



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Education Bill: Western Education and
Library Board Briefing

9 January 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Mervyn Storey (Chairperson)
Mr Danny Kinahan (Deputy Chairperson)
Mr Jonathan Craig
Mrs Jo-Anne Dobson
Mr Chris Hazzard
Mr Trevor Lunn
Miss Michelle McIlveen
Mr Sean Rogers

Witnesses:

Ms Helen Duffy	Western Education and Library Board
Rev Robert Herron	Western Education and Library Board
Mr Barry Mulholland	Western Education and Library Board

The Chairperson: I welcome Mr Barry Mulholland, the chief executive of the Western Education and Library Board (WELB); Rev Robert Herron, the chair of the Western Education and Library Board; and Helen Duffy, the head of human resources jointly at the Western Education and Library Board and the Southern Education and Library Board. Barry, we are pleased to see you back. You were in our thoughts and prayers during your illness, and we are glad that you are making a phased return to work. We wish you well in that role. I think that it would also be right for us to refer to the education and library boards' organisational difficulties, which are a consequence of delays in the establishment of ESA. I think that it would also be fair to say that those difficulties are a consequence of the imposition of the vacancy control policy, which has been in place since 2006, that has created particular difficulties. The Committee is conscious of the pressures on board staff, and it commends them for their efforts. It intends to conclude work on the Bill as quickly as possible. However, I think that it is important that members take the time to give very careful and serious consideration to the Bill, as it includes a number of very important and possibly contentious changes to education.

Thank you for your submission. Some of the issues raised are very interesting and thought-provoking. I ask Rev Herron, or whoever will take the lead, to do so, make the presentation, and we will then ask questions. I apologise again for running over the time, but I think that you understand the situation.

Rev Robert Herron (Western Education and Library Board): On behalf of the Western Education and Library Board, I thank you, Chairman and members of the Committee. I thank you for your invitation to the board to present oral evidence on the basis of our submission to the Bill. Our paper represents the views of board members, their having consulted with staff throughout the organisation.

You can see from our submission that WELB is supportive of educational reform and of the overall direction of the Bill in establishing ESA. Anything that we say today is aimed at being supportive of the process and, indeed, at encouraging progress towards ESA's establishment.

WELB's main objective is to support learning. We do not see ourselves as a controlling body but as a service organisation. We take pride in supporting pupils, parents, teachers, staff in schools and youth organisations in a wide range of activities. On a day-to-day basis, our work involves supporting individuals and groups of people through departmental and board policies, as well as agreed processes. We are also mindful of the legislative, political and social context.

We have approached the Bill from the perspective of a service-delivery organisation with a focus on the operational aspects of the proposed legislation. We are particularly interested in the Bill's pragmatic and operational aspects. Some of my colleagues may refer to me as a "wicked pragmatist", but that is the way that we tend to work. We are here to make things work.

Our experience is in corporate governance and accountability, employment issues, financial management, service delivery and providing educational support to schools. We always see ourselves as learners in what we do, and sometimes that means learning from our mistakes.

We are happy to take questions. Barry, our chief executive, and Helen, our head of human resources — who is head of human resources across the Western and the Southern Boards, as we work in partnership with the Southern Board — are the experts in operational matters. I said to them that any questions that they feel should be taken by a board member should be deflected in my direction.

The Chairperson: Thank you very much. Do you want to comment, Barry and Helen, or are you happy just to go into questions?

Mr Barry Mulholland (Western Education and Library Board): We are happy to take questions.

The Chairperson: One of the reasons why the Committee felt it important that you attend is that the Western Board is the only board that provided a written submission. The submissions that we have heard to date have, by and large, come from people who have either interests or an involvement in education. However, from the board's perspective, it is has been tasked with the delivery of services. You commented, Robert, that yours is a service organisation. It was very important for us to get some sense of what we have had, what is being proposed and how you feel about what we will end up with, should this be implemented, and whether it will be as good as or better than what we have. We want to get some sense of that on a pragmatic or practical basis. That is why we felt that it was important to have this discussion with you.

Having read your paper, Robert, I think that, when you condense things down, the single employing authority is one of the stand-out issues. It runs the risk of becoming either a misnomer, an Achilles heel or a working, practical solution. However, what is created depends on the way that it is implemented. That is the point that I want to tease out with you,

You say in your submission that if schools are allowed the discretion to develop their employment or management schemes, that would lead to significant variations in employment and management procedures. In a sense, that contradicts what the title "single employing authority" would imply. I get the sense that there are organisations that believe that it is quite right that there is a single paymaster general, but beyond that point, they want the authority and ability to do whatever else they want to do, albeit under the banner of a single employing authority.

As a practitioner and as someone who is at the coalface of all this, Helen, what do you see as the operational difficulties if it is not done properly?

Ms Helen Duffy (Western Education and Library Board): I think that the key thing is the potential number of differing employment schemes that are enshrined in the draft legislation. The critical element will be to ensure that those schemes are approved and that they meet statutory legislative requirements.

Furthermore, it is very important to ensure that, in the approval and adoption process, once the schemes have been ratified and are adopted by the board of governors or the submitting authorities, there is absolute adherence to that scheme in its outworkings. That can be ably assisted through training and support. I believe that that is the critical element; it is not the schemes per se. The

boards and other organisations have very important schemes that deal with employment issues. It is important to have the content of the scheme harmonised with the board of governors as the people with responsibility for its implementation, but just as important is the support for and understanding of that scheme and what it means for the responsibilities that fall to a school.

The approval of a scheme and its content is important to ensure that it meets all the requisite legislative requirements and statutory responsibilities. The other dimension is to ensure that, once approved and adopted, the scheme is followed in its entirety and adhered to in a way that ensures that it is done correctly. That is the issue.

The Chairperson: That would then lead logically to the issue that you also raised about the significant resource constraint that may occur. If school A has a scheme of management that requires a, b and c, but school B has a scheme of management that requires a, b, c, d and e, that could become a conflict and could lead to difficulty. Is that what is being said? How different is that situation to current practice? That is the point that I am trying to tease out in my own mind, if this were to be implemented as the Bill stands.

Mr Mulholland: Members expressed a number of concerns about the Bill, and they seek clarification about them. The first concerns centre on whether ESA is a single employer. As has been referred to, the heads of agreement and the Bill seem contradictory. Point 10 of the heads of agreement indicates that, where it is already the case, boards of governors can continue to employ their own staff, but the Bill states that ESA will be a single employer. So, clarity is required on that, because if we are talking about a single employer, let us have a single employer. However, if it is going to be something different, we and the education system need to know about that as soon as possible. That is the first issue.

The second issue is about how to get consistency in the system when you are looking at employment practices. That applies to all the different sectors and their capacity to submit a variety of schemes, albeit that those schemes must meet the required statutory duties.

The third issue concerns the logistics of being able to ensure that the schemes are adhered to and that there is a level of consistency. That is because, at the end of the day, ESA will have to carry all liabilities for all schemes that it approves. Some clarification is required on what happens when there is a difference between a scheme as submitted and ESA's perception of that scheme. If it is required to go to tribunal, what happens in the interim? The Bill says that the existing scheme will continue until the tribunal rules on the new revised scheme. An interesting anomaly with that might be that what is perceived to be the revised scheme that is submitted to ESA and drawn into question may actually be the existing scheme of management or employment that is already operating in the voluntary sector or the maintained sector. So, will that continue, even though it has been called into question and will be subject to a tribunal? So, the Bill needs to clarify that.

The Chairperson: I hope that this is not an unfair question, but, in your opinion, is it possible to have a single employing authority — what I am becoming more inclined to call a paymaster general — with variations on delivery, which was dressed up in the previous Bill by the buzz phrase of "localised accountable autonomy"? Are those two things deliverable or incompatible?

Rev Robert Herron: I will try to address that as a layperson, and these folk will probably come in and contradict me. At present, I am trying to think this through in my own mind. It seems to me that in the system at the minute we have a number of employers, and even some of those whom we regard as our staff, such as ancillary and various others, work in Catholic maintained schools. That at times raises issues with different employers where management is concerned. Let us say that all works well when relationships are working, but how can issues be resolved when relationships are not? So, we then see some kind of agreements, including service-level agreements or whatever. I am aware that matters in that kind of territory sometimes become issues in the boards.

We would also look at the controlled schools under the board. If you asked a controlled school's board of governors for its scheme of employment, it would probably refer you to the education and library board. That is because everybody accepts the same scheme of employment with which the governors are probably not familiar. They would know the operational aspects of it, but they would not refer to the document on a day-to-day basis. Within that, there would be quite a lot of autonomy in the various schools that have adopted the same scheme. Would that be a fair summary?

Ms Duffy: It is not the content of the scheme per se, because the content is usually totally fine. Everything is boxed off legislatively and statutorily. It is the implementation of the schemes. Even in a board situation where there is one harmonised scheme, it is the correct outworkings of that scheme at local board of governor level that are absolutely critical. That is where the training and support that will be provided atypically in a board situation, to both controlled and maintained schools, is very important. I see that becoming as or more important in the situation where you have a scheme but there is some variation to that scheme as approved. Approval is important, and, once approved, it is about the adherence to the approved schemes and the outworking of it, ably assisted by some support to ensure that the governors of the school understand the implications of their scheme in how it is worked through. That is the same scenario in a board. As the Chairman said, with one scheme, there is the probability that that may not be fully followed through in each and every instance. That is when issues may arise.

The Chairperson: That is one of the concerns. We have looked at and gone over this in the past number of weeks. It is all very fine to have a piece of legislation. You can pass a law, but it is about what happens when it comes to the practical outworkings of that and how it actually operates. For example, if there is an approved scheme of management and a geography teacher in school A is on point 6 of a seven-point pay scale, but a geography teacher in another school is on point 3 and hears about it, that teacher could say, "Hold on, I have done the same time and have the same number of children. Am I being discriminated against here?" You then open up the huge area of inequality and industrial relations. That is open to anybody as it stands, but how much more problematic is it? In the case of the teacher in school A, the school may be their employer, but, as it stands, the teacher in the other school may be employed by a board. So, there are two different employers. What would happen if they were to come under one employer? It is those practical points. That is only one example, but it is a very common one that may be prevalent.

Ms Duffy: I would have thought that the collective agreement and the negotiating machinery that prevails for teachers through the teachers' negotiating committee and for non-teaching staff would still be in operation, and any collective agreements that would pertain to the pay and terms and conditions of staff would have to prevail. Therefore, in some way, that would militate against that type of situation happening. I do not think that this can be looked at in isolation. The employment schemes and the schemes of management, etc, must take cognisance, as the draft legislation identifies, of the various collective agreements and the negotiating —

The Chairperson: The Jordanstown agreement, for example —

Ms Duffy: Correct.

The Chairperson: — which we have confirmed here is not affected.

Ms Duffy: In my view, it would be difficult to have a situation whereby that is almost put to the wayside and a unilateral approach is adopted.

Mr Lunn: I want to go back to the point about the heads of agreement in 10(c). Here we go again with this heads of agreement thing.

The Chairperson: Politicians have terrible things to deal with.

Mr Lunn: Having tried to reassure boards of governors in schools and various bodies that there is nothing to fear in the schemes of employment sections of the Bill and that the school can make its own employment scheme, which has to be accepted by ESA if it is not in contravention of statute, and that ESA has to accept the decisions made under that scheme of employment, unless they are made outside of the scheme of employment, suddenly you find the sneaky wee reference in 10(c) about the boards of governors continuing to employ and dismiss members of staff. That is contradictory to what it says in the Bill. Do you have any view on why it should say in 10(c) "Where it is already the case"? Why would that be there except that politicians dreamed it up?

Mr Mulholland: It is already the case for one sector; the voluntary grammar sector. It already employs, dismisses and pays its own staff.

Mr Lunn: Since there is no change to that situation, what you are doing is extending that right to all other schools that want to have it.

Mr Mulholland: No; we are not. There is a contradiction between the draft legislation and the heads of agreement. The draft legislation says that ESA will be the single employer of all staff.

Mr Lunn: It also says that that responsibility is delegated absolutely to a board of governors if it wants it under the make-up of the schemes of employment. That is the point, is it not?

Mr Mulholland: If that is the case, you could have a plethora of employers throughout Northern Ireland.

Mr Lunn: You will have one employer. You may have a plethora of slightly differing schemes of employment. We had that discussion with the Catholic authorities a while ago.

Mr Mulholland: The wording of 10(c) is "to employ and dismiss" their own staff.

Mr Lunn: If it said "to appoint and dismiss" would that make —

Mr Mulholland: That would be different and I would agree totally with the point that you are making. However, it does not say that. It says "employ". That is the contradiction. It is the word "employ". That is a matter for politicians.

The Chairperson: You have enough to worry about.

Mr Lunn: What is your solution to that? It seems to me as though — dare I say it — the wording of the heads of agreement might need to be changed, rather than the wording of the Bill.

Mr Mulholland: I would not dare to comment. *[Laughter.]* I believe that that is a matter for the politicians.

Mr Lunn: Turn off the Hansard recording and let us hear your opinion. That is fine, Chairman. Thank you very much.

The Chairperson: OK. Danny, perhaps we will come back to that point. Helen, do you want to comment on that?

Ms Duffy: I will make a brief comment. Clause 9 in the draft legislation is pertinent to the particular scheme that is approved for a particular school. What it appears to say is that if ESA considers that a board of governors has made a decision that is not in accordance with, let us say, its — by implication — approved employment scheme, ESA may require the board of governors to reconsider that decision. So, that is why I say that not only is the content of the scheme very important in ensuring that everything is covered, but implementation of it in its entirety and adherence to its contents. It would also appear that, in the draft legislation, there is almost what I would call a layer of quality-assurance checking to ensure that, in the undertaking of its scheme, the board of governors has done right by its own scheme, and ESA is the body to ensure that that is the case. I suggest that maybe cognisance needs to be taken of that particular clause in conjunction with the debate that has taken place. How that works, I do not know.

Mr Lunn: I am grateful to you, Helen. Who is the final arbiter? Does it go to the tribunal at the request of the board of governors?

Ms Duffy: I do not know who the final arbiter is. I would imagine that —

Mr Mulholland: On that point, ESA would make the final decision.

Ms Duffy: It seems to be ESA.

Mr Mulholland: With regard to the content of the scheme in comparison with an added scheme, the arbiter could be a tribunal.

Mr Lunn: Chairman, I am going to spend the next 10 minutes looking for that.

Ms Duffy: It needs clarification.

The Chairperson: Chris will clarify that.

Mr Kinahan: Following on from that, my concern has always been that if something cannot be agreed, you end up with a tribunal. Do we need to put an arbitration system in the Bill? Rather than get stuck in legal issues and interpretations, should we put something else in the Bill that allows for a little bit more flexibility and time?

Rev Robert Herron: I thought that that was already there. I may have misread it.

Mr Kinahan: I have not picked up on its being there.

Rev Robert Herron: I thought that there was an informal process before we could find ourselves in a formal process.

Mr Kinahan: I will get clarity on that, thank you.

Our brief says that you are looking for greater financial autonomy in schools, yet I can find very few ways that the Bill guarantees that schools have more financial autonomy. Was it 59% or 61%? We want to see more coming down, but there is no mechanism in the Bill. Do you see any way of changing that?

Mr Mulholland: Increasing the proportion of money that goes to schools? The debate on the money that is retained in education and library boards as opposed to the money that goes directly out to schools has gone on for years. When you engage with schools on that, they get an understanding that the money that is held by the boards covers areas such as transport, special education, special schools, school meals, etc. Schools do not really want the responsibility of organising their own school transport systems. When you look at what is held by boards for pure administration, you see that it is a very small percentage of the money that is allocated through the Department of Education. So, schools see that the percentage of money that is held back by boards is not a straightforward issue. Some schools would say that they still want more money, but they do not want the responsibility for running their own school meals, transport systems, maintenance systems, capital systems, etc.

Rev Robert Herron: Some of it is highly complex operationally, even in the example of school meals. One of our issues is the variation in school holidays. Some schools could have a kitchen open to service other schools on a day when the main school with the school kitchen is closed. From an operational point of view, the way in which it has evolved leads to costs.

Mr Mulholland: There are ways of saving money in transport if the organisation, be it boards or ESA, has the capacity to tell primary schools and post-primary schools what their starting time is and to put a gap between the two. You could reduce significantly the number of buses because you would be able to do dual runs, etc, but under the local management of schools, we do not have the power to say that to schools. In our board, some schools co-operate on their starting times to facilitate that.

Mr Kinahan: Very interesting.

Rev Robert Herron: I know that schools will always want more money, but there is a tremendous variation in the amount of money going to schools per pupil. It is maybe quite a controversial example, but I live — I will not mention the name of any school — on the edge of a town, and if I come out of my driveway and turn right to the nearest primary school, my children could be educated in that school, which is about a mile and a half away, for £2,000 a year. If I turn left and go a mile out into the rural community, it could cost maybe £4,000 or £4,500 per pupil. So, there is a tremendous variation in the amount of money per pupil going to schools.

Mr Hazzard: Thanks for the presentation. You are not the only ones to mention the issue of expanding and increasing the responsibilities of boards of governors. What do you feel is the necessary solution? What are your ideas to accommodate the new roles?

Mr Mulholland: Without doubt, we need to ensure that there is a governor support system in ESA that has the capacity to meet the needs in the schools. I know that that is actively being looked at.

Rev Robert Herron: That is a major issue at present. The support that we can give to schools has been reduced considerably over recent years, not only at governance level with school governors but support in the curriculum and the whole Curriculum Advisory and Support Service system. That is a very live issue, and, at present, we have to target support. Schools are categorised as a result of inspections and Closing the Gap, etc. We have very targeted support for schools at the minute, and we need to focus on that for the future.

Mr Rogers: You are very welcome. Thank you for your presentation. You are one of the few people to mention the Youth Service in your presentation. How do you envisage the concerns of the Youth Service being channelled through to the ESA board, etc, since it has no representation? To me, the Youth Service plays a big part in the wider educational picture as well.

Mr Mulholland: The Youth Service is a sector within education that is close to my heart, as I originally came through the Youth Service. I was the head of the Youth Service in Belfast before moving into the senior management team in Belfast. Therefore, the Youth Service has a very special significance to me.

I found it very encouraging that the members on the Western Education and Library Board — I know that this is reflected in other boards — very much welcomed the fact that the Youth Service is part of education, remains part of education and has now been included in the Education and Training Inspectorate's responsibility as regards inspections. The Youth Service is part of the children and young people's services in ESA, and one would expect that that would be a regional service that would be locally delivered across Northern Ireland.

In order to make sure that the youth-work agenda is high on the radar of ESA's management board, there should be some sort of committee structure that would be able to relay through to the ESA board the needs of the Youth Service and the valuable work that it carries out. Other than that, I do not know what plans there are in ESA for representation at ESA board level or for some sort of committee structure. However, I expect that it has to have that.

Mr Rogers: Do you find that other educational sector groups are looking for representation on the ESA board, and do you think that it would be advantageous for the Youth Service to have a representative on the board?

Mr Mulholland: There is no doubt that there would be advantages in that, but that is a matter for the legislators and the Committee as regards the numbers that will go on to the ESA board. I know that it has the potential to grow and that it has already grown from what was originally envisaged. Without doubt, there would be an advantage, but a decision would have to be made by yourselves and the Department.

Miss M McIlveen: Thank you for your paper and your presentation. In your paper, you mentioned that there are concerns that there is nothing in the Bill that legislates for categorisation of the amalgamation of different types of schools or other solutions for the establishment of federations or clusters.

Can you give the Committee your definition of shared education and some of the experiences that you have had locally?

Rev Robert Herron: I will say a few things, and maybe others will say something more about it. The area-learning communities would obviously be a major area, with regard to the curriculum, in sharing, and they are quite strong in the Western Board and have been well supported — we hope. There is the Fermanagh education project, which focuses mainly on shared education and on schools in Fermanagh. I chair the Western Board's area planning, which we call the Putting Pupils First group. We have representation from various sectors around the table, and that has been a very useful and enlightening experience. I listened to the previous contribution today, and those meetings have been and continue to be valuable. We have different sectors sharing their hopes and aspirations, and yet how we move forward is extremely difficult. Rightly, every sector wants to promote its own sector. Yet the situation is not static because, at this time, we are dealing with area planning.

One of the first things I did as chair of the area planning group was to ask our board to produce a map of all the post-primary schools in the Western Board area, covering the five council areas. It is stating the obvious, but most of the post-primary schools are in the major towns. The majority of schools that are not in the major towns are struggling. They are the ones that are suffering the main decline in pupil numbers. What they have in common is that most of them are non-selective schools. So, we are going through an exercise. From the board's point of view, those are also the schools that are getting into financial difficulties.

What is the future regarding schools in the rural community? I think that it will be very difficult to sustain schools in the rural community at post-primary level, even in the west. That is due to the choices that are there and the legislation. One of the issues that we face is whether we should create another sector. I listened to Trevor's question earlier. If we create another sector, will it have the same transport rights as others and what are the implications of that? Other schools may have to be bypassed and transport provided by the board or by ESA for that particular sector. The complexity of the whole situation just grows.

I sit on the board as a transferor. One of the issues that we try to wrestle with is the difficulty due to the fact that Catholic trustee representation is based on ownership, whereas the transferor representation is based not on the fact that they own but on legislation. There is an indication that there is a willingness to move on that one, but neither representation wants to lose its rights.

You understand how difficult it is to bring schools together across sectors, but let me say that that is the case even within sectors. Again, I will not mention the name of the school, but we were involved in a process of bringing together two controlled schools, a grammar and a secondary. One of the early issues was how we would address governance of the new school and a different set of governors. As a transferor, I went to the transferring Church and asked whether it would be prepared to give up its rights in order to create a new governance structure, which it did. It did so on that occasion, but I have to add that I do not think that the Churches would want to do it on every occasion. That church wanted to facilitate the community. Those are the kinds of issue, and that is just within the controlled sector.

I detect willingness among those who represent the sectors to try to move towards sharing, with shared schools, clusters and even one institution in a village. However, how we arrive there is the big question, and how we protect or maintain rights and give representation is a challenge. The other thing is how to get the people on the ground to buy into it. Most villages are not 50:50, in the terms of Northern Ireland's division. So how do you persuade a minority community to buy into a shared solution in a village? From the outside, one asks why we cannot do this and it seems a sensible thing to do, but, actually, to convince people and let them feel comfortable and confident to do it is another thing.

Is that helpful?

Miss M McIlveen: I am just not sure how that can be reflected in the Bill, given the fact that you have highlighted it as a concern.

The Chairperson: Let us take the issue that you raised — I am aware of the particular case that you referred to. If the legislation was such that there was the flexibility to be able to have a transferor on the board of governors of a controlled grammar school, would that have made it easier to keep the process alive? That is only in one sector. It could be replicated across sectors.

Rev Robert Herron: In terms of the governance, yes, it would.

The Chairperson: Yes, in terms of the governance.

Rev Robert Herron: It would have meant that the transferors, in that particular case, would not have had to give up their rights.

The Chairperson: Yes.

Rev Robert Herron: But they were willing to do that in that situation. As a board, we appoint people to boards of governors, and we made the people concerned aware that we would attempt to facilitate their representation in some way.

The Chairperson: As of right, yes.

Mr Mulholland: In that instance, the outcome was that the school became a grammar school with a grammar school board of governors. The representation rights of the Churches were built into an understanding, and it has worked very well.

We have another situation in our board area in which the board has expressed an interest in a controlled grammar and a voluntary grammar coming together. That brings in a whole new challenge, the likely outcome of which will be that the school will have to become one or the other, most likely a voluntary grammar school, in the future.

Another challenge on the radar — we are aware of it, but it is not often spoken about — is the possibility that a maintained school and a controlled school might come together where the minority party is in the controlled sector. The likely outcome of that would be that the school would become a maintained school. The challenge, under a Transfer of Undertakings (Protection of Employment) Regulations (TUPE) arrangement, where the teachers would transfer across into the maintained sector, would be the likely expectation that the teachers from the controlled sector would have to obtain a Catholic certificate in order for them to teach in that school. I cannot say that that challenge has not materialised, because we are dealing with such a challenge at the moment in a nursery situation.

The Chairperson: That was an issue that Jonathan raised earlier. We are keen to make sure that, as much as possible, we tease out in this process the practical implications of deciding to do a particular thing in legislation. It is easy to say what the law should be, but the practical implications, such as the one you have mentioned, are very serious because they have implications for the employment rights of individuals and so forth.

Miss M McIlveen: I want to return to that point. Could something be done in the Bill to alleviate that problem?

Mr Mulholland: I do not think that that can be sorted out in the Bill unless another sector could be created. I heard reference to joint faith schools, and that would require detail in relation to the make-up of boards of governors, etc.

Miss M McIlveen: I am really just referring back to the point that you made in your paper about the establishment of clusters or federations.

Mr Mulholland: There is no sector that exists that can cater for that situation. It may be that that could be looked at. That may involve the creation of a new sector.

Mr Lunn: That may not be such a terrible thing. I was going to say that I am glad to hear that you managed to overcome the difficulties involved in effectively combining schools in the same sector. Lord knows what is going to happen. Is it not a pretty sad reflection that given, in the famous phraseology of the previous Minister and others, it is all about the children, if the best solution for the children of that area is the coming together of those schools, we should not be bickering about the size or the make-up of the boards of governors or what sector they are in? I know that this is for us, but really —

Rev Robert Herron: Yet we find ourselves, again, working on the ground where we consult parents and staff and young people. It is about giving them confidence. I am involved in the Lisanelly project, which comes under our board's aegis. Some of the most encouraging and challenging evenings that I have had in connection with that project have been in engaging with young people from the schools through the Youth Service. It is important that they have the confidence to go forward as well, and we are trying to create the context where there is that confidence.

Mr Mulholland: I will make a point that board members and staff would take issue with me for failing to bring up, and it relates to the position of the Council for the Curriculum, Examinations and Assessment (CCEA). At present, CCEA is not part of ESA but where it sits will be looked at in the future. That state of limbo results in CCEA being able to proceed and recruit outside vacancy control because it is not part of ESA. However, at the same time, because no final decision has been made, it could be considered to be part of the education-affected group. So, when posts start to come up in

ESA and the trawl goes out, CCEA staff may apply for jobs even though they are not at risk. The plea is to make a decision around CCEA as soon as possible.

The Chairperson: Thank you, Barry, for that worthwhile point. I thank you very much for taking the time and making the effort to submit your written presentation and deliver your oral evidence today. I have no doubt that your invaluable contribution will be used.