



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Area-based Planning: DE Briefing

12 September 2012

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
Mr Chris Hazzard
Mr Trevor Lunn
Miss Michelle McIlveen
Mr Sean Rogers
Mr Pat Sheehan

Witnesses:

Mrs Lorraine Finlay	Department of Education
Mr Diarmuid McLean	Department of Education

The Chairperson: We welcome to the Committee Diarmuid McLean, the director of investment and infrastructure. I am glad to see, Diarmuid, that they did not put in capital, so nobody is going to ask you about any capital builds today. He has come prepared. We also welcome Lorraine Finlay, head of the area planning policy team at the Department. You are very welcome. Diarmuid, I ask you to make a presentation to the Committee. Then, members, if you indicate questions, I will ensure that you get your slot.

Mr Diarmuid McLean (Department of Education): Thank you, Chair. You have invited us here today to provide the Committee with an update on the progress in the area planning process. We previously briefed the Committee on the viability audit and area planning in May this year. As highlighted at that time, the viability audit was not a separate process but formed an integral part of the initial information gathering and assessment of evidence for the area planning process being undertaken by the education and library boards (ELBs). I know that there were concerns about the potential impact on some schools. However, in the round, it has proved to be a good platform on which to build. It has focused the minds of those responsible for strategic planning, as well as individual school boards of governors.

Today, I can report that progress has been made on area planning since our last visit, as detailed in the briefing paper provided. I will attempt to outline the steps that have been taken and those planned going forward. As my Minister has advocated many times, his main focus is on pupils and the quality of education that schools provide. He has indicated that that can be best achieved through a network of viable and sustainable schools. For that reason, it is important to maintain momentum and ensure that the sustainable schools policy is implemented through the process of area planning.

As the Committee is aware, the Department established an area planning co-ordination group to oversee that important work. The co-ordination group is chaired by a senior departmental official and comprises the chief executive and senior officer responsible for area planning from each of the five education and library boards as well as the Council for Catholic Maintained Schools (CCMS). It also provides a forum for the boards to engage directly with the Department to agree matters of process and to obtain clarification on issues as they emerge. A subgroup of the co-ordination group, the area planning working group, comprising officials from the Department, each board and CCMS who are directly involved in the area planning process, has been meeting on a regular basis since we last met, to take forward the work in a co-ordinated manner.

The area planning working group has been closely involved in preparing advice on the consultation process for the post-primary area plans. The group co-ordinated the launch of the plans in July, agreed a common questionnaire for the consultation, established an online response facility for all boards' plans on a single website and agreed a method of engaging with young people during the consultation. The group has also commenced consideration of the area plans for primary schools to ensure that those are consistent across board areas.

Looking first at the post-primary plans, you will be aware that the area plans for post-primary schools were published for consultation by the boards on 5 July and that the consultation exercise will run for 16 weeks, up to 26 October. It was slightly longer than the usual consultation period to allow for the summer holidays. Public consultation provides schools, parents, wider communities and others with the opportunity to comment and present their views before plans are finalised. The Minister has said that he encourages everyone with an interest in education to make their views known in this process. Public consultation will be undertaken on all area plans as they are developed.

As I said, a dedicated website has been established for respondents to complete online questionnaires or download the questionnaires to complete and return to the boards by post. There are dedicated questionnaires for each education and library board area as well as individual questionnaires for each of the 26 district council areas. A copy of the questionnaire form was included in the paper provided to the Committee. My colleague Lorraine will be happy to take you through the questionnaire later in the session should you wish her to do so. Once the consultation ends, the boards will carry out an analysis of the responses received, and revised plans will be submitted to the Minister. It is anticipated that the Minister will consider the plans by the end of the year and, if content, endorse them as establishing the strategic direction for moving forward.

To ensure that young people are fully engaged with the consultation, the working group has made arrangements for support to help young people to get involved. The Youth Service and the youth forum in each board will conduct a series of focus groups. The Participation Network has agreed to circulate details of the consultation to their 120-plus membership list and to participate in focus groups. C2K has issued an e-mail to all school principals and boards of governors to raise the consultation and for schools to encourage young people and their parents to participate.

The draft area plans for primary schools were received by the Department at the beginning of July. The Department and the working group set up to look at area planning has been looking at these plans to seek consistency across the plans and the board areas. The briefing paper submitted to the Committee indicates that the plans will be published in October and an online facility will be available in November, although that has still to be confirmed. The date for publication of primary plans will be dependent on the level of response to the post-primary area plans and the subsequent analysis required. We need to be mindful that the same people in the boards are undertaking work on both the primary and post-primary plans alongside their other duties at this time.

We have received draft area plans for stand-alone special schools. The Department is considering those and engaging with the co-ordination group. When that work is complete, those plans will also be consulted on. The key issue is to ensure that those highly specialised facilities are accessible to all those who need them and that they are in the right place and of sufficient number to meet the needs of the most vulnerable children in our society.

It is safe to say that area planning is a complex process. It has never been carried out on this scale here before. We are all learning as we work through the process. It was never envisaged that area planning would be a one-off process. It was always going to be more of a iterative process, with the initial plans setting the initial strategic direction. The Minister has said all along that his focus is on providing high-quality education for all pupils regardless of the school that they attend. His view is that that can best be delivered through a network of strong and sustainable schools.

There have been suggestions that more time should be taken to ensure that all plans are fully detailed and agreed before any decisions are taken to move forward. However, that could take some time, which is something that we do not have available. We are faced with a pressing need to deal with a legacy of over-capacity in the system. We need to start the process of identifying and investing in schools that will meet the needs of our children in the years ahead. Through the area planning process, we are seeking to instil a strategic approach to the future planning of education provision, with a more robust and rigorous approach to ensuring that we have the right provision in the right areas to meet the needs of our society.

We are happy to take any questions from the Committee.

The Chairperson: Thank you very much, Diarmuid. Thanks again for coming to speak to us in relation to this. As with most things with the Department, it is very hard to know where you should start. There are spiders' webs, and then there is the Department of Education. There are a number of things that I want to deal with. First of all, a concern I have is about the consultation period. You have rightly said that this is a huge task, and now some doubt has been raised as to whether the date will be set for the primary schools because of the volume of work.

Given that the viability audits and the area plans are such a huge task, the Minister rightly extended the consultation beyond the 12 weeks until the end of October. However, some principals and boards of governors have returned to their schools to face particular difficulties and challenges for a variety of reasons because of their management structures. They have been landed with an area plan that is the opinion of others as to how their school should look in the future. In some cases, that has thrown schools, individually and collectively in areas, either into conflict or concern with one another or a position of "I'm all right, Jack. I got out of that one reasonably clear. As long as I keep my head down, nobody is really going to come knocking on my door."

There are some schools named in the consultations about which it has been said that nothing will have to be done. How, then, does a school that is adjacent in the same area feel when it looks at another school? Is the Department taking that into consideration? Can you take this back to the Minister for it to be yet further extended? It is not about haste; I have often heard the Minister say that. If you take the Education and Skills Authority (ESA) as a prime example, we have had that many false starts since I came to this House. Part of the issue has been about trying to make sure that we get it right.

If that is the case, then this is a fundamental issue. Could there or will there be a further extension to, maybe, even, say, the middle of November to allow boards of governors, some of whom have met only this week with colleagues in other sectors, to discuss the relevance of their particular response to the consultation?

Mr McLean: We will certainly take your views back to the Minister, but, at this stage, there are no plans to extend the consultation beyond the set deadline of 26 October. The interest in the different area plans has been indicated by quite significant traffic on the website since it went up.

As I said, it is a complex subject. Area planning was never seen as a one-off exercise to be done, completed and dusted and then put on the shelf. It is seen as an iterative process that will play out over a number of years. However, we need to make progress, and the area plans will set the strategic direction. It will be clear that there may be areas on which we can move quicker than others where there may still be work to be done. It should be noted that any change to a school will require the publication of a development proposal and will be subject to a rigorous statutory consultation process over and above any consultation that has taken place on the area plans themselves.

The Chairperson: On that point, who has the primary responsibility for initiating a development proposal?

Mrs Lorraine Finlay (Department of Education): It depends on the type of school.

The Chairperson: Yes, but say that it is a controlled school.

Mrs Finlay: The board.

The Chairperson: The North Eastern Education and Library Board?

Mrs Finlay: Yes — working with the board of governors and the school community.

The Chairperson: In consultation with them. In the maintained sector, it would be the trustees, and in the integrated sector, it would be —

Mrs Finlay: Parent groups or the school board of governors, depending on whether it is for a new school or a change to an existing integrated school. The same for the Irish-medium sector.

The Chairperson: Diarmuid, you will be well aware that the Committee repeatedly raised the issue of this continuum in education to ensure that there is a link between primary, post-primary and further and higher education to the benefit of pupils. Maybe I have not been able to pick it up correctly, but the departmental briefing paper states that the area planning co-ordination group has:

"a Senior Departmental Official who is supported by DE officials ... The Group comprises the Chief Executive and the senior officer responsible for area planning from each of the 5 Education and Library Boards and the Council for Catholic Maintained Schools."

Is there anybody from the further and higher education sector?

Mr McLean: No, there was no representation from that sector, although we had discussions with our counterparts in the Department for Employment and Learning on area planning.

The Chairperson: The Department sets the entitlement framework. It tells us that a key component of the framework is collaboration with further and higher education colleges, yet they are not included. We say it is an area plan, but is it an area plan only within certain confines? I know from my constituency that you cannot look at an area plan in Ballymoney or Ballymena without having due consideration to the input that the further and higher education college makes to the existing delivery of the entitlement framework and the best education provision for young people in those areas.

Mrs Finlay: Engagement with the FE sector and the higher education sector should take place at the initial planning with the planning authority. In this case, it is the education and library boards, working in close conjunction with CCMS and other sectors, and that includes the FE sector. Their involvement needs to be at the early stage. This co-ordinating group is simply an engagement between the Department and those with statutory responsibility for planning.

The Chairperson: So, for example, going back to clarify who has the primary responsibility for the publication of a development proposal. Why is the Northern Ireland Council for Integrated Education (NICIE), which has primary responsibility, not involved in that co-ordination group? You have been very selective.

Mrs Finlay: NICIE has no statutory responsibility for planning under the legislation.

The Chairperson: Let me go on, then. Diarmuid said it is highly unlikely that the consultation time will be extended. When you read through the plans, you discover that the deadline is only partial for certain sectors, when you go through each education and library board plan. Members can see what I am referring to in the Clerk's note to us, and I thank him for that comprehensive summary of the area plans. Take, for example, the Belfast Education and Library Board. It gives an overview of the plan and the situation. Then it says:

"for Catholic Maintained & Voluntary Grammars: identifies proposals put forward by the CCMS and the Northern Ireland Commission for Catholic Education (NICCE) for closures, possible amalgamations, and collaborations. Reviews of these proposals are due to be complete by around December 2012".

When you go to the North Eastern Education and Library Board area plan, it says:

"Catholic Maintained & Voluntary Grammars: proposals for collaborations and other changes are set out and reference is made to wider strategic provision. Reviews of these proposals are due to be complete in 2012-13".

Yet, we are supposedly all working together and rowing in the same direction towards having a reply back with the Department by 26 October 2012. So, who really will be the ones who have to reply by 26 October, and others will be given the opportunity to sit outside the box and wait until they have done their own homework on the future of their schools, which could be 2013?

Mr McLean: The process at the moment is that the area planning consultation is to be completed by 26 October, and the Minister will look at the plans based on the feedback to that consultation. As I said, area planning was never seen as a one-off, completing at that particular time. There will still be aspects within those plans where there may still be further work required, or clarification. However, the plans should set the strategic direction within an area and will, hopefully, give the Department some sense as to where some of the priority work can be taken forward in the short to medium term. Other projects may take to the medium to longer term before there is a conclusion on how best to resolve certain issues.

The Chairperson: It seems that allowance will be made, and there will no doubt be some very vague responses because the organisation to which they are replying — in this case, the North Eastern Education and Library Board — does not, as is the case in any board, have a statutory responsibility for that sector. They will be able to string it out a wee bit longer, and other schools, because they are under the jurisdiction of boards, will be told that have to reply in light of what our opinion is.

Let us set that aside for one moment and go back to the audits, because those data are now being used to inform the area plans. The paper that you gave us says:

"The Viability Audits provided a firm foundation on which to develop Area Planning."

I have received numerous pieces of correspondence from schools telling me that the information that was used to bring about the viability audits, in one case it was said to me, was not worth the paper it was written on. I will give you an example. A school that will remain nameless was deemed by the viability audit, under the examination outcomes, enrolment trends and financial position, as viable for the first and third aspects but failed on the second aspect, on enrolment. That was despite having increased its enrolment over the previous two years by 3% to take the school to its highest numbers in a good number of years. The total number at the school was 665. The reason for that failure was that the figure set out for the viability audit was 500 pupils in years 8 to 12, but that ignored the 185 pupils in the sixth form because they were not allowed to be included. The school says that the figure of 500 is an arbitrary figure taken from the Bain report and is based on no specific criteria of evidence. That school could not meet that figure because the Department set the admissions limit of 93 for the first year 8. So, we ended up in a situation where the statistics were useless and it was not a fair and accurate reflection. However, according to the way in which the Minister and the Department presented the figures, a raft of schools was in stress on a number of issues.

The other element was scandalous, and the Department tries to blame the boards on this one. Whoever was responsible should bear the blame. Greater than 50% in the budget, the deficit — you will remember how that was to be the criterion. Then, when it was discovered that that was not giving a fair and accurate outcome, the Department decided to change the criteria and set out level 1, level 2, level 3 and level 4. That changed greatly the financial outcome, and where a school had been sitting in a position of stress, it was taken out of that place of stress.

How can we build any process on information that is partial and incomplete? You did not use the figures of the 2011 qualifications, even though they have been available since September. How can any school have any credibility when it was red-flagged — as the school I mentioned was — even though the reality is that it is a very good, successful and popular school? I will give my honest opinion: this was an exercise to try to say there is a plague on all your houses and that the education structure is so bad in Northern Ireland that we need to do something. The reality is that a small number of schools have financial problems, such as accumulating a £4 million deficit. There are also educational issues in a small number of schools. That is where the focus should be, that is where the intervention should be, and that is where the Department should be doing its job.

Mrs Finlay: We have been over the ground on the viability audit and the 50% and how that was not what is contained in the local management of schools (LMS) requirements. It is a 5% deficit or £75,000. That had to be changed because it did not comply with the rules laid out in the scheme. We discussed that at length in the previous sessions.

In respect of the viability audit, it really was a snapshot in time. As the Minister has said on numerous occasions, it was not to establish a hit list of schools; it was to trigger discussion and a review of those schools that were demonstrating any sort of stress in those three categories. We think that it is a useful platform to build upon because it has started a debate in places where there was no debate before. That is why we made the statement that it is a good platform to build upon. It will be reviewed, and information will have to be constantly updated throughout the whole process of area planning. As new information becomes available, it will be fed into the process.

The Chairperson: Lorraine, I beg to differ. You can have an audit and a plan, and, as other information appears, you can adjust it. If the plan states that a school needs to do something, and it makes a decision to collaborate or do whatever, but new information appears — for example, Belfast Education and Library Board is saying that Orangefield school should close because of the issue of enrolment. Go to the figures that look at the projection: your own figures tell us that, by 2025, it will have a surplus. However, it will not have the opportunity to have a surplus because the board says "Sorry, close it". What way is that to instil confidence into that community that they are going to have an education system and provision that meets the needs of their young people? That is a very simple example pulled out of the figures. I have no doubt that there are dozens more that could be used, but Orangefield is a very clear example of where the proposal does not meet the needs and is contrary to what the figures say. That is emerging information, yet the board is taking the view that the best thing for that school is to rub it out and scatter those children to four or five different places.

Mr McLean: I will reiterate what Lorraine has said. The managing authorities have to continually review and monitor the schools against the sustainable schools policy. It is obviously difficult for us to comment on the specific school that you mentioned without the consultation period having been completed. Until that comes in and we see the plans and take note of any changes there might be in the plans, based on the consultation, we recognise that there will need to be work in certain areas. One of the things that is recognised is that further work will be required between the North Eastern Board, the Belfast Board and the South Eastern Board, given the particular issues of pupils moving within those board areas.

The Chairperson: OK. As expected, we have a large list of members who wish to speak, and we are going to work our way through them. I will begin with our Deputy Chair, Danny.

Mr Kinahan: Thank you very much for your presentation. I am sure that we all want to start by saying that we want to see high-quality education, along with the Minister. However, within the whole concept of area planning, there are so many things that do not seem to be quite right. I have a whole list of things, but, rather than steal everybody's, I will only go through five and then put myself back down at the end of the list for anything that has not been covered.

The first question is whether there is an overall policy that is actually linking this area planning exercise with ESA, special educational needs (SEN) and all the others. Is there a big plan, because we are not seeing it? We have seen the guidelines for each of the area plans, but they do not necessarily seem to fit with all the other things that are going on. I want to mark that as a point, because we need to rethink and do this slower, as the Chair has indicated. When you look at the studies and the responses in each of the area plans, the Northern Board is much further ahead, which we all know. When you start going through the other ones, in so many cases, there are ongoing discussions. Again, the Chair has pushed this point; we cannot move.

Given the fact that, as you have just mentioned, the boards are going to have to work together, if one board is way ahead and the other two are way behind, we will have to slow up the process and look at ways of doing it more thoroughly so that it fits into an overall policy. Within that is this snapshot of the figures that we have just spoken about. Lots of the schools that I have been to have come up with different figures. We should be setting up a system where you do continual snapshots throughout the whole of this area planning. We know that it is going to go on for a while, so let us learn as we are doing it so that the snapshots learn, if it's a school whose finances are seen as being poor but in fact it had borrowed to do something in the future, but that had not been taken on board. There are lots of little inconsistencies all the way through it. Therefore, can we look at doing more snapshots continually through the system so that we keep learning and reviewing, and then people are not quite so frightened of the whole thing?

Many of the schools that I have gone to do not feel that anyone is talking to them. You see the group and the names, and it is talking to youth and others; it does not seem to be talking properly to the

teachers and the parents. They are not in conversation, if I can borrow a Minister's term. We are moving into consultation and we are missing out on the key people.

Two schools that I went to said that they had come up with terrific ideas but have not even had them acknowledged. Broad options have come through in the Northern Board area, but no one has acknowledged those very good ideas. We are limiting ourselves by trying to do it in the way that we are doing it. We must do it slower and more thoroughly and really properly communicate with teachers and parents.

When you read through all the area plans, they all have just one figure for the number of pupils each year. I do not see how you can have one figure. There has to be a variation because there are so many other things that happen each year to change it. Are we looking, then, at a dynamic system that will continually look at the pupil figures so that we know the number of places that we are projecting for 2025 and how much they are going to vary, whether by 5% or 10%, or whether maintained or controlled is going to shift? Tastes will change, people will move and jobs will change. We need a variation in the system so that we can see area planning fitting within that variation.

You have heard enough from me, and I have thrown quite a few points at you.

Mr McLean: Thank you for that. I will try to cover some of the points.

The Department has noted that there have been varying degrees of engagement through the development stages of the area plans. Part of the assessment that the Minister will want to make on the final area plans will be to consider the appropriateness of the engagement that has taken place in drawing the plans together. The consultation process provides an opportunity for anyone with an interest in education, including parents, to put forward their views. If they have proposals to put forward, they can log them through the website.

It is acknowledged that most parents are directly interested in the schools and the children with whom they are actively involved. However, it is essential that the plans assist them to understand the wider strategic issues in the area, not just in their individual school. The feedback that we are getting on post-primary plans will, obviously, help to inform the approach that we will take when we are dealing with primary plans. We will try to learn and improve the process as we go along.

You made a point about a number being set for a school. Schools have the capacity, as I understand it, to vary their intake by 10%. The variation is built into a school's capacity and its numbers so that it is not set at one specific number. So that process —

Mr Kinahan: I wanted the totals.

Mrs Finlay: In planning, a 10% variance is built into the figures to allow for parental choice. What you have to remember about the needs model is the direction of travel; it is a trend indicator, and the further you go into the future, the less accurate the predictions are. The statistics will be updated every two years in line with government population statistics and will change over time. Those statistics take into account migration, births and all sorts of variations that happen in population shifts. We will always deal with the most up-to-date information that is available as we look forward with the needs model.

Mr Kinahan: If you are going to do it every two years, it will be a long process. Therefore, to go back to the Chairman's point, we need to slow down the things that are going too fast.

Mrs Finlay: Do we slow it down or do we do what we can now and then review it? We have to start somewhere. We cannot allow the system to remain as it is because, quite frankly, we cannot afford it.

Mr Kinahan: We need to remain flexible.

Mrs Finlay: We will always try to make decisions based on the most up-to-date information available.

The Chairperson: The difficulty with that is that you still have set boundaries that have never been proven, namely the 500 post-primary pupils and the 105 primary pupils. It seems that although the Department will allow 10% of enrolment, and so on, the gauge by which the Department will assess a viable school will be on the basis of those 500 pupils in a post-primary school and 105 in a primary

school. That does not take into account Newtownhamilton High School, which has 147 pupils and which delivers education in an exemplary way, within the entitlement framework and within cost, and gets good exam results. According to the Department, that school should not exist and should be wiped off the face of the earth. That is the problem with this process.

Mrs Finlay: No. The policy says that that is the trigger for review, not that the school should not exist. That is the trigger to determine whether the school is performing and providing high-quality education in a cost-effective manner. The policy does not say that every school with fewer than 500 pupils should close; it says that that is the trigger for review.

The Chairperson: I have to come back to the issue of rural schools, but no doubt that will be raised.

Mrs Dobson: Thank you both for your briefing. I totally agree with the comments from the Chair and Deputy Chair. I met a number of principals over the summer, and they all raised serious concerns about this process. I do not know whether the Chair got an answer about why the consultation was started over the summer months when the principals and boards of governors were off. Diarmuid, I think you said that the time frame is unlikely to be extended. The time frame is not enough given that it started over the summer period, but we will not go into that again because the Chair and Deputy Chair have covered it very well.

I have a couple of other points. You say that you want to identify "realistic, innovative and creative solutions". Those are three words, but what do you mean in practical terms for schools, pupils, parents and principals? What form are the outworkings likely to take?

Mrs Finlay: It is to give people the opportunity to get together to come up with solutions that maybe have not been thought about, but the underlying principle is that the solutions must meet the terms of reference; ie, the schools must be viable and sustainable in the longer term. Totally unrealistic solutions have been put forward and are not sustainable in the longer term. Although they may keep a school open for a couple of years, they will not provide high-quality education in the longer term. So, we are saying that we welcome realistic, innovative solutions where people can work together and in different ways, but they must meet the terms of reference on sustainability and viability in the longer term.

Mr McLean: We are not closing our minds to solutions that we may not have thought of. If there are other local solutions that meet the criteria set down in the terms of reference, we are prepared to look at and consider them. We are not trying to dictate that there is any one model or that one size or one model fits all in every region and every part. So, we are open to suggestions that may not have been thought of previously.

Mrs Dobson: Could we see viable schools that have taken the difficult budgetary decisions being linked with unviable schools? It could be a recipe for disaster if that were that to happen.

Mr McLean: As Lorraine has said, any solutions that come forward have to prove that they are viable in the longer term. If you link a viable school with an unviable school, the numbers must then be viable in their own right as a single entity. We do not want to continue to run and sustain unviable schools.

Mrs Dobson: I have another point. You say that you want to consider the increasing demand for integrated education. Are you aware of the impact that that could have on other sectors and schools? Have you taken that into consideration? For example, might it mean amalgamation of a viable school while an unviable integrated school remains open and unchanged? Could that happen? Is that a possibility?

Mrs Finlay: The policy applies equally to all schools. The viability test is the same.

Mr McLean: What we are saying about the needs model is that the control total is set for an area. It is in broad bands, based on the patterns of attendance to date. They have been projected forward on the basis of those patterns continuing. However, within the overall control total for an area, the individual totals for any sector can be changed, subject to agreement at local level, by the parties involved to reflect what they believe is the right pattern in their particular areas. It is a matter for the planning authority as to how best to meet the demand for provision and the preferences of parents in that area. We are setting the control total in an area based on the patterns of provision, but how that

is broken down within that area is subject to the various parties agreeing how that total might best be met and how the demand might be met.

Mrs Dobson: Principals of viable schools would be concerned to hear that although they have worked hard to keep their schools viable and taken difficult decisions on redundancies, another school might be given precedence purely because it is integrated. Those are the concerns that I hear.

Mr McLean: As Lorraine says, the policy applies to all schools equally.

Mrs Dobson: I am glad to hear you guarantee that.

The Chairperson: Diarmuid, the caveat for that is that the policy is set out in the terms of reference, but the legislation, which has allowed certain schools to have different structures, is not the same across the piece. Let me give you an example. You could have a situation in the maintained sector where a maintained primary school faces closure because it is below the trigger point, but because its intake is the same as any other controlled primary or whatever, an Irish-medium school could be kept open in the same area with fewer pupils than a maintained primary school. That is not treating everyone fairly. I am not, in any way, saying anything against the existence of the Irish-medium school or the existence of the maintained school, but, in that case, you would assume that there is going to be huge conflict in the same community. That is an issue that the Department is already well aware of, but it has buried its head in the sand. I am convinced that the Department has gone for the post-primary sector first because it thought that it was the easier picking. I have said in Committee — and I say this to the new members so that it is on record — that I am convinced that we have not seen anything yet. Wait until the plan for the primary schools comes out. The newspapers will be full, your mailbags will be full and you will set school against school within sectors and communities, because there is not a level playing field. You can open an Irish-medium school with 12 pupils, but you cannot open a maintained primary school with that number of pupils. So, there is the legislation and there is a duty on the Department, following on from the Belfast Agreement, as regards the way it treats Irish-speaking schools and integrated schools. You are going to have an absolute war on your hands. It is not a simple case of saying that everybody will be treated the same. Everybody will not be treated the same because there are legal issues that I think the Department has not even taken into full consideration.

Mr McLean: The Department sets out to apply the criteria set in the sustainable schools policy. Different levels are set for different schools in the policy, recognising the duties on the Department to encourage and facilitate the establishment of Irish-medium schools in the region and recognising that, as a new sector, there are certain triggers that they need to set to establish and grow a new school. It is probably one of the newest sectors and, as such, has to be given that opportunity to grow. However, we do set out to apply the criteria in the sustainable schools policy, bearing in mind the duties to encourage, support and facilitate that rest with the Minister and the Department.

The Chairperson: The terms of reference lists those policies: the sustainable schools policy, Every School a Good School, and so on. It then states:

"This list of policies is not exhaustive."

What are the other ones lurking under the table, inside or outside the door or in some cupboard in the Department that will be produced at a more convenient time? As Groucho Marx once said:

"These are my policies. However, if you do not agree with them, I have some others."

That is the real worry. Even though it may go to 44 pages of Department letterheads, could we have the exhaustive list of policies, so that every school knows how it will be judged and the policies it will be judged against?

Mrs Finlay: The reason why that statement is in is to allow for emerging policies.

The Chairperson: Yes, it is a sort of get-out-of-jail card.

Mrs Finlay: We cannot say that this is all we can consider when we know that other new policies could come out.

The Chairperson: So, not only does a school have to be aware of what is behind it, but, when it meets the board of governors to respond to this, it has to have a crystal ball to know what the policy may be in five or 10 years' time. If there are any other policies, we would really appreciate seeing them or even getting an idea of them.

Mr Craig: Most schools would need a crystal ball for a whole lot of things, never mind emerging policies from the Department. A lot of these plans have come up with major changes for areas. Some, quite frankly, have absolutely nothing to do with the sustainability of the schools in question. That leads on to another question: why are you suggesting changes when there is no issue with the sustainability of the schools?

That aside, the governors of the schools in question in my area have not yet met, so there has not been an opportunity for them to respond. So, I will repeat what the Chair said: we need to extend the consultation period because the proposals will have major implications for the entire area.

The other question I want to ask is this: if there is no issue around the sustainability of certain schools and their numbers and achievement, and if you look to 2025 and you see that the figures for those schools are increasing not decreasing, why then would the area plans decide to do away with those schools?

Mr McLean: We will, obviously, take back the Committee's view on the consultation. As I said, however, it should be noted that if there is to be any specific change to an individual school, that would require the publication of a development proposal, which is a statutory process, and that would still be in place after the consultation on the area plans.

In relation to the sustainability of schools, it is for the area planning authorities to take a view on the best pattern of provision within their areas to meet the needs going forward. As Lorraine said, the figures set in the sustainable schools policy are triggers that would indicate that these are levels below which you would need to review those schools. It does not say that that is somehow the magic number, above which the size is ideal. Consideration has to be given to whether there is a better model of provision that may require a larger school that may be better able to meet the entitlement framework, or, indeed, the needs of children in that area. In that regard, it is for the planning authorities to decide the size, shape and pattern of schools in an area to meet those needs.

Mr Craig: That is where this all falls apart, because there is no agreement on what is an appropriate size for a school. In Lagan Valley, there are plans to put together a school with approximately 1,500 pupils. By 2025, it will have well in excess of 2,000 pupils. I am sorry, but I agree with the Chair on this: I just think that such a school is far too large to deliver quality education, yet it seems that no one has any real input or argument or debate.

Mr McLean: That would have to be taken into consideration as part of the consultation on extending the school to that level, as would the impact that doing so would have on surrounding schools. The proposal would have to indicate how it plans to deliver quality education in a school that size. I think that we already have several schools in Northern Ireland that have around 1,800 pupils.

Mr Lunn: It will not surprise anybody that I want to raise the cross-sectoral aspect of all this. To me, for area-based planning to mean anything, it must also have a cross-sectoral direction, if that is the best solution for a particular area. Yet, I have seen nothing in the process so far that is designed to encourage that approach. The boards and CCMS have been sort of advised to collaborate on this, but not really; CCMS has its own plans, and so does the controlled sector. I am heartened by all these references to the integrated education movement all of a sudden, even though some are hostile.

The Chairperson: Sunstroke during the summer.

Mr Lunn: There is an organisation that facilitates the education of 21,000 pupils at the moment. It is significant, yet it was not allowed to be directly involved in these deliberations, except perhaps if it wanted to input something as some sort of consultee. I am looking at what has come out so far. The Belfast area plan does not appear to make proposals that refer to the integrated schools sector. It does not appear to make cross-sectoral proposals. Where are we going with this if people cannot look at the reality of the situation? I have a couple of more specific questions, but is there any hope here that some realism might dawn and that area-based planning will have to consider cross-sectoral decisions?

Mr McLean: On the involvement of the integrated sector, the Minister and the Department must operate within the legislative framework that exists, and provision rests with the education and library board, with CCMS having other statutory duties. So, those are the two bodies named in legislation as having a statutory responsibility in this area. The terms of reference clearly set out the Department and Minister's expectation that those bodies would engage actively with other sectors and the wider community. We would expect to see that reflected in the plans and through the consultation process. If it is felt that there has not been sufficient consultation, that should be reflected through the consultation process. The area plans should reflect the consultation responses that are coming back on the plans that are out for consultation at this time. As I said, we are open to innovative and creative suggestions from any region as to how it might meet the terms of reference. That would include co-operation and cross-sectoral responses.

Mr Lunn: I can see only one reference in these papers to any kind of cross-sectoral initiative. It involves Crumlin Integrated College, which is already cross-sectoral in those terms, and a consideration of a shared management approach in that case with the Catholic maintained sector. That is it, as far as I can see.

I have one other query. Some very detailed numbers have been brought forward. Let me take the north-east area plan as an example. At the moment, they estimate that there is a surplus of 180 places in integrated schools, but that that will turn into a deficit of 42 by 2025. I do not believe that a magician could come up with figures like that. There is an assumption here that 222 parents will see the light and decide to send their children over that period to integrated schools.

You mentioned trends and birth rates, Lorraine, as well as immigration, emigration, measles, you name it. There are a lot of factors that weigh on these projections, but the will of parents and parental demand is what influences the success or failure of an integrated school in its setting up, its transition or its future progress. I do not see how you can predict that. That is why I go back to my original point, which is that NICIE should have been directly involved in this process as the body that has experience in bringing communities and pupils together to give a school a different status, but it has not. I hear what you say about statutory planning authorities and all the rest of it, but I am talking about the real world. There are 21,000 pupils in integrated education, and their numbers are increasing, despite what some people think. There is a demand for it, and the Department is committed to trying to facilitate and encourage that demand. Those may not be the exact words, but you know what is in the Act.

An opportunity is being missed here, but that is not to threaten, as Jo-Anne said, existing successful controlled or maintained schools. If they are in place and are successful, that is fine. The only thing that would change that status is parental demand in that area. You should not resist parental demand.

If you can find a question in that, fair enough.

Mr McLean: Perhaps I should reiterate what I said about the controlled totals set in any area, wherein broad bands are based on the patterns of provision. Those take into account the trends in the various sectors over a number of years and project them. However, that does not mean to say that they are set for each of those sectors; it will be at a regional level and within each area for them to look at that projected number as the broad number. It is recognised that these are projections through to 2025. Therefore, there is a degree of accuracy, or, indeed, a lack of accuracy. I would not expect it to be down to individual pupil numbers, but they are the broad population trends over that period that the Northern Ireland Statistics and Research Agency (NISRA) has given us. If there is agreement in an area that there is a changing pattern and that proposals that reflect that changing pattern need to be brought forward, the Department will consider those proposals.

Mr Hazzard: I thank the departmental officials for their briefing. You mentioned — and most members will agree with you — the complex nature of area planning. What specific measures were put in place to ensure a wide dissemination of the information down to young people and the wider public? Are there any early indications of how successful that was, and do you have any thoughts on how to move forward?

I also wanted to ask about the indicators that were isolated from the three terms of reference. There has been some criticism that they were restricted to quantifiable indicators. Were there any discussions around triangulation of qualitative measures, or is that something that we can look at as we move forward?

Mr McLean: I will ask Lorraine to comment on the engagement with young people.

Mrs Finlay: At the moment, I do not have any figures that indicate how many young people have engaged in the process. The five education and library boards will engage with young people through the youth forum. We also engaged with the Children's Commissioner's office. We spoke to it, and it recommended that the Participation Network should be asked for advice on how to engage. We explained to it the process that the boards had decided to embark on. It said that it thought that that was worthwhile. The only point made by the network was that we may not be providing the opportunity for young people who would not normally engage in such a process to become involved. That is why it will engage with its 120-plus members to try to encourage more engagement with young people who would not normally engage.

Mr McLean: The three criteria for the viability audits were selected from the sustainable schools policy based on the fact that they were quantifiable and were going to be consistent across every school in Northern Ireland. Those were the reasons why those three were selected out of the sustainable schools policy. The others — level of community engagement, etc — carry a degree of subjectivity, and, therefore, it is hard to get a consistent approach to measuring them between primary and post-primary, etc. However, it is recognised that, in any proposal going forward, as part of the statutory process, those would have to be considered for any proposed significant change to a school.

Mr Rogers: I have just a few points. First, it is acknowledged that we have to do something about it, but what we do must be right. I agree with those who have said that we must begin to fix what is broken, but, to set a strategic direction, we need to act on good information. Even in south Down, I find it difficult that the likes of the South Eastern Regional College (SERC) and Southern Regional College (SRC), which play a major role in the entitlement framework in south Down schools, are not part of that.

On reading this, I also find it difficult to understand why, as Trevor said, there is little mention of a cross-sectoral approach. In many of our rural areas, a lot of work has to be done. It may be that the only hope of retaining a rural community is for a small controlled school and a small maintained school to begin to work together to maintain our communities. Also, I cannot understand why in the southern area plan and the western area plan there is practically no mention of cross-border co-operation. For post-primary education, in areas of Fermanagh in particular, the future may be 20 minutes to a school in Donegal, as opposed to an hour or an hour and a half to a school in Enniskillen or somewhere. I just cannot understand why we do not have that sort of information.

You also mentioned the need to maintain momentum. Yes, we need momentum, but we also need meaningful consultation. This material has been on the internet since 4 July, and now we are seeking an internet response, but many of our rural communities do not have internet. I live two miles outside Killeel. There may be fantastic broadband in Killeel, but my service is terrible. There, immediately, a large section of the community is being cut off from meaningful consultation.

To don my former hat: it is then thrown to the old principal, who gets an e-mail from C2k that he or she needs to get involved in consultation over this next period. From about the middle of August until the end of September, any post-primary principal already has a lot to cope with. Now, there is nearly a responsibility on them to get the consultation going as well. As others said, perhaps for slightly different reasons, a meaningful consultation is required, and it needs to go on longer than to 26 October. I suggest that the questionnaire needs to be sent out by other means than electronically.

Mr McLean: Thank you for those points; I will cover some of them. We have based area planning on the latest information provided through NISRA, so it is the best information available at this time on population trends, and so on. As I said, the Department is quite willing to receive creative, innovative solutions that have not been brought forward before on a cross-sectoral approach. If that were to involve a cross-sectoral approach in a rural area, we are quite happy to look at that as part of any solution.

The Minister started the consultation process at the beginning of July, and the reports on the area plans were available on the education and library boards' websites from that time. I note what you say about not everybody having broadband, but through the C2k system, the questionnaire has been sent out to every school. We anticipate that schools could make that available to parents in their area if they believe that they need access to it.

With regard to cross-border co-operation, work is under way on a survey on numbers in border regions. It will feed into any future process.

Mr Rogers: The reports published on the internet are quite substantial documents. If you are now saying that schools should print those documents and send them to all parents, that is an additional cost on budgets that are already badly stretched.

Mr McLean: I am not suggesting that schools have to print the documents, but through C2k, they could allow access to those online facilities.

Mr Rogers: C2k is available only in schools.

Mr Lunn: I was doing a wee bit of maths while I was listening. In the various projections, the one firm figure is the present surplus in each board. You will all be pleased to know that if the surpluses are added up, the total comes to 12,550. Currently, there is a figure of 85,000 empty desks. I do not know whether that figure is accurate, but I imagine that the surplus figures are accurate. Does that mean that there are 72,500 empty desks in primary schools? That could not be. If it is the case, the storm coming down the road will be significant. Can you throw any light on that?

Mr McLean: I do not have that level of detail with me, Trevor, but we can certainly look at it. There are 400-odd post-primary schools and 800-odd primary schools.

Mr Lunn: How could there be six times the number of vacancies in primary schools?

The Chairperson: It is because of the way in which the Department uses the handbook to calculate space size. If that is done as well as the viability audit, I am surprised that the surplus is not 150,000 pupils. I have always said that the concentration should be on the pupils who are in school and not on that mystical figure of 85,000. There are cost implications for a school that may have two classes sitting empty but is still a vibrant school. That is the case with a school in my constituency.

Mr Lunn: If someone wanted to calculate the number of what we refer to as "empty desks" or surplus places, they would take the agreed enrolment limit for each school and subtract the number of pupils actually at the school to arrive at the figure. How can it be that the figure is 72,500 in primary schools and only 12,500 in secondary schools?

The Chairperson: Diarmuid, perhaps you could arrange for the Department to tell us how it came up with that calculation, because the figure has gone from 50,000 to 85,000. I am glad that calculations are not done on Assembly sittings on the basis of empty spaces. Our occupancy rate would be pretty high — through the roof. However, that is self-criticism.

Mr Kinahan: We could always reorganise it.

The Chairperson: We could have a review. I think that we should get a breakdown; that is a valid point. The figure of 85,000 is constantly thrown out in every press release, and the longer and more often that something is said, people then start to believe it. People are now quoting that figure who have no sense of what it means.

Mr Lunn: The figure was 50,000 when I arrived here.

The Chairperson: Devolution has not done very well for the figure.

Ms Boyle: Apologies for arriving late to the meeting. I am late because I had to make a few calls to try to speak to someone about a transport issue that has arisen in my board area. However, no one from the Western Board was available to speak to me.

Chair, I concur with your opening remarks, and other members have also raised concerns about the consultation. My two questions have been asked, Diarmuid, but I think that it is important to go back to them as they concern the consultation. Indeed, Sean has just expressed his concern about it. Most principals and boards of governors will have returned to school last week or this week. At the end of June, they will have had a plan for September. They all knew that area planning was coming down the road, but they are only now getting an opportunity to see the consultation and to discuss it in-

house at school. I am concerned about that, and I think that the Committee should formally request the Department to extend the consultation period. That is imperative.

Earlier, Chris mentioned the engagement with young people, and the Minister has indicated the importance of that engagement as part of the consultation, as the process is complicated. In my area, a post-primary school has opened, but some of the children in that school were allowed to make the transition for September this year and have moved on. They were never afforded the opportunity to be involved in any consultation process.

I will return to the rural issue. Your briefing paper states:

"The Youth Service, and the Youth Forum in each Board, will conduct a series of focus groups through their Youth Forum."

Those hard-to-reach children are in rural areas and do not have the opportunity for youth forums in their areas. It is important that those hard-to-reach groups are identified. The process should be inclusive of everybody in urban and rural areas.

I would like more information on the engagement with young people. Perhaps you could come back to us within a week or two with details of how that is developing. Would that be possible, Lorraine?

I will go back to what Sean said. The Committee has previously discussed the amount of material that will be in the C2k system for principals in September. Everything will have come through during the holiday period, and the system will be crammed. Your briefing paper states:

"principals and Boards of governors will be asked to raise the consultation within the school and encourage young people and their parents to respond through the on-line facility."

Apart from that information going through on the C2k system, has anyone in the Department been tasked with dealing directly with school principals by phone or letter? Will anyone ensure that schools have received the e-mail and that the issue is being discussed in the schools?

Mr McLean: Thank you, Michaela. We are happy to come back to the Committee with an update on how the consultation is proceeding on the youth side through the processes that have been set up. If there are any suggestions or ideas about how we might reach other groups in rural areas that perhaps are not serviced through those networks, we are happy to feed them back.

The area planning processes are being taken forward by the boards, so no one in the Department per se is dealing with that. The contact point for those who are responsible for ensuring that that happens would be through the board officers. We will feed the information back to them and ask that they make contact, or any schools in question may want to make contact through the officer responsible in the boards.

Mrs Finlay: There is a contact name and telephone number on the consultation document so that people can ring the board if they have any issues.

Mr McLean: We encourage principals to do that if they believe that they need further assistance in the consultation process.

Ms Boyle: May we formally request an extension to the consultation period?

The Chairperson: Members, I think that there is unanimous agreement that we should write to the Minister to ask for an extension because of the issues that members have outlined. I thank Michaela for doing that. Are members agreed?

Members indicated assent.

Mr Kinahan: I want to cover various points a little more thoroughly. The online issue is a massive problem. It is not simply a question of whether someone has a computer, but whether people understand the content of the questionnaire and the jargon. The consultation process must include a method for people to understand what is going on and an opportunity to discuss the ways to proceed. That is missing. People cannot download the consultation questionnaire unless they have a

computer. The questionnaire should have a matrix. The document refers to sharing being encouraged. There are many ways for schools to share: sharing football pitches, teachers' skills or financial skills. Cue words are needed to encourage people to think. Not everyone has all the ideas or information. We have already said that a proper communication system is not there.

I will go back to the figures. It worries me that we are playing with one set of figures. We should have verifiable figures from another organisation so that we know that our figures are accurate. I want to flag up the fact that area planning and changes to schools will change the figures. There will be changes in different areas that will have knock-on effects. I am glad that you mentioned a period of two years, but you should work it all the way through. Each time a set of figures changes, the knock-on should be noted so that we know what we are doing. I am glad that you said that issues with post-primary schools will inform our understanding of primary schools.

Mr McLean: I will deal with the question on statistics and ask Lorraine to say something about the questionnaire. The statistics are provided by NISRA, which ensures that the appropriate professional standards are maintained. Indeed, the statistics are provided as part of UK overall national statistics. They are official statistics that are verified using the standards set for all statistical gathering across the UK. We have relative confidence in those figures.

Mr Kinahan: Are you looking at any other form of verification? Different people will provide different figures. A reliance on one set of figures on an issue as important as this really concerns me, particularly when we have already had a discussion on the accuracy of the figures.

Mr McLean: Through NISRA, the figures are as accurate as they can possibly be. In fact, the figures correlate closely with the patterns of school provision that we have found. I am not sure what other source we would turn to for verifiable statistical data for Northern Ireland. NISRA is the official source that is used for all government figures.

Mrs Finlay: The questionnaire has been designed to reflect the terms of reference and to seek the views of the public on whether the plans to which they have access meet the terms of reference and the proposals. Questions 3 and 4 are specifically about how informed a respondent feels after having read those plans. I suspect that there may be comments from the public about the accessibility of the information. The remainder of the questions are closely linked to the terms of reference and seek the views of the public on whether the boards' plans meet the terms of reference. Question 10 allows people to put forward alternatives to the plan.

Mr Kinahan: I think that cues are needed. There is quite a lot in there.

Mr McLean: I understand your point. However, the difficulty is that if cues were put in, we would be accused of limiting or leading people's responses.

The Chairperson: A consultation would never do that. *[Laughter.]*

Mr Kinahan: You have to go back to discussing issues with people. A form on a computer is very bland.

The Chairperson: Perhaps we should stay on the issue of the questionnaire for a minute or two. Thank you, again, for the work on putting the pack together. Question 8 — our copies cite the South Eastern Board but that will change depending on the board area — states:

"The Strategic Area Plan for Post Primary Provision identifies realistic, innovative and creative solutions".

What if people do not believe that they are realistic, innovative and creative?

Mr McLean: They can use the comment box on the questionnaire.

The Chairperson: So people should ensure that they use the comment box.

Question 9 states:

"Where the Strategic Area Plan for Post Primary Provision has identified options or proposals for the South Eastern Education and Library Board Area, please specify your preferred options or proposals and comment below."

There is no reference to an "alternative".

Mrs Finlay: That is the purpose of question 10.

The Chairperson: In fairness, that is useful. I am aware of many boards of governors, and not all of them have waited until this week to hold a meeting. Some have been working very hard over the summer. I have had contact with a considerable number of boards of governors that are preparing alternatives because they do not believe that the proposals for their area are either realistic, innovative or creative, and are certainly not in the best interests of their school.

Thank you, Diarmuid and Lorraine. The Committee has many other queries and questions. You are aware that we have appointed Professor Gallagher to advise us on the issue, and no doubt other questions will emerge from that. If we forward those questions to you, I am sure that you will be happy to supply the appropriate information.

Mr McLean: I am happy to do so. I believe that I have an appointment with Professor Gallagher in the coming weeks.

The Chairperson: Thank you.