



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Education Bill: Association of Controlled  
Grammar Schools Briefing

23 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)  
Ms Michaela Boyle  
Mr Jonathan Craig  
Mrs Jo-Anne Dobson  
Mrs Brenda Hale  
Mr Trevor Lunn  
Miss Michelle McIlveen  
Mr Sean Rogers  
Mr Pat Sheehan

**Witnesses:**

Mr Stephen Black	Association of Controlled Grammar Schools
Mr David Knox	Association of Controlled Grammar Schools
Mr Robin McLoughlin	Association of Controlled Grammar Schools
Mr Raymond Pollock	Association of Controlled Grammar Schools

**The Chairperson:** We are glad to welcome to the Committee principals Mr Stephen Black of Antrim controlled grammar, or Antrim Grammar School as its title is; Mr David Knox of Ballyclare controlled grammar, or Ballyclare High School; Mr Robin McLoughlin of Grosvenor controlled grammar, or Grosvenor Grammar School; and Mr Raymond Pollock OBE of Banbridge controlled grammar, or Banbridge Academy.

Gentlemen, you are very welcome. Thank you for taking the time. Some of you probably had to battle through some poor weather conditions to get here, so thank you. We are delighted that you are here, and thank you for the contribution that you continue to make to the education of young people in the sector that you represent and to the school communities in which you are leaders. Your schools are exemplary in how you deliver for young people. Other than a few declarations of interest from past pupils —

**Mrs Dobson:** Yes, I am going to do that.

**The Chairperson:** I am sure that Banbridge Academy — a bit like Ballymoney High School — does not sing too loudly about some of its past pupils being members of the Committee for Education. However, you are welcome, and we invite whoever is going to lead off to do so, and then we will have time for questions.

**Mr Stephen Black (Association of Controlled Grammar Schools):** Thank you, Mr Chairman. As chairman of the Association of Controlled Grammar Schools, I thank you very much for the invitation that was extended to us to come here and the invitation to make a submission and give evidence to the Committee as part of its scrutiny of the Bill.

I was going to begin by introducing my three colleagues, but the Chairman has done that. Therefore, for the benefit of those who may not be familiar with it, I will begin by giving some background to our association. It represents the grammar schools in the controlled sector. Geographically covering all five board areas, that includes grammar schools for 11- to 19-year-olds and two for 14- to 19-year-olds in the Dickson plan. Those schools have approximately 15,000 pupils, which roughly equates to around a third of post-primary pupils in the controlled sector. Having reached their enrolment numbers, our schools are broadly full. Many of them are heavily oversubscribed for entry at year 8, which indicates the community support for our schools. We think that there is a very strong sense of belonging with the schools in the community in both senses of the word, and we are very committed to continuing that work in the communities. We also state that the vast majority of pupils who attend our schools are local to the particular area from which we come.

The proposed vision of the body that is being set up to give support to controlled schools as a sector has come with the vision to support controlled schools in providing high-quality education for children and young people to enable them to learn, develop and grow together within the values of a non-denominational Christian environment. We believe that our schools represent schools that are already doing that. We are already providing that high-quality education. We are delivering very positive outcomes for young people, both in their exam achievements and in their holistic development, and that is another very important part for us, in that we see ourselves as not just producing the excellent results that we do but producing young people who can go on into all aspects of life and work beyond schooling equipped with a wide variety of skills.

Equally, our schools draw people from all sectors of our community. Many of our schools integrate people from across the whole spectrum of our society, and sometimes that is missed in the whole debate about pupils attending integrated schools. Many of our schools are integrated in many ways in all but name. On that point, it is important to note that, although we are schools in the controlled sector, our schools were not transferred from the Church. Therefore, our boards of governors do not have transferor representation, unlike the vast majority of schools in the sector. Our governors are drawn from the Department of Education and from the boards.

As controlled schools, we have witnessed at first hand the gradual running-down of the library boards, and we fully appreciate and support the need to streamline education administration to ensure that resources can be directed to schools. However, as our submission highlights, we feel that, although the aims are laudable and there are many elements in the Bill that we can support, there are many areas that we feel require clarification and amendment. If the Bill is to deliver what we believed was its spirit — to deliver more autonomy for schools — we are not convinced that that is what it actually states.

I will hand over now to my three colleagues, and they will take us through different parts of that.

**Mr Robin McLoughlin (Association of Controlled Grammar Schools):** The schools that we represent understand that there are many demands facing young people in the modern world. Therefore, we try to create a learning environment that ensures high-quality education inside and outside the classroom: we value both equally. We have a culture of high expectation that promotes high standards of attainment, alongside a wide range of co-curricular and extra-curricular opportunities that are essential for the personal development of our young people and ensure that our pupils are prepared for life after school and the world of work.

Our association and our colleagues whom we have spoken to in other post-primary sectors strongly support the aim of this reform to improve outcomes for all young people and streamline education administration to ensure that much-needed resources can be directed to front line services. However, we have concerns that the Bill as drafted does not necessarily deliver the additional resources or the maximised delegated autonomy as originally suggested. The schools represented by our association have repeatedly demonstrated that we have the financial capability to effectively and efficiently manage our resources. The panel of an independent review of the common funding scheme, chaired by Sir Robert Salisbury, recommends:

*"The Department of Education explores the practical implications and legislative, or procedural changes required to allow any school to adopt the systems of financial management operated for voluntary grammar and grant maintained integrated schools."*

It also proposes:

*"The Department of Education should review all current ring-fenced initiative funding. For each initiative it should establish if earmarking is a more effective approach than directly delegating to schools via the funding formula."*

The association contends that the board of governors, in conjunction with its senior leadership teams, is best placed to manage the limited resources that are available to ensure the best possible outcomes for our young people.

All the staff in our schools are currently employed by the education and library boards. We note that the Education and Skills Authority (ESA) will become the single employer for all our staff. However, our association welcomes the proposed change to the legislation that will allow individual boards of governors of our schools in the controlled sector to make all appointments, including senior appointments, without reference to a teachers' appointments committee.

There is a diverse range of schools in our education system. Our association contends that any guidance on schemes of employment, including model schemes issued by the Department of Education with the approval of the Office of the First Minister and deputy First Minister (OFMDFM) must take account of the varying levels of autonomy that schools will require.

We also contend that the autonomy offered to voluntary grammar and grant-maintained integrated schools in clause 12, which deals with the payment of salaries and contributions, should be made available to all schools that wish to operate their own payments system.

We welcome the fact that all decisions on staff complements will be determined by the boards of governors, which are best equipped to decide what is in the best interests of each school and can enable each school to best meet the needs of its pupils. However, we trust that there will be increased flexibility for boards of governors in the controlled sector than is currently the case, particularly when it comes to job specifications and descriptions, where some generic job specifications do not necessarily provide an appropriate basis on which to make appointments.

**Mr David Knox (Association of Controlled Grammar Schools):** Good morning. Robin has outlined some of the concerns, but there are others. One of those is the all-embracing powers that are envisaged for ESA in clause 22:

*"ESA may do anything that appears to it to be conducive or incidental to the discharge of its functions."*

That is very wide-reaching indeed. We believe that it is important to have protection in legislation against micromanagement of our schools by a centralised body.

ESA is, or will be, a very large, centralised and powerful body. It will also be an arm of government. At worst, we as controlled grammar schools might lose the autonomy that we have had under the education and library boards. That has been limited, compared in the past with the voluntary grammar schools. We do not want a one-size-fits-all solution that is aimed at the lowest common denominator. That may be the direction of travel at the moment.

We want freedom to be creative and adventurous in our own development. One of the voluntary grammar schools had an advertisement in a local paper last night for a director of development. At the moment, such a post would not fall into any of the generic job descriptions that we as a controlled grammar school have under the boards. Ballyclare High School had a network solution for information and communication technology in the 1990s when Classroom 2000 was not even on the drawing board. We want to maintain that ability for schools to be creative and imaginative in their development. We do not want, as I said, a one-size-fits-all solution.

We want less bureaucracy, not more. We want less centralisation, not more. We want less red tape, not more. Those are things that will seriously affect our day-to-day working pattern. Clause 22 worries us, in that ESA may do anything in the discharge of its functions. We need to see checks and constraints on ESA's powers and to avoid the mistakes that have been made in England with the large

local education authorities. England is now heading in the opposite direction to us by decentralising its systems. We need to ask why we in Northern Ireland are travelling in the opposite direction to England. We had hoped for much more from the ESA Bill.

Another area of concern is local area planning. We welcome the support of a sectoral body and believe that that body must be capable of representing all schools. As controlled grammar schools, we know that we will be a minority on that body, and we would like to think that we will be represented and that our rights will be protected. We were not heard last time a body was set up for local area planning, and we had no representation on that body. Voluntary grammar schools had representation, but the closest to representation that we had were board officers. We want our voice to be heard this time. We will now have that opportunity through the sectoral body, but it must be set up in such a way that we will be heard. Clarification also needs to be provided on clause 28 and on what criteria ESA will use to determine that the:

*"changes to the plan for the area are not of sufficient importance to warrant the involvement and consultation mentioned in"*

subsection (1). What ESA may determine to be not of sufficient importance may be of significance to a school and the community that it represents.

Schemes of management is another area that we have concerns about, and we seek clarification on clause 34, which states:

*"model schemes regarded by the Department as suitable for particular descriptions of schools".*

We recognise the diverse range of schools and that different schools will seek varying levels of autonomy and flexibility. One of the main messages that we want to bring to you today is that we are seeking maximised autonomy for schools that want that kind of autonomy. That is not just grammar schools or controlled grammar schools. We have had discussions with some big non-selective schools as well, and I can tell you that some of those schools want that kind of maximised autonomy, want freedom in the day-to-day running of the school and do not want micromanagement. I will stop at that point and hand over to my colleague Mr Pollock.

**Mr Raymond Pollock (Association of Controlled Grammar Schools):** I will restrict my comments to clause 38, which deals with attainment; clause 39, which deals with the appointment of governors; and clause 44, which focuses on inspections. Clause 38 states:

*"It is the duty of the Board of Governors of a grant-aided school to exercise its functions with a view to promoting the achievement of high standards of educational attainment by pupils registered at the school."*

As principals of controlled grammar schools, we wholeheartedly support the promotion of high standards of educational attainment. However, we want clarification on how that attainment will be measured and how "high standards of educational attainment" will be defined? It is imperative that an effective value-added measure be available to enable meaningful comparison of attainment right across a wide range of schools. That should be joined up, robust and verifiable. We feel that the data should be reliable and that benchmarking data should run right through from Key Stage 2 in primary schools to post-primary schools.

Clause 39 deals with the appointment of governors. You will be familiar with 'Every School a Good School — A Policy for School Improvement' and will know that the core characteristics of successful schools are outlined in that document as being child-centred provision; high-quality teaching and learning; effective leadership; and schools connected to their local community. Controlled grammar schools, as you have heard, are very much connected to their local community, and that is where our governors come from. We subscribe to the vision, and our governors give us leadership. In fact, the effective leadership that our schools enjoy really comes, first and foremost, from our governors. I think that we would all want to pay tribute to the tremendous work done by governors in guiding schools.

Clause 39 makes it clear that ESA will have the role of making future appointments to the boards of governors of schools. We welcome the spirit of the comment made in clause 39(7):

*"It is the duty of ESA, in choosing persons ... for appointment to the Board of Governors ...*

*(a) to choose for appointment persons appearing to ESA to be committed to the ethos of the school".*

"Ethos" is a very difficult term to define, but I am sure that you know what we mean when we talk about ethos. It is not just the aims, principles and expectations of a school; it is very much the beliefs of the school, the values in the school, how the pupils relate to one another and staff, and how the school relates to the community. It is very important, therefore, that that actually be carried through. It is very difficult to overstate the importance of the expression:

*"to choose ... persons ... committed to the ethos of the school".*

It is vital that they be committed to every aspect — the beliefs, values, and so on — before their appointment, without an agenda to influence or alter that ethos. To that end, we welcome the requirement placed on ESA to consult the relevant sectoral body and the board of governors of the school. However, as my colleague David said, we have very small representation on that sectoral body. Although important, should the sectoral body's opinion hold sway, we are concerned that its voice would be the predominant voice. Therefore, we welcome the consultation with boards of governors. However, I have to say that we do not yet know what weight will be given to that consultation. It would be right to say that we have some concerns as to how ESA will make the judgement as to whether a person is committed to the ethos of the school. How can that be defined? We are not sceptical, but experience to date does lead us to view the all-encompassing power to appoint governors with some reservations, given that, with just six months or so to run of the current four-year term of office for governors, some schools still have not received their full complement of representatives from the Department of Education. Without appearing to be negative, we say that we hope for a better outcome from ESA than that which we have got from the Department. If governors are to play such a vital role in schools, we urge you to ensure that the process of such key appointments is transparent.

The main subject matter of clause 44 in Part 3 of the Bill is inspection. It is very clear that the Bill significantly broadens the functions and increases the powers of inspectors. As members of controlled grammar schools, some of which have recently been inspected, we recognise the importance of having rigorous inspections. That process is there to promote improvement in the interests of all learners.

I served with the inspectorate as an associate assessor for some three years. I acknowledge and pay tribute to the painstaking work of the Education and Training Inspectorate (ETI). Having recently been inspected, I acknowledge, too, that that painstaking work, although professional, is far from a comfortable experience when it happens in your school. The Education and Training Inspectorate has worked hard to establish a climate of trust, openness and transparency. I think that it has achieved that, for the large part. Its mission statement promotes improvement in the interest of learners, underpinned by values of truth, dignity, service and example.

Our concern is over the increase in powers of the inspectors, as set out in clause 45. Those powers — the power to enable them to take copies of or to take away documents relating to the establishment, the power to require documents to be produced, and the power to obtain access to computers and associated materials — border on the draconian. It is a move back to a former era. We feel that they are the complete antithesis of the values that ETI currently espouses. Why such powers? The answer to that question can only be that it would seem to undermine trust and make the inspection process even more daunting.

The statement that the powers described:

*"may be exercised at reasonable times only"*

seems to modify what has gone before. Surely that needs to be more clearly defined. What does it mean?

ETI is already overstretched. It is difficult to see how it can take on the additional roles required as well as inspecting teaching and learning and producing the higher standards that we have all seen. However, how does it inspect not only the management of a school but the staffing, equipment, accommodation and the establishment's other resources? Those are concerns that we share with you about the Bill.

**Mr Black:** There are a couple of other issues. One is the issue of sectoral bodies. Several weeks ago, I was here as part of a working group that is looking into the establishment of sectoral bodies. We welcome the establishment of a sectoral body for controlled schools, in the sense that we believe, as some of my colleagues stated, that controlled schools have not been particularly well represented in the area-based planning process so far. It is important that there be somebody there to represent their interests. It is a very diverse group of schools. As a result, it is important that all schools in the group be represented on the body.

We are also concerned that the sectoral bodies do not take on a form of their own and end up with a lot of duplication of provision that prevents the whole aim of the process in allowing more money to go to front line services. It is important that the duties of those bodies be clearly defined.

Our biggest concerns relate to what could be micromanagement and the extensive powers of ESA. We all heard the stories that came out of places such as Montgomery County, to where the Department of Education has sent many visitors, where if school principals want to order a desk, they have to go to a central office. We hope that that is not where we are headed here.

We believe firmly that we support the spirit of the Bill to give schools maximised, delegated autonomy. That is what was promised. Schools, their teachers, governors and the communities that they represent are the people in the best place to make the right decisions for those young people, not bureaucrats based far from where those young people live and are being educated.

I think that we are not alone in this. The recent 'First Steps — a new approach for our schools' report from the Confederation of British Industry strongly advocates an acceleration of the programme of decentralisation of control for all schools in England and across the UK in order to allow, as the report states, head teachers to deliver real improvements in their schools. We feel that that was echoed by the Minister of Education when he opened the debate on the Education Bill — the full quotation is in our submission — when he said strongly:

*"we already know what good schools look like." — [Official Report, Vol 78, No 3, p11, col 2].*

We believe that the phrases that he used reflect our schools:

*"They have strong, effective leadership from their board of governors and senior management team; they have a strong sense of belonging to the communities that they serve; they each have an ethos that pupils, parents, staff and governors support". — [Official Report, Vol 78, No 3, p11, col 2].*

The Minister went on to say:

*"they have the autonomy and the support that they need to manage their day-to-day affairs." — [Official Report, Vol 78, No 3, p11, col 2].*

That is really what we are asking for: that autonomy and support that we need to be able to manage those day-to-day affairs. As was referred to earlier, I think that that was endorsed even yesterday in the report issued by Sir Robert Salisbury, with his recommendations strongly pointing to giving schools the opportunity to take on more of the responsibilities akin to what voluntary grammar schools have had in the past in being able to run their affairs financially and otherwise. That is really the direction in which we feel the Bill has to go if it is to deliver what we all really want, which is to improve the outcomes for all young people in our communities. This is a once-in-a-lifetime opportunity to deliver that. Therefore, everybody has to ensure that we get it right.

**The Chairperson:** Stephen, thank you very much. Thanks to your colleagues for the paper that you provided for us and also for your elaboration on it this morning. It opens up a raft of issues, and it would be useful for us to try to tease those out.

First, the Committee is not the defender of the Bill. It is not its sponsor. It is the Department's Bill. Therefore, it is our duty to scrutinise it and, where possible, make amendments to it that make it better than what was originally intended.

Can we go back to your reference to an issue that is, in many respects, at the core of some concerns? Where it is going at present is interesting. The issue is around maximised autonomy — schools being able to make decisions that are in their best interests to ensure that they continue to deliver for their

pupils. We will take one example, and you referred to it, Stephen. It is the issue of procurement. For controlled schools, procurement arrangements, most of which relate to estate, maintenance and all those issues, are the board's responsibility. I think that sometimes we make the mistake of thinking that, somehow, autonomy is just the domain of voluntary grammar schools. The integrated sector has lived with the power of being funded directly through the Department and not having to go through boards. Other schools have also had that privilege. I find it strange that, in his report, Sir Bob Salisbury's first recommendation is not about the common funding formula or the pupil-weighted ratio but about procurement. I will read it to you. It states:

*"The Department of Education should clarify for all funding authorities the exact legal position of all schools in regard to procurement and ensure that procurement guidance issued by each funding authority is harmonised prior to the establishment of the ESA."*

Two weeks ago, the Department of Education changed what it had decided three years ago, which was to set up a procurement directorate. It came to us two weeks ago with a paper, which is in the public domain, that states that there will not be centralised procurement under ESA and that what will happen is that, yes, ESA will become a centre of procurement expertise but for capital construction, and Central Procurement Directorate will look after goods and services. That recommendation does not align with what the Department is doing. However, what I am getting to is the practice. What do you believe has been either to your advantage or disadvantage around the whole issue of procurement? It is clearly becoming a bigger issue than that for which some people really give it credit.

**Mr Black:** First, I will say that I support wholeheartedly what Sir Robert Salisbury has said about procurement, and also his third recommendation, which states:

*"The Department of Education should explore the practical implications and legislative, or procedural changes required to allow any school to adopt the systems of financial management operated for voluntary grammar and grant maintained integrated schools."*

Take our own school's situation, and take something very straightforward like cleaning services. As a controlled school, we are basically directed to use the board's services and are then given what the cost of those services is going to be. To try to get out of that arrangement is very difficult. Yet if I were in a voluntary grammar school of the same size, I could procure private services to do that job for significantly less money, which would allow me to direct money back into the classroom and direct it more where I see fit.

As it stands, procurement prevents us from making the decisions that we want to make in the best interests of our young people. We are very tied in all aspects of procurement. Staffing issues were alluded to earlier. We are very tied to generic job specifications. If we need somebody to do a specific job, and that job does not exist within the board's framework, we have real difficulties in dealing with it. At the minute, we have been engaged for a long time in trying to release funds — very small amounts of money, effectively as goodwill — for people who are involved in extracurricular activities, whether it be music, sport or whatever. As controlled schools, we cannot do that, and yet schools with their own payroll are able to make those very decisions. As a result, we are looking for the sort of parity that would allow us to spend funds as we see fit. The idea of a fully delegated budget, in our terms, is really a misnomer when you see the way in which we have to work.

**The Chairperson:** Stephen, is that the explanation for the bit in your paper where you make reference to the payment of salaries? Is the example you give the reason why you want to see a different arrangement for the payment of salaries?

**Mr Black:** Absolutely.

**The Chairperson:** That would indicate that there are elements of the current arrangement that are not working satisfactorily. You do not have that flexibility or that maximised autonomy, whether it is for somebody on the sports field or somebody in music, you cannot give that which you believe, in all good faith, is appropriate to what that person is actually carrying out as a duty.

Is there anything else in relation to the payment of salaries that would be another example of that? It is good for members to have a working example. That is the reason why I was keen to have you and others, who have come to this Committee over the past number of weeks. Sometimes, we sit here in splendid isolation, away from the practitioners and from what really goes on on a day-to-day basis.



This is about the running of the school, not about embedding an ideology or protecting an ethos. It is about ensuring that we have good management structures in place that give you the best ability to run your school. And you are worried that you could lose some of that?

**Mr Knox:** I can give you a very simple example. For years, I have paid a nominal fee to staff who take Saturday morning sport. They give up their Saturday mornings to come in. It is £25; it would not even begin to look at a reasonable amount, but that is what we can afford. We paid that by honorarium. Two years ago, the Department said that we could no longer pay that by honorarium. We put the question: how shall we pay it, then? The Department had no answer; and two years later, it still has no answer, and I still have to provide for our youngsters on a Sunday morning, being taken all over the Province to compete with other teams. It is that kind of bureaucracy and red tape that I find frustrating. If you were to ask me whether I see more red tape in the ESA Bill or less, I would have to say that I see much more. That will only serve to frustrate people like us, who are trying to run schools to the highest standard that we can.

**Mr Pollock:** I was going to make that point, and I was also going to mention that it extends to the procurement of services for training our staff. We have to accept the provision that ESA makes, according to the Bill. As controlled schools, we have to take the provision that the Curriculum and Advisory Support Service (CASS) provide. We cannot seek services for training for our members of staff to improve their skills outside that — well, we can, but it is to our own cost.

If maximised delegated autonomy is to mean anything, surely it should mean that, like the voluntary grammar schools and schools in England that are increasingly moving in this way, we should have the ability to buy in those services and train our staff the way that we want to in the area partnerships that we have. We would like to be able to do that together; not just with grammar schools but with other schools. At the moment, we cannot do that; we have to take what CASS provides.

**Mr R McLoughlin:** I agree completely with the comments about the honoraria system. I genuinely believe that we are in danger of completely eroding the goodwill of teachers in a decade or 15 years, because of the bureaucratic systems that we are going to introduce. We need to be very careful. What we are talking about is goodwill; it is outside their contractual positions. Unions are advising that they should not go on school trips and that they do not need to help out with extra- and co-curricular activities. As school leaders, we are trying to meet the needs of our pupils. As we said in our presentation, it is those extra- and co-curricular opportunities that develop young people and give them the lifelong skills that they need to get jobs. You, and all of us in this room, value those opportunities. We need to be careful that we do not have a bureaucratic machine that prevents that from happening.

In addition, on the procurement of services, I can give a unique example. I was involved in a public-private partnership construction build. I was delighted with that, and I thank Mr Cargo — he is now in a different position, but he was the chief of the Belfast Education and Library Board at the time — and the Department of Education for that. It was a brilliant scheme, because the school had the responsibility for devising and coming up with the lists of furniture and equipment that were needed to meet the needs of pupils. We were left to resource and find the best facilities and equipment that we could for the money. That proved to be incredibly effective. That is what we want again. At the minute, we have to go to board schedules, board contractors and board suppliers that do not necessarily provide the equipment we need. For example, in Grosvenor, we are looking at procuring IT systems. We are very much tied to systems that do not work, that will not meet the needs of our pupils and that are very generic and meet the needs of the middle rather than necessarily meeting the needs of, for example, a media studies suite, which has high-end demand. We find that very difficult and spend an enormous amount of our time trying to resolve those sorts of issues.

Another example was when we appointed a financial administrator. That did not fit within the generic job descriptions, and it took almost two years to get that job evaluated across the boards. When we appointed the person the board of governors wanted to appoint them on a higher salary than we were told that we could. We could not appoint them on that salary. We indicated that the person would not come, but we were wrong on that. The person came and stayed for three months, until she was picked up by another school sector. The lady wrote to me and said thanks very much for providing all the training that meant that she could get that job on not that much more of a salary, but if we had paid it, she would have stayed. It is that sort of bureaucratic system that we want to end. We need the flexibility to run our resources in the most efficient and effective manner.

**Mr Lunn:** Just on the honorarium question, maybe it is too early in the morning for me, but what does that mean? Does that mean that it is treated as expenses and not taxed, in simple terms?

**Mr Knox:** No. They were taxed through the honorarium.

**Mr R McLoughlin:** Sorry to interrupt. The salary came in as an honorarium payment in their normal payroll, through the Department of Education. So national insurance and tax were paid, and it was paid through the Department of Education payroll. The Department now refuses to pay it through the payroll, and it comes out of schools' budgets.

**Mr Lunn:** This has not come up before. Through your study of the Bill, are you reasonably certain that the scheme of employment, which you will be able to draw up yourself, will not allow you to do that again? It may be an improvement in the position rather than being detrimental.

**Mr Knox:** I was giving that as an example of —

**Mr Lunn:** I know. It is a good example.

**Mr Knox:** — where a big centralised organisation can say that you cannot do that, but there is no obligation to tell you how you can do it. So, you are left holding the baby of staff who have done the work and cannot be paid.

**Mr Black:** We understand that we can submit that through an employment scheme. However, ESA can come back and challenge your employment scheme. We have a concern that, if the Department of Education is challenging the scheme at the minute, that is something that it could come back and challenge us on. What we are saying is that, if we actually get the maximised delegated autonomy and are able to do that, that is really what we are looking for.

**Mr Lunn:** ESA can only challenge it if it falls outside statute. Sorry, Mervyn; I do not want to keep on at this. We will come back to it later on.

**The Chairperson:** Before we go to members, I want to clarify one point about the provision of services for schools. Raymond, you made reference to CASS, if it still exists. Since 2006, the Department has had a vacancy control policy to basically run everything into the ground to make sure that it got ESA. I am on public record as saying — and I will state it again today, so that it goes into the Hansard report — that if ESA comes into existence, it will have to re-employ staff. Rather than having the reduction in staff of 50% or something — it was originally supposed to have, according to a paper that we got from the Department some weeks ago — it will have to re-employ staff. That is the reality of the way in which the Department, with its imposition since 2006, has run the service down. I think that that is a very cynical way of trying to get to a particular point.

You have the regional training unit (RTU), you have the Council for the Curriculum, Examinations and Assessment (CCEA), you have what is left of CASS, and you have ESA, and you have the possibility of some private provision. How do you ensure that you are getting, across the piece, whether it be in Londonderry or Newtownards — right across the country, whatever geographical location you come from — that you will be able to ensure that that service is of the quality that is needed to meet the needs of those children, given that current breadth of variation and duplication? CCEA duplicates things. The RTU duplicates things. The boards duplicate things. The Department is coming out with schemes. The way in which services are provided is a bit of a dog's dinner anyway. Have you any comment on that?

**Mr Pollock:** My initial comment is that there are many outside bodies — private bodies — that have their own professional bodies to validate their training and standards. For example, in recruitment, there are many bodies that run training courses that must meet externally validated standards and that give very good training. The same thing goes for how you deal with redundancies. We have used services, at our own expense, to help us to deal with redundancies because we felt that the support that we were getting from the boards was not just as good as it could have been. We have used external professionals who have very high standards and are externally qualified. That is one way in which standards are maintained. Perhaps some of my colleagues can add to that.

**The Chairperson:** No? OK.

One other thing, Raymond. You made reference to the inspectorate. I share your concerns. I think that the Bill is contrary to the heads of agreement. The heads of agreement said that it would look at the inspectorate and CCEA separately. However, it is now giving one element of it more power. It is not the critical friend that many people believed. If it were to get these powers, it would certainly not be the critical friend. If CCEA were to be radically changed, would that be any great disadvantage to the schools that you operate? What is the benefit, other than its being the examination body? Indeed, it is both poacher and gamekeeper because it is the regulator and provider. Other than that anomaly, which has to be addressed, what benefit is CCEA to your schools?

**Mr Black:** At the minute, we are involved in a roll-out of Key Stage 3 levels of progression. If the quality of training that has been provided in delivery of the levels of progression is anything to go by, we will not have a lot of confidence in CCEA as an organisation to take forward issues to do with the curriculum.

**Mrs Dobson:** You are all very welcome here, today. Thank you for your presentation. I have to declare an interest, as usual. I rarely if ever mention Upper Bann in the Committee, as the Chair knows. I am a former pupil of Banbridge Academy, as is my son, and I am a great supporter of the school and of Mr Pollock. With that in mind —

**Mr Pollock:** This is being recorded by Hansard, is it not? *[Laughter.]*

**Mrs Dobson:** Yes, it is.

Judging by all your comments and your brief, it is right to say that your major concerns centre on the lack of emphasis in the Bill on delivering maximised delegated autonomy. Every one of you has mentioned that in great detail, and the fact that the present proposals would reverse that. Moving power to the centre, as we know, is contrary to all that is happening in education across Europe at the moment. Do you feel that the Department should have consulted more widely with you and looked at best practice in other countries before drafting the Bill?

**Mr Knox:** Do you want to answer, Raymond?

**Mr Pollock:** Maybe I should declare an interest. *[Laughter.]* The whole import of the Bill is drifting away from the direction in which education is moving elsewhere. In England, for example, much more autonomy is being given to schools. It seems that that is not the case here. In the money that schools get, a bigger proportion of the budget goes directly to schools to spend: we have a much smaller proportion of that delegated budget to spend. In other countries, schools have much more autonomy over the very things that we are talking about, such as standards, recruitment and the whole issue of dealing with members of staff. Procurement of services, as we have already mentioned, be they giving advice for training or even on maintaining a school building, there is a move away in this Bill from practice elsewhere.

**Mrs Dobson:** Are you concerned that your definition of autonomy and the Minister's definition are poles apart?

**Mr Pollock:** What we see in the Bill is not what we understand by maximised delegated authority or maximised autonomy. We have concerns.

**Mr Knox:** We did not come here today to be negative. In fact, that is why we started on a positive note by saying that we support the spirit of the Bill. We came here to warn against moving towards a more bureaucratic system in which we will be hampered by red tape even more than we are today. The Chairman gave a very good example of the present system not being ideal. Many principals would have said, "We do not need five education and library boards", and we have no doubt that there are savings to be had, but we see that the opportunity has been taken to have a command control structure that will not be motivating for head teachers or for teachers generally.

**Mr R McLoughlin:** I will add to what David has said. Picking up on Mr Lunn's point earlier, we are not Bill writers or drafters; we are not legal people. So, we are not completely sure whether there is an assurance in the Bill to pay honoraria within an employment scheme. That is why we are here today: to point out that we would like to have the autonomy to do things that we know best meet the needs of our young people. However, we do not have the skill set to say, "This is the wording that should be in

the Bill". In a sense, that is why we are encouraging you to address that with the appropriate people who are writing the Bill.

I echo the concerns expressed about the percentage of the Department of Education's budget that goes directly to front line services. Everyone in this room is well aware that there has been a great reduction in the Budget to Northern Ireland and that there are limited finances for the Department. It is imperative, therefore, that it is used in the most efficient manner. We, as schools, believe that we are best suited to ensuring that we can meet the needs of the pupils with those limited funds that are available. We have given a number of different examples of why we feel that we need to be given the ability and autonomy to do that, but one thing that we also want to make clear is that we understand the need to be held to account. It is public money, and we are not afraid of, rightly, being held to account. So we want the autonomy but expect the accountability to be there. At the moment, we have limited autonomy that we are worried about losing. I encourage you to make sure that the Bill increases our autonomy.

**Mrs Dobson:** We touched earlier on your concerns regarding the proposed lack of direction of the consultation with schools as regards area planning. What procedures would you put in place through your amendment to ensure that schools are fully consulted? At present, area planning consultation is being conducted through the boards. Do you feel that that local link would be lost, were the Bill to be passed?

**Mr Black:** At the minute, one of our concerns is that, when area planning was initially discussed, groups of people were brought together. Representatives were there from the Governing Bodies Association, the maintained sector and the integrated sector. The people there to represent the controlled schools were actually board officers, and we contend that they were not the best people to represent the interests of the young people or schools in that area. If there is to be an area to be looked at, it is important that the schools and their governors are clearly involved and able to set out what they see as the plan for the area, and not necessarily a board officer purporting to represent the interests of those schools.

**Mrs Dobson:** They have the local knowledge and the local link and know how it would affect the schools, and so on.

**Mr Black:** Yes, and we see very strongly that it is important that schools are key to that process.

**Mr Pollock:** I would add that the board officers — across the boards — did not follow a consistent practice. They consulted in some areas, but, in others, the first that any school in the controlled sector knew about it was when they saw what the Southern Board produced. I am sorry; I have given it away. *[Laughter.]* There was very little consultation, if any. That is not really treating people with respect.

**Mrs Dobson:** It certainly is not. A final point, Chair, and then I will shut up about Banbridge and Upper Bann.

**The Chairperson:** OK.

**Mrs Dobson:** David, you mentioned — and we touched on this earlier — your views about clause 22 and the concern that ESA would micromanage schools. You suggest an amendment that could prevent that. What are your suggestions in practice? Do you have any suggestions in practice? We know that you are expected to continually raise standards in a climate of falling budgets, and you have all said that. We are aware of the reduction of the age-weighted pupil unit. Are you concerned that what you call the:

*"all embracing power envisaged for ESA"*

that is present throughout clause 22 could lead to undue and potentially damaging interference of school management and, in effect, making a bad situation worse?

**Mr Knox:** Our point is that there is no check or constraint there at all. That is carte blanche for ESA to do anything — exactly what the words say — and we have concerns about that.

**Mrs Dobson:** Have you any suggestions?

**Mr Knox:** I have to say, as Robert did, that we are not lawyers or Bill drafters, but I have no doubt that, if lawyers and draftsmen are given the task of tying that down a bit and not allowing it to go forward as an all-embracing statement in the Bill, that can be done.

**Mrs Dobson:** Thank you very much.

**Mr Lunn:** Thanks, gentlemen; I am sorry that I missed the start of your presentation. I would like to blame the weather but I cannot; I got up at 10.00 am. *[Laughter.]*

**Mrs Dobson:** The rest of us blamed the weather.

**The Chairperson:** That is very honest, Trevor.

**Mr Lunn:** We keep changing the meeting time, Chairman, so it is small wonder that it sometimes happens.

**The Chairperson:** All right; it is my fault, then.

**Mr Lunn:** Can we go back to the honorarium situation? I wonder why, two years ago, the Department suddenly decided that you could not make payments on that basis. I do not remember any change in the education orders or any of the rules that suddenly meant that that could not happen. It seems to me that if it is money being paid to staff and it is openly declared and taxed, I do not see why you should not make some reference to it in your scheme of employment and why ESA would object to it. It is almost like overtime, is it not? Why should there be an objection?

**Mr Knox:** We were baffled at the time as well. My finance committee is made up largely of accountants, and they are baffled by it. I think it is something to do with not only the Education Department, but government generally trying to tighten up on payments being made to staff over and above their salaries in the pay structure. So, it really is a sledgehammer that has managed to crack a nut. The payment that we make to staff is very small change, and it is really just to acknowledge their presence there on a Saturday morning.

**Mr Lunn:** We will be getting advice about how ESA will construe the wording of this, but I am in total agreement with you. It seems completely daft that you do not have that amount of wriggle room.

**Mr Knox:** We did not intend to mention it here today, but —

**Mr Lunn:** I am glad that you did.

**Mr Knox:** It seemed like a perfect example of what we were talking about at the time: a big organisation wielding its power over small fish and making the job intolerable.

**Mr R McLoughlin:** Two years ago, the Department initially came back and said that it could not make the payments, and, eventually, after considerable lobbying by ourselves, the payments were made. They then introduced the need for a business case to be presented for each individual payment for each individual activity, and they had to be put together by schools, so we had to do that work. They were presented to the education and library boards, and, in my case, the Belfast Board approved the business case for each of those cases and went forward to the Department of Education. The Department of Education then has to approve it, and it has to go to the Department of Finance and Personnel, which has to approve it. It then goes back to the Department of Education and then back to the education and library board and then back to the school.

**The Chairperson:** By that time, the teacher has retired.

**Mr R McLoughlin:** Whereas, in other sectors, the payment is made.

**Mr Lunn:** I wonder why the Department of Agriculture does not get involved as well.

**Mrs Dobson:** Do not start me on that.

**Mr Lunn:** Raymond referred to clause 38. It states that it is the duty of the board of governors to promote the achievement of high standards of educational attainment. You seem to have a query, or maybe you want more clarification as to what high standards of educational attainment actually mean. It seems reasonably clear to me what it means, without going into detail. Stephen, you mentioned to improve outcomes for a start and maximise the potential of every child and to achieve the best possible grades for every child as they leave school.

**Mr Black:** We are all here to promote achievement among young people, and we are very passionate about achieving high-quality outcomes for them. One of the things that we are asking for is that, at the current time, it is very hard to compare how young people are actually doing as they move through their education. In order to measure that, schools are having to procure their own benchmarking services to see what abilities people have when they move into their school, how they have progressed as they progress through Key Stage 3, into GCSE and into A level. We think that, if ESA is serious about really promoting improved attainment — and also, as would be the essence here, for governors to be able to see what value schools are adding — there needs to be an agreed value-added measure used by the Department to enable schools to be compared in that way and to allow schools to be able to see how they are doing. I could quote from our own school where, over the past two or three years, there have been very varied intakes in respect of ability, and, when you look at their average cognitive ability test score, there is a marked difference between them. Therefore, you would expect fluctuations and results, and we can do that. However, if we were not paying for that service, we would not be able to show that or why there might be a difference from year to year.

**Mr Pollock:** That becomes even more important when inspectors come into the schools to conduct inspections.

**Mr Lunn:** We are coming to inspectors.

**Mr Pollock:** How do we compare? What measures do inspectors use? At present, it seems that they use a fairly broad-brush measure of average or above average. If we had the standard measure that we outlined, comparison would be much easier, and we would all know what standards were being used.

**Mr Lunn:** I assume that there may well be something coming down the line by way of regulation that would clarify some of those points. However, clause 38, as it stands, seems to me to state the obvious: boards of governors should try to promote high standards within the school and:

*"co-operate with ESA in relation to actions undertaken by ESA with a view to promoting the achievement of high standards".*

I do not see anything different from what exists at present, but maybe there should be a bit of clarification.

**Mr Black:** We totally support the aim of the clause, but we are asking for a bit more clarity on how that aim will be met and effectively measured.

**Mr Lunn:** I doubt whether that will be included in this Bill.

**Mr Black:** Yes.

**Mr Lunn:** Clause 45 relates to the powers of inspectors. I am not clear on how the clause departs from their existing powers. In particular, you mention the power to take away documents. Can that be done at present?

**Mr Pollock:** The way in which the clause is worded implies something over and above what inspectors currently do. In any of the inspections that I have been involved with, and in my many contacts with inspectors, what the collection of data comprises is very clearly stated, and that data is collected before the inspection takes place. It is scrutinised and examined, and any additional data required is requested by the lead inspector. However, the clause states that an inspector can "require" information, which "can be taken away". That implies that inspectors can take away anything that they reasonably want. I have never seen that referred to, so I imagine that it is an additional power.

**Mr Lunn:** Again, that is the kind of point that you can raise and we can have clarified. It seems to me, and I do not mean to be hostile in any way, that, if you agree that an inspector can inspect documents and take copies of them, invade your computers and, presumably, download, copy and print, you cannot get too picky about whether they can take documents away. What is the difference? They have full access to the documents. Presumably, they have to bring them back.

**Mr Pollock:** Sorry, perhaps I did not make myself clear. I do not think that we are complaining or raising a concern about inspectors taking material away. During my school's recent inspection, the inspectors had access to cart loads of stuff, and that was not a problem. Our concern is the implication that, without reference to anyone else, inspectors can take the material that they would like to see. The implication is that there may well be something happening that a school is trying to hide or trying not to reveal. That is certainly how it comes across, and I think that that lack of trust strikes at the very heart of the relationship between the inspector and the inspected.

**Mr Lunn:** In a different life, when I was inspected by the Financial Services Authority, it took me six months to recover. It had all these powers, absolute powers. However, we will leave that issue and take some more advice about it.

**Mr Pollock:** If it is appropriate, may I ask a question at this stage?

**The Chairperson:** Yes.

**Mr Pollock:** I have an additional point. Compare the duties of school inspectors to those who inspect on behalf of the Department for Employment and Learning (DEL). Department of Education inspectors are required to:

*"report on any aspect of the establishment including, in particular -*

*(a) the teaching and learning activities carried on at the establishment;*

*(b) the management of the establishment; and*

*(c) the staffing, equipment, accommodation and other resources of the establishment."*

Compare that with what DEL inspectors have the right, or are entitled, to do:

*"(5) Inspectors conducting the inspection of an establishment under this section may monitor, inspect and report on any aspect of the establishment including, in particular -*

*(a) the management of the establishment; and*

*(b) the staffing, equipment, accommodation and other resources of the establishment."*

There is no mention of inspecting teaching and learning activities carried out in the establishment. My question is this: why?

**Mr Lunn:** Chairman, we could talk about that all day. I would like us to find out what the existing powers of inspectors are.

**The Chairperson:** Raymond has clearly set out for us that they inspect other elements of the system.

**Mr Lunn:** He has made the comparison.

**The Chairperson:** Yes.

**Mr Pollock:** I simply made the comparison between the two.

**Mr Lunn:** I would like to know what are the current powers of those who inspect schools.

**The Chairperson:** The other day, the Minister made an announcement about the framework for early years and said that he will ask the inspectorate to be involved in that process. Raymond made a point, and I think that he was absolutely right, about an already stretched inspectorate, albeit that it is stretched until its inspectors have to go into a school — it sent eight inspectors into one school in my constituency, and I have serious issues with that. My personal view is that the inspectorate is now being used in a way that was never intended, and that raises serious concerns. However, the issue is about what would happen if the inspectorate were to be given those powers. My personal view is that the inspectorate should be taken out of the Bill completely and dealt with in separate legislation, but we will come to that at some stage.

**Mr Craig:** I declare an interest as chairman of the board of governors of a controlled school. Raymond, I want to explore this issue because I have had the unfortunate experience of having the inspectorate in school. I do not know where its powers stop. My experience is that inspectors can do whatever they want, look at whatever they want, and, if you dare hold something back, you are in serious difficulty. That leads me to ask a fundamental question about the inspectorate and what it does in schools at present. Are inspectors working with schools or against them? I have very strong opinions on this: I believe that, in some of what they do, they are not necessarily working in the best interests of the school.

**Mr Pollock:** I am an associate assessor, and I work with the teams of inspectors. All I can comment on is my experience with the teams, and I have to pay tribute to their very high standard of professional practice. However, I think that you are referring to what they are being asked to inspect. Although I might have my suspicions, I could not say that there was an agenda, other than what that agenda is declared to be, which is to improve schools in the interests of all learners. However, some of what they are being asked to report on and some of what is inspected go beyond what was originally envisaged. Beyond that, I do not feel that I can comment. I have my opinion. However, I, as have many before, share the concerns that you expressed.

**Mr Craig:** It is important to put that on the record. There are issues with inspectors, including that, as you, quite rightly, said, they may be used by others. My gut instinct tells me that that is the case.

**Mr Sheehan:** My questions have been covered by Trevor. They were on the points that you raised, Raymond, about a definition of standards of attainment and the inspectorate issue. You said that, under the new legislation, the new powers of the inspectorate were the very antithesis of ETI's current mission statement. I do not want to labour the point too much, but is it not the case that this is merely the formalisation or clarification of the inspectorate's powers? After all, if you are going to be inspected, you are supposed to put forward everything that you have. You are not supposed to hold back. The legislation simply formalises that process. To say that it is the antithesis of the mission statement seems to me to —

**Mr Pollock:** Perhaps I was expressing a concern that it could lead to a lack of trust.

**Mr Sheehan:** What about the definition of standards of attainment? Like Trevor, I think that it is easily understood. What would your definition be?

**Mr Pollock:** It is not for me to come up with a definition as such. You say that it is well understood, and it is. It is well understood until we start to discuss it openly, and then people have different views about what is good attainment and what is not. As Stephen said, we need an objective measure, particularly where schools are being compared from one sector to the next and from one school to the next. In those circumstances, it is good to have an objective measure. All we are saying is that we should look at that and be aware of it. Without having to discuss it with the Committee and defining it in precise terms, it would be a good thing to have.

**Mr Black:** Our concern is about the measures used currently. Three A to C grades at A level and five A to C grades at GCSE level are not necessarily the best measures that could be used. There are other measures that we could use to track standards of literacy and numeracy and pupils' development as they move through their education.

I know that this is not totally related, but schools should not just educate people to gain examination results; we are there to educate the whole person and to develop skills. Employers will tell you that examination results get applicants to an interview, but the other skills that schools have been able to provide and other areas in which pupils are involved outside school allow them to get the job and be



successful in it. Quite often, those can be ignored. I am a mathematician and I love looking at statistics. However, we can become fixated on statistics. It is very important to be able to see that, as well as producing high academic attainments for young people, we also develop them in many other areas — we are all very passionate about that.

**Mr Sheehan:** Is there too much emphasis on academic results?

**Mr Black:** No, I am not saying that at all, but you have to look at them in the round. We are academic schools and are very keen to promote academic achievement, but we look at that alongside developing the whole person. The schools are not exam factories, so you cannot just compare their exam results. You have to look at the young people who are produced by the schools as a whole. We all want to ensure that they achieve the very best that they can in their subjects and do equally well outside their subject areas.

**Mr Knox:** However important academic results, and they are very important, our schools are not purely about academic results. Paul Terrington from PricewaterhouseCoopers spoke to my pupils at prize day recently and made the point that good academic results will get them to the interview table, but it is all the other things and all the other achievements that will get them the job. The point is that the inspectorate will not inspect all those other things. Its emphasis will be on academic results. Our emphasis is on providing a broad and balanced education in the classroom and outside it during the week and at the weekend. That is why we run a Duke of Edinburgh award scheme, provide multiple sports, run debating societies, and so on. We do that so that pupils will have all those wider opportunities that may form the skills that will get them a job.

**Mr R McLoughlin:** I agree completely with what has been said. I would simplify it by saying that our schools are about ensuring that each child fulfils his or her potential. As schools, we have to ensure that pupils fulfil their academic potential but also have the skill sets necessary for them to go on and be successful in life.

We have not mentioned our schools' pastoral care system, which runs alongside the extra-curricular, co-curricular and academic offers. Together, they produce a child who will be successful in life and has the necessary skill set to move forward. It is a question of how the totality of that is measured.

**Mr Kinahan:** Thanks very much for a very good presentation. There are a mass of points to take to other people, and I am particularly lucky to have two of your schools in my patch.

**The Chairperson:** Do you mean to say that you are not —

**Mr Kinahan:** Do not go down that route.

**The Chairperson:** I know that the two constituencies have a good MP.

**Mr Kinahan:** That is soon to change.

I am glad that we have discussed attainment because, as a Committee, we need to explore further its added value. We discuss sectoral bodies and the membership of ESA every week, and you said once or twice today that you have only a small representation on that board. We wonder whether we should push for a separate body, as the next presentation will suggest, push to amend the existing bodies so that more of you are on the board, or whether we want another separate board for smaller bodies. What do you think is the best route so that you have fair representation?

**Mr Black:** We are heavily involved in trying to ensure that there is good representation on the sectoral body. It is very important that the board represents the interests of all the young people across Northern Ireland, and it is important that all the communities and all the schools are represented so that we get a balanced view when decisions are being made. We are not draftsmen or legal people, but we feel that this provision needs to be amended in some way. That does not necessarily mean that it all has to be completely torn up and started again, but something has to be put in place to ensure representation for all at the table.

**Mr R McLoughlin:** Stephen outlined in his presentation our concerns about the powers that the sectoral bodies will have. It is not just about the representation; we need to ensure that we do not go from a system in which we have limited autonomy now to a system in which somebody else controls

the school. The board of governors, the senior leadership team, the community and the parents need to decide what best meets the needs of the individuals.

**Mr Kinahan:** The bodies are lined up in a certain way at the moment, but we do not have representation from principals, businessmen and the skills sector. Is anyone else missing from the ESA board?

**Mr Black:** That is the case with the ESA board. Certainly, the sectoral body is trying to ensure that it does have representation from principals and business. In that sense, there is an attempt to address the issue at that level, if not at the higher level.

**Mr Knox:** I suppose that at least we have a sectoral body being planned. That is not the case for our voluntary colleagues, who are well able to speak for themselves. They do not have any prospect of a sectoral body at present.

**Mr Kinahan:** I have a second question on the powers of the boards of governors. Later, in another presentation, I notice that we will get into the legal definitions of "have regard to", "due regard", "consult" or "in consultation". When it comes to ethos and the boards of governors, do you feel that the wording should be "consult" or "have regard to"? It is a legal minefield.

**Mr Black:** We have all been through the minefield of "having regard to" guidance in other areas. That is the kind of clarification that we need. It is very important that the schools are consulted on having governors who support the ethos of the school rather than having "due regard" to guidance. We know where that debate has gone in the past.

**Mr Knox:** Clause 34 refers back to clause 33, which mentions the Department's guidelines and could give the impression that those are part of the statutory framework that boards of governors need to adhere to. In fact, it is about "having regard to" guidelines.

**Mr R McLoughlin:** It is worth noting this point, and it is one that we may not have picked up. It is about having "due regard" to guidelines and model schemes that may come out of the Department with the approval of OFMDFM. Other school sectors and schools not as large as ours may not want that flexibility. We are asking the Department to come forward with varying degrees of autonomy to allow schools such as those in the association that we represent to exercise that autonomy.

**Mr Rogers:** You are very welcome. I declare an interest as a former headmaster.

First, I commend you on keeping pupils to the fore when it comes to levels of attainment, raising standards, and so on. I share your frustration about there being no robust and verifiable benchmarking data, which probably confirms my opinion on levels of progression, but I will go no further on that today.

My question relates to a point that Danny made. How can you reconcile your limited representation on the sectoral bodies with ensuring that, in your words, they do not take on a "life of their own"? If things work out and you get maximised delegated authority as a group of schools, there will be other schools, from secondary down to small primary schools, that would not be able to cope with that autonomy. Will the sectoral body take on all the bureaucracy for everybody?

**Mr Black:** That is a very valid point. The controlled sector's range of schools is genuinely diverse: the schools range in size and type and include primary schools, nursery schools, and so on. Clearly, schools will want varied levels of autonomy. As we said in our submission, we feel that autonomy is important. Even the Education Minister, when bringing the Bill to the Executive, talked about giving autonomy to schools that wished to have it. We believe strongly in that, and that is what we are here pushing for today.

It is important that all types of schools, therefore, are represented in those bodies. It is also important that cognisance is taken of their opinions and the fact that there is such a diverse range of schools within the sector. We are a very small number of schools within that group, but we represent a significant group of pupils and parents. The interest and views of those parents are clearly demonstrated in their coming forward at year 8, and so on. It is important that the sectoral bodies take account of that when it comes to the ability to comment. It is important that they can comment, but it is also important that they take account of the opinions of all within the sector.

**Mr Rogers:** Will we not end up with a lot of duplication again because, whatever your sectoral body has, the other sectoral bodies will want the same? That duplication would mean less money for —

**Mr Black:** As I said earlier when talking about the sectoral bodies, it was important from the controlled schools' point of view that they got a body, which, historically, did not exist. However, it is important that we do not end up with a lot of duplication of provision and that the bodies do not take on a life of their own. There is a real danger in that. We are here to argue for money to go to front line services. Sectoral bodies can have a role without becoming a recreation of bodies that may already exist.

**Mr Rogers:** You are right to say that we do not want to exchange one degree of control for another.

**Miss M McIlveen:** I declare an interest. Antrim Grammar trained me, and Grosvenor Grammar employed me.

**The Chairperson:** I think that we need to talk to those two schools. *[Laughter.]* You have just scuppered their presentation. Their reputation is now lying in tatters.

**Mr R McLoughlin:** We employ the best. *[Laughter.]*

**Mr Black:** And he employs only those we have trained.

**The Chairperson:** The self-interest and promotion of members on this Committee is unbelievable.

**Miss M McIlveen:** Clearly, I need say no more.

Most of my questions have been covered, but I have one very quick question about ethos. In your introduction, Stephen, you were very clear that controlled grammars are non-denominational Christian environments and that their ethos relates strongly to that. Later, Raymond said that it was very difficult to define ethos. You said that ethos is about much more than aims and principles; it encompasses the values, and so on, within a school. I know, through various questions on the appointment of governors, that there is a concern for you about ESA's interpretation of what a commitment to ethos really means. Why is there a perception that you are perhaps fearful of the Bill in that respect, given the fact that you have a very clear ethos in your school? How can the Bill compromise that?

**Mr Black:** From our point of view, we have been very fortunate that our board of governors has remained fairly static. The Department's representatives and the education and library board's representatives are people who are very supportive of the ethos of our schools. However, we have seen, in other areas, governors who are keen to serve on boards of schools not being ratified by the Education Minister or, in fact, other people being placed on the boards. We certainly would not like that to happen in our schools. Our schools are very much schools within in our communities. We draw our pupils from our communities; we draw our governors from our communities. Therefore, the governors very much represent what we are and what we stand for. It is important that that continues. The situation that I described has not happened in my school. We have been very happy with the way things have gone. We want it to remain like that. We do not want it to change.

**Miss M McIlveen:** I think that the concerns expressed today are valid and have been very well promoted. Thank you again for your presentation.

**Mr Lunn:** We did not mention clause 12. You think that controlled grammars should have the same ability to make salary and allowance payments as the voluntary grammars and grant-maintained integrated schools are being offered. Are you not asking for extra work? That ability does not mean that voluntary grammars or grant-maintained integrated schools are the employers. It just means that they make the salary payments instead of, presumably, sending them through to the board to make them. Is that a big issue for you?

**Mr Black:** It is a big issue, and it is one that was echoed in the independent review of the common funding scheme, in which Sir Robert Salisbury said very clearly that the Department should consider legislative changes to allow any school to adopt the systems of financial management operated for voluntary grammar schools. Earlier, we quoted examples of honorarium, and we do not necessarily

want to go back down that road. However, that is only one example. You say that this would create extra work for us but a lot of duplication of work already goes on. Somebody in our school looks at our salaries, but so does somebody in the education and library board. We are saying this: reduce the duplication, and allow us to get on with the job.

**Mr R McLoughlin:** Reduce the duplication, which would provide more money to front line services. Then, our school would be funded differently, which would mean that we would have the funding to put in place the structures necessary to do a more effective job.

**Mr Lunn:** I take your point about duplication. You are not saying that you would be able to operate differently, because you would be operating under the scheme of employment that you agreed with ESA anyway. The real difference relates purely to duplication. It is a question of who issues the cheques or processes BACS payments, is it not?

**Mr Black:** I think that there are issues about that. We say that, at the minute, in addition to the duplication, we are being stymied by what is happening in the boards. We are asking for that to be removed. In taking the thing to the Executive, the Minister used phrases along the lines of, "Schools that wish to have autonomy should have it". We are saying that it should be there for all schools that wish to have it.

**Mr Lunn:** Fair enough; the point is well made. It is a different issue, but an argument is starting about clause 10(c) of the heads of agreement, which deals with employing staff. OK; thank you very much.

**Mr Craig:** That point is important, because we have had this debate internally in our own set up. You do not have the ability to have a bursar. You do not have the ability to have a lot of these other things that fall outside of what the board or the Department determines to be "necessary" for the school. Yet, others have them and use them to their advantage. So I think that you are 100% right on this very important issue. There should be a level playing field right across the board.

**Mr Black:** Absolutely.

**The Chairperson:** May I clarify one point in relation to all of that? In your view, having had the board as the employer of your school staff, is it possible to have a single employer and have maximum delegated autonomy — along the lines that you described — for payments, appointments and all of the other things? Or, as others argue, are those inherent contradictions under the proposed structures?

**Mr Knox:** At the start of our discussions as an association with the Department, we were promised that this would allow us to become more like the voluntary grammar schools. The reality is that the Bill seems to strip away many of the powers that voluntary grammars have, and there seems to be no provision to increase the autonomy for controlled schools. As I said in my part of the presentation, we know that there are non-selective schools that are equally anxious to have maximised autonomy. So, this is not a grammar school issue; it is an issue for big schools that want the freedom to operate without interference and red tape. That is the issue.

**The Chairperson:** Thank you very much for your presentation. It is very much appreciated, and no doubt we will have further discussions in the coming days.