

# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 28 November 2011

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Speaker's Business

### Public Petition: Community Libraries

**Mr Speaker:** Mr Dominic Bradley has sought leave to present a public petition in accordance with Standing Order 22.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Éirím le hachainí a chur faoi bhráid an Tionóil ar son Leabharlann an tSrutháin i gContae Ard Mhacha.

Mr Speaker, on behalf of the members and supporters of Bessbrook library in County Armagh, I present a public petition, through you, to the Minister of Culture, Arts and Leisure. The petition opposes the reduction in opening hours at Bessbrook library from 24.5 hours a week to 18 hours a week, which is a reduction of 25%.

The House debated the issue recently, and I do not propose to go into the detailed arguments that I made then. However, I will say this: Libraries Northern Ireland has a vision of modern libraries being at the centre of the community and assisting people to attain their full potential. It is highly unlikely that that will be the case for a library that has its opening hours reduced to 18 hours a week. In fact, there is a strong likelihood that such reductions will result in a two-tier library service. Smaller libraries will struggle to deliver even the most basic library service, with minimal community involvement, while bigger libraries, with longer opening hours, will have the time and staff to deliver a far superior service. They will have no restrictions on the level of service to which their users will have access. Eventually, that will result in users from the smaller libraries migrating to the larger libraries, and the foreseen or unforeseen effect of that reduction of opening hours may well be the eventual closure of many of the smaller libraries.

The criteria used to make the decisions to reduce opening hours were neither fair nor equitable. The threshold of 80,000 activities placed libraries that opened for less than 30 hours per week at a severe disadvantage. Although the library service is keen to promote library involvement in the community, no statistics regarding class visits, children's activities or cultural and heritage activities were published. Those activities are at the core of the modern library service as outlined by Libraries Northern Ireland, so it is extremely strange that they were not taken into account when the criteria used in this consultation were drawn up.

The suggestion that there will be consideration of an increase in hours, should money become available, does not hold out much hope. A consideration is no substitute for a commitment, and it remains highly unlikely that the reduced opening hours will ever be replaced. In fact, many people fear that the reduction in opening hours sounds the death knell of many of those smaller libraries. There is, therefore, a high level of concern among library users in Bessbrook and many other areas served by smaller libraries. It appears that the process used to collect data was flawed and skewed against smaller libraries. As a result of that, we can conclude that Libraries Northern Ireland's proposals for reductions —

**Mr Speaker:** Order. I am very reluctant to interrupt the Member, but, when Members present petitions to the House under Standing Order 22, their statements should be very short. I understand the importance of what the Member is saying, but I ask him to conclude his remarks as soon as possible.

**Mr D Bradley:** Thank you very much, Mr Speaker. I propose to bring my remarks to a conclusion fairly quickly. As I was saying, the result of this is that Libraries NI's proposals to reduce the hours of smaller libraries are unfair

and inequitable and need to be revisited with a view to producing a fairer and more equitable outcome for smaller libraries. The petition asks the Minister of Culture, Arts and Leisure to take such action.

*Mr D Bradley moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Culture, Arts and Leisure for information and send a copy to the Chairperson of the appropriate Committee.

## Ministerial Statement

### Teacher Training

**Dr Farry (The Minister for Employment and Learning):** I am grateful for the opportunity to make a statement about our future teacher training arrangements.

At one level, this is simply about organisational effectiveness. At another, it runs much deeper. It touches our values and traditions, points up the costs of division in our society and raises issues about equality of opportunity. Most importantly, however, it is about the future education of our children and the quality of the provision that we put in place for the training of their teachers. It is therefore an emotive issue that can provoke strong feelings.

The education of our children and young people is fundamental to how our society functions. If we are to achieve a shared, inclusive future, much of that work must take place in school so that sharing, rather than separation, becomes the norm. The only sustainable future is a shared future. I am a strong advocate of increased sharing and integration in our education system, and there are strong economic, financial, social and educational reasons for taking that course of action. This applies equally to the training of our teachers, who are in loco parentis for many hours of the key formative years of a child's life. Shaping the future of teacher training is, therefore, a matter of central, long-term importance. We must approach this issue by doing what is best for our children. The particular organisational structure should flow from that, not vice versa.

The situation we have in Northern Ireland today for the training of our teachers is not sustainable, particularly given the number of unemployed teachers, teachers on short-term contracts and other real financial priorities. In my statement, I want to formally respond to the public consultation on the proposed merger of Stranmillis University College and Queen's University, but I will do so in the context of my vision for the future of teacher training provision in Northern Ireland.

The governing body of Stranmillis had become concerned at the perceived fall in pupil roll numbers in schools, the changing financial structures for the college and the challenges that it faced in the future. In July 2007, the

governing body engaged David Taylor, an educational consultant and former director of inspection at Ofsted, to provide a report on the long-term strategic options for Stranmillis. In April 2008, after careful consideration of the options, the governing body took the decision, in principle, to merge with Queen's. That was seen as the only option that would ensure the continued viable and sustainable existence of Stranmillis. The merger option has the unanimous backing of the board of governors of Stranmillis University College as well as the full backing of the senate of Queen's University. The merger was strongly endorsed by my ministerial predecessor and was issued for public consultation in March 2011. The merger of Stranmillis University College with Queen's University Belfast to create the Stranmillis School of Education at Queen's would deliver a world-class facility with first-rate teaching, learning and research in a fit-for-purpose estate. There are many advantages to be gained by having a school of education that can bring together teacher training from early years, through primary, post-primary and tertiary levels.

Stranmillis University College's undergraduate teacher education programmes have a high reputation. It brings significant research strength, particularly in early years education, and made an impressive return to the 2008 research assessment exercise. The School of Education in Queen's University has developed the largest doctoral programme in education on the island of Ireland and is one of the leading research schools in the UK. It runs the largest post-primary initial teacher education programme in Northern Ireland as well as the largest masters in education programme. Bringing the strengths of both institutions together would create synergies that would encourage effective and efficient use of resources, enhance the quality of education across all age groups, from early years through to postgraduate, and facilitate quality research.

One has only to look at the example of the merger of the Peabody College of Education and Human Development with Vanderbilt University in Nashville, Tennessee — Belfast's sister city. That merger in 1979 united two separate but highly esteemed institutions and enhanced the intellectual and social resources available to their students. Since merger, Vanderbilt has been ranked in the top 20 US universities. Peabody was ranked as the number one graduate school of education nationwide in

2009 and has maintained a place in the top five schools for seven straight years.

The second key driver for the merger is financial. The decision taken in principle to merge was not arrived at lightly and reflected the very challenging circumstances faced by the college. The main income stream of Stranmillis is the block funding paid by my Department on a per student basis. However, the number of teacher trainees in Stranmillis has fallen dramatically. There were 821 trainee teachers at Stranmillis in 2004, and that has fallen to 552 in 2011, a decrease of almost 33%. On the basis of the current numbers of trainee teachers coming through from the Department of Education, the governors believe that the college will begin to incur annual deficits from the 2012-13 academic year. It is estimated that the annual deficit will be in excess of £1 million by 2014-15. Deficits have been avoided in the past couple of years only because of temporary, transitional funding and other factors that are no longer relevant. In addition, the college has substantial capital requirements to enable it to deal with an ageing estate. Current estimates of backlog maintenance amount to around £6 million, and a further £3 million is required for the Henry Garrett building alone, which is currently unoccupied.

My Department has allocated £1.6 million to the college over the current spending review period. That is clearly well short of what is required. The proposed merger represents an unprecedented opportunity to put Stranmillis on a sound financial footing, as Queen's University has undertaken to deal with the maintenance issues and to invest a further £7 million in the estate. That scale of capital investment is not available to Stranmillis other than through the merger.

### **12.15 pm**

Stranmillis and Queen's are already academically integrated. Stranmillis is a college of Queen's University. However, Stranmillis is independently governed and maintains its own administrative and financial structures. The merger would bring Stranmillis wholly within the governance structures of Queen's, and the Stranmillis governing body would cease to exist upon merger. A number of principles of the merger were also agreed between the prospective partners to protect staff and the position of Stranmillis in a merged institution.

For example, both bodies have agreed that there will be no compulsory redundancies as a result of the merger. The staff of the college will be transferred to Queen's on their existing terms and conditions of employment and can remain within their existing pension schemes. Queen's has recently undertaken to protect the transferred posts for up to four years, and existing Stranmillis staff will have access to a voluntary severance scheme.

It has also been agreed that the transferor churches would have a role in the governance structures of the new school of education. An advisory stakeholder forum will be established on which the transferor churches will have guaranteed representation, along with other churches and key stakeholders from the wider education system in Northern Ireland. That has been welcomed by the transferor churches, and it gives them a role that they do not currently enjoy at Stranmillis. The enabling legislation will require that that forum is established and maintained by Queen's. Moreover, the new college would train teachers who are able to deliver the agreed religious education curriculum in any school in Northern Ireland. That will replicate what currently happens at Stranmillis.

A decision to merge two autonomous bodies is usually a matter for those bodies. However, Stranmillis University College needs to be formally discontinued under the terms of the Colleges of Education (Northern Ireland) Order 2005 before its assets and liabilities can be transferred to Queen's University. That means that the Assembly must pass the enabling legislation for the merger to proceed. From the meetings that I have had with various stakeholders, I have reluctantly concluded that there is not yet sufficient support in the Assembly to pass the necessary legislation to allow the college to merge with Queen's University. There is a perception that Stranmillis is primarily a Protestant institution. However, Stranmillis recruits students and staff from all parts of our community. The transferor churches no longer have a role in the governance of Stranmillis. In such circumstances, it cannot be described as a Protestant institution. Stranmillis represents the main different sections of our shared community and is therefore non-denominational. I believe that the proposed merger, even taken in isolation, would be beneficial for community relations. The Community Relations Council has recognised

the benefits that the merger would bring and stated in its response to the public consultation:

*"Education in Northern Ireland has a crucial role to play in reconciliation, peace-building and conflict transformation. Our vision for education is one where the opportunities for meeting, sharing and collaboration are maximized on a cross community basis...we welcome this proposal to merge the Stranmillis College and QUB as it will have both economic, social and reconciliation benefits for our society."*

In the event that the Stranmillis/Queen's merger does not proceed, the outlook for Stranmillis University College is bleak. The college does not have access to any funding streams that would deal with the estate issues that I referred to earlier, nor would it have the resources available to invest in staff or to improve its student experience. Academic standards would most likely suffer. If the number of trainee teachers being allocated each year continues on its downward trajectory, the impact on Stranmillis will be significant and a financial crisis will soon be upon us.

I do not have any additional funding for Stranmillis. My departmental budget is already under considerable pressure, and I have many competing demands to deal with. As Members are aware, with the support of the Executive I achieved a funding package to both sustain university funding and freeze tuition fees through finding greater efficiencies in my Department and securing budget transfers from other Departments. How could I justify distorting my budget when there is already a surfeit of trained teachers and the number of teaching jobs may decline further? How could I justify that when there are such pressures on my employment service? Therefore, until the merger takes place, Stranmillis University College must manage its own affairs as best it can.

I am grateful that Queen's University remains a willing party to the merger, and I am sure that both institutions will continue to work closely together in the interim. I believe that, as soon as there is sufficient political support to pass the enabling legislation, the merger should proceed. It will be a significant first step towards a more rational, shared and integrated system, and it could not be viewed as prejudicial to any wider reforms that could follow. Therefore, I remain committed to moving the merger forward as soon as possible with the support of the Assembly.



In considering the Stranmillis and Queen's merger, I have taken the opportunity to take a step back and ask much more fundamental and searching questions regarding our current teacher education infrastructure in Northern Ireland. Although the teacher training numbers and academic requirements are set by the Department of Education, the funding of the institutions falls to my Department. At present, teachers are trained in five separate institutions in Northern Ireland. That seems excessive for a region with a population of 1.8 million people and must be viewed in the context of the changing landscape around the need for qualified teachers and the number of school-aged children. Of the five institutions, in addition to Stranmillis, St Mary's University College is the other dedicated teacher training college. St Mary's is a faith-based institution and prides itself on being part of a worldwide network of Catholic higher education institutions. The histories and circumstances of the university colleges are different. Like Stranmillis, St Mary's is an autonomous body and did not take a decision to consider any merger. It was never part of the current merger proposal. There are, nevertheless, issues relating to the future of St Mary's. I will address those issues shortly.

I know that St Mary's has a proud tradition and history in west Belfast, and I am confident that higher education provision will continue to be delivered on the site. However, it has long been my view that there should be a single integrated teacher training system in Northern Ireland. There is no reason that our teachers should be trained in separate institutions. I realise that we have different education sectors, but that does not mean that we should not take opportunities, when they arise, to move towards a more sensible arrangement. All schools must deliver the Northern Ireland curriculum, and all schools are inspected by a single inspectorate. Professionally trained teachers should be able to teach in any educational context, irrespective of the prevailing ethos in the school.

In the course of my considerations, I have concluded that there are wider issues that I wish to address. At the heart of those is how best to achieve a more shared, integrated and financially sustainable landscape for the delivery of teacher education. I also want to examine associated issues, such as equality of opportunity for all those who enter into and qualify from the teacher education sector.

Students from whatever part of our community can apply for places in any of our higher education institutions, and gaining a place is based on academic achievement. Most students apply via the University and College Admissions Service (UCAS). However, St Mary's does not use that service and has a separate application process. That leads to a situation in which Stranmillis may give offers to students who also hold an offer from St Mary's. Some will opt to choose St Mary's, resulting in Stranmillis having to fill some of its final places through clearing, despite having been oversubscribed initially. There is also potentially a risk of graduates from the two colleges having different employment prospects. That is particularly acute in a declining and more competitive market for teachers.

At present, teaching positions in the Catholic maintained primary sector require the applicant to hold the certificate in religious education. That certificate is taught at St Mary's, and students there can elect to take it along with their initial teacher education. I understand that the vast majority of students at St Mary's elect to take the certificate, as they wish to gain employment in the maintained sector. Students at St Mary's do not pay a fee to take the certificate. At Stranmillis, there is no course of study leading to the award of a certificate of religious education. However, Stranmillis students can opt to take a distance learning course from Glasgow University that leads to the certificate. I understand that a small number of students from Stranmillis take the course, and they are funded by my Department. Therefore, we have a situation in which all the necessary teaching and support to gain employment in the maintained sector is offered by one of our university colleges, while students at the other must undertake a distance learning course to obtain such requirements. Although students at Stranmillis are not out of pocket when they take the course, they are at a disadvantage, as the course is not delivered or supported in their teacher education institution.

When it comes to finding a teaching position, graduates from St. Mary's can take up a post in any primary school in Northern Ireland, as they will have the certificate in religious education. However, a Stranmillis graduate can take up a teaching position in a maintained Catholic primary school only if he or she has taken the certificate in religious education by distance learning. The situation could be addressed

either through measures to remove the capacity for schools to require the certificate or through ensuring fairer and more ready access for students to the certificate across all institutions. It is in the latter option that the interest and remit of my Department lie.

In financial terms, both university colleges are in a precarious position. Owing to a decline in teacher numbers, as determined by the Department of Education, the university colleges have increasingly relied on additional support funding from my Department. In particular, they were permitted to recruit students to a number of non-teacher training degree programmes. I have direct control of the number of non-teacher training places, and the funding associated with those places represents considerable financial income for the institutions. In the current year, there are 277 non-teacher training students at Stranmillis, for which my Department provides a grant of almost £1.1 million. That represents over 20% of the total grant support given to the college. There are 286 non-teacher training students at St Mary's in the current year, for which my Department provides a grant of almost £1.1 million. Again, that represents 20% of total grant support. In addition, a premium is paid on each teacher training student at each of the two university colleges, totalling around another £1 million for each institution.

Moreover, since 2008-09, my Department has provided conversion funding to Stranmillis to help keep it sustainable. In the last year in which it was paid, the funding totalled £171,000. In the current year, my Department has paid £208,000 to the college to ensure that it sustained the required efficiency of no more than 6%. The combined effect is that, in recent years, my Department has provided between £10 million and £11 million to the two university colleges by way of block grant each year. However, only just over half of that total relates to the training of teachers.

In Northern Ireland terms, the funding of two separate university colleges is, therefore, a clear cost that we all bear as a result of the division in our society. The matter is further compounded by the fact that teacher training education also takes place in three universities in Northern Ireland, and do not forget that Northern Ireland students are trained as teachers elsewhere in the United Kingdom and return here to seek one of a diminishing number of jobs. If we examine figures for 2009-2010 for those

graduating with a Bachelor of Education from the university colleges who were employed in a teaching capacity six months after graduation, we can see that 41% of them were employed on a short-term contract lasting less than 12 months. A further 27% were employed on a temporary contract. Only 10% of the graduates gained a permanent teaching contract within six months of graduating.

Recently, my colleague the Minister of Education announced that there were around 50,000 unfilled school places in Northern Ireland and that that could rise to around 80,000. The Department of Education is conducting a review of the number of schools. All our schools need to be sustainable, and the school estate requires some rationalisation. Although that is clearly a matter for the Minister of Education, it is very likely that it will have a direct impact on the number of teachers required to staff the system in coming years. After all, it is also the Minister of Education who determines the number of new teacher training places each year and allocates those to the five providers. Over the past few years, the number coming into the system has declined from 846 in 2005-06 to 663 in 2011-12. For Stranmillis alone, the drop has been from 230 intakes to 160, representing a reduction of 30%. The indications are that the numbers will further decline or, at the very least, remain static. Thus, both university colleges are in a weak financial position, and the likelihood is that that position will get worse as time goes on.

I believe that, as currently constituted, their sustainability is in question. Indeed, I must consider the value for money of the various subsidies, in light of other pressures and opportunities.

### **12.30 pm**

I contend that the training of teachers in Northern Ireland in the current system is inefficient and that our funding could be used better by the teacher training institutions if they were prepared to move towards a more shared and integrated system. Therefore, I am today announcing a two-stage study of the teacher education infrastructure in Northern Ireland.

I am well aware, Mr Speaker, that the Minister of Education has a clear interest in teacher education, particularly with regard to delivery and academic considerations, and that he is considering a number of relevant issues. The work that I am announcing today will not

preclude any changes that may flow from my colleague's Department.

The first part of my study will be an objective analysis of the financial stability and sustainability of the two university colleges. Essentially, that part of the study will consider the affordability of the current system and the rationale for the various funding streams, benchmark costs and models of delivery with other jurisdictions, and seek to forecast whether the institutions are sustainable into the future, given the current demand for teachers, the number of qualified teachers in Northern Ireland and the future demographic trends in the school-age population. The second strand of the study will set out options for a more shared and integrated system for the delivery and funding of teacher education.

We need clarity on the way forward for teacher education in Northern Ireland, and I am sure that the current teacher training providers would welcome that. All providers will be included in the study and all will be given the opportunity to express their views, present arguments and evidence and help to shape the outcome of the study.

The study will be carried out by persons independent of my Department, and I am anxious to have it carried out as quickly as possible. My desire is to facilitate, create and agree a shared system of teacher education. I am not going to be prescriptive of the type of sharing and integration that may be recommended by the study. Areas for consideration should include services, facilities and teaching. Issues regarding equality of opportunity and equality of access also need to be addressed. I am also conscious of issues relating to ethos and diversity in society, and any shared system would need to respect and address areas such as language, art, history, culture and sport.

As mentioned, I am aware of the potential interfaces between the study that I am announcing and the work of the Department of Education. I am mindful of ministerial responsibilities, remits and limitations and I will respect those boundaries. I am also aware, however, that the interests of our Departments may overlap on some teacher education issues, particularly around stage two of my Department's study, and I will ensure that my officials and I liaise closely with our counterparts.

In conclusion, I believe that the current system of teacher training is neither affordable nor sustainable. That is why I believe it is essential to carry out the study and to produce an objective analysis of the financial stability and sustainability of the two university colleges. However, I think that it needs to be undertaken in order to inform the debate on the funding of the teacher education system into the future.

I am convinced that the best way forward for Northern Ireland society is to develop a fully integrated education system comprising an integrated system of teacher education. However, I know that I cannot deliver that by myself. The views of others, including, in particular, the various stakeholders, are critical. I will, therefore, remain open to all reasonable suggestions and recommendations. I emphasise that that does not necessarily mean a single provider. My vision provides for a plurality of provision where it makes economic sense to do so, but it means that we should take opportunities when they arise to move towards a more sensible arrangement than the current profile.

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

My priorities are clear. Teacher education must contribute to a world-class education system. It must be financially efficient, sustainable and affordable and it must reflect our vision that children are educated through a system that is inclusive, open and shared. As I said at the outset, we owe nothing less to the future schoolchildren of Northern Ireland, as well as to the future teachers in our society.

**Mr B McCrea (The Chairperson of the Committee for Employment and Learning):** You will appreciate, Mr Speaker, that that was a long and comprehensive statement by the Minister. There are a few points worth making for context.

First, the Minister has rightly identified that there are concerns about the loss of the Protestant ethos in Stranmillis if it were to be merged. It is also fair to say that there is a question regarding Stranmillis's merger if St Mary's were not to merge. In fact, I wonder why you are going for a study when the figures so blatantly obviously show that the numbers are not there to sustain two colleges.

Secondly, the Committee has taken representation from a number of people, and there is concern about the fact that one of the teacher training

colleges is not part of UCAS while the other is, and that seems to give some imbalance. Finally, the issue of the certificate seems to preclude certain sections of student teachers from gaining employment in certain areas, and that appears to be unfair.

Taking it all in the round, however, I am disappointed that we have set out the problem but have more or less left Stranmillis hung out to dry. Stranmillis must find its own way. The issue comes when I ask you a specific question. The additional money for non-teacher training for students at Stranmillis is £1.1 million. Will that be withdrawn and will it also be withdrawn for St Mary's? Although you are going through with the study, is there no way, for the sake of those learning and teaching there and for the children of Northern Ireland, that we can find some form of temporary financial solution that will not make this the disaster that it looks to be?

**Mr McElduff:** On a point of order, Mr Principal Deputy Speaker.

**Mr Principal Deputy Speaker:** Points of order will be taken after questions on the statement.

**Dr Farry:** I thank the Chair for those comments. I will run through them in order. The potential merger of Stranmillis will not result in a loss of ethos. Let me be clear: Stranmillis is not a mirror image of St Mary's. Once the transferors left the board of governors, Stranmillis became formally a non-denominational institution. However, I stress that with regard to the proposed merger, a stakeholder forum will represent transferor churches plus other faith backgrounds. In some senses, that aspect will be enhanced if the merger goes ahead.

I have set out in detail the issues regarding UCAS and the Catholic certificate. I am mindful that we have a lack of equality of opportunity and equality of access.

Stranmillis has certainly not been hung out to dry. I strongly endorse the merger as the best way forward. The study that I am announcing today should in no way be seen as delaying the merger of Stranmillis and Queen's. Indeed, if we were to move ahead with that merger, I do not believe that that would in any way prejudice the conclusions of the wider study. We can move ahead on parallel tracks. Once it is clear that the Assembly supports the enabling legislation for the merger, I will come straight away with that legislation and the merger will proceed.

Until then, I am happy to work with all the stakeholders, including political stakeholders, to ensure that we have that level of support. I would like to think that the serious bleak financial situation that Stranmillis faces will be a factor in those discussions and in reaching a successful conclusion.

With regard to the additional resources going into Stranmillis in the short term, I am uncomfortable with that line of thought. I am pointing out a very inefficient system of financial support for teacher training, one which, I believe, is not sustainable in the future, particularly when we are under severe financial pressure across Northern Ireland, including in my Department. I have grave difficulties in advocating the shift of resources from elsewhere to do that. Indeed, there was a lot of discussion in the news this morning about problems with the schools estate and the cuts to school budgets. How can we tell the schoolchildren of Northern Ireland that we will take money from elsewhere to prop up an already inefficient system of teacher training?

The additional resources that my Department provides to Stranmillis and St Mary's are of deep concern, and I do not believe that they can be sustained in future. We need to go about this in a measured and appropriate way. It will be through the scoping study and the discussion around how we provide a more shared and sustainable system that we will address that issue.

**Mr Principal Deputy Speaker:** Members, we have a lot of questions to get through, and I ask Members to be concise. From now on, Members should only ask questions.

**Mr Buchanan:** In the introduction of his statement, the Minister used all the key bywords when he talked about "equality of opportunity," "sharing, rather than separation" and when he said:

*"The only sustainable future is a shared future."*

Yet, he seems keen to press forward by advocating a merger with between Stranmillis and Queen's that would exclude St Mary's. That, I believe, defeats the entire purpose.

Focusing on what the Chair of the Committee said, and given that the Minister has met with the Finance Minister to get extra funding for things such as the cap on student fees —

**Mr Principal Deputy Speaker:** Question.

**Mr Buchanan:** — extra student places in the north-west and other policy issues, will the Minister give the House any indication of what contact he has had with the Finance Minister to discuss extra funding for Stranmillis? Why is Stranmillis continually the Cinderella in his Department?

**Dr Farry:** In my statement, there are lots of words that relate to sharing in education. I mean every word that I say about that sharing and about equality of opportunity. If you read through the detail of the statement and consider it, you will see that I am setting out a road map by which we can achieve real sharing in our teacher training provision in Northern Ireland. It is about real delivery and how we move forward on the shared educational agenda. A number of parties have referred to the need for that, in the Chamber today and in other recent debates, so let us move ahead with that.

I do not believe that moving ahead with the merger of Stranmillis and Queen's is in any way prejudicial to wider reforms in the system, and I am strongly pushing ahead with that agenda of wider reform. The issues and problems in our teacher training landscape are much broader than the current financial problems that are faced by Stranmillis. We have a very inefficient system, and as a Minister with a responsibility for using public resources wisely, I have great difficulty in standing here and justifying what is, in effect, a major subsidy from my Department that reflects a divided system and the divided society in Northern Ireland. We must change and we must build a shared future.

I have secured the extra funds from the Executive for tuition fees; that is essentially a done deal. However, I have had no discussions with the Finance Minister on additional funding for Stranmillis, and I have a major moral difficulty in putting more money into an already inefficient system. In my Department, I have problems with the employment service; we need to spend a lot more money in that area, and I am struggling to hold the line in that regard. Other Ministers are also facing up to real difficulties within their portfolios. How can we justify to the people of Northern Ireland our taking money that is needed elsewhere and putting it into one area because we are not prepared to move ahead with the merger of Stranmillis and Queen's? That merger will provide a financial rescue package for Stranmillis

and it will stop it from being, in the words of Mr Buchanan, the "Cinderella."

**Mr P Maskey:** Go raibh maith agat a Phríomh-LeasCheann Comhairle. I think that the Minister is trying to the close St Mary's by stealth. He will not have my or my party's support for that, so good luck with that.

St Mary's is a first-class university. It has been on the Falls Road for 110 years, it is second to none and has some of the best employment rates for students who graduate and go into the workforce. Consultants' reports also clearly show that St Mary's is viable with added numbers.

Why does this announcement deal only with two universities, and not the three other universities? Is the Minister afraid of the other universities? He is sailing very close to going down the road of sectarianism on this matter, and that is wrong.

**Dr Farry:** I much regret the language that Mr Maskey has used. This is about building a shared system in Northern Ireland; it is not about sectarianising any debate. We want to move forward in a way in which we respect everyone's background and diversity but we also want to move forward together on a shared basis. I have not set out any agenda for the closure of St Mary's. I respect the role that St Mary's has played throughout its long history in training teachers in Northern Ireland. I also recognise its high academic standards. I have set out the need to address a financially unsustainable situation. That applies as much to St Mary's as to Stranmillis. St Mary's is financially viable today only because my Department — the public purse — significantly subsidises it. Its core teacher training funding provision constitutes only half of St Mary's budget. The other half comes from the funding of liberal arts students and a premium of £1,500 that we pay for each place, reflecting how small St Mary's is as an institution. We have to consider that in the round to compare what we are doing there with other jurisdictions, and ask ourselves whether that is wise.

#### 12.45 pm

We should look to the future system and study carefully the end of my statement in particular, in which I referred to my personal opinion that we should have an integrated system. I also stated my clear commitment to respect and to take on board the views of other stakeholders.

We could have a single system or a shared system, and within that shared system, we could have a plurality of providers. That does not amount to an agenda to close St Mary's. However, we must make sure that the overall system in Northern Ireland is fit for purpose and financially sustainable.

**Mr McDevitt:** In April 2003, the Department for Employment and Learning (DEL) and the Department of Education began a joint study, *Teacher Education in a Climate of Change: The Way Forward*, which went out to consultation last year. In fact, consultation on it closed a year ago today. Will the Minister tell us what the future is for that strategic review? Will he further inform the House why it is not a joint review conducted by his Department and the Department of Education, as both are so obviously directly affected by its output?

**Dr Farry:** That review is primarily the responsibility of the Minister of Education. However, I understand that it is due to report in the very near future. The review looked primarily at how we reached conclusions on our requirements for teacher training numbers and academic standards. The measures that I announced are separate from that. They look at issues of affordability from a financial perspective and how we move ahead to reshape the institutional landscape. I said clearly in my statement that I respect the responsibilities of my colleague on the Executive, and we will co-ordinate what we do around the two reviews. Indeed, I met the Minister of Education in advance of my statement today. In particular, when we reach the second stage of that study, the Department of Education will be an integral partner in how we take it forward.

**Mr Lyttle:** I thank the Minister for his statement and acknowledge that he is one of the few Ministers in the Executive to recognise in detail the cost of division, in this case in relation to teacher training in Northern Ireland, to the taxpayer and to his Department. He has also set out an opportunity for the Assembly to show that it pays more than lip service to its commitment to a shared future and that it will deliver change to tackle a broken system. Will the Minister, therefore, elaborate on his vision of what a shared and integrated teacher training system in Northern Ireland would look like?

**Dr Farry:** I thank my colleague for his question and remarks. We can talk about a range of different models. We can have a tight, single

integrated system. Equally, we can have different models of sharing. We can have a loose sharing model or much tighter versions. I think that areas about which we can have discussions would include shared services and shared facilities, such as buildings and sports facilities. Also, and most critically, we can talk about shared teaching: future teachers being trained in the same room as their counterparts from different institutions, should we have them. We already have models in the secondary system in which schools are collaborating. Those may well provide lessons that we can draw on. This has to be an open debate. I have my own personal preference as to what I believe is in the best interests of Northern Ireland but I am here as one of many and I am open to hearing the views of others, including the stakeholders of the system as we find and shape a model that works for the future of Northern Ireland.

**Mr D McIlveen:** I thank the Minister for his statement. He said that his:

*“desire is to facilitate, create and agree a shared system of teacher education.”*

Does he believe that starving Stranmillis of funding and continually treating it as a second-class citizen to St Mary's is the best way of achieving that?

**Dr Farry:** I am at a complete loss as to where the argument that I am starving Stranmillis of resources is coming from. At present, we are funding trainee teachers at Stranmillis. We are also pumping in additional resources that are nothing to do with the training of teachers. We are paying a premium for each teacher training place, reflecting the fact that we have small institutions in Northern Ireland. My predecessor decided to invest in non-teacher training academic courses at Stranmillis, which, again, is another form of subsidy going into the system. Stranmillis and St Mary's are being treated fairly and equally in that regard. The bottom line is that they are both receiving a significant subsidy from the public purse that is nothing to do with the training of teachers, which is their core responsibility.

I have grave difficulty in justifying, in a society of 1.8 million people, having five different teacher training institutions. I do not believe that that is efficient. Stranmillis's finances are falling due to Northern Ireland's circumstances. It is not because we are taking money away from the college. The fact is that we have a declining

market for teachers in Northern Ireland and a major legacy issue of required investment in the site. The Queen's University merger allows us to address those issues without the public purse having to pump in additional resources. Why on earth are we walking away from that opportunity? Why are we making arguments that we have to take resources from elsewhere in a very tight Northern Ireland Budget in order to prop up something that does not need to be propped up in the way that the Member suggests?

**Ms S Ramsey:** Go raibh maith agat, a LeasCheann Comhairle. I do not know whether I welcome the Minister's statement but I thank him for making it. With the niceties out of the way, I agree with him that St Mary's has a proud history and tradition. I will continue to support St Mary's in its endeavours.

Some of the parties here need to go back to look at the history of their involvement in Stranmillis because they supported the merger at that time. Does the Minister agree that when Stranmillis's board of governors announced in 2008 that it would merge with Queen's University, it did so without the Assembly's support? Will he outline whether, at that time, the board of governors — although it did not have the support of the Assembly or the Committee for Employment and Learning at the time — was supported by the Department and its officials?

Will the Minister clarify whether the independent study will be truly independent, considering the rewriting of the student fees review —

**Mr Principal Deputy Speaker:** It is really just one question.

**Ms S Ramsey:** That review was rewritten to suit the needs of the Department at that time to ask for an increase in student fees. Will students be involved in that study?

**Dr Farry:** First, we are already seeing polarisation in the Chamber. One side is standing up for Stranmillis and the other is standing up for St Mary's. The point is that we need to focus collectively on the way forward for the system as a whole. Let me be clear about what the study is going to do. It is in two stages; the first is a financial review, which will go out through the normal public procurement processes externally to the Department. It is there to provide an independent look at the financial realities that we are facing.

The second phase of the study, which will be about shaping the future system, will be led by independent experts from the Department. My Department has had a long-standing interest and involvement in the proposed merger. It has been on the agenda since before the restoration of the Assembly in 2007. It is a long-running issue, and it is to my deep regret that we are still at the stage that we cannot proceed with it.

With regard to student fees, I believe that the Member would agree that, at the end of the day, we have reached a politically and, indeed, economically sound solution. That was very much done with the full support of my officials and all political parties in the Chamber.

**Mr Ross:** In his statement, the Minister announced a two-stage study into the viability and sustainability of both St Mary's and Stranmillis. However, he also suggested that Stranmillis will be starved of finance ahead of that study. Surely, the Minister is putting the cart before the horse? If the study is to have any real meaning, the Minister must continue to support Stranmillis until its conclusion. Can the Minister give that guarantee in the House today?

**Dr Farry:** I do not propose to take any more funds from Stranmillis ahead of the various stages of the study. Members have gotten the notion that Stranmillis is being starved of finance. It is being starved due to circumstances that it faces at present, not through any action that I or, indeed, my predecessor has taken as Minister. Indeed, we have pumped money into Stranmillis to keep it viable — funding that is actually difficult to justify at any time and particularly when we all face difficult finances. Therefore, circumstances are working against Stranmillis with the falling number of teacher places. That is a reflection of how society is changing.

It is also worth stressing that teacher training is not a priority skill area. Northern Ireland does not have a shortage of teachers. There are shortages elsewhere in the system. Therefore, if we talk about the wise use of resources, surely that is about investment in future scientists and engineers who will propel the knowledge economy in Northern Ireland forward, not in more teachers?

**Mrs Overend:** I thank the Minister for his statement. Until such a time as there is political consensus on how to move forward, the Minister should agree that his Department must do more

to meet Stranmillis's funding needs. In fact, he says in his statement:

*"In the event that the Stranmillis – Queen's merger does not proceed, then the future outlook for Stranmillis University College is bleak. The College does not have access to any funding streams that would deal with its estate issues that I referred to earlier."*

The Minister said that there will be funding of £1.1 million this year. Can he assure me that that funding will continue next year and the year after that?

**Dr Farry:** Current funding arrangements will continue pending the outcomes of the study and consideration of the way forward. I must return to the issue of pumping more money into Stranmillis and ask people where they would like me to take that money from? Do they want me to take it from the universities, which are trying to reorient themselves to invest in the future needs of the economy? Am I to take it from the further education sector or the employment service? Many people express concern about the current situation of Steps Ahead as part of the Steps to Work programme. I remind Members that a growing number of people are unemployed and need support to find work. Therefore, where exactly do Members want me to take money from to pump into a situation that is already financially unsustainable?

**Mr McElduff:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. In the context of St Mary's wanting to retain its autonomy, I ask the Minister whether the chairman of Stranmillis University College has lobbied him to facilitate a merger between St Mary's University College and Queen's University. Furthermore, has the First Minister lobbied the Minister directly on the future of St Mary's? My question really is: who is actually setting the agenda on the matter?

**Dr Farry:** The facts of the matter are that I have met the chairman of the board of governors of St Mary's. It is fair to say that he did not lobby me in that direction or in any particularly strong direction. I have discussed the merger with a number of stakeholders. I have not had a meeting with the First Minister in that regard, although I have had a meeting with the leader of the DUP. I have also spoken to the leaders of a number of other political parties on the matter, on the basis of which I reached the conclusion that the required level of support does not exist.

Let me be clear: the statement that is before the House is my statement and mine alone. It has not been dictated to me by any political party whatsoever. It reflects my analysis of the situation in which we find ourselves at present.

### 1.00 pm

I will return to the detail of the statement: I inherited the situation of the Queen's and Stranmillis merger. However, in considering what I inherited, I took the opportunity to ask much more fundamental and searching questions about future teacher training provision in Northern Ireland. That has led me to the conclusion that I have set out today and to the road map through which we can build a shared teacher training infrastructure.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. In April 2008, Department for Employment and Learning officials presented the board of governors of Stranmillis with financial projections based on a new funding model, and those pointed to large deficits in the future. Then we had the merger proposal. Does the review, which is three years later, have a preordained outcome, and will we hear that DEL officials are to present the board of governors of St Mary's with similar financial projections?

**Dr Farry:** Given that our Department funds both university colleges, our officials are in regular contact with both about their finances. The Stranmillis board of governors is acutely aware of the projections, and it is worth stressing that the merger has not been imposed on Stranmillis. The board of governors elected for the merger, and, indeed, support for it on the board is strong and unanimous.

**Mr Douglas:** Does the Minister agree that there is no political agreement in the House? Does he also agree that the two-stage study should consider a much stronger working relationship between Stranmillis and St Mary's?

**Dr Farry:** I thank Mr Douglas for his question. The study can be open-ended in the context of all the different models of sharing, and closer co-operation between Stranmillis and St Mary's or between Stranmillis college at Queen's and St Mary's is one potential scenario. Equally, we could have a single system for Northern Ireland. All the potential scenarios are on the table for discussion. I have a personal preference on the way forward, but, equally, I want to respect and listen to other stakeholders' viewpoints.



The current system is not sustainable: we have to change it. The status quo can no longer be accepted in the light of the subsidy and the waste of resources, so we have to talk about a shared system. Let us talk together about how we shape that system in the interests of society as a whole.

**Mr Storey:** Does the Minister agree that part of the reason that we have ended up in this situation is because the previous Ministers who held the post agreed to very questionable intake numbers at St Mary's? They failed to address the discriminatory nature and practice of having a Catholic certificate, and Sir Reg's best attempt at dealing with the issue was to suggest that we have a Protestant certificate, at which he failed. There is nothing in today's statement that tells us how we will deal with the inequality of St Mary's —

**Mr Principal Deputy Speaker:** Question.

**Mr Storey:** — having the best of both worlds with UCAS. Will the Minister clearly set that out for us? That has to come to an end, irrespective of whether we have a review.

**Dr Farry:** It is fair to say that we could have reached this situation quicker if some decisions in the past had not been taken, and it seems to me that, over the past number of years, we have pumped more and more resources into both teacher training colleges in an attempt to make them sustainable while the demographics have been working against us and against the whole notion of having two separate colleges. However, we are where we are today.

Having a different type of certificate would be a major retrograde step and totally contrary to the whole notion of a shared future and, particularly, a shared education system. The way forward is not to replicate what is happening in one section of the community but to have a totally level playing field across the community. I have indicated that, as part of the study, particularly the second stage, we have to address the equal opportunities issues, including UCAS and the Catholic certificate. Indeed, Members may be aware that UCAS has recently published a consultation document about moving from the use of predicted grades to actual grades for university entry. That would be a positive measure, and it would be much more in tune with equality. Some of the reasons that St Mary's cites for not using UCAS might well be addressed through the adoption of

that approach. However, in the interim, my Department is willing to engage with St Mary's on the issue of UCAS to try to persuade it to join that system at the earliest opportunity, which is the 2013-14 academic year.

**Ms Lo:** Having heard the responses from both sides of the House, I really believe that it takes an Alliance Party Minister to get the public confidence that is needed to carry out a bias-free investigation or review into the teacher training system. *[Interruption.]*

**Mr Principal Deputy Speaker:** Order.

**Ms Lo:** Will the study look at the UCAS system and the issue of the Catholic certificate?

**Dr Farry:** I thank my colleague for her opening remarks. To a certain extent, I addressed the UCAS issue in response to Mr Storey's question. We can address the issue of the Catholic certificate in a number of ways. From an equality perspective — an area that lies outside my Department's control — legislation could be put in place that would prevent the certificate from being used as a requirement for the appointment of teachers by any school in Northern Ireland. However, given that that requirement continues to exist, we need to look at ways in which we can ensure that people have free access to it. If we are to have a shared rather than a fully integrated model, one potential way of addressing that would be for St Mary's, which currently provides the certificate to its own students, to offer that option to any trainee teacher in Northern Ireland through some sort of service level agreement. That is perhaps one creative way in which we could address the lack of equality.

I am not trying to interfere with the ethos of schools; I appreciate that those exist. Equally, any teacher, irrespective of their own religious background and belief system, should be capable of teaching in any school in Northern Ireland, even one that has a particular ethos and which may not necessarily reflect the personal views of a teacher. We are talking about professional teachers, who will teach as professionals.

**Mr Humphrey:** I thank the Minister for his lengthy statement. He said:

*"Therefore, until the merger takes place, Stranmillis University College must manage its own affairs as best it can."*

Is he not, in effect, blackmailing Stranmillis College?

He talked about the values and traditions of colleges. Given that the Officer Training Corps was forcibly removed from freshers' day at Queen's University, how can the Minister guarantee that the unique heritage of Stranmillis College will be preserved in such a merger?

**Dr Farry:** I thank Mr Humphrey for his question. I am not blackmailing Stranmillis at all. Stranmillis wants the merger to proceed; it is incredibly keen that it does. Stranmillis is probably very frustrated that there is not yet support in the Assembly for the merger. The way out of the difficulty in which Stranmillis finds itself is for the Assembly to support the enabling legislation that will allow the merger to go ahead. I do not have the resources to put into Stranmillis, and those who are advocating that I should seek to divert resources from elsewhere need to tell me where I am to take those resources from. I have pressing needs across my Department. Indeed, the entire Executive and every Minister have pressing needs. I have difficulty with pumping in additional resources in further subsidy to reinforce what is a divided system because there is not support, particularly from the Member's party at this stage, to move ahead with the merger — a merger that is good for the system and for Northern Ireland and moves us in the direction of shared education that his party is trying to advocate but which has so far not lived up to whenever it has an opportunity to buy in and support a progressive move.

**Mr Easton:** Will the Minister give an assurance that, under his review, the Catholic certificate of education will be done away with because of its discriminatory nature against those from a Protestant background? Is he aware that some staff at Stranmillis have been put under extreme pressure by the board of governors that, if they speak out against the merger or express concerns about it, they will be sacked? Will he give an assurance to the Assembly that he does not support that discriminatory action by the board and that his Department will investigate the board's actions in regard to the threats to teachers?

**Dr Farry:** I stress that Stranmillis is an autonomous body that manages its own affairs. I believe in freedom of speech and people being able to express their opinions. A number of staff members took the opportunity to respond to the

consultation. I have also received delegations of staff members — those for the merger and those expressing views against it. So, I am certainly happy to listen to all opinions.

The staff in Stranmillis also need to reflect on what is in the best interests from their own perspective with regard to employment. The principles of the merger will protect staff at the point of merger and for four years thereafter. That is a very attractive proposition. By contrast, moving ahead in the absence of a merger means that there are no guarantees for anyone and Stranmillis and its staff are in a very precarious situation.

With regard to the Catholic certificate, my statement showed that I understand the situation where there is not equality of opportunity as a result of the current provision. I do not have it within my power as Minister for Employment and Learning to remove the requirement for the certificate — that lies elsewhere. What I can do, however, is to encourage the system to move to a situation whereby it is made accessible on a much more fair and equitable basis. I hope that the second phase of the study will capture the need to do that. I have already set out one potential way in which that can be done, and there may well be others.

**Lord Morrow:** The Minister told us that he is simply building on the work of the previous Minister, Sir Reg Empey. He also stated that that would not in any way impinge on the ethos of the Protestant culture or community. That is not what the Equality Commission said in its report, which states:

*"We have reservations in relation to the potential impact on the availability of training places for teachers from the Protestant/Other communities, the ethos and proposed governance arrangements for the new structure."*

That is in complete contradiction, Minister, to what you said here today. Furthermore, the report goes on to state:

*"There is the real possibility that the outcome of the merger may mean that fewer places will be available for training teachers from the Protestant community."*

How does that stand in the light of what you said here today, or is your statement simply an aspirational one?

**Dr Farry:** I thank Lord Morrow for his question today and for all the questions for written answer that preceded it. Let me stress that I am not building on the legacy that I inherited from my two predecessors. What I inherited was support for a merger on very narrow grounds between Queen's and Stranmillis. It did not address any of the issues regarding the Catholic certificate, UCAS, the financial sustainability of the system overall or the opportunities in the system for sharing. Those are all new things that I, as the current Minister for Employment and Learning, am bringing to the Chamber with regard to the way forward. This is a real process. This is not about aspirations but about real pounds and pence and an unsustainable financial situation that the House has to grapple with, and I am certainly up to grappling with it as Minister.

Let me be clear about the issue of ethos: Stranmillis today is not a Protestant institution; it is a non-denominational institution. It is not a mirror image of St Mary's, which is a faith-based institution. The balance of the enrolments of the two colleges is very different. St Mary's intake is still predominantly Catholic, and we need to think about addressing that. Stranmillis is much more mixed, and Queen's is also a mixed institution. So, we have one mixed non-denominational institution potentially merging with another mixed non-denominational institution.

### 1.15 pm

That said, I am acutely aware of the concerns about differential opportunities for different parts of the community in teacher training. The merger and, in particular, the wider scoping study regarding a shared system will address that particular concern. I understand the argument that Lord Morrow is making in that regard.

So, ethos issues are going to be addressed in the merger. At present, the transferors do not have any say about the board of governors at Stranmillis, but as part of the new merger a stakeholder forum is on offer, which will represent the transferors and all of the other faith traditions in Northern Ireland. So, they will have a new voice in future provision.

**Mr Allister:** I thought the Minister's statement to be quite churlish and vindictive in regard to Stranmillis. It would seem that, frustrated in his ambition to eliminate Stranmillis, the Minister now hopes that financially it will bleed to death. Would it not better suit the Minister to face the fact that the merger is not viable,

support Stranmillis and, instead of talking it down, try building it up? Does he agree that a good start, as a confidence-building measure within Stranmillis, though it is an autonomous body, would be the resignation of the present chairman of the board of governors and the replacement of him with someone who actually wants Stranmillis and wants it to succeed?

**Dr Farry:** Members need to be very careful about second-guessing the views of Stranmillis. Stranmillis will be most disappointed by the views expressed by Mr Allister and others in the Chamber today who are seeking to frustrate the merger with Queen's University. The merger is the only viable way forward for Stranmillis. The college is not viable, not through any action that I have taken or have failed to take, but due to the reality and the circumstances that we find ourselves in in Northern Ireland today. That situation has to change.

The merger with Queen's is backed unanimously by the board of governors — more than just the chair of the board of governors; the entire board of governors. It also has the overwhelming support of the staff in Stranmillis and the support of the unions. The people in Stranmillis are not the ones who are against the merger; the people in this House are the ones who are against the merger.

**Mr McClarty:** I thank the Minister for his statement. Almost the entire statement was on Stranmillis, St Mary's and Queen's University, with only a fleeting reference to other providers of teacher training. In my own constituency, the University of Ulster provides a very effective and efficient postgraduate certificate in education. Will the Minister outline where other providers, such as the University of Ulster at Coleraine, fit into his proposed study?

**Dr Farry:** I thank Mr McClarty for his comments. Certainly, it is true to say that, while the statement did focus on Stranmillis, and St Mary's to an extent, we have five providers of teacher training, including the University of Ulster at Coleraine.

My officials have been in touch with the vice-chancellor to brief him about the contents of what I am setting out today. I very much envisage the University of Ulster being part of the scoping study, particularly the second stage on how we map out the future. While I am not being prescriptive about the eventual shape of teacher training provision in Northern Ireland, we have the option of moving ahead with either

a single integrated system or a shared system in which we have a plurality of providers. The University of Ulster is very much in our thinking in that regard.

**Ms Gildernew:** Go raibh míle maith agat, a LeasCheann Comhairle.

I found some of the Minister's responses this morning to be a bit disingenuous, because Sinn Féin has consistently supported education at Stranmillis and St Mary's and has never supported the merger — not in this mandate or the previous one.

When the Minister stated in the House that the liberal arts course could be consolidated elsewhere in the university system, I believe that that was motivated by a wish to make St Mary's unviable. Does the Minister agree that the liberal arts course at St Mary's offers students, and students from low-income backgrounds in particular, an excellent degree course that meets not just their needs but those of our business community?

**Dr Farry:** Michelle Gildernew's comments about offering people from a range of different backgrounds access can be applied to any of our universities. I am not being prescriptive on the way forward. It is equally fair to say that the provision of liberal arts at St Mary's and the equivalent provision of early years at Stranmillis are, in effect, subsidies that are keeping small institutions viable, and the question is whether that is the right thing to do or whether it would be better to consolidate those types of courses in some of the other providers. That is an open and frank discussion that we have to have, and I am not sure why Members are afraid to engage in it.

Earlier, I said to the Member's colleague that I am not approaching this matter with an agenda of attacking St Mary's or, as some wish to portray it, of trying to undermine or close the college. I am trying to find a system for Northern Ireland that is fit for purpose and financially sustainable. At present, we have a very financially inefficient teacher training system, and it is becoming increasingly hard for me to justify that, particularly in these times. We do have to have a discussion on the best way forward; and there is a situation in which St Mary's can find a new home as part of that shared system. However, we have to be frank about the current financial context and ask ourselves whether we are getting value for

money. I would like to think that every Member in the House would be very careful with the money that we receive and is aware of ensuring that we maximise it for best use for the people of Northern Ireland as a whole.

**Mr Principal Deputy Speaker:** That concludes questions on the statement.

**Mr McElduff:** On a point of order, a Phríomh-LeasCheann Comhairle. The Chairman of the Committee for Employment and Learning was the first Member called to pose a question to the Minister and was called in his capacity as Committee Chairman. Was there not an obligation on the part of Mr McCrea to speak as Committee Chair when called and to differentiate when he was speaking in a party political capacity? At no point in his contribution did he reflect the concerns of the Committee.

**Mr Principal Deputy Speaker:** As the Member knows, it is not up to me to say what the Committee's business should be, but it is an issue that would be dealt with by the Business Committee. I leave the matter to Committee members.

## Executive Committee Business

### **Rates (Payments by Owners by Agreement) (Amendment) Order (Northern Ireland) 2011**

**Mr Wilson (The Minister of Finance and Personnel):** I beg to move

*That the Rates (Payments by Owners by Agreement) (Amendment) Order (Northern Ireland) 2011 be affirmed.*

At present, any landlord who enters into a voluntary agreement with Land and Property Services (LPS) to collect rates from tenants gets a 15% allowance for his or her trouble. The exception is the Northern Ireland Housing Executive (NIHE), which, since April 2011, has received a lower allowance of 10%. The allowance rewards landlords for undertaking the task, which is a good deal for my Department because it saves LPS having to chase individual tenants to recover rates. That would be an expensive and unfulfilling task for the agency, and revenue would be at stake.

The allowance is granted because rates are payable by landlords under the agreement whether the property is occupied or not. With the introduction of the rating of empty homes, 100% rates will apply to all domestic properties. There will be no difference, generally, between occupied and vacant liability for that property. As a result, it would be inequitable to maintain the current level of voluntary landlord allowance, given that part of it is compensation for being unable to claim a vacancy. Therefore, it would be inappropriate to retain that element of the allowance.

The allowance covers around 155,000 rental properties in the private and social rented sectors. The allowance has changed over the years, and in 2007, under direct rule, was increased from 10% to 15%. That came following a 2005 study by the Institute of Revenues, Rating and Valuation that recommended that the increase should apply to all landlords except the Northern Ireland Housing Executive. That was due to the fact that the Northern Ireland Housing Executive is not subject to the same level of commercial risk for non-payment and vacancies.

However, due to uncertainty at that time over the review of public administration (RPA), the Northern

Ireland Housing Executive was temporarily granted the benefit of the higher 15% allowance. As I stated, that allowance has now fallen to 10%. In 2009, the Assembly agreed to my Department's taking the power to reduce the level of the voluntary allowance in conjunction with the wider policy to rate empty homes, forming an impetus to review the allowance awarded. Following consultation, there was clear majority support for the level of the allowance to be higher in the private rented sector compared with that for the Northern Ireland Housing Executive and housing associations.

We need to strike the right balance in all this between encouraging landlords to pay rates on their properties and avoiding the situation where LPS has to chase individual tenants. That would result in reduced revenue and increased costs.

Bearing all those factors in mind, I considered that the allowance payable to housing associations should be reduced to 10% from April, which is the same as applies to the NIHE. Housing associations have been given an extra year in which to prepare for the reduction in the allowance. In the private rented sector, the allowance will continue at a lower rate than before, at 12.5%, given that there are separate considerations around collection and transient tenancies. That rate remains slightly higher than that awarded elsewhere, and it reflects the consultation outcomes that were agreed last year. It would be given effect through this order.

Members will also be interested in the financial impact of the changes for the Assembly and for district councils. Reducing the allowance to 10% for housing associations and to 12.5% for private sector landlords from April could provide savings of around £1 million in 2012-13. That sum will be split fairly evenly between the Executive and district councils. Although there has been an increase in the numbers availing themselves of the landlord allowance, which will offset the gains somewhat, the overall result will be that collection performance in the rented sectors will be improved.

The impact on all landlords will mean that there will be an increase of between £16 and £24 for each property per annum, and, more generally, the change in the voluntary landlord allowance will not affect the overall rates liability on a property, which will, of course, remain the same. It simply means that the level of allowance that is granted to the landlord is

being adjusted. On that basis, there should be no impact on tenants, as the landlord should have collected the full rates liability already. My Department will, of course, monitor the situation as necessary.

Let me turn to the more technical details of the order. Article 1 sets out the title of the order and gives its operational date as 1 April 2012. Under article 21(1) of the Rates (Northern Ireland) Order 1977:

*“The owner of any hereditament the rent of which becomes payable or is collected at intervals shorter than quarterly may by agreement...with the Department undertake that he will pay the rates chargeable in respect of the hereditament whether it is occupied or not and the Department may agree, where the owner so undertakes and pays over to the Department on or before the date or dates specified in the agreement the amounts payable by him thereunder, to make him an allowance not exceeding 15 per cent.”*

Article 2(1) will reduce the maximum amount of that allowance to 12·5%. Article 2(2) will also provide that an allowance of 10% should be substituted for any allowance specified in the existing agreement for a hereditament owned by a housing association. For private landlords, an allowance of 12·5% will be substituted, and article 3 will revoke the current legislation dealing with the voluntary landlord allowance.

I look forward to hearing Members’ comments, and I commend the order to the Assembly.

**1.30 pm**

**Mr Murphy (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The policy proposals in the statutory rule were considered by the Committee on 5 October 2011. The Committee noted that the purpose of the rule is to reduce what is commonly known as the landlord allowance, which applies where the landlord has entered into an agreement to pay rates on a property. For private rented sector landlords, the allowance will be reduced from 15% to 12·5%, while the allowance for registered housing associations will reduce from 15% to 10%. The changes will apply to domestic and non-domestic properties. The Committee had no issues to raise in respect of those proposals.

The Committee formally considered the statutory rule on 16 November 2011, together with

the accompanying report from the Examiner of Statutory Rules. The Committee agreed to recommend that the Rates (Payments by Owners by Agreement) (Amendment) Order (NI) 2011 be affirmed by the Assembly. On behalf of the Committee, I support the motion.

Setting aside my Chairperson’s role, my primary function as a member of the Committee is to scrutinise the work of the Minister of Finance. In that regard, I found his remarks at the weekend disgraceful. Speaking as a former prisoner, I felt that they were demeaning to him as a Minister and demeaning, by association, to the entire Executive. I would go so far as to say that it demeaned his audience, although many of them did not have the wit to realise it.

**Mr Wells:** On a point of order, Mr Deputy Speaker. Those remarks bear absolutely no relation to the issue of rates. He should have been called to order immediately.

**Mr Principal Deputy Speaker:** That is not a point of order.

**Mr Girvan:** I will speak to the motion as presented, which the Minister has put forward in exactly the way in which it was presented to Committee. The Committee had no issue with it. I also speak on behalf of the DUP. At the outset, I declare an interest as a landlord who takes advantage of the current 15% allowance, which will be reduced to 12·5%, when collecting rates from tenants.

The proposal would bring some additional revenue to the Executive, and I appreciate that some of that money will be used in other areas. The process we have gone through opens up the opportunity for further money to be brought forward. I appreciate that there may be a necessity to look at trying to bring matters more in line so that the 10% allowance offered to housing associations will be the same for a private landlord. I realise that there are difficulties because of vacant properties and the difficulty that some landlords are having in paying for those due to the country’s economic status. However, we have no issue in relation to the motion.

**Mr Wilson:** I thank Members for their contribution to this short debate and for the support that this measure had from the Committee.

Since the issue was raised, I am glad to see that I can still get under the skin of Sinn Féin. It pleases me to have got the response that

I did. I remind the House that the imagery of children being placed in “Long Crèche” was not something that I made up. I thought that maybe Sinn Féin had had a humour transplant before its last conference. It was Sinn Féin that called the nursery “Long Crèche”; I simply followed up on that imagery. I am sure that many people across Northern Ireland will be as amused as some of my party colleagues were by the comments that I made at the party conference. I have no apology to make. The imagery was placed in my mind by Sinn Féin. If they did not want that, perhaps they should not have done it. I am glad to see that they did not take exception to remarks about the former Education Minister Caitríona Ruane. I assume that they agreed with everything that I said about her. I commend the order.

*Question put and agreed to.*

*Resolved:*

*That the Rates (Payments by Owners by Agreement) (Amendment) Order (Northern Ireland) 2011 be affirmed.*

## Committee Business

### Standing Orders

**Mr Principal Deputy Speaker:** The next four motions relate to amendments to Standing Orders. I propose to conduct the debate as follows. I propose to group motions (a) to (d) as detailed on the Order Paper and conduct a single debate. I will call the Chairperson of the Committee on Procedures to move motion (a), and a debate will take place on all four motions in the group. When all Members who wish to speak have done so, I will put the Question on motion (a). I will then ask the Chairperson to move formally motions (b), (c) and (d) in turn, and I will put the Question on each of them without further debate. If that is clear, we shall proceed.

**Ms S Ramsey (The Chairperson of the Committee on Procedures):** I beg to move

*(a) Leave out Standing Order 49A and insert*

*“Committee for Justice*

*(1) The statutory committee established to advise and assist the Minister of Justice (in this Standing Order referred to as ‘the Committee for Justice’) shall –*

*(a) review the operation of the amendments made by Schedules 2 to 5 to the Northern Ireland Act 2009;*

*(b) report on its review by 30 April 2012; and*

*(c) include in its report any recommendations it has for changes to the way in which judicial office holders are appointed and removed.*

*(2) A person cannot be a member of the Committee for Justice if that person is a member of the Northern Ireland Policing Board, a district policing partnership or a sub-group of the Belfast district policing partnership.”*

The following motions stood in the Order Paper:

*(b) Leave out Standing Order 49B. — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

*(c) In Standing Order 59, leave out paragraph (4A). — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

*(d) In Standing Order 65(6) line 2, leave out*

*“, if he or she thinks it necessary, adjourn the Assembly without question put or suspend any sitting for one hour.’*

*and insert*

*‘ (a) suspend the sitting until a later time on that sitting day; or (b) adjourn the Assembly without question put.’ — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

Go raibh maith agat, a LeasCheann Comhairle. I am pleased to bring the four motions to the Assembly. The proposed changes to Standing Orders are all primarily technical changes, so there is not a lot that can be said, except to explain the background and purpose of each of them.

Of the four, the first three are loosely connected in that they relate to the Committee for Justice and the Assembly and Executive Review Committee (AERC). The first of the three relates to a Standing Order on the establishment of the Committee for Justice; a second facilitates moving an existing Standing Order; and a third seeks to transfer duties that are currently the responsibility of the Assembly and Executive Review Committee but should now fall to the Committee for Justice. The fourth motion is unrelated to the first three. It proposes a minor change to the Standing Order that deals with grave disorder in the Chamber and how that is managed by the Speaker. That may seem a strange combination of proposed amendments to bring together, and I clarify at the outset that it is purely for expediency rather than any other reason.

As three of the four motions relate to the Justice Committee and the AERC, I will begin by introducing those. The first of the motions relates to Standing Order 49A, which currently sets out requirements for the establishment of the Committee for Justice. With that Committee now up and running following the devolution of policing and justice powers in April 2010, the need for the Standing Order no longer exists. In the future, just as happened after the elections earlier this year, subsequent Committees for Justice will be established in exactly the same way as all other Statutory Committees. That process is set out in existing Standing Orders 47 and 48. That means that Standing Order 49A is now considered spent, and the first motion proposes that it be removed and replaced with a new Standing Order 49A. That will simply be entitled “Committee for Justice” and will deal with other matters relating to the Committee.

The next two motions relate to the proposed contents of the new Standing Order 49A. The amendments suggest that new Standing Order 49A will be made up of two paragraphs. Although it may seem slightly out of sequence,

I will follow the order of the motions and deal with motion (b) next, even though it deals with the contents of the second paragraph. The second paragraph of the new Standing Order 49A will contain exactly the same wording as the paragraph previously numbered Standing Order 49B. The paragraph sets out a list of office holders who are not eligible for membership of the Committee for Justice. That includes members of the Policing Board, any district policing partnership or a subgroup of the Belfast District Policing Partnership. Because those requirements remain relevant, the motion recommends that they be included in the new Standing Order 49A. The Committee on Procedures is well aware that the title “district policing partnership” will be replaced by the title “policing and community safety partnership”. However, as that is likely to be enacted only in April 2012, it was agreed to bring that minor change separately at a later date, rather than waiting until then to make today’s changes.

I move now to the contents of the first paragraph of the new Standing Order 49A. Motion (c) seeks to allow the information currently held in Standing Order 59(4A) to form the first paragraph of the new Standing Order 49A. It does that by proposing the deletion of Standing Order 59(4A) in its entirety. Why has that been done? In its current position, the existing Standing Order 59(4A) sets out specific functions relating to judicial appointments legally imposed by schedules 2 to 5 of the NI Act 2009, but it currently confers those responsibilities on the AERC. With the establishment of the Committee for Justice, both the AERC and the Justice Committee agreed that it was more appropriate that those functions now fall to the Committee for Justice and therefore instructed the Committee on Procedures to amend Standing Orders to reflect that decision. The motions before you today facilitate that transfer of responsibility.

Far simpler than the first three motions is the fourth and final motion. It deals with instances of grave disorder and, again, proposes a mainly technical amendment. At the moment, Standing Order 65(6) states that the Speaker can suspend the sitting or adjourn it without Question put for one hour. The Standing Order, in its current form, does not allow flexibility in the time allowed. However, there may well be cases in which the matter could be dealt with in a shorter time or when more time would be appropriate.



When considering possible amendments, the Committee agreed that it was appropriate to provide flexibility and allow the Speaker discretion in the time that can be allowed for suspension or adjournment. The discussion also included whether it would be suitable to leave it as implicit that any suspension or adjournment would be effective only up to a later point in that day's sitting. However, the Committee agreed that it was more appropriate to make it explicit. It is the result of all those discussions that you see in the amendment proposed to the House today.

A LeasCheann Comhairle, before you are four fairly technical amendments proposed to Standing Orders. The first removes a spent Standing Order. The second deletes a Standing Order, as its wording is to be contained in new paragraph 49A. The third reflects the decision made by two Committees as to where responsibility falls for carrying out legal requirements conferred by the 2009 Act. The last amendment, while relatively simple, provides flexibility in the time permitted to the Speaker in dealing with instances of grave disorder and brings the Assembly into line with other legislatures. It also potentially allows better use of the House's time. I recommend the motions to the Assembly.

**Mr Allister:** I will be relatively brief. I want to speak to the first motion to amend and to make two points.

Members will note that the Standing Order as drafted begins with the affirmation:

*"The statutory committee established to advise and assist the Minister of Justice...shall".*

My first point is that, whereas the House contains many avid supporters of the Belfast Agreement — some long-standing, some more recent — that wording in itself, which comes out of the 1998 Act, is a dilution of what the Belfast Agreement stated in relation to scrutiny in the House. Paragraph 9 of the Belfast Agreement, in fact, stated that Committees were to be established for the purposes of scrutiny and policy development and to have a consultation role. The 1998 Act diluted that to a role to advise and assist the Minister of Justice. Our Standing Orders now follow that and create the reality that the Committees in the House are not scrutiny Committees, a situation made all the worse by the fact that they consist, in virtual totality, of those from the government parties. The Committees do not even have the scrutiny role because that was not translated into legislative

form. Their role is defined as being to carry out proactively supportive tasks in respect of the Minister. Those are not challenging tasks or scrutinising tasks but proactively supportive tasks.

In that context, we have the proposition that we should transfer to the Department of Justice, the look, if there is to be a look, at schedules 2 to 5 to the Northern Ireland Act 2009. Schedules 2 to 5 to the 2009 Act made the changes to the Justice (Northern Ireland) Act 2002 that removed, quite properly, the anticipated role of the First Ministers in relation to judicial appointments. The Standing Order seeks to enable the Committee for Justice to re-examine that. I want to make it clear from my perspective that there is not and should not be any basis on which to re-examine the processes pertaining to judicial appointments, if the re-examination is minded and intended to bring them within the ambit of the House or anyone who holds office in the House.

**1.45 pm**

**Mr T Clarke (The Deputy Chairperson of the Committee on Procedures):** I welcome the opportunity to conclude on this very short debate, given that only one Member wished to speak in it. I thank the Committee Chairperson for opening the debate, albeit that it was short. The nature of today's motion means that there is little that I can add to what has already been said, except perhaps to summarise.

As the Chairperson said in her opening remarks, motions (a) and (b) are technical amendments that need to be made to Standing Orders now that the Committee for Justice has been established. Motion (c) puts into effect an instruction from the Assembly and Executive Review Committee, and Standing Orders should be amended to reflect the decision of the Chairpersons of the Committee for Justice and the Assembly and Executive Review Committee, which confers responsibility for matters relating to the appointment of judicial office holders, as set out in schedules 2 to 5 to the Northern Ireland Act 2009, on the Committee for Justice. Motion (d) relates to the suspension or adjournment of a sitting in the event of grave disorder and, if agreed, will allow the Speaker more flexibility than is currently available in naming the time for which the suspension will be in effect.

Mr Allister is the only Member who spoke in the debate. He referred to people who came to this slightly later in respect of the St Andrews

Agreement. It is interesting to see that he resides here today and is quite content with the workings of this institution, although he had an opportunity to raise concerns in the Committee. I know that I was absent on one occasion, but there is no reference in any of the papers that I have read to him raising concerns about the wording that was used. I know that he made reference to its being a scrutinising Committee. Indeed, we have scrutinised some forms of Standing Order that have come to the Committee, and there have been various opinions. In my view, that is scrutinising, and, if Mr Allister was not satisfied with the words on that occasion, that would have been the opportunity to suggest an amendment. I commend the motions to the House.

**Mr Principal Deputy Speaker:** Before we proceed to the Question, I remind Members that all four motions require cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*(a) Leave out Standing Order 49A and insert*

*“Committee for Justice*

*(1) The statutory committee established to advise and assist the Minister of Justice (in this Standing Order referred to as ‘the Committee for Justice’) shall –*

*(a) review the operation of the amendments made by Schedules 2 to 5 to the Northern Ireland Act 2009;*

*(b) report on its review by 30 April 2012; and*

*(c) include in its report any recommendations it has for changes to the way in which judicial office holders are appointed and removed.*

*(2) A person cannot be a member of the Committee for Justice if that person is a member of the Northern Ireland Policing Board, a district policing partnership or a sub-group of the Belfast district policing partnership.”*

*Resolved (with cross-community support):*

*(b) Leave out Standing Order 49B. — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

*Resolved (with cross-community support):*

*(c) In Standing Order 59, leave out paragraph (4A). — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

*Resolved (with cross-community support):*

*(d) In Standing Order 65(6) line 2, leave out*

*“, if he or she thinks it necessary, adjourn the Assembly without question put or suspend any sitting for one hour.”*

*and insert*

*“- (a) suspend the sitting until a later time on that sitting day; or (b) adjourn the Assembly without question put.” — [Ms S Ramsey (The Chairperson of the Committee on Procedures).]*

## Private Members' Business

### School Closures: South Eastern Education and Library Board

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to two hours for the debate. The proposer will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Easton:** I beg to move

*That this Assembly notes with concern the school closures announced within the South Eastern Education and Library Board area to date; is concerned that the board is making these decisions ahead of the outcome of the review of schools being conducted by the Department of Education; is further concerned that, unlike all other education and library boards, this board is run by commissioners with no political input; and calls on the Minister of Education to intervene on this important matter.*

At the outset, I want to let Members know that we will accept the SDLP amendment. The basis of the motion is equality, equity and the fair treatment of schools, parents, children, teachers and communities, amid the publication of the audit of the schools estate announced by the Education Minister on 26 September.

On 26 September, the Minister of Education made a statement to the House ordering an immediate audit of every school in Northern Ireland under the sustainable schools policy, 'Putting Pupils First'. He stated that it might result in school closures and that a report would be issued by the end of December on the same issues. One week after the Minister's statement, the South Eastern Education and Library Board announced that it was proposing to close several schools, one of which was Redburn Primary School in my constituency of North Down. Other schools earmarked for closure included two in the Ballykeigle, Knockmore and Dunmurry High School areas. Those announcements came prior to the publication of the audit ordered by the Minister and represent a decision taken by the board on its own initiative.

I will give some background on the structures of the South Eastern Education and Library Board. It functions like no other board in Northern Ireland. It is not subject to the same democratic and governance framework as the other four education and library boards. On 6 July 2006, members of the South Eastern Education and Library Board failed to agree actions necessary to fill the requirements of a resource allocation plan to live within their budgets which were the subject of a Department of Education directive. As a result, the Department of Education suspended the board and appointed four commissioners to carry out the functions of the board. A number of those commissioners are not local, it has to be said. They travel over every month from the UK mainland to attend meetings and make decisions. That reminds us of the form of government we had prior to the establishment of devolution in this region of the United Kingdom, which came under the title "direct rule".

Oddly, as the decision to appoint a board of commissioners was taken by a direct rule Minister only one year prior to the establishment of the Assembly and Executive, in which Education was taken by a Sinn Féin Minister, we now have a second Sinn Féin Minister enacting a direct rule decision. It is, therefore, unfortunate that normal governance practices have not been adhered to in the South Eastern Education and Library Board some five years on, when the issue with regard to a budget has essentially been resolved.

In an Adjournment debate on Tuesday 25 October, Jonathan Craig, a Member for Lagan Valley, passionately raised the issue of the closures of Dunmurry High School and Knockmore Primary School in his constituency. During that debate, Mr Craig challenged the Minister, who was present, as he is today, on the legality of the board, as, under the Education and Libraries (Northern Ireland) Order 1986, a newly constituted education and library board should have been appointed in 2009. The Minister responded to that query in the debate by stating:

*"the SEELB has legal authority. I also wish to see the end of commissioners in the South Eastern Education and Library Board. I want a democratic structure for education, and I believe that we can and will achieve that." — [Official Report, Vol 68, No 2, p127, col 2].*

I, for one, welcomed the Minister's statement to the House on that day in October, but what has he or his predecessors ever sought to do

to bring that about since May 2007? Where is the equality in all of this? With due respect to the commissioners, none of them, bar, perhaps, one, will have a full knowledge of all the factors surrounding the case of each and every one of the schools earmarked for closure.

Having worked previously in the health service and having served on the Assembly's Health Committee and as an Assembly Private Secretary to the Health Minister, I know, as will anyone, that, when a doctor looks at a patient for the first time, they need to be fully aware of all the facts before making a diagnosis. The same can be applied to Redburn Primary School. Here we have a group of commissioners playing God with the school, its children, its teachers and its parents without knowing all the facts. The announcement of the proposed closure of Redburn Primary School has caused significant upset and anger in the Holywood area where the school is situated. Many people have already written to the South Eastern Education and Library Board highlighting their opposition, and I encourage people to continue to do so, as that appears to be the only form of democracy open to them as a community.

Redburn Primary School serves an area of social and economic disadvantage, and, to date, the community and the school leadership have established an excellent partnership, much of which has been pioneered by Redburn Primary School, which is seeking to put something into the community that it serves. It is like no other school in that field. It must be cherished and encouraged. However, it will be destroyed if and when the school closes its doors next year. Redburn Primary School serves the children of soldiers in Palace Barracks as part of its community, and many of their children benefit from the educational standards of that school of excellence. Furthermore, Holywood Primary School, which is the nearest school, requires significant work to bring it up to standard. A proposal for a newbuild linking a number of schools was put in place and supported but remains at a standstill due to the Tory-led cuts that we have to endure from Westminster.

Looking to the future, Holywood is set to benefit from new housing schemes in the Loughview estate area, and I hope that the Minister takes that into consideration. New army units are also expected to arrive in the coming years, with new families and young children needing a school nearby. All those factors are at play. However,

the board has decided to ignore them and the needs of the local population.

Minister, this is about a process. The current board is not democratic, and that needs to be sorted out. We need to make the board accountable to the Assembly and the local parents and teachers. I ask you, Minister, to take note of my comments and to look favourably at stopping the process until your review is complete.

**Mr McDevitt:** I beg to move the following amendment: Leave out all after "Minister of Education" and insert

*"to postpone any decisions until the viability audit has been completed."*

I thank the Members who tabled the motion for accepting our amendment, which seeks to give a sense of completeness to the debate around schools that are under threat and how the Minister and boards can best and most fairly manage the decisions that they may need to take over the next year or so.

I echo Mr Easton's sentiment that the situation in the South Eastern Board is undemocratic and unreasonably out of kilter with proper governance arrangements. It has endured for way too long. It is unacceptable that we should have a system that lacks any form of proper political representation for as long as has been the case in the South Eastern Board, even though the system requires that in its statute. It is particularly regrettable that matters should have come to a head around four specific schools and that those four schools are faced with imminent decisions, even though the Minister and the Department have initiated a separate process to establish the viability of all schools in primary and post-primary education at a regional level. That begs the question of what is the most effective way of getting a picture of the needs of our population and our children in the next decade or two to be educated in the highest-quality schools positioned at the heart of every community and capable of delivering the pastoral and curriculum support that we all demand as legislators. Surely, to arrive at that place, we need a joined-up, co-ordinated look at which schools face challenging circumstances, where those schools may be, what their prospects might or might not be in the next five, 10 or 15 years, the communities that they service and what their needs will be in the short and

medium term, and the potential challenges or opportunities that may arise with regard to new structures of governance or different systems of management.

## 2.00 pm

Surely we want to develop a holistic approach to establishing where, if anywhere, rationalisation should take place. Unfortunately, that has simply not been the case. Despite the fact that a viability audit process is under way, boards seem determined to proceed with development plan processes that they have initiated, and it seems that files on which he is invited to take decisions are routinely being sent to the Minister. The motion, if amended, will ask the Minister to wait at least until he has the outcome of the viability audit before making those decisions. That would give him a regional perspective and a subregional perspective within each board area of where the potential issues may lie. It would also challenge us all — the Minister and the House — to explore what models could best be put in place to ensure the viability of the maximum number of schools and to consider whether federations should be established, whether amalgamations would provide a better solution or whether, unfortunately, some closures are inevitable. It is a matter of deep regret that some boards, particularly the South Eastern Education and Library Board, appear determined to progress with closure processes, even though so much else is happening at a regional level.

*(Mr Speaker in the Chair)*

I have had occasion to meet parents from two of the schools referred to in the motion: Ballykeigle Primary School in Strangford and Knockmore Primary School in Lagan Valley. What I find striking about my engagement with both sets of parents is the opportunity for those schools to become sustainable in the long term. Moreover, among parents and teachers — teachers were involved in both meetings that I attended — there is great commitment to making those schools a part of their community and to sustaining them as such. The parents and teachers are not ignorant of the challenges that the institutions face. They know the serious issues around governance and leadership, and they know that they will have to face up to some financial realities. They are also not ignorant at all of the fact that change may be necessary for them to survive.

**Mr McCarthy:** I am grateful to the Member for giving way. Does he agree with me that the proposal to close Ballykeigle Primary School was taken in undue haste and that the board did not await the outcome of the Minister's overall review of primary school education in Northern Ireland?

**Mr McDevitt:** I thank Mr McCarthy for his contribution. He is correct, and I hope that the Alliance Party will accordingly support the amendment.

All that we ask here is that we start to pull this together. I give the Minister credit for having shown a fair degree of leadership in wanting to tackle the significant problem that exists. What we need now is a degree of depth in facing up to whatever the viability audit might throw up as to where the challenges may exist in our schools estate. However, we cannot really form an opinion on any of that until we get the results of the audit, and simply looking at the results will not be enough, because we will then need to think laterally about what the best solution is in each case.

I am sure that my party will support the Minister if he is willing to be open-minded, community-centred and child-centred, as he often states that he is, and to be sustainably driven in trying to find solutions for the communities and schools that may face challenges as result of the viability audit. However, let us have that debate, and let us not lose schools that may have a great future just because they are caught in a different cycle. In this case, that cycle has been driven by a board that lacks democratic accountability, has been on the wrong side of governance for too long and enjoys little support in the community.

Having proposed and spoken to the amendment on behalf of the SDLP, I appeal to colleagues on all sides of the House to support the motion as amended.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak to the motion but feel obliged to point out that the first part of the motion is premature, in that it refers to school closures “announced” in the board area. No school closures have yet been announced. Schools have certainly been told of possible closures, but nothing has been signed off, and a process must still take place. That is not to say that there are not aspects of the motion with which I have sympathy. I

agree with the proposer of the motion about ending the use of commissioners in the South Eastern Education and Library Board area. We all want an education structure that is robust, accountable and democratic. It is to be welcomed that that is being progressed and political leadership is being shown. The establishment of the ESA will ensure effective, efficient arrangements based on democratic accountability.

Members know that, before any school closes, a development proposal has to be published and a process must take place that allows parties to submit their views. We await such development proposals coming forward. The viability audit should be with the Department in a month's time. I will be interested to hear from the Minister how that work is progressing. The audit will give rise to an overall picture of where we are with education provision, and decisions will have to be made for the ultimate benefit of our children's education. We need to bear that in mind in these debates and as we progress the necessary changes in education. As representatives, we should base our approach to the process on evidence, not emotion, and on what is best educationally rather than adopt a not-in-my-backyard approach.

**Mr Storey:** I thank the Member for giving way. I accept that the issue has to be dealt with on the basis of evidence. Given the correspondence to be sent to schools over the next few days, does he not agree with me that that evidence clearly points to the fact that we will have fewer teachers in place; that that will have a massive impact on the decisions that can be made to benefit children; and that that will compound the problem faced by schools in the board area that we are discussing?

**Mr Speaker:** The Member will have a minute added to his time.

**Mr McKay:** I thank the Member for his intervention. There is no doubt that all Members are fully aware that we need to deal with the financial situation that we are in, which has an impact on such matters. We need to develop a sustainable schools estate. We need an education system that deals with the issues, such as 85,000 empty school places, and ensures a top-quality education system throughout. We cannot and should not stand over any schools that are not delivering on education, particularly at post-primary Key Stages 4 and 5.

The educational needs of children in schools, not the needs of an institution or school buildings, must come front and centre. For too long, we have had arguments about education, and many political representatives have rushed to back a local school on the basis that it is a local school. It has to be about the quality of the education and the sustainability of schools.

**Mr Storey:** I thank the Member for allowing me in again. I accept — the Minister knows it — that he finds himself in a very difficult budget situation. What we are going to do now will make it nearly impossible for some schools to deliver the standard of education that, we say, we desire for our schools. The financial straitjacket placed around them will not ensure the delivery, in some places, of good education for our children.

**Mr McKay:** I think that the Minister will speak about that area. That issue needs to be taken into account. It is a challenge, but we need to be up for that challenge, and I am sure that the Member would agree with me on that. However, leadership is needed as we move forward with the process. I welcome the fact that we have been more progressive in recent education debates — in the Chamber and in Committee — in looking at how we reach the goal of providing a top-quality education system.

There will be challenges for Members in relation to schools in their area, but we cannot stand over schools that are failing, that continue to fail our children and have no chance of coming out of that situation. Every day that passes in which we do not address the 85,000 empty school desks or deliver on the ESA increases the cost not only to the Department's finances but to a child's education. More generally, in terms of the amendment, we should not stand over the postponing of all decisions pertaining to schools and nor should the Minister of Education. If schools are found to be failing children, the Minister would not be acting in the best interests of children by overseeing a situation in which that cannot be arrested.

I am conscious of the time. It has been worth having the debate today, but the fact of the matter is that we need to ensure that the boards, regardless of the representation issues, carry out their roles and responsibilities.

**Mr Speaker:** The Member's time is up.

**Mr McKay:** That must not include standing over failing schools.

**Mr McNarry:** The Ulster Unionist Party supports the amendment. Well before Greece and Italy were put into the hands of appointed technocrats as opposed to elected politicians, the SEELB followed that same route. Yet within the past week, even the technocrat administrators appointed to run that board have thought better of closing local schools and have postponed their earlier decision.

I have said before that any school closures ahead of a school audit commissioned by the Minister are ill advised and should not be embarked on by local education boards. However, now that the boards themselves are to be closed, surely they should not be in the business of closing schools. If ESA is to operate — I hope that it will — surely it should have the right to make such recommendations and to do so only on a Northern Ireland-wide basis on the back of area plans that form part of an education plan for the whole of Northern Ireland, not on the bitty, piecemeal area plans drawn up by those now-defunct boards.

In addition, I have significant concerns about the operation of rural proofing in this education reform and school closures scenario. At what point in this process is rural proofing applied? If it is applied only at the initial stage, when the policy guidelines that govern school viability and closures are set, it is not rural proofing in any meaningful sense at all. Rural proofing must be applied to every closure because the impact of each school closure will be different depending on how localised the solutions proffered to replace the existing structures are to be. To apply rural proofing too early in the operation is not to apply it at all.

I remind everyone that one third of our population lives in rural areas. That is why rural proofing was introduced in the first place and why it must be operated properly. In my experience, the SEELB has a very fine chief executive, a senior, practical person without whom, many like me fear, the board would be a rudderless ship. I contend, however, that, since 2006, three appointed commissioners have continued in office. At the time of their appointment, the reason given was that the board, including elected representatives, failed in its duty to serve that system. Five years on, without intervention or resolution, it

seems to me that someone has taken their eye off the ball. The House could well do with an explanation of those reasons from the Minister today. I ask the Minister, first, whether he is absolutely sure that his own house is in order for allowing commissioners to remain in place for such a long time and, secondly, whether he is confident that a challenge to their competence in recommending school closures would not be held up in court. I do not know the answers to those questions, but I feel that clarity from the Minister would be helpful.

No matter how you look at it, the board pushed the destruct button on schools that it had targeted in a predetermined manner. It said that it was following rules and procedures that it alone had set. The Minister has already admitted in the House that he did not know what the board was doing. It alone decided to ignore the Department's decision to initiate a schools validation audit. I ask the Minister whether all schools that are recommended for closure by the SEELB's officers — I use that term correctly — are to be subjected to a review under the schools validation audit process. Will he tell the House whether those schools are to be treated in the same way as other schools? Will the audit overrule the board's initial recommendations?

### 2.15 pm

It is clear: those commissioners should not have proceeded to send officers to any school. Effectively, what has happened is that their visits have rendered parents, pupils, teachers and staff worried wrecks who are caught in the firing line and, moreover, has left the integrity of those schools up in the air. I just ask that those schools will not be left to the Minister's mercy unless he is kind to them.

**Mr Lunn:** I support the motion and the SDLP amendment. I support the amendment because my party's main complaint, which others have echoed, is that the development proposals that have already been announced seem to have been made with indecent haste and in a quite unnecessary manner. Today is 28 November 2011. The Minister has set a target of either Christmas or the end of December for completion of the viability audit of all schools. Surely, if a school had to close as a result of the viability audit or the development proposals that have come from the board, the closure date would be the same anyway — the end of August 2012.

I appreciate that, a couple of weeks ago in the Adjournment debate on the two Lisburn schools, Lagan Valley MLAs at least had the opportunity to vent their feelings about the procedure being followed and the South Eastern Education and Library Board's determination to press on with its development proposals.

**Ms Ritchie:** I thank the Member for giving way. Is he aware that commissioners who were appointed by a previous Minister are meeting today to discuss those very proposals? Are we aware or has the House been informed of the conclusions of those discussions and possible recommendations to the Minister? I am sure that the Member is aware that Knockmore Primary School takes in quite a number of students from the northern part of South Down.

**Mr Speaker:** The Member will have a minute added to his time.

**Mr Lunn:** I thank Ms Ritchie for her intervention. I am not aware of the decision on either school. I know that today is decision day, certainly for Knockmore Primary School. Indeed, that was to be my next comment. I do not know what the decision will be or, beyond that, how the Minister will react to it. However, I must say that my strong view is that Knockmore Primary School is an excellent school. It satisfies all the viability criteria of which I am aware. I just hope that it will be allowed to continue its good work, particularly in special needs, where, as Ms Ritchie points out, it takes in pupils from areas outside the South Eastern Education and Library Board area.

Therefore, the point of the motion and the very sensible amendment is to express concern at the actions of the board in pressing ahead. It would have been quite in order for it to wait for the outcome of the viability audit, which it knew was coming. I wonder what will happen if the conclusions of the development proposal are different from those of the viability audit. The criteria are slightly different. I hope for the right eventual outcome, particularly for Knockmore Primary School: it is just too good to lose.

I am not familiar with the situation of the two schools in North Down, Redburn Primary School and Ballykeigle Primary School. However, the argument is the same and just as valid. Why anticipate the outcome of the audit? Presumably, schools that fail the viability audit will then be the subject of a development proposal. Why put

the cart before the horse? Perhaps, the Minister can explain.

The motion refers to the non-political make-up of the board. That issue has, of course, been kicked around for five years. So much legal advice has been taken on it that the one thing that it has proved is that you can take from legal advice whatever you choose. Advice has been taken by the Education Committee, Lisburn City Council, Castlereagh Borough Council, Down District Council, I believe, and —

**Mr McCarthy:** Ards.

**Mr Lunn:** Ards Borough Council, as has just been pointed out. The Department of Education also took advice. We have been inundated with legal opinion. However, the Minister has said that, as far as he is concerned, the South Eastern Board as it is presently constituted has legal backing and has not been challenged.

The motion, if amended, will leave out the section where the Minister of Education is asked to intervene on this important matter. I presume that we cannot do much about that, but it is still valid, and I want to hear what the Minister's current thinking is. Leaving aside the legality of the situation, the previous Minister's refusal to reinstate the political membership and the current easy excuse that ESA is now imminent and, therefore, there is not much point in reconstituting the board, I believe that it would be a useful gesture for the Minister to proceed with the reinstatement. Whatever point was being made through the previous Minister's refusal to do so is way past its sell-by date now. It is time we had some democratic representation again on that board as on all the other boards. I support the motion and the amendment.

**Mrs Hale:** I support the motion and the amendment, and I make no apology for using the debate to lobby for Knockmore Primary School and Dunmurry High School in my constituency.

Knockmore and Dunmurry serve the education needs of the community in Lisburn, which is a community that I am proud to represent. Dunmurry High School also caters for children in inner south Belfast. Those children in particular have been knocked back several times and have been victims of school closure after school closure after school closure. The loss of both those schools will have a major impact on the communities that they serve, which provide community hubs where people



can mingle and build or reinforce relationships. That, to me, is very important, especially given the sense of community that is alluded to in the CSI document and developed by the American sociologist Robert Putnam.

A community is a family unit, and a local school is part of that unit. The Member for North Down Alex Easton referred to that in his speech. There is, therefore, an onus on the Minister and the South Eastern Board to take those factors into account. I am sure that the Minister will sympathise with many of the points, given his experience of community politics in his constituency of Upper Bann and, indeed, his own educational experience, as I and everyone else in this Chamber do. Community is important now, if not ever more, given the experience of our constituents right across the Province amid the economic crisis. Increasing numbers of people are unemployed, and those in work face job insecurity, pay freezes and possible redundancy.

Knockmore Primary School and Dunmurry High School serve the local and wider communities outside school hours. Knockmore Primary School offers a breakfast club and extra-curricular activities, while local groups use the assembly hall and sports facilities at Dunmurry High School on a regular basis. There is not a moment when either school is not buzzing with enthusiasm or activity, be it when the children are learning during the school day or when local groups use it in the evening.

Schools are as individual as our children, and, while these two school cases differ, they have many similarities. Both schools provide facilities for children statemented with special educational needs, and, as a former teaching assistant, I know the absolute importance of that. The schools have spent considerable time and money building and augmenting the skills of their staff and their resources to facilitate and provide the best education to their pupils, tailored to each individual education plan, and to build pupil-teacher relationships to facilitate the necessary learning process. The South Eastern Board now seems determined to take all that away and end all that good work, leaving our children upset and confused, their parents dismayed and angry and their teachers possibly without jobs.

The Minister launched a bolstering defence in the House in October when my party colleague

Jonathan Craig secured an Adjournment debate on the proposed closure of Dunmurry and Knockmore. As has been referred to by the proposer of the motion, my colleague Alex Easton, I support the comments made by my colleagues and commend and support the motion and the amendment.

**Mr Speaker:** Order. As Question Time commences at 2.30 pm, I suggest that the House take it ease until that time. The debate will continue after Question Time when the next Member to speak will be Alex Maskey.

*The debate stood suspended.*

On resuming —

2.30 pm

## Oral Answers to Questions

### Agriculture and Rural Development

#### Forestry: By-laws

1. **Mr Gardiner** asked the Minister of Agriculture and Rural Development for an update on the proposed changes to the forestry by-laws.  
(AQO 838/11-15)

14. **Mr McKay** asked the Minister of Agriculture and Rural Development for an update on the position of the new forestry by-laws, particularly in relation to access to forests at night.  
(AQO 851/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. With your permission, I will answer questions 1 and 14 together. I wish to see forests used widely for safe and responsible enjoyment. Section 31 of the Forestry Act creates a right for visitors on foot to use most of the Department's forests, subject to rules that are established by the by-laws. Those rules should make clear when the right of access should be suspended, for example when there is an unreasonable risk to the health and safety of the visitor, other visitors or people who work in forests. That right should also be suspended when there is antisocial behaviour, damage to the forests or when officials are obstructed.

The consultation responses pointed in general to a need to adopt less restrictive by-laws and suggested that most visitors behave responsibly in providing for their own safety and their attitude towards other forest users. That is also the Department's broad experience.

After consulting the Committee for Agriculture and Rural Development, I am minded to take a very pragmatic approach. Therefore, I propose to relax the proposed restriction on night-time use by pedestrians to allow the continued use of forest roads and paths after dark. I also intend to permit cycling and other recreational activities to take place over as much forest

land as possible, subject to the principles I have outlined. I will provide the Committee for Agriculture and Rural Development with a further set of proposed by-laws for final scrutiny early in the new year.

**Mr Speaker:** Question 4 has been transferred and question 7 has been withdrawn.

**Mr Gardiner:** I thank the Minister for her reply. Will she confirm that concerns about the impact of the proposed curfew on the use of Northern Ireland's forests after dark are fully taken into account when new forestry by-laws are framed?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As I said, I want to take a pragmatic approach. There is no intention to restrict access to the forests. As for the sunset and sunrise aspects of the by-laws, we propose to restrict pedestrian access to forest trails at night, but we think that we have to get the balance right between the freedom to visit our forest land at night and our duty of care to visitors. I will be very pragmatic. We are not interested in closing off the forests to anybody.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. One of the by-laws states that people may enter forest land only through gateways or other entry points. How will that apply to people entering a forest from open land in areas such as the glens or the Mourne's?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As the Member may be aware, there are many by-laws, and a range of views were expressed on them. It will be a pragmatic approach, so we will relax the restriction so that it will not be an offence to enter a forest other than by a gate. That is a practical and simple way to move forward. It will not be an offence to do that, and I think that that is the best way to move forward.

**Mr Frew:** I welcome the answer to the previous question. I welcome that common-sense approach. My question relates to the by-laws overall. Their minutiae and detail seem to get to the point where they cannot manage risk because no common sense is applied. What is the Minister's assessment of that? In some places, a by-law states that metal detectors are banned, but the next by-law states that you are not allowed to dig.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. It is very much about a common-sense and balanced approach. We must make sure that we abide by a duty of care to those using the forests but ensure that they are open so that people can use them. Depending on what area you are talking about, you have to look at every forest in its own right because there will be very different access arrangements for each and different circumstances need to be taken into account. If there is a particular issue about the case you raised about metal detectors, I am happy to look at that.

**Mr McDevitt:** I was glad to hear the Minister's answer. That is welcome news indeed. Although she is proposing to relax the situation with regard to cycling in forests, will she give a firm commitment to the House that she would be happy with a review with a view to increasing the number of designated mountain biking and cycling routes in our forest parks?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I have a meeting in the next few weeks with the International Mountain Bicycling Association. I previously met them informally about how we can work more in partnership. We have a strategy on the social and recreational use of forests. That clearly states that we need to work in partnership if we are to open up our forests for more recreational use. I am actively working on that issue.

## Gorse Fires

2. **Mrs McKeivitt** asked the Minister of Agriculture and Rural Development what action her Department plans to take to restore the environmental habitats that were destroyed by gorse fires earlier this year. (AQO 839/11-15)

**Mrs O'Neill:** The main habitats that were affected by the gorse fires earlier this year were heathland and forest. The heathland habitat undergoes natural regeneration, so the Department does not plan to take any action to restore it. Heathland that was damaged by fire has already started to regenerate, and evidence of new growth on the affected ground is being observed by officials. The rate of regeneration depends on the intensity of burns; some areas grow back at different rates.

Forest areas that are owned by the Forest Service and were affected by gorse fires will be replanted with a range of tree species. We

also expect some colonisation and regrowth of broadleaf species to take place naturally.

**Mrs McKeivitt:** Given that the Northern Ireland Fire and Rescue Service faces challenging conditions in the Mourne, as it did last April, what measures has the Minister put in place to protect farmland in the upper and lower Mourne to prevent further gorse fires?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. Obviously, it is entirely up to farmers to look after their land. I am happy to look into the issue about the Mourne. It has not been raised with me, but if the Member wants to provide me with more information, I am quite happy to look into that.

**Mr Campbell:** When the Minister is able to identify areas that have the possibility not only of replanting but of diversifying and trying to get other species that may create productivity in the land that has been destroyed, will she take advantage of that? With whom will she negotiate to do that?

**Mrs O'Neill:** Again, it is up to individual farmers as to what they do with their land. When it comes to Forest Service land, we can look at all of that in the round. We will look at the type of replanting that we will do. That is within our power, but when it comes to farmers' lands, it is entirely up to them what they decide to replant.

**Mr Kinahan:** It is good to hear that nature is regenerating where there have been gorse fires. Will the Minister outline any discussions that she has had with the Minister of Justice in relation to the conviction of those found responsible for starting those fires?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I have not had any discussions with the Minister of Justice. The way in which the fires started is an issue for the PSNI and the Fire and Rescue Service, and the Department is discussing the issue with those agencies because they are ultimately responsible for deciding how a fire started and what action needs to be taken.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom buíochas a ghabháil leis an Aire as a freagra ar an cheist sin. How much revenue has been lost to the Minister's Department because of gorse fires?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The estimated loss in current

revenue is £40,000. That relates to a burnt area of felled timber that had been sold and felled under normal harvesting conditions prior to the fires. The burnt timber was no longer fit for normal sawmill processes and had to be resold into the renewable energy market.

There is also a loss of potential revenue, which mainly relates to areas of young planted trees being burnt. That loss is represented as a reduction in timber valuation on the basis of its calculation complying with international accounting standards.

### **Bovine Tuberculosis**

3. **Mr Buchanan** asked the Minister of Agriculture and Rural Development what steps her Department is taking to eradicate tuberculosis in cattle. (AQO 840/11-15)

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I am pleased that considerable progress has been made in reducing TB incidence in cattle here. The annual herd incidence has almost halved, from nearly 10% in 2002 to just over 5% on 30 September 2011. My aim is to reduce and ultimately eradicate TB in cattle here, and I want to continue working towards that end.

We have a rigorous programme in place for TB eradication. We have achieved EU Commission approval for the programme for 2010-11, and formal approval for the 2012 programme is expected in the near future. That eradication programme is vital in safeguarding our annual £1,000 million-plus export-dependent livestock and livestock products industry.

EU Commission approval also enables the Department of Agriculture and Rural Development (DARD) to draw down £5 million in co-funding from Europe for 2010 and £4 million in co-funding for 2011. That helps us to offset the proportion of the costs of the programmes that we are carrying forward.

Considerable work has also been undertaken to enhance the TB eradication programme in recent years. We now remove as reactors those animals that give an inconclusive result after a second consecutive TB test rather than after a third, which was the case previously.

We have also improved communications with private veterinary practitioners and have strengthened the supervision process. We

have improved DARD's delivery of TB testing through the monitoring of key performance indicators. We also use DNA identity tags on reactors to help reduce reactor-identity queries, substitution fraud and associated disease risks. Although the progress made on TB to date is encouraging, there is clearly a lot more work to be done, as it is a very complex and challenging disease and is difficult to eradicate. There is no simple solution or quick fix.

Additional funding of around £4 million has been allocated in my Department's budget to conduct TB and wildlife research and studies to help ensure that we have well informed, evidence-based strategies to address the issue of cattle-to-cattle spread as well as that in wildlife. We are engaging with the industry and with wider stakeholders to help us to identify and refine our TB evidence needs and priorities.

**Mr Buchanan:** I thank the Minister for her response. She has spelt out quite a bit in her answer, but does she feel that what she has in place is sufficient and radical enough to continue to reduce TB and eradicate it completely?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As statistics show that we are moving in the right direction, I feel that there is a lot of good work being done by the Department, working with the industry. The things that I set out in my answer as regards what we are doing with respect to the programmes and prevalence studies are obviously helping to bring the figures down. There is not going to be a quick-fix solution. This is going to be a problem that we are going to have for the time ahead, but we are working actively with all partners to bring the rates down and, hopefully, get to the stage in which we will be free of the disease.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. Will the Minister outline why she is looking to reduce the amount of compensation payable to farmers whose cattle come down with TB?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. There are a number of reasons for that. The Public Accounts Committee (PAC) and the EU Commission brucellosis task force have highlighted that paying 100% compensation for TB and brucellosis does not encourage farmers to take all the steps needed to improve their biosecurity and prevent disease from entering their herds.

The PAC has also commented that at present almost 100% of the cost of animal diseases compensation is borne by the taxpayer. Surely, that is not right and cannot continue. Earlier this year, DARD consulted on introducing table-based valuations for TB and brucellosis reactors and in-contacts. As you know, through your role in the Committee, I reflected on the detail of content of the responses. I corresponded with the Committee for Agriculture and Rural Development on the formal response and had subsequent discussions with its Chairperson and Deputy Chairperson. I decided not to proceed with the table-based valuation system, and that was broadly welcomed by the industry.

The Committee advised that the present compensation arrangements placed the full cost burden on taxpayers and suggested that a cap on compensation could be introduced. I believe that officials have told the Committee that that is how I am going to proceed. I think that it is right and reasonable that, where a cap can be introduced on compensation payments, that should be the case.

A further round of public consultation will end on 2 December. I intend to engage further with the Committee early in 2012 on the way forward.

**Mrs Dobson:** Will the Minister explain why, despite the clear benefits to farmers, cattle and the economy, measures to eradicate TB in cattle were not included in the recently published Programme for Government?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for the question. It is a very valid question because people may be concerned about why we have no target for TB when we have one for brucellosis. We are now in a very good position. It is clear that we are in a position to eradicate brucellosis in the period of the draft Programme for Government. That is why it is set out in that document. Although I am also very committed to the eradication of TB, that will not happen in the time frame of the Programme for Government, and that is the very simple reason why it has not been included.

The overall aim of moving to ultimate eradication of TB is what the Department is working towards. There will be a phased approach in a realistic time frame and in the most cost-effective way. We have our TB eradication programme, which has been approved by the EU Commission, and it is vital to safeguard our annual £1,000

million-plus export that depends on livestock. That is a major focus in our industry. We want to move to a position in which we are free from TB, but that will not be in the lifetime of this Programme for Government.

**Mr Dallat:** The Minister has just told us that there will be no quick fix. The Minister knows better than anyone that, over the years, millions of pounds have been spent on this matter. Does the Minister know where the hotspots are, and is she targeting her resources at those hotspots so that we might at last bring the curse of TB on farms to an end?

**2.45 pm**

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. Yes, we are very aware of where the disease is prevalent. As I said in my original answer, a number of prevalence studies are being taken forward and a number of scientific issues are being looked at through the Agri-Food and Biosciences Institute and whatever research partners we have. As I also said, there is no quick fix; if we are to tackle this disease, we will have to do so in the most effective manner. That means that it will take time, but we need to get there, because we need to help our industry to survive.

**Mr Allister:** When will the Minister put pragmatism before dogma and sentiment and support a badger cull so that we can assist in stopping the transmission of TB from one farm to another?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As I have said repeatedly in the Chamber, there are currently no plans for a badger cull. We have to bear in mind that the badger is a protected species. If we look at what has happened in England and Wales, we will see that legal challenges have been made to such a move. So, if we move in that direction, we need to be sure that we can withstand any legal challenge. I will watch with interest to see how things develop in England and in Wales.

We are continuing to work collaboratively. We have a lot of research and programmes going on, and I think that that is how we need to proceed. We also need to be mindful that a badger cull is just one option; vaccination is another that is being explored continually, and I think that we have to continue to look at that.

**Mr Speaker:** Question 4 has been withdrawn.

## Flooding: East Belfast

5. **Mrs Cochrane** asked the Minister of Agriculture and Rural Development to outline the actions her Department will be taking in East Belfast to alleviate the risk of flooding, as set out in the draft investment strategy. (AQO 842/11-15)

15. **Mr Copeland** asked the Minister of Agriculture and Rural Development what flood alleviation measures are planned for the East Belfast constituency. (AQO 852/11-15)

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. With your permission, I will answer questions 5 and 15 together.

I confirm that the integrated contract for the Greenway environmental scheme and the flood alleviation works is continuing. Although I am disappointed at the rate of progress, I can advise that one major culvert on the Loop river is substantially complete. I remain committed to providing flood alleviation for the people of east Belfast. The draft 10-year investment strategy, which was published in 2008, highlighted Rivers Agency's capital commitment over this period, including flood alleviation works in east Belfast. That commitment has not changed, and Rivers Agency is now contractually obliged to fund the flood alleviation works element of the integrated Greenway environmental scheme.

**Mrs Cochrane:** I thank the Minister for her answer. Is she confident that the funding is in place to deliver the scheme? What specifics are there about how the scheme will be rolled out and monitored, given that it has the potential to alleviate flooding in 1,700 homes in east Belfast?

**Mrs O'Neill:** I thank the Member for the question. As she said, 1,700 homes are affected, and that is the very reason why the scheme is a priority and why the Department is committing to it continually through Rivers Agency. It is a major programme, and, as you know, progress on it has been slow. There have been contractual problems, and Belfast City Council is taking the lead in trying to sort those out. Hopefully, we can get to the stage where things can move on as quickly as possible. However, even if the contract were not to go ahead, the issue would still be a priority for Rivers Agency. Therefore, it would have to find another way to deliver the flood alleviation works. That is my priority in Rivers Agency.

**Mr Copeland:** Thank you very much, Mr Speaker, and I, too, thank the Minister for her answer. I ask the Minister to cast her mind back to a question that I posed on 18 October about the amount of money that has been set aside in her Department for envisaged expenditure, which is grouped at somewhere around £1 million. Would she care to comment on papers from Belfast City Council that indicate that the total cost that has been envisaged or apportioned with Rivers Agency for the relief of flooding in east Belfast is in the amounts of £7 million to £14 million, with the total estimated cost of the combined Connswater and Greenway flood alleviation scheme being put at £43 million? Could she account for the difference between the £1 million that we know about and the £7 million to £14 million, as well as the £43 million, which are considerably greater?

**Mrs O'Neill:** I thank the Member for his question. The cost of the flood alleviation scheme in its entirety, including the Rivers Agency's contribution, will be £7 million. We have allocated £1 million in this financial year, and I think that I have broken that down in the past to £500,000 and £500,000. As I said, the project remains a priority. It will impact on 1,700 homes, so it obviously remains a priority. As I also said, Belfast City Council is working to resolve the issue, and hopefully that work will come to fruition. If not, I will still see the scheme as a priority, so we will have to move forward by another means to deliver a flood alleviation scheme for the people of east Belfast.

**Mr Murphy:** Go raibh maith agat, a Cheann Comhairle. The Minister will know from recent experience in Beragh that, unfortunately, flooding is not confined to rivers in East Belfast. Will she outline what she is doing to address flooding problems elsewhere across the North?

**Mrs O'Neill:** In light of the flooding — October was a particularly bad month for rainfall — I asked the Department to reprioritise its capital expenditure budget for the next year. As a result, we are able to announce that we have made an additional £1 million available to Rivers Agency for the next financial year in order to help with flood defences in a number of areas such as Beragh. Ballygawley was another area that I was able to look at.

I also want to make it very clear that I am continuing to bid for further funds from the Executive for flood alleviation measures. I have

asked for a paper to be drawn up that I will bring to the Executive just to re-emphasise the dangers of the lack of flood alleviation and to ask for Executive support for additional funds for those measures. I have also asked for an urgent review of the Rivers Agency's response to the October flooding. Pat Doherty took that inquiry forward and is due to report on its outcome this week.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her response, and I welcome that it has been broadened out to refer to flood alleviation measures right across the North. The Minister recently visited the site of 143 Glen Road, Maghera. Will she provide some detail on what her Department is going to do about the flooding and serious measures that face that family?

**Mrs O'Neill:** I am very aware of the pressures facing that family. I visited the site and saw for myself how their back garden was washed into the watercourse. Rivers Agency has visited the site and done some remedial works to shore up the banks so that there is no further slippage. I will continue to work with the householders to ensure that we get the best response, because the problem is that that watercourse is not designated. That is the issue that we are dealing with, but, as I said, Rivers Agency has shored up the back of the house, which will hopefully give a wee bit of stability until more major works can be completed.

**Mr T Clarke:** I thank the Minister for her answers thus far. I noticed that her previous response referenced an address in Maghera. I believe that I read — although I stand to be corrected — that that river was not designated. As we are turning this into a constituency-wide question on flooding, I will ask about the many instances of flooding on the Grange Road outside Parkgate, where the river is designated. Will the Minister assure me that she will do everything to keep her contractors on that site until all the works are carried out as opposed to their working in places that have not been designated?

**Mr Speaker:** It is wonderful how we have moved from east Belfast around the country. It is wonderful. *[Laughter.]*

**Mrs O'Neill:** If the Member would like to contact me outside of Question Time, I will be happy to explore the Grange Road issue.

## Egg Producers

6. **Mr Storey** asked the Minister of Agriculture and Rural Development, in light of the EU ban on eggs produced in battery cage systems, what actions she has taken to protect those producers who have made investments in order to comply but who will have to compete with member states where producers have not invested. (AQO 843/11-15)

**Mrs O'Neill:** I welcome the fact that a significant majority of producers here are already in a position to comply with the welfare of laying hens directive when it comes into force on 1 January. I have made it clear that I want to protect compliant producers here from the risk of being put at a competitive disadvantage to producers from other member states that do not comply with the directive. Illegal production could adversely affect economic stability and fairness within a sector that is very important to our economy.

I have worked closely with Ministers from the Department of Environment, Food and Rural Affairs and the other devolved Administrations and Ministers in the South regarding the implementation and enforcement of the laying hens directive. We have pressed the Commission to agree a way forward on enforcing the new rules that will protect our compliant producers from competitive disadvantage. The Commission has also proposed a gentleman's agreement that would give non-compliant producers longer to comply; would allow eggs from illegal cages to be processed only in the originating member state; and would also require an action plan to be produced by that member state to show how they are going to reach full compliance. However, to date, no agreement has been reached on how to properly enforce the directive.

I have made it clear that I want any proposal brought forward by the Commission to have guarantees and safeguards built in and any legislative amendments to be brought forward by the Commission as a matter of urgency. The directive will be discussed at a Committee of Experts meeting in Brussels tomorrow, and we await the outcome of that. It will be discussed again at the Agriculture Council in Brussels on 15 December, at which I will be present. We will hopefully have a way forward at that stage.

**Mr Storey:** Thank you, Mr Speaker; be assured that you will end up in North Antrim as a result

of the tour of the constituencies that seems to be going on.

I thank the Minister for the information that she has given, but I am concerned that we are basing a very serious situation for local producers simply on a gentleman's agreement and that we have no agreement in place on how we will police the issue. Will the Minister assure the House that a clear line will be taken not to have our local producers put at a disadvantage as a result of around 50 million eggs that could possibly come into Northern Ireland from producers who have not complied with the directive that comes into force on 1 January next year?

**Mrs O'Neill:** Absolutely. That is what we have been actively working towards. I raised the point with the Commission that we felt that the gentleman's agreement was not strong enough. How do you enforce a gentleman's agreement? We wanted clear action to be able to be taken so that we did not put any of our producers at a disadvantage. A number of member states such as Sweden, Austria, Germany and Luxembourg are already compliant, but a number of countries are not. We need to be mindful of that and make sure that we do not put our local industry at any sort of disadvantage. That is what we are actively doing with the Commission.

**Mrs D Kelly:** I share Mr Storey's concerns about the gentleman's agreement. Will the Minister give us an indication of any discussions she has had on food labelling and the labelling of the eggs with their country of origin to ensure that the competitive edge here is protected?

**Mrs O'Neill:** A number of issues are being considered by the Commission and the technical expert committee. One issue was around labelling and one was around UV lights so that you could see exactly where the eggs came from. There are a number of different things that are being explored, and that is just one of them.

**Mr McMullan:** Will the Minister outline what specific actions are being taken to protect poultry producers here from non-compliant imports come 1 January 2012?

**Mrs O'Neill:** As I have said in previous answers, my position is very clear. We need to be very strong and work to protect our local producers against those who are not compliant and any eggs coming in from member states that are not compliant. The gentleman's agreement seems

to be the way in which the Commission is moving, and we need to be mindful of that. I will continue my discussions with the Commission after the meeting tomorrow, and when I am in Brussels on 15 December.

**Mr Allister:** The Minister congratulates local farmers who have put themselves at great expense to be compliant. Does she acknowledge that it is no thanks to her Department that they have put themselves in that position? Not one penny of assistance was given to the poultry sector in that regard, and now they find themselves in a position where they have complied and have done what was asked, but it seems that around 50% of other member states have not bothered. Can the Minister assure us that there will be strong and relentless action to bring some equity to the situation?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. My predecessor Michelle Gildernew worked very closely with the industry and looked at all of the available options for funding. She looked at the rural development programme and how we could support the sector to modernise. Funding was made available to the poultry sector under tranche 2 of the farm modernisation programme. That included plant machinery and equipment. That was all part of the funding scheme that was taken forward at that time, and many in the poultry sector got involved in that. As for making sure that we do not disadvantage our local producers, I have answered that clearly in reply to previous supplementary questions. We want to make sure that we protect our industry and that we are not put at any disadvantage because of non-compliant eggs coming in.

**Mr Speaker:** Question 7 has been withdrawn.

## Health and Social Care: Rural Areas

8. **Mr McGimpsey** asked the Minister of Agriculture and Rural Development whether she met with the chief executive of the Health and Social Care Board to discuss how he has ensured the needs of people living in rural areas will be considered in his review of health and social care. (AQO 845/11-15)

**Mrs O'Neill:** I have not discussed that issue directly with the chief executive of the Health and Social Care Board. However, I have been working closely with the Minister of Health, Social Services and Public Safety on the development



of the rural White Paper action plan to ensure that the needs of rural communities are taken into account when it comes to planning and delivery of health and social care services. I have also asked my officials to make contact with the health and social care team that is carrying out the review to discuss some of the more specific challenges that rural dwellers can face.

**Mr Speaker:** I will allow the Member a quick supplementary question.

**Mr McGimpsey:** Thank you, Mr Speaker. I thank the Minister for her comprehensive answer. What does she consider the key criteria and priorities to address the particular needs of people living in rural areas?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I have spoken to the Member on many occasions during his tenure as Minister of Health in relation to rural aspects of healthcare. One of the biggest challenges in rural areas is equal access to healthcare. That continues to be one of the main issues, as does travel time to hospitals. Those are all relevant issues. If you live in Pomeroy or somewhere else in my constituency of Mid Ulster, you might have to travel for over an hour to get to a service. That is one of the major challenges that we need to look at when it comes to addressing the needs of the rural community.

3.00 pm

## Environment

### Planning: Renewable Energy

1. **Mr Lunn** asked the Minister of the Environment whether his Department will improve the planning process for renewable energy project applications. (AQO 853/11-15)

**Mr Attwood (The Minister of the Environment):** I thank Mr Lunn for his question. I also thank other Members for the wave of similar questions tabled for this Question Time. Renewables and renewable technology is arguably Northern Ireland's single biggest economic opportunity. When I say that, I am only paraphrasing John Swinney, who said that renewables and renewable technology is Scotland's single biggest economic opportunity. I very much appreciate the question, as it allows me to record and emphasise our opportunities for

R&D, technology and renewable energy; our opportunities to become self-sufficient on this island through use of renewable energy; and our opportunities to export to the European grid.

I also welcome the challenge behind the question; namely, when it comes to major renewable planning applications, there has been slippage over the last period in ensuring that performance targets were met. How do I address that? First, a working group made up of people in the renewable industry and officials is looking at how we can maximise the planning system to produce positive outcomes. Secondly, I will be doing the same before Christmas with anaerobic digesters, for which a significant number of applications are now in the system. Thirdly, we are interrogating timelines generally to ensure that we turn those groups' findings around as quickly as possible. Fourthly, we have identified more applications across the range of planning applications that could, with council approval, go for streamlining quickly to ensure that up to 75% of all our planning applications are dealt with in that manner. In that way and in other ways, I hope that we will be able to answer affirmatively the question of how the Department will improve the planning process for renewable projects.

**Mr Lunn:** I thank the Minister for his answer. He will be aware, because he has recently answered my colleague's question, that the Department is processing 861 planning applications relating to renewable energy development and that the median time for a decision is 24 weeks, which presumably means that many decisions take a lot longer than 24 weeks. I am encouraged by what he said. Has he given any consideration to the imposition of a deadline, similar to what pertains in the Republic of Ireland?

**Mr Attwood:** I welcome the supplementary question. Mr Lunn is quite correct. At present, 50% of the major planning applications for renewables are managed within the performance timeline. However, I admit that that is not good enough. The performance target is 60%, and we should even be stretching ourselves to exceed 60%. That having been said, over the past two years, 115 wind turbine applications and 16 wind farm applications have been approved. Therefore, there is good form in the planning system, both in respect of local wind turbines and the much larger wind farms. However, we could do more. We are currently drawing up plans to require a statutory timeline

— under law — for statutory consultees to reply to consultation. If they do not, they will be deemed to have made no comment and offered no objection.

**Mr Beggs:** Does the Minister recognise that there is a grid-connection window in which a project has the ability to connect and that, as such, there is a very short time frame in which a project can become viable, the loan offer is available and the grid connection is possible? Will the Minister ensure that a decision on all projects will be made within a much shorter period?

**Mr Attwood:** I accept that point. This is clearly an issue that moves somewhat beyond my competence, given that it deals with energy companies and the national grid. However, the point is valid nonetheless. The sooner that we can turn around the applications, the greater the opportunity that local people will have to access the grid, the greater the opportunity that they will have to make a financial return over and above their own electricity needs, and so on and so forth. Therefore, I take that point. The point that the Member makes is particularly relevant, given the change in environment around financial assistance to renewable energies that may yet be visited on the North of Ireland and Britain.

**Mr Frew:** Given the Minister's statement about Scotland being an area of best practice and looking to it with regard to renewable energies, does he agree that as planning applications for major wind farms increase and come towards areas of population, maybe we need to assess our current regulations around wind farm applications, tighten up the criteria and become more specific, like Scotland?

**Mr Attwood:** The quality of wind, wave and tide that we have in this part of the world, not least because the island of Ireland is Atlantic facing, confirms why we have such an arguably unique economic opportunity in Europe to maximise these opportunities.

The British-Irish Council meeting was cancelled today due to the death of the Taoiseach's mother, and I pass on my condolences to the Kenny family. One of the Council's major pieces of work is how it represents all the various jurisdictions that make up the body and how it can exploit economic opportunities around renewables. Therefore, there are things that we can learn from Scotland. For example, its peatlands guidance is more flexible than ours when it comes to wind farms and wind turbines, and my Department is

looking at the guidance to see whether we can learn from Scotland and introduce some useful flexibility into our guidance.

I accept the sentiment behind the Member's question. As applications begin to roll out, it is clear that local concerns, opposition and resistance are gathering pace and, if we can learn from best practice in other jurisdictions, we should do so.

**Mr Agnew:** I thank the Minister, particularly for his reference to the Scottish Finance Minister's support for renewable energy. It is a shame that our Finance Minister will not follow suit. What is being done to ensure that PPS 18 is still in line with the most recent technology? In my constituency, an application for three wind turbines was turned down on the basis of noise, despite planning authorities acknowledging that they were the quietest turbines on the market.

**Mr Attwood:** I note his comments in respect of John Swinney. If the man does not blush too much, in my view, he is the Minister on these islands who most understands the difference between being in government and being in power, and we could all learn from him.

I do not think you should ask a politician a scientific question because I do not have a scientific answer. However, the point is valid. As renewable technology advances and might mitigate risks around noise, nuisance, disturbance, impact on local houses, and all the rest, we might need to revisit the guidance that we give in respect of wind farms and wind turbines. I do not have a scientific answer today, but I will return to the matter subsequently.

## Single-use Carrier Bags

2. **Mr Ross** asked the Minister of the Environment how much money he anticipates his Department would generate on an annual basis from the single-use carrier bag levy. (AQO 854/11-15)

**Mr Attwood:** As I have indicated on previous occasions, it is anticipated in the Budget that up to £4 million per year might be generated through a single-use carrier bag levy. However, that is dependent on my judgement, further to the recently concluded consultation, about what is the right cost for single-use carrier bags when the proposal goes live, as we hope it will in 2013. During a previous Question Time, I put down a note of caution: unless the legislation in respect of carrier bags is extended

to include reusable carrier bags, the revenue generated from the single-use carrier bag levy may be much less than the £4 million that was anticipated. That is why I welcome the fact that, since that previous Question Time, the Executive have endorsed my proposal to bring forward legislation to the Floor to extend the current legislation in respect of carrier bags to include reusable carrier bags. That will close the gap, secure the revenue that we might expect from this levy and, more particularly, secure the environmental benefits that are to be gained from reducing the number of carrier bags in use.

**Mr Ross:** I thank the Minister for his answer. Can the Minister inform the House how the tax — if he does, indeed, bring it forward — will be collected, who will collect it, the cost of the administration of the collection and how his Department will be able to know how many bags retailers are handing out?

**Mr Attwood:** I thank the Member. Those are matters that occupy my mind at the moment. The simple model of collection would be for Her Majesty's Revenue and Customs (HMRC) to collect it on behalf of the Northern Ireland Government. It does so in respect of all other taxes, including VAT at the point of sale. It seems to me that that is the right model going forward. That model would mitigate the bureaucracy, expense and upfront costs of introducing the levy on single-use carrier bag users. So far, however, HMRC has declined that offer. However, I welcome the fact that the Minister of Finance and Personnel has, again, written to Treasury to ask it to further consider putting into its IT systems a mechanism whereby the levy would be collected by Treasury.

I hope that Treasury will accept that proposal, because the alternative, be it an in-house or out-of-house model, is likely to be more expensive and more bureaucratic and to reduce the income that would come to our exchequer, if you like, from the single-use bag levy. Perhaps, that is what is behind the Member's question. I hope that HMRC will recognise that tax affairs in respect of Britain and Northern Ireland are changing and that devolved Administrations may look for flexibilities when it comes to tax issues in the future, and that it will use this intervention as a model of adjusting its financial and tax collecting mechanisms in a way that helps devolved Administrations going forward.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer and for the fact that the proposal has been included and timetabled in the draft Programme for Government. Will the Minister outline what savings retailers, especially small shopkeepers, will make from not having to buy thousands and thousands of bags every year? What consideration has been given to exemptions for fresh food producers, such as butchers, fishmongers etc?

**Mr Attwood:** I welcome that question. I confirm that the matter is in the Programme for Government and, as I said, the Executive have endorsed the principle that legislation should be extended to reusable bags. As I indicated to Mr McKay's colleague during a previous Question Time, what bags might be exempted is a matter that is still under consideration. The consultation around all this has only just concluded. The consultation responses are being assessed by the Department, and I am still looking at what the full outworkings and operation of the scheme might be.

As I indicated on a previous occasion, it seems valid to me, in principle, that, when butchers put meat into plastic bags, that should not be covered by the levy. Similarly, when pharmacists and chemists put medicines into brown paper bags, that might not be covered by the proposed legislation. In any case, we know what we mean. The vast number of bags that would be subject to the levy is the vast number of bags that are used in the multiple supermarkets around the North of Ireland. That is where the main focus and attention of the levy will be. In the fullness of time, when all the consultation is worked through and the details are fine-tuned, that will be confirmed.

**Ms Lo:** Will the proposed further legislation to include reusable bags delay any further the process of starting the levy?

### 3.15 pm

**Mr Attwood:** I thank the Member for that question. The answer is no. I explained to my Executive colleagues that, given that the will of the Assembly was to have a single bag levy and that it was put into the Budget as a revenue stream for the Department of the Environment by 2013, whatever the issues in the initial legislation may be, they were not sufficient cause to delay the implementation of the initial legislation. Consequently, we have a two-phased

approach. We will honour the original timeline to have the legislation in place by April 2013 and, in parallel with that, we will bring forward new legislation for reusable bags. Therefore, any levy in respect of reusable bags will go live a year after the levy for single use bags.

**Mr Speaker:** Question 3 has been withdrawn.

### **Planning: Training for Councillors**

4. **Mr Murphy** asked the Minister of the Environment what training will be provided for councillors to enable them to take on extra responsibilities in relation to planning applications. (AQO 856/11-15)

**Mr Attwood:** I welcome this question, as I have touched on the matter on a number of occasions. It will be a significant political, practical and culture change when local councils assume responsibility for categories of planning application under the review of public administration (RPA). When John Swinney, the Cabinet Secretary for Finance in Scotland, was responsible for local government, he said that the difficulty of managing the change of local councils becoming the local authority responsible for planning decisions was not straightforward or easy. Therefore, in the run-up to RPA, the need to create the right architecture in local councils, the right skills base, the right personnel and human resource capacity, as well as councillors having the skills and wherewithal to operate as a planning authority, as opposed to the legitimate function of acting as planning lobbyists, will be very important.

In taking that forward, we will undertake a number of initiatives. There will be pilots to test, in advance of the transfer, how a local council would act as a local planning authority. We will give local councils best models of practice as to how that might look. The local council and the local planning office will become more intimate with regard to their day-to-day working and relationships so as to build up understanding and capacity. The local government training group will undertake particular tasks to train local councillors and try to narrow the difference between the risk of councils not fulfilling the full role of a planning authority and continuing in their old role of planning lobbyists.

**Mr Murphy:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for the assurance on training.

He knows that, as well as passing the power down to local government, moving from a land-based planning system to a spatial planning system will require considerable change. Obviously, training and establishing that new culture is very important. Does the Minister agree that to get some certainty around the actual make-up of the new local government structures, the number of councils that we will have will also assist greatly in councillors' understanding the area that they will be covering, and that we should get the training rolled out as quickly as possible so that we can transfer those powers, along with all of the other powers, to local government as quickly as we possibly can?

**Mr Attwood:** I thank the Member for his question. I acknowledge the first point that he made. It is very important that, as planning goes forward in the North of Ireland, it becomes more and more a plan-based planning system rather than a reactive one. There are very few plans now in place across the North that define how areas, localities, cities and towns should develop. That is why the Executive agreed in principle that I should bring forward a planning reform Bill that will see some of the planning reforms that were intended to come into force after local government reorganisation being brought forward earlier, and that includes development plans. Therefore, I welcome that.

In respect of the wider political question, the Assembly, the Executive and I as Minister need to judge ourselves against what is good government and best outcomes. That is the standard against which all public policy decisions that are made by government and Ministers should be judged.

That being the case, and when local councils have come forward in the past two or three months with proposals for making potential savings of up to £600 million of savings over 25 years, I think that it is reasonable for me to ask my Executive colleagues and others whether that would create the flexibility to move from an 11-council model to a 15-council model. The 15-council model would create further savings with less disruption, six councils would go unchanged, and there would be reduced upfront costs and reduced severance schemes for highly paid chief executives. It would also recognise and acknowledge local identities and loyalties much better than the 11-council model, and I think that that is a reasonable question to

ask. Given that it is a reasonable question, and mindful of the decision that the Executive have taken, I hope that, even at this eleventh hour, people will think again.

**Mr Weir:** When will the Minister move ahead with the 11-council model? He also referred to pilot schemes, and it is clear that that will create one of the greatest cultural changes in local government. What is his timescale for the initiation of those pilot schemes? Given the different approaches to planning in urban and rural areas, will those pilot schemes cover different types of planning scenarios in urban and rural areas?

**Mr Attwood:** I thank the Member for his question. We need to create certainty and avoid doubt about the reorganisation of local government, and I can confirm that I will be moving forward with RPA. I just hope that it is in the image of what I want, rather than in the image of what the Executive want. However, I appreciate and acknowledge the will of the Executive to date.

Mr Weir, only a short while ago, your party opposed a Bill that was tabled by Dawn Purvis, then an MLA for East Belfast, to stop double-jobbing. Yet, six months later, the DUP Ministers in the Executive endorsed my proposal to end that practice. When that Bill was debated, you, Mr Weir, proposed an amendment that suggested that allowances to MLAs who are councillors should be cut. However, a matter of weeks ago, when I made exactly the same proposal, one of your party colleagues, Lord Morrow, went on the radio and showed disregard for a proposal that I made and that you had proposed only a matter of months before. It seems to be a strange world — *[Interruption.]*

**Mr Speaker:** Order. The Minister must be heard.

**Mr Attwood:** What that demonstrates is that — *[Interruption.]*

**Mr Speaker:** Order. The Minister must be heard.

**Mr Attwood:** What that demonstrates is that, as our maturity grows and as our wisdom deepens, good government and good argument can prevail. If that is the judgement against which RPA should be assessed, I think that there are still opportunities to get RPA right.

**Mr Dallat:** The Minister will be aware that, in the past, posts of responsibility were handed out to blue-eyed boys irrespective of their ability

to carry out those additional duties. Can the Minister assure the House — *[Interruption.]*

**Mr Speaker:** Order.

**Mr Dallat:** Can the Minister assure the House that, under the new 15-council model, members will be given the extra capacity training and will honestly earn the additional money that they may receive? That is not what happened in all cases in the past.

**Mr Attwood:** The last time that I looked, my eyes were green or brown. *[Interruption.]* It is only Margaret Ritchie who thinks that I am the blue-eyed boy. *[Laughter.]*

**A Member:** It should be Alasdair that you are worried about.

**Mr Attwood:** Let us not go there. *[Laughter.]* Of course, my wife and children also think that I am a blue-eyed boy.

The point behind the Member's questions is very relevant. Even since the May council elections, we have seen the legacy of the past in the attitudes of one or two councillors in one or two council areas. We have seen that evidence, and the consequence is that, when it comes to RPA, whatever the final model is — I am mindful and respectful of the Executive's decision in that regard — we need to demonstrate that the conduct of councillors is judged against all of the highest standards of a code of ethics when it comes to the protection of minorities, governance arrangements, proportionality across the range of council and committee positions and, crucially, the procurement of services. Too many councils in the North continue to have practices that may be valid but, in my view, do not comply with best procurement practice. That is why, in working with the council and council leaderships — political and managerial — we will drive down costs through the improvement, collaboration and efficiency programme while ensuring best compliance when it comes to procurement.

## Planning: Renewable Energy

**Mr Speaker:** The next question on the list is from Mr McGimpsey.

**Mr McGimpsey:** Question 6.

**Mr Attwood:** I thank the Member for his question, which is —

**Some Members:** Question 5.

**Mr Attwood:** — question 5. Yes, I was wondering.

5. **Mr McGimpsey** asked the Minister of the Environment for his assessment of the current timescale for dealing with planning applications for renewable energy projects. (AQO 857/11-15)

**Mr Attwood:** I refer to my previous answers in this regard. There are currently 860 renewable energy planning applications. As I indicated, for the major ones, there has been slippage from the turnover target of 60% in 23 weeks to a situation where we now have only 50% being turned over. As I said in my previous answer, in an effort to rectify that situation, a range of interventions is available on wind turbines, wind farms and anaerobic digesters.

**Mr McGimpsey:** I thank the Minister for his answer. How do we assess renewable energy projects as minor or major applications? Clearly, the process for major applications is much slower than it is for minor ones. Is there room for reassessing that guidance to perhaps speed up the whole process?

**Mr Attwood:** As I indicated, given the issues, if not concerns, that have been raised by people in the front line of renewable technology and their applications, I have established two groups. One of those groups is on renewables, in particular wind energy, and it is where the industry meets the Department to identify any and all opportunities to ensure that the processing of such applications is different. For example, there are cases — this has become relevant in south Down — in which it seems that the Northern Ireland Environment Agency (NIEA) is asking for environmental impact assessments in respect of applications that simply do not require one. That applies more to wind turbines than wind farms, because wind farms clearly have EIA implications.

Similarly, as we go forward with anaerobic digesters, there are 60 applications in the system at the moment, but very few approvals. This is clearly going to be part and parcel of the planning and renewable system going forward over the next number of years. That is why I have established a group that will meet before Christmas to interrogate all of that. We tried to put in place, to date not always successfully, service level agreements with the NIEA, the Department for Regional Development, Geological Survey and Northern Ireland Water to

ensure the proper management and handling of applications that come back to the Department. As I indicated, it seems that there is a category of renewable applications that should be dealt with by a streamlined mechanism in local councils rather than through a strategic projects division in headquarters.

**Mr A Maginness:** I am supportive of the Minister in his enthusiastic support for renewable energy and the development of that industry here in Northern Ireland.

We are playing catch-up in many respects. Can the Minister suggest any further steps that can be taken to improve the efficiency of the planning process?

### 3.30 pm

**Mr Attwood:** I thank the Member for his question. I acknowledge that the planning system and planning officials, especially those in the strategic division in Belfast and in quite a number of the divisional planning offices (DPOs), have developed good knowledge and capacity going forward, but it is clear that that needs to be rolled out across the North of Ireland. That is why, in respect of individual wind turbine applications, training that has been developed in the north-west, in Derry and Strabane, is going to be applied equally in DPOs across the North of Ireland.

Behind all that, however, there is a deeply strategic question. Are we in government going to put ourselves, especially the Department of Enterprise, Trade and Investment (DETI) and Invest Northern Ireland, in a much better place to draw down from Europe the billions of euros in opportunities that exist through the European Investment Fund and R&D and technology funds? FP7 is a €50 billion fund, and its successor programme for 2014-20 is an €80 billion fund. The drawdown from that fund, including on the renewables side, where there is a very significant stream of environmental funding, has been marginal, to put it mildly. If we are going to exploit the renewable energy and technology opportunities, and the example of what has been happening in Harland and Wolff over the past week, we need to put ourselves in a much better place when it comes to accessing European funds, which are the single biggest source of R&D funds available to member countries.

## Private Members' Business

### School Closures: South Eastern Education and Library Board

*Debate resumed on amendment to motion:*

*That this Assembly notes with concern the school closures announced within the South Eastern Education and Library Board area to date; is concerned that the board is making these decisions ahead of the outcome of the review of schools being conducted by the Department of Education; is further concerned that, unlike all other education and library boards, this board is run by commissioners with no political input; and calls on the Minister of Education to intervene on this important matter. — [Mr Easton.]*

*Which amendment was:*

*Leave out all after "Minister of Education" and insert*

*"to postpone any decisions until the viability audit has been completed." — [Mr McDevitt.]*

**Mr A Maskey:** Go raibh maith agat, Mr Speaker. I confirm what my colleague Daithí McKay said earlier. We will not support the motion or the amendment. Obviously, the primary reason for that is very simply that an appropriate process is well under way in relation to the matter in hand. As we speak, as I understand it, there are no formal proposals to close any school in the South Eastern Education and Library Board (SEELB) area.

**Mr Craig:** I thank the Member for giving way. Just to update the Member: an announcement is being made with regard to the closure of three schools in the South Eastern area as we speak. Only one has been reprieved, which is Knockmore Primary School, and I warmly welcome that.

**Mr Speaker:** The Member will have one minute added to his time.

**Mr A Maskey:** I thank the Member for that information. Perhaps I should rephrase my point. To my knowledge, no decision has yet been formally taken to close any particular school. Indeed, where proposals are coming forward, they will result in development proposals. Of course, at that point, the Department and the Minister will enter the process to look at the problems relating to specific schools and, more importantly, the potential solutions. I am mindful of the Minister's recent statement to the House,

in late September, in which he made clear his and the Department's intention to move forward with a clear focus on the needs of the children.

**Mr McCarthy:** I thank the Member for giving way. As a member of Ards Borough Council, I have seen a closure notice for Ballykeigle Primary School come to that council for consultation. That was long before the Minister had even suggested that there should be a complete audit. That school is on the closure list. Detrimental things have happened already; the principal has gone, the rot has set in, and it is too late, unfortunately.

**Mr A Maskey:** I thank the Member for his intervention. Again, I do not want to rehearse the arguments. The proposals that the Minister outlined are not new; the determination was made on behalf of the Minister and the Department to move ahead appropriately to deal with problem areas, such as the future viability of a school, and very clear criteria and terms of reference were set down for that.

I am confident that the Minister and the Department have at the forefront of their minds the need to ensure that there is a viable schools and education system for the future that allows all children to achieve to the best of their abilities.

As I said, when the SEELB's full proposals come forward, they will, obviously, contain recommendations. At that point, the Minister, the Department and others will have a proper opportunity to evaluate, based on a professional assessment, the difficulties that particular schools may face. The Minister has made a very clear statement to the House. The difficulty for the Minister is that, on one occasion, he is told to delay taking action and, on another, he is told to make interventions speedily. That is no way to proceed towards providing a sustainable schools base for children.

It is important that schools know where they stand. I certainly understand the anxiety that exists at this time among parents in particular and everyone in the education sector as we move into even more difficult budgetary circumstances. By the same token, however, it is up to all of us to avoid simply focusing on one school at a time. To do so is regrettable. The situation requires all of us to work together to ensure that each and every child who goes through the education system has the best opportunity to attain for themselves a better

outcome than that of many children who leave school at present. We have all accepted that. We need to do much better on our children's behalf. We all understand that that needs to be done on a more rationalised basis, with children at the forefront of the minds of the Department, the Minister and, presumably, everyone in the Chamber.

We are all constituency representatives, so it is understandable that we are keen to ensure that we get the best results for schools in our constituencies. However, I urge Members not to jump in. We need to be able to stand back a little bit and ensure that we are clear that, when we talk about a school, we understand that there is a clear rationale against which any school can be assessed and that the terms of reference of that rationale produce the matrix by which we look at how to develop the school to its best potential. Obviously, factors such as enrolment, quality of education and financial viability will all come into play.

We all have to look forward and provide the type of leadership that Daithí McKay referred to earlier. As I said, we are all prone to focusing on our own constituencies and to difficulties that we all have to face in the time ahead, whether they relate to education, health or any other service. This debate is about education. Let us wait until development proposals are made in respect of schools.

**Mr Speaker:** I ask the Member to bring his remarks to a close.

**Mr A Maskey:** Let us give our full support to the Department and the Minister to ensure that we deliver the best education system in all schools for all children.

**Mr Weir:** I support the motion and the amendment. I am not sure whether I should declare an interest. I was a member of the South Eastern Board that was formally suspended in 2006. I am not sure whether I have been officially decommissioned. I am not sure that any of us who have been in that position —

**Mr Dallat:** Have you got photographs?

**Mr Weir:** I do not, actually. If I were to provide photographic evidence, I do not think that it would take us very much further forward.

Everybody accepts that there will be changes to the school estate. At times, it is argued that not every school will survive. Perhaps, at times, we

get too attached to particular bits of bricks and mortar. However, I must say that the approach that has been taken by the South Eastern Board is totally unacceptable. I share and concur with earlier remarks, which I will not dwell on, about the undemocratic nature of the South Eastern Board and the failure to plug that gap for more than five and a half years. The issue is about process and making the right decision. It says a lot and demonstrates the arrogant attitude of the board that, on the very day that we debate a motion, which, if it is amended, calls for that process to be put on ice until the audit takes place as part of proper process — it is clear from responses around the Chamber that the motion and amendment will be passed — the board still met in defiance of that. It did not postpone its meeting. It went ahead and made decisions irrespective of what the Assembly says. That is testament to the South Eastern Board's aloof attitude.

In the process, no one connected to the schools — I have a particular connection with the one in my constituency — is asking for special favours. I agree with Mr Maskey: we should not treat this one school at a time. That is the very purpose of the motion. It should not be a situation in which one board moves on some sort of solo run in departure from the rest of it. Indeed, if we are to have an audit that looks at the global needs of Northern Ireland and at hundreds of schools throughout Northern Ireland, one school should not be treated differently. Indeed, four schools should not be treated differently. That is the whole point of this.

The argument that a development proposal has not been produced seems to be a fairly weak one. If it walks like a duck, swims like a duck and quacks like a duck, I will think that it is a duck. In this case, a proposal to close the four schools was put to the schools and is now being proposed again today at the board. Yes, there may well be formal processes beyond that, but let us not pretend that this is not having an impact on those schools and, indeed, moving ahead towards development proposals. Therefore, all we are saying is that all the schools throughout Northern Ireland should be put on a level playing field. We should not be taking premature decisions in one area that will detrimentally affect those schools. Indeed, we need to look at this holistically as part of the audit.

I am not convinced that what is being done with Redburn is the right decision. Everyone



would accept that there needs to be changes to the school system in Holywood, but we have a proposal on the table that is awaiting capital funding for a four-school scheme involving the amalgamation of Redburn and Holywood Primary School, of Priory and Holywood Nursery School. That involves two different sectors, three different age groups and four schools.

**Mr Agnew:** I thank the Member for giving way. Does he agree that the plan that he has just outlined is beneficial because it is exactly that — planned — whereas the proposal to close Redburn at the end of this academic year means that there will be an effective amalgamation of Holywood Primary School and Redburn but not a planned amalgamation and, therefore, will not be an ordinary transition?

**Mr Speaker:** The Member has a minute added to his time.

**Mr Weir:** I agree with the Member that it needs to be planned. Indeed, what has been put forward for the four schools should be a model for the way forward for Northern Ireland. It is, effectively, shared education, it is multidimensional and includes three age sectors, yet the problem with the proposal is that it short-circuits this. It is not planned; it jumps the gun. Indeed, rather than moving ahead on a planned basis, this may, as the Member indicates, lead to a situation in which people simply move with their feet to Holywood Primary School. It has led to a situation in which various other schools have already moved to try to poach students from there, and, indeed, rather than an ordered situation of amalgamation between the schools, there are flyers and requests from other schools to try to pick the bones of Redburn out, with the end result that we may not get the proper organised and planned way forward for Holywood that is to the benefit of all. It is not only ill-timed; it is ill-judged.

I appeal to the Minister and his party to think again. In many ways, this runs contrary to the spirit of the audit. The audit should treat everywhere holistically, but this is picking off what appear to be the weakest parts of the pack and going for those first. That is wholly unacceptable. We have seen the arrogant response of the South Eastern Board, and the line of thought that it is determined to take is clear. I appeal to the Minister to, through his closing remarks, ensure that the three schools that appear to have been singled out today —

**Mr Speaker:** The Member should bring his remarks to a close.

**Mr Weir:** — are not treated simply as cannon fodder but are treated properly and to ensure that any decision by the Department is put on hold until we have the full audit and a proper plan.

**Mr Speaker:** The Member's time is up.

**Mr Nesbitt:** I am very pleased to say a few words on this debate. I support the motion and the amendment and thank all those who brought them to the House. I am passionate about education and, indeed, in my own little life, my career path would not be what it was had it not been for the attention that my parents and teachers paid to my education. As that career path has brought me to this House, I know that some Members will feel that there is a downside to a decent education after all.

There is a concern that some schools in this education area may suffer because two parallel processes are in play. One is the viability audit that is being conducted on a regional level by the Department of Education, and another is a subregional process that is being conducted by the South Eastern Education and Library Board. I have a further concern, which has already been articulated by my colleague Mr McNarry, that the South Eastern Education and Library Board is still being run by commissioners, given that the problem emerged on 6 July 2006. The longevity and competence of the commissioners remains in question, and there is a real danger that the schools may suffer from the two processes. If the schools suffer, the children and the families will also suffer.

### 3.45 pm

I have a particular interest in Ballykeigle Primary School and, more generally, rural primary schools with regard to the viability audit, which is the regional process. As I understand it, there are three criteria: entrance, achievement and financial viability, none of which takes into account the importance of rural communities. A rural school can be looked on not only as a place of learning but as some form of community hub. The answer may not always be to condemn a school as failing but to use it as an opportunity to refashion and redesign what the school achieves. I am thinking, for example, of what the extended schools programme can do for families. It is an opportunity to achieve other goals through the school estate and

to look at what the school estate might do to improve general health, adult literacy and numeracy and, particularly with regard to rural communities, social cohesion. There are fewer and fewer opportunities for people who live in rural areas to stop and socially interact. If you remove rural primary schools, you take away a fantastic opportunity to embed social cohesion.

As well as those concerns, I want to mention the sixth-largest controlled post-primary school in the education and library board area, Movilla High School. That school has requested to reduce temporarily its enrolment numbers from 900 to 600 and, correspondingly, reduce its annual admission number from 180 to 120. The reason is that there has been a 10-year fall in numbers, and, in fact, the enrolment figure of 900 and the admission figure of 180 have never been achieved by Movilla on census day.

Last year, by closing down part of the main school building, Movilla achieved savings of £100,000 over the year. On that basis, it has asked the Department whether it can, temporarily, reduce those figures. In September of this year, the Minister sent me a response to a question for written answer. He said:

*"My Department received a letter from the South Eastern Education and Library Board ... supporting Movilla High School in a request that their admission and enrolment numbers be temporarily reduced."*

Despite that support, the decision is currently under consideration. It is still under consideration today, and I want to use this occasion to lobby the Minister and ask him whether he will ensure a speedy resolution to ensure that Movilla High School can plan with some certainty for its future. As with many schools, it is reeling from the fact that it will lose £100 a pupil in the forthcoming financial year. For Movilla High School, that means a budgetary hole of some £45,000 next year. Certainty is being sought, and I urge the Minister to give that consideration. I support the motion as amended.

**Mr Craig:** It gives me very little pleasure to speak on this issue, especially given the news that I received earlier about the three schools that have been put into formal proposals with regard to closure: Dunmurry High School, Ballykeigle Primary School and Redburn Primary School. As was pointed out earlier, it is a slap in the teeth to the Assembly to have those decisions taken while we are in the middle of debating whether they have followed proper procedures.

With regard to the process that has been used, consultation took place, and the first school on which it took place was Dunmurry High School.

The entire process is a self-fulfilling prophecy. First, the issue of whether the school should close is consulted on. The consultation is not on whether the school should be reformed; on whether there should be intervention to change the way in which the school is run; or on whether there should be an amalgamation with any other school in the locality. No, the South Eastern Education and Library Board's proposals were specific and clear: it was consulting on whether the schools should close or not.

In saying that, however, the board first consults with the board of governors. It then consults with the teachers, which is done in private. Lo and behold, the next phase is to go to a public meeting with the parents of children in those schools. If there is one thing that I have learnt in life, it is that if you broadcast the fact that you are looking at whether you should close something, the inevitable will eventually happen.

I do not blame any parents at that public meeting in Dunmurry High School for looking after the future education of their children. If the board is saying that it will close an education establishment and your child is sitting there ready to do his or her exams this year or next, you will inevitably put the education of your child first and remove him or her from the school. That becomes a self-fulfilling prophecy for those schools.

That is the process that the South Eastern Education and Library Board entered into for all those schools, with the exception of one: Knockmore Primary School. Parents started voting with their feet, but not because they believed that their children were in a bad school. I do not believe for one second that any parents send their children to what they believe to be an inferior or second-rate school. No, it was done because they knew that the future of the school was in question.

That is the sort of process that we have seen for all those schools. Knockmore was an exception to the rule, not because the parents of children at that school thought or functioned any differently but because there was a very simple rule there: the vast majority of children in that school are special educational needs in a special educational needs unit that could not and would not be replicated anywhere else in the education board's area. The reality for those

parents was that they had absolutely nowhere else to go.

For that reason, and for the great campaign that they mounted, those parents did not withdraw their children from that school. I am pleased to announce today —

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

**Mr Craig:** I will in a second. I am pleased to announce today that that school has been reprieved. I use the word “reprieved” cautiously, because I feel that there is still an agenda at work.

**Mr McNarry:** I thank the Member for giving way. I find very favourable the news that he brings about Knockmore Primary School. It is indicative of this debate that he is bringing that news to the Assembly, and although he is the bringer of good news for one school, for my area and for other areas, he is unfortunately the bringer of bad news.

Does the Member agree that this is not the way in which we should be treated in this Assembly, when Members have gone to the trouble, and it was well noticed in advance, of tabling not only a motion but an amendment on the matter? However, the announcement seems to sterilise the debate that we are having. I hope that the Member will agree that we have a lesson to learn; namely, business should not be conducted in this way under any circumstances.

**Mr Speaker:** The Member has a minute added to his time.

**Mr Craig:** Thank you, Mr Speaker. Not for the first time do I find myself agreeing with the Deputy Chairperson of the Education Committee. We have been treated appallingly here today by the South Eastern Education and Library Board. It was fully aware of what was being debated and could have held off its decision, even to take note of what is being debated in the Chamber.

**Mr Speaker:** I ask the Member to bring his remarks to a close.

**Mr Craig:** I appeal to the Minister to take all of those points into consideration. The South Eastern Board entered into a process that pre-empted the process that the Minister announced.

**Mr Speaker:** The Member's time is up.

**Mr Craig:** I ask the Minister to take that on board when he is looking at these proposals.

**Mr Dunne:** I welcome the opportunity to debate this motion on school closures by the South Eastern Education and Library Board. I record our opposition and concern about how the proposals have been handled and progressed by the South Eastern Education and Library Board. I declare an interest as a member of the board of governors of Redburn Primary School. I have been a governor for over 20 years.

The main area of concern to date in my constituency of North Down has been the proposed closure of Redburn Primary School, which is located on the outskirts of Holywood, in an ideal location at the rear of Palace Barracks, with the Holywood hills in the backdrop. The school is over 50 years old and has been included in a new schools rebuild project for the Holywood area, which involves the building of a new amalgamated primary school, combining Holywood Primary School, at the present Priory College site. A new Priory College was also to be built at the existing Redburn site, and work was planned to start this year. A new nursery school was the final brick in the wall and was planned for construction on the old Holywood Primary School site.

This new schools project had full support from the wider Holywood community. We had gone through the full consultation process for newbuilds, planning permission had been approved, and the project was about to get off the ground.

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

In September, Redburn's board of governors was called to a meeting with officials from the South Eastern Education and Library Board to be told, totally out of the blue, that the board had had an internal review and had come up with a recommendation for closure as part of the draft development plan. The news of closure came as a shock to the pupils, parents, staff, governors and the local community. The school has served the area very well and has a rich mix of children from the wider community, including the army children from the local Palace Barracks. The proposed closure has rallied the local community, and, as part of the campaign, we requested a meeting with the board's chief executive and three commissioners.

The case for the retention of the school was put ably by the chairperson, the principal and the class teacher. The school's academic attainment and its excellent community links

were highlighted. At the end of the meeting, I sought clarification on whether the school would be included in the Minister's review, which was announced in September 2011. I was advised by the chief commissioner that the school would be subject to the Minister-led review and to the review by the board.

Redburn School has been subject to two reviews at one time: one by the unelected and undemocratic board and the other by the Minister's Department. The children of Holywood do not need more reviews of existing schools. We need a commitment from the Minister to clarify the situation and indicate to the children of Holywood when a newbuild project is due to commence. The proposal to close Redburn is just a cheap solution to the real problem of substandard school buildings for the children of Holywood.

All school buildings in the town of Holywood are over 50 years old. We need new buildings rather than repair. We need capital investment in our school estate. Holywood needs and deserves a fair share of funding. The perception that Holywood, being part of North Down, is an affluent area that does not need such investment is wrong. That has been the attitude of the South Eastern Education and Library Board for too long. The loss of the board will be no loss to the children of North Down. The Minister needs to visit our area and see for himself the need for investment, not just closure and reviews. I support the motion.

**Mrs Dobson:** I support the amendment and am pleased to take part in this debate. However, I fear that this debate is taking a horrible twist, which cannot be good for the service that we endeavour to give to all of our constituents.

#### 4.00 pm

As I have said in the House before, speculation and rumour about the future of our schools may lead to self-fulfilling prophecies, and that can be dangerous for our entire school system. When we label a school as underperforming, the use of language must be clear because parents may choose to move their children from or elect not to send their children to a school that may be under threat. That very action may, unwittingly, threaten the future of the school. It could have more devastating consequences for the long-term viability of successful rural and urban schools across Northern Ireland and, indeed, for parents who are applying for school places for

their children in the upcoming academic years in the SEELB and other board areas.

In speaking to support the motion, I would like to highlight, as a comparison, a school in Portadown that has recently had its application for a nursery unit turned down. Orchard County Primary School is a highly successful school that was established in 2005 through the amalgamation of two small rural schools — Annaghmore and Tullyroan — and I am sure that that mirrors the situation in the SEELB and other boards. Earlier this year, in recognition of one of the best inspection reports in Northern Ireland, the school was invited, along with others, to a reception in the Long Gallery by the Department of Education. The school has become a victim of its own success, and, like those we heard about earlier in the SEELB with high enrolment numbers for next year, Orchard County Primary School will not be able to offer any preschool provision, which has been one of the key planks in its and many other schools' continued success. Therefore, the school's application for a nursery unit was timely and forward-thinking. Indeed, the principal and governors have been heavily supported by the board, whose research clearly demonstrated that displacement would not occur were the nursery unit to be established. However the Minister, in his statement upon rejecting the application, said that there were

*"already sufficient pre-school places in the area".*

Given that Orchard County Primary School forms part of the provision to which the Minister referred and will therefore not be able to offer any preschool places next year, the decision will lead to a direct reduction in preschool places available to parents and pupils in the area. In raising Orchard County Primary School as an example, I draw parallels with other boards.

Given the coming rationalisation of the school system, it sends a dangerous and worrying signal to schools, teachers, parents and pupils across Northern Ireland when a successful school such as Orchard County Primary School, created through the amalgamation of two rural schools, cannot receive the support it requires to meet the educational needs and demands of the local community. In this case, two schools were closed to facilitate one new, highly successful school. The Minister's promise to support successful schools was, therefore, not

well received by the parents at a recent open meeting which I attended.

If decisions are not taken in a systematic and focused way, the initial elation at the publication of the Programme for Government and a statement that every child would be entitled to a preschool place has the potential to turn into a nightmare for parents and children who find that the practical reality of the statement does not live up to the promise. We will yet again hear of parents being offered places for their children an impractical 20 miles or more from their home or of pupils' applications being continually turned down.

It is incumbent on all of us to ensure that our children receive the best start to their educational experience. Although I am encouraged by the aspiration in the Programme for Government, I truly hope that that aspiration can become reality for parents and pupils across Northern Ireland.

**Mr Givan:** I support the motion, and I commend my colleagues for tabling it. I, too, do not think that I need to declare an interest. I was suspended from the board at the time when the budget and the special needs provision were being reduced and, therefore, have considerable experience of how the board used to run and is now run. I should say that all elected members supported that position, including the Sinn Féin councillor who was on the board. From memory, I think that that was Councillor Coogan. Therefore, there was all-party support for the action that we took. Rightly or wrongly, commissioners were then brought in.

Any justification for the purpose for which the commissioners were brought in has long since passed. Therefore, their legal status is questionable. I know that the Minister of Education has said that that is a matter for the courts to decide, and, until they do so, they are the only authority on the matter. However, that does not take away from the fact that the right thing to do would be to remove the commissioners and to constitute the South Eastern Board on the same basis as the other boards. That is the right thing to do, and I do not think that anybody could disagree with that.

The commissioners on the board receive £500 a day, plus travel expenses. Some of them come from across the water. There is obviously an issue around that. They lack local knowledge of the issues that they have had to deal with. I have had experience of the commissioners.

They are all very good people, and I get on well with those whom I have met. I do not want to call their integrity into question, far from it. However, that does not change the fact that locally elected councillors, transferor representatives or independents drawn directly from our community would make for a more accountable and better system. Although I recognise that ESA is on its way, I still think that the right thing to do would be to move as quickly as possible to reconstitute the education board.

I draw out the example of the development proposals that were formally put out by the board this afternoon as a rationale for saying that there should have been elected and independent members. I suspect that the argument that would have been put to the board and would have prevailed is that, although there may be question marks over the schools in question, a ministerial viability audit is taking place and it would have been better had a holistic approach been adopted, rather than the piecemeal approach that the South Eastern Board has taken.

Knockmore Primary School has been removed today — I welcome that — and will not now be put out formally to consultation for closure. Therefore, it has been saved. That is a welcome decision and a recognition of the campaign that parents, politicians and teachers all put in and on which they presented a very cogent case. That campaign has been justified, and that is the right decision.

I should, however, make the point —

**Mr Poots:** I join the Member in expressing my delight at the reprieve for Knockmore Primary School. The quality of service for the young people at the school, particularly that provided by the speech and language unit, would have been undermined substantially. I will also lay down the marker that it is very important that, whatever is done in the future relating to that unit, it is done in conjunction with all the key specialists involved and ensures that its current quality will be maintained for children in the future.

**Mr Givan:** I thank the Member for his intervention. I also thank him for the role that he played in visiting the school and for making a submission on the issue as Health Minister.

When the Knockmore proposal was being put out, the board made it very clear that this was for the mainstream only. The special units attached

to it were not part of the board's consideration. However, in its statement today, the board withdraws the proposal to close the mainstream school, which is secure, but says that it will look at the special units and that there is further work to be done. That would not have happened had there been a properly constituted board. You cannot, on the one hand, say that the special units have nothing to do with the proposal but say today that the mainstream is being kept but the board will look at the special units. That is not the right way to do it, and, if the board is going to do anything with the units, there needs to be a specific proposal. In my view, the board has handled today's decision badly. That would not have happened had the board been constituted properly. Therefore, the Minister should move to put the board in place through the normal procedures under which the other boards were appointed.

**Mr Agnew:** Many Members mentioned that we received a statement from the Minister earlier this year that outlined the plans for the viability audit and his proposals for area development plans. Within a week, if memory serves, the announcement of the proposed closure of a number of schools was made, in advance of the viability audit.

Members have outlined the three areas concerned in judging a school's viability: enrolment numbers, educational achievement and financial stability. There is at least some consensus that that is a way for us to assess schools' sustainability and determine whether they meet the needs of the children who attend them. The problem lies with the decisions of the South Eastern Education and Library Board to put forward schools in advance of the viability audit.

In my intervention in Mr Weir's contribution, I mentioned that we have an area-based plan in Holywood. Mr Dunne outlined the detail well. It would include a planned amalgamation of Redburn Primary School and Holywood Primary School. However, that plan has been put on hold because of the lack of funds for the capital investment that is necessary for it to go ahead. I think that there is some understanding in the Chamber of why that delay exists. However, it appears that there is no such understanding on the part of the South Eastern Board, as its proposal to simply close Redburn school without a plan is leading to uncertainty for parents. The decision was made on such a short-term basis that parents who enrolled their children

in primary 1 at Redburn this year are now wondering whether they will potentially have to find another school for next year. The decision that was made was not informed because it was on such a short-term basis. Making a decision such as that without a plan is, essentially, a cut. It is not being done for any of the reasons that the Minister outlined. It is not due to enrolment numbers, educational achievement or financial sustainability. If that were the case, there would be a plan and it would be based on the needs of children in the area. However, what has been proposed by the board is to simply slice one school and leave it up to parents to find alternatives for their children.

I add my welcome to the decision to exclude Knockmore Primary School from the list of closures. Although I stand here as a representative of North Down and have made specific reference to my constituency, Members will agree that we want to get this right not just in our own constituency but across Northern Ireland, in order to ensure sustainable schools, quality education and equality of access to provision. I spoke with parents who came here on the day of the debate on Knockmore Primary School and heard their concerns. Needless to say, many of those concerns echoed those of my constituents. It is right that we look at this issue across the board and not individually by school or constituency.

We must move forward with a plan. The viability audit must go ahead. The development of area plans must take place, and decisions should be made on that basis, not simply as a reaction to the thought that we must cut expenditure so we must cut schools. I do not think that that is an acceptable way forward, and it certainly will not be accepted by the parents affected by those cuts.

I support the motion and the amendment and welcome the debate. I hope that the Minister will have heard the concerns of Members —

**Mr Deputy Speaker:** Draw your remarks to a close, please.

**Mr Agnew:** I will just say finally —

**Mr Deputy Speaker:** Your time is up.

**Mr Agnew:** OK. Thank you, Mr Deputy Speaker.

**4.15 pm**

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a Cheann Comhairle. I welcome

today's debate as it gives me an opportunity to re-emphasise the key messages of my statement to the Assembly on 26 September. I might say that I thought that all those matters were covered in the previous debate on rural schools on 17 October, the Dunmurry and Knockmore debate on 25 October and recent responses to oral and written questions.

This debate has as its focus — they are not specifically mentioned — four schools identified by the South Eastern Education and Library Board for potential closure. As has been mentioned, since the Assembly broke up for Question Time, further clarification has come through from the SEELB in regard to those matters. Although I recognise the concerns that have been raised about those schools, many others face significant challenges. This morning's announcement that schools face a possible 5% reduction in their budgets cannot be divorced from the fact that we have too many schools and 85,000 empty school desks. Those two issues are not separate, cannot be divorced and have to be dealt with in a common way. That is why I commissioned the viability audit that has been referred to. We need to get a realistic picture of the extent of the challenges that schools face. Only when we face up to those realities can we begin to do something about securing viable and sustainable education for all pupils. I ask Members to look at the big picture.

Let us widen the focus and look at what we are trying to achieve through the programme of work I have commenced. I have asked the boards and CCMS to urgently undertake the viability audit or stress test using enrolment, quality of educational attainment and financial stability as indicators of the degree of stress a school is facing. I am conscious that three of the four schools mentioned have gone to development process. I am now part of the decision-making process, so I have to be careful in what I say. The viability audit —

**Mr McNarry:** Will the Minister give way?

**Mr O'Dowd:** No, not at the moment, but I will later. The viability audit is looking at each individual school. The SEELB, like other boards, has information at hand showing that a number of schools have not passed that stress test. That information has now been brought forward to go forward to development proposals. The announcement in September was not an attempt to stall or delay such a process. It was

a step up and acceleration of that process. If any board comes forward to me at this time and states that it already has information at hand about schools that are under stress and believes that the option is to develop a proposal for closure, I will say to that board to go ahead now and proceed immediately to that point. Why would I do that? Because at the heart of those schools are pupils. The pupils are what matter in this debate, not the schools, not the establishment and not the concerns of local MLAs or councillors.

I say this to Members who say that the board has only commissioners on it and has no locally elected representatives: are the Members suggesting that, if their colleagues who are locally elected representatives and councillors were aware of information concerning a school's enrolment, the quality of its education or its sustainability, they would ignore that? Are they suggesting that they, as elected representatives who have responsibility for public funds and, indeed, the well-being of our community, would ignore that? I sincerely hope that that is not the case. I sincerely hope that our elected representatives on boards would take a look at the report and say that, yes, action has to be taken on those schools because we have a responsibility to the young people in the schools.

The argument that the SEELB is made up of commissioners and that only they would move towards development proposals is, I think, a false argument. I will say this about the future role of commissioners in the SEELB: I, too, have concerns about the length of time that they have been there. It was because of a number of scenarios. It arose largely because of the on/off debate on legislation on ESA. I am thankful that we are now in a position to move towards a policy memorandum going to the Executive and, if that is agreed, to then move to a legislative framework to move ESA forward. I have asked my officials to carry out a preliminary examination of replacing the commissioners. That preliminary examination suggests that that will be unachievable before April next year and may not be the best way forward considering that ESA should be in place by 2013. However, I will ask my officials to re-examine the matter in order to move it forward and see whether we can remove the commissioners and put in place a properly constituted board. I have no wish for any commissioner to be in place. I believe in the democratic process, so, if we can achieve their removal, we should do so. However, it may not

be viable ahead of the implementation date for the ESA.

**Mr McNarry:** I appreciate what the Minister is saying. I have here a report from the SEELB officers to the commissioners. The report talks about the four schools. Members will have noticed that I did not mention any schools by name, but I will mention Ballykeigle Primary School now. It was asked why the board did not appoint a permanent principal to Ballykeigle. The answer was that, as a result of the review of the school, it was decided that the post of principal, when it became vacant, would not be filled on a permanent basis. That is the answer to what you said, Minister. I agree with you that the pupils are at the heart of our concern. However, we have gone beyond that now, given what has happened today.

**Mr O'Dowd:** I am not going to comment on any of the schools on which formal development proposals have now gone out. I will, however, say this: responsibility for the democratic nature, accountability and oversight of those development proposals falls to me as Minister. I will be the decision-maker. Now that there are formal development proposals that will go out to further public consultation, I, as Minister, will be able to receive delegations and hear the views not only of elected representatives but of the schools involved and any concerned stakeholders. I will take on board all those matters before reaching any decision about any of the schools.

I want to return to my point about the need to make decisions now. The viability audit does not prevent any board from coming forward with proposals. If boards have information to hand, they need to come forward with it. I am concerned that Members in this debate — I have no doubt that I will be responding to numerous debates in the months ahead, as we go through this process — are saying, “Not in my backyard”.

I came across an interesting quotation at the weekend that at least one Member in the House will recognise. Others may recognise it as well. It is about the need for elected representatives, Ministers and the Executive to make decisions. We cannot continue with the school estate in its current form. We have to face the realities of the Budget and of delivering education in the 21st century, as others Ministers have done in their field. Let me read this to Members:

*“There will be sectoral interests who will use their very utmost to ensure that the changes proposed don't happen ... Lots of other people will think 'I'm a supporter of change and it is great that you are doing something 500 miles up the road but don't be doing it in my area' or, 'It is great that you are doing it in that particular sector but don't be doing it in my sector'. Whatever comes out of this report that is in the interests of the population ... it is incumbent on us to meet the challenge and implement it.”*

Those are the words of our Health Minister, Edwin Poots. I am not criticising Mr Poots for that. He is absolutely right: we have to implement change and stand up to the difficult decisions that we refer to. Mr Poots went on to say that he would not run away from making difficult decisions. I can assure Mr Poots and the rest of the House that they will not see me in front of him on the running track: I will not run away from making difficult decisions either. Those decisions will be evidence-based and will be made in the best interests of the pupils whom we are here to serve. We are not here to serve schools or institutions. We are here to serve pupils.

I will move on. The audit focuses on three main areas. First, it identifies all primary and post-primary schools facing significant viability challenges in sustainable enrolment trends, delivering quality education and financial stability; secondly, it categorises those schools with regard to the root cause of the problem; and, thirdly, it presents proposals that are either already in place or planned for such schools to address the cause of lack of viability in order to protect the education of the children and young people enrolled in them. In the current financial climate, we must take action to make the best use of limited resources. There is, therefore, an urgency to have an assessment made in a consistent manner across all sectors. I am pleased to say that the boards and CCMS are clear about the importance of that work and have given it significant priority. They have identified indicators around enrolment, quality and finance taken from the sustainable schools policy that allow them to complete the task that they have been set.

The answer to Mr McNarry's question about whether the process had taken rural proofing fully on board is “Yes, it has”. Accessibility and rural proofing are at the heart of the document. What is a rural area in the sustainable schools policy? We cannot get a broader definition than



the one that I will give you from the sustainable schools policy: all areas are rural outside Belfast and the urban part of Derry. I cannot think of a broader catchment area than that. It is the broadest assessment of rurality in any government policy. I think that my predecessor and I have encapsulated the concept of rurality.

The motion asks me to intervene to stop the South Eastern Education and Library Board and to delay any decisions. I return to the point that I raised originally: why would I stop the South Eastern Education and Library Board carrying out its statutory functions? The decision-making process is being carried out by the SEELB, regardless of Members' views of its make-up — a point that I have already covered. The decisions are based on legislation. They are statutory, and the board is carrying them out. I say this to Members: it is carrying them out because it has identified factors in a number of schools that, board members believe, compel them to put forward a development proposal that suggests closure. That process has now landed on my desk, and I will take it forward.

**Mr McDevitt:** I thank the Minister for giving way. Perseverance pays off, Mr Deputy Speaker.

I would appreciate it if the Minister would clarify the relationship that he has established between the viability audit and the boards' work on development proposals. When he announced the viability audit, he said that it was not intended to identify schools for closure. However, if I hear him correctly, he is making a direct connection to the viability audit process. If boards find a school susceptible under the viability audit process, they should be moved into the pre-closure process. Does he now make that specific connection? Is he telling us that any school that a board might identify now as vulnerable, under the viability audit, is susceptible to a development proposal immediately?

**Mr O'Dowd:** No. That is not what I suggest, and I did not suggest it in September. I went through some rigorous questioning when I made my statement in September.

The viability audit is to identify schools that are under stress for financial reasons, quality-of-education reasons or by reason of enrolment figures. When a school is identified as under stress and meeting those criteria, there is an onus on the board and the managing authority — CCMS or whoever it may be — to bring

forward an action plan on how it intends to bring that school out of that position. That may, in some cases, include closure. If that is the decision, there is a duty on me, as Minister, to examine closely all the details and the development proposal. As I said, if difficult decisions are to be made, I will make them.

Members should not get into the habit of defending their local school because it is their local school. As I have said in the House before, Members need to defend the education of local people and the pupils attending a school, regardless of whether they are from an urban or rural community. That is what I am saying. If the board or the managing authority identifies a school under stress, it must also bring forward proposals on how it intends to bring that school out of stress, and that may include closure. None of this is easy. I do not relish the task ahead of me, but it is the right course of action. We can no longer move forward on the basis that we cannot make decisions in our own backyard because difficult decisions may be unpopular.

I also say this to Members: many schools that face enrolment or financial problems may also face educational attainment issues as a consequence.

#### 4.30 pm

If you examine closely, you will find that many local parents have made the decision for you. They have decided that they will not send their child to that school. Take on board not only the views of the parents whose children still attend the school but the views of the parents who, for a variety of reasons, have decided not to send a child to that school. Factor this into your equation also: if we continue to keep unsustainable schools open, how thinly will we spread the icing, namely the finance available to the Department of Education? If we continue to keep unsustainable schools open, what will the real reduction in schools funding be in 2013-14 and 2015-16?

The financial situation is not improving; it is getting worse. Pressures such as inflation and energy costs are bearing down on our schools. If we continue to keep unsustainable schools open, we let down not only the pupils in that school and their parents but the pupils and parents in the school up the road, in the school next to that and in the school next to that. They will all suffer as a consequence. I ask Members to take that on board.

I have covered most of the points raised by Members. I answered Mr Easton's point about the future role of the SEELB and its commissioners. I have answered Mr McNarry's point about rurality. I will ask my officials to look at Mr Nesbitt's comments about Movilla High School and report back to him. I also want to refer to Mrs Dobson's comments about Orchard County Primary School. The principal contacted me directly and made a number of points, which I have asked my Department to investigate further. The issues that he highlighted deserve to be interrogated further, and I have asked my Department to do so.

Although Members may have concerns about the make-up of the SEELB and the role of its commissioners, they should not let those concerns cloud their judgement of what decisions are required to move forward and build a sustainable education system in this society and what decisions are required to ensure that education is provided to our young people in these very difficult financial circumstances.

I understand Members' concerns only too well. I am a constituency MLA as well, and I know the pressures that elected representatives can come under when issues such as this arise. However, without wishing to put Mr Poots on the spot, I refer you to his comments at a recent conference. I assure you that Ministers do not take difficult decisions because they want to; Ministers take difficult decisions because they have to.

**Mrs McKeivitt:** I welcome the opportunity to debate the decision taken by the South Eastern Education and Library Board. The SEELB is run by a group of highly paid commissioners, who have recommended the closure of four schools: Knockmore Primary School in Lisburn, Dunmurry High School in south Belfast, Redburn Primary School in Holywood, and Ballykeigle Primary School in the outskirts of Comber. I take this opportunity to welcome the reprieve for Knockmore Primary School in Lisburn.

As a result of the SEELB's quick decision, there is an air of worry, uncertainty and anger. Parents are concerned about the education of their children, teachers fear losing their jobs, and children do not know whether they will be in the same school as their friends this time next year. On their behalf, I call on the Minister of Education to intervene. Each and every child has

the right to an education. It is the responsibility of the Assembly to ensure that that education is of a high quality and accessible to each and every child.

On 26 September 2011, the Minister informed the House of the viability audit to be carried out on each school. I am pleased that the Minister is being proactive to ensure that the education provided to the children is of an excellent standard. In light of the viability audit, I fail to understand why this decision is being rushed through. I believe that it would be wise for the SEELB to halt its decision until a viability audit has been completed. Mr Craig rightly informed the House that, under the 1986 Order, a new education and library board should have been appointed in 2009. The Department of Education has, therefore, failed to fulfil its legal obligation.

I am keen to hear from the Minister why the commissioners are continuing in their position, considering that the practice is not in line with the legislation if they have the authority to make recommendations on school closures.

The Minister has been advised that he cannot discuss school closures until he receives development proposals, as he will adjudicate on the proposals. He has advised that once the development plans come to his desk, there will be a two-month period for discussion. However, we need the answers now. The rumour mill is rife. People are upset and fearful, and they cannot wait to get the answers that they need. I ask the Minister to step in to prevent those rumours and to give assurance to the pupils, parents and teachers.

I have particular concerns about the impact that the closures will have on the children, particularly those with special educational needs. Few schools have the facilities and skills necessary to provide the valuable education to children with special educational needs. In Knockmore Primary School, one in three children who attend the mainstream school is catered for in a special unit. School criteria are set to assess the school's viability, and Knockmore is a viable school, ticking each checklist box. I cannot comprehend why the SEELB made the decision to close the school in the first place.

A case can be made for retaining each of the schools, but, due to time restrictions, we cannot go into the detail. However, I will conclude by saying that any decision to close the school

should not be taken lightly. It should not be rushed into in order to meet departmental financial aims. Parents should be kept informed, and we need to consider the effect on the child, parent and community. Every Member who spoke today has made that quite clear.

**Miss M McIlveen:** I support the motion and the amendment. I thank my colleague Alex Easton for securing the debate and thank all who were involved in today's discussion, which, as often happens in education matters, has proven lively and informative. If anything, it shows the close contact that Members have with their constituents on such issues and the benefits of a local legislature in which those concerns can be aired. However, perhaps the debate has come about a little late, as the decision on the future of the schools has been taken by the commissioners earlier today. I agree with Mr McNarry's comments about how we have been treated in the House today, given that the commissioners of the board were aware of the issue being debated.

The decision to continue along the road to closure for Ballykeigle, Redburn and Dunmurry in advance of the viability audit being concluded is incredibly disappointing and devastating for the parents and staff who have put together quite amazing campaigns over the past number of weeks. That said, it is not too late for the Minister to intervene, and I understand from colleagues — it has been discussed here today — that Knockmore has been given a reprieve, and I congratulate my party colleagues and all those involved in that campaign to keep the school given its very particular circumstances.

However, it is unfortunate that Sinn Féin does not support the motion or the amendment. I think that that will sadden the rest of the House. That said, although the commissioners have come to a decision on those schools, it should not detract us from the debate at hand and the manner in which those decisions have been made.

The Minister is right. It has been evident for some time that a review of the school estate has been needed. The matter was raised time and again with the Minister of Education's predecessor, and it was a key part of the Bain report, as was the establishment of the Education and Skills Authority. After a false start and a change of Minister, sense was finally seen over a number of key issues relating to

the Education and Skills Authority, and we now have a new framework set out in the Programme for Government, which will be much more acceptable to stakeholders in education. I hope that the Minister pays heed to this debate in order that any mistakes or oversights can be addressed before it is too late.

Without doubt, we all need to consider carefully and, to a certain extent, dispassionately the rationalisation of the school estate. Daithí McKay referred to making decisions based on evidence rather than emotion. We all live in the reality of budgetary constraints and demographics that do not match our school provision. However, in saying that, I believe that every school must be given the opportunity to prove itself and that decisions must be made when boards are in possession of all the facts. No school should be prejudged, and full consideration should be given to the impact of closure on all the children attending a school and the surrounding community. That was a key tenet of the debate held just a few weeks ago on rural schools and their impact in serving communities across Northern Ireland. Mr McNarry echoed those points when he raised his concerns about the lack of rural proofing in the current process.

As my colleague and proposer of the motion, Alex Easton, pointed out, the Minister announced an immediate audit of every school in Northern Ireland under the sustainable schools policy, on 26 September. On that day, the Minister was clear that the sustainable schools policy was not simply a numbers game and that schools would be measured against the six principles of that policy. It is unfortunate, therefore, as has been debated widely today, that the SEELB stands alone in Northern Ireland as overseen by appointed commissioners and that it has apparently jumped the gun in earmarking a number of schools in the area for potential closure in advance of the completion of the schools audit.

The sword of Damocles has been hanging over a number of schools across Northern Ireland, not only in the SEELB area, for a considerable time, and that is thanks to poor leadership and strategic direction. Having spoken to a number of parents in some of those schools, I know that they are very clear as to where they feel the blame lies.

The difficulty with the Minister announcing that there are 85,000 empty school desks, which equates to 150 schools, is that reporters make matters worse and see it merely as a numbers game. The spotlight, therefore, fell on Ballykeigle in my constituency. Parents of children at that school are, understandably, despondent, but they are also angry at the lack of support and direction that they have been given over the years. There is a view that they have been left to wither on the vine. I know that there is a determination among them to fight for that school's survival, even after the announcement today. Today's decision will be devastating for them. Schools should be given the opportunity to put forward a case for survival, and that must be handled in an even-handed way.

Knockmore Primary School has received a reprieve today, but that highlights a wider problem regarding the Minister's announcement and the failure to include special needs provision in the sustainability audit. Given that, a school such as Knockmore primary has its special unit artificially separated from the rest of the school, by the board, for the purposes of calculating enrolment trends. By separating those units from what is termed the mainstream, the board can disregard the rise in enrolment in those special units. The Minister needs to address that urgently.

My colleagues from North Down spoke about Redburn Primary School in Holywood, and the proposer of the motion, Alex Easton, indicated how the school served an area of economic and social disadvantage. He highlighted the massively important work that is carried out there in the field of community and social school integration. One of the key roles that a school can play is being at the heart of the community. That needs to be encouraged. Other Members highlighted their concerns about the impact that it will have on community provision, were schools to close. Mr Easton also highlighted the lack of accountability in the SEELB, compared with other boards. I concur with the positive comments made by Mr McNarry in relation to the board's chief executive, Stanton Sloan.

In moving the amendment, Mr McDevitt spoke of the undemocratic nature of the governance arrangements within the board, as did Mr Givan and other Members. I welcome the comments that the Minister made today about looking seriously at reconstituting the board in a democratic manner. Mr McDevitt also

highlighted the need to develop a holistic approach to rationalisation and challenged us to explore a variety of models for the delivery of education across Northern Ireland. Mr Maskey found some of the comments made today regrettable, but what was being asked for was not that all schools be retained, but that a process be followed that allows for equitable treatment in respect of the viability audit.

Mr Weir and Mr Givan declared interests as former board members. Perhaps, I will leave it at that. Mr Craig was correct when he stated that no option other than closure was considered with regard to the four schools being discussed today. Self-fulfilling prophecy is the correct phrase to be used in respect of what the board was wishing to achieve. I also welcome the comments from my former pupil Steven Agnew, although I see that he is no longer in his place.

I move now to what the Minister said. We recognise that the decision to reduce the AWPU (age weighted pupil unit) is not divorced from the fact that there are too many schools. We also understand that there are schools that find it difficult to pass what he refers to as stress tests, but surely that should not be the only test. In his earlier statement, the Minister referred to the boards working with other sectors when looking at area planning but, today, the South Eastern Education and Library Board was looking at schools purely in the controlled sector. I know that the Education Committee would welcome the sight of the draft terms of reference for area-based planning as soon as possible.

#### 4.45 pm

The House is not asking the Minister to run away from difficult decisions. We all have a mandate to be decision-makers. We are asking the Minister to ensure that all the evidence is adjudicated on in a fair and equitable manner.

In conclusion, I thank all those who took part in today's debate. Although we recognise the reality of the situation, it does not mean that we cannot raise the legitimate concerns of those in our constituencies. To ignore them would be failing in our role as their elected representatives and advocates — a role that I take very seriously. I very much hope that, in moving forward, the Minister has listened to the concerns raised today and will act on them to ensure that his Department and the boards — not just the South Eastern Education and

Library Board — act in the best interests of the children being educated in our schools. Some valid points have been raised, and they need to be looked at. Hopefully, the debate has served as an appropriate basis for that to happen.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the school closures announced within the South Eastern Education and Library Board area to date; is concerned that the board is making these decisions ahead of the outcome of the review of schools being conducted by the Department of Education; is further concerned that, unlike all other education and library boards, this board is run by commissioners with no political input; and calls on the Minister of Education to postpone any decisions until the viability audit has been completed.*

## **Police: Independent Investigations**

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes. Although one amendment was selected and published on the Marshalled List, I understand that it will not be moved.

I inform Members that a valid petition of concern was presented today in relation to the motion. Under Standing Order 28, the vote on the motion cannot be taken today. The vote, therefore, will be taken at the start of business tomorrow morning after the public petitions listed in the Order Paper have been presented. The debate can take place today. I also remind Members that another effect of the petition of concern is that tomorrow's vote on the motion will be on a cross-community basis.

**Mr G Kelly:** I beg to move

*That this Assembly calls on the Minister of Justice to introduce effective measures to ensure that information and evidence provided by former or serving police officers is retained and released to any independent investigation into allegations of police wrongdoing.*

Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a rá go bhfuil mé lán-sásta tús a chur leis an díospóireacht seo inniu. I am glad to open the debate for Sinn Féin, and I speak in favour of the motion. Let me make it clear from the outset that the matter we are debating is one of public confidence in the administration of justice. It is a matter of demonstrating that everyone, even those who are former or serving police officers, are subject to the rule of law. It is a question of ensuring that allegations of wrongdoing against members of the police are either upheld or, just as importantly, dispelled through that process.

For those reasons, I welcomed the Ulster Unionist Party's amendment and would have encouraged all parties to support it. When it comes to confidence in the administration of justice, equality under the law and holding the Police Service to account, the Assembly should be capable of speaking with one united voice. I am disappointed, therefore, that Members of both unionist parties across the Chamber have instead decided to collude to prevent that from

happening. The Ulster Unionist Party's decision to withdraw an amendment that could have won cross-party support in deference to a petition of concern by the DUP, which, I am sure, people realise will polarise the Assembly at least on this issue, reveals, perhaps, that other agendas are at work. The debate will have to tease out those agendas, as well as to emphasise that the onus is on the Minister of Justice to act on public concerns, and I will return to that a bit later.

It must be recognised that the call for former members of the police to co-operate with the Police Ombudsman's investigations is not party political. Many families and human rights groups have called for it, and the PSNI's senior management team has also expressed its support. Action is required, and the framework must be put in place to facilitate that goal.

Nor is this a new requirement. In 2007, the five-year review of the powers of the Police Ombudsman considered improvements in law that would enable that office to increase its effectiveness in carrying out investigations. The former Police Ombudsman, Nuala O'Loan, submitted a report to the British Secretary of State, which was laid before the British Houses of Parliament in June 2007. In that report were 26 recommendations for improving the effectiveness of the Office of the Police Ombudsman. Recommendation 13 stated:

*"That the Police Ombudsman be given a power to compel retired police officers to submit to witness interview, answer questions and provide all relevant documentation to her, which is within their possession, custody, power or control when she is conducting criminal investigations involving grave or exceptional matters."*

Mrs O'Loan's term of office expired before the British Secretary of State acted on that recommendation — or, indeed, the 25 other recommendations that were contained in her report. Instead of action, we got the appointment of Al Hutchinson, and we all know what has ensued since then. That has been well documented in the Assembly through the reports by the Minister's appointee Tony McCusker, the Committee on the Administration of Justice and the Criminal Justice Inspection. I emphasise that it was unionists who argued forcefully that Criminal Justice Inspection should be able to investigate the Police Ombudsman, because they were unhappy at some of the findings of the previous ombudsman.

In summary, most of the recommendations for improvements in the Office of the Police Ombudsman were never implemented, and that includes the failure to implement the recommendation on the compellability of retired police officers. The evidence base for that recommendation has been clear to see over many years in investigations that were impeded or impaired because serving or former members of the police withheld information and co-operation. Some of my colleagues will give some of those examples, but let me highlight one case that occurred in my constituency and that people will be very well aware of: the killing of the human rights lawyer Pat Finucane. In an interview broadcast by BBC's 'Panorama,' an RUC agent, Ken Barrett, stated that Pat Finucane would have been alive today if the police had not interfered, and 22 years after Pat Finucane was killed, we know that five of those who were involved in his killing were agents of the RUC and/or British intelligence. In other words, there are people who were paid from the public purse who held information and evidence about a killing, and 22 years later, those people, who include those who handled the five agents who were involved in the killing, have yet to come forward.

That brings to the fore a central concern that is a challenge to the unionist body politic. Time and again, we have heard calls from the main unionist parties for people to co-operate with police investigations. Yet there is also a suggestion that unionists have condoned non-co-operation by the police or by ex-police officers with investigations by the Police Ombudsman. We have also heard incendiary and inflammatory criticisms of Police Ombudsman investigations by police staff associations, and both the Police Federation and the Superintendents Association have made their grievances against the Police Ombudsman clear. Ironically, a former president of the Superintendents Association, Bill Lowry, lambasted the Police Ombudsman over the Omagh bomb investigation and went on to make a complaint to the office himself a couple of years later. To make matters worse, a number of former RUC and PSNI officers who left with their Patten severance, which, as you will remember, was very generous, are now being rehired as civilian staff. Call them what you want — every time we ask the question there seems to be a different name for them, such as agency staff, police associates or consultants — it resembles a form of patronage and cronyism that is an

abuse of public finances. Sinn Féin will raise that matter again when the Policing Board meets on Thursday. As I conclude, I suppose that one of the questions to the Justice Minister is: to whom are those agency, associate or consultant staff in the police accountable?

*The following amendment stood on the Marshalled List:*

Leave out all after 'released' and insert

*'when necessary for any investigation.'* — [Mr McCallister]

**Mr McCallister:** I am not moving the amendment, not out of any talk of collusion, as Mr Kelly suggested, more because the amendment was to have been proposed by my colleague Ross Hussey, who is in hospital. That is why the amendment will not be moved.

*Amendment not moved.*

**Mr Givan:** I oppose the motion, and, had the amendment been moved, I would have opposed it as well. This issue, which is raised repeatedly by Sinn Féin, is an attempt to go back and again drag the RUC over the coals. That is really what it is about. I know that they will talk about wanting to get truth for the families and all of that, but that is not what the motion is about. It is about the Royal Ulster Constabulary and Sinn Féin trying to continue the war that it lost when the IRA was involved in its terrorist campaign. Those IRA members — some on the Benches opposite were in it — cannot get over the fact that they lost the war. However, they want to make sure that they run down the reputation and the memory of the Royal Ulster Constabulary. That is the context in which the motion was tabled, and Members should look at it in that light.

It is hypocrisy to say that the standard for current and former police officers is that they must provide evidence and give all of their information, but we will draw a line in the sand as to what the IRA did. We will not have those individuals called in and compel them to give their evidence. No, they are now part of the peace process, and the Belfast Agreement dealt with that, but we will continue the vendetta against the Royal Ulster Constabulary. Well, this party will not stand by and allow Sinn Féin to denigrate the Royal Ulster Constabulary, and we will not support the motion.

Again, we have the Historical Enquiries Team (HET), with which republicans do not co-operate. They will not provide evidence to the HET. It may be that Members of the party who sit on the Benches opposite, who, when asked by the HET to give evidence, do not and are reluctant to do so. If they were genuine about wanting to bring closure to the cases of all those people who lost their lives, they might volunteer their information to the HET rather than not take part in its investigations. They do not do that, because they do not want the truth to come out about the dirty sectarian war that the IRA was engaged in. However, they will try to denigrate the Royal Ulster Constabulary. That is the agenda of the Members on the Benches opposite.

Over the weekend, we again had the issue of the 49 cases that the HET said it cannot deal with. The Office of the Police Ombudsman has said that it does not have the legal ability to scrutinise that work either. We are in a legal limbo. Some have put it out that that is because of European regulations that require an independent body to deal with this. The more that I have looked into it, the Police (Northern Ireland) Act 1998 seems to be the issue, as opposed to Europe. That Act states:

*"The Chief Constable shall refer to the Ombudsman any matter which appears to the Chief Constable to indicate that conduct of a member of the police force may have resulted in the death of some other person."*

It is not that the HET cannot deal with those cases because of some European ruling around independence. If the legislation needs to change, and on this we put a clear marker down, these cases will be dealt with only within the same parameters as the HET uses when considering all of the other lives that were lost during the campaign.

The Sinn Féin Members opposite want a distinction to be drawn —

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

**Mr Givan:** No. In a moment, I may need another minute.

Sinn Féin Members want to make a distinction between those 49 cases and the other 3,000-plus cases, because it wants a different level of interrogation — some of them have been good at interrogation in the past — for those 49 cases than all of the others. Its Members want

the Police Ombudsman to deal with those cases so that they undergo a greater deal of scrutiny.

Let us be clear; the HET can look at those cases. If legislation is needed, it will be to allow the HET to look at them, because it is able to look at the cases that involve the army. If the army is regarded as part of the state, there cannot be a different logic that requires an independent body. The HET is able to review the cases that the army was involved in, so why treat other cases differently? We know why the Members opposite want them treated differently.

### 5.00 pm

**Mr McDevitt:** I am a bit confused because, of course, the HET does not carry out investigations. It cannot, because it has no investigative powers. It carries out reviews, which are quite separate from investigations. The question is to do with the powers that the Police Ombudsman has or does not have. The ombudsman does not have those powers. For reference, I believe that the Act in question is the Police Act 1997, not the Police (Northern Ireland) Act 1998.

**Mr Givan:** I was referring to Part VII of the Police (Northern Ireland) Act 1998. The HET is able to carry out a review of what took place in relation to an investigation, and, where there is evidence, it can bring a prosecution. Perhaps that is why the Members in the republican movement do not want to engage with the HET, because you can be brought to some form of justice. However, the Belfast Agreement obviously mitigates what justice would be brought against those who were convicted pre-1998. We need to be clear about the motivation and set it in the context of what Sinn Féin is really about on this issue. Members will then be left with only one conclusion, which is to vote against the motion that is before us.

**Mr McDevitt:** I am a bit confused by the argument that we cannot possibly provide much greater power of retrospective investigation into the very tiny minority of people who brought, or could potentially have brought, the name of the RUC into disrepute, because that would sully the memory of the RUC. Surely the way to best honour the memory of the RUC, if that is something that you are interested in doing, is to be able to robustly defend the right of anyone who wants to challenge the behaviour of a tiny minority in that organisation; it is not to provide a cloak of uncertainty around the whole organisation. The other thing that I find

interesting is that that is the view of the current leadership of the PSNI. The senior PSNI officers with whom I have had occasion, privately or publicly, to discuss this matter — I have had opportunities to get them on the record — are very keen that we extend the legislation so that a duty to co-operate is placed on former police officers. I cannot see why anyone would not be keen to bring about that situation, because it provides us all with a greater degree of clarity.

I do not buy into the argument that blames the RUC for everything that was wrong with Northern Ireland from that organisation's establishment until its end — not at all. However, I do argue robustly, with the greatest respect to those who served in the RUC and are interested in defending its memory, that the best way to do that is to provide a mechanism that would isolate and identify the small minority of individuals who may have brought that organisation into disrepute. That is the situation that we have today with the PSNI. The way in which we defend the robustness of the Police Service today is by having real mechanisms that allow us to identify those who, potentially, bring it into disrepute and to hold them robustly to account. That is not threatening to anyone's history, nor does it undermine anyone's legacy. I suggest that it is quite the opposite. It is the best and most surefooted way of being able to robustly defend the integrity of an organisation that is no longer with us.

There is a broader issue, of course, which Mr Givan has every right to raise. It is the broader question of truth and of dealing with the past, and the potential imbalance between the standard to which you may hold a state authority accountable and the standard to which you may be able to hold a paramilitary organisation accountable. My opinion, and that of the SDLP, is that they are the same standard. It is not because of a lack of will or trying on our behalf to introduce the same standard for both organisations that we are here today. It is because of the House's collective inability to face up to the fact that those standards must apply to everyone.

Therefore, when we set out on a journey towards a new beginning for policing and rooted that new beginning in the fundamental obligation of the PSNI, the Governments and the Executive to article 2 of the European Convention on Human Rights, we did so in the absolute knowledge and certainty that, sooner or later, we would come



to the point that we are at today when legacy issues would also need to be tested against that standard. My appeal to the House is what I suspect would be the appeal of the PSNI's chief officers if they were sitting here today: let us hold everyone to the standard of policing today. If we are genuinely interested in honouring the legacy of a previous service, let us be able to validate, through robust investigation, that the vast majority of people who served in it can also be held to that standard.

It is for that reason that I support the motion. It is a matter of regret that my party's amendment was not accepted; however, I will not challenge, or even question, the Speaker's authority in that regard. On that note, I will finish.

**Mr Dickson:** The public and the police expect independent and effective complaints and oversight systems to ensure that there is confidence in the Police Service. Therefore, the debate is welcome. I welcome the opportunity to speak on the topic of information and evidence provision by former and serving police officers to independent investigations.

At the risk of the debate giving the perception that current measures for the retention and release of evidence and information are defective, it is worth noting and considering the processes that are already in place. At present, the Chief Constable is required to provide the Police Ombudsman with all relevant material from serving officers to enable the investigation of complaints against the police. The ombudsman has powers of search and arrest on criminal matters. There is also a code of practice that sets out the manner in which police officers are required to record, retain and reveal to the prosecutor material that has been obtained in a criminal investigation that may be relevant to that investigation. Therefore, it is not apparent that provisions that relate to serving officers are inadequate. It is also worth noting that the Criminal Justice Inspection report states that the legislative foundations of the Police Ombudsman's office are comprehensive and robust.

Nevertheless, we must recognise concern that has been felt about the ombudsman's inability, outside criminal matters, to compel former officers to attend witness interviews, answer questions and provide documentation that is relevant to that officer's investigations. Indeed, the statutory review of the office in 2007 recommended that the ombudsman be

given such powers. One key objective that has symbolised the existence of the ombudsman's office is that of building confidence in the Police Service. We must, therefore, consider carefully measures that will help to achieve that aim.

Although there is some merit in the motion, its timing and lack of clarity work against it. In response to a written question from Margaret Ritchie in June 2011, the Minister informed us that the question of whether former officers should be compelled to assist the work of the Police Ombudsman is one that the ombudsman wishes to consider in the forthcoming five-year review of legislation that governs his office. Perhaps the Minister could give us details of when he is likely to receive the review and whether there are likely to be recommendations on matters that we are discussing in the debate. Perhaps the Minister could also inform the House whether any such recommendations would be subject to public consultation.

Those are important questions because if an upcoming review is to make recommendations on the compelling of former police officers the subject of further and wider consideration, it would be unwise of the Assembly to pass the motion or any amendment, although I accept that no amendment has been presented. Therefore, despite there being some merit in the motion, my party cannot support it.

**Mr D McIlveen:** I, too, will oppose the motion and support the petition of concern that has been tabled by our party. I am fully supportive, as I think that everybody in this House is, of ensuring that evidence and statements are handled in a professional and accurate way, but the spirit in which this motion has been brought forward has been very well outlined by my colleague Mr Givan, and we have considerable difficulty with the sentiment behind it.

We have to accept that the issue of evidence gathering is not only questioned in Northern Ireland; it will come up around the world. We have seen evidence-gathering issues in the Stephen Lawrence case, the Madeleine McCann case and in the case of Amanda Knox in Italy. The whole issue of evidence gathering is not specific to Northern Ireland, although when you listen to some of the comments from the opposite side of the House, you would think that the issue just exists in Northern Ireland. So, we have to put a very large question mark over the motivation for bringing the motion forward. I do

not believe for one minute that it has anything to do with an improvement in public confidence in policing, broadly speaking, or, indeed, anything else for that matter.

Even looking at it in the spotlight of common sense and taking the politics out of it for a minute, can we imagine the bureaucracy that, if allowed to go through, the motion will cause for the PSNI? A recent report from the Crown Prosecution Service highlighted some very telling figures. Almost 80% of police prosecution files that were reviewed contained a much larger than necessary amount of paperwork, and, secondly, despite the volume of paperwork, over half of the files did not give an adequate summary of the case. So, those figures appear to show that the vast amount of paperwork a police officer must do is entirely counterproductive. If the motion is allowed to go through, it will add additional bureaucracy to that.

Therefore, whilst I welcome the opportunity to have a sensible debate on this important issue, we cannot and must not create or contribute to a culture of fear amongst those involved in law enforcement. I use that word guardedly, but the PSNI must be free to do its job without spending most of it doing paperwork to protect itself rather than spending its time fighting crime.

If I felt for one minute that this Sinn Féin motion was in the interests of justice, I think that all of us would have open ears. However, I do not believe that the motion is anything to do with justice because, ultimately, it has not been brought to the House with a view to improving the handling of evidence or statements. It is simply another unashamed attempt to vilify police officers and create the perception of police wrongdoing. We need to promote and encourage public confidence in our judicial process, and, if there is a need to look at evidence management, it is right that we do so. However, the impetus behind this motion is neither a move to improve public service standards nor an attempt to increase public confidence in the evidence-management mechanisms that are in place. It is a continuation of the long-running demonisation of former police officers in the overall Sinn Féin context of perceived police wrongdoing.

I find a certain irony in this motion because its wording includes a reference to the retention and release of information. However, it seems to me that Sinn Féin may not want to sort out the retention, or rather more the release, of

information from amongst its own ranks before it points its fingers at our police service. The difference is, of course, that our police are fully held to account and under legal obligation to disclose all that they know.

I will certainly oppose the motion, and I feel that the impetus on which it has been brought is highly questionable. For that reason, we, as a party, will oppose it.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. I am very disappointed with the DUP attitude, and I am sure that we will hear from others during the debate who claim to support the upholding of law and order here. It is disappointing that we have this two-faced attitude when it comes to wrongdoing on the part of the police.

Unionists could help to build confidence in policing and in the administration of justice if they got rid of that two-faced attitude. Where there is any suggestion of wrongdoing, no matter by whom, unionists should be calling for anyone with evidence to come forward and give it to the relevant authorities. There should be no ifs or buts.

#### 5.15 pm

Let me give some clear examples of what the motion is about. In case there is any misunderstanding, it is not only about investigations that are carried out by the ombudsman's office. The first example is the inquest of Pearse Jordan. Nineteen years ago this month, Pearse Jordan was shot dead by the RUC on the Falls Road in west Belfast. Since then, there have been 130 pre-inquest hearings. Many of them have been the result of legal attempts by the police to avoid coming forward and telling the truth and of trying to obstruct the family from getting to the truth. Sergeant A, who is named in the inquest papers, has since retired from the police and is in receipt of a police pension. He is outside of the jurisdiction now, but his pension is forwarded to him by the PSNI, and the PSNI also forwards any requests from the coroner to attend hearings. Unfortunately, he does not answer those requests, and, for some reason, the police cannot say where he is. That is damaging to the cause of building confidence in policing.

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

**Mr Sheehan:** Right.

**Mr Newton:** Will the Member condemn as reprehensible the members of Sinn Féin who have refused to co-operate with inquiries in which terrorist activity from an IRA source was involved?

**Mr Sheehan:** We should get the balance right. The most recent academic research from Queen's University suggests that almost 40,000 people were in prison between 1970 and 1998 as a result of the conflict. How many of those were police officers?

We are talking not only about incidents relating to the RUC. The PSNI shot Neil McConville dead in County Down. The ombudsman's report highlighted the fact that two senior officers preferred to resign rather than co-operate with the investigation. Maybe there was no culpability at all on their part, but the families do not know that. If people refuse to co-operate with investigations to shield others from investigation, they themselves become complicit. Refusal by serving or retired members to co-operate with investigations is unacceptable.

The destruction of notes and information relevant to investigations is also unacceptable. One damning example of that was brought to light by the Duffy family. They are trying to recover information about the killing of their loved one by the LVF. That relates to information, including interview notes and intelligence information, that was being held in Gough Barracks. I am pursuing answers on that at the Policing Board, but I have yet to receive any satisfactory answers. I have been told that they were destroyed because of asbestos contamination. It appears that there was no real effort to retain the information. The police had a duty to retain it and should have retained it, but they did not.

In conclusion, we need to continue to build confidence in policing and in the administration of justice. One way to show that all Members are united in that idea is to support the motion.

**Mr Poots:** Many of us find these debates somewhat tedious, and the fact that Sinn Féin keeps pressing this agenda is getting a little boring. We will not wear this selective retrospection and rewriting of history, and we will not assist Sinn Féin in doing that.

Sinn Féin wants us all to live in two different worlds. We will have the real world, and they will have their virtual world. In the real world, Gerry Adams was a member of the IRA; in Sinn Féin's

virtual world, he was not. In the real world, Martin McGuinness was a member of the IRA; in Sinn Féin's virtual world, he left it in 1974.

Of course, in the case of Mr Adams, one can peruse the comments of Brendan "Darkie" Hughes, who made it very clear that Mr Adams was an officer in command of the Belfast brigade of the IRA. He indicated very clearly — and this is a former colleague who is referring to them — that he could have stopped Bloody Friday. He further indicates that, on Mr Adams's leaving prison shortly after that period, a number of people were disappeared, including Jean McConville.

This is the real world, but Sinn Féin does not want to talk about that. Martin McGuinness left the IRA in 1974. Well, he did not kid the people in the Republic of Ireland, and he will not kid the people in this House or in Northern Ireland on that issue. So Sinn Féin will not get away with rewriting history or labelling the RUC and seeking to have honesty from one section of the community while they get away with telling lies continually about their past and what their organisation was engaged in.

In the real world, the IRA killed more people than every other organisation put together. The IRA committed the most murders. Do we get calls today from Sinn Féin that the IRA should step up to the mark, that we should get honesty from that organisation, and that every inquiry that takes place should see real honesty? No, it stands behind Martin McGuinness, who said that he would operate by the code of honour when it came to the Bloody Sunday tribunal. So we spent £200 million apparently trying to get the truth, but whenever it came to getting the truth on the part of that particular organisation, we did not hear what the truth was because some code of honour that the republican movement had was of greater importance than the victims or, indeed, anybody else who was involved on that particular day.

The quest for honesty has to provide full honesty. This party will be stubborn and belligerent when it comes to those issues, so get used to it. We will not be giving in on those issues. Those days are gone. Those days are over, and we will stand four-square to ensure that that is the case.

There is a very clear perception among the people I represent that, under the previous ombudsman, there was a witch-hunt of the RUC. We also make it very clear that, in doing that, article 13 of the European Convention on

Human Rights was breached. With regard to rectifying matters, it is absolutely essential that section 62 of the Police Act, which enabled the ombudsman to make inaccurate and damaging public statements that are not subjected to any recognised evidential tests and yet are not vulnerable to challenge, also needs to be changed.

**Mr Givan:** Would the Member agree that if such a change were to happen, it may increase the confidence of the police in dealing with the ombudsman?

**Mr Poots:** The ombudsman's office has certainly come under a degree of criticism over the years, and not just in recent years. For many years, people from the unionist side of the family have had a perception that the ombudsman's office had a degree of bias. And yes, although unionist people would have used that office because there was no alternative when they had complaints to make against the police, nonetheless it was very evident that the police were gone after by the ombudsman's office.

So if all of that is to facilitate an organisation that wants to rewrite the history of Northern Ireland to make it appear that their organisation was justified in some way or means in their failed attempt to get a united Ireland, we will not be accepting it, co-operating with it or working with it. If they wish to continue pursuing these debates, they will find that the answer remains the same. We will not be facilitating them in any way, shape or form.

**Mr Deputy Speaker:** Before I call Mr Basil McCrea, I ask Members to stick to the subject of the motion and to make their remarks through the Chair.

**Mr B McCrea:** Mr Deputy Speaker, I shall do my best to follow your direction.

There seems to be a certain amount of heat being generated by this debate. With your indulgence, Mr Deputy Speaker, it is worth saying that this is sometimes a proxy battle. The issue is that we have not dealt properly with the past, so we are looking for ways of dealing with it through procedural avenues.

I have some sympathy with the argument that questions how you can have two different standards. The problem, as I saw it, was that, when the Good Friday Agreement/Belfast Agreement was signed, the thing that was put to me — as a citizen, not as a politician — was

that we were going to put the past behind us and find a way of resolving these issues and of moving forward. The real problem when people look at evidence — it is not being talked about here — is when we put arms beyond use without taking forensic evidence. That forensic evidence, were it available, might tell a tale or two. However, for the sake of our children and for the sake of moving forward, we declined to take that evidence. Therefore, because other people will not speak out, we are left with a one-sided debate.

I believe just as much as anybody, maybe more than some, in a positive and proactive shared future. I really want to find a way of addressing the injustices of the past and of moving forward. Going on, over and over again, about one-sided investigations destroys morale and takes it to people that say that this is not the way forward. So, when it comes to this issue, we have to find a way of addressing the past and of deciding what we will put our resources into, because, if we do not address the past, we will have no future.

On that basis, I will conclude, because this is a debate that is going nowhere.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I also support the motion. There are a number of high-profile cases in which there has been non-co-operation from former police officers. There are three that I will outline. For example, Sean Brown, who was chairman of Bellaghy GAC, was murdered in May 1997 by a gang that called itself the Loyalist Volunteer Force. No one was ever charged with the killing of Sean Brown, and his family expressed serious concerns about the RUC investigation into his death. They made a number of complaints to the Police Ombudsman, and in 2004 a report upheld the family's complaints. The report found that a senior member of the RUC refused to co-operate with the Police Ombudsman's investigation. It found that a box full of documents relating to the killing of Mr Brown had been lost by the RUC. It also found that crucial evidence relating, in particular, to cigarette butts found at the scene of the killing had not been subjected to proper forensic examination.

The Police Ombudsman's investigation into the Omagh bombing was also hampered by the refusal of serving and former members of the RUC to co-operate. Worse again was the attitude of senior members of the RUC and PSNI to the Police Ombudsman at the time. The insulting

remarks of Ronnie Flanagan, who offered to take his own life rather than accept the findings of Nuala O'Loan's report, demonstrates just how much resentment and resistance there was to an independent investigation by the Office of the Police Ombudsman. More recently, the Police Ombudsman's report into the Loughinisland massacre, which was published earlier this year, also served to justify today's motion.

### 5.30 pm

I wish to highlight only a few examples from that report. A police informant was connected to the getaway car used by the killers. After the car was recovered by the police, that agent was contacted by his handler, but the details of that exchange have yet to be disclosed. However, it is now known that ten months after the car was confiscated by the RUC, it was destroyed. That was in contravention of all policing guidelines. No authority was given for the getaway car to be destroyed. As well as the car, and any evidence that may have been lost, other crucial forensic evidence was not taken from suspects in the car.

Finally, a Cheann Comhairle, the Police Ombudsman's report makes it clear that the senior investigating officer who led the original case refused to co-operate. Go raibh míle maith agat.

**Mr A Maginness:** One of the great achievements post-Good Friday Agreement was the creation of the PSNI, a police service that enjoys the confidence of the vast majority of our community. Whether Catholic or Protestant, nationalist or unionist, republican or loyalist, there is a wide spread of support for the PSNI. That is a great achievement and something to be valued and treasured.

I think that we should be very grateful to Lord Patten for his report, which established the PSNI and brought forward radical and effective reforms to policing in Northern Ireland. The other architect who brought tremendous energy to the job and to the task of restoring confidence in policing was, of course, Nuala O'Loan, the Police Ombudsman.

**Mr Spratt:** She was one of your cronies.

**Mr A Maginness:** I do not think that she was a crony. Across the political spectrum, she is a highly respected person. She has universal respect; let me put it that way. *[Interruption.]*

**Mr Deputy Speaker:** Order, please. Moderation, please. Through the Chair.

**Mr A Maginness:** If you want to know how to do the job of ombudsman, how to bring about confidence, how to insist in the development of good policing methods and how to bring about civilised values within policing, ask Baroness O'Loan. That is fact, and I think that Members across the way are letting themselves down by their petulant attitude towards Nuala O'Loan.

The basic argument put forward by the proposers of the motion is correct. We do need a mechanism whereby former police officers can be compelled to assist the Office of the Police Ombudsman. In my view, that is a self-evident and reasonable proposition and is something to which no reasonable person could object. How it is done may be a matter for debate; nonetheless, it should be done. It is something that senior police officers in the PSNI support, and it is right and proper that they should do so. It strengthens their organisation when former members of the RUC give evidence and support the work of the ombudsman's office. Indeed, many police officers have done so. However, as regards those who resist the call and who object: why do they object? What do they have to hide? Why are they obstinate in their objections to presenting evidence to the Police Ombudsman in the exercise of his or her duty to examine complaints against the police?

It is clear that we are talking about establishing standards, upholding ethics and reinforcing values in today's Police Service — a police service that has shown itself to be an exemplar of policing in the Western World and something of which we should be rightly proud.

I will go back to Nuala O'Loan, the previous Police Ombudsman. In 2007, she made 26 recommendations, one of which was to compel former police officers to give evidence to the Police Ombudsman in the execution of his or her duty. That remains to be implemented —

**Mr Deputy Speaker:** Your time is up.

**Mr A Maginness:** — and it should be implemented.

**Mr I McCrea:** In considering the motion, it is only right that we ensure that any evidence that is gathered from a crime scene be treated and collected appropriately. I would hate to see anyone who is guilty walk away free owing to inaccuracies in the collection of information.

The DUP is committed to making sure that effective measures are in place to ensure that evidence is handled professionally so that criminal convictions can be secured. We in Northern Ireland are no different to anyone anywhere else in the world. Indeed, only recently we saw in Italy how Amanda Knox was acquitted of the murder in November 2007 of Meredith Kercher, after gloves that were used at the crime scene were found to be contaminated. There are many other examples in England and, indeed, here in Northern Ireland of cases going to court but then collapsing owing to the ineffective handling of evidence.

Many victims live in our society without answers as a result of no one ever having been convicted for their hideous and monstrous crimes. The Historical Enquiries Team should be allowed to carry out its work to bring closure to the people whom we represent.

As some of my colleagues said, the motion, particularly its last sentence, represents an attempt by Sinn Féin to single out the PSNI, or, more accurately, the RUC, where historical cases are concerned. Since the ceasefire, republicans have trawled the name of the RUC through the dirt to justify their dirty sectarian war. I want to state how proud I am of the men and women of the RUC and the PSNI, who stood in the front line against those who wished to attack and murder our people. We should remember that there was never any justification for the atrocities that were carried out throughout the years of our troubled past.

Those criminal organisations, some of whose members now sit in this Chamber under the title of "elected Member", were responsible for some of the most hideous and monstrous crimes that the world has ever seen. It is quite hypocritical of Sinn Féin to debate the motion in its current form. I hope that it will practise what it preaches, for I have no doubt that many of the party's members, as former IRA members, have information that will be of interest to the authorities and, indeed, the victims. I hope, therefore, that Sinn Féin and the IRA hand over any information that they have that may help to resolve the many cases of terrorism that, as yet, remain unresolved.

The RUC and other legal law enforcement organisations were left during the Troubles to work in some of the most difficult and dangerous circumstances. That made evidence

gathering amid the carnage difficult. That is no justification but a matter of fact.

I, for one, would welcome the conviction of those members of the IRA who were responsible for the crimes that they hide behind and that remain unresolved. Similarly to my colleagues, I will oppose the motion, and I encourage everyone else to do the same.

**Mr S Anderson:** I also oppose the motion. Yet again, we are debating a Sinn Féin motion that I believe is inspired by nothing other than an inbuilt hatred of the RUC. It is motivated by a determination to denigrate and vilify those brave officers who helped to defeat the IRA, because defeated they were. As has been already said, they cannot get over that fact. I know that Members opposite will say that I have got it all wrong, and that their attitude to the RUC is not the issue here and that the motion is simply in the interests of justice, but, as they say in my part of the world, I did not come up the Bann in a bubble. I know, and they know, what this is all about.

The motion speaks of "police wrongdoing". That loaded terminology says it all. The endless criticism and carping from Members opposite about the Police Ombudsman is all about a wish to get their own back on the RUC. The ombudsman is not doing what Sinn Féin wants him to do to its satisfaction for a variety of reasons; therefore he is not acceptable and Sinn Féin's bottom line is that he must go. I have said it before, and I will say it again: the RUC was an outstanding police force that stood between us and terrorism. Over 300 of its members sacrificed their lives in the battle against terrorism and in the protection of this Province.

Sinn Féin mentions "police wrongdoing" in the motion. Some Members opposite might be reasonably close to those who engaged in wrongdoing against the RUC — those who murdered brave officers and injured many others. I even suspect that they might know who they were, and, if they do, it is long past time for them to bring forward the fresh evidence required to bring those evildoers to justice, because let us not forget that many of them have never been brought to account for their crimes. The lives of police officers have the same value as all other lives.

**Mr Poots:** Does the Member agree that the lives of lawyers are equal as well? As there has been a constant campaign about one particular lawyer

killed during the Troubles, perhaps Sinn Féin Members could give us some advice on how we can get justice for Edgar Graham, a colleague of yours who lost his life as a consequence of the actions of their colleagues in the IRA?

**Mr S Anderson:** I thank the Member for his question. I mentioned Edgar Graham during the Finucane debate. He was a great young academic and a promising young lawyer, and was taken out in an evil manner at the young age of 29. The time has long since gone to get the information so that those who perpetrated that evil deed could be brought to justice.

In my mind, the loss of a police officer is far greater than that of a committed terrorist who goes out under cover of darkness fully intending to murder, but who instead encounters the forces of law and order. When Sinn Féin faces up to the bloody reality of its past, then we on this side of the House might just begin to take its views on these issues a bit more seriously.

There has been talk about Nuala O'Loan and the Ombudsman's office in the past, but that office operates with limited resources. That being the case, I believe that the time is long past for us to concentrate on the present rather than the past. Some people have recently demanded that some cases concerning the RUC should be revisited by the Ombudsman's office, but we should not seek to change the law to allow that office to conduct fresh investigations without fully considering all options.

I urge the Justice Minister to give the issue very careful consideration and not to allow himself to be cajoled into responding to a republican agenda. As has been said, and I will say it as well, we on this side of the House will certainly not be cajoled, and we have no intention of giving any credibility to what I believe is another witch-hunt against the RUC, like the many we have seen in the past. I oppose the motion.

#### 5.45 pm

**Mr Newton:** I am obviously going to agree with my colleagues in all that they have said. We are observing another motion from Sinn Féin — it is very similar to others that it has tabled over the past few weeks — which has absolutely no chance of going anywhere and is really just politically motivated from a republican perspective. Sinn Féin has not tabled the motion with a view to improving the investigative standards of the Police Service or, indeed, to

increasing public confidence in the systems in place for dealing with evidence gathering. The purpose of the motion is to continue the demonization of police officers, particularly the RUC. Sinn Féin's perception is that all RUC personnel have committed wrongdoing.

The motion is politically motivated. It is an incompetent motion. It is careless in its wording. It reeks of hypocrisy, and, indeed, it comes from an organisation that has a past of glorying in murder and mayhem. That is the motivation for the motion. Of course, they would like the police to be held accountable for everything on which there is some perception that the police have made an error or done something wrong, or Sinn Féin thinks that they have done something wrong, with the perception also that there should be no investigation and no one coming from an IRA background should be held to account for the murder of police officers. Those who have been engaged in terrorism are to walk free, but the police are to be held accountable for every perception of what they might have done wrong.

The motion is incompetent. The motion states that information should be released "to any independent investigation". The word "independent" means something that is:

*"2. Free from the influence, guidance, or control of another or others; self-reliant ...*

*3. Not determined or influenced by someone or something else; not contingent: a decision independent of the outcome of the study."*

Sinn Féin wants to release any information on gathering of evidence to someone or some organisation that meets the standard laid down — independent.

We do, of course, live in a democracy. It is acceptable for MLAs to table a motion about the retention and gathering of evidence. However, this motion has been tabled only — as David McIlveen mentioned — to create fear around officers that whatever they do would be bogged down so much in paperwork, bureaucracy and red tape that an investigation would never come to a conclusion. That is what they have aimed at in the criticism of RUC officers. When there was mayhem, murders, bombs going off and terrorist activity taking place on a daily basis, the RUC officers should have been entirely meeting all the paperwork at that time.

We need to ensure that there are professional standards and that the standards of evidence and forensic gathering are indeed of a professional nature. However, we also need to make sure that those officers who met the standards that were applicable at that time, who were not criticised within the echelons of the —

**Mr Spratt:** I thank the Member for giving way. We heard Mr Maginness — who has left the Chamber now — talk about the previous ombudsman. Does the Member accept from me that the Police Federation for Northern Ireland was one of the first organisations to welcome the independent investigation of complaints against the police? In fact, the problem arose that the incumbent in the ombudsman's office highly politicised every action that she took.

That was the reason why there was no co-operation whatsoever by police officers with her office. They did not trust that office and the way in which it was handled by that individual, who was so highly praised by the SDLP

**Mr Newton:** I thank the Member for his intervention, and I very much agree with what he said. The key word that he used was "independent". We, the police and any organisation believe that we should encourage everyone to co-operate with an organisation that is independent. We do not find Sinn Féin willing to co-operate with any organisation that wants to look at past misdemeanours that it may have caused.

Where officers met all the standards of the RUC, the investigation standards and the professional standards for —

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

**Mr Newton:** — law enforcement agencies, which we know that they met, there should not be —

**Mr Deputy Speaker:** Time is up.

**Mr Newton:** There should not be a witch-hunt of those who are now being judged against current standards.

**Mr Deputy Speaker:** Your time is up.

**Mr Allister:** There is a sphere of the law called equity, whereby people make a case that the outcome that they require is an equitable necessity. There is a rule that governs the law of equity, and it is that the person seeking that

remedy must come with clean hands. Today's motion comes from those who represent an organisation with not clean hands but blood on their hands. As has been said quite rightly by several Members in the House, the motion does not seek an equitable solution across the board to a legacy issue — and this is a legacy issue. The motion seeks a partisan, party political and self-serving outcome as a means to further the campaign to vilify the RUC and, indeed, its successor, the PSNI, as has been said.

On the theme of coming to the House with this motion and making these demands with clean hands, one could well ask the mover of the motion and the speakers to it whether they have told all they know about the crimes in which they were involved. Has Mr Gerry Kelly told all he knows about the Old Bailey bombing, about those who were engaged in the background organisation of that and about those who helped in any capacity? Has Mr Sheehan told all he knows about the crimes of which he was duly convicted? Have Members on those Benches told all they know about some of the most notorious incidents in recent years, such as Enniskillen, Whitecross, Kingsmills and Teebane, or do they harbour in their hearts and in their ranks secrets — dark, bloody secrets — about all of those matters? So before anyone from the Benches occupied by Sinn Féin points a finger, they should remember the number of fingers pointing back at them. Let them be the first to lead by example. There is so much that they could do in that regard but never will.

Mr Givan, when he addressed the House, was right to identify the hypocrisy —

**Mr Poots:** Attacking unionists.

**Mr Allister:** The hypocrisy —

**Mr Poots:** Attacking unionists.

**Mr Allister:** Sorry? I am attacking unionists?

**Mr Poots:** Yes.

**Mr Deputy Speaker:** Order. The Member will resume his seat. For the third time, I have to ask that Members please make their remarks through the Chair and not across the Floor. Continue, Mr Allister.

**Mr Allister:** I am staggered by the sedentary intervention from Mr Poots to the effect that I am attacking unionists. I thought, since I got to my feet, that I had been exclusively attacking



Sinn Féin. If Mr Poots, as a Minister with Sinn Féin in the Government, feels so precious about them that, in some way, there is some sort of cross-fertilisation and he feels attacked, I am sorry. However, I was making the point that Mr Givan was right to attack the rank hypocrisy of what Sinn Féin Members have said in the debate and what the clumsily worded motion seeks to convey and where it seeks to go.

However, if Mr Poots wants hypocrisy, I could well say that, yes, there is hypocrisy in demonstrating the depth of knowledge about the real Sinn Féin and elevating those same people to the top and the heart of government.

**Mr Deputy Speaker:** Order, please. The Member will resume his seat. The Member should stick to the motion and he should not point his finger in any direction. Will you continue, please?

**Mr Allister:** I am sure, Mr Deputy Speaker, you will recall that I was led down that path by Mr Poots's sedentary intervention. However, there it is. The point is quite clear: if the cap fits, let it be worn by both —

**Mr Deputy Speaker:** Bring your remarks to a close, please. Your time is up.

**Mr Allister:** As I said at the beginning, this is a legacy issue. It is one that can only be addressed in the context of equitable —

**Mr Deputy Speaker:** The Member's time is up. He will resume his seat.

**Mr Ford (The Minister of Justice):** I must say that I am at a bit of a loss. I am not sure whether I am supposed to respond to the motion or to the debate. There was precious little connection, in most of the contributions, between the words of the motion and the debate.

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

**Mr Ford:** As Minister, I must respond to some of what was said in the debate, although I shall also attempt to respond to the motion. Mr Kelly, in proposing the motion, effectively called for police officers to be compellable to co-operate with the ombudsman. He also asked to whom civilians who had previously been police officers were accountable. They are, of course, accountable to the Chief Constable. The ombudsman has specific responsibilities to those who have the particular power of a constable. However, the ombudsman and his predecessor have both highlighted the issue of

accountability of civilian staff when those staff carry out duties that are analogous to policing-type functions.

Meanwhile, in response, DUP Members mostly seemed to see the debate as an opportunity to restate their support for the RUC and the PSNI. I think that Mr Allister agreed, although I am not sure that Mr Poots agreed that Mr Allister agreed. At least, at the end of the debate, Mr Newton considered something of the wording of the motion to which I shall now attempt to return, Mr Deputy Speaker. It is right and reasonable that the Assembly should debate issues like this.

The timing of the debate is perhaps opportune but also slightly premature because, in the coming months, I intend to use the ombudsman's five-year review, which I received today, and the Department's internal consideration of the Office of the Police Ombudsman, on which work has been ongoing for some months, as the means for a public consultation on a range of matters relating to the legislative provisions that govern complaints against the police. Of course, I will welcome Members' views at that stage, as we proceed through the process. So before we pass motions on what should be done, perhaps we should, at this stage, look to see what the current situation is.

At present, under the Police (Northern Ireland) Act 1998, the Chief Constable is obliged to pass to the Police Ombudsman all relevant materials to facilitate the investigation of complaints made against the police. That includes the provision of serving officers' notebooks, duty statements and other documentation. In matters that are potentially criminal, police officers can be subject to criminal interview within the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989, which apply to any citizen. The majority of police officers who attend for criminal interview do so in a voluntary capacity. In matters that are criminal, the ombudsman has, under the Police (Northern Ireland) Act 1998, powers of search and arrest.

Of course, as has been stated on a number of occasions in the debate, in matters of simple misconduct, the ombudsman cannot order an officer to attend for an interview if that officer decides not to, but the ombudsman can request that the PSNI order the officer to attend. An officer's failure to do that may well constitute a breach of regulations and the PSNI code of ethics.

I remind Members that misconduct is by definition not criminal activity. The powers that are granted to the police and others to deal with matters of criminality are probably greater than those granted to deal with misconduct.

### 6.00 pm

Stewart Dickson specifically outlined the obligations on the Chief Constable; I shall not restate those. The code of practice that was issued under Part II of the Criminal Procedure and Investigations Act 1996 sets out the manner in which police officers are to record, retain and reveal to the prosecutor material that has been obtained in a criminal investigation that may be relevant to an investigation.

As was said in the debate, the Criminal Justice Inspection report concluded that the legislative basis for the work of the ombudsman's office is solid and provides the necessary framework for the operation of an independent complaints body. However, there are also operational protocols in place that help to define the relationship between the ombudsman's office and the police. It is now the practice that officers send all police-related documentation to the PSNI archive when they leave the PSNI. It is acknowledged that that was not always the case. In the past, it was common for officers to retain notebooks and journals after they left the service. Therefore, in respect of the retention and release of evidence from officers, I do not see the existing provision as inadequate. There is already sufficient legislative provision to deal with the retention and release of evidential material from officers in general criminal matters.

It is clear that, unless the matter involving former officers is criminal in nature, there is no legislative requirement to compel former officers to co-operate with the ombudsman's office. Such investigations depend on the co-operation of former officers through attendance at interview and making available documentation that they may have retained. As I said, the ombudsman's office has been engaged in its second five-year review of its governing legislation, the report of which I received today. I have obviously not had time to study it. However, in that review, there are references to the Police Ombudsman being empowered to compel former or retired officers to attend interview as a witness and to provide all relevant documentation in their possession to the Police Ombudsman when he is conducting investigations involving grave

or exceptional matters. Those issues were highlighted specifically by Conall McDevitt and Alban Maginness.

I have stated on previous occasions but will restate for Stewart Dickson's benefit that I will consult publicly on the five-year review in the coming months. The basis for the consultation will be to best serve public confidence in policing. Today's debate should inform how we progress the issue of compellability and whether there is consensus on the need for such powers. Hopefully, we may establish whether there is a need for any other powers to improve and enhance the operation of the ombudsman's office in a less heated atmosphere.

The public and the police have a right to expect an effective and independent complaints system. It is a key part of the policing architecture in Northern Ireland and is intended to secure public confidence in the Police Service. The system for current complaints is fully functioning. We now need a fully functioning system to deal effectively with historical cases. There is, of course, the key issue of ECHR compliance in dealing with historical cases; Mr Givan and Mr McIlveen made that point in the debate. The Justice Department and I will take the steps that we properly can to enable and support that. However, I listened with interest to Basil McCrea making a point that I have made on a number of occasions, which is that the institutions of the justice system that deal with historical issues cannot be proxy for the Assembly as a whole dealing with the past in a collective and inclusive way.

I have noted the various points made in the debate. I believe that those should inform the wider consideration of the powers of the ombudsman, first by me and then by the Assembly as a whole. The issues raised today should not be judged prior to my consideration of the issues raised in the ombudsman's five-year review. Today, we have heard diverse opinions on the call for additional provision in respect of the retention and release of information from officers. Therefore, I will not support the motion today; I believe that it is premature. However, I will carefully study the issues raised in the debate. I expect the House as a whole to participate as we consider the five-year review.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle, Beidh mé ag labhairt

ar son an leasaithe inniu. I will speak on the motion, but I will preface my remarks by saying that I hope that you will read Hansard. Sinn Féin represents the people who elected us to be here and no one else. Comments were made today, and, in previous times, the Speaker has cautioned people about their language. In light of that, I hope that you will check Hansard.

In debates like this, it is sometimes appropriate to remind Members of the motion. It states:

*“That this Assembly calls on the Minister of Justice to introduce effective measures to ensure that information and evidence provided by former or serving police officers is retained and released to any independent investigation into allegations of police wrongdoing.”*

We would have accepted the Ulster Unionist amendment, which would have inserted “when necessary for any investigation” after “released”, and I am a bit disappointed that they did not propose it. We accept that Mr Hussey may be sick, but the amendment was tabled in two other names, and I think that they should have proposed it. It would have added to the substance of the motion and the debate.

In proposing the motion, Gerry Kelly laid out the context, which is to create equality before the law so that there are proper investigations. I do not think anyone should fear that. There is public concern, which is that investigations are incomplete and have not been proper and thorough, simply because former police officers and certain police officers do not have to co-operate if they do not wish to. All of us should try to circumvent and prevent that for the future, and I do not think anyone should fear that. Indeed, in all the speeches that were made, I never heard anybody put forward a reason why someone would not want to co-operate with an investigation.

We get the usual feeling that people think that the motion was somehow a plot to undermine the RUC. There is no plot, and, if former RUC officers have nothing to fear, why would they not co-operate? Why will they not just come forward and say that they will co-operate in an investigation? No one gave an explanation for that. You all spoke, and Edwin Poots described the debate today as tedious. It was so tedious that there were, I think, six contributions from the DUP, and the Health Minister is so busy with his portfolio that he can take an hour and a half out to come to a tedious debate. Therefore,

there are a lot of contradictions, and people are not focusing on what the motion is about.

Mr McIlveen, in a very temperate contribution, talked about three cases: Stephen Lawrence, Madeleine McCann and Amanda Knox. If anyone here tonight heard that a former officer involved in any of those cases had refused to come forward, simply because they did not want to, would you say that that was good conduct or bad conduct? I think most people would say that any person who can help an investigation should come forward.

**Mr T Clarke:** I thank the Member for giving way and for saying that any Member who has information should give it. I am sure that a special arrangement can be made for yourself if you want to go to the nearest RUC or police station and give whatever information you have after the close of business today.

**Mr McCartney:** The RUC stations are closed.

**Mr T Clarke:** You seem to demonise the RUC stations. I am quite happy to call them RUC, PSNI or police stations.

**Mr Deputy Speaker:** Order. The Member will resume his seat. Members must show moderation at all times. They should not personalise the debate.

**Mr T Clarke:** I thank the Deputy Speaker for his intervention. May I suggest, through the Deputy Speaker, that the Member opposite could arrange a suitable time after the business today to go to the nearest police station and give any information that he or any other Members who are sitting on the Benches with him may have? If he is so passionate about justice, getting all the information brought forward and the truth, then give it out.

**Mr McCartney:** Again, rather than focus on the argument, he takes us to another place. You have had many opportunities to table that type of debate. Today's debate is about trying to bring about a situation —

**Mr Deputy Speaker:** The Member will resume his seat. I am not going to allow any more cross-Chamber chat. I will note the names of Members who continue to do that and report them to the Speaker.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. The Minister and Stewart Dickson said that this was not a timely

motion or whatever. Four or five years ago, the ombudsman put forward 24 recommendations, one of which was to deal with this subject. We all know what happened then. That is why we feel that the motion is timely. We welcome the fact that the recommendations and the review of the ombudsman's office are now in your office and that you will go to public consultation. However, this recommendation was made four years ago. It went through the filter.

**Mr Ford:** I appreciate the Member's giving way. You seem, on one hand, to be saying that you accept that the Department of Justice will now handle the five-year review seriously, but, at the same time, you insist that we should go ahead with the motion today. If you accept the bonafides of the current Department and the current Minister, surely you accept my commitment to that consultation; therefore, today's motion is inappropriate.

**Mr McCartney:** It is not inappropriate. We are saying to you in very clear terms that, in our opinion, you have to bring in legislation that will compel former officers of the RUC to provide evidence to investigations. That is our political position. You may have a public consultation; that does not undermine the consultation that you have to carry out. We are saying that because officials in your Department were the people whom you had to initiate investigations into and reports on because they interfered in the work to ensure that those recommendations would not see the light of day. We can shake our head and pretend that that was not the case, but we all know what happened. We all know that that went on between officials in your office and people in the ombudsman's office to undermine those reviews.

**Mr Deputy Speaker:** Order. The Member will resume his seat. The Member must not make any reference to officials.

**Mr McCartney:** OK. I was not making reference to any officials of the Assembly; I was making reference to a public investigation. It was a point that I had to make. It is not an attack on officials. That is on public record, and it is publicly stated. I am not challenging the authority of the Speaker, but I am putting in context the remarks that I made. I want to stress that point.

In relation to a number of contributions, I want to make this point, and I want to say it in this context: the HET did a report on the

shooting dead of a woman in Derry city. It was then tasked to find out the names of the four British soldiers who were involved in that incident. Nowhere on public record, either in the investigation, the Coroner's Court or anywhere else, are the names of the people who were involved in that incident, except one — the person who was responsible for shooting the person dead.

The HET asked to speak to the RUC officer who was in charge of the investigation and of handing it over to the Royal Military Police. They wanted to interview that person to ask them a simple question: what was the name of the British soldier who conducted the investigation? He refused to co-operate.

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

**Mr McCartney:** No, I am not giving way.

He was not asked any questions, and he was not asked to provide any secrets. He was asked a simple question: would he come forward and be part of that investigation? He refused. If people are telling me that that is how we want to take this forward, they have big questions to ask. That cannot be seen by the people who see a plot and a theory every time a person raises a question as to how an investigation was carried out at a particular time. People cannot dismiss this as some sort of plot against the RUC, when people in the HET made a very simple request. That request was to speak to an officer. They did not make any allegation of wrongdoing or mishandling. The HET asked to speak to him to see if he could inform it of the names of the British soldiers, which are not on public record. Bear in mind that in the North of Ireland a situation pertains in which four people can take part in a shooting incident and provide evidence to the Coroner's Court, yet their names cannot be traced anywhere. That is the reason why.

We have seen situations in which former RUC personnel have taken with them their notebooks, and we have seen programmes in which they have willingly co-operated and provided their notebooks. In fact, one of them has said that he once tried to sell it to a Sunday newspaper. If they can do that in those circumstances, why would they not come forward to help in an investigation either by the Police Ombudsman or the HET? I want to stress that those who see a plot to denigrate anyone are the people who have something to hide. That is why —

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

**Mr McCartney:** —some people have run away, as usual, from the core of the argument and turned it into a smokescreen about something else.

**Mr Deputy Speaker:** Order. I remind Members that a valid petition of concern has been presented in relation to the motion. The vote will be taken as the first item of business tomorrow morning.

*Adjourned at 6.15 pm.*







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