Committee for Education

OFFICIAL REPORT (Hansard)

Education Bill: DE Briefing

30 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
Mr Sean Rogers

Witnesses:
Mr Chris Stewart Department of Education

The Chairperson: We will not go to clause-by-clause consideration of the Bill, but what we have agreed is that we will bring Chris back. That means that we can have Chris now at the end of the table and ask him all the awkward questions. He just loves this part of the day; he looks forward to this every Wednesday, I know.

Mr Chris Stewart (Department of Education): I missed what you said there, Chair, but I am sure you said that you were going to give me a very easy time.

The Chairperson: We have to be out of here by 1.30 pm, is that right?

The Committee Clerk: An hour for this, and 15 minutes —

Mr Stewart: I can filibuster until then easily, Chairman.

The Chairperson: There are a number of questions that we want to run through. Trevor, we asked you to raise one earlier on, I think.

Mr Lunn: Did you?

The Chairperson: I think we did and said we would come back to it.

Mr Lunn: It will maybe come back to me.

The Chairperson: Aye. One thing that was raised — and I will try to go through these, because we have tried to collate some of these. Following passage of the Bill, would controlled schools be able pay honoraria?

Mr Stewart: Chair, the short answer is yes. That issue was raised by controlled school colleagues, obviously speaking about their particular experience, but the position is the same for all schools in all sectors and of all types. If I can summarise, any school can pay honoraria to teachers if required, but there are rules. The rules are set by the Department of Finance and Personnel (DFP), and it is necessary to have approval from the Department of Education (DE) and DFP on a business case setting out the case for payment of honoraria. Those are rules that apply and are set by DFP because education is a public service and schools are public bodies. Schools are regarded and classified by DFP as non-departmental public bodies. Therefore, the accounting rules and regimes that apply to such bodies must apply to schools.

We recognise that the primary purpose of schools is to deliver teaching and learning and not bureaucracy, so we want to make that process as simple as possible. The Department has a policy and a procedure for obtaining approval, which we have aimed to make as simple as possible but on which we recognise that there is scope for improvement. Colleagues on that side of the Department are looking at that to see whether there are ways that we can make the process simpler and quicker for schools. The fundamental requirement remains that there must be approval for honoraria, but it is possible for any school to pay them.

Mr Craig: That is quite an interesting statement. I am probably aware more than anyone of the rules and procedures around all of this, Chris. Although I do not disagree with you that there have to be rules and protections built into any process, it is a very bureaucratic system. Can I ask you a very simple question? What level of honorarium does this kick in at? That is where the whole system falls flat.

Mr Stewart: To my knowledge, and I can double check this, it would be at any level of payment. The payment of an honorarium requires approval.

Mr Craig: Correct.

Mr Stewart: There is no de minimis.

Mr Craig: The idea that you can give someone who has gone above and beyond the call of duty a fiver or a tenner or whatever — there is no flexibility in the system, and that is at the root of the problems on this issue, which, hopefully, the Department can look at.

Mr Stewart: That is a fair point, and it is correct to say that the level of checking, the level of approval and, therefore, the level of bureaucracy would be the same whether it was a payment of £5, £500 or £5,000. However, that is not something over which the Department has any discretion. DFP rules on this are very clear. There must be a business case and there must be approval. We are absolutely seized of the need to make that process as simple as possible for schools. We do not want them spending a disproportionate amount of time or having to fill in a disproportionate amount of paperwork for what is quite a small payment. I would hope that this is not something that would have to be done frequently. Once approval is given, it is given.

Mr Craig: We were discussing unintended consequences earlier, and we have to acknowledge, Chris, that the unintended consequence of introducing those rules and procedures for honoraria has quite frankly, particularly in the controlled sector, been that they have died, have disappeared, are off the table and are gone.

Mr Stewart: I understand the difficulties caused there. It would be unfortunate if controlled school colleagues left you with the impression that this was something that DE introduced, only for controlled schools or, indeed, only in education. These are the rules on public funding that apply to every public service, and we are obliged to follow them.

The Chairperson: If we could try to keep within the confines of the questions, that would be helpful.

Mr Lunn: I think that maybe it was clause 22, Chris. Yes:

> *"Except as otherwise provided... ESA may do"*

whatever it likes. Can you clarify that for us, please?

The Chairperson: That was legal jargon that you used there, Trevor.

Mr Lunn: That simplifies it a wee bit. I am a simple man.

Mr Stewart: I am grateful for the opportunity to answer that question. I have listened very carefully to the evidence given by stakeholders in recent weeks. It is clear that there are a lot of very sincerely held and articulately argued concerns about the Bill, but some of them simply do not stack up when you look at them.

There is a great deal of concern out there and fear among some stakeholders that buried somewhere in the Bill is the clause that allows the Education and Skills Authority (ESA) to march in and take over schools. They have looked very hard for that but, so far, they have not found it. Last week, some colleagues thought that they had found it in clause 22. Let me assure the Committee that that is not the case. There is no such clause in the Bill, and clause 22 certainly is not it.

There are two particular qualifications in the clause that I think are very important. When people quote it, they tend to quote the middle words. They leave out the beginning and the end. The words at the beginning that Trevor quoted are very important:

> *"Except as otherwise provided by any statutory provision".*

Translated into English, that means that if the law assigns a function somewhere else, ESA cannot do it. The law assigns the responsibility for the management of schools very clearly to boards of governors. Therefore, ESA cannot manage or get involved in the management of schools, and clause 22 does not allow it to do so.

After the words that most people quote, the clause goes on to say that it can:

> *"do anything... conducive or incidental to the discharge of its functions."*

The functions of ESA are also specified in statute, so ESA has only the functions that statue gives it. It cannot invent new ones. This power is to facilitate what ESA has to do, and what ESA has to do is what the Assembly tells it to do.

I have to say as well that this is a standard clause that you would see in any Bill that comes before you to establish a new non-departmental public body. There is an almost identical clause in the Libraries Act (Northern Ireland) 2008, which established the Libraries Authority. There is even a very similar clause in the Charities Act (Northern Ireland) 2008. The Charities Commission has this power. It is one that, I think, any policy civil servant, and certainly any draftsman, would recommend to a Minister as needing to be there. The clause also gives examples of where the power would be used in practice.

Just to take the mythology away from this, it is not the clause by which ESA will march in to schools and take over. It is the clause by which ESA will sign a contract with a catering provider for the headquarters canteen.

Mr Lunn: This is a clause that prevents ESA from doing those things.

Mr Stewart: It is very carefully drafted, as all these clauses are. It is not carte blanche for ESA to defy the will of the Assembly and take additional powers onto itself; quite the reverse.

The Chairperson: Anybody else on that point? OK.

I want to raise the one around — we are restricted in what we can say in some regards because we had legal advice.

Mr Stewart: As long as you say "without prejudice" first.

The Chairperson: Yes; without prejudice. A particular concern was raised following the Department's response to the Judge Treacy case, which dealt with the specific issue of transport in the Irish-medium sector. Judge Treacy did not accept the Department's contention that the duty under article 89 was

merely aspirational but found that the imposition of a statutory duty was and is practical and is intended to be implemented.

It seems as though, in its submission to that case, the Department said that the duty placed on it by the Education (Northern Ireland) Order 1998 to facilitate and promote Irish-medium education was only aspirational. The judge found that it was different. In relation to the Bill, we have heard you, Chris, say, "That is a phantom; that is not the intent." How can we be sure that what the Department deems as being aspirational will not actually, in law, work out to be practical in its consequences and practical in its significance?

Mr Stewart: Chair, I was not directly involved in the Treacy judgement or the matters that led to it, but let me reassure you that I do not personally recognise the concept of an aspirational duty. A duty is just that; it is something that a public authority or a Department is required to do or required to do in a particular way. Some duties in law are occasionally qualified. You will see a phrase such as:

> *"so far as is reasonably practicable".*

That recognises that what is good enough to satisfy the duty today may not be good enough to satisfy the duty tomorrow. Policy and practice move on. Anything in the Education Bill that is couched as a duty is not regarded as aspirational but as something that ESA must do.

Mr Lunn: I think I remember now. I think it was clause 45 — and I raised it last week — about the powers of inspectors.

The Chairperson: Okay. We will deal with that now, then.

Mr Lunn: Chris, you were there last week, so you know what the concern was. How do you see the difference, if there is any, between the existing powers and the powers that ESA will give inspectors, particularly in taking copies and taking away documents, and so on? Do you think that the powers are being extended in a meaningful way by the ESA Bill and that that is something that should concern schools?

Mr Stewart: If I can just correct something first, Trevor: they are not ESA powers in any way. The inspection powers are the Department's powers, and that will be the same under the Bill.

Mr Lunn: Forgive my language.

Mr Stewart: There are some differences, but they are not huge. The differences reflect the advice of successive chief inspectors that the inspection powers needed to be strengthened a little bit and brought into line with inspection powers in other jurisdictions. So, the areas where they have been strengthened are those that were referred to by stakeholders last week: some very precise powers around access to documents, access to computer records and the ability to take away copies of either of those.

There is no doubt that that constitutes a strengthening of the powers. Whether t it is a major strengthening is a matter of opinion, and you have heard a range of opinions from stakeholders. It is also an observable fact that, even if those provisions do go forward and pass into law, the powers available to inspectors here in Northern Ireland will still be considerably weaker than those that are available to inspectors in Ofsted, where the whole legal basis of inspection is fundamentally different. For example, in England, it is a criminal offence to obstruct in any way the inspection of a school. There is no suggestion from any quarter that a similar provision will be introduced here.

Mr Lunn: Is there an order somewhere that confers powers on inspectors at the moment?

Mr Stewart: Current powers are set out in article 102 of the Education and Libraries (Northern Ireland) Order 1986. For the most part, that is very similar to the clauses in the Bill.

Mr Lunn: Is it easily accessed? Can we look at it?

Mr Stewart: We will be happy to provide the Committee with a little table, perhaps, comparing the two provisions.

The Chairperson: I think that was — I wonder has that been requested?

Mr Lunn: I asked for it to be requested last week.

The Chairperson: Yes.

Danny, is it on this issue?

Mr Kinahan: It is really on the same issue. It is not just clause 45, if we go back to what we were talking about in clause 22. Clause 44(8) says:

> *"The Department may give directions under Article 101 of the 1986 Order for the purpose of remedying any matter referred to in the report of an inspection".*

It is another one, if you like, that people look at as being under the title of Hitler clauses because they give the Department extra power.

Mr Stewart: I will not use that particular phrase myself, but that particular provision is identical to the current law. As things stand, the power of direction can be used to remedy the findings of an inspection today.

Mr Kinahan: It raises the concerns —

Mr Stewart: That is a significant power, but it is a significant power that already exists. It is not new.

Mr Kinahan: There is also the comment from people that you already have all these powers. Do we really need to strengthen them? What is missing?

Mr Stewart: Again, I have to be guided by the professional advice of successive chief inspectors, as I have said. Their advice to me and, more importantly, to Ministers was that there was a need for strengthening of the powers. Ministers have accepted that advice.

Mr Lunn: It is constantly pointed out to us that the reason why something is not in the ESA Bill is that it is already in some other order from the dim and distant past, yet the one that Danny referred to there is apparently being restated. Why is that?

Mr Stewart: In each case, there is a judgement call to be made, and on that we are largely guided by legislative counsel. If it is only a matter of changing a couple of words here and there, his approach tends to be to put an amendment into the relevant schedule in the Bill, so you leave the existing provision where it is and change it very slightly in situ. When it reaches what, in his professional view, is a tipping point — when you are changing more than you are leaving — his advice would normally be to repeal the existing provision and re-enact it in its amended form, which is neater, cleaner and easier for the reader to understand. The best example of that is probably the Council for the Curriculum, Examinations and Assessment (CCEA) clauses in the Bill. As I have said before in Committee, there are no significant policy changes there, but there was so much tidying up to be done — we had not done that down the years, because it was previously thought that CCEA was going to become part of ESA — that counsel's view was that we needed to repeal the existing clauses and re-enact them so that we would have a nice clean set of provisions that are easily understood.

Mr Lunn: Following on from that approach, is it reasonable to ask for the clause in the previous order that required the Department to encourage and facilitate integrated education to be restated because of the constant cry from that sector? You have explained the reason for the Irish-medium requirement being restated, but the integrated one is not.

Mr Stewart: That is not quite the position. Neither of the fundamental duties on the Department to encourage and facilitate those particular types of education is restated. They are both in situ, where they were originally made. There is an additional provision in clause 2(5) that relates to Irish-medium education, but it is different in nature from either of the other duties. The point that I have made on it, and the way I would describe it, is that it is not rights-based but needs-based. It is recognising that

education that is delivered through the medium of the Irish language has particular needs that simply do not arise when education is delivered in English.

The example that is often quoted by colleagues in the sector is curriculum support. They rightly say that producing curriculum support materials, for example, is not just a case of taking the English materials and translating them into Irish. They need to be developed in a bespoke way, from a blank sheet of paper, recognising the needs of the pupils and the task facing the teacher to deliver the education in Irish. The purpose of that particular duty on ESA is to say to ESA that there are certain things that it needs to do for all schools, but it needs to do them in a particular way for Irish-medium schools. It is not the case — at least, we are not aware of it being the case — that there is a need for a similar sort of duty in relation to integrated education. There is nothing that I am aware of in an integrated school that needs to be done in a particular way.

Mr Lunn: No, but the requirement at the moment is for the Department of Education to encourage and facilitate integrated education. Does that mean that there is no requirement on ESA?

Mr Stewart: There is no specific duty on ESA, just as there is no general overarching duty on ESA to encourage or facilitate Irish-medium education. It would be perfectly open to Ministers or the Assembly to have either or both duties, but that is not the policy position at the moment. I understand your point. We hear it clearly every day, and I am in receipt of letters every day from the integrated sector making that very point. However, if I were to suggest that to the legislative counsel, his response would be to ask why, because it would make no difference to the law to simply restate it in another place.

Mr Lunn: Yes, but the sector would say "why not?" We get this all the time.

Mr Stewart: I could well imagine it saying that. Generally, the Assembly has not, in the past, favoured simply restating legislation in order to give it greater prominence.

Mr Lunn: We have had it from the other side as well. When we had representatives from the Voluntary Grammar Schools' Bursars Association here, some of us were trying to assure them that there was nothing to worry about in that particular area that you are referring to. They were reasonably asking why it was there. If you say that it does not make any difference to their modus operandi as it is at the moment, they ask why it is there. We are saying "why not?"

Mr Stewart: What I would say to them is that the policy task that the Minister set me was to deliver his policy in a way that does not interfere with the autonomy of schools. That is what we believe that we have done. If the voluntary grammar sector wishes to question why the policy is there, I am afraid that I will have to direct them to the Minister on that point.

Interestingly, the voluntary grammar bursars and their controlled sector colleagues raised a similar point last week. In essence, they were asking where the greater autonomy was in the Bill. The answer to that is that we have to acknowledge that it is a difficult read. There are parts of the Bill where there are many words that have comparatively little effect, but there are other parts of the Bill where there are only a few words that have a very profound effect.

In relation to the controlled sector, there are a few words that have a very profound effect indeed. Clause 10 — I think that it is clause 10; colleagues will correct me if I am wrong — is the clause that defines the management arrangements for controlled schools, and it says very clearly that a controlled school is one that is under the control and management of its board of governors. That is a huge change: a controlled school today is under the control and management of an education and library board. All the things that you heard controlled sector colleagues say last week that they found difficult and challenging stem from those management arrangements. So, the need to adopt a standard job description or set of terms and conditions comes from the fact that that is what their education and library board says. Any restriction on employing a bursar or any other type of staff stems from the fact that that is what their education and library board says. If the Bill becomes law, those will be decisions for the boards of governors. If they want to take a standard job description from ESA, they are, of course, at liberty to do so, and if they want to draw up their own, they are at liberty to do so. If they want to employ a bursar, that will be a decision for the board of governors. If they want to co-operate with another school and employ a bursar, that will be a decision for both boards of governors.

The converse is true when it comes to the voluntary grammar bursars, because those are all things that they can do already. They look at the Bill and say, "Where does it say that we can still do those

things?" It does not say it in the Bill, because it does not need to: we are not changing the law on that. You do not need to legislate to say that you are not changing the law; you only need to legislate to say when you are changing it.

Mr Lunn: An executive summary would be handy.

Mr Stewart: The executive summary is that there is nothing to worry about there.

The Chairperson: What you have said will be reported by Hansard, so we are all right.

Mr Stewart: Hansard always writes it up better than I say it, anyway.

Mr Hazzard: I want to go back to the legal briefing that we received earlier about the ruling from Justice Treacy. If I stray onto ground that I should not, you can interject and shout me down. If we accept the premise that there was not the legal precedent that was outlined earlier, what effect did that verdict have on the Department of Education? Where does it come into the Department's thinking, even as regards the Education Bill?

Hypothetically, if the schools transport issue rose again, how does the Department practically measure or quantify how far to go to facilitate and encourage? What I might facilitate and encourage could be a long way from what Jonathan or somebody else might facilitate and encourage, so how do you decide on the level?

Mr Stewart: I have to give the caveat to my answer that I am not aware of the legal advice that the Committee has received. I do not have the benefit of that. The Department recognises that it needs to examine the judgement very carefully and to apply the judgement's findings in any policy or operational decisions that are made from here on in. As your question implies, no box is ticked or empirical test applied that says, "That satisfies the Treacy judgement" or "That does not satisfy the Treacy judgement". It is always the case that one must make a judgement, hopefully not in a court, on the test of reasonableness. The question is whether we have reasonably given effect to what a court might decide is what we reasonably ought to have done. The Treacy judgement clearly changes that. It clearly finds that we did not get that test right in our application of it in those particular circumstances. So, we need to look at that again and to look at that as similar circumstances arise.

I noted in one of the previous evidence sessions that one set of stakeholders made the statement that the Treacy judgement introduced an additional statutory duty to the Department. It does not. That statement is clearly wrong. It has implications for how we interpret and apply the existing statutory duty, but it does not introduce a new statutory duty. That would be unconstitutional: courts do not do that; that is for the Assembly to do.

Mr Lunn: Assuming the Treacy judgement did not exist — that is, without prejudice and hypothetically —

Mr Stewart: Trevor, I think that, as a Member, you have absolute privilege.

Mr Lunn: I will probably see you in Chichester Street.

Leaving aside the particular requirements of the Irish-medium sector — things are done in Irish, that is a given and there is a clear need for special treatment — the duty on the Department or ESA — both or either — is otherwise very similar for the Irish-medium and integrated sectors. If, over the years, the Department conceded that there was a special need for exceptional treatment in terms of transport for the integrated sector, is it reasonable to say that we would not need to argue about the need for that same treatment for the Irish-medium sector?

Mr Stewart: I cannot comment in detail on the transport issue and how it applies to either the Irish-medium or integrated sector. I simply do not know enough about the subject to give you what would be a helpful answer.

The fundamental duties on the Department are very similar, and the wording is almost exactly the same, in relation to Irish-medium and integrated education. For most provisions that relate to Irish-medium, there is an equivalent provision on the integrated side, either in the Bill or in existing legislation. The one area where that is not the case is clause 2(5); there is no integrated equivalent to

clause 2(5). I have given the reason for that, which is that clause 2(5) stems from a particular need. Members will not have seen the Department's written reply yet, but, hopefully, it will be with you in time for next week's meeting. The Minister has indicated that he has an open mind on this. If it can be demonstrated to him that there is a need in the integrated sector for such a provision, he is prepared to consider the argument for that.

Mr Lunn: I just wonder why, because both sectors have the same problem. Their pupils do not necessarily come from a close catchment area. They come from further afield to access the particular type of education that is provided in those schools. So, there is a different transport conundrum.

Mr Stewart: I recognise that. I must not pre-empt policy decisions that the Minister might make, but I think that he recognises that such arguments can be made. He has said that he is open-minded on this, and that he is prepared to consider those points if they are put to him.

Mr Kinahan: Chris, I want to come back to the strong clauses in the Bill as they relate to boards of governors. Clause 44(6) states that inspectors may:

> *"inspect and report on any aspect of the establishment".*

I am not saying that that is the wrong thing to do, but how do we get there?

At the primary school governors' meeting that I went to — Mervyn was at it too — there was enormous discomfort in the fact that they were being told that they were going to be judged and that statutory roles were probably going to be brought in. If you start to bring that in, these clauses become quite frightening. How can you allay their fears?

Mr Stewart: We absolutely recognise that concern. I would make three points in response. First, the reason why it is essential that the inspection regime includes governance and what boards of governors do reflects the evidence that you have heard from many stakeholders, including the Department, about the factors that contribute to the success of a school. We know that, first and foremost, it is the quality of teaching in the classroom. We know that, second to that, is the quality of leadership, not just in the senior management team — very important though that is — but in the board of governors. Given the pivotal role that governors have in determining whether a school is successful, that is surely something that the Department and the inspectorate should be looking at in assessing — I use the word "assess" rather than "judge" — whether a school is successful. We recognise that, inevitably, along with that comes concern about what that means. Governors perform that vital role in a voluntary capacity in their own time. We need to be very conscious of that and not do anything that makes it less likely that capable, dedicated people will come forward to serve as school governors.

Secondly, I would remind everyone that the purpose of inspection is not punitive. Neither the inspectorate nor the Department raise standards; schools raise standards. The purpose of inspection is to provide the evidence for schools to lead and drive forward their own improvement. That is the point of it.

The third point is a more practical one. When we are placing those responsibilities on schools and governors, it is incumbent on us to ensure that they are equipped with the training, advice and support that they need. If an inspection is coming up, they need someone who they can turn to for advice and support so that they can prepare for it and then respond to it afterwards. That is why that is a core and very important statutory duty of ESA, and that is why, even in advance of ESA, colleagues in education and library boards, at the Minister's insistence, are moving ahead with the development of the governors' support service. That is needed now, and we cannot wait for ESA. It is essential that we provide that support for governors, so, notwithstanding the pressures and difficulties that education and library boards already face, the Minister has made that a priority.

The Chairperson: Chris, I want to clarify a point on clause 10. Clause 10 states that:

> *"Schedule 3 makes provision for the transfer on the appointed day of staff employed by the Board of Governors of a school to which this section applies".*

It continues:

"This section applies to -

(a) voluntary schools, other than Catholic maintained schools; and

(b) grant-maintained integrated schools."

Why not Catholic maintained schools, if, under clause 3, ESA is to be the employer of all staff?

Mr Stewart: It is a technical reason, Chair; there is nothing sinister in it. Teaching staff in Catholic maintained schools are employees of the Council for Catholic Maintained Schools (CCMS), and there is another clause that transfers all employees of CCMS to ESA. Non-teaching staff in Catholic maintained schools are employees of education and library boards, and there is a clause that transfers all those employees to ESA. Clause 10 deals with those employees for whom the current employer is the board of governors: voluntary grammar schools and grant-maintained integrated schools.

The Chairperson: Chris, do you want to make any comments on anything that you have, perhaps, taken a note of?

Mr Stewart: No, Chair. I think that, in coming weeks, members will be sick of the sound of my voice. I will limit myself now.

The Chairperson: That is assuming that that is not already the case.

Mr Stewart: Members are far too polite to say, Chair.

The Chairperson: Personally that is not the case. I will clarify that, for the record.

Earlier, we took the decision not to proceed with the clause-by-clause scrutiny, because, to date, we have not seen what is proposed by the Department. I suppose that correspondence will go to the Department to make you aware of the Committee's view. We feel that these things are interrelated and interconnected. Clause 10 is a prime example, and there are other provisions. We need a sense of the Department's current thinking regarding, for example, the heads of agreement. You said that more work needed to be done on that. We need to see what the Department has done and how it has tidied that up or whatever, if it has. On that basis, we can proceed. That is where we are at the moment.

Mr Stewart: That is a fair point. In case he is listening, let me make it clear that that is not the Minister's fault. Some time ago, the secretariat provided us with a very helpful summary of all the points that were raised with the Committee by stakeholders on which you would find it helpful to have a response. We have been a bit slow in turning that around, but it has now been approved by the Minister, at least for Part 1 of the Bill, and it will be with the secretariat in time for next week's meeting. The delay on that is mine, and I hold my hand up to it. We trust that that will give you an indication of the Minister's thinking on many of the issues that have been raised, but perhaps not on all of them. As I said, there are some issues on which the Minister has indicated that he has an open mind and on which he wants to hear the views of the Committee and stakeholders. There are others on which a little bit more work needs to be done before the position becomes clear. The Minister is certainly conscious of the Committee's desire to learn of the Department's position, and we will be working towards that as best we can in the coming weeks.

Mr Lunn: Chairman, you mentioned the heads of agreement. Two or three weeks ago, we agreed to write to all three Ministers to get their views on the inconsistencies between the Bill and paragraph 10C of the heads of agreement. Is it time for a reminder?

The Chairperson: My understanding is that we have not received a response, but we will clarify the situation before next week. The deadline is this week.

Mr Stewart: The Minister is very conscious of the Committee's desire to know what the thinking is on the way forward on that. I think that he would want me to assure you that the Committee's correspondence has not gone unnoticed. There is work and thinking ongoing on that issue. It is not yet at the point where the Minister has a proposal or a suggestion that he wants to put to you, but work is going on.

Mr Lunn: With some hesitation, I will say that it is not Chris's Minister I am worried about. *[Interruption.]* I will say it a bit louder: it is not Chris's Minister I am worried about.

The Chairperson: Would you like to specify?

Mr Lunn: We wrote to three of them.

The Chairperson: OK. Thank you very much, Chris. As always, we appreciate your time. Thank you.