

# Official Report (Hansard)

Tuesday 8 November 2011  
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Suggested amendments or corrections will be considered by the Editor.

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Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Tuesday 8 November 2011

*The Assembly met at 10.30 am (Mr Deputy Speaker [Mr Dallat] in the Chair).*

*Members' observed two minutes' silence.*

## Private Members' Business

### Petition of Concern: Pat Finucane Case

*Motion proposed [7 November]:*

*That this Assembly notes the British Government's acceptance that there was collusion by the army, the RUC and the Security Service in the murder of Pat Finucane; recognises that accepting collusion is not sufficient in itself and that the public now need to know the extent and nature of that collusion; and calls on the British Government to honour the binding commitment, made by the then British and Irish Governments in the Weston Park agreement, by establishing a judicial inquiry, as recommended by Judge Cory in 2004, with the power to compel witnesses to give evidence under oath. — [Mr A Maginness.]*

*Amendment proposed [7 November]:*

At end insert

*“; and further calls on the British Government to establish this judicial inquiry within the next three months.” — [Mr G Kelly.]*

**Mr Deputy Speaker:** Order. I remind Members that a valid petition of concern was presented yesterday in relation to the motion on the murder of Pat Finucane and the amendment to that motion. Under Standing Order 28, the votes could not take place until at least one day had passed. The votes will, therefore, be the first item of business today. I also remind Members that the votes on the motion and the amendment will be on a cross-community basis.

Question put, That the amendment be made.

*The Assembly divided: Ayes 37; Noes 55.*

### AYES

#### Nationalist:

*Ms M Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke,*

*Mr Durkan, Mr Eastwood, Mr Flanagan, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McGlone, Mrs McKeivitt, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.*

#### Other:

*Mr Agnew.*

*Tellers for the Ayes: Mr P Maskey and Mr McCartney.*

### NOES

#### Unionist:

*Mr S Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lewis, Mr McCallister, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr Ross, Mr Spratt, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

#### Other:

*Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.*

*Tellers for the Noes: Mr Givan and Mr Ross.*

Total votes	92	Total Ayes	37	[40.2%]
Nationalist Votes	36	Nationalist Ayes	36	[100%]
Unionist Votes	47	Unionist Ayes	0	[0.0%]
Other Votes	9	Other Ayes	1	[11.1%]

*Question accordingly negatived (cross-community vote).*

Main Question put.

The Assembly divided: Ayes 45; Noes 46.

## AYES

### NATIONALIST:

Ms M Anderson, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr W Clarke, Mr Durkan, Mr Eastwood, Mr Flanagan, Ms Gildernew, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McElduff, Mr McGlone, Mrs McKeivitt, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.

### OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Durkan and Mr McDevitt.

## NOES

### UNIONIST:

Mr S Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lewis, Mr McCallister, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Givan and Mr Ross.

Total votes	91	Total Ayes	45	[49.5%]
Nationalist Votes	36	Nationalist Ayes	36	[100%]
Unionist Votes	46	Unionist Ayes	0	[0.0%]
Other Votes	9	Other Ayes	9	[100%]

Main Question accordingly negatived (cross-community vote).

11.00 am

## Ministerial Statement

### Dementia Services

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I am grateful for this opportunity to make a statement to the Assembly on the important matter of dementia services in Northern Ireland. Across the developed world, the increasing number of older people brings with it an increasing number of people with dementia.

We are all agreed on the significance of the challenge posed by our progressively ageing population. Dementia is of increasing importance to government, to our communities, to our families and to the individuals who have dementia. It is a major concern for us all, and the scale of the problem is increasing in accordance with our ageing population.

Northern Ireland has the fastest growing elderly population in the UK. Over 250,000 men and women are of a pensionable age, which is nearly one in six of our population. By 2028, that ratio will have increased to nearly one in five and by 2050, to nearly one in four. Demographic changes have a specific impact on the demand for health and social care services. As life expectancy rises, the number of people affected by conditions associated with old age will increase dramatically. On the basis of rates from across Europe, dementia numbers may rise from their current level of 19,000 to around 60,000 by 2051.

We must also remember that dementia does not affect only the elderly. A significant number of people under 65 are classified as having early-onset dementia. That is especially difficult to diagnose, so the actual number is uncertain. However, estimates are that as many as 1,000 people could be affected by early-onset dementia in Northern Ireland, and considering the specific needs of that group is another challenge that must be faced.

I am aware that we, in this Province, provide a range of excellent services for people with dementia. Those services are provided at a local level and involve those who live with dementia, their carers and families, and teams of professionals who provide assessment and ongoing support

and services that are tailored to meet the challenging needs of people with dementia.

The multidisciplinary nature of that care is a tribute to our integrated health and social care system. Doctors, nurses, social workers, voluntary sector staff, members of housing associations and the independent sector all combine to provide pathways of care. In the midst of that process, we have genuine partnerships with family members and carers, who together enable individually tailored programmes of care to be developed.

Better outcomes for people living with dementia can be achieved when we come to understand how to delay the onset of dementia, when we have better ways to diagnose it early and when we have effective treatments for dementia alongside high quality care. Our goal must be to ensure that people with dementia are given every chance to live their lives to the fullest capacity and as independently as possible.

As far as possible, people should be supported to remain in their own homes. However, almost half of those with dementia in Northern Ireland are in care homes, with another sizeable proportion in acute hospitals on any given day, often staying longer than other patients. We need to ensure that those in care homes or in hospital are there because they need to be there and that they receive appropriate care while in those settings.

All that leads me to why I am making this statement today: I am very pleased to announce the publication of the document entitled 'Improving Dementia Services in Northern Ireland: A Regional Strategy'. The dementia strategy has been developed at a time of increasing pressure to address the dementia issues arising from the demographic change that I detailed earlier. Underpinning the development of the strategy has been service user and carer involvement.

The Alzheimer's Society carried out a pre-consultation exercise, entitled the 'Listening Well' report, with service users and carers to help to inform the strategy at an early stage. We consulted on the draft strategy last year, and accompanying the public consultation was a targeted consultation with service users and carers that was carried out by the Dementia Services Development Centre. Steps have since been taken to reflect the views expressed during consultation, and those are reflected in the final strategy document that I present to you today. Also underpinning the strategy has been

the development of values and principles that are considered key to guiding the development of services for people with dementia and for those who care for them. They are: dignity and respect; autonomy; justice and equality; safe, effective, person-centred care; care for carers; and skills for staff. As you can see, there has been a focus through the development process on creating a strategy that is centred on the person and aimed at addressing the things that concern people the most.

For those with a diagnosis of dementia, the strategy requires us to look critically at how we deliver services. We must all ensure that it is not only what people with dementia and their carers say that they want and need, but that it is supported by the evidence of effectiveness. I want to ensure that people with dementia are treated with awareness and respect, especially by those providing services, and that they are supported to maintain their independence for as long as possible. Importantly, more needs to be done to promote the key message that a healthy lifestyle can delay or prevent the onset of dementia and, indeed, many other long-term conditions. An unhealthy lifestyle will increase people's risks of developing such conditions.

The key themes of the strategy are as follows. With regard to prevention, there is some scope to prevent or delay the onset of dementia through a healthy lifestyle and by reducing cardiovascular risk factors. We must raise awareness and address the stigma associated with the condition. We must provide access to early diagnosis, enhancing existing memory services to agreed commissioning standards to provide assessment, diagnosis, information and support. A staged approach to care and support as the condition progresses is important, with the aim of maintaining daily living and independence as far as possible. We must improve staff awareness and skills to respond appropriately to people's needs. We must redesign services to shift care, as far as possible, to people's own homes and to avoid admission to hospital or care home where possible. The need for worldwide research into causes, cure and care for dementia, and the part played by Northern Ireland researchers, are also acknowledged.

I believe that the strategy can help to shape the development of excellent services for people with dementia. The new mental capacity legislation, which I hope to introduce to the Assembly next autumn, is also likely to have

an impact on people with dementia, offering additional support and safeguards when they are unable to make their own decisions.

Meeting the increasing demand for dementia support services will require everyone — from health and social care (HSC) professionals and voluntary and community organisations to service users and carers — to work together to develop more efficient and effective systems of care and to plan and implement better treatment and support programmes.

I am confident that we have produced a practical, realistic and achievable strategy for people with dementia that is designed to deliver the best services and support arrangements that we can provide and which may be tailored to suit an individual's needs and circumstances. We must always remember that simple interventions can often have important and significant outcomes.

Most important, however, is that we are not starting from scratch. Our health and social care system, working in partnership with community and voluntary organisations and the independent sector, represents a skilled, knowledgeable and dedicated base on which to build.

The strategy sets the direction of travel for improving dementia services. I expect the HSC Board, the Public Health Agency (PHA) and the trusts to reflect that in their commissioning decisions so that services can be refocused to address the improvements required.

There would be a very strong case for additional funding for dementia services, given the growing needs that I have explained and the pressures on families and service providers. In an ideal world, I would allocate £6 million to £8 million to increase aspects of provision in the next three years. However, I am also asking all concerned to make better use of existing resources devoted to acute sector provision and to care homes. There is evidence that there is room for greater efficiency in both areas — it is simply not possible to add new money in the present budgetary position facing the Executive.

In closing, I take this opportunity to thank the many individuals and organisations that contributed to the development of this document. They deserve great credit for their efforts in producing the strategy, which I commend to the House.

**Ms Gildernew (The Chairperson of the Committee for Health, Social Services and Public Safety):**

Go raibh míle maith agat, a LeasCheann Comhairle. I very much welcome this statement

and the publication of the dementia strategy, which we have looked forward to for some time. We appreciate the Minister's bringing it to the Assembly today.

The Health Committee recently had an insightful meeting with the Alzheimer's Society, dementia services and Professor Peter Passmore, and I know that there are many good things in the strategy. There is quite a lot that we can do to improve the pathway and outcomes for people with dementia. I encourage the Minister to do what he can to find resources, because training is a big issue, and those who are trained to deal with people with dementia can deal with anything. I believe that all our health professionals need to be trained up.

Training is an issue on which I have been working with the Western Health and Social Care Trust, and I know that its work on that area is out in front of that of the other trusts. Does the Minister recognise the importance that training can have, not just in diagnosing dementia and ensuring that early intervention is in place but in dealing with dementia when patients get particularly confused and need additional help?

**Mr Poots:** Absolutely, and the further skilling up of our staff who work with people with dementia is one element that has been identified in the strategy. We already have excellent people out there, but let us ensure that they can develop and maximise their skills.

In my statement, I said that by 2051, 60,000 people will be suffering from dementia. If we look round the House, the younger Members are more likely to be in that range. Let us be honest: investing in this service is an investment in our future, because we either die young or grow old, and if we grow old, there is a fair chance that we will end up getting dementia. We should be very clear that this is something that we are doing for people now, but many of us will probably end up benefitting from it sometime in the future.

**Mr Wells:** I think that the entire House will welcome the publication of this strategy. Indeed, Committee members have been impressed by the quality of previous strategies developed by the Department, all of which have taken forward considerably the treatment and care of those with various conditions. Therefore, we welcome that this strategy is coming from a stable that has produced many thoroughbreds.

I listened to the statement to hear whether there was any mention of increased resources being made available for the treatment of those with dementia. The Minister is absolutely right to say that there will be a dramatic increase in the number of sufferers. However, does the strategy outline where the funding will come from to meet that increasing demand?

**Mr Poots:** Ideally, we would like to spend £6 million to £8 million more over the next three years. However, at this stage, we do not have that funding to add to the service. We can seek to develop greater efficiencies in the system. For example, there is the potential for fewer people to end up in some kind of care and to remain in their own homes, where they will receive proper support. That is where people want to be. I know that the vast majority of older people want to be in their own homes. They do not want to be isolated, by the way. They want ensure that they will have engagement with people. We need to ensure that we can facilitate that as far as possible, and there are savings to be made on that, so we do what people want and save money at the same time. If we can achieve that, it will allow us more money to spend on developing the service.

It is critical that we develop the service, go ahead with the strategy — as opposed to waiting for manna from heaven or money from the Treasury to arrive in Northern Ireland — and seek to make things better for people who are experiencing early-onset dementia.

**Mr Deputy Speaker:** I call Mr Mark Durkan to speak. Sorry, my apologies, Mr John McCallister. I must not take people out of turn.

**11.15 am**

**Mr McCallister:** I am not sure whether I should be flattered that the Minister included me in his age bracket when he said some of “the younger Members”. I noticed that he did not include his colleague Mr Wells in that. *[Laughter.]* It is long past Jim’s retirement time.

Like other Members, we warmly welcome the publication of the strategy. The Minister quite rightly identified that people want to stay in their own homes for as long as possible. Is he confident that the strategy, coupled with the best use of resources, can achieve the result of helping people to stay in their homes and giving their families and carers the maximum support that they deserve?

**Mr Poots:** I think that Mr McCallister is right: although some of us will be octogenarians in 40 years’ time, Mr Wells will be a real old crock by then. *[Laughter.]*

Getting back to the serious point, on the issue of the strategy, I am confident about the need for a system that is fit for purpose. We need to look at the issue in the round and in its entirety. We are looking at things such as connected health — I hope to make an announcement about that very soon — and the role that the primary sector plays vis-à-vis hospitals. We are looking at a situation where 40% of people with dementia and other conditions might end up in hospital care. If such conditions are managed better in the first instance, we can keep people out of hospital, thereby saving money that can then be invested in the primary sector. I am keen to shift the focus of care away from cure to prevention, where possible, early intervention and better management of existing conditions.

Any wise person who owns machinery, for example, will ensure that that machinery is well-serviced so that it does not need much repair when real damage is done. Why would you not do the same with the human body? It is a case of looking after the human body as opposed to trying to fix it after the damage is done. We can certainly do considerable work in the primary care sector to ensure that that damage is not done to individuals in the first instance. We need to change the focus completely from hospital care to the primary care sector and to prevention and early intervention in the first instance.

**Mr Durkan:** Go raibh maith agat, a LeasCheann Comhairle. I join other Members in welcoming the Minister’s statement today and the publication of the report, which we have been waiting on for some time. I do not disagree with anything in the report. The Minister states that he is confident that the strategy is practical, realistic and achievable, and yet in the next paragraph or two, he states that there is no additional money to put into it. That will be a real cause for concern for service providers and the families of dementia sufferers. I recognise that efficiencies are to be made elsewhere so that resources can be redirected towards the strategy. However, does the Minister envisage any resource bids being made in further budgetary monitoring rounds to implement the strategy?

**Mr Poots:** Solutions to problems do not always lie in throwing more money at them. Very often,

it can be about reconfiguring how things are done. I know that the Scottish Parliament is ahead of us in delivering a dementia strategy. I understand that it did not put more money into that but that it is already seeing benefits from it. Without doubt, if we had more money, we would lend it to the strategy, and we would support the strategy with more finances. We can look at monitoring rounds. However, unless there is ongoing finance, there is no point in starting something that we cannot continue. A monitoring round could assist us in providing for something that is a one-off. However, if something needs ongoing resources, it would be better not to start that than to have to stop it a few months down the line. We are prepared to look at monitoring rounds, but bear in mind what I have just indicated, namely the problems that might arise.

**Mr McCarthy:** I thank the Minister for his statement, which we all welcome very much. I refer the Minister to the six values and principles that he mentioned. Although they are all very important in their own right, I want to draw his attention to care for carers. Will he indicate whether the needs of carers, including psychological support, respite support, which is very important, and crisis support will be comprehensively addressed in the strategy? Will people with a learning disability and dementia also be supported? We look forward to the quick implementation of the strategy, which, when it is delivered, will prove that the Assembly has worked for the people whom it represents.

**Mr Poots:** There is a carers' strategy called Caring for Carers. That is very important. Carers are wonderful people who do an awful lot of work that the state could never fulfil for individuals who need help. The Caring for Carers strategy is an ongoing piece of work. It recognises, values and supports the role of carers.

The Department has also developed the carers' support and needs assessment component of the Northern Ireland single assessment tool. It will promote a common approach across the trusts for the assessment of carers' needs. A joint Department of Health, Social Services and Public Safety (DHSSPS) and Department for Social Development (DSD) review of the support provision for carers was also carried out. Its findings were published in November 2009. Therefore, we will continue to develop and to provide support, including practical, educational and, where appropriate, psychological support,

to those who care for people with dementia in line with the needs that are identified from those assessments and with recommendations that arise from the joint review.

As regards respite for carers, additional funding was allocated in the previous comprehensive spending review (CSR) period that resulted in an additional 1,200 weeks of dementia respite care. The strategy asks the Health and Social Care Board and the Public Health Agency to ensure that a range of traditional and innovative short-break provision is developed to meet the needs of people with dementia and their carers. In addition, the Health and Social Care Board has completed a report on the identification and quantification of respite provision, identifying gaps and inconsistencies in practice among trusts, and will set up a group involving all trusts to produce and implement an action plan based on its report. The objective is to have more equitable access, uniform professional assessment processes and a more consistent approach.

**Mr Dunne:** I thank the Minister for his statement on dementia services. What is the future for the Dementia Services Development Centre's Northern Ireland office?

**Mr Poots:** My Department has been contributing to the cost of the three-year pilot of the Dementia Services Development Centre's Northern Ireland office. It is now in its third year. Therefore, we, along with other funders, have to consider our options for the future. Our considerations will be informed by an evaluation process that is nearing completion. At this stage, I cannot say exactly what we will do. We are going through a process that will lead to our making a decision in the not-too-distant future. I thank the Member for his question.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I, too, want to thank the Minister for his statement. In it, he mentioned that diagnosis of early-onset dementia is especially difficult. I ask him to make resources available, as far as possible, so that people with early-onset dementia can be diagnosed more quickly. A friend of mine died at 48 years of age from early-onset dementia. It took over two years to diagnose his condition because it was felt that he was too young to have dementia. He missed out on treatment that could actually have prolonged his life. Quicker diagnosis would also ensure that people with early-onset dementia

could make arrangements for power of attorney. They could organise their affairs while they are still *compos mentis*, and matters would be sorted out for them when their condition progresses.

In conclusion, I want to welcome the appointment of Claire Keatinge as Commissioner for Older People —

**Mr Deputy Speaker:** The Member must ask his question.

**Mr Brady:** She takes up her post on Monday 14 November 2011.

**Mr Poots:** GPs are identified in the strategy as one of the key groups that need to improve their knowledge and skills around dementia in order to aid early diagnosis. The Dementia Services Development Centre's Northern Ireland office has developed and distributed an information pack for GPs in Northern Ireland to aid with that. The strategy also asks the HSC Board, in collaboration with the Public Health Agency and HSC trusts, to draw up criteria and clear protocols for referral from GPs to the memory service.

**Ms P Bradley:** I welcome the statement and the strategy, as it will go a long way in assisting multidisciplinary teams that work with people with dementia, as well as service users and their carers. You said in your statement that better outcomes can be achieved for people living with dementia. What are the specific plans for people who develop dementia at a very early age?

**Mr Poots:** Dementia is a particularly difficult diagnosis for younger people to receive, as, very often, they will be in employment, they will have a family to support and will have financial commitments, and, to be honest, many of the services available for older people with dementia are inappropriate for younger people with early-onset dementia. Therefore, in view of their particular needs, the strategy asks the HSC trusts to work together to develop a regional care pathway for younger people with dementia. Where it is appropriate to do so, it should link with a regional tertiary service, where referral for assessment of more complex conditions and a second opinion can be obtained.

**Mrs D Kelly:** I also welcome the statement. Can the Minister tell me whether the strategy will have an action plan with measurable outcomes and a timetable for implementation, and will a review be built in?

**Mr Poots:** It is proposed that a jointly led HSC Board and PHA regional group will oversee the work, with representation from statutory and non-statutory providers, people with dementia and their carers and organisations representing them. That group will report to my Department on progress against actions on a six-monthly basis.

**Ms Lewis:** I thank the Minister for his statement on dementia services in Northern Ireland. Can anything be done to prevent dementia, and does the strategy deal with that?

**Mr Poots:** It has been identified that we need to look after ourselves and live lifestyles that are good for us. However, that is not to say that no one who lives a healthy lifestyle will have dementia; many people will. Pharmaceutical companies are doing some interesting work, and we could be looking at drug intervention at some point, which may greatly assist in that.

There are other physical methods of delaying dementia, and there are courses of work being done in that area, although their effectiveness will have to be proven in due course. However, there is merit in continuing to research things such as stimulating the brain and generating the neurons in the brain to activate them, where that has not been the case for some time, and engaging people in things that they have never done previously. One thing is absolutely certain: dementia is on the increase. It is a condition that we need to seek to manage to the best of our ability. Therefore, I will support those who engage in such research. I want to work with other countries that are engaged in such research, and if people want to carry out trials in Northern Ireland, which may help us to be world leaders in dealing with the issue, I will work with them to ensure that that is the case.

There is a considerable amount of work to be done to see how we can offset and delay dementia. If we could delay dementia by five years, it would make a vast difference to the well-being of individuals and the quality of life that they would enjoy. It would also produce a huge saving for my Department and the Executive as a consequence.

#### 11.30 am

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and welcome the publication of the strategy. Does the Minister agree that there are those with dementia who have greater complex needs

and that they need to be placed in special units of certain nursing homes? There is a shortage of beds right across the Province in some of those homes. Does the Minister agree that it should be mandatory for those working in those sectors to be fully skilled up? How will he address the bed shortage?

**Mr Poots:** One of the things identified by the report is the skilling-up of staff, so that is certainly an area that we will look at. I am not sure that we have a problem with bed shortages. In some instances, it may be a problem with getting the packages put together to actually use those beds. I hear people in the private sector saying that they have beds available and that the trusts are not taking them up. That is why we indicated in the strategy that the HSC and the trusts should look at formulae to ensure that the needs of people who require beds are met. At the same time, the needs of people who wish to stay in their own home and can be supported in their own home should also be met. Sometimes people end up in care homes too easily, and we need to work hard to ensure that people stay in the home that they want to stay in — their own home — but give them the support that they need to do that.

**Ms Ritchie:** I thank the Minister for today's announcement about the publication of the strategy. In September, you were outlining the correct approach for dementia sufferers and their families at the opening of the Bardan Cottage senior activities and social care centre in Newcastle. Now, today, you are telling us that your Department will look to shoehorn dementia services into the current health estate, much of which is not fit for purpose, which I find totally unacceptable. How do you intend to precipitate your lobby for additional services, and how do you intend to deal with dementia services in the absence of a Programme for Government?

**Mr Poots:** The care that is offered in the Bardan home and other facilities across Northern Ireland is a good exemplar of where we need to go; that is to ensure that people can, as far as possible, stay in their own home. I mentioned earlier that people do not want to stay in their own home in isolation. That is where places like Bardan and others can step up to the mark to ensure that people can enjoy a quality of life and do not sit day after day in their own home with little contact with the outside world. As we move towards a healthcare sector that is more strongly based on primary care, early

intervention and prevention, facilities that enable older people to get out of their own home for some respite care and so forth are key to the overall strategy, which is to keep people from being in care homes and in the hospital sector.

*(Mr Principal Deputy Speaker [Mr Molloy]  
in the Chair)*

## Private Members' Business

### Planning Enforcement

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr Wells:** I beg to move

*That this Assembly calls on the Minister of the Environment to carry out a review of planning enforcement.*

As the honourable Member for South Down Mr McCallister keeps reminding me, I have been in politics for a very long time. Indeed, last May, I was 30 years in either local government or this Chamber. I have to say that the most frustrating aspect of my work as an MLA and a councillor and the one in which there has been absolutely no improvement over those 30 years, has been planning enforcement in Northern Ireland. The frustration that I feel led to my decision to table the motion. The motion is widely drawn, so it enables Members who think that, perhaps, enforcement is going too far to have their say, but it also gives a voice to the vast majority of Members, as seen in the questions that have been asked of various Environment Ministers, who believe that enforcement in Northern Ireland at present is, frankly, a farce. I hope to outline why I think it is a farce and where urgent work is required.

First, I want to let the Assembly into the world's worst-kept secret, which is that there is nobody enforcing anything in the Planning Service in Northern Ireland at the moment. By that I mean that the policemen are all in the station. There are no planning officers looking daily for infringements of planning regulations — none whatsoever. Enforcement action is taken only when members of the public or their representatives such as me write to the planning officer to say that such and such has occurred but no planning permission has been obtained. Indeed, planning officers have said to me privately that when they drive up and down

the road on other business they frequently see examples of things built without planning permission and where conditions have not been adhered to. They deliberately turn a blind eye because they know that, if they report such incidences, they are adding tremendously to the burden that is already placed on the divisional planning office. Unless an infringement is reported by a member of the public, it will go unenforced.

Secondly, even if an infringement is reported to the planning office, the person who is guilty of the misdemeanour is politely asked to apply for permission for something that he or she should not have done in the first place. If I fail to pay my tax and the taxman finds out, I do not expect him to politely ask me to apply for permission to evade my tax, but that is what happens in the Planning Service. You are immediately invited to submit a planning application. What is really worrying is that 83% of retrospective planning applications in Northern Ireland are approved. That is considerably higher than the number of approvals for people who do things honestly and wait for planning approval before they start building. I know why that is happening, and the planners are frequently passing things that are built already. They would never dream of giving permission if those buildings were not there, but their attitude in private is, "Jim, what on earth do you expect us to do? It is there already, we cannot pull it down". That is the reality; they meekly bow to pressure, give in and give permission for something that should never have been approved in the first place. There is something seriously wrong in Northern Ireland if we have a higher permission rate for retrospective applications than for buildings that have not yet been built.

**Mr McCarthy:** The Member mentioned buildings being pulled down. Does he know how many buildings, if any, have been pulled down in the recent past?

**Mr Wells:** That is an excellent question. I have asked it of successive Environment Ministers. The first time I asked it, Sam Foster was the Minister, and that is going back a long time. He did not know of any buildings being pulled down. I then asked the then Minister, Arlene Foster, and, eventually, after a large amount of work, the Department came up with a figure of 13 demolitions in 38 years. I was only aware of two. We are talking about everything from fences to factories, but only 13 have been

pulled down. That is an indication of just how weak planning enforcement is.

How does the situation arise that so few are demolished? What then happens? If the Planning Service has not meekly tugged their forelock and given permission, as it does in eight out of 10 cases, and if you are lucky, things will proceed to planning enforcement action. Then, it goes off into the bushes. Eventually, if you are unlucky, which is often the case, you get a letter from the Planning Service that says, "Dear Mr Wells, this was an unauthorised development, but we are now past four years. It was unauthorised, but it is unenforceable, so we can't take action against it". I have received a number of letters from the Craigavon and Downpatrick office saying, "Sorry, Mr Wells, but we have allowed it to drift past four years, and we cannot serve an enforcement notice now because the time is spent. Therefore, whatever it is and no matter how ugly it is or how many people complain about it, it has de facto planning permission".

My greatest gripe — you are talking to Mr Angry of south Down — is that, under data protection legislation, the poor representative or complainant knows absolutely nothing about what is going on. We are not allowed to know what is going on. We get a letter that states that that would prejudice any enforcement action that is being taken. The problem is that it does not prejudice any enforcement action: no enforcement action is taking place. It is simply sitting in a file somewhere, gathering dust. Eventually, the four years are up, and you get the letter that says, "Sorry, but you are too late". The fundamental weaknesses in planning legislation in Northern Ireland, about which I will say more later, are the four-year rule and the 10-year rule. It defeats me what on earth those are doing on the statute book, but that is what we are stuck with.

We have got down to about 5% of the unauthorised planning applications. Let us say that we get lucky, which is very unusual, and the Planning Service is eventually forced to take enforcement action. Very few get to court. Fewer than 10% ever get to the stage of enforcement notices. I am indebted to the honourable Member for Lagan Valley Mr Craig, who has been particularly diligent and has asked searching questions on the issue. On 8 March 2010, he asked the then Minister of the Environment to list significant successes or outcomes from court.

Let us hear those significant successes. In March 2010, a County Tyrone man — he is not named — was fined £1,200 plus costs of £13 and £75 legal costs for operating a sand and gravel pit. I suggest that what came out of that sand and gravel pit in one hour would easily pay the horrendous fine that was imposed by the courts as a result of the diligence of the Planning Service. It gets better. In February 2010, a Carryduff man — I am glad that none of these folk lives in south Down — pleaded guilty and was fined £1,000 plus £75 for costs and £13 legal costs — courts are very cheap when it comes to the Planning Service — at Newtownards Magistrates' Court for failing to comply with an enforcement notice regarding unauthorised outbuildings and associated materials. Finally, in November 2009, a County Down man was fined £500, £250 costs and £20 court costs for a breach of a Planning Service tree preservation order.

I was involved in a controversial case in Newcastle in which a developer moved in at 6.00 am on a Sunday and knocked down a listed building, which opened a site. At that stage, it was conservatively worth at least £300,000. That case has not yet reached court. If that gentleman is fined the sort of sums that are being quoted as successes for the Planning Service, that is no deterrent. Fining someone £2,000 — plus £13 costs if you are in Newtownards — for a site that is worth at least £300,000 — indeed, at the peak of the market it was worth well over £500,000 — is farcical. That is no deterrent to a rogue; it is a rogues' charter.

Our fundamental problem in Northern Ireland is the four-year rule and the 10-year rule. No principle has been established that you cannot benefit from breaching the Planning Order. The easy way to stop such rogue activity would be to say, "Mr Smith and Mr Jones, if you apply for planning permission, we will regard it as if that listed building was still there. You will not benefit from the breach of the planning legislation". We need to do away with the four-year rule and the 10-year rule, and, in certain circumstances, we need to make it an offence to carry out development without planning permission. Our problem is that nothing whatsoever is illegal in Northern Ireland if you do it without planning permission. I could build a six-storey block of flats behind Stormont, and there is nothing that anybody could do about it, unless they served me with an enforcement notice and I failed to comply with it. The argument is made

by the planners, "What about Mrs Smith, who inadvertently built a small conservatory on the end of her house and she did not know that she needed planning permission?". I accept that point. However, when the Planning Service serves a letter saying that development is to stop immediately, it should become an offence at that point and should be something that the courts can enforce. Unfortunately, at the moment, if you can get away with it for four years, they cannot touch you. We need to start taking matters seriously. Equally, we need to appoint more enforcement officers. The last time that we checked, there were only 50 enforcement officers in Northern Ireland and new cases were coming in at the rate of 4,000 a year. Those officers are absolutely swamped, and they cannot go out looking for more work because they cannot cope with the work that they already have.

**11.45 am**

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Wells:** That is why they do not have time to get to the courts and take the matter seriously.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom cúpla focal a rá. I welcome the motion, and, after hearing what Mr Wells had to say, I am prepared to support it, but I want to find out exactly what would be incorporated in the review.

The Member outlined a few cases, and I agree that it was a disgrace that the listed building that he mentioned was taken down. We are caught between representing people who have created a business and the issue of the four-year rule and 10-year rule, which is of key importance to the debate. Mr Wells asked a question of the previous Minister, perhaps with a view to abolishing those rules. I have some concerns about the reasoning behind that. A review of those rules is up for discussion, but I am somewhat concerned that a lot of small rural businesses fall under the 10-year rule, and some are under enforcement. Would it be considered that, at some point, a line could be drawn in the sand with those businesses? We are living with a legacy. Mr Wells said that he has been here for 30 years, and I know that he was not here in 1974 when the four-year rule originated. We have to look seriously at established businesses and whether or not —

**Mr Wells:** Will the Member give way?

**Mr Boylan:** Yes, OK.

**Mr Wells:** I am very aware of that situation, and it is not the sort of situation that I want dealt with. A developer in my constituency was given planning permission for a three-storey block of flats, but he just decided to add a fourth storey, totally overriding the concerns of the neighbours. The problem is that he received numerous letters from the Planning Service and decided to ignore them. The thing has now run for more than four years, and he now has planning permission. It is that blatant, overt disregard for the law that concerns me, not the likes of Willie-John who has a pallet business in the countryside that has been going for 20 years and which no one cares about.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Boylan:** Thank you very much for that clarification. I agree with you, and we have heard of many similar examples. Last term, a south Belfast residents' association came before the Committee for the Environment and talked about non-compliance with conditions in certain buildings. You are right: in my constituency, developers have put on an extra floor, and there has been no enforcement. We want to look at that. I am thankful for the clarification about the four-year rule and the 10-year rule.

I want to know about the terms of the proposed review. When the Committee dealt with the new Planning Act that transfers powers to local authorities, we looked at the issue of fines, and Members questioned whether a fine of £100,000 would be reasonable. Years ago, fines of £30,000 were originally set for not complying with conditions relating, in some cases, to listed buildings. Bearing in mind what Mr Wells said about the price of some properties, I want the Minister to respond on when those fines are to come about.

We have all dealt with planning officials, who, in some cases, are under severe pressure on the matter of enforcement. On the one hand, they are trying to do the right thing by looking at the policy and judging everything on its merits; on the other hand, public representatives are writing letters in support of businesses and certain actions. We need to have a clear steer on where we want to go. As part of the new planning policy, I believe that there is a role for

collaboration between building control in local authorities and the Planning Service. I also believe that we could consider the initiation process for the start of building, and completion notices. I hope that the Minister will look at that.

I could give plenty of examples of what has been happening, and I have dealt with many's a case, but the underlying factor in this welcome debate is to try to find some resolution. Part of that will be for the Minister to consider moving forward the RPA process and to get down to working with community plans and local authorities. I would like the Minister to respond specifically on drawing a line in the sand in relation to businesses because of the present four- and 10-year rules. I know that legislation is coming on the five-year rule, and maybe the Minister will update us on where that stands.

I support the motion and a review of enforcement. I would like to hear more comments on how we actually address the issue instead of just leaving it in the lap of planning officials.

**Mr Kinahan:** I thank the Members who tabled the motion. I enjoyed the earlier rant, which was well worth hearing. We could all talk about this issue for an hour or two because there are so many things that seem to be wrong with enforcement. We know that there is a resources problem, and people in the Planning Service deserve praise. We also know that we are in a sort of limbo, having enacted a 255-section Planning Act, which, in my brief time here, went through very vigorous checking. However, it is waiting for 16 or more guidelines and sets of rules, as well as council reform. As we have just heard, getting the RPA in place early would certainly help, although I still query whether we really want decisions to be made right down at council level. There is still more in the review, and I support the motion because we need to review how the system works today and how it will work as part of the new planning process.

We need to give the Planning Service the teeth and the tools to work with, and that is what the review should come up with. When I read the motion, I thought, gosh, it is open to questions of whether we are trying to review the whole planning system because that is where enforcement comes from, and we have to get the system right, whether we are just trying to review PPS 9, or whether we are trying to do something in the middle. The planning gamut

is enormous, and we need to change it and get things happening quickly.

I have three examples of things that are wrong in my patch and that illustrate where we are failing. I have been to see the Minister about some of those matters. At Nutts Corner, illegal racetracks are continually putting in planning applications because nothing happens until they are refused. They keep applying and keep on racing, and anyone living nearby is plagued until the end of daylight. However, the legal racetrack is there, following the rules. We need to find a way to enforce the rules, some of which are from Westminster, some of which are from here, some are departmental matters, and some are council matters. We come back to the age-old question that plagues us here of joined-up government. We need everything working and pulling together if enforcement is to work.

Another example is at Bush Manor, above Antrim, where some 350 houses were to be built. The planners, with the developers, agreed to build private roads. Those roads were never finished because they were not of a standard or width that could be adopted. They remain unfinished. The developer has gone bust, and there is no way to get the roads finished. The people living in those houses go around from one agency to another. We need to give them the tools so that they can deal with the issue. We also need joined-up government.

The little bits of building that go on are another factor. So much building has happened near a house close to Randalstown that, whenever there is heavy flooding such as in 2008 or recently, the water flows quickly past all the new houses onto two older houses that end up under water. Again, we cannot pin anyone down. The family who live there have to live in another house. They cannot even take their own furniture out, because it has been soiled. Yet whose fault is it? We always see the system of joined-up government not working. Is it the responsibility of the Rivers Agency or Roads Service? Everyone starts blaming one another. We need people to start to work together and find a way forward rather than pass the buck.

What do we want in the system? We want an easy-to-understand and fair system with checks and balances. We want people to be able to take legal action and unauthorised activity to be controlled. However, what we really need to see driven through the system is common sense.

We very rarely seem to see common sense, because so often what is written means that we have to stick to the line of the PPS or precedent or consistency, and we find ourselves with a problem. Instead of looking at that one problem, we end up being influenced by a whole lot of previous decisions. We need to get common sense into the planning process.

If you look at PPS 9, you will see that it says that it does not deal with any calls that are not written down and that it has a priority system. We need to find some total system for dealing with every matter. Years ago —

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Kinahan:** Thank you. Years ago, I worked at Shorts, and we had a total quality system, where everything had to be properly finished. I think that planners should, even if it is done by sample, go to every location, as they can, and check that development is following the rules. I support the motion.

**Mr Dallat:** I welcome the motion and immediately agree that it is one of the better topics to be used as a time filler. I suppose that planning has been a talking point for a very long time, unfortunately, often in negative terms and usually associated with bad practice, corruption, favouritism and downright lawlessness in serious breaches of the planning laws. I am not talking about the wee man in the countryside who wants to survive with his small business but about those who have ravaged our environment. Given that planning and, of course, planning enforcement may well be returned to local government at some time in the future, it is, indeed, right and proper that we debate how it should work for the good of our communities and individuals who often have their life turned upside down because enforcement does not happen.

The current Minister has been visiting the towns on the north coast, not only because his wife comes from there but because he is aware that some of the worst examples of unauthorised planning have taken place there. I am happy that he has a very good notion of exactly what bad planning means, particularly in coastal areas that are dependent on tourism.

Bad planning, of course, is coupled with a failure on the part of the Department to carry out enforcement. The two are interconnected. Frankly, the situation has, at times, been appalling

and reckless and, in some cases, has amounted to gangsterism. All too often, the gangsters win.

On a positive note, it has to be said that many more offenders have been taken to court and, thankfully, heavily fined for unauthorised development. However, the decision of the courts in some areas has not been consistent — far from it. Let us hope that our Minister of Justice will take up that issue. Indeed, evidence given to me by planners suggests that it is not worth their while taking cases to court, because, by the time all the costs are met, they are out of pocket. That is wrong and needs to be changed.

When dealing with planning enforcement, we need to be mindful that enforcement is, indeed, dependent on good planning laws that are robust and respected by all, including elected representatives. In that respect, there is a lesson to take on board. Sadly and unfortunately, in the past, elected representatives have been only too happy to support inappropriate planning applications. They have done so in councils and in the Assembly. On some occasions, the work had already started, quite within the law as it stands, and elected representatives were compromised from the very beginning. In that respect, I hope that lessons have been learned and that we do not have letters of support for the most outrageous planning proposals, which should never be considered.

That practice over the years has given planning a bad name and, consequently, has impacted on the ability of the enforcement section of the Planning Service to act with the full support of elected representatives, who, at times, have been up to their necks in encouraging bad planning. Do you remember Knock Golf Club and the plethora of letters of support that went in for that outrageous planning development? Thankfully for the local community, that did not go ahead.

### 12.00 noon

Over the years, we have seen our built heritage destroyed, like a re-enactment of the Blitz. We have seen thousands of mature trees, fundamental to the health and well-being of our people, bulldozed and turned into firewood. We have seen the most grotesque monsters of apartments and other high buildings reach for the skyline, with no enforcement whatsoever. I have no doubt that the current Minister will end that, but it is well to understand that we elected

representatives cannot hunt with the hare and hunt with the hounds.

The history is not good; let us change it. There is no point in doing a Pontius Pilate job by washing our hands and blaming the planners when some of the most prominent politicians among us and within the North have been enthusiastically demanding intensive development. One example of that is at the Giant's Causeway, one of the wonders of the world. I rest my case.

**Ms Lo:** I thank the Members for securing a debate on this issue. The previous Environment Committee had the dubious honour of scrutinising the Planning Bill, the largest Bill to come before the Assembly. I do not think I need to remind Members of how onerous a task that was.

A recurring theme in that Bill, and, indeed, others, was that of enforcement. Members are very conscious that it is all very well introducing legislation, but unless it is going to be enforced, it is time wasted. One of the main objectives of the Planning Bill was to devolve planning functions to local councils. While scrutinising the Bill, Members wanted to know how the Department would oversee enforcement of planning decisions by councils, and whether there would be any mechanism to ensure consistency across different council areas.

The Department indicated that the devolution of planning functions to councils would undoubtedly result in variation between councils and that that was a natural consequence of devolving planning powers. However, the Department reminded the Committee that the audit powers provided in the Planning Act allow it to look at councils' delivery, and can be used to audit, review and encourage best practice.

The Committee asked about the expectation that councils would carry out enforcement activities. Was that a statutory function, for example, and what were the resource implications? The Department responded that enforcement would be demand-led and that it was impossible to say how much resource would be required as some councils may put more emphasis on enforcement than others.

I think that that is exactly what Members fear: inconsistency in approach from one council area to another. Any review of planning enforcement needs to take into account that planning will transfer to local authorities, and guidance

should be issued to each council to ensure consistency of approach.

Another concern that Members raised was about enforcement practices to date, including the number of staff transferred in the Planning Service's enforcement section, and how the issue of legal costs influences decisions on enforcement action. The Department maintained that it had a general discretion to take enforcement action when it regarded it as expedient to do so, having regard to the provision of the development plan and any other material considerations. Members were content with that response but made it clear that, as there is a surplus of staff dealing with planning, it seems logical to redeploy some staff to work on enforcement.

The Committee also sought more information on current enforcement activity and costs, including an indication of the nature of breaches. The Department indicated that its key objectives for planning enforcement are: bringing unauthorised activity under control; remedying the undesirable effects of unauthorised development; and taking legal action where necessary. It stressed that all complaints are looked into, even though quite a high proportion are found not to be breaches.

Members accepted the Department's information but noted that councils were still very much in the dark on the issue and were deeply concerned about the future costs of the enforcement function that are not included in planning fees. Therefore, we must ensure that costs and resources are addressed before planning enforcement powers are transferred; otherwise, ratepayers' expectations will be falsely raised.

The Department is on record as having said that adequate resources will transfer to local councils, so, in that context, a review of planning enforcement would be timely and appropriate.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Ms Lo:** I support the motion on behalf of the Environment Committee.

**Mr Weir:** I have been an MLA for only 13 years, so I do not have the build-up of frustration that Mr Wells has. I will express 13 years of ire rather than 29. The problem has been apparent to us all for some time.

As with Mr Wells, my first direct involvement with planning enforcement at government level was to take a delegation of residents from Donaghadee to meet the then Environment Minister, Sam Foster, and to try to give two messages to Planning Service: first, that it needed to take a more proactive approach to the issue; and, secondly, that it needed to push more cases to court, not just as a punitive measure but as a deterrent to those who would drive a coach and horses through the planning system.

It is unfortunate that the pleas that we made quite a long time ago seem to have gone unheeded through the years. Although some cases have been taken to court, that has happened too infrequently, and, on too many occasions, those who deliberately disobey planning law have felt an opportunity to go ahead and do whatever they want to do, in the belief that there is no real consequence to their actions.

There are constraints around resources, and I agree with Mr Wells that part of the problem lies with the courts. On many occasions when we have seen major breaches of planning law, we have seen paltry fines handed down, so there is a problem directly with the courts. However, on a broader level, there is also an issue of attitude and culture around which it would be helpful to take a stronger, more proactive approach.

The Assembly has focused on planning in recent years, culminating in the very lengthy Planning Bill, as Mr Kinahan, Mr Boylan and other Members will know. We covered a range of detail to do with planning control and development control and debated the merits of third-party appeals. The Assembly has considered the best way in which to build economic factors into planning applications, and there has been a considerable level of focus to that extent, although there is clearly more work to be done on the broad planning application side.

As an Assembly, we have not given enough attention to the other side of the coin, which is enforcement. Part of the purpose of the review is to focus on that side. Why is that important? It is important because, if there is no enforcement, it will lead to bad planning across the country. It will lead to illegal activity —

**Mr Wells:** Will the Member give way?

**Mr Weir:** I will develop the point and let Mr Wells in in a moment.

It can be deeply damaging to residents. In many cases, the planning applications that have been granted were at the upper limit of what the Planning Service allows, and they quite often went against residents' wishes. Another consequence arises when a developer builds beyond that.

To be honest, it is also damaging to developers themselves. Let us be fair about this: the vast majority of developers and people involved in the building trade obey the law fully. The small number of people who drive a coach and horses through planning legislation give the rest a bad name. It penalises those who are prepared to live within the law. I will give way to the Member.

**Mr Wells:** Does the Member also accept that, when the public see so many examples of developers getting away with blatantly disobeying planning legislation, the whole system is brought into disrepute? Many people, certainly developers who I know, feel that they should just go ahead and do the work because they will get approval somewhere along the line, and they forget about the views of residents and concerned neighbours.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Weir:** I think that it damages the Planning Service's credibility. It also leads to a high-level and intense sense of frustration. Residents or next-door neighbours might complain about a particular development, but the system in many ways shrugs its shoulders and says, "Yes, we appreciate that it goes slightly beyond what was there, but sure we are not going to do a great deal about it."

I very much take on board what has been said in connection with the review. It is meant to deal with those who have very deliberately breached planning laws. There will always be retrospective applications in, for example, the case of someone who builds a conservatory without knowing that planning permission was required. Some allowance has to be made for that.

Similarly, I do not think that this has been set up to penalise economic activity.

**Mr McCarthy:** Will the Member give way?

**Mr Weir:** I have only a minute left, Mr McCarthy.

Where balance is concerned, my sense is that this is much more of an urban and suburban

problem than a countryside problem. I am fairly open-minded about the review's precise terms of reference, and I am sure that all of us would be willing to work with the Minister on that. I think that some action can be taken fairly quickly.

Although the previous Bill largely dealt with development control at the early stage and focused on the councils, elements of it dealt with enforcement. Not everything in that Bill is dependent or contingent on the devolution of powers to councils. We should fast-track whatever areas we can. As has been indicated, there are some good examples from other jurisdictions of what can be done. There are certain things to avoid; for example, the level of self-regulation in the Scottish system has its drawbacks.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Weir:** There is a clear problem, and we should move towards having a review. I support the motion.

**Mr W Clarke:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister admitted at Question Time yesterday that he did not have enough resources for planning enforcement. Enforcement seems to have been a weakness right across the Department since I have sat on the Environment Committee, whether it concerns taxi regulation, transportation of waste or general waste enforcement. That is obviously down to resources and priorities, and I am sure that the Minister will touch on it.

We talk about deterrents for major breaches in planning. When going through the planning legislation in the previous mandate, my colleagues and I pushed for the £100,000 increased fines. The Minister at the time was very reluctant to bring forward an amendment to the Bill. The Committee was forcing the issue continually, and the Department was extremely reluctant to increase the fines. I am glad that we got our way and that there are now increased fines for the demolition of listed buildings and the destruction of trees, which was a matter that Danny Kinahan was very passionate about. I am glad that we did good work on that. Although it was done over a short period, it was very worthy work.

Jim Wells talked about the building in Newcastle. It was a disgrace that that building was torn down, especially given the disruption that it caused to

people's lives. However, it was a derelict building in an area of townscape character, and it had been there for 20 years. I think that there was a way around that. The Planning Service should have been proactive, gone to the owner of the building and, at the very least, come to an arrangement to replace the facade.

To leave a building up in an area of townscape character for 20 years after it was burned is an absolute disgrace, and there should have been a remedy in place before that conclusion was reached. The building was also throwing damp into neighbours' houses, and the Planning Service was wrong in allowing that to happen.

### 12.15 pm

**Mr Wells:** Will the Member give way?

**Mr W Clarke:** I will in a minute, Jim.

Many of those big cases become protracted and get caught up in planning appeals and legal challenges. Ordinary citizens want simple enforcement issues to be dealt with. For example, although people may have a condition to their planning application for a single dwelling to demolish an existing building within one year, in many cases, that is never followed up. That is also the case with planting and other simple things. People are greatly frustrated about that.

**Mr Wells:** I am glad that the Member agrees with me about the notorious case in South Promenade. Down the road near Annalong, a gentleman applied to build one bungalow and decided to build two. That was nearly four years ago, and I know what will happen: in a few months' time, I will get a letter from the Planning Service: "Sorry, Mr Wells, it has gone past the four years, and there is nothing we can do." Does the Member not agree with me that it is most frustrating that we, as public representatives, when lobbied by our constituents, do not have a clue what is going on in either of those cases? We cannot be told, our constituents think that we are doing nothing for them, and all we get are letters from the Planning Service saying: "Sorry, we cannot reveal what is going on."

**Mr W Clarke:** I agree with Mr Wells about the frustration. When public representatives phone up planning enforcement, they are told that, under data protection, they are not allowed any information. It is very frustrating to go back to constituents to say that we tried our best but,

under data protection, we cannot give them any answers. It is frustrating and wrong.

I made a point about not taking down a building for a replacement dwelling. What happens is that the building then turns up as an agricultural store while enforcement proceedings are being carried out. If planning permission is granted at that stage, we are in the ironic situation that the building should not be there in the first place and, after the period of time during the application process for an agricultural store, there will be an application for a replacement building on that building. There is a great deal of frustration about that.

Through the new planning legislation, we have a good opportunity to improve the situation, bring community plans together, get area plans that are relevant to people's lives, bring everybody, including developers, community groups, councillors and other interested parties on board and have a good working community area plan that can deal with a lot of those situations.

Planning does not work in rural areas. It does not support rural dwellers in their way of life when people want to start up businesses. The most important manufacturing and engineering businesses were all born out of a barn or a garage in a rural area. There has to be flexibility so that people are allowed to change the use of buildings to be able to do some light engineering. Too often we are told that roads are not suitable or that such a use would take away from the character of an area. Rural jobs need to be provided in rural areas, and, too often, planning officials sit in city centres and make up rules for rural areas.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr W Clarke:** I do not think that that is appropriate because if rural people stay in their communities, they will support local shops and schools.

**Mr Hamilton:** My apologies for not being here for the start of the debate. As frustrated as Members clearly are by many issues surrounding planning enforcement, it is a refreshing change that, in discussing and debating planning in the Chamber, we are not talking about the process and the system of getting approvals through. We are used to berating Environment Ministers and officials from the Planning Service about the lack of progress, particularly on major planning

applications of economic significance. However, it has to be said — others have already remarked on it — that good, sound, solid planning enforcement is every bit as much part of the system as getting a refusal or an approval. In fact, without planning enforcement, in many cases a lot of the rest of the stuff is neither here nor there. Mr Wells has passionately outlined his views on this, and Jim has been involved in more planning cases than I have had hot dinners.

**Mr Wells:** Easily.

**Mr Hamilton:** Easily, yes. If you counted all the grey hairs on his head, you would not think that he is the same age as me. Planning has accounted for most of Jim's frustrations, and it comes out in everything he says. Jim is obviously very passionate about this, and I yield to his experience in a lot of cases. In fact, because of the way that our constituencies are lined up, sometimes Jim and I are involved in many cases together.

**Mr Wells:** Sometimes we are on the same side.

**Mr Hamilton:** Sometimes we are on the same side and sometimes not. I have seen and share a lot of his frustrations. Many Members have already produced their own evidence from their areas, and I do not wish to rehearse that. However, there is a debate and a discussion to be had about whether there are sufficient planning enforcement officers. There are around 58, and we must ask whether that is sufficient to do the task in hand. There is also a debate to be had about whether the fines, even though they have been increased, are sufficient — as Mr Clarke said — and whether there is a deterrent for individuals not to engage in some of the activities that they have been engaged in. We have already heard about cases where there have been paltry fines, and some of those same individuals are then involved in similar circumstances not too far away from where they engaged in their first activity. You wonder whether there is a deterrent there at all.

I want to say a bit more about the lack of information that we receive as elected representatives, and Mr Wells has already referred to that. It is not because I want to know about it, and it is not because Mr Wells or any of the rest of us wants to know; it is because the constituents who come to us want to know more. I am concerned that they think that we are not doing our job in making representations to the Planning Service on their behalf. A lot of people

refer their information to Planning Service themselves. However, in some cases, people come directly to us, as constituency MLAs, for assistance, and we give the information to Planning Service. Except for some basic information that comes back, it appears to go into some sort of black hole or a vortex, and, if you are lucky, you will get information at the end. I have seen cases where action has been taken but we did not receive the information until much later. It seems that such a simple, basic change could be made to planning enforcement to ensure that that information is available. It is not as though people want to delve into the nitty-gritty. Sometimes, a legal process is ongoing, which militates against giving out too much information. However, it would be useful to have regular updates beyond the basic information that we get to say that a site has been visited and that an investigation is ongoing, even if it is just to say that a legal process is under way and, therefore, more information cannot be given. If that information were given regularly, it would allow us to go back to our constituents and let them know that not only are we doing our job but that the system is working for them. Obviously, we are concerned on a personal level, as we want our constituents to know that we are doing our best for them.

Members have drawn on various examples that appear to show that the system is not working for our constituents, and other examples will come out later in the debate. There is a perception — in many cases, it is a reality — that the system is not seen to be working for people because they are not getting the basic information on a regular basis. That is something that I want to emphasise from my experience, and others have emphasised it too —

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Hamilton:** I hope that that is something that the Minister will take away from the debate and bear in mind in the future.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Members who tabled the motion. It raises a number of very important issues. Clearly, planning and its regulations impact on virtually every facet of economic and social development, because that is where the application for a project starts. A number of issues are involved, and forgive me if I get a wee bit technical, as I certainly do not

have any command or grasp of some of them, unlike others in the House.

I want to be specific about particular issues. A number of issues came up relating to enforcement where there might at least have been common sense or there was a lack of consistency in the drive to take a court case, for example. I specifically mean a situation in which a live court action around enforcement is being taken by Planning Service and, simultaneous to that, there is a live planning application, which may or may not rectify the issues about which a case is being brought before the courts. From what I hear from agents, it seems that there is an inconsistency of approach by different divisional planning offices. Some will agree that the court action must be pursued; others will advise not to pursue the legal action against an applicant if, in fact, a potential solution may be derived from a further application to rectify or address those issues. That is one thing that Planning Service needs to address.

One other issue, which, I am sure, will resonate with other Members, relates to situations in which an application has been made for a housing development or a single house in the countryside, for instance, and, through the course of the night, a listed building or a wall, neither of which belong to or are in the control of the developer, has been demolished, or, likewise, a hedge has been removed. To my mind, that is an illegal action. My view is that, where an illegal action of that kind has been committed, it should nullify the planning application or at least cause a serious problem for that planning application. That is preferable to the attitude that is taken by Planning Service, which is to say that, as far as it is concerned, the site lines are in place and planning approval is granted. Planning Service walks away from it, and the person who owns the hedge, wall or house is duty-bound to take civil action through the court to prove that his or her property was illegally removed or demolished. That is a huge anomaly in planning. It is an issue of major frustration for people who see their property being spoiled illegally during the night.

Another issue that came up was that we know that the decisions of the Planning Appeals Commission (PAC) are not binding, but they are usually complied with by the Department. I think that that should also be addressed. The Department should be fully bound to comply with decisions that are made by the PAC.

Mr Wells raised the issue of the 4-year rule. That is an issue on which I am slightly unclear. I have no issue with the 4-year rule, or 5-year rule, as it may become under the new regulation, if it is proven and sustainably proven retrospectively from the point of being seen or witnessed by Planning Service. However, I gathered from Mr Wells that it could be spun out protractedly at Planning Service over time until it becomes the four years. That should not be the case. In actual fact, I thought that it was the other way round and that the person had to prove it retrospectively from point of detection.

Mr Kinahan mentioned the enforcement of matters relating to unadopted streets such as street lighting. We have to get to grips with enforcement; it must be dealt with. Most of us know that, when a query is made, Roads Service responds with a letter saying that the matter is currently with its officials and that it will try to pursue it with the developer. It brings in the issue of bonds and the quicker and sharper enforceability of those bonds to bring them out to make sure that the estate is left properly. However, there is also a duty on the people who are buying houses there to make sure that they have a proper legal adviser who advises them on the issues around that.

The final point in all of this is that those are issues that are due to come over to local government as a result of the review of public administration. We want to make sure that sacrosanct for everyone is equality —

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr McGlone:** Equality in the practices of those local councils must be enshrined at the heart of decision-making. Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle.

**Mr Principal Deputy Speaker:** The Business Committee has arranged to meet immediately upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. On return, the first item of business will be Question Time. The debate on the review of planning enforcement will resume after Question Time, and the Minister will give his response.

*The debate stood suspended.*

*The sitting was suspended at 12.29 pm.*

*On resuming —*

**2.00 pm**

## Oral Answers to Questions

### Health, Social Services and Public Safety

**Mr Principal Deputy Speaker:** Question 1 has been transferred to the Department for Employment and Learning (DEL) for a written answer. Questions 12 and 15 have been withdrawn and require written answers.

#### Health and Social Care Services: Review

2. **Mr S Anderson** asked the Minister of Health, Social Services and Public Safety for an update on the review of health and social care services in Northern Ireland. (AQO 692/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** The review of health and social care (HSC) services is well under way. It is vital that we have a sustainable health and social care system for the future, and the review's conclusions and recommendations will be central to informing decisions on how that can best be achieved. The review is being conducted in an open and transparent manner, and the review team is continuing with a programme of extensive engagement with stakeholders and the public to collect views on the delivery of services. I look forward to receiving the team's report by the end of November.

**Mr S Anderson:** I thank the Minister for his answer. What does the Minister hope the review will achieve?

**Mr Poots:** We want to inform the future planning, development and delivery of HSC services. We also want to drive up the quality of care for clients and patients, improve outcomes, enhance the experiences of patients and clients and deliver efficient and cost-effective services. That is absolutely essential if we are to retain the model of health being free at the point of need in Northern Ireland.

**Mr Brady:** Go raibh míle maith agat, a LeasCheann Comhairle. Is the Minister content that consultancy firms will have more influence in the

review than nurses, doctors, social workers and so on?

**Mr Poots:** I would certainly not be content if that were the case, and it will certainly not be the case. The public's viewpoint is very important, and we have some very clear ideas about where we are going in Northern Ireland.

I will say it clearly here and now: the system that we have is not a model that is sustainable into the future. We need to have a model of change and change for the better. Much of that will be about ensuring that we have more community and primary care and more cost-effective prevention and early intervention measures.

**Mr Gardiner:** Will the Minister give more details on any of the advice that has been given so far by the external advisory panel of five experts who have been appointed to examine health and social services?

**Mr Poots:** As Members will know, the review is not independent; it is being carried out on my behalf. I will seek to influence it as it proceeds, and we hope to get a positive outcome on where we can take healthcare in Northern Ireland.

I am absolutely clear that cure is not the best means of sorting things out when prevention could do so in the first instance. I will strongly support anything that takes us to the point at which we have more prevention and early intervention and less of the expensive cure model.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister envisage the review identifying further opportunities for cross-border collaboration or further work on all-island health strategies?

**Mr Poots:** I have made it clear to the House before that I do not see this as a political thing. We are working to provide cancer services for patients from Donegal in Altnagelvin Hospital, and we are building a fantastic new facility in the south-west. If people from the Irish Republic need services that can be supplied at that facility and will bring money into our economy and system, I am happy to work with my colleagues in the Republic of Ireland to ensure that those are provided. I want to have the best possible services in Northern Ireland, and, if that means services being bought in from outside Northern Ireland, I am happy to work with others in doing that.

## Northern Ireland Music Therapy Trust

3. **Mr Lyttle** asked the Minister of Health, Social Services and Public Safety whether he will seek extra funding in the Budget monitoring rounds for the Northern Ireland Music Therapy Trust. (AQO 693/11-15)

**Mr Poots:** Responsibility for the commissioning of services, including music therapy, rests with the Health and Social Care Board. I am advised that, following the submission of a plan by the Northern Ireland Music Therapy Trust, the board has agreed to interim funding of £75,000 for one year, targeting services particularly on children with autism.

I am continuing to engage with other Departments on potential alternative sources of funding for future years, although that depends on relative funding priorities being agreed by the Executive.

**Mr Lyttle:** I thank the Minister for his answer. He mentioned the interim funding that has been secured for the service. What work is he doing to secure more long-term funding, given the vital contribution that the Northern Ireland Music Therapy Trust makes towards departmental objectives of helping people with autism, acquired brain injury and dementia? In particular, is the Minister making an application to the social protection fund for that service?

**Mr Poots:** Certainly, we recognise the role of music therapy in the care and treatment of children with learning disabilities. As evidence of that, after the children's fund ceased, the Department extended funding for a further three years, so it is something from which we can see a real benefit. We have been working with other Departments to make the case. The criteria set for applications to the social protection fund are designed specifically to target poverty, and they would not support a bid for music therapy. We made a number of bids for funding from the social protection fund that were rejected by OFMDFM. The criteria for applications to the fund were amended to apply only to fuel poverty. That needs to be changed if we are to benefit from it, but it is a matter for another Department. However, we want to work with other Departments to identify a solution.

**Mrs McKeivitt:** Will the Minister seek extra funding in the Budget monitoring rounds for IVF treatment in order to give the patients the three doses that are required for success?

**Mr Poots:** It is a bit of a leap from music therapy to IVF, even in the imagination of the SDLP. It is a nice try, nonetheless. We have not sought additional funding in the monitoring round for IVF treatments. We have been looking at ensuring that we can get a second course of treatment for people who are receiving IVF. We know how important that is to individuals; we recognise that, and there is a means of doing that. I would be happy to receive a question for written answer from the Member on that subject at any time.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. Will the Minister consider finding mainstream funding for music therapy in the future?

**Mr Poots:** Essentially, this involved money that was derived from the children's fund. I had a very useful meeting yesterday with junior Ministers Anderson and Bell about how we take forward children's and young people's issues and about how a subgroup of the Executive could achieve the maximum impact in that role. I will work with other Ministers in devising that. That may provide an opportunity to look at some areas that do not necessarily fall within the remit of one Department but have significant benefits beyond Departments and where we could operate as a subgroup with its own budget.

**Mr Cree:** The Minister has touched on this subject. He mentioned the junior Ministers. Has he talked to his counterpart the Education Minister with a view to exploring the use of music therapy for schoolchildren who have verbal communication difficulties?

**Mr Poots:** In education, there are a number of things that can significantly benefit children, particularly with speech defects and other issues around autism and so forth. We are very happy to work with the education board in that respect.

## Health and Social Care Services: Commissioning

4. **Mr Newton** asked the Minister of Health, Social Services and Public Safety what action he is taking to enhance the commissioning of health and social care services at local level. (AQO 694/11-15)

**Mr Poots:** In my statement to the Assembly of 27 September on the health and social care review, I outlined that:

*"My vision for the future of health and social care services is that we drive up the quality of care for clients and patients, improve outcomes and enhance the patient and client experience." — [Official Report, Vol 66, No 6, p322, col 2].*

Effective commissioning is key to achieving that vision. I believe that more powerful local commissioning of services can drive change, innovation and service improvement, so that patients are seen at the right time and in the right setting by the most appropriate health and care provider. In Northern Ireland, we have five local commissioning groups, which are the committees of the Regional Health and Social Care Board. Those are led by primary care professionals and include members from the voluntary and community sector and local government.

Local commissioning groups are responsible for assessing local health and social care needs in their respective areas and for developing services to meet those needs. The local commissioning groups have a role to play in helping to drive forward the changes that we need.

**Mr Newton:** May I express my particular concern to the Minister about the meals on wheels service at a time when our older population is increasing? All the figures indicate that the number of those in receipt of meals on wheels, which must be nutritionally beneficial, is falling and that there is a variation in charges for them across Northern Ireland.

**Mr Poots:** First, I fully recognise the Member's concerns. Meals on wheels is an excellent service that helps to ensure that older people can stay in their own home. When I dealt with the issue of dementia in my statement earlier, I said that one of our aims was to ensure that those people can stay in their own home. Perhaps we should take a closer look at how we can ensure that that service is a sustainable model that can help us to achieve our aims, which include providing more care for our elderly in their home and ensuring that they have the choice to remain in their own home for as long as possible.

**Ms Gildernew:** Go raibh maith agat, a LeasCheann Comhairle. I concur with Mr Newton's sentiments on community meals. Is the Minister aware of the issue of osteoporosis? Given the high cost of a hip operation and, more worryingly, the very high mortality rates for over-75s who break their hips, when the Committee

met the five chairs of the local commissioning groups, one of the things that they talked about was ensuring that people had slippers to prevent falls. Is the Minister conscious of the need to invest in preventative care to try to save people's lives?

**Mr Poots:** People can take steps to avoid osteoporosis by having the right diet for a considerable time. A lot of foods will help bones and will help to avoid osteoporosis developing later. Yes, it is important that we go down the preventative route. That is why we are spending £70 million on the Public Health Agency, which is responsible for the distribution of that money. I encourage the Member to engage with PHA on that issue to see whether we can get a better outcome than she is, perhaps, suggesting.

**Ms P Bradley:** What engagement has the Minister had with the chairs of the local commissioning groups, and what assessment has he made about their commitment to change?

**Mr Poots:** I have met the local commissioning groups on a number of occasions. Indeed, I met them in the past couple of weeks. In my view, they need to take ownership of what they have responsibility for, and they need to give the lead in identifying what funding goes to trusts and where that funding should be spent. I am keen that the HSC in conjunction with the local commissioning groups ensure that the money that they identify is appropriate and that the areas of spend will achieve the best outcomes. I trust that that work will be ongoing and that they will even be reinvigorated as a result of our more recent meetings.

**Mr Agnew:** What is the Minister's assessment of the model of the Children and Young People's Strategic Partnership in providing integrated services and integration between agencies?

**Mr Poots:** In Northern Ireland, we are very fortunate to have an integrated health and social care system. Believe it or not, others around the world look on in envy at the fact that we have such a system here. A lot of the problems that they have in England — for example, bed blocking — that result from a council looking after social services and a hospital looking after health are issues that we have managed to diminish greatly over the years. Therefore, an integrated system that integrates agencies as far as possible is very important. I look forward to community planning being developed through local government so

that we can integrate the system even further, bring others into providing us with the evidence of where we require spending to go and ensure that the money follows that evidence.

**2.15 pm**

## **Dementia Strategy**

5. **Mr P Maskey** asked the Minister of Health, Social Services and Public Safety for an update on the introduction of a dementia strategy. (AQO 695/11-15)

**Mr Poots:** As you will be aware, I made a statement to the Assembly earlier today on the publication of a regional strategy for improving dementia services in Northern Ireland. Dementia care is an important issue facing us all, and the expected increase in the number with dementia will bring further pressures on our health and social care services. The aim of the strategy is to write a framework for HSC commissioners in the design of improved dementia services.

**Mr P Maskey:** Go raibh maith agat, Deputy Speaker and Minister. I would like to ask the Minister whether training will be available for all health workers dealing with people suffering from dementia. The issue of dementia is close to many of our hearts, and a number of my relatives suffer from it. I would be grateful if the Minister could state whether such training will be available for all health workers.

**Mr Poots:** In the strategy, we identified that we would improve training and make more training available to key workers. It is fundamental that those who work with older people with dementia are appropriately skilled. That is one of the aims of the new dementia strategy.

**Mr D Bradley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. Tá ceist agam air faoi na háiseanna atá ar fáil don straitéis seo. How effective can the strategy be, if there are no new resources to drive it forward?

**Mr Poots:** I think that that demonstrates a fair degree of small-mindedness in that you cannot think outside the box. You think that there is an inability to do anything unless you throw more money at it. Very often, we create more problems by throwing considerable amounts of money at things without thinking them through properly. It is important that we identify how we

can improve and do things better and live within our means. If we do not do so, we will be setting ourselves a major problem in years to come. I do not want Northern Ireland to be like Greece. There is a song 'We're not Brazil, we're Northern Ireland'; in this instance, it is a case of 'We're not Greece, we're Northern Ireland'. We will live within our means.

**Mr Kinahan:** I very much welcome the dementia strategy. Does the Minister plan to create legislation on dementia in order to back the strategy? If not, what other plans will he put in place to enforce it?

**Mr Poots:** At this stage, we are satisfied that we have brought forward the strategy. We think that it will be well used and that it is a good opportunity for us to engage strongly with the HSC, PHA and the trusts in order to ensure that the quality of care for people suffering from dementia is driven up. At this stage, we do not need to introduce further legislation to deal with those matters.

**Mr Dunne:** Following on from the Minister's statement earlier today, will he advise us how much is being spent on dementia services?

**Mr Poots:** In Northern Ireland, we spend a considerable amount on the elderly. We have to make effective use of our resources. For example, we are already spending around £250 million on health and social care for people with dementia. People talk about spending more money; however, it is incumbent on me as Minister to ensure, first and foremost, that the quarter of a billion pounds that we are already spending is well spent and utilised and that we maximise that resource.

## Hospital Appointments

6. **Mr Flanagan** asked the Minister of Health, Social Services and Public Safety what adjustments are made for people who live in rural areas and have long distances to travel for hospital appointments. (AQO 696/11-15)

**Mr Poots:** For all patients, including those from rural areas, the booking system employed by the health and social care trusts allows for patients to arrange their outpatient appointments for a date and time that suits them. For a first outpatient appointment, for example, patients are offered an appointment within six weeks that they can change if it does not suit them. If the follow-up appointment is within six weeks,

they can choose a date and time before leaving the hospital. That greatly benefits patients who have family or work commitments or, indeed, those who have to travel longer distances.

In addition, there are a number of mechanisms to assist patients to attend appointments, which include the Northern Ireland Ambulance Service's patient care service. It provides prebooked non-emergency transport for patients who are assessed by a medical practitioner as requiring transport, taking into account the needs of individual patients and the hospital travel cost scheme, which assists patients on low incomes or in receipt of certain social security benefits who do not meet the clinical criteria and cannot meet the cost of travel to hospital. For other patients, health and social care trusts encourage service users to use other forms of public transport.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. Does he seek to implement any changes to his Department's policy so that it will work more closely with the Department for Regional Development to allow hospital patients to avail themselves of community transport operators? As rural MLAs, we get feedback that, often, people are unable to afford to travel long distances to hospital appointments.

**Mr Poots:** First, I am responsible for the Department of Health, Social Services and Public Safety. Our responsibility is to provide healthcare, not transport. The project 'Rural Voices Matter', which was launched by the Patient and Client Council, was aimed at understanding Northern Ireland's rural dwellers' perspective on health and social care services. Its final report, which presented views on helping HSC policy and commissioning, was presented to rural communities. One key finding that it identified was the transport issue. Problems were cited that included a lack of transport services or poorly publicised transport services. People who commented on the distance to travel to particular services focused on GP out-of-hours services, inpatient facilities and maternity services. I would like to transform the system so that we move further away from hospital services and towards primary care services. I would like to get to the point where more diagnostics are carried out at local primary care facilities than in hospitals. I think that we can change the system in the longer term.

I am concerned that, at the moment, the Department, which is not a Department of transport, spends around £18 million on transport. I understand that, in some instances, people who are in receipt of DLA and have DLA mobility cars are actually getting transport paid for them to get to hospital. Those issues concern me when the Department has a fairly modest budget for the work that it is expected to carry out.

**Mr Campbell:** The Minister referred to customers' flexibility with regard to hospital appointments. Indeed, people have indicated that that flexibility has been recognised and welcomed. Can he indicate whether, in the coming year, as budgets continue to be straitened, people will continue to have that flexibility to access the health services that they require, particularly in rural areas?

**Mr Poots:** Flexibility is good for everyone. It is good for hospitals and patients. The system that has been introduced encourages flexibility. It helps people, particularly in rural communities, who may not be able to get to a hospital as early as others who live closer to it. It is my intention to ensure that we certainly do not diminish flexibility. If there are opportunities to increase it, we will do so.

**Mr Byrne:** Does the Minister accept that it is crucial that there is an ambulance service in isolated rural areas and that its crews are trained to high nursing standards? Can he outline whether there are any proposals to ensure that the Ambulance Service is maintained fully?

**Mr Poots:** West Tyrone is one of the constituencies where Ambulance Service crews were upskilled at an early stage. That was partly because of the situation with Omagh hospital and the services that it provided. Therefore, there is a much higher-quality Ambulance Service than was the case even a decade ago because of the upskilling that has taken place. Many people who have concerns about hospitals, casualty units and so forth can take some encouragement from the quality of the Ambulance Service and its personnel now. It is hugely beneficial in ensuring that lives are saved when people encounter catastrophic incidents, such as heart attacks, strokes and, indeed, major trauma incidents.

## DHSSPS: Budget 2011-12

7. **Mr Weir** asked the Minister of Health, Social Services and Public Safety to outline his Department's in-year budgetary position. (AQO 697/11-15)

**Mr Poots:** DHSSPS entered 2011-12 facing an unprecedented level of financial challenge and significant service pressures. However, we have been making good progress on resolving the financial difficulties. My expectation is that a balanced financial position can be achieved for 2011-12, although there is still an unresolved current expenditure gap to be managed.

The capital allocation for 2011-12 is fully committed, and a balanced financial position is anticipated. That has not been easy and has required a wide-ranging reworking of plans and savings proposals across all elements of my Department's budget. However, while cash balance in 2011-12 has been substantially achieved, I am increasingly concerned that, to some extent, it has been at the expense of standards and quality of care. In that context, I wrote to the Minister of Finance and Personnel to request additional funding of £47 million for specialist drugs, unmet residual demand and an invest-to-save fund for a number of capital projects. I am pleased to report that £25 million of those bids were approved in the October monitoring round for specialist drugs and an invest-to-save fund for capital projects. Those additional funds will make a real difference to the availability of healthcare for the people of Northern Ireland, while providing my Department with a sound basis on which to start addressing the significant financial challenges in future years.

**Mr Weir:** I thank the Minister for his answer. As a result of the funding that has been secured through the monitoring round, what specialist drugs does the Minister anticipate will be available?

**Mr Poots:** It will enable the purchase of anti-TNFs for the biological treatment of rheumatoid arthritis. The intention is to reduce the waiting list for that from nine months to three months, which will make a real difference. It will also assist in the provision of cochlear implants. We want to reduce the backlog in NICE technical appraisals, including treatment for cancer, hepatitis C, growth failure in children, rheumatoid arthritis and eye disease, and it means that we will now be able to provide drugs that will make a real difference, at least,

to relieving symptoms and, in some cases, to extending people's lives.

**Mr Ó hÓisín:** Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister consider finding capital from within his budget for the purchase of DEXA scanners, given the change in policy on osteoporosis from April 2012?

**Mr Poots:** At this point, the capital budget is allocated. I should explain that our capital budget is around £800 million over four years. Around £100 million of that is spent annually on maintenance. Around £300 million was spent on the south-west acute hospital in Fermanagh. Therefore, those issues will consume most of our capital budget.

I am looking at how we can reorder things to ensure that we can provide a wider range of services in respect of the capital estate and carry out considerable improvements to it. I hope to bring something to the House in due course on that matter.

**Mr Dickson:** Minister, given all the pressures on health and social care budgets, can you tell us what actions you are taking to ensure that the budgets are properly distributed among all the users to ensure that adequate efforts have been made to address waiting lists?

**Mr Poots:** We are taking a number of steps. PEDU is carrying out work that will look further at administration management and seek to cut out anything that is unnecessary and does not affect front line services.

In terms of the organisation of the healthcare system, the Compton review is taking place and will report quite soon. I hope that it will give us some guidance on how we can do things better. Aside from that, I have established a team in the Department that is looking at the capital infrastructure and how we can develop a capital infrastructure that will assist us in switching services from hospitals to primary care and ensuring that we can carry out those services in prevention and early intervention and managing conditions in a better way, thus saving money that can be spent on other areas of health.

2.30 pm

## Justice

**Mr Principal Deputy Speaker:** Questions 2, 8 and 9 have been withdrawn. Questions 2 and 8 require written answers.

### Alcohol: Minimum Pricing

1. **Mr Wells** asked the Minister of Justice for his assessment of the proposals to introduce a minimum price per unit of alcohol.  
(AQO 706/11-15)

**Mr Ford (The Minister of Justice):** As I understand it, the proposals for minimum unit pricing concentrate on major health consequences and are being taken forward jointly by the Department for Social Development (DSD) and the Department of Health, Social Services and Public Safety (DHSSPS). In my response to the recent public consultation, however, I recognised the potential criminal justice benefits to removing cheap alcohol, as police analysis of crimes during 2010 suggested that alcohol was a contributory factor for 44% of all those arrested.

On 1 November, the Scottish Government introduced a Bill to establish a minimum price for a unit of alcohol in Scotland. I will listen with interest to the discussions and monitor progress. It is important to note, however, that although the introduction of minimum pricing should make a valuable contribution to reducing damage to health in individuals and communities, the proposal on its own will not solve the problem of alcohol misuse.

**Mr Wells:** It was an extraordinary revelation from the Minister that alcohol is a factor for 44% of those arrested. That is, I think, the first time that that figure has been in the public domain, and I thank him for it. We believe that the cost to health and social services could be as much as £600 million or £700 million a year. Will he give an estimate of how much that same problem of alcohol abuse costs his Department?

**Mr Ford:** Similarly, in last year's report, the estimated cost of alcohol-related crime to the Department of Justice (DOJ) — policing, prisons and court services — was £382 million for the year. I am always suspicious of a figure that

purports to be so precise, but it is clear that it is an extremely substantial amount.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. As the Minister may be aware, the vast majority of alcohol — up to approximately 70% — is now consumed in the home rather than in pubs. On the issue of minimum pricing, has the Minister engaged, or does he intend to engage, with the larger retailers who sell alcohol?

**Mr Ford:** As I said, it is really an issue for DSD and DHSSPS, so I have not engaged with any retailers. However, I am keeping a close eye on developments in Scotland, on what has already been done through banning cheap promotions and on its current proposal to introduce minimum pricing.

**Mr D Bradley:** Go raibh maith agat, a Príomh-Leas Cheann Comhairle, Gabhaim buíochas leis an Aire as an fhreagra a thug sé. Tá ceist agam faoi mholtaí eile atá ag an Aire ar an cheist seo.

What other measures does the Minister feel would be useful in the reduction of alcohol-fuelled crime?

**Mr Ford:** Again, we are looking at an issue that goes significantly beyond the remit of my Department, but there are clearly particular issues with underage drinking. Such issues relate to the sale of alcohol to minors and to those who purchase alcohol on behalf of minors. Problems with irresponsible promotions of alcohol also need to be addressed. Of course, we also have the issue of the role of councils in enforcing the laws on drinking in public places and the way in which such by-laws are put together. None of those responsibilities is principally for my Department, but the Department of Justice is certainly prepared to co-operate with other Departments in doing what we can to reduce the damage caused by alcohol.

### **Police: Part-time Reserve Gratuity Scheme**

3. **Mr McNarry** asked the Minister of Justice what action he has taken to ensure that the security breach in relation to the police part-time Reserve gratuity scheme has been addressed effectively. (AQO 708/11-15)

**Mr Ford:** As I said in my statement on 22 August, steps were taken to deal with concerns about the issuing of part-time Reserve gratuity scheme letters. A security assessment was

requested immediately, and a helpline was set up so that concerned individuals could contact the Department. Details provided by individuals who contacted DOJ about their safety were passed to the relevant authorities.

I also directed that a review be conducted into the circumstances surrounding the issue of the letters. That review included an assessment of the physical and information technology security measures at the fund's premises. I have now received a report of the review and notified the Justice Committee of its outcome and conclusions. In short, the report finds that although the fund has robust security arrangements in place, the use of window envelopes was inappropriate in the circumstances and caused considerable concern.

**Mr McNarry:** I thank the Minister for his answer. He will not be surprised to be challenged by the opinion that personal safety fears have increased because of the breach. He has, in part, admitted that. Does he believe that further support is necessary to alleviate those fears, which remain real?

**Mr Ford:** I accept that there are real fears. That is why specific work was done to follow up the security issue in general and with individuals who had identified particular concerns. The various security measures that apply to individuals are available if they are justified in any circumstance. Efforts are being made across the Department to ensure that lessons are learned from this situation. However, it is not possible to deal with the fears of the individual in a way that will guarantee the removal of those fears. I can simply give a commitment that we are doing all that we can to ensure that concerns are addressed in an appropriate way.

**Mr McGlone:** Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for his response. How many people have had to move home as a consequence of these matters?

**Mr Ford:** It would be inappropriate to deal with questions of that sort by going into detail, suffice to say that the appropriate measures have been offered to individuals and, where necessary, taken by them.

**Mr Dickson:** Minister, you will know that, at the time, I congratulated you on your quick response in establishing the investigation into these matters. *[Interruption.]* You have told us that lessons have been learned as a result of

that investigation, and the spotlight fell on the police fund. Have you shared those experiences with Executive colleagues so that not only your Department but other Departments may learn from instances of similar breaches?

*[Interruption.]*

**Mr Ford:** I am pleased that my colleague has such a fan club immediately to my left. It is a serious issue, which should not be treated in such a way. The simple answer is that the Department of Justice is in a very different position from that of other Departments when it comes to security issues such as this. Therefore, the lessons learned have not been shared with other Departments, but have been shared across DOJ, its agencies and arm's-length bodies to ensure that the difficulties that arose in August 2010 are not only learned by all those sections of the Department and other bodies for which we have responsibility, but applied.

## Resettlement of Offenders

4. **Mr Kinahan** asked the Minister of Justice for his assessment of the Criminal Justice Inspection's latest report on the resettlement of offenders. (AQO 709/11-15)

**Mr Ford:** I welcome the latest Criminal Justice Inspection Northern Ireland (CJINI) report on prisoner resettlement by the Northern Ireland Prison Service (NIPS). The report highlights progress in a wide range of areas, including the co-location of offender management teams and the appointment of additional probation officers and NIPS staff; a better environment for some life-sentence prisoners; better engagement with the community and voluntary sector; more consistent delivery of drugs and alcohol services; and a greater effort to address the resettlement needs of short-term and remand prisoners. However, the report also goes on to stress that there is still a need to develop better outcomes for prisoners.

The report makes 22 recommendations, four of which are strategic. One suggests that a high-level, multi-agency resettlement oversight group should be re-established by NIPS. Another is directed at the wider Department on issues such as fine defaulting, improving cross-departmental working and the accommodation of male under-18-year-olds. CJINI recognises that the Prison Service cannot deliver resettlement alone. The rehabilitation and successful reintegration of offenders in society

will require partnership working at operational and strategic levels. I have already underlined my determination to ensure that a more joined-up response to reducing offending is given a high priority. Indeed, that is a challenge for us all.

**Mr Kinahan:** I thank the Minister for his answer. Does he accept that the lack of obvious progress on outcomes for prisoners, which was highlighted in the CJINI report, is extremely worrying? Will he address that trend in order to drive down reoffending?

**Mr Ford:** It is clearly worrying that we have not achieved as much as we would have wished. That is why, when I launched the prison review team report, I said that the next six months would be crucial in turning around the direction of the Prison Service and ensuring that it was focused in a meaningful way. That is also why today's announcement about the staff exit scheme is focused on right-sizing Prison Service staff and on ensuring that we get the cultural change so that we move towards having a Prison Service that is directed more towards rehabilitation than pure security and that makes society safer by rehabilitating prisoners and reducing reoffending.

**Mr S Anderson:** Does the Minister agree that although we seek to provide for the care and resettlement of offenders, we must never forget the need to care for and protect their victims?

**Mr Ford:** Of course. I think that I refer to the needs of victims and the need to ensure that we protect them on almost every occasion that I speak in the Chamber. The substantive question was on the rehabilitation of offenders. One way of reducing the number of victims is to rehabilitate offenders and prevent reoffending.

**Mr McCarthy:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. When the Minister published the prison review report, he pledged that we would see many elements of a reform programme within six months. Today's announcement of a voluntary redundancy scheme shows that he was, as usual, genuine in doing what he said. Will the Minister advise the House whether that scheme will have an impact on resettlement outcomes for prisoners?

**Mr Ford:** I certainly trust that we will see significant changes in outcomes for prisoners. Let us be clear: the Prison Service remains one that has developed from the prisons that were required in the 1980s. There is a focus on

security, even though we have seen significant good work being done in recent years. Last week, I opened the Donard centre in Maghaberry jail, which is focused on providing care for the most vulnerable prisoners to ensure their better rehabilitation. Today's announcement of the exit scheme recognises the need to allow those who have served in difficult times to leave with dignity and to refresh the staff, to change the culture and to ensure that that culture is directed at reform and rehabilitation.

At the end of the day, the success of the Prison Service in ensuring a safer society will be the success of not just locking people up but of ensuring that they do not reoffend when they come out. The combined changes that we are proposing in staffing, structures, estate and culture will make the difference that the Prison Service needs so that it can contribute to the needs of this society.

### **Office of the Police Ombudsman: Criminal Justice Inspection Report**

**Ms J McCann:** Go raibh maith agat, a LeasCheann Comhairle. Ceist uimhir a cúig, please.

5. **Ms J McCann** asked the Minister of Justice whether he accepts in full the Criminal Justice Inspection report on the Office of the Police Ombudsman. (AQO 710/11-15)

**Mr Ford:** I have just about enough language for that. As I said to the Committee for Justice on 19 September, I have accepted all the recommendations of the CJINI report. I reiterated that on 20 September. The inspection report rightly highlights the challenges that the office faces in a number of areas, not least in dealing with historical cases. I expect there to be a full implementation process that is capable of independent validation. That validation will be provided by CJINI.

There is essential work to be done to improve the operation of the Office of the Police Ombudsman, and there is a need to take swift and robust action in a number of different areas. The ombudsman and his senior management team have developed an action plan that outlines how they plan to address the report's recommendations. Progress is already being made, and I recently met the ombudsman and his senior team to seek the assurance that they fully understand the extent and importance of the work that is to be done. The months that

lie ahead are critical in allowing that process to progress. That is an important step towards the restoration of public confidence in the office.

Al Hutchinson has now signalled his desire to leave office by the end of January 2012. However, he and his senior staff have expressed to me their commitment to implementing the necessary changes to the office. The months that lie ahead are critical in allowing that process to progress. It is an important step towards restoration of public confidence. I have offered assistance to the First Minister and the deputy First Minister in their endeavours to find a replacement for the ombudsman.

**Ms J McCann:** I thank the Minister for his answer. When the ombudsman addressed the Justice Committee, he said that all changes to his reports were based on evidence. Subsequently, Michael Maguire said in his report that he could see no evidence for the changes that were made to those reports. The ombudsman, in the 'Spotlight' programme, actually agreed with that, so can the Minister see why people do not have confidence in the office at the moment? When the current ombudsman goes, it is essential that the Department of Justice does some sort of outreach work to build up that confidence again.

### **2.45 pm**

**Mr Ford:** I accept Jennifer McCann's point about the need to ensure public confidence in the working of the office. I need to be careful that the Department of Justice does not interfere in the operational responsibilities of the office. The appropriate role for the Department, as the sponsoring body, is to ensure the appropriate length of governance for an arm's-length agency. It is clear that, with the intention of the current ombudsman to leave his post by the end of January, the opportunity now arises for the First Minister and the deputy First Minister to make the appointment of a new ombudsman, and it will be the role of the Department of Justice to assist in building up confidence under the new regime.

**Mr Principal Deputy Speaker:** I remind Members to switch off mobile phones. They are interfering with the system.

**Mr McDevitt:** Will the Minister agree that to restore confidence in such a central office in the new beginning to policing, it is imperative that the First Minister and the deputy First Minister

move immediately to appoint a new Police Ombudsman and that that person be available to start work by the end of January 2012?

**Mr Ford:** I agree with Conall McDevitt's first point; it is essential that the Office of the First Minister and deputy First Minister proceeds as speedily as possible. I met the First Minister and the Acting deputy First Minister nearly three weeks ago, and they were hoping to set up the interview panel and make arrangements for that within a few days of that. That is their responsibility. The Department of Justice has offered assistance but, as far as I am aware, my officials have not been asked for any further assistance in the couple of weeks since then. However, I suspect that having someone in post by the end of January is simply not possible because of the timescale that is required, given the likely period of notice that any individual who would be appointed would require and the time that is taken for vetting. That will require arrangements to continue and, clearly, we need to have a new appointment made as soon as possible.

**Mr B McCrea:** If the ombudsman were to leave by the end of January and no replacement were to be in situ — you have said that having a replacement by then is unlikely — what would be the impact for the office of the ombudsman?

**Mr Ford:** From the legal advice that has been given to the Department, it is my understanding that it is possible for the functions of the ombudsman to be performed by any officer who is authorised by the ombudsman and that if such a delegation were in place when the ombudsman were to vacate office for whatever reason, those delegated powers would continue. Therefore, it is possible for the office to continue to function but, clearly, certain issues may well require the incoming ombudsman to take personal responsibility. That means that the office could continue but, perhaps, there would be practical limitations as to the duties that would need to be performed in person by the incoming ombudsman.

### **Policing Board: Staffing**

6. **Mr Spratt** asked the Minister of Justice what progress has been made in reducing the number of staff at the Northern Ireland Policing Board. (AQO 711/11-15)

**Mr Ford:** Following an organisational review of the Policing Board by KPMG, the board has

endorsed the recommendations to reduce the number of staff from 64 to 49. I understand that 60 staff are in post and that work continues to implement those recommendations as quickly as possible.

**Mr Spratt:** How much will that reduce the requirement on the budget of the Policing Board, which is almost £9 million? As a result of the reduction in staff numbers, have any packages had to be paid from the public purse, and if so, how much were they?

**Mr Ford:** Those issues are probably for the direct management of the Policing Board; it is an arm's-length body, and I should not be getting in to that level of detail. Mr Spratt has made the entirely valid point that the Policing Board, as with all the other DOJ arm's-length bodies, has to live within its budget. The future position for all the Department's agencies and, indeed, for DOJ is one of tight finances. So-called ring-fencing merely means that we get the same cuts that are applied to the Ministry of Justice and the Home Office in England and Wales. I will do my best to ensure that the board is assisted in living within those new financial restrictions, but the detail of how that is carried out has to be for the board.

**Mr G Kelly:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Does the Minister agree that the staff reductions were a result of the KPMG organisational review? I think that he said in his previous answer that the staff reduction was from 64 to 49. Does he agree that it is not just about the budget but the more efficient running of the Policing Board and that good progress has been made in that a number of posts have been suppressed? There are also posts that need to be filled, and people are waiting for voluntary transfer to the NICS (Northern Ireland Civil Service).

**Mr Ford:** That is my understanding. No doubt Gerry Kelly, as a member of the Policing Board, is as up to date on the specific work of the board as I am. I understand that a number of staff are either planning retirement or seeking transfer to the NICS. That will help to reduce the board's staff numbers. Mr Kelly reiterates the point that I just made in response to Jimmy Spratt: the efficient management of the Policing Board, as with every agency of the DOJ, will be crucial as we look at a difficult four-year financial period.

**Mr Eastwood:** Will the Minister reassure the Assembly that any staff reductions will not adversely affect the effectiveness or efficiency of the Policing Board?

**Mr Ford:** I am certainly concerned to ensure that the Policing Board continues to play its vital role as one of the key features of the policing settlement that is now in place for 10 years. I understand that KPMG's work was around ensuring proper efficiency, the best use of staff and budget, and that the cuts in staff numbers, although quite significant, should not impinge in any way on the efficiency and effectiveness of the board's operations. However, it is clearly an issue for the board to ensure that it manages within its budget. My officials, in their governance role, will be assisting to ensure that the board continues to function well.

## Antisocial Behaviour

7. **Mr McCallister** asked the Minister of Justice what measures his Department is taking to address antisocial behaviour. (AQO 712/11-15)

**Mr Ford:** Tackling antisocial behaviour is a key priority for the Department of Justice. In the Assembly debate on 18 October, Members will recall that I outlined the graduated approach that my Department has adopted to address such behaviour. That approach is based on prevention, intervention and enforcement measures, and has contributed to a reduction of over 20% in incidents of antisocial behaviour since 2008.

The measures taken by my Department include initiatives such as CCTV, community safety wardens, neighbourhood watch schemes, intergenerational projects and priority youth intervention programmes. I intend to build on the success to date and to develop partnership working at a local level to support communities in addressing antisocial behaviour issues that matter locally. In particular, the new policing and community safety partnerships (CSP) will have a pivotal role in developing partnership working at a local level and in supporting communities in identifying solutions to issues of local concern. Furthermore, I intend to publish an agreed strategy, with buy-in from other Departments and key stakeholders, by the end of this year. I should stress, however, that although my Department will have a key role in building safer shared and confident communities, that ambition will be realised only by obtaining

commitments from key stakeholders to address the wider social issues that pertain. To that end, I would welcome any support from the Assembly.

**Mr McCallister:** I am grateful to the Minister for his reply. Given the recent Assembly debate on antisocial behaviour, will he reiterate the consensus of the Assembly that giving the police more powers, especially ones for which they have not asked, is not the best way to tackle this type of crime?

**Mr Ford:** Gosh — and my party colleagues get accused of issuing planted questions. I think that the mood of the Assembly was quite clear on that occasion. Although some were looking at the issue of police powers, the majority recognised that what was needed was joined-up working, appropriate targeted interventions based on prevention and early intervention, dealing with issues before they arise and become major problems of criminal justice matters or antisocial behaviour, and ensuring that the appropriate mechanisms are in place, combining the work of many Departments. There are clearly significant responsibilities not only for my Department but for others including the Department for Social Development, the Department of Health, Social Services and Public Safety, the Department of Education, and the Department for Employment and Learning.

I believe that, if we can build those kinds of partnerships, if we can see that the work of the new policing and community safety partnerships at local level helps to bring agencies together, and if we can ensure that that is a joined-up approach in every respect, we will continue the good work that has, as I highlighted in my original answer, reduced antisocial behaviour by over 20% in three years against a target of 15%. It is not often that, in the field of justice, you can exceed your targets as well as that. The Assembly should notice the value of the work that has been done and the progress that has been made in that sort of area.

**Mr McCartney:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin.

I thank the Minister for his answer. Does he agree that restorative processes and procedures not only play a key part in intervention but can take away many of the issues around antisocial behaviour?

**Mr Ford:** I certainly agree with Raymond McCartney on the value of restorative approaches. We see them in both informal community settings and formal youth justice settings. Maybe we should ask whether there is a case for looking at greater use of restorative practice with younger adult offenders rather than merely with youth offenders.

Two or three months ago, when I visited the Member's constituency, I met the youth justice team in Derry and saw extremely positive work being done. I also met a young offender, the parent of another young offender and some victims who talked about the role that they had played in youth conferencing and the restorative practice of bringing home to offenders the damage that they have done to the wider community, sometimes without any awareness of how the consequences of their actions affect others.

Clearly, there is a lesson. In terms of its practical effect and its financial efficiency, extending restorative practices will almost certainly contribute to the wider safer society strategy that we want.

**Mrs McKeivitt:** I welcome the fact that the CSPs will be involved in schemes to tackle antisocial behaviour. Does the Minister agree that any such schemes should in the future be agreed with the district policing partnerships (DPP), alongside the CSPs, before implementation?

**Mr Ford:** Karen McKeivitt's point has just highlighted the key reason why we are seeking to bring together the work of CSPs and DPPs to build the new policing and community safety partnerships and to ensure that we get all the relevant agencies together in the one meeting so that they can consider the range of options for dealing with the appropriate needs, whatever they may be, of local communities. This is not a matter for central direction from DOJ or anywhere else in this estate. It is a matter of encouraging local people to find solutions to local problems. There have been difficulties in the past where DPPs and CSPs have not always been as joined up as they might have been, although it is very noticeable that, informally, there has been close cross-working in most districts. However, bringing them together as one body will help in the way that Mrs McKeivitt has just outlined.

**Mr Principal Deputy Speaker:** Questions 8 and 9 have been withdrawn. Mr Buchanan is not in his place to ask question 10.

## Office of the Police Ombudsman

11. **Mr P Maskey** asked the Minister of Justice for his assessment of how public confidence in the Office of the Police Ombudsman can be restored by the current Police Ombudsman. (AQO 716/11-15)

**Mr Ford:** There is essential work to be done to improve the operation of the Office of the Police Ombudsman for Northern Ireland and to ensure that it is capable of securing widespread public confidence. Swift and robust action in a number of different areas is critical to restoring public confidence in the office. The areas for particular attention are the critical review process and the operation of the confidential unit. I expect there to be a full implementation process, capable of independent validation. That independent validation will be provided by Dr Michael Maguire, the chief inspector of Criminal Justice Inspection Northern Ireland.

As I stated earlier, Al Hutchinson has signalled his desire to leave office by the end of January next year, but he and his senior staff have expressed to me their commitment to implementing the necessary changes to the office. The months that lie ahead will be critical to allowing that process to progress. It is an important step towards the restoration of public confidence, which I believe we all wish to see.

**Mr P Maskey:** Go raibh maith agat. Does the Minister agree that the sooner Al Hutchinson leaves, the more confidence will be restored in the Office of the Police Ombudsman? Will any procedures be put in place to deal with some of the backlogs? People who did not have confidence in the office might not have gone to the Police Ombudsman, so there could be a big influx of inquiries for the office to deal with when that individual is replaced. Does the Minister agree that the sooner that individual goes, the better?

**Mr Ford:** When the ombudsman should go is not a matter for me. The Minister of Justice has no role in that. The appointment or possible removal of the ombudsman is solely for the First Minister and the deputy First Minister.

As for the question of a possible backlog of cases, there is no evidence in the figures that I saw recently to suggest that there is any falling off in the number of current cases coming to the ombudsman's office. Therefore, I do not believe that there is likely to be any significant increase

when the new ombudsman is in place next year. However, it will be for the ombudsman's office to manage its workload and to recognise the significant resources that are devoted, and have been devoted in recent times, to the small number of historical cases compared with the resources that are devoted to the ongoing number of normally 3,000 or more cases per year, which has been the trend over the past while.

3.00 pm

## Private Members' Business

### Planning Enforcement

*Debate resumed on motion:*

*That this Assembly calls on the Minister of the Environment to carry out a review of planning enforcement. — [Mr Wells]*

#### **Mr Attwood (The Minister of the Environment):**

I very much welcome the debate. I think that one Member indicated that it was timely and useful to have a political conversation about planning and planning enforcement and that we need to get the balance between both correct. I will explain how I think I am doing a review of so much of planning enforcement, and how I will take forward what I consider to be the review that I am undertaking in that regard.

Mr Wells made a quite remarkable point in his opening remarks, when he said that after 30 years or longer in political life, he had seen absolutely no improvement in planning enforcement. Although I may not use such colourful words, nonetheless it is quite a dramatic statement that in the perception and understanding of a Member of this House with long years of service, there has been absolutely no improvement in enforcement and planning in 30 years. Whatever the accuracy of those words, they are a signpost for concern and unease.

I have a very simple view when it comes to planning enforcement, environmental enforcement, indeed enforcement generally in the North of Ireland: namely, you have to calibrate the penalties against those who are on the wrong side of the law, be hard on those who offend the most, while rewarding those who comply the most. That is the proper equation going forward on enforcement generally: enforce, and rigorously enforce, against those in the wrong, and assist those in compliance or who want to be in compliance. That is the template against which I will judge myself and judge any Minister when it comes to issues of enforcement.

That is why, since becoming Minister, my sense is that — and I say this with due regard to very many good members of staff in the Department — when it comes to enforcement, the number of staff we have dedicated to that function, be

it on the planning or environmental side, is very small and the burden placed on them is very large when you think that over 8,500 complaints on alleged planning failure were recorded in the Department over a couple of years.

So, mindful of the scale of what is reported and the scale of what is needed in reply, it was my sense that there was a lack of confidence in the Department when it came to robust enforcement and that it was part of my responsibility to show ministerial leadership to make it very clear to the staff that, whatever the issues of capacity and confidence, I was determined to see a new enforcement regime put in place to ensure that those on the wrong side of the law were dealt with appropriately.

In my view, a change of culture was required, and I will outline how I am trying to bring that about. At the same time, we need to build up the skills and capacity of those in enforcement in the Department generally so that they can deal with the issues that face them.

A recent planning appeal upset me greatly. At an informal hearing — not a full one — the Department was represented by a planning official who was not responsible for the file. He was faced on the appellant's side by a QC and a planning consultant of some authority, as well as the appellant and his team. That was not equality of arms. I made it clear to the Department that it should not be going into cases, even informal hearings, without the right people and lawyers present to deal with appellants and applicants who, to borrow a phrase, "had the run" of the planning system in certain places over a long period, as some Members, including Peter Weir, John Dallat and Jim Wells, said. Mr Wells then said that the Planning Service "meekly bows" to pressure. I do not know whether that is fully accurate. However, I understand why that might be the appearance of things, because there is an inequality of arms, as demonstrated by that Planning Appeals Commission (PAC) hearing.

**Mr Wells:** The Member was obviously quite taken aback by my saying that there has been no improvement in the past 30 years. In fact, it has got worse. There are far more cases, far fewer staff for each case and the black hole of the Data Protection Act 1998, which means that none of us knows what on earth is going on. There have been next to no examples in recent years of anything being torn down. Can he give

me one single example from the past 30 years where the situation has improved?

**Mr Attwood:** I cannot fully account for what has happened over the past 30 years, but I can fully account for what has happened over the past six months. That is why I am trying to argue that although it is not an easy process, and your argument about the scale of the problem, the resources and the reply is accurate, I am trying to turn every stone to ensure that every possible measure is implemented in order to redeem the situation.

I will give some examples. On the environmental side — and I hope that this will be duplicated on the planning side — the Lord Chief Justice is working with the Judicial Studies Board and with people at Queen's University to identify how the judiciary can enforce penalties for environmental crime in a more full and rigorous way; that was mentioned by a number of Members during the debate. Indeed, the Lord Chief Justice has written to me to say that when the next Court of Appeal case comes to his attention, new sentencing guidelines for planning enforcement cases brought to the attention of the courts will be laid down. I think that that should also happen on the planning side, so that, at the end of planning enforcement, the courts and judges have demonstrated that they will apply the laws fully when people are in breach of them.

Secondly, John Dallat referred to a summit that I held in Portstewart in October. The purpose of that blight summit was to interrogate local government, the Housing Executive, the Department for Social Development (DSD) and the Department of the Environment (DOE) to see what they could do to deal with the issue of blight, where planners have walked off sites, sites have been abandoned unfinished, or where planning conditions have not been complied with in areas such as our coastal towns. Those towns are a critical element in attracting visitors to the North and increasing tourist spend, as well as improving the quality of life for the people who live in those areas.

Newcastle was mentioned earlier, and we know that in Portstewart and Portrush, as well in other towns around the North, coastal or not, there is an issue of planning blight. What can we identify in the Department and local councils to ensure that we bear down on the developers responsible for the state of properties and land in a way that begins to change that?

Thirdly, as people know, I held heritage crime summits in August and October in an effort to identify what more can be done to enforce the law on those individuals or others who are responsible for damaging heritage property or leaving such property exposed. A consequence of that — and I will submit this documentation to the Environment Committee — is that the police have agreed to begin to identify how they will record heritage crime as an element separate from criminal damage, which is what it is currently recorded as, to prevent it getting lost in the figures.

I am looking at what they have in Dublin at the moment. They have the power to fine people substantially when a heritage building or listed building is knocked down. Mr Boylan referred to the increased fines of up to £100,000 for certain breaches, which are already in place here. In Dublin, you have the ability not only to fine but to order the developer who has so damaged the building to replicate it.

In the case of a property being demolished in the South recently, a £1 million fine was imposed and the developer was ordered to rebuild the property in the image of the old building. The Environmental Protection Agency (EPA) uses the Proceeds of Crime Act (POCA) in an effort to ensure that the legal powers, which are significant under POCA, are brought to bear on those who are guilty of heritage crime and organised criminal gangs that are involved in heritage crime, the theft of metals or whatever else.

I might not welcome it, but the fourth example since I became Minister is that I have discovered that I have an obligation, where appropriate, to manage ongoing cases more fully. Let me give you an example. The Planning Appeals Commission made a decision on 26 October, only last week, on an application adjacent to Almac. Let us acknowledge what is in the papers today. Almac is another example of Northern Ireland stepping forward. It has discovered a new means of assessing colon cancer for people at high risk. That is an example of what Northern Ireland is doing well and a business that is doing well. However, it is a business that needs to be protected on planning grounds.

*(Mr Speaker in the Chair)*

When the Planning Appeals Commission decided last week to turn down a proposal for a waste facility within feet of the Almac premises, where 1,650 people are employed,

I instructed officials to do two things: to draft guidance to inform the life sciences planning policy statement (PPS) in order to try to mitigate the future risk of other planning applications in areas where there are life science premises, including adjacent to Almac in Craigavon; and, in the fullness of time, to escalate that guidance note to an addendum to the relevant PPS in an effort to ensure that those who think that they can make applications anywhere and without giving due regard to or being mindful of the local conditions, including a life science enterprise, are not allowed to do so in the future.

Anna Lo raised an issue in respect of the principle that government enforcement can only happen where it is expedient. I am not happy with how the Department is applying that principle in the live situation. The case of a facility that has been operating in the North of Ireland for the past 10 years has come to my attention in the past number of days. Whatever the employment opportunities that may have been created by that facility, it has no planning permission.

Although there was some contact between the Planning Service and the facility a number of years ago, there has not been any in recent years. When the matter was raised with the Department in June, the officials concerned did not even respond to the public representative who raised it. When they did respond to the matter in a draft letter given to me in the past number of weeks, they did not even apologise for the fact that there had been no response in June, never mind take any action over the past 10 years. That is not proper case management by departmental officials, and I have made it explicitly clear to them that it is not proper management of those issues.

A number of other matters were raised by Simon Hamilton, Jim Wells, Danny Kinahan, Cathal Boylan, and so on and so forth. I will interrogate the Hansard report and reply to each and every one of them.

**Mr Wells:** Every Member who spoke raised the issue of the black hole caused by the Data Protection Act. We, as public representatives, are not being given the slightest hint of what is going on. Will he address that in his response to Members?

**Mr Attwood:** I can respond to it now. In every case where an enforcement matter is raised with Planning Service but does not proceed to

enforcement action, the Department is meant to be in contact with those who have raised the case in the first instance. That is meant to be the policy. Therefore, although a very small number of all the cases that are referred to the Department lead to enforcement action, in every other case where the matter gets regularised, where there was no breach or where the breach was minor or technical in nature, the Department is meant to correspond with those who have raised it, be it a politician or a member of the community, and I will ensure that that is the case. Clearly, when cases go for enforcement, you have to be more discreet and judicious given that there is a live legal process, and the Department has to be cautious in what it might say publicly, especially in correspondence.

### 3.15 pm

However, I welcome the debate and confirm that, further to its 2007 report, a Criminal Justice Inspection report is due within days to review enforcement in the Department, and I will share that with Members and the Committee. Together with the initiatives that I have outlined — and there are many more — that is, in my view, the pathway to dealing with this critical issue that Members have rightly raised.

**Mr Easton:** Planning enforcement is governed by Planning Policy Statement 9: the enforcement of planning control. The key objectives for planning enforcement are to bring unauthorised development under control; to remedy any undesirable effects of unauthorised development, including, where necessary, the removal or cessation of unacceptable development; and to take legal action, where necessary, against those who ignore or flout planning legislation.

A breach of planning occurs when a development or certain other activities take place without the necessary consent being sought from Planning Service. The Planning (Northern Ireland) Order, as amended, defines a breach of planning control as the carrying out of a development without planning permission or failing to comply with any conditions or limitations subject to which planning permission has been granted. It is not a criminal offence to carry out development without planning permission or to fail to comply with any condition or limitation subject to which planning permission has been granted. However, where

an enforcement notice has been served and the offender has not complied with its requirements, he or she is then guilty of an offence.

The following can also be offences: unauthorised demolition of a building whether it is listed or not; the demolition of a building in a conservation area; failure of an individual to comply with conditions attached to listed buildings consent; non-compliance with conditions attached to conservation areas; unauthorised display of advertisements; or unauthorised works to trees protected by a tree preservation order within a conservation area.

Many of us in the House will know from experience that those rules are rarely adhered to, and, furthermore, I have experience of situations whereby notice has failed to be issued and no action has been taken at all. Sometimes, enforcement is not universally served, and that raises questions about fairness and equity. The rules of enforcement exist for a reason: to prevent harm to the public or private space or to the environment. If an enforcement notice is served, the applicant has the option of applying for retrospective planning permission. If successful, the applicant can then submit amended plans or, alternatively, appeal the decision, which can take a considerable time. Although applicants who fail to comply with planning policy can be subject to fines to discourage unlawful development and to save a court appearance, more needs to be done, and that is why the motion asks the Minister to review the enforcement process.

I also believe that the Minister needs to make the public more aware of permitted development. I know of some cases where individuals have been caught out, and I should add that they are, generally, law-abiding citizens. They have erected a garden shed or greenhouse only to be informed afterwards that they have breached planning policy. That can cause problems for many people, and such people are usually caught out.

**Mr McCarthy:** I am grateful to the Member for giving way. Does he agree that it is more often the case that the enforcement people go after the easy targets? I know people who have put a window in the wrong gable of a house or put in a window of the wrong size and have been terrorised by enforcement planning officers, yet the big guy who has built a house on the wrong site gets away with it for donkey's years.

**Mr Easton:** I thank the Member for his question. I totally agree: the small guy always loses out and the big guy always seems to win. That is the perception out there in the public and in the House.

Individuals' obligations in such cases need to be set out clearly and communicated to builders and the like. I know of people who have spent a small fortune on home improvements, believing that they fell within permitted development, only for them to be served with an enforcement notice some time later. It can be as costly to take something down, if not more so, than to put it up in the first place. Many of those people do not have the money for that. I am, of course, referring to individuals, not to large-scale developers or builders.

I will move on to summarise Members' contributions. Mr Wells, who moved the motion, has had 30 years of frustration [*Laughter.*] — over planning enforcement, I might add. He suggested that no one from the planning department was enforcing or policing the planning applications. He also said that 83% of retrospective planning applications were passed, and he claimed that there was something seriously wrong with the entire system. He said that, of the applicants who had applied for retrospective planning permission over all those years, only 13 had their developments pulled down.

Mr Boylan said that it was wrong for listed buildings to be taken down. He was concerned about businesses that had been going for some time, and he wanted some reassurance and clarification from Mr Wells, the mover of the motion, about that. I think that Mr Wells gave that clarification.

Mr Boylan also talked about the four-year rule. However, he said that he supported the motion, although he wanted more clarification.

Mr Kinahan enjoyed Mr Wells's rant. He said that a review needed "the teeth and the tools" to get the system right. He also highlighted three locations in his area — Nutts Corner, Bush Manor and Randalstown — where there were flooding issues. He said that we needed better joined-up government and some common sense in the planning department. However, he supported the motion.

Mr Dallat said that he hoped that planning would go to local government. He said that the

current system was appalling and that he hoped that lessons would be learned.

Anna Lo mentioned the recent Planning Bill, which was the largest Bill to come before the Assembly. She also talked about planning going to local councils and wanted consistency in any approach if councils were to gain planning powers. She also supported the motion.

Mr Weir expressed his frustration at planning enforcement and wanted more people to go before the courts for breaches of the planning rules. He felt that the Assembly was not focusing enough on planning enforcement, and he talked about the hurt to residents as a result of some planning applications. He believed that the credibility of the planning department had been damaged over enforcement issues.

Mr Clarke said that the Minister did not have enough resources to deal with enforcement issues. [*Interruption.*] He talked about a building being torn down in an area of townscape character in Newcastle in his constituency. He believes that the Assembly has a good opportunity to improve things.

Mr Simon Hamilton wanted good sound planning enforcement. He wondered whether there were enough enforcement officers and said that there were 50, although I am not sure whether I am correct in that. He also referred to current fines and asked whether they were high enough. He also talked about the lack of information that is given to elected Members. I hope that the Minister will address that issue.

Mr McGlone said that there were a number of issues about planners' consistency of approach. He talked about court cases running at the same time as planning applications. He did not seem to like that. He said that some developers had removed hedges, walls and buildings that did not belong to them, and he felt that that needed to be addressed. He also felt that people were spinning out the time for the four-year rule.

The Minister, Mr Attwood, is carrying out his review, and he said that he needs to get a balance. He also said that he had a small number of enforcement staff. He believes that there is a lack of confidence among staff, that there needs to be a change of culture and that there is a need to build up skills and capacity among staff. The Minister said that he would

reply to the points raised by Members during the debate.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister of the Environment to carry out a review of planning enforcement.*

## **Education and Skills Authority**

**Mr Speaker:** The next item of business in the Order Paper is the motion on the Education and Skills Authority. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. Other Members who are called to speak will have five minutes.

**Mr Lunn:** I beg to move

*That this Assembly calls on the Minister of Education to bring forward legislation to establish the Education and Skills Authority within this Assembly session.*

I am pleased once again to bring the question of a single education authority before the House. I will say straight away that in the interests of the smooth and efficient running of the Northern Ireland school system, the need for a single authority by whatever name, be it the Education and Skills Authority (ESA) or some other name, is self-evident. I believe that I have no need to convince at least two parties, namely the SDLP and Sinn Féin, of the validity of the case, although I accept that the DUP has reservations or, at least, lingering doubts. I am not totally clear about the Ulster Unionist Party's position, but I expect to be made so. Perhaps both parties will clarify their remaining sticking points, if indeed there are any.

During the cross-party talks after the May election, the First Minister expressed a view that the establishment of a single authority could be the first major achievement of the new Assembly. He indicated that, from his understanding, the problems of perceived disadvantage to the controlled sector had been dealt with in the period following the collapse of the previous Bill in May 2011, the transferors' rights were now fully respected, and the rights of boards of governors in voluntary grammar schools to make their own decisions and exercise control over their own schools were also protected under the new umbrella of ESA.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

I am glad that Mr Storey has joined us, and I ask the DUP in particular: if the ESA Bill were brought back to the House now, what clauses would you object to? In the latter stages of our Committee discussions, although there was a list of them, there seemed to be more

suspicion than substance. It seemed to me that DUP members could read a document and see something in it that I could not. However, I look forward to hearing from them.

The following quotation states that we vow to:

*“rationalise immediately the five Education Boards into one, followed quickly by a single body subsuming the functions, assets and liabilities of Education Boards, the Council for Catholic Maintained Schools, Staff Commission and Youth Council”.*

The document that I am quoting from goes on to say:

*“preserve the legislative entitlement of the Transferor Representatives' Council to membership of the ownership body for controlled schools”.*

That is quite a long quotation, but it comes from a very long document, namely the DUP manifesto for the May elections.

Another lift from a manifesto is that the party:

*“remains committed to a single Education and Skills Authority”.*

It also states that the party is committed to:

*“ensuring that the positions of Transferor's representatives are protected in any new authority.”*

That is from the Ulster Unionist manifesto.

In the 'Belfast Telegraph' on 20 October, Mr McNarry, who is now Deputy Chairperson of the Education Committee, said that he was calling for a single education authority but that the Sinn Féin approach was too bureaucratic. In all the protracted discussions that the Committee had over almost a year, that objection was not raised by UUP members. There was recognition by all parties that the Bill was necessarily complex, given the scale of matters that it had to address, and that the outcome should be a less bureaucratic system that led to the streamlining of delivery and to cost-effectiveness. I do not recall Mr McCrea or Mr McCallister, who were on the Committee at the time, making the argument about over-bureaucracy. My goodness, they had plenty to say, or one of them did. Mr McCrea tended to tease us with regard to what the Ulster Unionist Party's position was.

So, again, I hope that the UUP will make that clear today and that Mr McNarry will speak in the debate. We are not normally in any doubt as to what he thinks, and I am sure that he will be

no different today and will tell us what, if any, are the sticking points.

### 3.30 pm

In the past few days, I have noticed a recurring phrase. I have heard Mr Copeland and Mr Nesbitt say:

*“That was then; this is now”.*

That seems to be a catchphrase for the time being, but it also seems to indicate a willingness to move from a previous position on to new ground. Therefore, let us hear the up-to-date position of UUP Members and whether they will support a single authority and be prepared to argue the detail in Committee and in the Assembly.

I mean no offence to his predecessor, but the Minister has shone a different light on various aspects of the education system. He has also shown a willingness to bring a suitable Bill before the House, provided that there is sufficient political agreement to ensure its passage. I hope that that is a reasonable summary of the Minister's position. In answer to questioning from Conall McDevitt and me about the need for political agreement, the Minister told the Committee for Education:

*“I have never stopped the conversation. I can assure you that no representative who wants to talk to me about the ESA has been turned away from my door.”*

That actually sounds quite similar to Caitríona Ruane's mantra, which was often repeated in the House and asked us to join with her, as the issue was all about the children. Both are invitations to open a discussion, but one of the questions that I ask today is: who should instigate that discussion and in what format should it be? I suggest that it is up to the Minister to open the discussion with all parties on this most important issue.

During the previous Assembly, four-party talks were held on educational issues. Sadly, those talks did not include Sinn Féin, but that was its decision. Those talks produced a useful portfolio of advice, and, perhaps more significantly, they proved that there was a willingness to engage on issues and in frank discussions away from the strictures of the Assembly and the Committee. I put it to the Minister today that, instead of waiting for parties to knock his door, he should proactively

lead a five-party discussion to tease out the remaining problems, if they exist, to enable the Department to frame legislation that is acceptable to everyone.

I also challenge the other parties, particularly the DUP, to make the commitment that, if a reasonable level of agreement is evidenced, they will not hide behind a petition of concern when the time comes for debate. Likewise — I cannot believe that this could happen again — I would hope that progress would not be blocked at Executive level, as happened the last time, when the Bill reached the Order Paper and was pulled at the last minute.

In virtually every aspect of its operation, our education system is badly in need of reform. The boards, through no fault of their own, are in disarray, and the estate is in a very poor state and is crumbling around us. We all know the issues: 85,000 empty desks; ongoing problems with selection, with the maintained sector doing its own thing in post-primary review; nursery and early years problems; and perceived and real underachievement among Protestant boys or, perhaps more realistically, working-class children in difficult areas. Those issues also include a budget that is stretched to breaking point by the massive inefficiency in how we run the system and, depending on how you count the numbers, an education system that involves at least 15 operating bodies. Does anyone seriously think that, if we were to design an education system now to fit the needs of a population of 1.6 million people, it would look anything like what we have? Does anyone still believe that we would not benefit in cost, efficiency and the education of our children with the installation of a single body — call it ESA or whatever you like — that could work with the best of what we have and reform or discard the rest?

I pay tribute to the head teachers and staff in our schools who continue to do their best for their pupils, sometimes in very trying circumstances. I also pay tribute to the boards that are operating in almost a vacuum, with so many staff acting up and working under exceptional financial pressures. Those staff are doing their very best, as everybody is, but we need root-and-branch reform. That cannot be realised by tinkering with existing systems. We need an overarching structure at the very top with the authority and expertise to take strategic decisions and drive efficiency through the system.

Much has been made of the cost of ESA and the implementation team to date, but, in the overall scheme of things, that expense will have been worthwhile and that work will not have been wasted if we can now agree to move forward. It was calculated that ESA would save £80 million in the first four years of its operation, and experts have calculated that the division in our society produces waste of £300 million in the education system. What could be achieved by a resolute Department working with a single education authority that has the authority to take the necessary decisions? The possibility is there, and it is in our hands. I ask Members to join me and the Minister, and let us try to get the show on the road. I, therefore, ask the Assembly to support the motion, other parties to spell out their position and the Minister to accept the motion and take on board the suggestions made. I look forward to his response.

**Mr Storey:** I speak on the motion with a sense of déjà vu because we have been here so many times in the past. However, I think that this occasion differs from previous debates. I do not want to go over the past with any great glee or enjoyment, but the environment in which the education debate is now conducted is more conducive to dealing with the issues in a constructive and meaningful way. That is not to say that there are no issues or that there are not still ideological differences between parties. However, there are things that we must set clearly on the record in this debate.

First, where did ESA come from? Let us be very clear: ESA was not formulated in Connolly House, nor did it come from the headquarters of the DUP. It came out of the Department, on the back of a damning assessment by the Public Accounts Committee of the House of Commons of the spend — or misspend — of £40 million on numeracy and literacy. I believe that the Department always intended to remove bureaucracy and reduce the large number of organisations to which the Member referred in his opening comments, so that there would be a more streamlined and efficient system. The cynic in me says that there were other reasons why the Department may have wanted that. However, when the Bill was brought to light, with 55 clauses and seven schedules, it was abundantly clear that the Department had opened a Pandora's box and could not satisfy all the expectations and demands nor allay all the concerns and fears that existed among a variety of organisations. That led us to a situation in

which there were key, fundamental problems with the Bill. I am glad that the Member referred to DUP manifestos. He is wiser than I am, in that he reads and digests such documents before coming to the House.

I want to spell out that one of the fundamental problems or deficiencies in the Bill was with regard to the transferors and the controlled sector. My party has made its position clear, for which, I trust, I take some responsibility. I was educated in the controlled sector. I did not have a grammar school education, nor did I go to university. However, I valued greatly what the controlled sector did for me as a young person by giving me an education. The Bill was going to take away the legislative rights of a particular section of the community, and that was a fundamental problem with it. I believe that, as a result of the discussion and dialogue held over the past number of weeks and months, progress can be made on that issue and it can be resolved.

Ownership is also an issue. Remember that the previous Bill wanted to create a holding body for the controlled sector — the establishment of another body, when the Bill's original purpose and intent was to remove bodies. Therefore, why was there a need for a holding body? I think that the merit of that has been dispensed with. There was the two-Bill approach. We had two Bills as opposed to one.

The devil was always going to be in the detail. I have said repeatedly that we need to have a single authority, but a single authority based on the Education and Libraries (Northern Ireland) Order 1986, which gives simplicity, clarity and direction to the education system in Northern Ireland. *[Interruption.]* Does the Member want me to give way?

**Mr Lunn:** That will give you an extra minute. Does the Member now agree with his party leader, who said at the cross-party talks after the election that he could not see any obstacle to this process moving forward?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Storey:** Thank you.

Far from it, and far be it from me to be found to oppose my party leader. My party leader and I discussed the issue over the summer and on many occasions in the past, so he is well versed

on the issues. We are clearly in the position, made clear in our manifesto, of supporting the principle of a single authority for education.

The other issue in the second Bill that we wanted to dispense with was the establishment of an education advisory forum. With the greatest of respect, we do not need a civic forum for education. Debates on education —

**Mr Deputy Speaker:** Will the Member draw his remarks to a close, please?

**Mr Storey:** Debates on education must take place in the House, with the Minister, the Education Committee and other Assembly Members present, not in an expensive talking shop outside.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Éirím le tacaíochta a thabhairt don rún. I support the motion.

For some time, there has been consensus on the need for modernisation and reform in the administration of education. The need for it, as a result of potential cost savings, has been well documented by Members who have spoken and by many other people over years past. Sinn Féin has supported ESA as a replacement for the local education and library boards to bring efficiencies into local education. We have sought political support for such a move for some time, and I hope that the debate will add impetus to those discussions.

Implementing ESA would bring savings of up to £20 million each year. At a time of extensive cuts to the education budget, we must look at ways of saving administration costs to protect front line services. However, we also need to acknowledge the potential improvements that can be made to our education system if a single organisation were charged with delivering education. The education of our children is the most important factor in advancing the education agenda, and rationalising the regional boards into one authority makes perfect sense. Savings would be made through better planning, better management of the schools estate and better co-operation across existing board areas.

Currently, the library boards and CCMS have been tasked by the Education Minister to carry out a viability audit of our schools estate. The scenario would be much better if a single organisation could take forward such an important piece of work to ensure that

proper discussions take place and no existing vested interests or agendas are protected. Unfortunately, owing to a delay in getting political consensus, we have not yet reached that position.

We in the House need to take charge of the scenario. We need to send a message that we are here to protect and deliver public services as best we can and that politics can work for people here. We often see politicians fail to deliver change because they think that they will, in some way, leave their own wee community or a section of society behind. We need to wake up and realise that the community and society are ahead of us in that regard. There is overwhelming consensus among the public that education reform needs to happen and that the Education and Skills Authority needs to be set up. We must move beyond discussions about establishing ESA and continue to focus on improving how we deliver education to our children and young people.

Every year, 4,000 young people leave school without the most basic literacy and numeracy skills. There are children in our society who manage to make it the whole way through the education system with dyslexia or dyspraxia without ever being diagnosed or receiving any help.

**3.45 pm**

**Mr Storey:** I thank the Member for giving way. We need to be careful not to overplay the point about raising standards. The creation of a new administrative system is not the only way to raise standards. It may be helpful in doing so, but remember that the boards already have a responsibility to do that. So we just need to be careful not to put all our eggs in one basket.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Flanagan:** I thank the Member for his intervention, and I hear what he is saying. I am not going to stand here and quote departmental policies, because I know how much he detests that practice. He will, however, agree with me that setting a standard across the whole of the North will help to improve standards and to tackle inefficiencies in certain areas. Those are the areas that we need to focus on. I am confident and hopeful that the Minister of Education will continue to work in that regard to put the needs of our children and young people

first and to put in place a modern education system. Sinn Féin will support the motion, and it is calling on the other parties to support it too in order to improve our ability to deliver first-class education to all our children.

**Mr McNarry:** The proposal is not difficult to support. However, the real question that the motion provokes is this: just how far has the political debate matured towards agreement? The education structure requires urgent reform before any ESA proposals are legislated for. By all means, bring forward legislation. Heaven knows this place could more easily justify its existence by doing what it was set up to do: legislating. However, let us not rush or give the impression that all the Minister needs to do is to bring forward an ESA motion and all will then be well with education. That is clearly not the case, and it will not be the case until many issues are resolved.

The Minister needs to engage properly with parties to reach consensus on the ESA. As we know, education is a sensitive issue that requires consensus. In October, the Minister referred to Members' shyness when talking about the Programme for Government. Since that is demonstrably not the case — shyness is not a problem, and there is no Programme for Government — I suggest that the Minister urgently engage in round-table talks on education as soon as he feels that that is appropriate. Events have overtaken him. There is already a live debate about whether we can continue with the current outdated model of four separate education sectors or whether education would be better served by a “whole of Northern Ireland” community approach within a new single service that is united by a shared education experience under one common authority. The recent remarks referred to —

**Mr Storey:** I appreciate the Member giving way. Does he agree that one of the issues that needs to be addressed, irrespective of what happens with the ESA, is the Minister's budget profile? Irrespective of whether we have one, two or 10 boards, if the aggregate schools budget continues as it is, more teachers will be made redundant. I have raised that issue with the Minister to find out how we will deal with what is a major problem, irrespective of whether we have a single authority.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr McNarry:** I thank the Member for his point, which is relevant and which we will no doubt continue to return to in Committee.

I refer to the First Minister's recent remarks on the subject, which caused a reaction at the time with some pundits, who asked, "What is he really up to?". I, for one, do not believe that the First Minister is up to anything. He seems to be stating the obvious. His sentiments echo those voiced by me over five years ago and reflect what many people feel today.

The budget has been mentioned. Despite the growing financial pressures on education, there is scope for new and visionary opportunities that lie principally in the creation of a single streamlined education service. However, the ESA model that we are being offered is flawed, and it has been pointed out to be just that. Unfortunately, the Minister is wrestling with a monster that his predecessor created. Some £12 million has already been and continues to be spent to maintain the ESA shadow organisation. Some people in it seem to imagine that all that the Minister needs to do is to press the legislative button and another bureaucratic empire will be created. That nonsense serves only to bring the House into disrepute with the public. Let the Minister explain how such a sham can continue. If legislation is not forthcoming and the shadow organisation has completed the remit, I ask the Minister to justify its continuance.

We can and we know that we can do better. We can use the opportunity to ensure that the ESA actually works for education and does not become another self-satisfied unaccountable bureaucracy, which many of us fear the present model will become. Perhaps, the Minister will share with us his timetable for the introduction of legislation. Perhaps, he will acknowledge that the expenditure of millions of pounds has given rise to an atmosphere of self-righteousness among some luminary designates in the ESA shadow unit. Perhaps, he will tell the House that his intention for the ESA is that it will facilitate efficiencies, redirect funding from administration to front line teaching services and ensure that the position of the transferors' representatives is protected and fully recognised in his proposed legislation for the ESA.

I thank the sponsors for tabling the motion, if only for the purpose of sparking the debate and, I am sure, in the hope that they would provoke

some headway towards a conclusion. How close we are to an acceptable outcome may be beyond our reach today, but, surely, it is not beyond our competency to get there as soon as possible.

**Mr McDevitt:** With the greatest respect to the mover of the motion, I say that it is hard to get excited about the debate. The Assembly has been back for six months since the election. Not one piece of legislation has been brought to the Floor of the House. The points that are being made should be debated through a Bill, with the Bill in front of us. Instead, we are having talks about talks about possibly doing something when the talks are over and having more talks about maybe thinking about introducing a Bill by next year. If I were one of the many people who have given their career to one of the education and library boards, lived with the shadow of uncertainty and watched morale collapse all around them and I had plugged into the internet to watch today's debate, I would just say, "What is the point? Is this what we vote for? Is this what it has come down to?". It really is a shocking indictment of us all.

We have a situation in which, when all of us went to the people seven months ago, the 'Belfast Telegraph' was able to write the following lines:

*"Northern Ireland's main political parties have vowed to put education at the heart of the Assembly during the next four years. Alliance, DUP, SDLP, Sinn Fein and UUP have all made pledges to progress our education system in their 2011 Assembly manifestos."*

That was on 25 April 2011. Six days later, we went to the polls. We all seem to have forgotten that we made that pledge. If we have not forgotten that we made that pledge, where is the action on it? When will we see some action on it? Do we write those things just, frankly, to make ourselves look like absolute eejits in the eyes of our population?

**Mr McNarry:** I hear what the Member is saying. Perhaps, some of that criticism is deserved. Can he tell me what his party's Minister is doing at the Executive on the issue?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr McDevitt:** I am not a member of the Executive. I understand that my party's Minister is exercised by the issue. When the draft Programme for Government was being debated

at the Executive, the Minister highlighted the fact that there was not a single commitment to one piece of legislation in it. I can tell you as a matter of fact, Mr Deputy Speaker, for the benefit of Mr McNarry and colleagues, that, when the SDLP responded to the draft Programme for Government, that issue was in the third paragraph of our response. The Assembly really needs to start to build some sort of resolve in the Chamber that what is needed is not more discussion about the ESA but legislation on the ESA that we can debate.

We know the cost to date. One teachers' union tells us that it has cost us potentially 400 teachers. As I said, we know that it is utterly destroying staff morale. It is a matter of fact that it is undermining public confidence in our education system. Some parents and other people who know a lot more about this than I do are beginning to think that it could damage children's futures. As far as I can see, all we are proposing to do is to take a pretty awful organogram with 15 unrelated bodies and move them into five to rationalise the back office, to save a few quid, to provide a bit of strategic direction and to bring more focus to education. However, the question still remains: why can we not debate the legislation that will make that possible?

As you will know, Mr Deputy Speaker, we had our party conference at the weekend. There was a bit of light-hearted entertainment on Saturday night and a bit of a running joke — Mr Bradley will remember this — about stuff that Martin McGuinness might have said during his career. It was very interesting, and it was pointed out that, if he left the IRA in 1974, when certain things happened in 1982 that was only really eight years after he left the IRA. We had an election and made all those commitments about education in April 2011, and, in October 2011, which was five months after the election, our First Minister told us on the record that he would save £400 million from the Northern Ireland Executive through greater efficiencies. He went on to say:

*"long-awaited plans to merge our five education boards into one body, the Education and Skills Authority (ESA), are now also 'in the final stages'."*

If they are in the final stages, can the Minister tell us how many meetings he has had with the First Minister and deputy First Minister on the issue? Can he tell us whether they have a Bill,

and, if so, when will it come to us? If they do not have a Bill, does he have a Bill? If so, when will that Bill come to us? Can we please come back very soon to turn this debate about a debate into a debate about legislation?

**Mr Givan:** I want to build on some of the points that my colleague Mr Storey has already made. He outlined a number of the problems that we had with the previous Bill and some of the issues around which we are having clarity sought and given in order for this matter to progress. It is right to say that the environment has changed and positive discussion is taking place. It is important that we get it right. I know that some Members can get very impatient, but we need to get it right.

**Mr McDevitt:** Talk about slow learners.

**Mr Givan:** The Member opposite really needs to learn about belittling people. I heard the comment about slow learners. Yesterday, he belittled people and made a fool of himself, and, again, he is trying to make a fool of himself. He would do better to be a little calmer and to listen to what other people have to say. I know that he has a tendency to run for the cheap headline and will stoop into any gutter to get it, but maybe the Member should have a little more patience and take on board the commentary that comes from other people.

Let us get this right. That is what is important in all of this, and then the legislation can come forward. I note the comments asking where the legislation is, but some Members seem to forget that their Ministers are also in the Executive. Where is their legislation? Indeed, the Minister from the party opposite tried to withdraw a planning policy statement that would help to grow our economy; so, rather than producing legislation and planning policy statements, they are withdrawing them. Therefore, let us put the record right: either you are in the Executive or you are out of it, and it is time that the SDLP made up its mind. Let us put the lights on in that party and get it right. Either you are in it or you are out of it.

**Mr Deputy Speaker:** Please return to the motion.

**Mr Givan:** Another issue that we have to seek clarity on relates to boards of governors. I declare an interest as a member of the board of governors of two schools. We want to make sure that we get right the way in which those boards are drawn and how the ESA would perform that role.

There was an issue before about community governors. What is important to us is that we are able to draw a board of governors that is reflective of the community and that transferors have their rights protected and represented on those boards of governors.

#### 4.00 pm

When ESA gets established, it has to be on the basis of equality. The Catholic maintained sector and the controlled sector must be treated equally and all their rights must be protected. They have a very important role to play. They have invested a considerable amount of effort, over decades, in the education system, and we should pay tribute to the work that they have done. It is important that, whenever it is taken forward, the controlled sector, CCMS and the different faith groups that have played a vital role in education have those rights protected. We want to ensure that that is the case. There is also the employment issue — becoming a single employer for all the different staff that are employed in our schools and throughout the education establishments. Getting clarity on that particular issue will help us to move forward.

The other reason why establishing ESA as soon as possible would be very helpful, particularly for those of us who represent the South Eastern Education and Library Board area, is to bring some semblance of democratic accountability to the education system in the area governed by that education board. As I said before, it is inexcusable that, six years since its suspension, we still have commissioners running that education board. Only today, I got a letter from the Education Minister stating that determining whether there should be a reconstitution of the South Eastern Education and Library Board will be dependent on an assessment being made when ESA is established.

Bringing ESA forward and getting it right would allow the South Eastern Education and Library Board to get a better system in place for schools. The reason why it was suspended and the purpose of bringing in the commissioners to perform have long passed being a justification for why that happened in the first place. Again, I appeal to the current Minister to look at the issue of the commissioners and of when ESA is going to be brought forward, because that board area needs to have proper accountability and democratic representation.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I support the motion. Sinn Féin supports the establishment of the Education and Skills Authority, and has supported it from the minute that Sinn Féin took office in 2007 under Cairíona Ruane. The current Minister fully supports and is proactive on the establishment of ESA.

ESA makes economic sense during these tough times. We must ensure that we have effective organisations administering education. ESA is a major tool that will ensure consistency of approach across all the areas, such as special needs. We need to ensure that all children and young people have access to the highest standards and qualifications. Why should we spend money on administering nine organisations, nine chief executives, human resource managers and finance managers? We would do much better to use those resources for our teachers, classrooms, classroom assistants and pupils. The sooner we have ESA, the better for everyone.

Sinn Féin remains committed to the establishment of the Education and Skills Authority. Some of the Members who spoke previously mentioned children leaving school without any level of qualification. We have always said here in the House that children should remain at the heart of our education system. We can go a step further on that, and I urge all those who are in doubt to seize this opportunity to support the Minister in bringing forward the legislation.

It is encouraging here today that we have a positive vein and there are no real fundamental differences. We have had a positive discussion this afternoon, and I thank the proposer and the other Members for bringing the motion to the House. People and educationalists in the sector want to move forward, so let us have less of the talking and more of the action on this issue.

**Mrs Hale:** As a member of the Education Committee, I support the motion.

This issue dominated the headlines and the work of the Assembly in the previous mandate and, unfortunately, it continues to do so. We need to see progress on the issue, but it requires the input and the willingness of the Education Minister to work with the parties around the table.

The authority established by the previous Education Minister did not reflect that which was

proposed in the review of public administration framework. RPA was about streamlining services, including education, and generating savings. Why, for example, is the word “skills” included in the name of the body? Is there a political point implied in the use of that word? Not all schools in Northern Ireland would agree with that term, as many schools focus on educational and academic achievement. Furthermore, if the body is about streamlining education, what assurances are there that money that will be saved in the attempt to reduce bureaucracy will go back into front line services? The latest figures, taking us up to August 2011, as Mr McNarry said, amount to £12 million, and that cost continues to rise. It is sad to think that that money could not have been spent on other things. The staff of Dromore Central Primary School and Dromore High School and the pupils of those schools and their parents could think of 12 million other uses for that money.

In any liberal democracy, when a Bill is put before the relevant Parliament and falls, it does not become law. In the case of the Education Bill, consensus was not achieved and the Bill was stopped in its tracks. Instead, the then Minister decided to force the issue in the absence of consensus and of ensuring the proper and correct process associated with any liberal democracy. As part of any liberal democracy, people elect other people to represent them and their views. The previous Minister, therefore, not only ignored the views of the Members of this House, but those of the people of Northern Ireland.

I am keen to see that the issue is resolved, as, I am sure, we all are. Unfortunately, we are left in a position whereby ESA exists in a transitional form. In May this year, as Mr McDevitt reminded us, the people went to the polls. My party's slogan was, “Let's keep Northern Ireland moving forward”. My party successfully increased its membership here, with me as the fourth menu — Member — for the DUP in Lagan Valley.

**Mr Givan:** Very tasty.

**Mrs Hale:** Very tasty. *[Laughter.]* Well, I do not make those comments to boast about my party's fortunes in the May election, but to say that a majority of people in Northern Ireland want to see progress on the issue in question. I would like to see that happen because, as

Michaela reminded us, children are at the heart of it.

**Mrs Dobson:** I support the motion and thank the proposer for bringing it to the House.

In answer to a question submitted by my colleague Mr Basil McCrea last month, the subject of which was raised again today by my colleague Mr McNarry, the Department of Education revealed that the costs of the preparation of ESA, up to the end of August 2011, have totalled some £12.1 million. That is a startling amount of money for the Executive to waste on an organisation that does not officially exist.

Were Members to visit the Education and Skills Authority Implementation Team (ESAIT) website, they would find that there is only a single piece of news for this year, concerning the publication of the convergence delivery plan in January 2011. That plan stated that some £13 million of efficiencies in the previous financial year were dependent on the establishment of ESA. As we now know, £12.1 million was spent with little achieved in the way of efficiencies. There have been some notable successes, such as the implementation of a common ICT platform and the design of an organisational structure. Those successes prove that the principles of the establishment of ESA are sound and deliver efficiencies, but it has been six years since RPA was first announced and three years since ESA was first discussed and, still, we are in stalemate.

I am sure that many Members share my concerns about the future role of the Churches in ESA through the transferors' representatives. Currently, some 1,900 nominees from the Church of Ireland and the Presbyterian and Methodist Churches in Ireland serve as governors in our primary and secondary schools. Ten members nominated by the Churches serve each of the education and library boards. Since 1921, transferors' representatives have made and continue to make valuable contributions to our education system, based on the ethos of the Christian faith. As it is clear that Christianity continues to be our most widely held religious belief and that parents seek to have their children educated in schools in the context of the Christian faith, we must ensure that the positive and historical involvement of the Churches is maintained through the establishment of ESA. I ask the Minister to clarify his position on their future involvement.

**Mr Lunn:** I thank the Member for giving way. I do not know whether she has had any discussions with the transferors since she was elected, but does she not accept, from me, at least, that the transferors are largely satisfied with the situation that they have been offered?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mrs Dobson:** Thank you. No, I do not agree with your comments.

We must set out our goals towards delivering better value for money in our education system while maintaining the quality of service for our schoolchildren throughout the transitional period in the delivery of education and support services. In the present economic climate, the case for a single education and skills authority has never been stronger. The benefits far outweigh any reservations, but the answer is not to continue with this expensive, protracted and counterproductive stalemate. We owe it to the present and next generation of our schoolchildren to look towards the future of education in Northern Ireland.

I acknowledge that the Minister has a difficult balancing act to perform. Uncertainty and inactivity have led to staff morale throughout the sector falling to a low ebb. He must balance the needs of those staff and the future aspirations of our young children during the coming rationalisation of the school system. Those are tough decisions, and they cannot be taken without the input of religious and political stakeholders. Their influence must be acknowledged and protected.

We can be in little doubt that ESA will, once again, appear in the Programme for Government. This time, the Executive must not fail to deliver on their promises. I urge the Minister to clarify the future role of the Churches and to break the present stalemate and realise the goals of pupils, parents and teachers across Northern Ireland by delivering on this important improvement issue.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Éirím le tacaíocht a thabhairt don rún tábhachtach seo ar an údarás oideachais agus scileanna.

I support the motion. Mr Storey said that this debate was a bit like *déjà vu*. I will quote the person who said that it is a bit like "*déjà vu* all

over again", because we seem to have been through it before. We have scrutinised the Bill, and now we are back here debating it again.

Surely, the need for a single education body has been self-evident for some time. It is clear from party manifestos that the rationalisation of the proliferation of education bodies is agreed on by all parties in the House. The original aim of ESA was to streamline education services and policies across the North, and in doing so, to reduce the bureaucratic burden and its associated costs. As an afterthought, it was proposed that ESA would have a role in raising standards by implementing departmental policy. However, that was not the original function. The original estimate of savings was something in the region of £20 million per annum. Instead of making those savings, we have expended £12 million in preparing for the establishment of ESA, which still has not been set up.

**Mr Storey:** It is not often that I defend the previous Minister or this Bill, but, for clarity, the issue of raising standards was not an afterthought; it is in clause 4 on the second page of the Bill. Maybe he needs to read this document, even though it is probably out of date.

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr D Bradley:** I thank the Member for his intervention. In the pre-Bill days, when ESA was originally discussed, there was no mention whatsoever of raising standards; the key function of ESA was to reduce costs. Although he may be correct about the Bill, he is incorrect about the pre-Bill days.

#### 4.15 pm

We have depopulated the education and library boards of staff in preparation for the arrival of ESA and, to date, it has not arrived. It is a bit like waiting for Godot, and, in the meantime, we have neither one thing nor the other. On the one hand, the effectiveness of the boards has been reduced to the point where they are straining to provide a service with reduced staff numbers and fewer resources, and, on the other hand, ESA has not been established. It is costing us rather than saving for us.

The motion calls for legislation to be introduced to establish ESA before the end of this Assembly session, and that may be indeed be possible. An amount of work was done on the first Education

Bill, which allowed for the setting up of ESA, but that Bill would require quite an amount of redrafting to include the resolution of outstanding issues. I wonder whether the Minister has given any thought to amending the Education and Libraries Order 1986, which may provide a way in which to expedite matters and to accelerate the establishment of a single body.

There is a need to ensure that examinations remain apart from ESA so that there is no suggestion that the independence of examinations here is in any way compromised. Quite frankly, I find it difficult to believe that the Minister has not yet met face to face with the chief executives of the education and library boards to discuss the establishment of ESA. I believe that they are eager to meet him. Surely those people are the most experienced educational administrators that we have, and the Minister should be seeking their views and using their experience to move things forward. I would like the Minister to give us an undertaking that he will indeed engage with the chief executives in a dedicated meeting on the issue without any further delay.

We cannot afford any further delay. We need the single education body to ensure that strategic planning across a range of education issues is implemented. Without it, we have a dysfunctional system that is in danger of pulling in different directions. The Minister needs to show leadership to bring the matter to a head without further delay. Parents, pupils, teachers and staff in the education organisation deserve that, and let us give it to them. A LeasCheann Comhairle, tacaím leis an rún. I support the motion.

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an deis freagairt ar an rún. D'éist mé go cúramach leis an díospóireacht agus tabharfaidh mé freagra ar an oiread ceisteanna a ardaíodh agus is féidir liom. Scríobhfaidh mé, ar ndóigh, chuig Comhaltaí ar bith nach bhfreagraím a gceisteanna inniu.

I welcome the opportunity to respond to the motion. I have listened carefully to the debate, and I shall respond to as many of the issues that were raised as possible. I will write to the Members involved on any issues that I do not respond to directly.

I remind Members of the two main reasons why we need an education and skills authority. First, our education system matters. It secures

the education and development of our children, spends over £2 billion of public money every year and holds the second largest public service budget. It employs more than 50,000 staff, and education embraces children and young people from birth to the age of 19. It provides services as diverse as Sure Start, schools and youth clubs. We cannot disagree that a service as valuable and important as education needs modern, effective administration arrangements.

Secondly, education services need to change fundamentally. We need to change how we plan schools and how we build them, change how schools are governed and managed, and change how we challenge schools to raise standards and how we hold them to account. We rightly celebrate all that is good in our education system, the educational excellence of those who work in it and the exam results of the top performers. However, in praising what is good, let us not overlook the urgent need for improvement. Our education system fails to equip over 40% of children with the qualifications needed for employment or higher education.

That is unacceptable. It damages the life chances of young people, it blights communities and it throttles our economy. Mr Bradley said — it may have been an afterthought, but it was a very good one — that the ESA Bill should include provision for raising standards as a central component of that body.

International evidence from studies such as PISA — the programme for international student assessment — shows that it is clear that we are falling behind many other countries. That matters to education and the economy because we are falling behind our economic competitors. If we want to attract investment to rebalance the economy, we must compete with highly skilled economies, and effective education is key to that. I believe that the educational case for change is unanswerable. The financial case is just as strong. Establishing ESA would save £20 million a year in administration. That sum has already been removed from the education budget, so we are continuing to prop up unnecessary bureaucracy that we no longer have the money to pay for.

The budget was mentioned on several occasions by Members during the debate. It is clear that the Department of Education faces a very difficult budget. I am looking at the aggregated

schools budget to see whether we can re-profile it, but I am robbing Peter to pay Paul. There is no new money in the system. We have to look at efficiencies across the system, and one of the clear areas to look for efficiencies in is administration.

The subject of ESAIT has been raised, as have questions about why it is in place. It is in place because the Programme for Government stated that ESA would be established. Therefore, it would be rather foolish of any Department not to have the necessary plans in place. However, ESAIT cannot remain in place for ever. The Executive, the Assembly and we politicians have to make a decision as to whether we are going to live up to that commitment in the Programme for Government and deliver ESA. If we cannot live up to that Programme for Government commitment, ESAIT will no longer exist.

Establishing ESA would bring a step change in delivering the vision of supporting schools and meeting challenges. All public services are facing difficult circumstances, with tough decisions to be made. In the cases of libraries and health and social services, the Assembly has acted decisively to bring about fundamental reform and to equip those services with modern arrangements. By contrast, education is stuck with arrangements that are no longer fit for purpose. Those arrangements tie up resources in unnecessary bureaucracy and fail to deliver equality, with services depending on where someone lives, not on what they need. Those arrangements struggle to adapt to the changing needs of learners.

It is also clear that the existing organisations are strained to breaking point, despite the best efforts of those who work in them. At this point, I would like to address Mr Bradley's comment that I have not met the chief executives. I have met the chief executives. The democratic authority in an education board, however, lies with the chair, not the chief executive, just as the democratic authority in the Department of Education lies with the Minister, not the permanent secretary. The chief executive officer of any organisation is the accounting officer; the democratic authority in an organisation lies with the elected chair. That is who I, as a democratically elected representative, quite correctly deal with. That in no way undermines the experience, authority or commitment of the chief executives in our education boards, who carry out great work across our system.

There are factors in various sectors that vary. Take, for example, the autonomy of schools to run day-to-day affairs. That is rightly prized by many, but it varies from sector to sector for no educational reason. Some schools enjoy great freedom to innovate, while others are not even free to choose their own senior teachers. I believe that accountable autonomy should be available to all schools on the basis of need and ability and not be limited to some on the basis of historical custom and practice. The case for reform is unanswerable. Change is needed now.

The ESA debate often focuses on who will control the body, what its powers might be and how it will relate to other stakeholders and institutions. Those are all important questions but they are not the right starting point. We all want to see successful schools, so the first and most important question should be: how do we design an ESA to foster success? Some have suggested that a single type of school is the answer. I profoundly disagree. Our education system is richly diverse, reflecting the choices made by learners, parents, teachers and governors. No one type of school has a monopoly on success, and I have seen outstanding, successful schools in every sector, as well as schools that need to improve. However, successful schools in every sector tend to have certain things in common: high quality teaching in the classroom; high quality leadership in the management team and in the boardroom; accountability to the communities that they serve; an ethos that learners, pupils, staff and governors support; and the ability and support to manage their own day-to-day affairs.

ESA should be designed to promote and support those features in every school. Its role should encompass better planning and development of the education workforce; better support and development for school governors and managers; better planning of the education estate; promoting greater sharing and co-operation across all school sectors and types; and improving performance, holding schools to account and challenging them where necessary.

Some fear that ESA will be too big and risks turning into an unaccountable, domineering quango. Let me assure Members that that will not be the case. Education, perhaps more than any specific public service, is local. It is delivered by over 1,000 schools, 200 early years providers and 2,000 youth organisations. Education can call on over 10,000 school

governors and 20,000 youth workers, all serving in a voluntary capacity. What other public service is so firmly rooted in the communities that it serves?

ESA will not change that, nor should it. ESA will not be a remote overlord but an accessible, supporting, critical friend. It will be a single system to serve a diversity of schools. ESA will preserve the strength of all schools. It will focus on the interests of learners and teachers rather than on institutions. It should be designed and implemented with the appropriate functions and powers and with governance arrangements founded on local democratic accountability.

We often hear of the interests and concerns of sectors and other education stakeholders over ESA, in particular those of the transferors. A number of Members raised the issue of the transferors. I can assure the House today that the concerns raised by the transferors have been taken on board and they can and will be resolved. In fact, those assurances were given during the previous mandate. The transferors' issue will be resolved to the satisfaction of all concerned.

**Mr B McCrea:** That is news to us. We — that is to say, the Minister and I — had discussions at Stormont Castle, where we were looking at how we might resolve the issue of the transferors. We are told that it will be resolved satisfactorily, but that is not the case. They are not happy. They are not satisfied, and until the situation is resolved, it is difficult to see how we can move forward. Will the Minister clarify whether things have changed since our discussions?

**Mr O'Dowd:** I do not think that megaphone diplomacy will be helpful in this instance. I assure you that your recollection of views is not the same as what I recall. If there are any outstanding issues, they should be communicated to me, and we will see what we can do to resolve them.

As with any change to a system or a function, you will not be able to deal with every concern raised by whatever sector comes to you, nor should I, as Minister, be expected to do so. I have to take a collective view on all the matters, and I intend to do that.

Why has no legislation been brought to the House today? Why are we debating a motion? I feel that it is only right and proper that we introduce legislation that has the best chance

of going through the Chamber. We do not need another false dawn with ESA. To do that again would be totally unfair to the staff and senior management who are working in the boards and the rest of our education service. It has been frustrating and slow, but I do believe that we are making progress.

**Mr D Bradley:** Will the Minister give way?

**Mr O'Dowd:** Just give me one moment.

I am of the view that we will be able to introduce legislation in the near future that will satisfy the needs of our education service and the core needs of reform in education and will deliver a more modern education service.

**Mr D Bradley:** I thank the Minister for giving way. What is the Minister's best prediction, at this time, for the establishment of ESA?

**Mr O'Dowd:** The motion calls for legislation to be brought forward within this session, and I believe that that can be achieved. Since coming into office, I have been in discussions with the DUP Mr McNarry from the Ulster Unionist Party, an Education Committee member, has recently corresponded with me, seeking to meet me on this and a wide range of education matters, and I have agreed to do that. The Alliance Party tabled the motion. However, not a single line have I had from the SDLP in respect of this matter.

I have been challenged in the Education Committee by the SDLP to start dialogue and talks. I have been challenged today in the Chamber to introduce legislation, and that party has damned the Executive because there is no legislation coming forward. I am a member of the Executive. I do not recall the conversations that the Member outlined today about concerns raised by certain Ministers at Executive meetings. I do not recall them.

I know that the Executive have agreed that legislation on RPA and the councils should be brought forward. However, if the Member is so keen on legislation, when will we see the legislation on those matters?

**4.30 pm**

It is all well and good for Members to come into the Chamber to make bold and strong statements that will, no doubt, be carried on the evening news and in tomorrow morning's newspapers. However, behind the scenes —

**Mr McDevitt:** When?

**Mr D Bradley:** Answer his question.

**Mr O'Dowd:** I have been in office for the past six months, and not one SDLP Member has knocked my office door to ask to speak to me about this or any other education matter. So, when they talk about the Assembly not working, perhaps they need to take a closer look at themselves and ask whether they are working.

**Mr McDevitt:** I appreciate the Minister's giving way. He may have needed to catch his breath there.

When I raised this question at the Education Committee, the Minister told me that the only place he wanted to debate ESA was at the Education Committee and that he did not want any side negotiations or separate meetings. He wanted it debated at the Education Committee. I have challenged him every time that he has come before that Committee. When will we have a Bill? If the Minister is telling us today that it is coming soon, I very much welcome and acknowledge that. However, maybe he could tell us whether it will happen this side of Christmas or whether it will happen, as MacArthur told his troops, some time before some Christmas.

**Mr O'Dowd:** If I am awaiting the SDLP's assistance in bringing forward legislation, it will never come forward. So, thankfully, I am not awaiting the SDLP's assistance in bringing forward legislation. I am involved in discussions with all the other parties, which have done more than just ask questions. This is the difficulty for Mr McDevitt: being a politician is not simply about asking questions but about providing answers. That is where you fall down every time. You need to provide answers.

**Mr Deputy Speaker:** Members, it has been a good-natured debate to date, and we have allowed a fair amount of interjections, but let the Minister be heard, please. I think that we are getting over and above a certain tolerance level.

**Mr O'Dowd:** So, there are challenges ahead for us as we move forward as a collective Assembly and Executive. Yes, I have outlined that there are frustrations. I am frustrated that we have not yet brought forward this legislation. However, I am confident that when those parties that are working on this issue bring forward legislation, it will have the best chance of going through the Assembly and of becoming law. We will then see the changes to education that are required.

We will be able to leave all the rhetoric behind and have in place a working, functioning, single education authority delivering the best possible services to our young people.

**Mr Dickson:** A number of quotations were made in the Chamber, and I propose to make a few more. I ask Members to consider this quotation:

*"The hub of future administration for education will be built upon a new Education Authority".*

That was the Secretary of State commenting on the review of public administration in November 2005, which is six years ago this month. The then Minister of Education said in July 2007:

*"I intend to bring forward legislation later this year ... with a view to having the ESA operational by April 2009 at the latest, and sooner if possible."*

The same Minister said in May 2008:

*"Very soon I will bring forward the relevant legislation to the Assembly. ... The time is now right to take forward the change".*

The Chair of the Education Committee, Mr Storey, told his party conference in the same year that people were:

*"looking for leadership ... for agreement, for movement, for clarity and for realism".*

Indeed, a year later, in December 2009, he told journalists that he did not care how long it took to resolve the issues that the DUP had with ESA.

**Mr Storey:** I stand over those comments for this simple reason: my party will not be signing off on, nor did we ever agree to, a Bill that was not fit for purpose. However, we have worked on the matter, as the Education Minister said. I have worked tirelessly over the past number of months to ensure that the issues that are at the heart of the matter are resolved in a way that means that when it comes to the House, we will have an agreement that we can sign off on.

**Mr Dickson:** Indeed, I acknowledge that, and that is where I am taking that comment.

The First Minister told us in October 2010 that he still hoped that a single authority could be established, and he said in September that plans to establish ESA were in their final stages. However, we still do not know where we are with ESA today. The Minister has had his opportunity and, quite frankly, he has blown it yet again today in this Chamber. Saying "the near future" is simply not good enough.

**Mr O'Dowd:** The Member suggests that I have “blown it”. It would be very easy for the Minister to bring forward a motion calling for legislation to be brought forward for ESA, but what is much more difficult is bringing forward legislation to establish ESA. Why does your party not bring a draft Bill to establish ESA if you are so confident about the way forward?

**Mr Dickson:** As a political party, we have neither the resources nor the time to bring forward that Bill, but you, Minister, have the resources of an entire Department and the Administration of this Assembly behind you to do so. The Bill process that has already been developed is a good template to take things forward. Mr Storey and others — indeed, everyone in the Chamber today — seem united in the desire to have the change brought about for a single education authority in Northern Ireland.

The previous Bill may not have been perfect. Mr Storey and others have told us that a great many behind-the-scenes discussions have taken place and that we are now ready to move forward. However, the Minister has disappointed us by describing it as “the near future”. We have been waiting for six years: six years of uncertainty that have chipped away at the morale of our schools; six years of wasted time in which we have failed to replace the overly bureaucratic administration system that has been in place for decades and is no longer fit for purpose, despite the valiant efforts of the staff and the boards who are struggling continuously to deliver a quality education for young people in Northern Ireland.

A totally disillusioned teacher in my constituency recently came to me. In that six-year period, he has been on only one education and library board training course because no longer have staff been available to deliver such training to any extent. His subject adviser left the board one year ago and has not been replaced. Where is the support for the dream education system that Northern Ireland believes it has?

We are not living in that dream world in Northern Ireland; we are living in the world of reality. We need quality legislation. It has been acknowledged around the Chamber that there were flaws and problems with the previous Bill. Every single Member has acknowledged that, whether it is transferors or the whole role of ESA. The Minister has said that there are

problems around that, but problems are there to be solved.

I encourage the Minister, the Executive and all parties in the House to get their heads together to get this resolved and not to give us an answer that is “in the near future” but that contains a date and time by which a practical Bill can be brought forward in order to deliver a modern education system for our community and our society.

*Question put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister of Education to bring forward legislation to establish the Education and Skills Authority within this Assembly session.*

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### Ambulance Service: Newry and Armagh

**Mr Deputy Speaker:** The proposer of the Adjournment topic will have 15 minutes in which to speak, the Minister will have 10 minutes to respond and, on this occasion, all other Members who are called to speak will have eight minutes.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. I presume from your instruction that the Minister intends to respond. I wonder whether I should wait for his arrival, as it is difficult to make a proposition and make some points if he will not be here to respond. Perhaps you will give me some guidance.

**Mr Deputy Speaker:** I have been advised that we are expecting the Minister. It is not customary in this House to take a tea-break to allow for that to occur. We have to go ahead with the business. It is unfortunate that the Minister is not yet present.

**Mr Murphy:** I see that the Minister has now arrived, and I am glad to be able to begin. I thank the Business Committee for facilitating this Adjournment debate. As with all such debates, you can see from the attendance in the House that they are important to the constituency to which the subject is attached.

However, in this instance, I have to say that the provision of any type of service is important, particularly to rural constituencies. Most of us here, including the Minister, represent rural constituencies. We understand the importance of service provision, particularly in the border areas where, historically, service has tended to be poorer and much more sporadic. That is multiplied significantly when we are talking about the provision of acute medical services and the response to people who have injuries or illnesses. Provision of that service is all the more contentious, and the sensitivities and concerns around it are much more heightened.

Our raising for debate the issue of ambulance cover in the Newry and Armagh constituency, and particularly south Armagh where a lot of the

issues arise, is in no way a reflection on the dedication or commitment of paramedic, casualty and other medical staff to the service that they provide. The communities that we represent very much value and respect the commitment and dedication, often above and beyond the call of duty, that paramedics and other medical staff demonstrate in providing care and services for the people of our area; I am sure that other Members concur with that view.

It is a question of the Ambulance Service's interpretation of policy and whether it is interpreting its own policy correctly. The targets for Ambulance Service cover are that an ambulance must reach the person or people affected within eight minutes in a category A incident and within 21 minutes in a category B incident. The target specifies that that is applicable in 70% of the instances in which the emergency services are called out. The statistics that we received pertain to the Newry and Mourne area and indicate that the Ambulance Service is exceeding those targets. I presume that that is also the case in the southern area generally, which is to be commended.

Although we would all want an ambulance to be with us within those time frames in 100% of cases, most reasonable people will accept that it is not always possible. There may be a major emergency elsewhere in the district, road closures, disruptions or a community event that has caused a road closure. In those cases, ambulances and rapid response vehicles will not always achieve the 21-minute and eight-minute targets. Most reasonable people will accept that they will be within those targets 70% of the time. As I said, the service is exceeding the targets, and that is to be welcomed.

There will be circumstances in which ambulance services are directed to another area, engaged in other business or have difficulty reaching the person or people in need of their services, regardless of how acute that need is. However, it cannot be acceptable — I will be interested to hear the Minister's view — that the Ambulance Service seems to indicate that it is acceptable that a certain proportion of people will live permanently outside that 70% response time. Therefore, a certain proportion of people will be beyond that response time 100% of the time.

As I said, most reasonable people will accept that they cannot have a service that is within those time frames 100% of the time. However,

I cannot see how, when that policy was created and crafted, it was accepted that a certain portion of the population, who pay their taxes the same as everyone else and are entitled to access to health services, acute services and emergency services, will be permanently beyond what is an acceptable target for the rest of the population. As I said, I will be interested to hear whether the Minister shares that interpretation. He, too, represents a large rural constituency. I cannot believe that it was ever intended that people would be permanently at a disadvantage in respect of the service that they can expect, particularly in this era of equality legislation, section 75, and whatever else.

In the south Armagh region — I am sure that it pertains to other rural areas, particularly border areas — many people in many areas find themselves permanently beyond that time frame. In places such as Coolderry, Loughross and Altnamackan over near Newtownhamilton, residents' lives are permanently in greater danger than those of other citizens of our district because of the operation of the policy. That is an unacceptable situation and is contrary to the ethos that underpins the provision of the health service, which is about treating patients of all shapes, sizes, ages, creeds and colours without discrimination. It is about an equality of provision and equality of access to healthcare provision, and the application of the policy, which leaves people at a permanent disadvantage when compared with many others, is contrary to that ethos.

#### 4.45 pm

The entire area has been the subject of quite a lengthy campaign, which all parties in the area have supported. It has been through Newry and Mourne District Council, where the case about the lack of provision in the area has been argued out with representatives of the Ambulance Service. After several attempts, the Ambulance Service made a commitment to improved provision in the form of a rapid response vehicle, which was dedicated to the south Armagh area. My colleague Mickey Brady will expand on this issue, but in my view, the rapid response vehicle can be very useful but is essentially there to supplement and to improve ambulance provision and is staffed by a single paramedic. However, the basic principle of that type of emergency provision is the ambulance itself, and although people viewed the rapid response vehicle as at least some small step

forward, that was completely undone by the fact that the vehicle, which was to provide a service for south Armagh, was based in Warrenpoint and, therefore, further away from the constituents it was to serve than the ambulance substation at Daisy Hill Hospital. That added some insult. Although it is absolutely no reflection on the staff who provide that service — they get there as quickly as they can and provide as good a service as they possibly can — the Ambulance Service's interpretation of the policy leaves a lot to be desired.

I welcome the fact that the Minister is here to hear our comments, and the solution that has been advocated for a long time by the people and the elected representatives of the area — they have probably articulated this unanimously — is that there is a requirement to base a substation somewhere in the south Armagh region. I am not sure how familiar the Minister is with the terrain, but there are areas that an ambulance will never reach within 21 minutes. The elderly mother of one of our councillors who lives in the Creggan area near Crossmaglen was knocked down and lay for 45 minutes on wet grass at the side of the road with a broken hip until ambulance cover could get out to treat her. That is not the norm, and the service is usually better, but that sort of issue undermines community confidence in the provision of healthcare for the area.

The solution has long been to locate a substation there that can keep everyone within the intended response time 70% of the time. That is acceptable. It is not acceptable for people to be permanently outside that, and to try to interpret those people who are permanently outside it as part of the 70% is incorrect. People who have engaged with the Ambulance Service at a senior level sense that it is somewhat underhand to try to include people who will always be beyond that time as part of the 30% who do not get that response within the time frame for which they hope. The solution is quite obvious: the provision of a substation somewhere in the area. It could be located centrally in the Silverbridge area or, as has been the case in many areas across this jurisdiction, ambulance provision could be co-located in an existing fire station. We have fire stations at Newtownhamilton and Crossmaglen, and either would be acceptable.

There is a real sense of concern in the area that despite pointing out the obvious deficiency

in provision of service over a number of years and despite promises from the Ambulance Service to address that, we still have a situation in which people live permanently beyond what is considered to be the acceptable response target for the Ambulance Service. None of us can stand over that situation.

I am sure that the Ambulance Service has provided the Minister with a briefing for today's debate. The service is no stranger to the problems that we have identified or the solutions that we have identified to address them. Therefore, I sincerely hope that the Minister has come with a statement telling us how he intends to address the deficiency in the provision of service. We need to ensure that all citizens whom we represent — whether in the townlands around Crossmaglen, Cullyhanna and Newtownhamilton or on over towards Keady and Derrynoose — have as much entitlement to treatment as anyone else. Therefore, I hope that the Minister will give us a sense of how he intends to address the situation. I dare to hope that he has a solution in his briefing folder to give to us today. At the very least, I would like a firm commitment from him to addressing the issue and ensuring that the most basic of provisions — the right to health and access to emergency services when in dire need — are accessible to 100% of the citizens entitled to it. That is the ethos that underpins a health service of which we are all rightly proud.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Tá áthas orm páirt a ghlacadh sa díospóireacht tábhachtach seo. Gabhaim buíochas leis an Chomhalta a thug an t-ábhar seo faoi bhráid an Tionóil inniu.

I welcome the opportunity to participate in the debate, and I thank Mr Murphy for securing it. The matter is of grave concern to the people in the constituency of Newry and Armagh, particularly those in the south Armagh area. I am sure that it is also a matter of concern in other rural constituencies and has been for many years. In fact, the issue was first brought before the House in March 2002, when my late colleague Mr John Fee spoke in the debate.

When I met the chief executive of the Ambulance Service trust and his director of operations, I relayed to them directly the concerns of the local community about ambulance response times in rural areas,

particularly in south Armagh. I reiterate those concerns today.

The current target is, as Mr Murphy said, to respond to category A calls within eight minutes. I understand that the Ambulance Service meets the target in more than 72% of cases, and that is to be welcomed. However, that happens primarily in towns, cities and built-up areas. The 28% of missed targets are largely in rural areas, so that is where the improvement must be. I call on the Minister to produce serious and detailed proposals to improve services in rural areas and further proposals on how he intends to provide a better service to reduce the percentage of missed targets.

There is no way that an ambulance travelling from Newry to Crossmaglen or, indeed, from Armagh to Derrynoose can reach its destination in eight minutes. Serious consideration must be given to locating ambulance services in rural communities. In this case, that could be done by locating a vehicle in the south Armagh area. I agree with Mr Murphy's proposal that the fire station at Newtownhamilton is central to the south Armagh area.

It is unfortunate that rural areas always seem to be at the bottom of the pecking order when it comes to health provision and, indeed, many government provisions. In my meeting with the Ambulance Service trust, I explained the deep frustration and concerns of local communities in south Armagh. I reflect that again today to the Minister, and I ask him and his officials actively to pursue the provision of an ambulance station in the Newtownhamilton area alongside the existing Fire and Rescue Service provision.

I also call on the Minister to task the Ambulance Service with looking at the possibility of greater cross-border co-operation in relation to ambulance services. We can no longer continue to look at health provision and ignore the possibilities that greater cross-border co-operation presents. I understand that there is a full and detailed study of the benefits of cross-border co-operation within the health field but that that report has yet to be published by the Department. I urge the Minister to publish that report. I cannot say at this time that that report includes ambulance services, but if it were to be published, we could make a judgement on that.

As has been said, the Ambulance Service provides a vital service, which all of us hope that we will never need. However, when an

ambulance is needed, it should be available within the target time across the region, to the greatest extent possible.

In conclusion, I urge the Minister to consider the comments made by all Members who speak in the debate, and I look forward to a positive response from him.

**Mr McCallister:** I apologise for the absence of my colleague the Member for Newry and Armagh Danny Kennedy. He is tied up with ministerial business, but he wanted a contribution to be made on this important subject, and I am happy to fill in for Danny today on the issue. I thank Mr Murphy and his colleagues for bringing the issue to the Floor, and I thank the Minister for being here.

As colleagues have pointed out, the Ambulance Service trust provides a vital life-saving service. It is at the front line in attending and responding to accidents and emergencies, and it provides that cover throughout Northern Ireland.

Following on from Mr Bradley's point about rural areas, I am confident that since the Minister is a rural dweller, he will be keen to make sure that all areas of Northern Ireland are treated equally, fairly and proportionately and that cover gets to the more isolated parts of Northern Ireland that are difficult to access and to which it is difficult to provide the response times that we would like to see across the board.

Mr Murphy raised issues relating to cover and whether we could site a vehicle or ambulance station in a more appropriate location, given the fact that the nearest location for a rapid response vehicle is in Warrenpoint. The journey from Warrenpoint to some parts of Mr Murphy's constituency is difficult even though it is not a long distance as the crow flies. It is quite a difficult journey by road, particularly at busy times of the day. As a Member for South Down, I am not advocating that the Minister reduces cover in Warrenpoint, but there are sensible proposals on looking at how to integrate some of the existing facilities in the south Armagh area. We could see how best to use the resources that we have there and limit the impact on spend or costs that would be incurred by the Department of Health and by the Ambulance Service trust. There are positives there, which, I am sure, the Minister will look at. I am sure that he will look favourably on them to see how we might work to take the issue forward to provide the best cover for people in the Newry and Armagh constituency.

It is important to place on record our gratitude to paramedics and the Ambulance Service trust across the board for the work that they do and to say how pleased we are to see that that work could be recognised with the possibility of the Queen's Ambulance Service Medal for distinguished service. That is something to be welcomed. People who give outstanding service to our community deserve to have that recognised.

It will be interesting to hear the Minister's response on this important issue. My colleague Danny Kennedy and I are supportive of getting the best possible cover for all rural areas and in Newry and Armagh.

### 5.00 pm

**Mr Irwin:** Access to healthcare and emergency services is something that everyone in Northern Ireland expects, and rightly so. In Newry and Armagh, we have access to a number of medical facilities within a reasonable distance. I think of Daisy Hill Hospital in Newry and the Craigavon Area Hospital, which provide full accident and emergency services, and a number of other localised non-emergency facilities, including minor injuries units in Armagh and Dungannon. However, the topography of the Newry and Armagh constituency is such that, although we have two cities, we also have a number of towns and many smaller villages with significant population densities. Thousands of individual dwellings are scattered across an area covering many square miles of countryside. That presents a problem, particularly in more remote rural locations, which is where some of the issues lie.

Our Ambulance Service and paramedics deserve the highest praise and credit for the tireless service that they provide, not only in Newry and Armagh but right across Northern Ireland. I want to put on record my gratitude for the invaluable work that they do.

Some performance indicators suggest that response times are improving in Newry and Armagh, and, indeed, targets are being met. In the south Armagh district, almost 77% of 999 calls were responded to within the target time, which is an improvement on the previous year and better than the Northern Ireland average. The fact remains that response target times of eight minutes have not been met in the Crossmaglen area, but the actual response times for that location merit greater

examination. It is interesting to note that, in the past year, 24 emergency calls were responded to in the area, but none within the eight-minute target. Although that suggests failure, the vast majority of those call-outs were reached within 10 or 20 minutes, and, given the topography of the area, that is a reasonable response, although obviously not a perfect situation. That, of course, is cold comfort for someone who is critically ill, and it is frustrating for those at the scene who want an ambulance to arrive in the shortest possible time. Given that work is ongoing on how emergency response services are applied in rural areas, perhaps that locality could be studied again to see what additional improvements could be made to enhance response times and whether the meeting of targets can be improved on.

I understand the trust's position on how it arranges its emergency response, and, given the current economic climate, I doubt whether it will be possible to provide each and every address in the constituency with a sub-eight-minute response. However, where improvements can be made, they must be made, and I am sure that the Minister will explore the issue in greater depth as the debate continues.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for being here, and I endorse the comments made by previous contributors about the Ambulance Service and the wonderful service that it provides.

The Ambulance Service's annual report, particularly when referring to those who suffer strokes, talks about patient outcomes being directly linked to the speed of diagnosis and early intervention and about how ambulance personnel have a key role to play. The report describes how call takers instruct callers in the use of the face, arm, speech, time (FAST) technique to identify potential stroke victims. It outlines how responding ambulance crews perform further FAST tests on patients on arrival and, if they are positive, prepare patients for rapid transportation to the nearest hospital with facilities to manage stroke patients efficiently. The report explains how hospital staff are alerted to prepare for the patient's arrival and how they use hospital diagnostic tools such as CAT scans to confirm stroke diagnosis and administer thrombolysis if appropriate.

As was stated, the rapid response vehicle assigned to the south Armagh station is in

Warrenpoint, and, if an incident occurred in, for example, Cullaville, that vehicle has a minimum 30-mile journey to reach the incident. That situation should not and will not be tolerated. A substation in Newry is required. Newtownhamilton and Crossmaglen have been suggested, and I am sure that the Minister will look at those suggestions in a positive way.

When a rapid response vehicle is activated in an emergency, a paramedic ambulance should also be activated, if available. There should not be a situation where, in an emergency, as is the case currently, the front line paramedic ambulance is not deployed until a report is received from the paramedic in the rapid response vehicle. Surely, vehicles should be sent in tandem. It also appears that not one rapid response paramedic has received the specialised training that is required, so I am not sure how they can instruct an ambulance crew about the situation.

The well-being of people in Newry and Armagh is paramount, and they should be treated in the same way as other people in the North. This question needs to be answered: why is a rapid response vehicle stationed in Warrenpoint, and why is it not much more accessible to Newry and Armagh? In the case of stroke victims, as I mentioned, it is essential that they get to hospital as quickly as possible and get the medication that they require urgently. Any delay can cause huge problems and makes the difference, in many cases, between making a good recovery and being badly affected, which, in the long run, will cost a lot more money in hospital and social care when the patient goes home. For some people, the delay can be fatal.

All we ask is that people in Newry and Armagh are treated in a fair and equitable manner. I am sure that the Minister will take account of what has been said today because it has been a recurring problem, one that has been addressed to a degree but not addressed as it should have been. I ask the Minister to consider carefully what has been said.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I am grateful for the opportunity to discuss ambulance provision in the Newry and Armagh area, an issue that has been raised with me in recent weeks.

I would like to thank the hard-working men and women of the Northern Ireland Ambulance Service in the Newry and Armagh area for responding to emergency calls from members of

the public. The Ambulance Service is part of the front line in the provision of emergency care services in Northern Ireland. The job of the NIAS is to ensure that patients who are involved in an incident are clinically assessed, receive the necessary emergency treatment and care and, where appropriate, are transported to an A&E hospital as quickly as possible. That is the role that NIAS performs all day, every day. Just to put that in perspective, it means that, on average, there are 59 A&E ambulances and 22 rapid response vehicles on the road. There are never fewer than 43 A&E ambulances on the road, and, at peak times, the number of RRVs rises to 28.

As you may know, the ambulance cover provided by the NIAS is arranged into local commissioning group areas that run along the same boundaries as the health and social care trusts. The areas of Newry and Armagh fall within the southern LCG. Performance indicators are used to measure the performance of the NIAS in responding to different categories of call. Performance against those indicators is assessed according to each LCG, not to more localised geographical areas. The performance indicator for NIAS is that, from April 2011, an average of 72.5% of category A life-threatening calls should be responded to in eight minutes and not fewer than 65% in an LCG area. Although indicators are measured at LCG level, NIAS has been able to provide details on the BT35 postcode district, which is the south Armagh area of Newry. Between 1 September 2010 and 31 August 2011 in that area, nearly 77% of 999 calls were responded to within eight minutes. That represents an improvement of 2.6% on the previous year and is 2.35% better than the NI cumulative average. That is also higher than the cumulative average for the southern LCG area as a whole, where 69.1% of category A life-threatening calls were responded to within eight minutes, as of 16 October. That high level of performance follows a trend of steadily improving performance. Just a few years ago, performance for life-threatening calls was only 55% across Northern Ireland. That now stands at nearly 75%.

Nevertheless, I acknowledge that, between September 2010 and August 2011, no emergency calls in the Crossmaglen area were responded to within the eight-minute target. You may ask, as Members have, why we do not provide more ambulances specifically for the Crossmaglen area. It is important to bear it in mind that there is an average of 26 emergency

calls each year in that area. That means that in Crossmaglen there is roughly one 999 call every fortnight about a life-threatening condition. In a time of austerity and stretched resources, it is not operationally or financially feasible to deploy an emergency response vehicle specifically in that area for it to be unused 93% of the time. Instead, the NIAS deploys ambulances tactically, so that the nearest appropriate vehicle is sent to an incident. That means that the response to an emergency call in the Crossmaglen area may be provided by an ambulance or a rapid response vehicle that is not based at the nearest ambulance station. Where a vehicle is based does not dictate where it may be located when a 999 call comes in. It is too simplistic to just count the ambulances housed in a particular ambulance station. Rather, in an emergency anywhere in Northern Ireland, the nearest appropriate emergency resource will respond. The tactical deployment plan allowed the NIAS to respond to the 24 life-threatening emergency calls in Crossmaglen in 2011: three within 10 minutes, 20 in 10 to 20 minutes, and one took longer than 20 minutes.

I heard what Mr Murphy said about Warrenpoint. Perhaps we can give him some further information in writing about why the NIAS has chosen to use the Warrenpoint area for its additional resource. I also heard what Mr McCallister said about wanting to ensure that we did not diminish what was available in the Warrenpoint area. I am sure that Ms McKevitt would tend to agree with Mr McCallister on that issue.

Rural areas present a challenge to the NIAS, as they do around the world. By their nature and because of their topography and sparse populations, rural areas are more difficult to provide ambulance services for. As a result, my Department has been working with the NIAS for many years to improve ambulance response times in rural areas. Additional deployment points have been provided, along with additional RRVs, new information and dispatch systems and state-of-the-art vehicle location and satellite navigation systems. The regional emergency medical dispatch centre also now hosts doctors who triage the calls that come in, to make sure that A&E ambulances and RRVs are sent only to appropriate emergency incidents and to provide alternatives, as required.

I want Members and the public to know that, unlike other ambulance services in the UK, all our ambulances and RRVs are routinely crewed

by staff who are paramedics. That means that the patient who needs urgent treatment and care can start to receive it immediately; for example, pain relief and clot-busting drugs for heart attacks. Such early interventions are designed to improve not only patient comfort but clinical outcomes. I trust that that addresses the issue that Mr Brady raised.

Progress in our Ambulance Service requires substantial funding. In 2008, almost £100 million was committed over the ensuing 10 years to enable the NIAS to modernise its estate and replace its fleet and equipment regularly. For that reason, the response performance in the Southern LCG and throughout Northern Ireland shows that the NIAS is reaching more patients faster than ever. Even so, more work is still to be done, and there remain serious issues that I intend to address. For example, the NIAS recently discovered that more than one in five people who dialled 999 for an ambulance last year just wanted help with non-emergency problems. Of the 999 calls made last year, 28,500 did not require the expertise of a paramedic when they arrived at the scene. The NIAS received 1,686 hoax calls; 2,476 people called for information only; and 735 called for help to get them back into bed. That is a ridiculous waste of emergency services, which puts at serious risk the lives of those in real need.

### **5.15 pm**

The public must realise that ambulances are not a taxi service either. People need to be educated about the different types of care that they can access instead of phoning for an ambulance. That is particularly relevant now that the temporary changes in Belfast accident and emergency provision have been introduced. I want to ensure that those changes in service provision are effectively communicated to the public so as to avoid any unnecessary confusion and waste of Ambulance Service resources. A full communication plan is under way for that purpose.

In recent years, the Ambulance Service has transformed itself with great success into a modern and responsive service capable of dealing with the emergency care needs of our entire population. The performance statistics speak for themselves, with a continuing upward trend throughout Northern Ireland and, indeed, more locally. I take this opportunity to

congratulate NIAS on its hard work and progress in spite of difficult economic times, and I look forward to its continuing advancement.

As I said, I will write to explain why the Warrenpoint destination was chosen. I trust that that will be of some assistance. We can, perhaps, get an explanation of why Newtownhamilton was not chosen, as that may assist Members in relating the issues involved to concerned constituents.

*Adjourned at 5.16 pm*





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