



Northern Ireland
Assembly

**COMMITTEE
FOR EDUCATION**

OFFICIAL REPORT
(Hansard)

Education Bill

30 September 2009

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR EDUCATION

Education Bill

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Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)
Mr Dominic Bradley (Deputy Chairperson)
Mr Trevor Lunn
Mr John McCallister
Mr Basil McCrea
Miss Michelle McIlveen
Mr John O'Dowd
Mrs Michelle O'Neill
Mr Alistair Ross

The Chairperson of the Committee for Education (Mr Storey):

I welcome Patricia Casey from the Bill Office and Damian Martin, the Clerk Assistant, who have assisted the Committee with its work on the Bill, as they will do today. I also welcome officials from the Department, who, I am sure, relish coming up the hill on Wednesday mornings.

Version 4 is the updated version of the draft report. I hope that all members have a copy. You may discard version 3 by giving it to staff, who will dispose of it in an environmentally friendly way. Version 4 of the draft report commences with the title page of the Committee report. The yellow flags at the right-hand side indicate the different sections of the report, which was circulated as a separate item in the Committee folder. Decisions taken at last week's clause-by-clause consideration have been fully reflected in version 4. Changes to the previous version have been tracked in blue.

Having agreed the Committee's decision on almost all clauses and schedules at last week's meeting, there are only a few issues from that meeting to revisit before we start the process of formally approving the draft report itself.

Before we start, I ask members to turn to tab 5 of their packs, where they will find the Clerk's note on the final session on the Bill. Immediately behind it at point 1 is the Clerk's note on the indicative timing of the Consideration Stage debate on the Education Bill. Members should note that the earliest date that the Minister can choose for that debate is the week commencing Monday 12 October 2009. I refer members to the attached guide, particularly to the paragraph on the deadline for tabling amendments, which is 9.30 am on Thursday 8 October. The earliest date that the Minister can come to the Assembly for Consideration Stage is 12 October.

The Committee Clerk:

An informal indication has been made that Consideration Stage may be scheduled for Tuesday 13 October 2009.

The Chairperson:

Members should note that the Hallowe'en recess will affect the timing of Further Consideration Stage.

The Committee Clerk:

I admit to an error in that regard. The date of 26 October did not take into account the Hallowe'en recess. Therefore, some of the dates that are shown for Further Consideration Stage and Final Stage are slightly incorrect. We can amend that (*Inaudible due to mobile phone interference*).

Mr B McCrea:

When is the deadline for tabling amendments?

The Chairperson:

Thursday 8 October, which is the Thursday before Consideration Stage — that is, if Consideration Stage is on the Order Paper for 13 October.

Mr B McCrea:

Therefore if Consideration Stage is scheduled for 13 October, amendments must be tabled by Thursday 8 October. By what time must they be tabled?

The Committee Clerk:

Nine-thirty in the morning.

The Chairperson:

We will proceed to outstanding issues. I beg your indulgence for a moment. I refer members to version 4 of the draft report.

Paragraphs 46 to 49 on pages 20 to 22 of the draft report summarise last week's deliberations. At the bottom of page 21, members should note that the reference to "paragraph (2)(2)(6)" of schedule 1 will be changed to "paragraph (2)(2)(b)"; that was a typo. Members should also note that the reference to schedule 11 will be corrected to schedule 1.

Someone's mobile phone is on, and it is not mine.

Mr D Bradley:

It is mine; sorry.

The Chairperson:

I refer members to the draft amendments at the top of page 22. Having had the benefit of advice this morning on the issues that were raised at last week's meeting, does the Deputy Chairperson have any comments that he wishes the Committee to consider in light of that legal opinion?

Mr D Bradley:

I listened carefully to the legal adviser, and I accept the points that he made.

The Chairperson:

The Question that the Committee recommend to the Assembly that schedule 1 be amended by the insertion of a new head as set out at the top of page 22 of the draft report. The amendment is as follows: In page 31, paragraph 2, line 23, at end insert:

"and:

(c) that the members, as a group, are representative of the community in Northern Ireland.2"

The Committee Clerk:

It would be better if you put the question to the Committee so that members can indicate whether they support the amendment.

The Chairperson:

I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 31, paragraph 2, line 23, at end insert:

“and:

(c) that the members, as a group, are representative of the community in Northern Ireland.”

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr D Bradley, Mr Lunn, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O’Dowd, Mrs O’Neill.

Question accordingly agreed to.

Schedule 1, subject to the Committee’s proposed amendment, agreed to.

The Chairperson:

We come to the second proposed amendment to schedule 1. The Question is that the Committee recommend to the Assembly that schedule 1 be amended by the insertion of a new paragraph, which is set out at the top of page 22 of the Committee draft report. I beg to move

Mr B McCrea:

Where are we?

Mr O’Dowd:

We will never get out of here by twelve o’clock.

The Committee Clerk:

The Committee is considering the second proposed amendment to insert a new paragraph at the end of paragraph 22 of schedule 1 on page 36 that defines “representative of the community of

Northern Ireland”.

Mr B McCrea:

Who proposed that amendment? Did we bring it forward?

The Committee Clerk:

The Committee drafted it.

The Chairperson:

I beg to move

That the Committee recommend to the Assembly that the schedule be amended as follows: In page 36, paragraph 22, at end insert:

“Representative of the community in Northern Ireland”

23.— (1) In this Schedule, and without prejudice to the generality of the words, a membership “representative of the community in Northern Ireland” shall in particular include—

persons with experience of the controlled, maintained, grant-maintained integrated, Irish-medium and voluntary grammar school sectors; and,

persons from the local government districts, where “local government district” has the same meaning as in the Local Government (Boundaries) Act (Northern Ireland) 2008.”

Question put.

The Committee divided: Ayes 2; Noes 2;

AYES

Mr D Bradley, Mr Lunn.

NOES

Mr O’Dowd, Mrs O’Neill.

The Chairperson:

Basil McCrea, Michelle McIlveen, Alastair Ross, and Mervyn Storey have abstained.

Question accordingly negatived.

The Chairperson:

The next issue from last week is a proposed amendment to clause 32. Will members turn to paragraph 266 of the draft report, which is on page 104? Members will see at the bottom of the page —

Mr B McCrea:

Where are we?

The Chairperson:

Clause 32, page 104. You will see at the bottom of that page the proposed amendment to clause 32. At last week's meeting, that amendment was agreed in principle, with the precise wording to be drafted by the Clerk. The amendment would allow the education and skills authority to impose a scheme of management where a submitting authority submits a scheme of management that does not comply with the regulations and schemes of management under clause 30. Members will recall that at last week's meeting the Committee agreed to recommend to the Assembly that clause 30 be amended to include a requirement for regulations to be made as to the form and content of schemes of management. That is contained in paragraph 264 of the draft report.

The proposed amendment to clause 32 flows from the requirement on the Department to make regulations. It is a consequential amendment, and it follows that submitting authorities should submit schemes that comply with regulations that the Assembly has approved. The Question is that the Committee recommend to the Assembly that clause 32 be amended as set out in paragraph 266 of the draft report. That amendment states:

"leave out from 'subsection' to 'cannot' in line 2 on page 18 and insert 'section 31(1)(b) does not comply with regulations under section 30(6) or does not accord with any guidance issued by ESA under section 31(3) and cannot (in either case)'."

The Committee Clerk:

It is a question of whether the Committee is in favour of the amendment. It is a consequential amendment to an amendment that was agreed by the Committee.

Mr D Bradley:

Does this amendment come from the Committee?

Mr B McCrea:

Is the effect of that amendment that a scheme complies with the regulations, or, is it that the regulations will have to go through the Assembly by affirmative resolution?

The Chairperson:

Yes.

I beg to move

That the Committee recommend to the Assembly that the clause be amended as follows:

In page 17, line 42, leave out from

“subsection” to “cannot” in line 2 on page 18 and insert

“section 31(1)(b) does not comply with regulations under section 30(6) or does not accord with any guidance issued by ESA under section 31(3) and cannot (in either case).”

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr D Bradley, Mr Lunn, Mr B McCrea, Miss McIlveen, Mr Ross, Mr Storey.

NOES

Mr O’Dowd, Mrs O’Neill.

Question accordingly agreed to.

Clause 30, subject to the Committee’s proposed amendment, agreed to.

Mr Lunn:

Are these votes still recorded?

The Chairperson:

Yes.

The Committee Clerk:

The decisions made in the last few minutes on Committee amendments will be reflected in the Committee’s report. As the Committee goes through the report to agree it, we will strike that out as appropriate and amend the report for final approval. It is already in the report as either/or.

An item has been tabled for members’ consideration in relation to amendments received this morning from the Department. It is for the Committee to decide whether or not it wishes to consider that.

Mr B McCrea:

Where are we now?

The Chairperson:

You should have in front of you an e-mail from Eve Stewart. It says that:

“We have just finalised 2 additional amendments and I am forwarding them on for the Committee for information. They relate to the increase in ESA numbers and ensuring governors commitment in Irish speaking schools.”

That e-mail includes the wording of the amendments:

“Clause 30, page 17, line 3 at end insert —

‘ () The scheme of management for an Irish speaking school shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as are likely to ensure the continuing viability of the school as an Irish speaking school.

() The scheme of management for a grant-aided school for which a part is Irish speaking shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the schools are such as are likely to ensure the continuing viability of the Irish speaking part of the school.”

Mr B McCrea:

Is it necessary to deal with that today? Given that it has just been tabled, I would prefer to deal with it next week after I have had a chance to look at it.

The Committee Clerk:

It will not be reflected in the Committee’s report. If it is the will of the Committee just to note that the amendment was received, I can attach that to the report.

Mr B McCrea:

I am happy for it to be noted, but I cannot decide on it without having had time to consider it.

The Chairperson:

This highlights the difficulty that the Committee has had repeatedly in not having matters brought to it in a timely way. On the day that we are signing off the report, the Department brings us another amendment. Therefore, it should be just noted.

The Committee Clerk:

The amendment to increase the membership of the ESA was dealt with last week. The Minister’s proposal was for an increase from 11 to no more than 14 members. The Committee raised that

issue at last week's meeting. Therefore, it has, in effect, been dealt with and recorded in the report. Therefore it is the second amendment to clause 30 that the Committee is saying that there is no time to consider, so it will not be reflected in the Committee's report other than it was received this morning and noted.

Mr Lunn:

The Committee has always had the problem of matters coming to it very late in the day. I can sort of sympathise with Basil's saying that he needs a week to consider it. For once, however, the amendment is in plain language, the Queen's English, and I can understand it.

The Chairperson:

It concerns Irish, but it is in the Queen's English. *[Laughter.]* There is an irony in that, but we will not go there.

Mr Lunn:

I used that term deliberately.

The Chairperson:

Thanks, Trevor.

Mr Lunn:

The point is, however, that the amendment is simple: it just requires a board of governors to use its best endeavours; it is not prescriptive. Sometimes, perhaps, the Committee could just look at something and take a decision on it.

Mr D Bradley:

The amendment applies to Irish-medium schools and boards of governors; it does not affect schools in any other sector. It is purely to protect the ethos of Irish-medium schools. There is no threat to any other sector. Therefore, the amendment is not contentious. I would be happy to approve it today.

The Chairperson:

One difficulty that arises, particularly from the second paragraph, is the phrase:

“shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as is likely to ensure the continuing viability of the school as an Irish speaking school”.

That places a pretty strong requirement on a board of governors. It may be the mind of the Committee to seek legal opinion about such a strong requirement being placed on a board of governors with the words “its best endeavours”. We have not seen that in the legislation for other sectors. Therefore, we have a proposal from Basil that the Committee note the amendment.

Mr B McCrea:

Yes.

The Chairperson:

Is the Committee in favour of noting that the amendment was brought to the Committee at this stage?

Question put.

The Committee divided: Ayes 6; Noes 2.

AYES

Mr B McCrea, Miss McIlveen, Mr O’Dowd, Mrs O’Neill, Mr Ross, Mr Storey.

NOES

Mr D Bradley, Mr Lunn.

Question accordingly agreed to.

Resolved:

That the Committee take note of the proposed departmental amendments to clause 30.

Mr O’Dowd:

I want to clarify our position: Sinn Féin supports the amendments; however, it is fair for a party to request another week to judge. We endorse the amendments as proposed.

The Chairperson:

I appreciate that.

The Chairperson:

Are members content to seek legal advice and consider the matter at next week’s meeting?

Members indicated assent.

The Chairperson:

Do members have any questions?

Mr D Bradley:

Given that both amendments have been discussed at today's meeting, will they be included in the report?

The Committee Clerk:

Yes; the discussion will be included in the Hansard report, and the draft report will outline that the Committee noted the amendments.

The Chairperson:

I want to raise the issue that we mentioned at the conclusion of last week's meeting. I draw members' attention to paragraph 148, on pages 59 and 60 of the report, which arose from a proposal to include a recommendation on the controlled sector. I agreed to circulate a wording to members for consideration at last week's meeting. The comments on the sectoral body for the controlled sector appear in paragraphs 53 to 73. The paragraphs endeavour to reflect some members' concerns about the controlled sector.

Are members content to include a paragraph in the report, as set out in paragraph 148 of the draft report, including a recommendation that the Committee request that the Minister take urgent action to address those issues and find the resources to make immediate progress to resolve them?

Mr O'Dowd:

As I said last week, we have concerns about including what is, essentially, a political statement rather than a reflection of the scrutiny of the Bill. Earlier in the report, there are comments from members that reflect those concerns as comments made in the Committee; I have no difficulty with their inclusion in the Bill. However, I have a difficulty with the inclusion of a recommendation on one sector or subject. The issues behind the recommendation can, and will, be debated at length in the Committee; indeed, they should have debated and resolved long before the Assembly was established. Having read the recommendation, I am unsure whether it is an alibi for the controlled sector or an apology to it for having done nothing in the past. I cannot support the inclusion of such a recommendation in the report.

The Chairperson:

It is neither an apology nor an alibi. It is a defence of a sector that has played second fiddle to

other sectors that have only been interested in their own institutions and that have paid lip-service to equality, inclusion and the recognition of the existence of other sectors.

We have seen enough, over the past months, of sectors that are interested only in self-preservation. The controlled sector, under the umbrella of the education and library boards, played, and does play, its full role in promoting equality; it excludes none and puts no barriers in front of any children coming through the doors of its schools, unlike other sectors that have prerequisites and pre-requirements whereby people have to sign up to certain ideologies.

Mr O'Dowd:

Are you talking about the grammar school sector?

The Chairperson:

Sorry?

Mr O'Dowd:

Are you talking about the grammar school sector?

The Chairperson:

No, not the grammar school sector; the Catholic certificate is a prime example. That is a major concern. I for one will not allow any sector to be left isolated in the way that the controlled sector has been on many issues. The proposal is a way of ensuring that those concerns are addressed.

Are there any other comments?

Mr O'Dowd:

One of the purposes of the education and skills authority and of the Bill that we have been scrutinising is to ensure that no sector is left behind. There are sectors that need support; I am not arguing against raising some sectors to the level of others. My concern is that we are including a statement and a recommendation in a Committee report that is mainly a party-political stance. Having listened to your good self, Chairperson, I am now convinced that it is a mixture of an alibi and an apology to the controlled sector rather than a serious attempt to move forward the issues that have to be resolved in relation to that sector.

Mr B McCrea:

May I ask the Committee Clerk whether the statement and the recommendation are competent? John asked whether such recommendations should be in a Bill.

The Committee Clerk:

One can include recommendations in a Bill report. This statement does not relate to an amendment, which would go before the House. Its competence, in that sense, is not to be tested; however, a Committee can make recommendations in a Bill report if the information has been presented and the Committee has considered it.

Mr B McCrea:

Thank you; that is very helpful. I share your concern, Chairperson, that the controlled sector was not able to have an influence on the progress of the Bill. Without making a political point, it is important that we are inclusive on all the issues and that there should be a level playing field for all. For that reason I am happy to support it.

The Chairperson:

This highlights the suspicions and concerns that some people have. On the day that we are concluding the report on the first Bill, having been promised that we would have sight of the second Bill, when do we get the second Bill? Today. After being told that it was not prepared and that we were going to see it in tranches or in bits and pieces, all of a sudden the Bill appears.

I have never been known to be a sceptic or to be suspicious, but I do not see too many people coming up to the mark about what was going on in relation to a particular sector. If the maintained sector had been treated in such a way, the people with red hats would have been knocking down the door to talk to the Committee. I am very concerned that we get sight of the second Bill just today. Nobody, in the time available to us, will be able to go through the second Bill, unless we read through it for the next half an hour. That is why, in the report, we will reflect whether the Committee agrees. That is not a party-political point; it is a genuine concern on behalf of a sector that owns £2.3 billion of the education estate and educates 98% of the Protestant children in Northern Ireland.

Mr O'Dowd:

My understanding is that the second Bill will come under the scrutiny of the Committee, the

Executive and the Assembly. If you were getting excited about being presented with a fait accompli that said how things were going to be, I would be jumping up and down with you. However, the fact of the matter is that, as was the case with the first Bill, there is a lengthy process to go through. If there are genuine concerns about the second Bill, they will have to be dealt with, as was the case with the first Bill, and, we hope, we will reach a conclusion in due course.

The strength behind any sector comes first from the people within that sector, but more importantly, it is given by the political leadership in society. The maintained sector got its act together in the early 1980s. It moved forward and kicked in a few doors to make its voice heard. Even when the Council for Catholic Maintained Schools (CCMS) was formed, it continued to fight the system for several years to make sure that its voice was heard.

Even at this stage of setting up the controlled sector support body, there is a responsibility on all of us and the Department to support it. There will be a fight, and the people best placed to lead that fight will be the new controlled sector support body. That body should be regular visitors to this Committee and to all our offices. Those are the people who will turn the controlled sector around, with our support.

Mr D Bradley:

I do not think that this is an accurate reflection of what happened last week. Chairperson, at the end of last week's meeting, you made a statement that I asked you to circulate to Committee members during the week so that we would have a chance to share and discuss it with our parties. That did not happen. The statement that is included in the draft final version of the report appeared without the previous statement being circulated as agreed at the meeting. I do not believe that it is a true reflection of what happened at last week's meeting, and, therefore, it should not be contained in the report.

The Chairperson:

Are there any other comments?

Mr B McCrea:

I have already made my position clear. There may be differences of interpretation about what

went on at last week's meeting — and I take Dominic's point — but it remains a fundamental issue that there is an omission of input from the controlled sector, which does have an influence. I have expressed to officials that there must be some form of representative body so that we can have a level playing field.

As Mr O'Dowd said earlier, other sectors got their act together. He said that they “kicked in a few doors” at a time. It is right and proper that they put their views across. The fact is that other sectors did not do so, and we must find some form of balance.

I know that the Chairperson can defend himself, but I add my support to the fact that, when we started this marathon journey, we were promised that we would be able to look at the two Bills together and that there would be cohesion and an holistic approach. I think that that intention is included in the draft report, and it has not been possible to deliver on it. We have repeatedly said that that is important.

At one stage, we wanted the two Bills to be combined in one single Bill. We were told that that was not possible, for various reasons, but that we should not worry, because there would be an overlap so that we could treat them as one for the purposes of workflow. That has not happened, which rightly raises some concerns, and the Chairperson is right to highlight them.

Mr Lunn:

Not in my most generous moment could I think that it is a coincidence that the second Bill is produced on the very day that we are supposed to be signing off on the first Bill. I think that it is a disgrace. We were originally promised that there would be an overlap in the two Bills; it was as simple as that.

If I remember rightly, we were supposed to see the second Bill before recess to give us time to examine the effect of one on the other and to compare them. It is that basic: it was promised. Once again, it is par for the course; we are being shoved into a corner and are having to take action on the first Bill without having had the opportunity to read the second. I do not know what we can do about that, but it keeps happening. Indeed, I put on the record that this is the most serious episode of that nature yet.

Chairperson, we were asked to consider a statement that you read out last week. I indicated

that I was not too happy about making a judgment without having seen that statement in writing. Surely, as Dominic said, it would have been fairly simple to circulate it. However, I am reasonably content that the proposal in the draft report accurately reflects the statement that you read out. Therefore, I am not going to make too much of that issue. It would have been helpful to have been given a written copy of your exact words, but the fact that we were not does not preclude me from making a judgement on what is before us. For the record, I support the proposal.

The Chairperson:

I apologise for the fact that the statement was not sent out to members individually. The statement is in the Hansard report, but Dominic is right that we said that each member would receive a copy. It does not change the context, and I appreciate Trevor's comments.

This is not a party political broadcast; it is a serious situation concerning a major education sector in Northern Ireland. That sector is not a minority, as the Minister describes some other sectors. I am deeply disappointed at the shabby way in which the Department has treated the sector, particularly by producing the second Bill today. Our acceptance of the first Bill depends entirely on what is contained in the second Bill. The Minister and the departmental officials, who are here today, need to listen carefully to the message coming from the Committee. If the serious issues are not addressed, there could be the same sort of train wreck that some people mentioned months ago in regard to other issues. The Committee has now made its comments.

Are members content to include paragraph 148, as it appears in the draft report and including the recommendation, in the Committee's report?

Members indicated dissent.

The Chairperson:

Basil McCrea, Trevor Lunn, Alastair Ross, Michelle McIlveen and I are in favour. John O'Dowd, Michelle O'Neill and Dominic Bradley are against.

Now that those bits and pieces have been tidied up, I propose that we move to the draft report. We are not doing too badly, and I appreciate your help. I remind members that we have made our decisions on the clauses and schedules. Rather than revisit those decisions, we are here to satisfy

ourselves that the draft report reflects the Committee's scrutiny and decisions. I propose that we work our way through the report by grouping its paragraphs in manageable bites and, where possible, by clause or groups of clauses, and give Members an opportunity to comment.

As our first group, I suggest that we take the title page, the page detailing membership and powers and the contents page. Are members content?

Members indicated assent.

The Chairperson:

As our second group, I ask Members for comments on the introduction to the report, comprising paragraphs 1 to 25.

Mr O'Dowd:

Paragraph 5 states:

“The Chairperson outlined the Committee's key concerns, summarized as follows”.

However, the Committee had made no decisions on the Bill at that stage. How, therefore, could the Chairperson have outlined the Committee's concerns? Part of that paragraph should, in my opinion, be rephrased:

The Committee Clerk:

Remember that the Committee carried out a substantial pre-introduction scrutiny, and several papers and letters from the Committee to the Department that outlined quite a number of concerns were on record. That sentence reflects those concerns that were still being considered by the Committee and indeed at the debate on Second Stage. The sentence did not reflect the concerns that were in front of the Committee at the point of scrutiny at Committee Stage, because that had not yet commenced.

The Chairperson:

Would it be better to rephrase that sentence: “The Chairperson outlined key concerns”? The concerns would not, therefore, be attributed to the Committee.

Mr O'Dowd:

I would be happier with that.

The Chairperson:

Are all members happy enough with that?

Members indicated assent.

The Chairperson:

Do members have any further comments?

Mr O'Dowd:

Sorry, Chairperson, but there is a similar instance in paragraph 10 on page 6:

“Members will note that despite these policy changes to the Bill, the Committee continued to have a number of concerns with the Bill, as reflected”.

Perhaps that could be changed to “there remained a number of concerns” or perhaps “Committee members continued to have concerns”.

The Chairperson:

Would you like the word “members” to be inserted?

Mr O'Dowd:

Yes, please.

The Chairperson:

Are members happy enough? Does everyone know what we have decided? Paragraph 10 on page 6 would read, “Committee members will note”.

The Committee Clerk:

No; the insertion of the word “members” comes after the second “Committee” in that paragraph.

The Chairperson:

OK. John, are you satisfied with that?

Mr O'Dowd:

Will you read it, please?

The Committee Clerk:

“Members [of the Assembly] will note that despite these policy changes to the Bill, Committee members —

Mr O’Dowd:

It should read “some Committee members” or “a number of Committee members”.

The Chairperson:

“Some” is preferable. Are members happy with that?

Mr O’Dowd:

OK.

Mr B McCrea:

The “some” is sometimes greater than the whole.

The Chairperson:

I am still struggling with the mathematical exposition that we received in the House the other day. Do members have any other comments? We are still considering paragraphs 1 to 25, so perhaps you would have a glance over those. If any members want to dissent, I want to ensure that that is recorded accurately. I do not want any member to feel trapped by the Committee.

Are members content with paragraphs 1 to 25, as amended?

Members indicated assent.

The Chairperson:

We move on to paragraphs 26 to 28, which relate to clause 1. We are now on page 12. Are members content? Any member who is not content, please indicate accordingly.

Mr O’Dowd:

Give me one second, please, Chairperson.

Mr O’Dowd:

Again, it is a matter of emphasis; paragraph 37 on page 16 —

The Chairperson:

We are dealing with paragraphs 26 to 28. We will come to that in a minute or two. I would like to be at paragraph 36, but that is just a wish on my part.

Mr O’Dowd:

I am away ahead of myself.

The Chairperson:

Are members content with paragraphs 26 to 28?

Members indicated assent.

The Chairperson:

We now move to paragraphs 29 to 35, which also relate to schedule 1. These paragraphs deal with the number of ESA members. Members are reminded that the blue text represents what is being inserted as a result of the decisions taken last week.

Are members content with paragraphs 29 to 35?

Members indicated assent.

The Chairperson:

OK. We now move to paragraphs 36 to 49, which relate to schedule 1 and the ESA membership being representative of the community in Northern Ireland. John had an issue with paragraph 37.

Mr O’Dowd:

Paragraph 37 states that:

“The Committee, having had sight of the Office of the Commissioner’s of Public Appointment’s (OCPA) Code of Practice, remained concerned”.

In my opinion, that should read, “Some of the Committee members, having had sight” or “A number of the Committee members, having had sight”. The Committee did not take a formal position on that.

The Chairperson:

It is accurate to say, as the report does:

“The Committee, having had sight of the Office of the Commissioner’s of Public Appointment’s (OCPA) Code of Practice, remained concerned”.

Do you want to reflect that some members remain concerned?

Mr O’Dowd:

Yes.

The Chairperson:

Should we include “Some Committee members”?

Mr O’Dowd:

Yes, whatever way that fits into that sentence.

The Chairperson:

We need to be clear about where we include it.

Mr O’Dowd:

Clearly, it is accurate that the Committee had sight of the report.

The Chairperson:

After the reference to the code of practice, we could include the phrase, “some Committee members remain concerned”.

Mr O’Dowd:

Yes.

The Chairperson:

OK.

We are still looking at paragraphs 36 to 49.

The Committee Clerk:

In paragraph 49, we will strike out the part of the amendment that members did not agree in

earlier sessions. However, we will leave in the amendment that states:

“(c) that the members, as a group, are representative of the community in Northern Ireland’]”

That was agreed by the majority of the Committee this morning.

The Chairperson:

Are members clear about what we will do? We are on page 22. We did not agree the amendment to schedule 1, page 36, so that paragraph will not appear in the report. However, the amendment above that will be included. It states:

“(c) that the members, as a group, are representative of the community in Northern Ireland’]”

Are members content?

Mr O’Dowd:

I am sorry: what are we signing off on?

The Chairperson:

We are on page 22. This morning, we did not agree to include —

Mr O’Dowd:

Yes; sorry.

The Chairperson:

The only amendment that will appear in the report is the top one, which states:

“(c) that the members, as a group, are representative of the community in Northern Ireland’]”

OK?

Mr O’Dowd:

Paragraph 41 states that:

“The advice to the Committee dealt with a number of issues and concluded:”

There then follows a number of statements. At that stage of our deliberations, did we take positions on any of those matters?

The Chairperson:

No, although the paper states “and concluded”.

Mr O’Dowd:

Should it state “and observed”?

The Chairperson:

We are talking about the advice to the Committee. Are you questioning the use of the word “concluded”?

Mr O’Dowd:

Does it give a sense that those five bullet points were a conclusion or an agreement of the Committee?

The Chairperson:

Is that advice to the Committee rather than its conclusion?

The Committee Clerk:

It is a summary of the advice that the Committee received.

Mr O’Dowd:

If that were the case, it should read, “The advice to the Committee was” instead of:

“The advice to the Committee dealt with a number of issues and concluded.”

The latter almost reads as though the Committee had reached the conclusion.

The Chairperson:

Might “concluded” be changed to “included”?

Mr O’Dowd:

Yes, otherwise the wording is open to interpretation.

Mr Ross:

Have the passages printed in black not already been agreed in previous meetings? Are we just going over that again? I have been a member of the Committee for only a couple of weeks, but I remember going through those points.

The Chairperson:

The Committee is trying to compile a factual summary of all of its work. We have gone through the clauses, but this document will contain the legal advice that we received and opinions that were expressed by members. Is that correct, Clerk?

Mr Ross:

The passages in blue are the changes made since the last time we looked at the matter.

The Committee Clerk:

All the rest of the text was in front of the Committee in versions 1, 2 and 3 of the draft report. It was drawn to the Committee's attention that that would be included in the report, subject to the Committee's final agreement. The whole sweep through is being done only now, but that text was brought to the Committee a number of weeks ago.

The Chairperson:

However, it would not change the emphasis to replace "concluded" with "included". Thus, the passage would read, "The advice to the Committee dealt with a number of issues and included". The document then lists the factual position. Are members content?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 36 to 49, as amended?

Members indicated assent.

The Chairperson:

Paragraphs 50 to 52 relate to Assembly disqualification. Are members content?

Members indicated assent.

The Chairperson:

Paragraphs 53 to 73 —

Mr B McCrea:

Before the Committee moves on, and it may not be appropriate to amend it at this stage, but we debated whether MLAs should be involved. I now agree with paragraph 51, which states:

“There was general consensus that the demands on MLA’s time would necessarily limit their ability to serve on such bodies”

However, my position was that I was not happy with the oversight that MLAs were able to provide on the workings of the ESA. I was concerned, and it was repeatedly said that the ESA is here only to serve the policies of the Minister of the day.

The Clerk:

The member is right; the Committee debated that, but it did not come to any conclusion, so no amendment to the schedule was discussed. The question is one of whether the words reflect any conclusion, but, from memory, there was no conclusion.

Mr B McCrea:

There may not have been a conclusion, but, as John O’Dowd has pointed out, we have discussed and noted many things. I do not know whether this is the appropriate place to deal with the matter — I will take advice on that — but I remain extremely concerned about it. Central to all that we have been saying is the fact the MLAs are not in a position to provide the necessary oversight of the ESA.

The Chairperson:

In fairness, that concern and your previous concerns are recorded in Hansard reports. Paragraph 51 does not state that the Committee has come to a conclusion on the matter. It simply states:

“There was general consensus that the demands on MLA’s time would necessarily limit their ability to serve on such bodies”

That relates to the issue of disqualification; whether they should be members of the ESA, rather than the power —

Mr B McCrea:

I quite accept that, and the issue might be better addressed elsewhere. I am happy enough that the Hansard report records that fact. However, when we get to the end of the report, I would like the Clerk to point out where my concern is recorded in the Committee’s report, because I read out a statement at the start of the meeting that —

The Chairperson:

That is recorded in last week's Hansard report, and it will all be cross-referenced in the report. Correct me if I am wrong, but we are not proposing to give 108 Members all the documentation on what we have done — they would each have six lever-arch folders to take home.

The Committee Clerk:

It will be in the form of a CD.

Mr B McCrea:

Is there a video of us?

The Chairperson:

I would not go that far.

The Committee Clerk:

All those words will be available.

Mr B McCrea:

I am content. It was only that we were being quite precise about some Committee member's comments on other issues. Although it may be a minority position, I believe that MLAs ought to have some form of oversight over the ESA process — if it is not done in the ESA committee, because of time constraints or whatever, it must be done somewhere else. I want to record the fact that there is a democratic deficit in the proposal. However, I will not add to the Committee Clerk's burden.

Mr O'Dowd:

We are in danger of opening up a debate. The Education Committee is the oversight body.

Mr B McCrea:

I rest my case.

The Chairperson:

For John McCallister's benefit, we are considering page 23 of the draft report.

Mr B McCrea:

For the benefit of Alastair Ross, who has been through this process only once, and John McCallister, who came in late, we should go back to the beginning and go through everything again.

The Chairperson:

Moving swiftly on —

Mr McCallister:

Are you not going to ask for a seconder? *[Laughter.]*

The Chairperson:

I will see you all in the cardiac unit. Are members content with paragraphs 50 to 52?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 53 to 73? They deal with a considerable amount, particularly with respect to the controlled sector.

Members indicated assent.

The Chairperson:

Paragraphs 74 to 83 relate to schedule 1, particularly the number of ESA members. The Committee Clerk has indicated to me that at the end of paragraph 83 the amendment with respect to “representative of the community” has been repeated in error and will be removed. Paragraph 83 will state:

“The Committee agreed to recommend to the Assembly that Schedule be amended as set out above.”

Everything else, including the section that is highlighted in yellow, will be taken out. Are members content?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 84 to 90, which relate to youth services?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 91 to 99, which relate to the proposed duty to encourage and facilitate development of Irish-medium and integrated education? Once again, this is an accurate reflection of what we discussed last week.

Members indicated assent.

The Chairperson:

Are members content with paragraphs 100 to 103, which relate to promoting the achievement of high standards of educational attainment?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 104 to 112, which relate to the single employing authority and submitting authority?

Mr O'Dowd:

You say "the Committee decided". However, we usually use the phrase "the Committee agreed". That is the phrase we have been using thus far.

The Chairperson:

That is fine. We agree to agree on agree.

Members indicated assent.

The Chairperson:

Are members content with paragraphs 113 to 37, which relate to the change in employer status and employment regulations? I remind members that this is a reflection of what we agreed.

Mr B McCrea:

That is a big leap; you sneaked that one in.

The Chairperson:

I did. I am only following what is in front of me.

The Committee Clerk:

The grouping is according to subject area, not to the length of the text.

Mr B McCrea:

It is all right, John; it was an attempt at a little light relief.

Members indicated assent.

The Chairperson:

Are members content with paragraphs 138 to 144, which relate to the development of employment schemes?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 145 to 148? I remind members that we decided those paragraphs earlier.

Members indicated assent.

The Chairperson:

Are members content with paragraphs 149 to 159, which relate to salaries and modification of employment law?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 160 to 167, which relate to other functions of the ESA?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 168 to 173, which relate to library and education and youth services?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 174 to 181, which relate to the payment of capital grants and teachers' superannuation?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 182 to 191, which deal with the ESA's ancillary powers and commercial activities?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 192 to 195, which relate to the dissolution of the education and library boards; the Council for Catholic Maintained Schools (CCMS); the Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA); the Youth Council for Northern Ireland; and the Staff Commission for Education and Library Boards?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 196 to 201, which relate to the general duties of the Department and DEL?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 202 to 230, which relate to examinations, assessments, qualifications and curriculum?

Mr O’Dowd:

Paragraph 205 on page 81 states that:

“The Department’s written response to SEELB did not appear to recognise that there was any potential conflict of interest”.

I think that the Committee had agreed with the Department that there was not a conflict of interest.

Perhaps it should read:

“did not appear to recognise that there may be a potential conflict of interest”.

The Chairperson:

Are Members happy with the wording “may be” rather than “was”?

Members indicated assent.

The Chairperson:

Are Members content with paragraphs 202 to 230, as amended?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 231 to 237, which relate to amendments requested by DEL?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 238 to 244, which relate to the powers of the General Teaching Council?

Members indicated assent.

The Chairperson:

There is no dissension, so we will move on. Are members content with paragraphs 245 to 268, which relate to schemes of management?

The Committee Clerk:

The Committee agreed an amendment to clause 32 earlier; therefore, the square brackets are removed from paragraphs 266 and 267 to reflect the Committee's decision.

The Chairperson:

Are Members content?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 269 to 291?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 292 to 304, which relate to inspections and grants for educational and youth services?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 305 to 308, which relate to the protection of children and young people?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 309 to 313, which relate to Catholic maintained schools?

Members indicated assent.

The Chairperson:

Members, if I am moving too quickly, please say so. Are members content with paragraph 314?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 315 to 323?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 324 to 329?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 330 to 341?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 342 to 346?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 347 to 363?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 364 to 375?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 376 to 380?

Members indicated assent.

The Chairperson:

We move now to the document containing final decisions on our clause-by-clause scrutiny. This section of the report sets out, in short form, the Committee's decisions on each of the clauses and schedules, referring, where appropriate, to the preceding consideration section. In members' copies of this section, the numbering begins with number 1, but, in the final printed version, the numbering will continue from the end of the numbering in the consideration section. I remind members that this section contains summaries of the Committee's decisions.

Are members content with the introduction?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 1 to 12?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 13 to 23?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 24 to 29?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 30 to 40?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 41 to 50?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 51 to 54?

Members indicated assent.

The Chairperson:

Moving on to paragraphs 55 to 58 —

The Committee Clerk:

The Committee must strike out the second amendment in paragraph 56 and insert the first amendment.

The Chairperson:

Are members content with those changes and with the remainder of paragraphs 55 to 58?

Members indicated assent.

The Chairperson:

Are members content with paragraphs 59 to 63?

Members indicated assent.

The Chairperson:

We now move to the executive summary, which we will go through paragraph by paragraph. Are members content with paragraph 1 of the executive summary?

Members indicated assent.

The Chairperson:

If I am moving too quickly for members, please let me know. Are members content with paragraph 2?

Mr O’Dowd:

Line 5 of paragraph 2 reads:

“The Committee raised various fundamental concerns”.

In my opinion that should read:

“Some Committee members raised various fundamental concerns”.

Similarly, line 10 reads:

“However, the Committee continue to have a number of serious concerns”—

Mr B McCrea:

I was happy earlier not to misrepresent people, but I feel that the insertion of “some members of the Committee” gives the impression that a minority of Committee members had expressed concern. That is despite the fact that a majority of Committee members had raised fundamental concerns.

Mr O’Dowd:

I am happy for the term “majority” to be inserted. The Committee had not come to a decision at that stage; therefore the report cannot refer to the Committee as a whole.

Mr B McCrea:

OK. I am happy with that.

The Chairperson:

Returning to paragraph 2 —

Mr Lunn:

Chairman, you said that those lines will read “the majority of Committee members”.

However, no vote was taken; members merely expressed their opinions. How do we know that the majority of the Committee feels that way?

The Committee Clerk:

It is up to Committee members to decide on the form of words. The Chairperson communicated on behalf of the Committee at that stage, which reflected to the Minister that there were fundamental concerns throughout the whole process. It is open to the Committee to decide.

Mr O’Dowd:

What about “many Committee members”?

The Chairperson:

Line 5 states:

“The Committee raised various fundamental concerns”

Mr Lunn:

Could we just say “members”?

The Chairperson:

Rather than “The Committee”?

Mr Lunn:

Yes.

Mr O’Dowd:

“Members raised” is fair enough; I would agree to that.

The Chairperson:

Thank you. Will we do the same when we come to line 10? Will we use “members”? Are members content with paragraph 2, as amended?

Members indicated assent.

The Chairperson:

We move to paragraph 3.

Mrs O’Neill:

We need to correct the last line, which states:

“The Committee unfortunately did not receive a draft of the Second Education Bill before the end of the Committee Stage of the Bill.”

That is factually incorrect.

The Chairperson:

We could change it to read:

“The Committee unfortunately did not receive a draft”
and we could insert today’s date. That would be factual. Do you want to put in the time?

Mr B McCrea:

I would like to add to that:

“making it impossible for the Committee to consider the second Bill in concert with the first Bill”.

The Chairperson:

Before we find ourselves with a whole raft of difficult phraseology, we will take it piece by piece.

Perhaps members could agree to:

“The Committee unfortunately did not receive a draft of the second Bill until 30 September, making it impossible for the Committee to give any consideration in relation to the first Bill”.

Mrs O’Neill:

Perhaps we could say:

“The Committee did not receive a draft of the second education Bill until 30 September”
and leave it at that.

The Chairperson:

No; the agreement was — and we have heard comments from all members — that we would get sight of the second Bill to help us to have an understanding of the context.

Mr O’Dowd:

Is that reflected in the Committee report? The summary is a summary of the Committee report. Where in the Committee report do we reflect on the second Bill?

The Chairperson:

We reflect on it in the appendices and the documentation that came from the Department, where reference was made to promises that were given that we would get sight of the second Bill.

The Committee Clerk:

It is a quotation from the Minister’s statement, where she said that we would get sight of the second Bill before the summer recess. I cannot remember the words, but it is in the statement.

The Chairperson:

Paragraph 62 states:

“The Committee had not received sight of any provisions of the second Bill at its meeting on [??] September 2009”.

We need to insert a date.

Miss McIlveen:

We skipped to the end of paragraph 3. If we read paragraph 3 in its entirety, it explains the context in which we are talking about the second education Bill. It states:

“At this time the Committee Chairperson emphasised the need for scrutiny preparatory work on the Second Education Bill and to examine the two Bills coherently and holistically.”

That is clear from reading the whole paragraph in context rather than skipping to the last line, as we have done.

The Chairperson:

I will return to paragraph 3, which we want to read:

“The Committee unfortunately did not receive a draft of the second Education Bill until 30 September.”

What do we want to include, if anything, in reference to the second Bill?

Mr B McCrea:

You are welcome to negate —

Mr Ross:

It should use the words that are used in the lines above it so that it reads:

“making it impossible to examine the two Bills coherently and holistically”.

That is consistent with the language that was used earlier.

The Chairperson:

Therefore it will read: “making it impossible —”

Miss McIlveen:

“— to examine the two Bills coherently and holistically”. It is a repetition of the previous line.

The Chairperson:

Clerk, if you will read it again, I will put it to the Committee.

The Committee Clerk:

The last line of paragraph 3 would be amended to read:

“The Committee unfortunately did not receive a draft of the second Education Bill until 30 September 2009, making it impossible for the Committee to examine the two Bills coherently and holistically.”

Mr O’Dowd:

That keeps us happy.

The Chairperson:

Are members content with paragraph 3, as amended?

Members indicated assent.

The Chairperson:

We will return to paragraph 62 of the main report, which should be amended to read:

“The Committee had not received sight of any provisions of the second Bill until its meeting of”, followed by today’s date.

Are members content with that?

Members indicated assent.

The Chairperson:

We move to paragraph 4. If there are no comments, we will move on.

Mr Lunn:

Paragraph 4 states that:

“Unfortunately there was an almost persistent delay”.

I think that we are being kind. It should state that there was a “constant delay”.

The Chairperson:

Or, “Unfortunately there was a persistent delay”.

Mr Lunn:

That will do.

Mr O’Dowd:

Although there was a delay in papers coming back, it was not persistent. The phrase:

“there was an almost persistent delay”

allows agreement.

The Chairperson:

Some would prefer the paragraph to read:

“Unfortunately, there was an almost persistent delay”,

whereas Trevor Lunn thinks that it should read; “Unfortunately, there was a persistent delay”.

Those in favour of it reading; “a persistent” —

Mr Lunn:

It could be changed to read “frequent”, which would keep it simple: “there were frequent delays by the Department”.

The Chairperson:

Should the line be amended to: “Unfortunately, there were frequent delays”?.?

Mr B McCrea:

The delays were many, frequent and often.

The Chairperson:

Sorry?

Mr B McCrea:

I was speaking in tautology again. I did not want Chris Stewart to come to the table.

The Chairperson:

Do not go there; it sounds painful. The line should read: “Unfortunately, there were frequent delays”. Are members content with the paragraph, as amended?

Members indicated assent.

The Chairperson:

Are members content with paragraph 5?

Members indicated assent.

The Chairperson:

Are members content with paragraph 6?

Members indicated assent.

The Chairperson:

Are members content with paragraph 7?

Members indicated assent.

The Chairperson:

Are members content with paragraph 8?

Members indicated assent.

The Chairperson:

Are members content with paragraph 9?

Members indicated assent.

The Chairperson:

Are members content with paragraph 10?

Members indicated assent.

The Chairperson:

Are members content with paragraph 11?

Members indicated assent.

The Chairperson:

Paragraph 11 should read “having received advice”. It is not often that I pick up on spelling mistakes.

Mr B McCrea:

It is recorded in Hansard.

The Chairperson:

Indeed, it will go down in history.

Are members content with paragraph 12?

Members indicated assent.

The Chairperson:

Are members content with paragraph 13?

Members indicated assent.

Mr B McCrea:

Can that be changed to, “agreed to recommend to the Assembly some, but not many”?
[Laughter.]

The Chairperson:

Agreed. *[Laughter.]*

Thank you very much, members. We have dealt with the executive summary. We shall now proceed to the appendices. Members will recall that all contents of the appendices, except Hansard reports, were contained in the grey lever-arch files that were distributed earlier. I hope that they found a prominent place in your offices.

At subsequent meetings, updates to the appendices were distributed to members. Today, the Committee will note any further additions. If it is happy, it will agree that the entire contents of the appendices be printed in the report. If you bear with me, I will go through those appendices for the record.

Appendix 1 contains the minutes of proceedings that relate to the report. Members have approved last week’s minutes. The minutes of today’s meeting will be produced as quickly as possible and circulated to members. Are members content for me, as Chairperson, to approve the minutes of today’s meeting in so far as they relate to the Bill for the purposes of their being appended to the Committee’s report for printing?

Members indicated assent.

The Chairperson:

Thank you. Are members content with appendix 1?

Members indicated assent.

The Chairperson:

Appendix 2 contains the minutes of evidence. The Hansard report of last week’s meeting was circulated to you yesterday afternoon. Are members content with appendix 2?

Members indicated assent.

The Committee Clerk:

Members have been made aware of the deadline for sending the document to print, which is 4.00 pm today. Members should bear in mind that the meeting last week was five hours' long. Certainly, the Hansard report of last week's meeting was contained in the white envelopes that members received yesterday afternoon.

The Chairperson:

Are members agreed that it can be added to appendix 2 of the Committee report and that I, as Chairperson, can approve the Hansard report of today's meeting for inclusion in the report for printing?

Members indicated assent.

The Chairperson:

Do not worry, members; you have not given me power that I will abuse.

Appendix 3 contains written submissions. There are no changes to the submissions that were circulated to members in the grey lever-arch folder several weeks ago. Therefore, are members content with appendix 3?

Members indicated assent.

The Chairperson:

Appendix 4 deals with other correspondence and written submissions. The following new items are to be added to appendix 4: the Assembly research briefing paper 'Comparable issues from Library, Health and Education Bills' that was circulated to members on 16 September; correspondence from the Department of Education in regard to the controlled schools sectoral meeting that was circulated on 23 September; correspondence from the Minister of Education about possible further amendments and suggestions on the Education Bill that was circulated on 23 September; and correspondence from the Department of Education regarding schedules 3, 4 and 7, which was also circulated on 23 September.

The Committee Clerk:

Earlier, the Committee received two more documents for inclusion in appendix 4: the second Education Bill and the amendments from the Department.

The Chairperson:

Does the Committee agree that those documents should be included in appendix 4?

Mr O'Dowd:

Can we publish the second Education Bill before the Executive see it?

The Committee Clerk:

It is a draft.

Mr O'Dowd:

Sorry, OK.

The Chairperson:

It is usual for a Committee report on a Bill to indicate whether the Committee is content with the long title. I, therefore, ask Members to turn to page 1 of the Bill. The long title is:

“A Bill to provide for the establishment and functions of the Education and Skills Authority; to make further provision about education, educational services and youth services; and for connected purposes.”

Question, that the Committee is content with the long title, *put and agreed to*.

The Chairperson:

In conclusion — I sometimes thought that we would never get here — the *Question* is that the report, as amended, be the first report of the Committee for Education for 2009-2010 to the Assembly and that the Committee orders the report to be printed on 30 September 2009.

Members indicated assent.

The Chairperson:

I conclude by expressing my sincere thanks and appreciation to John Simmons, Alyn Hicks and their staff for the huge amount of work that they have done. We sometimes felt as though we were snowed under with paperwork; however, I can assure you that it would have been all the

more difficult had I been left to steer the Committee through it. On behalf of the Committee, I express our appreciation and thanks to John, Alyn and their staff for all that they have done.

I thank the departmental officials for their forbearance and assistance, particularly Chris Stewart and his team, who attended meetings on a regular basis.

Mr B McCrea:

Are we taking a vote on that? *[Laughter.]*

The Chairperson:

I also thank the Hansard staff for their accurate reflection of all our deliberations.