



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Area-based Planning: Ministerial Briefing

9 April 2013

NORTHERN IRELAND ASSEMBLY

Committee for Education

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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
Miss Michelle McIlveen
Mr Pat Sheehan

Witnesses:

Mr John O'Dowd	Minister of Education
Mrs Lorraine Finlay	Department of Education
Mr John McGrath	Department of Education
Mr Diarmuid McLean	Department of Education

Also in attendance:

Professor Tony Gallagher	Queen's University Belfast
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The Chairperson: Minister, you are very welcome. John, Diarmuid and Lorraine, thank you for coming. This issue is causing considerable concern as it impinges on all our schools. With the publication of the primary school area proposals, it has caused considerable concern, if the e-mails and correspondence to our office are anything to go by. Minister, thank you for taking the time to brief the Committee, and thanks for the paper, which was given to us in time for members to read before today's session. I trust that they have done so. We will ask you to speak to the paper and the issue.

You might also want to comment on your clarification today that you are not abolishing GCSEs, not that I take any great delight in having to reprimand any of our local papers. However, that has been resolved, and that is not your intention, though we will still keep an eye on your plans. We will not take anything as a given.

Mr O'Dowd (The Minister of Education): I re-emphasise that the headlines in today's paper do not truly reflect my position. In fairness, they do reflect one of the options of the consultation process, but it does not reflect what I am minded to do going into the future. We will let the consultation process be completed and move on from there, but I hope that I have offered reassurance to schools and students that they will not face a dramatic change in the exam system in the near or distant future.

I welcome the opportunity to be before the Committee to discuss area planning, and I thank you for the invite. I understand the concern that has been raised in some quarters, and I welcome the debate

on area planning. I am firmly of the view and on the record as saying that a network of viable and sustainable schools will enable us to provide the quality of education that our children and young people deserve going into the future. In my statement to the Assembly on 26 February, I outlined a number of key actions that I believe are necessary to enhance the area-planning process and move it forward. I acknowledge the efforts and work on area planning by everyone involved in it, particularly the boards, the Council for Catholic Maintained Schools (CCMS) and the sectoral bodies, which have dedicated a lot of commitment to it. We have moved forward, and we have taken on a mammoth emotive but very important task on area planning. As many around this table will know, it has been debated for many years, and we have now undertaken to start to action area planning and to move it forward. We have faced resistance in some quarters, and I welcome the very healthy debate in other quarters. We have had an informed debate on the need for area planning and on how the outcomes of area planning will be dealt with.

I want to see the next steps on post-primary planning, which has gone through the consultation process. I made my statement on 26 February on that basis. Further work is still to be done on those plans. I have brought together the five education and library boards, CCMS, the Irish-medium sector and the integrated sector. I met them yesterday at the first meeting of the steering group. Previous to that, my officials were in discussions with them, and we are delighted to inform you that progress continues to be made on area planning. It is clear to me from those discussions and, indeed, the discussions that I had with senior staff from the boards, CCMS and others only this week that they have a plan and proposals worked out for their areas. Some of them are at an earlier stage than others, and some of them require further discussion, but I emphasise to all concerned that we need to get into decision mode. We need to now start making decisions about the future sustainability and the future networking of our schools.

Will I ever reach the point in the short term where we have the grandiose plan? Not completely. In the past, particularly on my capital announcements, I have shown that we will have plans, parts of those plans will be developed, and I will be able to make announcements based on those plans and move forward. I have announced a schools enhancement programme, and schools have been applying to that. The applications close on 12 April. Decisions that come out of that will be based on the knowledge and information that we have garnered from area planning. Therefore, it will be a piece of work that will take further time. There will be different iterations of these plans. I will be handing the plans over to the Education and Skills Authority (ESA), and it will continue the work when ESA is established.

In relation to representation on the body, during my speech on 26 February, I commented on the steering group. I remain open to representatives of the voluntary grammar sector and the non-denominational sector being represented on that body. The Governing Bodies Association has written to me to ask for a meeting. I have agreed to that meeting, and it wishes to present its case to me. I look forward to that discussion with it and to taking on board its views on how we move that matter forward.

The primary school area plans have been published and are out for consultation. As expected, they have created much debate. The initial number of days for which they were out and the way in which they were presented by the boards and sections of the media caused unnecessary concern. Many of the boards, if not all of them, listed all the schools that were under the sustainable schools numbers as being under review. Obviously, that caused concern to many schools that thought that they would never be in that category. I emphasise again that this is not a numbers game. This is about the quality of education, and all schools will be measured against the sustainable schools criteria, only one of which is numbers. There will always be exceptions to the rules, particularly in rural communities with small schools. There are requirements for small schools, particularly in communities that are isolated geographically and, perhaps even more so, in communities that believe that they are isolated in the broader community network, where schools should and will remain.

I also welcome the fact that there has been significant debate between sectors about how we move forward with education. There has been a lot of publicity recently about shared education, and a number of proposals are coming forward from different areas around how they propose to move forward with shared education. I very much welcome that. In a number of instances, they have been working together for many years, and they are now coming forward with worked-out and thought-out proposals on the basis that they know each other, trust each other and believe that it is the best way forward for education in the community. I intend to do what I can to facilitate a number of those projects going into the future.

As I said, the primary school plans are out to consultation, which goes on to the end of June. I, too, have been receiving substantial correspondence from interested individuals, groups and, indeed, schools. I emphasise that no decisions have been made. Consultation responses are being received, and when the consultation closes, we will take on board the comments made.

Part of the work of the steering group will be to ensure that lessons are learned from the consultation process on the post-primary school proposals. I want to see an open and inclusive consultation process that is accessible. I want the bodies to go out and meet individuals. It should not simply be a paper exercise. People should be involved in discussions and debates with communities and school groups and get views from the ground. They should also engage with elected representatives and bodies such as the Education Committee.

Chair, that is a very quick run-through of area planning. I have no doubt that there will be a number of questions. I am happy to continue the debate in that fashion.

The Chairperson: Thank you, Minister. Will you clarify how much time we have?

Mr O'Dowd: I am pretty flexible.

The Chairperson: OK. We will just take it as it comes. Members should identify their questions and we will work our way through it.

You said that the issue of area plans has caused considerable concern in the post-primary and primary sectors. You also said that the issue is about the quality of education. It would seem from the way in which the process has been handled that there is urgency from your perspective, and the documents that we see are always replete with phrases such as "we need to make further progress", and so on. Should the issue not be the Department, with the boards, addressing the needs of some schools that have sat in the most abysmal educational provision, in some cases, for the past 10 years? I do not want us to get into individual schools, but there is a school — I will not name it — at the bottom of the pile, in a city in this country, and only now, after years and thousands upon thousands of pounds being spent on it, has its managing authority taken the decision to close that school. If the issue is getting a quality of education, should we not be focusing on the schools with particular problems, rather than throwing all schools into the pile or mix, as this process has done? We have ended up with a situation in which it is the survival of the fittest. I do not think that that is a good process and system for us.

Mr O'Dowd: I do not think that we are at odds with each other on that. There is concern out there about area planning, particularly in those schools that believe that their continued viability and existence is under threat. There is also a very welcome education debate going on, and people accept the need to take action. The Bain report was published around 2006. We are now in 2013, and we are only now really taking action on an unsustainable schools estate. That estate has produced schools such as the one you referred to — you did not name that school, and I think that that is the sensible thing to do.

Decisions should have been made much sooner than this. When I first came into office, I said to the boards and to CCMS that where action needed to be taken on unsustainable schools, I would give them the political cover to do so. I have done that in a number of situations in which they have brought forward proposals to deal with schools that are, quite clearly, not viable going into the future. Those are never easy decisions, but I think that they were all the right decisions. Dealing with those schools is like throwing a stone into a pond. Once you throw that stone in, a ripple effect takes place. It is the same with closing a school; a ripple effect takes place around that school. What has happened in the past — it has been pointed out to me by a number of members — is that pupils were taken out of a school that closed, put into a school beside it, but, a couple of years later, that school was also closed and they were moved on again. I do not want to see that situation arising again. I want a planned approach to where school closures are necessary and to sustaining our schools estate — that is necessary — across the board.

Mistakes have been made in the past. Managing authorities should have acted much quicker in the past but did not. I am where I am, and I have to deal with the circumstances that are in front of me. I think that the area-planning process that we have in place is a fair and democratic way of doing it.

The Chairperson: You will note that we have with us Professor Gallagher, who has been tasked by the Committee to do a number of reports. We will make those reports available to the Department.

One of the outcomes from that piece of work is that it shows that, in the stress categories, there is no correlation between the issues of attainment and size, generally. The fixation that everybody has — particularly the media — and the difficulty that it creates for us all in our constituencies is the set figures of 500 pupils in post-primary schools and 105 pupils in primary schools. Those figures have become the benchmark of whether, in the eyes of the public, a school will survive and be there in the future.

If there is a trend that clearly indicates that there is no correlation between attainment and size in a way that greatly questions or undermines the current process, what assurances can you give to post-primary or primary schools that fall on the other side of the Bain figures that the decision will not simply be on the basis of the numbers? I know that you have said repeatedly in the House that it is not a numbers game. However, a lot of schools are not convinced that that is the case, particularly when they have seen the proposals, suggestions and ideas from the boards over the past number of months.

Mr O'Dowd: I am perhaps one of the only people who is not fixated on the numbers. The media have been, and perhaps it is easier for them to print a list of schools on the basis of numbers and to concentrate on that. I have not been doing that.

The numbers equate to the finance that goes into a school. The number of pupils in a school also equates to socialisation skills, the mixture of talent in the school, particularly in primary schools, and how children learn from each other. All those factors play into the equation. So, numbers do carry weight in the sustainable schools policy, but there are six criteria in total. The criteria include the quality of education; sustainable enrolment; leadership of the school; finances; and strong links with the community. Those are all part of the formula that identifies whether a school is viable going into the future. If a school is identified by a managing authority as not being viable, a development proposal has to be published and there has to be consultation with the local community and the local school about the future of that school. Therefore, no arbitrary decision is made even at the point when a school is identified by its managing authority as not being viable under the sustainable schools criteria.

When I came into office, my predecessor had, quite rightly, brought through the sustainable schools policy. That policy is based on the Bain report. It was consulted on, a process was gone through, and the policy was there. I think that the policy is sound and fit for purpose, and I believe that it is an appropriate vehicle to move area planning forward. I do not think that we need to go back to the drawing board. There has been enough discussion and debate, and there will be different views on what the numbers should be. Some people have argued that the numbers for post-primary schools, in particular, should be much higher than 500. I have not bought into that argument, although, in the future, that may have to be debated, discussed and consulted on.

The policy is there. It is robust and defensible, and I am using that policy to move area planning forward.

The Chairperson: There is an issue with the sustainable schools criteria that I am sure that other members will pick up on. The glaringly obvious exemption — it has been criticised repeatedly — is the issue of rural proofing, whatever that means. It is a bit like shared education in that it means different things to different people in different times and different places.

Correspondence that we have received from the Rural Community Network, the Ulster Farmers' Union and others all raised that issue. When we asked the boards about rural proofing, we discovered that only two people in the Department had been trained on it, and — I hope that I am not wrong in saying this — I do not think that any of the boards had anyone trained in it — there may have been one person in one board. All those plans are out and done, and no one has been technically in a position to deal with what rural proofing is about and how it should be included. I would argue that we should probably go back to the sustainable schools criteria and look at how they are interpreted, particularly in light of rural proofing. Strong links with the community is probably not robust enough for rural proofing.

Mr O'Dowd: Well, the policy was rural proofed when it was drawn up and set out, so the policy itself was rural proofed. Looking at the differential numbers, even with regard to primary schools where the number identified in the sustainable schools policy is 105 for a rural school and 140 for an urban school, there is recognition of the rurality of our society. In fact, the policy covers a very wide

geographical area as being rural. The only urban centres in it are Derry and Belfast. Everything else outside that is counted as rural in our schools policy. So, that recognition is there.

If you concentrate on bringing it down to a numbers game, you will never agree a number, because there will always be schools that will fall under or above it. The criteria that are there allow for much broader debate around the sustainability and the viability of a school in quality of education. When you move into the development proposal for the closure of a school, it allows the voice of the school to be heard directly by me — or whoever the Minister will be in the future — as the decision-maker. The Minister sits in front of the people and takes evidence from interested parties in relation to the future of a school.

The Chairperson: I want to make a couple of points, and then we will move on to Jo-Anne.

In your statement of 26 February, you expressed a frustration with the post-primary area plans and the process. You said:

"Although the plans do not totally meet the terms of reference that I set out, they do, in some areas, contain sound proposals."

You then go on to say:

"I will establish an area-planning steering group to be chaired by the deputy permanent secretary."

Is that an admission that the Department wants to take a more hands-on approach to area planning or is it telling the boards that they did not offer up enough schools for us to move the process forward? Which of the two is it?

Mr O'Dowd: It is neither of the two. It is an admission that we are on a learning curve and that the mammoth task that I referred to in my opening remarks is a learning lesson for us all on how we move it forward. In fairness to the boards and to CCMS, they are winding down in preparation for ESA. They do not have the resources or the personnel that they used to have to take these programmes of work forward, and they have done courageous and valiant work in many instances to bring the programmes to where they are. However, as Minister, am I impatient as regards the plans? Yes, I am. It is part of my nature. I expect to see delivery from government, and I believe that area planning is an area that we have to deliver on. So yes, I have asked my Department to take a more hands-on approach on this: it is a support role, and it is also a monitoring and a check role. I do not have a figure in my head of the number of schools that are either required to close or required to stay open. I also require area planning to move forward to the next phase of the capital building programme. I need area planning to ensure that the school enhancement programme continues. So, it is vital that area planning continues. However, the most important reason for it to continue is that I believe that it is a vehicle for the delivery of improved educational outcomes for our young people.

The Chairperson: Finally, Minister, you refer to CCMS. The area-planning process was limited in what was offered up in the area plans by CCMS. You said that CCMS is winding down. I want you to clarify a couple of things. First, reference is made in area plans to local parish or local area solutions. Does the Department recognise the parish system, or how do we define an area plan? Secondly, what is the situation with the appointment of the chief executive for the body that would replace CCMS? Has any further work been done? Obviously, some of this was dependent on the implementation of ESA. Clearly, as you know, Minister, we have had an issue for a long time around the controlled sector not having a body to represent it for years and the disparity that exists. I note that you refer to the voluntary grammars. In your paper, you state:

"Representation for the Voluntary Grammar Sector is being considered once it is clear which body can represent the sector in its entirety."

I think that there is an assumption by your working group that the boards represent the controlled sector. However, the reality is that, in a very real sense, nobody represents the controlled sector on that working body, because the boards are there to represent the service model for all schools under their jurisdiction. So, in the absence of ESA, which we do not have at the minute, how will we ever get to a place under the current system where the controlled sector feels that it has somebody at the table who clearly represents its views? In the board area plans, some controlled schools — I will put it as bluntly as I can — have been shafted. I think that that is to the detriment of the work of those schools and to their great disappointment that the boards have done that.

Mr O'Dowd: I am dealing with the statutory bodies that are recognised under the legislation: the boards; CCMS; the integrated sector; and the Irish-medium sector. They are around the table. I have put it out that I want to talk to the voluntary grammar sector about how we get representation for it, because it has schools that I want to be involved in area planning.

I said quite clearly to all the sectors the other day that although they represent their individual sectors around the table, I want to see a collective discussion and collective plans coming out of this. I do not want to see people going into rooms and tending to their individual sectors, and I expect anybody else who ends up around that table to go in and do the same.

This steering group will be in place until ESA is formed, and then it will be handed over to ESA. The controlled sector is represented on the ESA board, and the ESA board will deal with area planning in conjunction with my Department. It will have democratic accountability and authority over many of these decisions. That is where I want these matters to end up.

As regards your question about the chief executive of the new Catholic sectoral board, I am not sure about that. John, do want to comment on that?

Mr John McGrath (Department of Education): First, the issue of who is its chief executive is a matter for that body. I think that it is widely known that it had earlier identified an officer who is currently employed by CCMS. I think that the intention is that he will take up the post before too long.

The Chairperson: Can he — I just want clarity on this in my own mind — take up that post in the absence of ESA being in place? Can CCMS, technically and legally, still have a role, as it does under the current legislation, when a new body is in existence?

Mr McGrath: Yes, because until ESA comes into place, CCMS's statutory role and functions still exist. To distinguish between the role of the organisation and an officer of that organisation, who is perhaps seconded to the new sectoral support body and that is then confirmed when and if the legislation is enacted, is more a personnel issue.

Mr O'Dowd: I want to emphasise that I am of the view — I stand to be corrected on this if needs be — that my officials and my Department have been working very well with the controlled sectoral body, and we have assisted it in every way we can. We want a level playing field for everybody.

Mrs Dobson: I apologise for being late. The Agriculture Committee is next door, and I have been there all afternoon.

Minister, thank you for your briefing. I would like to raise an issue that impacts children in our constituency but which, I feel, goes to the heart of future expansion of successful schools across Northern Ireland.

Earlier today, you confirmed that you had turned down the development proposal to increase capacity at Orchard County Primary School, citing financial pressures. Surely you would have preferred to grant this application, which the board supported. This effectively puts the brakes on a successful, expanding school. I am sure that it is not the only one; this has happened across Northern Ireland. Your decision has angered the community, and my phone has not stopped ringing today. Do you appreciate their anger? In your statement, you said that the school is not at capacity, but this September, there will be 147 places, which is two children over capacity. Surely this is a lack of forward planning on your part.

Mr O'Dowd: It is forward planning that brought me to the decision that I made, because there are other schools in that vicinity in the controlled sector. If I were to grant Orchard County's request, it would have an impact on the controlled schools in that vicinity as well. Today, we are having a conversation about Orchard County because of my decision. Had I not made that decision, I have no doubt that we would be having a conversation about the schools that were affected by my not making that decision. This is part of area planning. This is part of looking at an entire area, rather than looking at the needs of individual schools. That is no reflection on Orchard County, which is a very good school. It has a very successful board of governors and a principal to be proud of. However, there are other schools around there, which are equally good, that we have to take into consideration when making plans.

Mrs Dobson: Could you possibly clarify an issue for me? If schools are allowed to continue to grow but do not receive assistance with their classroom space, is the Department breaking its own rules, as outlined in its school building handbook, which shows that a school that has over 146 pupils should have six class spaces? In two years, Orchard County will have 165 pupils, which would clearly place it in a six- rather than five-classroom-based strategy. Can you clarify for me whether the Department is under a legal requirement to supply the classroom, even on a temporary basis? This is based on your own information.

Mr O'Dowd: You have an advantage over me; you have the figures in front of you. Lorraine, do you want to come in?

Mrs Dobson: These are your figures.

Mr O'Dowd: I have a lot of figures.

Mrs Lorraine Finlay (Department of Education): The handbook gives a range according to the size of school. However, schools cannot just grow without approval. The school needs approval to grow. The accommodation is a part of the consideration of the development proposal process. So, if a school is given approval to grow to whatever size, it is then given accommodation to meet its requirements.

Mrs Dobson: Surely, you are breaking your own rules. It clearly says that the enrolment category 146 to 175 requires six class spaces.

Mrs Finlay: Yes, but Orchard County's approved enrolment is currently 145. That is what it is capped at. It cannot just continue to grow and expect accommodation.

Mr O'Dowd: The development proposal made to me was a request that it be allowed to grow its pupil numbers. I turned down that request. If the school is capped at 145, that is what it should remain at.

Mrs Dobson: So you are not taking views into consideration. You are letting Orchard County stay below 146. The school has told me that, in two years, it would have 165 pupils.

Mr O'Dowd: How would it have 165?

Mrs Dobson: You are not going to let that school grow at all.

Mr O'Dowd: No, because the 20-odd extra pupils who would be attending that school have to come from somewhere. They are coming from schools around that area.

Mrs Dobson: Why did the board support the proposal?

Mr O'Dowd: That is a question that you need to put to the board.

Mrs Dobson: Can you put it to the board and come back to me?

Mr O'Dowd: The board has supplied me with the information. I took the information on board, and I have made my decision. I do not require any further information from the board.

Mrs Dobson: Even though the board supported the proposal?

Mr O'Dowd: The board has a decision-making role within development proposals. It put its point of view to me, but I do not agree with its point of view. The board did not convince me that the impact on the schools surrounding Orchard County would not be detrimental to those schools. I believe that it would be detrimental.

The Chairperson: I am always reluctant to get into individual examples because I think that it is territory that is sometimes not profitable. However, given the nature of the announcement today, let us take that as an example. Obviously, that example sends out a signal that it really does not matter

what the board says: the Department will make a contrary decision to one that the board believes needs to be made. I assume that we will not rehearse all the issues around this specific case, but the general point is this: what information was brought to bear by the Department that led it to conclude that it would not increase the enrolment that was different from the information that allowed the board to make the decision to support the school? You can see where that is going to go in primary provision right across the piece. That is the difficulty.

Mr O'Dowd: Well —

The Chairperson: Sorry, is the Department duty-bound to explain to the board of governors why it turned down the proposal and what information it used in coming to that decision?

Mr O'Dowd: I am happy to share with the Committee or, indeed, schools, whatever information is required regarding how I come to my decision. With regard to development proposals, however, the legislation clearly states that the Minister of the day is the decider. I will make a decision based on information from the board, the Education and Training Inspectorate and other interested parties, as well as anyone who makes their views known during the consultation process.

The Chairperson: OK, thank you.

Mr Kinahan: Thank you, Minister, for all the details that you provided so far. I have two questions on a subject that I raised in the Chamber and which you refuted. There is a world of fear among parents, and others, of schools being closed or not knowing where their children will be going, which is probably more of a fear. However, when we come to what Tony has just told us in his report, we need an enabling process that shows schools in area planning all the options available to them. Will you consider producing an enabling process so that it is not a case of saying that the North Eastern Education and Library Board has one good idea and the Western Education and Library Board has a different one? Is there a system that will help everyone?

The second question, which you touched on earlier and which I have never understood, is how we finance all this, that is, the capital funding. If you are to move into area planning, it will get to the point that you will have to sell one school and its land to finance the building of others. Do you have a fund or do we have 10, 15, 20 or 30 years of this in front of us?

Mr O'Dowd: There should be a world of fear if we do not act: if we do not act, schools will wither on the vine. We will have young people going through schools that are not sustainable and which cannot deliver a world-class education. That causes me concern and fear.

The right thing is to use the sustainable schools policy to deal with those matters. I have not yet had the opportunity to see Professor Gallagher's report, although I look forward to reading it. The Committee Chair said that he would share it with the Department. If it contains proposals with which I am in agreement and which I believe would benefit the process, I will happily take them on board.

One reason for setting up the steering group of the different bodies was to ensure that we have a uniform approach to area planning. One comment made during the consultation process, and identified by the Department, was that boards and bodies took a different approach and there was not a uniform read-across. I want to see a uniform read-across, which is why the steering group was established.

Do we have enough finance? No, we do not. We do not have enough finance to run or to modernise our schools estate. The process will take several years, although I do not think it will take 20 or 30 years. There was a comment on the radio today that no education system stands still, and I suspect that whoever is in post will want to continue to make their proposals move forward.

My January and June announcements on capital funding were based on intelligence garnered from area planning. My school enhancement programme of £40 million over two years is based on area planning. If more money is going, I will be making bids for it to ensure that we can continue to deliver. There will not always be significant financial consequences to area planning. Pupils may leave a school and it may close and they move into another school. In post-primary, that may require a couple of new wings built onto a school at a cost of £5 million or £6 million. In other areas, it may cost £20 million to build a new school.

That will all have to be identified as part of the process. Before any decision is made on whether a school would close or merge, I have to reassure myself that suitable accommodation is in place for those young people to go to.

Mr Craig: Minister, I was pleased to hear your commitment with regard to the provision for children in schools. I got the distinct impression that you were referring to the closure of Dunmurry High School because I can think of children at that school who now face the second, if not the third, school closure in their secondary school career, which is frightening. Some of them went through the same process in their primary school. The inevitable outcome, whether we like it or not, Minister, is that our education system will fail those children. Anything that can be done to stop that occurring anywhere else needs to be done. Anything that brings it to a standstill is good.

The list that went out caused nervousness in the education community. For whatever reason, schools whose numbers, finance and educational achievement were not in question were highlighted as "at risk". I am at a loss to explain why those schools are on the list and have a question mark against them. Has the Department had a good hard look at the boards' recommendations and questioned their validity? In my area, there are a couple of proposals on the table that have no political agreement locally and which do not make sense to any local representatives.

Mr O'Dowd: My officials have been with the boards and the CCMS to interrogate the post-primary plans again and to go through each of the proposals to ensure that they stack up. It will be the same with the primary-school consultation. However, I have to wait for the consultation process to be completed; I have to allow it to take its course. I encourage anyone who has views on it to make them known. I welcome the post-primary area planning consultation process, to which there were some 47,000 responses. I suspect that there will be more responses to the primary school consultation, because there are more primary schools. People should make their views known. However, I assure you that any final proposal will be thoroughly interrogated by my Department before I sign off on it or before any decision is made.

Miss M McIlveen: Thank you for the presentation. I want to ask about the timescale for changes to the primary sector. You are working through the post-primary changes at the moment, but there are concerns in the primary sector now that the consultation is out. There are schools that now see the sword of Damocles hanging over them. Much of that has been caused by the media presentation of some of the plans, particularly at this time as schools look to enrol for September. What has occurred may impact adversely on numbers. Can you give some sort of reassurance in relation to timescales?

Mr O'Dowd: The consultation process does not end until the end of June. It will take several months for the board and my Department to collate, assess and give due regard to the information from the consultation before we move to the next stage. I doubt whether there will be any significant changes across the estate in this school year. When I make that comment, I caution that there may be proposals that are further advanced than the number of primary schools that were already identified for closure. Boards or CCMS may decide to move ahead with those development proposals. However, that process also takes several months. There is no fixed timescale. The primary school area plans in their totality will not be brought forward in any shape or form until perhaps the spring of next year; I imagine that that is the sort of timescale that we are working to. If we can move them more quickly, I will happily do so. However, it will be a colossal task to work our way through the consultation responses.

Miss M McIlveen: The Chair referred to local area solutions. There is not a definition that will please everyone. However, if your school is named as needing a local area solution, you will automatically believe that your school could close.

Mr O'Dowd: That may be the case for some; for others, the local area solution may be an amalgamation of schools or that a school stay open. The boards have used some imaginative language throughout the documents. I want a more uniform approach to the language used. Communities deserve even more definitive draft plans; they want to know what proposals they are dealing with.

However, if it is stated that a local solution is to be explored, there is a variety of solutions. I am aware that, in relation to post-primary plans, some communities are proposing their own solutions and making their voices heard. The community of the Moy, for instance, has come forward with its own local solution. That may work in the Moy, but it may not work elsewhere. The terminology gives

communities the opportunity to propose their local solution rather than to wait for the board, CCMS or someone else to come forward with it.

Miss M McIlveen: You did not mention the special schools regional plan in your presentation. However, paragraph 6 of your paper indicates that you were perhaps not happy with the area plans that were coming forward. I would like you to comment on that.

Mr O'Dowd: I am not saying that I am not happy with them. They are not fit for purpose, which I suppose may be the same thing. The Belfast Board has agreed to allow its chief executive, Clare Mangan, to head up a regional review of our special educational schools. Clare is well equipped and skilled to do that, so I welcome the fact that she will carry that work forward. How we move forward with our special education needs provision will go through a similar process of engagement with both this body and the public.

Miss M McIlveen: Will the implications of the Autism Act be applied to how we move forward with special educational provision across Northern Ireland?

Mr O'Dowd: Any legislative obligations on the Department, including the Autism Act, will have to be taken into account and given due regard before any decisions are made.

The Chairperson: A point that Michelle made reminded me to ask this: Minister, did you clarify for us whether the Department recognise the term "parish"?

Mr O'Dowd: I did clarify it for you: no, that is not part of our equations.

The Chairperson: Is that what you mean about some of the terminology being used? There are variations, and, sad individual that I am, I have them all in a big folder.

Miss M McIlveen: That is the imaginative and ambiguous language.

The Chairperson: Do you propose to go back to the boards and ask them to clarify what they mean in particular —

Mr O'Dowd: That is common terminology in CCMS, as it works in the parish structure. However, that does not tie in with the boundaries, etc, that the Department uses. I do not think that they cause confrontation as such, but how we identify them needs to be clarified.

The Chairperson: Yes, but they do cause confusion and concern. I am going to visit the board of governors of a primary school tonight. On one side of that school, there is a school in a parish that there is no proposal to make any change to. Well, sorry, there is, but nothing has been done about it by a managing authority. On the other side of that school, there is a school in another sector that there is no proposal to change at all. It has 53 pupils. This primary school has 99 pupils, yet the Eastern Board is saying that it will have to look at a solution to amalgamate with another school. There is no way that that board of governors will not say that its school is being treated unfairly. You have one school in the integrated sector with 53 pupils that is ring-fenced and not allowed to be touched. You have a school in the maintained sector saying that there will be a parish solution. The next nearest maintained school is more than 12 miles away, yet this controlled school in the middle is being told, "Sorry, you will have to look at an amalgamation with another school three miles up the road." That type of scenario makes schools feel, "Hold on, we are getting shafted here. There will be no change to those boys; they can sit on their hands. Once again, we, the controlled sector, have to put our head up and be the one that gets it chopped off." It will be very hard for me to go to that board of governors tonight and convince them that there is not an agenda and plan to pick them off just because they happen to be state schools.

Mr O'Dowd: I cannot comment on the specifics of a case. However, I will comment on area planning and my Department's role in it. If elected representatives or a community raise an issue with us, my Department also has a role to ask why a proposal is not being made. We do not look only at area plans on the basis of what is on the page. My Department also has intelligence and knowledge of what is happening. I have insisted that, where there are glaring gaps, my Department ask the managing authority, "What is your rationale for not including school A in area planning? How will that school continue into the future?" A school's absence from a plan does not necessarily mean that there will be no future planning around it.

Ms Boyle: Thank you, Minister, for your presentation. Michelle touched on my question about the area plans for special schools, which are to follow on. In your presentation, you state that the area plans predated the finalisation of the special education needs review. At some stage, not today, could we have an update on where that is at?

As Michelle asked my question, I am going to be parochial and ask about for an update on the Strabane Academy newbuild.

Mr O'Dowd: That was part of the January announcement. At the time, I said that those were builds that I was going to start moving through the planning process, and it is continuing to move through the planning process. I will ask colleagues to give you more detail on that in writing, if that is of assistance. Those projects were at an early stage, and we were moving them through. We are putting a great deal of effort into moving the capital programme forward to ensure that we start getting things built. That will depend on finances, and we are constantly examining ways of getting finance into the Department to ensure that we carry out functions. I am constantly lobbying for more money for capital spend.

Mr Kinahan: I have two questions left, Minister. You mentioned earlier in the year that you might change the viability criteria or that you might carry on doing another snapshot. Will you review the criteria in that? Have you learnt things?

Mr O'Dowd: We are examining that. As part of my February statement, I said that I would like to see information on schools being published; I do not like the term "viability audits". We are looking at what information should be published and how we refer to such exercises. That was a useful exercise when it comes to public information, and I would like to see it continue. We have not finalised what that information will be or what the exercise will be called.

Mr Kinahan: I like that you do not like the term "viability". I was not planning to say this, but a viability audit could be termed as "stress". Many of those exercises put stress on when it was not needed, and it will be good to see that change.

The next query goes back to the old chestnut of voluntary grammars and getting them onto the steering group. I am pretty certain that, in a written answer, you said that you had no plans to set up a voluntary grammar sectoral body, yet in this document you say that you will look at that if the right body could prove itself.

Mr O'Dowd: There are two issues there. I have no plans in relation to the ESA board. You are referring to what I said about the area planning steering group.

The Chairperson: I am looking through the needs model rationale. The needs model has been used by the boards to give us an overview or come to conclusions. Is the needs model rationale the same piece of machinery that the Department uses to assess or reassess the information that it gets from the boards on a particular area?

Mrs Finlay: The needs model is based on population protections. It takes the current situation with the three subsets — controlled, maintained and integrated — and projects them forward simply using the population projections. Therefore, whatever percentages are presented are projected forward. That is very much a starting point. If a school managing authority comes to us and says, "In actual fact, we have reassessed the need in our area, and we are going to change the proportions and project them forward", it is perfectly able to do that. Therefore, it can be changed at district council level; it can also be changed at a sectoral level. We use it as an indicator, but it is by no means our final decision-making tool, because we take account of a great deal of other information.

The Chairperson: When you look at the guidelines that are used on the model — again, this is the difficulty that we have in trying to get some degree even of perceived fairness in how sectors are dealt with — they actually say that the needs model refers to the growth of the integrated sector as being more complex. It attracts children from the Protestant and Roman Catholic communities. It does not, like the Irish-medium sector, have the means to test possible increases in demand through units and streams. Therefore, in a sense, you have, again, a process being used that has a degree of uncertainty. There is always that element of uncertainty and not being able to be definitive. I know that you can never be totally definitive in any of that because you are dealing with projections. It is the

same with formulas, when you are dealing with calculations, and so on. However, given the variety of providers and sectors in our system, the core issue that, sometimes, is at the heart of all that is that each of those sectors must be absolutely sure that, despite whatever changes may have to come, they are being treated fairly and equitably. I will go back to the point that there is still a perception in controlled grammar, primary and post-primary schools that they are the ones, if you look at the area plans, that are being proposed for closures or amalgamations. How do we convince sectors that their schools will be looked upon in genuinely the same way as every other school?

Mr O'Dowd: I suppose that actions speak louder than words. We may have a formula. It is difficult to project future pupil population movements. However, the key is that, regardless of the area-planning process, any final decision about a school comes down to the development proposal. It comes down to that individual school. That individual school has the right to make representations directly to me as Minister, its public representatives and, indeed, to the wider public about how it is being treated and the information that comes forward to it. I am aware of only one incident in a development proposal, which was not to do with a closure, but a nursery school, where the Department and the school were using different figures. The school was right. The school highlighted that and we corrected it. I do not want to see that process replicated. However, if it is replicated in future, there is a mechanism to correct it.

The process is open and transparent. I am not sure how we can make it more open and transparent or more democratic. There are many different layers to go through before a final decision is made about the future of a school. That is only right and proper.

The Chairperson: I have a couple of other issues. You mentioned — and I appreciate that you referred to it because it reminded me — that there is still an ongoing issue. With regard to the area-planning process and your announcement about closing or proposing to end reception classes, you gave an example of a school's proposal to expand its reception class or have nursery provision, which was turned down. Now, the reception class will be taken away. What decision will you make about those schools that have reception classes that would like to turn them into nursery provision, which would have an impact — I appreciate that this is probably part of the complexity — on the overall area-plan provision? What will come first? Will it be the decision about those reception classes or will you wait until you have an outcome on area planning? How can we end the uncertainty for schools that have particular problems?

Mr O'Dowd: The early-years consultation process is over, and officials are analysing the data. I am in discussions with them about how we move that forward, including reception classes. Decisions will have to be made on development proposals on each school. There should be enough intelligence locally around each of those decisions to be able to make them either in the absence of completed area plans or as we move through the area-planning process. We will look at early-years provision in an area rather than primary-school provision. They are connected, but it is not the same process. I am confident that we will be able to deal with those matters.

The Chairperson: How many surplus places do we have? Personally, I think it is wrong to focus on them, but we keep getting different figures. Depending on what document we read, there are either 55,000, 67,000 or 85,000 places. I have always said, and I am on record in the House as saying, that I would prefer to concentrate on the pupils that we have in the schools rather than those we supposedly do not have. However, this figure keeps coming up, and it is as different as the many policy papers that come out of the Department. How can we get a definitive figure? If we cannot get that right, how are we to understand the sometimes complex nature of the issues for schools?

Mr O'Dowd: The figure that the Department worked on was 85,000. However, even if we work on the figure of 50,000, that is still a massive number of empty school places. You are right: we need to concentrate on the children who are in the schools, but, to do that, we need to ensure that the schools estate is sustainable and that we are using our resources wisely and correctly. I will update you with the current figures from the Department. We have removed several thousand empty places from the equation as a result of amalgamations and closures over the past years, and I will update you with the figures that the Department uses. I understand that the boards, and so on, use a slightly different mechanism, but we intend to marry those together with the creation of ESA.

The Chairperson: There was an issue following on from the Bain review, which recommended that education and library boards should retain about 10% of additional places. We do not want another Balmoral, but if you look at the projections from the Northern Ireland Statistics and Research Agency, we will have an increase in about 2025. Some of the board areas are sailing pretty close to the wind

in what they propose to do in relation to their places and the projection of what they will need in the next 10 years. That needs to be given serious consideration.

I have one final question, Minister. It is a serious point, it is still unresolved and we are seeing the practical implications of it. In this case, I will unfortunately have to name the location at least where this is taking place: Woodlands in Londonderry. The decision has been explained to the Committee and we were told it was necessary. I want to caveat what I say: this is no reflection on those young people and children who attend special needs provision, nor the teachers in the sector who provide that education for them. However, because staff have been allocated to maintained, integrated, controlled-school provision, we now have a situation where staff in the maintained provision have been told that they have a job in that school for two years, and that they will only have that job for two years because they do not have a Catholic certificate. They have been told that if they do not have a Catholic certificate within two years, their job will be brought to an end. If we take that as an example of the redistribution of staff that would happen if ESA was to be the single employer, how can we address CCMS's prohibition on having people who do not have that certificate working in their schools?

Mr O'Dowd: No final decision has been made on Woodlands yet. I visited the school several weeks ago, and I am meeting a delegation of Foyle MLAs and parents next week for the conclusion of the development process. I have to make that decision. I believe that I recently shared a report with the Committee about the Catholic certificate. If it has not reached the Committee, it should do so very soon.

The Chairperson: No; it has not done so yet.

Mr O'Dowd: The Department carried out an internal review of the Catholic certificate, and if it has not been shared with the Committee, it should be on its way; I signed off on it recently. It highlights certain areas. I do not have the report in front of me, so I will let the Committee take ownership of it first.

The Chairperson: OK. We will park that and wait until we get the report.

If we are mentioning special schools, your Department, yourself and the board in question need to be commended on Arvalee, Minister. It was a good-news story on Monday when the pupils moved back into the school, and we are always very quick to be critical when things go wrong. You and I visited the place with others and saw the devastation that followed the fire, and everybody is to be congratulated on a very good piece of work well done. We look forward to seeing the new provision, which I understand will be in Lisanelly. I hear that the temporary provision is much appreciated and that everybody has settled in very well in the past few days.

Mr O'Dowd: It is an example of what can be achieved when everybody pulls together. Well done to everyone there.

The Chairperson: Thank you, Minister.