



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Education Bill: Briefing by Mr John O'Dowd  
MLA, Minister of Education

30 September 2014

# NORTHERN IRELAND ASSEMBLY

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**Members present for all or part of the proceedings:**

Miss Michelle McIlveen (Chairperson)  
Mr Jonathan Craig  
Mr Chris Hazzard  
Mr Trevor Lunn  
Mr Stephen Moutray  
Mr Robin Newton  
Mrs Sandra Overend  
Mr Seán Rogers  
Mr Pat Sheehan

**Witnesses:**

Mr O'Dowd	Minister of Education
Ms Fiona Hepper	Department of Education
Mr Mark Mawhinney	Department of Education
Mr Paul Price	Department of Education

**The Chairperson:** We welcome the Minister. We also welcome the representatives from the Department: Fiona Hepper, deputy secretary; Paul Price, director of the Education and Skills Authority (ESA) delivery unit; and Mark Mawhinney from the ESA delivery unit. Thank you for coming to the Committee.

Having sat on the Education Committee for six years previously and having seen two previous Bills founder, on my return I see that we are ready to go. It may be third time lucky. I ask you to make your opening statement.

**Mr O'Dowd (The Minister of Education):** Thank you, Chair. I take this opportunity to congratulate you on your appointment as Chair of the Committee. I also congratulate the former Chair on his appointment as Minister for Social Development. I am not sure whether his presence at the Executive meeting made the difference in getting the Bill to this stage, but we are certainly making progress and hope to continue to do so.

I am before the Committee to do two things: to give the Committee a pre-introduction brief on the Education Bill; and to explain my reasons for seeking accelerated passage for the Bill in terms set down in Assembly Standing Orders. I will first provide a summary of the Bill.

The Bill provides for the establishment of the Education Authority to replace the five education and library boards (ELBs) and their Staff Commission. I believe that that is the most efficient and effective

way of providing administrative arrangements for education that are compatible with the new local government structures that will be effective from 1 April 2015.

The Bill contains six clauses, and there are four schedules to it. Clause 1 provides for the establishment of the Education Authority and applies schedule 1, which puts in place arrangements for membership and governance of the authority, much of which are standard. Clause 2 provides that the functions of the Education Authority shall be transferred functions of the ELBs. Clause 3 dissolves the ELBs and the Staff Commission and, with schedule 2, transfers their assets, liabilities and staff to the Education Authority. Clauses 4, 5 and 6, with schedules 3 and 4, cover the usual matters of amendments, repeals, interpretation and commencement.

In only two respects does the Bill provide some element of significant change. There are two areas in which continuation was practically not an option. The first is the provisions governing the chair and membership of the new authority. Those differ from those that, since 1986, have provided for ELB chairs and members. They would not be suitably wieldy or precise when applied to a regional level authority, nor would they apply modern standards of governance. Of course, the Bill retains the weighting effect of provisions that have applied to the balance of transfer and trustee members in the ELBs since 1986. It provides for four transfer and three trustee members. Otherwise, it provides for a compact total membership of 20, inclusive of one chair, eight political members established by reference to party strengths in the Assembly, and four community appointments. Arrangements resemble the provisions that were agreed for ESA and are an agreed and up-to-date model for the governance of regional-level education administration.

The second area in which some change has been practically necessary is in the teaching appointments committees. Those have operated in the five ELBs and have been directly involved in teaching appointments in controlled schools in their area. The new membership provisions and the issues of scale that are presented by a regional organisation mean that those arrangements cannot continue. The Bill provides that the new arrangements will be developed by the new authority in a teaching appointments scheme and will require the Department's approval.

That is the extent of the Bill. Despite the new nomenclature and the two necessary changes that I have summarised, the Bill is best and most accurately understood as the minimum legislation required to create a single board in place of the five that we currently have. Alongside the Bill and the establishment of the Education Authority, I have agreed with the Executive that, as part of the reorganisation of education administration, my Department will fund a new organisation to provide support for controlled schools. The functions of that body, as formally agreed by the Executive on 9 September 2014, are in the briefing materials provided. As has also been agreed with the Executive, I have instructed my officials to explore a more robust underpinning to my commitment to fund a sectoral body for controlled schools.

I turn, finally, to the accelerated passage procedure. Standing Order 42(3) requires that I explain to the Committee our reasons for seeking accelerated passage, the consequences of accelerated passage not being granted, and, if appropriate, any steps that I have taken to minimise the future use of the accelerated passage procedure. The reason that accelerated passage is needed for the Bill is that the Executive, the Assembly and I should do all possible to avoid the risk of not having an education authority in place by 1 April 2015. Accelerated passage enables the measures necessary to establish the governance of the authority to begin at a point at which the 1 April deadline remains feasible. Accelerated passage makes it possible to complete the legislation sufficiently in advance of 1 April for there to be enough time for my Department to apply the Bill's schemes of transfer to the transfer from the ELBs to the new authority of approximately 35,000 staff. Accelerated passage makes it possible for my Department to deliver, for 1 April 2015, not just the legislation but the administrative minimum required to establish the new authority.

The consequence of accelerated passage not being granted to the Bill is that it would then be impossible for the Education Authority to be in place by 1 April 2015. The highly negative default in that event would be the unintended continuation of our five ELBs amid new local government structures. While that scenario continued, the legal basis for our education and library boards' responsibilities and governance arrangements would be significantly less secure than ever intended. The consequence of accelerated passage not being granted to the Bill is a scenario of many significant risks. I believe that those risks significantly outweigh the potential for accelerated passage to have any negative consequences, given the transparent straightforwardness of a Bill that contains six clauses.

I have taken steps to minimise the future use of the accelerated passage procedure. The Committee will appreciate that this instance does not establish or intend any precedent in bringing forward future education legislation. It is a measure for the unique demand of the present situation and the very tight time frame imposed on us by local government reform.

**The Chairperson:** Thank you. Minister, will you outline the timeline from First Reading to the establishment and operation of the new body?

**Mr O'Dowd:** If we follow through from today, we hope to have a reading in the Assembly by 6 October. Dependent on whether the Assembly agrees to accelerated passage, I will be bringing a proposal to the Assembly on 14 October for that. If it is agreed, we will move to 21 October for Consideration Stage, around 10 November or 11 November for Further Consideration Stage, 17 November for Final Stage, and Royal Assent at some stage afterwards.

**The Chairperson:** Given that you have said that this is a transparent and straightforward Bill — it is relatively short compared with Bills that we have looked at previously — why would not allowing the Committee its allotted time to scrutinise it be a real problem? After all, it could be done in a short period.

**Mr O'Dowd:** We have to appoint the board by way of advertisement and appointment. We also have a legislative framework for that board to work under. So, I would be deeply concerned that, if there were a delay to the Bill, and it was moved beyond the November or December period, we could be into February or March by the time that we moved through the normal procedures of the Committee and the House. I am hoping to have a legislative basis on which to establish the board, have a board in place and have confidence in the system for 1 April. So, our time frames are extremely tight as we move forward. We also have to give confidence to the education sector, the education boards and, indeed, the entire education family that the Bill is going to move forward and be in place by 1 April.

**The Chairperson:** It is apparent from the Bill that the power to appoint the first chief executive rests with you as Minister. What are the reasons for that, rather than going through the traditional method of a board appointing the first chief executive?

**Mr O'Dowd:** It relates to the timescales for the establishment of the board, etc. At this stage, I am more concentrated on getting the legislation drawn together, moving towards establishment of the authority and getting the legislative framework in place than I am on focusing on who will be chief executive, how the appointment process for directors will be set out, or any of those matters. However, the timescale to work to is tight. The preferable way forward is for the Minister to appoint the first chief executive for a set period and then have the board move towards making an appointment.

**The Chairperson:** OK. So, are you looking at an interim process, during which there will be an interim chief executive?

**Mr O'Dowd:** It is certainly an option that I am looking at, yes.

**The Chairperson:** Can we be assured that the process will be open and transparent?

**Mr O'Dowd:** I will have to follow public appointments procedures.

**The Chairperson:** For the interim appointment as well.

**Mr O'Dowd:** Yes.

**The Chairperson:** Obviously, we would appreciate that. That would give some comfort.

You mentioned the controlled sector body. How do you envisage making its establishment robust?

**Mr O'Dowd:** Initially, I had hoped to be able to include in the Bill a clause making provision to fund bodies. The controlled sector understood that that was never going to be a reference in the Bill to any sector, including the controlled sector. However, I hope to be in a position to include a clause that will refer to how we will fund bodies into the future.

As part of the deliberations with my Executive colleagues, DCAL pointed out that, under education legislation, a clause already exists that allows us to fund bodies. We brought that to the attention of the Office of the Legislative Counsel (OLC), and its view was that we could not replicate that clause in a second piece of legislation. I reported that to my Executive colleagues and to the controlled sector.

Given the timescale that we were working to, it was agreed that I would look at a more robust way of doing it, as opposed to having the clause that was in the original draft Bill. I have asked my officials to examine how we can give comfort to the controlled sector about its body. Although, in fairness to it, the sector accepts that I am acting in an honourable way over funding the body, I can understand that it also wants to have certainty going into the future, regardless of the Administration or the Minister. I have asked my officials to examine how we can more robustly underpin the controlled sector in that matter.

**The Chairperson:** Is the underpinning to be by legislation? Is that the most robust way?

**Mr O'Dowd:** That is an option, yes. Legislation is an option, but we have not defined how we would do that under legislation. We are looking at other methods of underpinning it, but legislation is one option.

**Mr Moutray:** Minister, is it envisaged that the staff quota for the new education authority will be around 2,600, as was envisaged for ESA, or will it be around 3,100, which was projected for the education boards and the Council for Catholic Maintained Schools (CCMS)?

**Mr O'Dowd:** I am not in a position to put an exact figure on what the staffing levels will be for the education board into the future. That will be determined by many factors, including the budget at the time and the role of, remit of and functions carried out by the education and library boards during the period.

The reduction in staff in our education boards has been well documented and had been taking place in the run-up to the establishment of an ESA. We have lost significant numbers of staff, with around 400 having left as a result of our preparations for a new administration in education. We envisage a body that will work on its current numbers. A small reduction in those numbers may be required, however, because of the amalgamation of functions, but I do not want to put a definitive limit on the number of staff that a body will need. It will depend on future budgets and functions.

**Mr Moutray:** OK. I appreciate that. Do you see a reduction happening prior or subsequent to the establishment of the Education Authority?

**Mr O'Dowd:** It will be after.

**Mr Moutray:** Fair enough. Thank you.

**Mr Lunn:** Thanks, Minister, for your presentation. Michelle and I can probably remember the various steps along the road around the make-up of the membership of the authority. From memory, the overall number and the construction of the Education Authority seems to have ended up as what was envisaged for ESA. There is no specific representation for the Northern Ireland Council for Integrated Education (NICIE) or the Irish-medium sector.

**Mr O'Dowd:** No. Rightly or wrongly, I believe that we had broad agreement on the proposal in the previous ESA Bill as to how we would construct a new board. It came about from the heads of agreement that were published, I believe, in November 2011.

No, there is no representation for either of those two bodies. That has been clear from the outset. I believe that the board that is being proposed gives a broad representation of our society and allows for a management and authority-style process to deliver the strategic objectives of our education system. You could end up with a board with everybody sitting on it, which may be the favoured option of some, but I do not believe that that would deliver us a strategic body that has a responsibility for a £1.8 billion budget.

**Mr Lunn:** The heads of agreement have been slightly discredited. I think that, if the ESA Bill had come before the Assembly, there would still have been some discussion about specific representation

for those two sectors. So, under the accelerated passage procedure, presumably we can still have that discussion but in the House rather than here.

**Mr O'Dowd:** Of course, and, as I said at the start, this is my best guess of what I believe will achieve consensus in the House. At the end of the day, this Bill will go before the House, and, at Consideration Stage, it will certainly be open to amendment. I do not have the power to prevent Members from tabling amendments or debating any topic of the Bill at that stage.

**Mr Lunn:** Work has already been done on the controlled schools body. I take it that work is not lost.

**Mr O'Dowd:** No, there was significant work carried out by the interim body. Once we have the First Reading, I want to be in a position to start channelling money back towards that body. My officials will be engaging with it in due course on the shape of the body. The work that was carried out previously will be a good start.

**Mr Lunn:** Will the controlled schools body represent controlled integrated schools?

**Mr O'Dowd:** The controlled schools body will represent the schools that affiliate to it. The exact mechanism as to how and whom it will represent will have to be worked out in time, but I do not think that it is a position for me or anyone to turn around to a school and say that a body will represent it or not represent it. Those things have to be worked out. If an individual controlled integrated school wanted to be represented by the body, there would certainly be no barrier to it doing so.

**Mr Lunn:** The Chair has already referred to the timescale. Would it be impossible to have the Bill in place by 1 April if it did not get accelerated passage?

**Mr O'Dowd:** It would not be impossible. The timescale would exist, but we would not have legislative certainty around the matter. Given the experience of various education Bills on restructuring, I do not think that we would have the confidence in the sector to recruit and retain the senior personnel whom we require or to recruit and retain the board members whom we require, or, indeed, a chair. I think that what the education sectors are calling out for now is certainty. They need to be assured that the proposal that has come forward is workable and will be in place by 1 April 2015. I think that use of accelerated passage is the best way in which to move forward. I am concerned that, if there are delays to the passage of the Bill and we do not have robust legislation or legislation that is fully through by 1 April 2015, our education and library boards will be in a precarious position when it comes to their legislative authority.

**Mr Lunn:** Is 1 April 2015 the date on which the education boards would dissolve?

**Mr O'Dowd:** That is unlikely.

**Mr Lunn:** They will have to be reconstructed.

**Mr O'Dowd:** It depends on the passage of the Bill. I hope that it does receive accelerated passage and that we know exactly where it is going. If the Bill does not receive accelerated passage, I may have to consider reconstituting the boards ahead of 1 April 2015 to reassure that we have governance arrangements in place. Will the ELBs dissolve on 1 April 2015? No, there will be a period of transfer between the ELBs and the new board.

**Mr Lunn:** Thanks for all that. Having laboured with this thing since 2007, I am delighted to see some urgency being put into the process. I am sure that we will discuss it after you have gone, but I have a feeling that you will not have any bother from me, let me put it that way. It is time to move on. The boards are creaking, as we all know.

**Mr Rogers:** You are very welcome, Minister, and thanks for your presentation. One of the main objectives of ESA was to secure savings and deliver a better service in the classroom. Do you think that will still be realised through having one education and library board?

**Mr O'Dowd:** I see this as platform legislation that gives our education structures stability and certainty, but I do believe that the Executive and a future Education Minister should return to an ESA-style model. However, that will be a decision for others to make at that time.

Although the business case has yet to be finalised and forwarded to DFP, we envisage savings over a 10-year period of £180 million or £185 million. That is money that can go into front line education services rather than administration, etc. That is an important point.

I think that the Education Authority will help us improve educational outcomes for our young people, because, over the past number of years, our education boards have acted heroically in many circumstances in delivering services with reduced staff, uncertainty and many people acting up several grades to ensure that services have been delivered. If we deliver on a single education authority, that allows for certainty within posts, for morale to be raised in the education boards and for a definitive plan to be laid out for the Curriculum and Advisory Support Service (CASS) and other services to schools.

**Mr Rogers:** ESA promised a reduction in staff. Will the rebooted education and library board carry that through?

**Mr O'Dowd:** As I said to Mr Moutray, we lost around 400 staff in preparation for ESA — all, I believe, through voluntary redundancy. If there are to be further reductions of staff, I envisage those to be limited in number but also made through voluntary redundancy.

**Mr Rogers:** Would it be true to say that there will be no change in employer/employee relationships?

**Mr O'Dowd:** No, there will be no change. All relevant staff will transfer to the new authority, and that will be done under TUPE arrangements.

**Mr Rogers:** The change management within ESA was cost-predictive. Will there be a need for investment in change management to deliver one board?

**Mr O'Dowd:** Some investment may be required to deliver the new board over a period of years. There may be costs for voluntary redundancies as well, so you may be looking at a figure of around £11 million.

**Mr Paul Price (Department of Education):** It has been identified in the full business case that there will be some costs, but those will be nominal and less than the change management costs if we do not deliver and instead have to reconfigure and reboot the five education and library boards.

**Mr Rogers:** Following on from Trevor's comments about representation on sectoral bodies, how will Irish-medium schools, integrated schools or voluntary grammars feed into future education direction on area planning, and so on, if they are not part of a sectoral support body?

**Mr O'Dowd:** As of now, particularly on area planning. The integrated and Irish-medium sectors have seats on the area-planning delivery body, and I do not see that changing. They will remain under statute and remain sectoral support bodies. There is currently no sectoral support body for the voluntary sector, and that may or may not be explored. In moving on, the future security of the Irish-medium and integrated sectors is preserved in existing legislation, and that will not change. Their sectoral support bodies will also remain in place.

**Mr Craig:** Apologies, Minister, for not being here earlier to listen to you.

You quite rightly pointed out that the existing five boards are operating on a shoestring at the minute because they were expected to be run down. The new board, when it is inaugurated, will not only take over their role. A number of services that have been run down dramatically in many of the boards — all of them, unfortunately, support services to schools. When the new, single board comes into play, do you envisage a need to rebuild that expertise for schools?

**Mr O'Dowd:** A lot of this is dependent on the budgets at the time and on decisions taken by the board. At the end of the day, the board will be responsible for many of these matters. There is clearly a demand from schools for a CASS-style service. It has been under pressure these past number of years. I have attempted, over time, to put in place elements of support for the school system. I wish to continue that and will engage with a future board on how we do that.

As the boards have been run down, the interface between our schools and our boards has lessened, and that support has not been there. I would like to think that we would be able to grow that over time

with the new board because it has certainty and knows its future direction of travel. Staff morale will also be greatly improved if we bring certainty into the education system.

**Mr Craig:** I do not disagree; certainty is what is required in the system at the moment and I welcome the Bill.

We are coming into a period of change from five boards to one. What help will be given to schools around communication and about who they will interface with in the changeover period? Inevitably, there will be a bit of confusion around that.

**Mr O'Dowd:** There will clearly have to be a communication strategy and a change management strategy in place as we move forward, as I said to Mr Lunn. On 1 April 2015, if the House grants accelerated passage for the Bill, we will have the legislative basis and we will have a board in place that will allow us to move forward. There will be a changeover period between the education and library boards and the new board and, particularly at that time, it will be vital to have a clear communication strategy for our schools.

**Mr Craig:** One of the obvious things that occur in the existing boards is that they appoint a number of governors to the boards of governors of schools, as do the main Churches. Will that continue or will there be a new set-up?

**Mr O'Dowd:** No, that will continue.

**Mr Hazzard:** I thank the Minister for his presentation. Most points have been covered but, under ESA, costs were set aside for change management, including potentially moving to a different headquarters etc. Will that be the case with this authority? Have there been any discussions about the location of a headquarters or anything like that? What would the timeline be?

**Mr O'Dowd:** A location strategy will be a matter for the new board. We referred to ESA as a regional body with a local identity, and I would like to think that, moving forward — and I see no reason why not — the new board would adopt a similar strategy as a regional body with a local identity. A location strategy for a headquarters is a matter for the board and it will have to bring that to me for approval. The Executive's objective is not to have everything centralised in Belfast. I want a body that is accessible to the schools and communities that it serves.

**Mrs Overend:** A lot of the questions have been covered, but I want to return to the membership of the board. It will comprise four representatives from CCMS, four representatives from the controlled sector and four others; is that correct?

**Mr O'Dowd:** It provides for four transferors and three trustee members. The current equation used for the selection for our existing education and library boards means that there is a small difference in favour of the transferors; it is just the way the equation is broken down. We have tried to match that across as closely as we can to the new body, so there are four transferors and three trustee members for the Catholic sector.

**Mrs Overend:** Where do the voluntary and integrated sectors fit into that?

**Mr O'Dowd:** Well, they do not, because they do not fit into the current education and library boards. They were not included in the clause in the ESA Bill. However, they are not excluded, in the sense that they can apply under community membership as a member of the public. Any member of the public can do that.

**Mrs Overend:** How many places are there?

**Mr O'Dowd:** There are four places for community members. What we have in front of us is a body that is representative of the community, politics, and the two existing sectors under the legislation — the transferors and the trustees — which gives a broad representation and allows voices from all sectors to be heard around the board table. I have no doubt that the voluntary grammar sector, the integrated sector and the Irish-medium sector will make their voices heard and are more than capable of doing so on matters of concern to them.



**Mrs Overend:** Will the unions apply to that other sector?

**Mr O'Dowd:** They may well do. It is open to representatives of any organisation and to individuals, and they will be applying as individuals. It is open to anyone to apply.

**Mrs Overend:** There are only four places, so it is quite limited. Is there room to manoeuvre around the numbers?

**Mr O'Dowd:** I favour the existing numbers, because we have a representative body with a membership of 20 including the chair. That, in itself, is quite big when it comes to a public body in the modern framework. The numbers allow it to break down into committees, but it is not so overly big that it becomes cumbersome in the decision-making process.

**Mrs Overend:** But it has to be representative, and that is key.

Just to go back to accelerated passage; what will the consequences be if this is not done and dusted by 1 April? Can you put in some interim measures or —

**Mr O'Dowd:** The interim measure will be our five existing education and library boards, but they would be operating precariously under the legislation, because the boards are supposed to be made up in conjunction with the shape and make-up of our local councils. As you are aware, our local council boundaries will change on 1 April 2015 when we move from 26 to 11. I have legislation that would then say that our education and library boards are supposed to be made up from a 26-council model that would no longer exist. They would be in precarious territory legally. We should do everything in our power to ensure that that does not happen.

Our education sector requires certainly. Although there has been a general welcome thus far for a Bill coming forward, there are concerns that it may not proceed in time or may be bogged down — no disrespect to the Committee — at Committee Stage or during Assembly procedures. It is evident that our education sector wants certainly; it wants to be assured that legislation will be in place by April 2015, that a new board will be formed, that appointments will start to take place to that board and that people will see our direction of travel.

**Mrs Overend:** There is no doubt that they deserve certainty, and we all agree with that. However, it is better to get the legislation right, rather than get it wrong and rush it through. For the sake of a month, or six weeks, some sort of interim measure could be put in place if the legislation is not brought through in time?

**Mr O'Dowd:** Our target is to have the legislation passed by November, with Royal Assent taking place four to six weeks after that. If we go through full parliamentary procedure, we may not have anything in place by February. The timescales we are working to are quite tight. When I am advertising for members of boards and when we are looking for appointments to the process, I would much prefer to be in a position where people are certain that this is going forward. It is a six-clause Bill, and it is a subject that has been much debated in Committee, in the Assembly and among the public and education sectors. It is probably the most hotly debated topic in the Assembly — outside some of the broader constitutional issues obviously. Education has been well debated.

**Mr Lunn:** Thank you for letting me come back. The simplicity of this is going to generate quite a lot of community interest, particularly in the four places reserved to be representative of the community in Northern Ireland. It would probably be easy to fill that sort of representation if you had 10 places. This is where there is going to be the argument about the integrated sector, Irish-medium and voluntary grammar. We had the discussion last time and it was not resolved. Would it not be simpler to give them representation as of right and then broaden it to the community after that? The way it stands at the moment, you have only four places, and those three organisations will be clamouring to have one of those places. There will really be only one place left for the broader community, and we could all probably name a dozen organisations that would like to be in there. So, you can find a question.

**Mr O'Dowd:** I suspect that if we had 30 community places we would have no problem filling them. At the end of the day, the body is a strategic management authority with a budget of £1.8 billion. Appointments to that body have to represent education in its totality, and I am not ruling out anybody from any of the sectors mentioned or not mentioned. No one should be appointed to the body to represent an individual sector. As for the issue of transferors and trustee members moving across

from the education and library boards, I am trying to match that as closely as possible to the ELBs. This is because I am conscious that, once you open up the education structures debate, you could debate it for another 10 years. I am conscious that we do this.

The four community members will be appointed through the public appointments process. They will not be appointed because they are representative of sectors A, B, C or D. They will be appointed because they are the best candidates for the post as regulated under the public appointments process.

**Mr Lunn:** You said that nobody will be appointed to the board to represent the specific interests of a particular body, but seven of the proposed members do. It says to "represent the interests of" in the Bill.

**Mr O'Dowd:** I also qualified that with the comment that I have kept it as close to the Education Bill as possible. Of course those members are there do to that.

**Mr Lunn:** Let me go at this in a different way: what is the current number of representatives on boards? How many people are on them?

**Mr Price:** Across the four that have *[Inaudible.]* About 60.

**Mr Lunn:** Sorry, is that 60 in total?

**Mr Price:** Yes.

**Mr Lunn:** So, you are bringing that down to 20. That may well be the right figure, for all I know. I really do not know; I am just concerned about the spread of representation. I dare say that we will come back to this as the Bill progresses.

It is probably not fair to ask this, because it is nothing to do with the Bill, but do you have any thoughts about the number of premises that you may be able to sell as a result of this?

**Mr O'Dowd:** No. Those are matters for the authority once it comes into place and moves forward. As I said to Mr Hazzard, I want to see a body that has accessibility at a local level as well. I am not approaching this issue in terms of retail sales or sale of property.

**Mr Lunn:** Well, whether it needs five massive headquarter buildings is a question to be asked.

**Mr O'Dowd:** That is a question that the authority itself will have to debate.

**The Chairperson:** That was a short intervention Mr Lunn.

**Mr Newton:** Thank you, Chair. Like Mr Craig, I apologise for not being here at the commencement of your presentation, Minister. Like other members, I am glad we have reached broad consensus and agreement on a way forward. I think that this is good progress and will help provide some stability in education.

In answer to a question from Mr Craig, you indicated that there is a significant degree of change and that we have to have a change management strategy. What would that strategy look like in achieving the objectives and outcomes of what you want here?

**Mr O'Dowd:** Central to this, in my opinion, is the communication strategy, both among staff of the existing boards and the schools that the boards service. It will also deal with the workings of the new body, with respect to the legislation, and the appointment of new directors to that body. The day-to-day workings of the body will all have to be dealt with as we move closer to the actual turning off of the education and library boards and the move to the authority in full. Those are the broad themes.

I do not know whether any of my colleagues want to come in on this point.

**Mr Price:** The programme will comprise six or seven broad projects or areas of work. They have largely been covered by the Minister. There need to be self-governance arrangements, work to

transfer workforces, a cut-over strategy so that the employees and the services delivered by the workforce have a plan for their first day; it is that sort of thing. The change process continues then after the first day, consolidating, probably, for some years.

**Mr Newton:** Some years?

**Mr Price:** Probably, yes.

**Mr Newton:** You envisage, then, that the element of change internally will go on as the process of amalgamation is taking place?

**Mr O'Dowd:** No government structure or arm's-length body remains the same in its delivery of services to the public. As the body establishes itself and works through the urgent matters of staffing etc and consolidates its position, I think it only right and proper that one of the next steps would be to look at the future and consider how it sees education being delivered in the future. It is not up to me to dictate the work agenda or work programme to the body. That will be a matter for the board. I hope that all our public bodies sit back and ask themselves: "Where do we see ourselves five, 10 or 15 years down the road? How will we deliver our services then?" Change is constant; it is the scale of the change that is the big question, I suppose. That question cannot be answered until the board establishes itself and starts to make decisions.

**Mr Newton:** With respect, Minister, I would have thought that a change management policy needs to be in place before you actually start the process.

**Mr O'Dowd:** I have outlined to you the broad headlines of change, in terms of the change between ELBs and the authority. However, I suspect that I would not have the authority to impose a change management plan on the new board. I suspect that, if you were sitting on the new board, the first thing you would say is this: "Who does the Minister think he is? We will rip that up and start again."

**Mr Newton:** I used the words "change management policy". In a reply to Mr Moutray, you indicated that all staff would transfer.

**Mr O'Dowd:** I replied to Mr Moutray that a lot would depend on budgets and what will be required by the new board. There may be further voluntary redundancies between now and the establishment, or after the establishment, of the new authority; but I do not expect large-scale redundancies as a result of this change because we have been through several years of scaling back the boards. Just over 400 staff have left the service.

**Mr Newton:** Within your change, what about those who transfer over? When will you address the issue of their job descriptions, terms of reference, terms of employment and so on and so forth?

**Mr Price:** That is one of the major projects. We have to agree new schemes as a part of the transfer schemes. We would have to have those things in place for the first day of operation of the new body. That is one of the bare minimums referred to by the Minister. That is one of the reasons for accelerated passage, indeed. Those things, proper employment arrangements, have to be in place for the first full day of operation of the new body.

**Mr Newton:** Yes. All of the people are going to transfer over except the 400 who have taken their redundancies. What percentage is that 400? How many —

**Mr Price:** It will actually be 35,000. The teaching, or school-based, workforce is out of scope here, obviously. In terms of the relevant workforce, it is currently about 3,000 people; perhaps 2,900. They will come over in large schemes of transfer. The 400 that have already come out reduce it down to that total.

**Mr Newton:** What was the total again?

**Mr Price:** Sorry. It is about 2,600 now, as 427 have come out.

**Mr Newton:** It was 3,000; it is now 2,600; and you have lost 400 over what period?

**Mr Price:** What is it? About one sixth have come out.

**Mr O'Dowd:** Over what period?

**Mr Price:** Since 2010.

**Mr Newton:** So, that is 100 a year. My background took me into the area of change management. I have to express my concerns at this stage, if you were to achieve the accelerated passage timescale, that the change management strategy or policy is not actually in place as yet.

**Mr O'Dowd:** OK. It is a fair expression of concern; but you are working on the basis that everything changes, ultimately, on 1 April 2015. It will not.

**Mr Newton:** That is the premise that I am not working on. I am working on the premise that, if you want to go there, you have already started and already have the policy.

**Mr O'Dowd:** Matters have moved quite quickly in the last number of weeks in taking the Bill forward. Pieces of the jigsaw have fallen into place. The Executive made a number of decisions and indeed gave me permission to produce the Bill only last Thursday, and we have been moving on from then. There are matters that require urgent attention, and we want to move as quickly as possible. The reason we are here, seeking accelerated passage, is that we need legislative certainty. I believe that the education and library boards will be in a precarious legal position from 1 April 2015 onwards if we do not have a plan in place to replace them. I know that the factors you are talking about can and will be dealt with as we move through the legislative process. Only when we are satisfied that governance arrangements are in place, that change has been properly managed and there is a direction of travel to move forward will we move from the five education and library boards to the one authority.

**The Chairperson:** Given our experience with the previous Bill, we had many background papers detailing structures and processes moving forward: this Bill is an entirely different beast. Obviously, there is a lack of detail surrounding this. We are looking for assurance that the Committee will be given the information as you have it and as we move forward so that we have the opportunity to scrutinise it.

**Mr O'Dowd:** Yes, there is no difficulty with that. We will share information with the Committee and engage with it on the change management process or any process in relation to the legislation moving forward and our move towards a single authority. There will be no difficulty with that.

**Mr Rogers:** Thank you again, Minister. In answer to an earlier question, when I talked about the Irish-medium sector, the integrated sector and the voluntary grammar sector, you said that the new authority would be a strategic management authority. One of the big items of strategic management, over the next number of years, will be area-based planning: we know that. Some sectors felt that they did not have a real input into some of the initial attempts at area-based planning. When you consider that over 50% of our post-primary school population goes to those sectors, do you believe that they, as of right, should have better representation on the board?

**Mr O'Dowd:** No. In front of us, we have a body that allows for a strategic oversight of our education system. We can have every sector represented on the board. Feasibly, you can do that, but I am looking for a strategic body. I am looking for a body with overarching responsibility for our education system and that will look towards the future, engage with all of our education sectors and work with them moving forward. I believe that the shape and context of the body, as proposed in the Bill, gives us that sense of strategy of management and authority to move forward.

**Mr Rogers:** Do you think that we did not get area-based planning right the first time because those people were not round that strategic table?

**Mr O'Dowd:** I do not agree that we did not get it right. Area planning has been an evolving piece of work. I accepted the arguments from the Irish-medium and integrated sectors that they should be represented at the table. They are now represented at the table. Area planning is a living, working policy. Decisions I made in recent days have been based on the work of area planning; decisions I will make in the future will be based on area planning. So, area planning is working. People may not agree with the decisions coming out of it or with the pace of change, or they may think it is too fast or too slow, but it is working.

**Mr Newton:** Finally, Chair, I have a short question. Minister, do you expect that the human resources bill will be less after this process is completed?

**Mr O'Dowd:** Yes, I suspect that it will be, but I do not think that planning for the new authority should focus simply on the reduction of staff numbers. The budget constraints we are all going to be facing will bear down on the authority, but the authority will have to plan its own human resources strategy and needs and then match those against its budget. For clarity, I do not expect it to be significantly less in the first period of years, because we have been through a period of significant job reductions in education.

**The Chairperson:** Do you foresee any need for further legislation after this?

**Mr O'Dowd:** I hope not. As I said to Mr Clarke, not in my period. If I am Minister until 2016 or whenever the next election is, I do not see it, but I believe that, in the future, an Executive should return to an ESA-type authority. This would be a platform piece of legislation to build upon that, and it gives certainty to our education system, but that is only my opinion. That is a matter for another Executive.

**The Chairperson:** Obviously I was not keen on the last few Bills, but what I did like in the last Bill was the support provision with regard to improving child protection. Obviously that is not in this Bill. Can you give any assurances moving forward on whether you will return to that?

**Mr O'Dowd:** Once we have completed this legislative journey, we will do, for want of a better term, a post-mortem on the ESA legislation. If it is believed that there were clauses in the ESA legislation that should be brought forward, I will be more than content to bring them forward as part of a miscellaneous Bill or to attach them to another piece of legislation.

**The Chairperson:** Thank you for your time. I understand that Paul is leaving at the end of the week. I wish you well in your new post. I think that you may be following the previous Chair.

**Mr Price:** That is right.

**The Chairperson:** Thank you for the contributions that you made to education in your time at the Department.