, the Motion was **carried** with cross-community support *nemine contradicente*.

3. Executive Committee Business

3.1 Statement – North South Ministerial Council in Aquaculture and Marine Sectoral Format

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, made a statement regarding the North South Ministerial Council in Aquaculture and Marine Sectoral format meeting held on 11 November 2015, following which she replied to questions.

3.2 First Stage – Employment Bill (NIA Bill 73/11-16)

The Minister for Employment and Learning, Dr Stephen Farry, introduced a Bill to make provision relating to conciliation and other matters in connection with industrial tribunals and the Fair Employment Tribunal, including power to refer to chairmen as employment judges; to amend the law relating to protected disclosures; to confer power on the Department for Employment and Learning in connection with careers guidance and apprenticeships; to correct references relating to statutory shared parental pay; to make other provision relating to employment; and for connected purposes.

The Employment Bill (NIA Bill 73/11-16) passed First Stage and ordered to be printed.

3.3 First Stage – Fisheries Bill (NIA Bill 74/11-16)

The Minister of Agriculture and Rural Development, Mrs Michelle O'Neill, introduced a Bill to make provision about fisheries.

The Fisheries Bill (NIA Bill 74/11-16) passed First Stage and ordered to be printed.

3.4 Second Stage – Houses in Multiple Occupation Bill (NIA Bill 60/11-16)

The Principal Deputy Speaker (Mr Newton) in the Chair.

The Minister for Social Development, Mr Mervyn Storey, moved the Second Stage of the Houses in Multiple Occupation Bill (NIA Bill 60/11-16).

Debate ensued.

The Houses in Multiple Occupation Bill (NIA Bill 60/11-16) passed Second Stage without division.

3.5 Legislative Consent Motion – Enterprise Bill: Restriction on Public Sector Exit Payments**Proposed:**

That this Assembly endorses the principle of the extension to Northern Ireland of provisions dealing with public sector exit payments contained in the Enterprise Bill.

Minister of Finance and Personnel

Debate ensued.

The debate was suspended for Question Time.

The Speaker in the Chair.

4. Question Time**4.1 Office of the First Minister and deputy First Minister**

Questions were put to, and answered by, the deputy First Minister, Mr Martin McGuinness. The junior Minister, Ms Jennifer McCann, also answered a number of questions.

4.2 Finance and Personnel

Questions were put to, and answered by, the Minister of Finance and Personnel, Mrs Arlene Foster.

5. Executive Committee Business (cont'd)**5.1 Legislative Consent Motion – Enterprise Bill: Restriction on Public Sector Exit Payments (cont'd)**

Debate resumed.

The Question being put, the Motion was **negatived** (Division).

6. Committee Business**6.1 Motion: Extension of Committee Stage: Human Transplantation Bill (NIA Bill 64/11-16)****Proposed:**

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 5 February 2016, in relation to the Committee Stage of the Human Transplantation Bill (NIA Bill 64/11-16).

Chairperson, Committee for Health, Social Services and Public Safety

The Question being put, the Motion was **carried** without division.

6.2 Motion: Extension of Committee Stage: Rural Needs Bill (NIA Bill 67/11-16)**Proposed:**

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 26 January 2016, in relation to the Committee Stage of the Rural Needs Bill (NIA 67/11-16).

Chairperson, Committee for Agriculture and Rural Development

The Question being put, the Motion was **carried** without division.

6.3 Motion: Part-time Higher Education**Proposed:**

That this Assembly acknowledges the power of part-time higher education in Northern Ireland to contribute to economic growth, to boost productivity and to increase social mobility; recognises that it enables citizens to fit their studies around their employment and caring responsibilities, apply their knowledge to the workplace immediately, and to upskill and reskill to meet the skills needs of employers in key growth areas; and calls on the Minister for Employment and Learning, and his Executive colleagues, to prioritise the growth of part-time higher education in Northern Ireland.

Chairperson, Committee for Employment and Learning

Debate ensued.

The Question being put, the Motion was **carried** without division.

6.4 Motion: Business Crime Report**Proposed:**

That this Assembly notes the report of the Committee for Justice's Business Crime Stakeholder Event (NIA 283/11-16); and calls on the Minister of Justice to work with the Chief Constable of the PSNI to address the issues highlighted in the report in a comprehensive and speedy manner.

Chairperson, Committee for Justice

The Deputy Speaker (Mr Beggs) in the Chair.

Debate ensued.

The Principal Deputy Speaker (Mr Newton) in the Chair.

The Question being put, the Motion was **carried** without division.

7. Private Members' Business**7.1 Second Stage: Licensing Bill (NIA Bill 69/11-16)**

Mrs Judith Cochrane moved the Second Stage of the Licensing Bill (NIA Bill 69/11-16).

Debate ensued.

The Licensing Bill (NIA Bill 69/11-16) passed Second Stage without division.

8. Adjournment**Proposed:**

That the Assembly do now adjourn.

The Principal Deputy Speaker (Mr Newton)

The Assembly adjourned at 6.41pm.

Mr Mitchel McLaughlin

The Speaker

7 December 2015

Northern Ireland Assembly

7 December 2015

Division

Legislative Consent Motion – Enterprise Bill: Restriction on Public Sector Exit Payments

Proposed:

That this Assembly endorses the principle of the extension to Northern Ireland of provisions dealing with public sector exit payments contained in the Enterprise Bill.

Minister of Finance and Personnel

The Question was put and the Assembly divided.

Ayes: 40

Noes: 51

AYES

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Ms Lo, Mr Lyons, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr McQuillan, Mr G Robinson.

NOES

Mr Allen, Mr Allister, Mr Attwood, Mr Beggs, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Cochrane-Watson, Mr Cree, Mr Dallat, Mrs Dobson, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Gardiner, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr McAleer, Mr McCallister, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr B McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr McGlone, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Rogers, Ms Ruane, Mr Sheehan, Ms Sugden, Mr Swann.

Tellers for the Noes: Mr Attwood, Mr McKay.

The Question being put the Motion was **negatived**.

Northern Ireland Assembly

Papers Presented to the Assembly on 2 December 2015 – 7 December 2015

1. Acts of the Northern Ireland Assembly

2. Bills of the Northern Ireland Assembly

The Employment Bill (NIA Bill 73/11-16).

The Fisheries Bill (NIA Bill 74/11-16).

3. Orders in Council

4. Publications Laid in the Northern Ireland Assembly

Northern Ireland Courts and Tribunals Service – Trust Statement for the year ended 31 March 2015 (DOJ).

5. Assembly Reports

6. Statutory Rules

S.R. 2015/387 The Storage of Carbon Dioxide (Licensing etc.) Regulations (Northern Ireland) 2015 (DETI).

S.R. 2015/388 The Storage of Carbon Dioxide (Access to Infrastructure) Regulations (Northern Ireland) 2015 (DETI).

S.R. 2015/390 The Clifton Street/Carrick Hill, Belfast (Footway) (Abandonment) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/392 The Carnbane Road, Newry (Abandonment) Order (Northern Ireland) 2015 (DRD).

S.R. 2015/393 The Taxi Licensing Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/394 The Taxis (Taximeters, Devices and Maximum Fares) Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/395 The Taxi Operators Licensing (Amendment) Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/396 The Taxi Accessibility Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/397 The Road Vehicles Lighting (Amendment) Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/398 The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2015 (DOE).

S.R. 2015/402 The Payment of Pension Levies for Past Periods Regulations (Northern Ireland) 2015 (DSD).

S.R. 2015/403 The Occupational Pensions (Revaluation) Order (Northern Ireland) 2015 (DSD).

S.R. 2015/404 The Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) (Amendment) Regulations (Northern Ireland) 2015 (DSD).

S.R. 2016/0000 Draft The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

For Information Only

S.R. 2015/391 (C.9) The Loading Bays on Roads (Amendment No. 3) Order (Northern Ireland) 2015 (DRD).

7. Written Ministerial Statements

Results of consultation on the evaluation of the individual funding request process, report and actions (DHSSPS).

8. Consultation Documents

Consultation on the Use of Seat Belts by Child Passengers aged 3-13 years on Buses and Coaches (final phase of DIRECTIVE 2003/20/EC) (DOE).

Consultation on an Alternative Method for Funding Money Damages Claims (DOJ).

Consultation on Draft Amendments to the Sex Discrimination (Northern Ireland) Order 1976 (OFMDFM).

Consultation on the Zoonoses (Fees) (Amendment) Regulations (Northern Ireland) 2016 (DARD).

Consultation on The Scrapie (Fees) (Amendment) Regulations (Northern Ireland) 2016 (DARD).

Consultation on The Northern Ireland Poultry Health Assurance Scheme (Fees) (Amendment) Order (NI) 2016 (DARD).

9. Departmental Publications

'Leaving Prostitution: a strategy for help and support; Strategy under Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2016 (DHSSPS).

10. Agency Publications

11. Westminster Publications

12. Miscellaneous Publications

Press Recognition Panel Annual Report and Financial Statements for the period 3 November to 31 March 2015 (Ministry of Justice).

Northern Ireland Assembly

Tuesday 8 December 2015

The Assembly met at 10.30am, the Speaker in the Chair.

1. Personal Prayer or Meditation

Members observed two minutes' silence.

2. Assembly Business

2.1 Member Resignation

The Speaker informed Members that Mr Pat Ramsey is resigning as a Member of the Legislative Assembly with effect from 31 December 2015. The Speaker advised that the Speaker's Office had notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

2.2 Consideration of business not concluded on Monday 07 December 2015

The Speaker informed the Assembly that all business listed on the Order Paper for 07 December 2015 was concluded.

3. Executive Committee Business

3.1 Statement – North South Ministerial Council: Inland Waterways

The Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín, made a statement regarding the North South Ministerial Council Inland Waterways meetings held in Annaghmakerrig, County Monaghan on 06 November 2015, following which she replied to questions.

3.2 Statement – North South Ministerial Council in Language Body Sectoral Format

The Minister of Culture, Arts and Leisure, Ms Carál Ní Chuilín, made a statement regarding the North South Ministerial Council in Language Body Sectoral format meeting held in Annaghmakerrig, County Monaghan on 06 November 2015, following which she replied to questions.

3.3 Motion – Accelerated Passage: Departments Bill (NIA Bill 70/11-16)

Proposed:

That the Departments Bill (NIA Bill 70/11-16) proceed under the accelerated passage procedure.

Office of the First Minister and deputy First Minister

Debate ensued.

The Question being put, the Motion was **carried** with cross-community support.

3.4 Second Stage: Departments Bill (NIA Bill 70/11-16)

The junior Minister, Mrs Emma Pengelly, moved the Second Stage of the Departments Bill (NIA Bill 70/11-16).

Debate ensued.

The Principal Deputy Speaker (Mr Newton) in the Chair.

The Departments Bill (NIA Bill 70/11-16) passed Second Stage without division.

3.5 Second Stage – Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved the Second Stage of the Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16).

Debate ensued.

The debate was suspended for Question Time.

The Deputy Speaker (Mr Dallat) in the Chair.

4. Question Time**4.1 Health, Social Services and Public Safety**

Questions were put to, and answered by, the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton.

4.2 Justice

Questions were put to, and answered by, the Minister of Justice, Mr David Ford.

The Speaker in the Chair.

5. Executive Committee Business (cont'd)**5.1 Second Stage – Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16) (cont'd)**

Debate resumed.

The Health (Miscellaneous Provisions) Bill (NIA Bill 72/11-16) passed Second Stage without division.

5.2 Final Stage – Food Hygiene Rating Bill (NIA Bill 41/11-16)

The Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, moved that the Final Stage of the Food Hygiene Rating Bill (NIA Bill 41/11-16) do now pass.

Debate ensued.

The Food Hygiene Rating Bill (NIA Bill 41/11-16) passed Final Stage.

The Deputy Speaker (Mr Beggs) in the Chair.

5.3 Second Stage - Addressing Bullying in Schools Bill (NIA Bill 71/11-16)

The Minister of Education, Mr John O'Dowd, moved the Second Stage of the Addressing Bullying in Schools Bill (NIA Bill 71/11-16).

Debate ensued.

The Addressing Bullying in Schools Bill (NIA Bill 71/11-16) passed Second Stage without division.

5.4 Consideration Stage - Water and Sewerage Services Bill (NIA Bill 51/11-16)

The Minister for Regional Development, Miss Michelle McIlveen, moved the Consideration Stage of the Water and Sewerage Services Bill (NIA Bill 51/11-16).

The Principal Deputy Speaker (Mr Newton) in the Chair.

Seven amendments were tabled to the Bill, as well as notice of intention to oppose the question that Clause 3 stand part of the Bill.

Clauses

The question that Clauses 1 and 2 stand part of the Bill was **agreed** without division.

After debate, Amendment 1 to Clause 3 was **made** without division

After debate, Amendment 2 to Clause 3 was **made** without division.

After debate, Amendment 3 to Clause 3 was **made** without division.

After debate, Amendment 4 to Clause 3 was **made** without division.

After debate, Amendment 5 to Clause 3 was **made** without division.

After debate, the question being put, it was **agreed** without division that Clause 3, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 4 stand part of the Bill.

After debate, Amendment 6 to Clause 5 was **made** without division.

The question being put, it was **agreed** without division that Clause 5, as amended, stand part of the Bill.

The question being put, it was **agreed** without division that Clause 6 stand part of the Bill.

After debate, Amendment 7 inserting a new Clause 6A was **negatived** without division.

The question being put, it was **agreed** without division that Clauses 7 to 9 stand part of the Bill.

Schedules

The question being put, it was **agreed** without division that Schedules 1 and 2 stand part of the Bill.

Long Title

The question being put, it was **agreed** without division that the Long Title stand part of the Bill.

The Water and Sewerage Services Bill (NIA Bill 51/11-16) stood referred to the Speaker.

5.5 Final Stage – Insolvency (Amendment) Bill (NIA Bill 39/11-16)

The Minister of Enterprise, Trade and Investment, Mr Jonathan Bell, moved that the Final Stage of the Insolvency (Amendment) Bill (NIA Bill 39/11-16) do now pass.

Debate ensued.

The Speaker in the Chair.

The Insolvency (Amendment) Bill (NIA Bill 39/11-16) passed Final Stage.

5.6 Motion – The Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015

Proposed:

That the Occupational Pension Schemes (Charges and Governance) Regulations (Northern Ireland) 2015 be approved.

Minister for Social Development

Debate ensued.

The Question being put, the Motion was **carried** without division.

6. Committee Business

6.1 Final Stage – Public Services Ombudsman Bill (NIA Bill 47/11-16)

The Final Stage of the Public Services Ombudsman Bill (NIA Bill 47/11-16) was not moved.

7. Adjournment

Proposed:

That the Assembly do now adjourn.

The Speaker

The Assembly adjourned at 9.06pm.

Mr Mitchel McLaughlin

The Speaker

8 December 2015

Water and Sewerage Services Bill

Marshalled List of Amendments

Consideration Stage

Tuesday 8 December 2015

Amendments tabled up to 9.30am Wednesday, 2 December 2015 and selected for debate.
The Bill will be considered in the following order-
Clauses, Schedules and Long Title.

Amendment 1 [*Made without Division*]

Clause 3, Page 2, Line 11

At beginning insert 'suspend (whether indefinitely or for a specified period) or'

Minister for Regional Development

Amendment 2 [*Made without Division*]

Clause 3, Page 2, Line 12

Leave out '(a)'

Minister for Regional Development

Amendment 3 [*Made without Division*]

Clause 3, Page 2, Line 16

Leave out 're-enact' and insert 'revive'

Minister for Regional Development

Amendment 4 [*Made without Division*]

Clause 3, Page 2, Line 16

Leave out 'repealed' and insert 'suspended'

Minister for Regional Development

Amendment 5 [*Made without Division*]

Clause 3, Page 2, Line 25

At end insert -

'(b)district councils;'

Minister for Regional Development

Clause 3 [*Question that Clause 3 stand part made without Division*]

The Members listed below give notice of their intention to oppose the question that clause 3 stand part of the Bill.

Mr Chris Lyttle
Mr Stewart Dickson

Amendment 6 [*Made without Division*]

Clause 5, Page 4, Line 8

At end insert -

'(5C) The reference in subsection (5B) to suitable alternatives includes, in particular —

(a) the use of landscaping, natural features or any other kind of arrangement, or

(b) the design or construction of any other feature (whether or not amounting to a "structure" within the meaning of Article 2(3A)),

for the purpose of reducing the volume of water from the premises or sewer that enters public sewers or watercourses, or the rate at which it does so.''

Minister for Regional Development

Amendment 7 [Negatived without Division]**New Clause**

After clause 6 insert -

‘Report on investment needs

- 7.—(1) Before the end of each review period, the Department must —
- (a) carry out a review of water and sewerage infrastructure investment needs;
 - (b) set out the conclusions of the review in a report; and
 - (c) lay the report before the Assembly.
- (2) The report must in particular set out the assessment of the Department, the water and sewerage undertakers and the utility regulator as to —
- (a) the fitness and adequacy of the infrastructure to carry out essential water and sewerage functions;
 - (b) the cost of improvements necessary to maintain reliable and quality supply;
 - (c) the likelihood of complying with the Water Framework Directive and other applicable environmental standards;
 - (d) the cost of failing to so comply; and
 - (e) how finances should be prioritised in order to make necessary reliability, quality and environmental improvements.
- (3) In this section, “review period” means —
- (a) the period of twenty four months beginning with the day on which Royal Assent is received, and
 - (b) subject to paragraph (4), each successive period of twenty four months.
- (4) If a report under this section is laid before the Assembly before the last day of the review period to which it relates, the subsequent review period is to begin with the day on which that report is laid.’

Mr Chris Lyttle
Mr Stewart Dickson

Northern Ireland Assembly

Papers Presented to the Assembly on 8 December 2015

1. Acts of the Northern Ireland Assembly
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Northern Ireland Assembly Legislation:

Stages in Consideration of Public Bills

First Stage: Introduction of Bill.

Second Stage: General debate of the Bill with an opportunity for Members to vote on its general principles.

Committee Stage (Comm. Stage): Detailed investigation by a Committee which concludes with the publication of a report for consideration by the Assembly.

Consideration Stage (CS): Consideration by the Assembly of, and an opportunity for Members to vote on, the details of the Bill including amendments proposed to the Bill.

Further Consideration Stage (FCS): Consideration by the Assembly of, and an opportunity for Members to vote on, further amendments to the Bill.

Final Stage: Passing or rejecting of Bill by the Assembly, without further amendment.

Royal Assent.

Stages in Consideration of Public Bills 9 December 2015

2011-2016 Mandate

Executive Bills

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Marine Bill 5/11-15	21.02.12	05.03.12	06.07.12	05.07.12	30.04.13	13.05.13	21.05.13	17.09.13
Welfare Reform Bill 13/11-15	01.10.12	09.10.12	19.02.13	14.02.13	10.02.15 & 11.02.15	24.02.15	Bill fell at Final Stage on 26.05.15	
Education Bill 14/11-15	02.10.12	15.10.12	08.04.13	08.04.13				
Planning Bill 17/11-15	14.01.13	22.01.13	07.06.13	06.06.13	24.06.13 & 25.06.13			
Tobacco Retailers Bill 19/11-15	15.04.13	23.04.13	18.10.13	09.10.13	3.12.13	10.02.14	18.02.14	25.03.14
Carrier Bags Bill 20/11-15	03.06.13	11.06.13	30.11.13	26.11.13	28.01.14	25.02.14	10.03.14	28.04.14
Financial Provisions Bill 22/11-15	17.06.13	01.07.13	13.12.13	11.12.13	11.02.14	24.02.14	04.03.14	28.04.14
Public Service Pensions Bill 23/11-15	17.06.13	25.06.13	29.11.13	27.11.13	14.01.14	27.01.14	04.02.14	11.03.14
Licensing of Pavement Cafés Bill 24/11-15	17.06.13	25.06.13	13.12.13	05.12.13	04.03.14	25.03.14	07.04.14	12.05.14

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Health and Social Care (Amendment) Bill 27/11-15	16.09.13	24.09.13	11.12.13	04.12.13	20.01.14	28.01.14	11.02.14	11.04.14
Local Government Bill 28/11-15	23.09.13	01.10.13	20.02.14	20.02.14	18.03.14 & 19.03.14	01.04.14	08.04.14	12.05.14
Road Races (Amendment) Bill 29/11-15	18.11.13	26.11.13	/	/	2.12.13	9.12.13	10.12.13	17.01.14
Reservoirs Bill 31/11-15	20.01.14	04.02.14	04.07.14	24.06.14	28.04.15	09.06.15	24.06.15	24.07.15
Budget Bill 32/11-15	10.02.14	11.02.14	/	/	17.02.14	18.02.14	24.02.14	19.03.14
Legal Aid and Coroners' Courts Bill 33/11-15	31.03.14	08.04.14	20.06.14	18.06.14	16.09.14	30.09.14	13.10.14	17.11.14
Work and Families Bill 34/11-15	28.04.14	12.05.14	30.11.14	08.10.14	11.11.14	24.11.14	02.12.14	08.01.15
Road Traffic (Amendment) Bill 35/11-15	12.05.14	27.05.14	27.03.15	19.03.15	29.06.15	01.12.15		
Budget (No.2) Bill 36/11-15	09.06.14	10.06.14	/	/	16.06.14	17.06.14	30.06.14	16.07.14
Justice Bill 37/11-15	16.06.14	24.06.14	27.03.15	25.03.15	02.06.15	16.06.15 & 22.06.15	30.06.15	24.07.15
Education Bill 38/11-16	06.10.14	14.10.14	/	/	21.10.14	11.11.14	17.11.14	11.12.14
Insolvency (Amendment) Bill 39/11-16	07.10.14	10.11.14	13.03.15	03.03.15	23.06.15	06.10.15	08.12.15	
Off Street Parking Bill 40/11-16	13.10.14	21.10.14	09.12.14	08.12.14	13.01.15	26.01.15	03.02.15	12.03.15
Food Hygiene (Ratings) Bill 41/11-16	03.11.14	11.11.14	08.05.15	29.04.15	29.06.15	30.11.15	08.12.15	
Pensions Bill 42/11-16	10.11.14	18.11.14	26.03.15	19.02.15	24.03.15	21.04.15	11.05.15	23.06.15
Regeneration Bill 43/11-16	08.12.14	20.01.15	28.05.15	28.05.15	Minister not planning to move Bill			

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Budget Bill 45/11-16	09.02.15	16.02/15	/	/	17.02.15	23.02.15	24.02.15	12.03.15
Special Educational Needs and Disability Bill 46/11-16	02.03.15	10.03.15	13.11.15	11.11.15	01.12.15			
Mental Capacity Bill 49/11-16	08.06.15	16.06.15	28.01.16					
Legal Complaints and Regulation Bill 50/11-16	08.06.15	16.06.15	18.12.15					
Water and Sewerage Services Bill 51/11-16	16.06.15	29.06.15	25.11.15	18.11.15	08.12.15			
Health and Social Care (Control of Data Processing) Bill 52/11-16	16.06.15	29.06.15	20.11.15	18.11.15				
Budget (No. 2) Bill 53/11-16	16.06.15	24.06.15	/	/	24.06.15	29.06.15	30.06.15	24.07.15
Pensions Schemes Bill 54/11-16	22.06.15	30.06.15	/	/	16.11.15	23.11.15	24.11.15	
Environmental Better Regulation Bill 55/11-16	22.06.15	30.06.15	27.11.15	19.11.15				
Credit Unions and Co- operative and Community Benefit Societies Bill 56/11-16	23.06.15	06.01.15	24.11.15	24.11.15				
Justice (No. 2) Bill 57/11-16	30.06.15	08.09.15	15.01.16					
Housing (Amendment) Bill 58/11-16	30.06.15	09.11.15	15.01.16					
Houses in Multiple Occupation Bill 60/11-16	07.09.15	07.12.15	8.2.16					

Title & NIA Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Shared Education Bill 66/11-16	02.11.15	10.11.15	12.01.16					
Rural Needs Bill 67/11-16	09.11.15	17.11.15	26.01.16					
Health and Personal Social Services (Amendment) Bill 68/11-16	23.11.15	01.12.15	02.02.16					
Departments Bill 70/11-16	30.11.15	08.12.15	/	/				
Addressing Bullying in Schools 71/ 11-16	30.11.15	08.12.15	09.02.16					
Health (Miscellaneous Provisions) Bill 72/11-16	30.11.15	08.12.15	09.02.15					
Employment Bill 73/11-16	07.12.15							
Fisheries Bill 74/11-16	07.12.15							

2011-2016 Mandate**Non-Executive Bills**

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Road Traffic (Speed Limits) Bill 25/11-15	17.06.13 Bill fell. Re-introduced as Bill 30/11-15 (see below)							
Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill 26/11-15	24.06.13	23.09.13 & 24.09.13	11.04.14	11.04.14	20.10.14	01.12.14	09.12.14	13.01.15
Road Traffic (Speed Limits) Bill 30/11-15	09.12.13	17.02.15	16.10.15	14.10.15				

Title & Bill Number	First Stage	Second Stage	Comm. Stage to Conclude	Report Ordered to be Printed	CS	FCS	Final Stage	Royal Assent
Children's Services Co-operation Bill 44/11-16	08.12.14	26.01.15	03.07.15	02.07.15	29.09.15	19.10.15	03.11.15	
Public Services Ombudsperson Bill 47/11-16	20.04.15	11.05.15	30.09.15	29.09.15	20.10.15	30.11.15		
Ombudsman and Commissioner for Complaints (Amendment) Bill 48/11-16	27.04.15	11.05.15	/	/	01.06.15	08.06.15	09.06.15	20.07.15
Rates (Relief for Amateur Sports Clubs) Bill 59/11-16	30.06.15	Bill fell at Second Stage on 20.10.15						
Civil Service (Special Advisers) (Amendment) Bill 61/11-16	14.09.15	Bill fell at Second Stage on 13.10.15						
Assembly and Executive Reform (Assembly Opposition) Bill 62/11-16	22.09.15	12.10.15	26.01.16					
Local Government (Numbers and Addresses in Townlands) Bill 63/11-16	12.10.15	Bill fell at Second Stage on 17.11.15						
Human Transplantation Bill 64/11-16	13.10.15	16.11.15	05.02.16					
Scrap Metal Dealers Bill 65/11-16	19.10.15	16.11.15	18.01.16					
Licensing Bill 69/11-16	24.11.15	07.12.15	08.02.16					

/ Bill progressing by accelerated passage

** Please note that any bills that received Royal Assent in the previous session have been removed from the table.

