

Official Report (Hansard)

Monday 19 November 2012
Volume 79, No 5

Contents

Assembly Business

Suspension of Standing Orders.....	1
------------------------------------	---

Executive Committee Business

Water and Sewerage Services (Amendment) Bill: First Stage.....	1
--	---

Superannuation Bill: Final Stage	1
--	---

Committee Business

Committee on Standards and Privileges: Report on Complaints Against Mr Jim Wells MLA.....	5
---	---

Welfare Reform Bill: Ad Hoc Committee on Conformity with Equality Requirements.....	25
---	----

Oral Answers to Questions

Regional Development	28
----------------------------	----

Employment and Learning.....	34
------------------------------	----

Private Members' Business

Child Poverty Action Plan	41
---------------------------------	----

Cross-border Education.....	62
-----------------------------	----

Employment Law Reform	79
-----------------------------	----

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:

The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.

Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

to arrive not later than two weeks after publication of this report.

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Brown, Ms Pam (South Antrim)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Sean (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Cairiona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 19 November 2012

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

Members observed two minutes' silence.

Assembly Business

Suspension of Standing Orders

Mr Dickson: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 19 November 2012.

Mr Speaker: I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 19 November 2012.

Mr Speaker: As there are ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. Today's sitting may go beyond 7.00 pm.

Executive Committee Business

Water and Sewerage Services (Amendment) Bill: First Stage

Mr Kennedy (The Minister for Regional Development): I beg to introduce the Water and Sewerage Services (Amendment) Bill [NIA 16/11-15], which is a Bill to enable the Department for Regional Development to continue to make payments to water and sewerage undertakers for a limited period; and to make provision requiring certain notices to be registered in the Statutory Charges Register.

Bill passed First Stage and ordered to be printed.

Superannuation Bill: Final Stage

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

That the Superannuation Bill [NIA 6/11-15] do now pass.

I record my gratitude to the Chairperson and members of the Committee for Finance and Personnel for their detailed scrutiny of the Superannuation Bill. That was evidenced by the need to extend the Committee Stage beyond the usual time and the number of evidence sessions that were held with the Civil Service trade union representatives and other stakeholders, including the Chartered Institute of Personnel and Development, the Human Rights Commission, the Equality Commission and departmental officials. I also thank Members for their support, and I look forward to their continued support in the passage of the Bill through to its Royal Assent.

I now turn to the Bill. The Superannuation Act 1972 in Great Britain was amended in December 2010 to remove the requirement in that Act for trade union consent to detrimental changes in the Civil Service compensation scheme in Great Britain. However, it also augmented the procedure for consultation with trade unions by introducing new reporting requirements to document the consultation that is being carried out with the aim of reaching agreement on changes.

As Members may know, the Northern Ireland Civil Service generally operates pension and compensation scheme arrangements on the basis of parity with Great Britain. The Superannuation Bill will amend the Superannuation (Northern Ireland) Order 1972 to position the Department of Finance and Personnel to introduce equivalent secondary legislative changes to amend the terms of the compensation scheme for the Northern Ireland Civil Service in line with those introduced for Home civil servants in December 2010. However, until the Superannuation Bill becomes law, the Civil Service compensation scheme in Northern Ireland cannot be amended. That means that the terms of the compensation scheme for the Northern Ireland Civil Service remain more generous than those in operation in the Home Civil Service scheme. Failure to maintain parity with Great Britain and to realign the two schemes will exert an unjustifiable pressure on public expenditure in Northern Ireland. In short, the Bill is important and necessary legislation.

As you know, during Committee Stage, the Committee considered that a strong case existed for amending the Bill to provide for a measure of Assembly control. As such, the Committee proposed an amendment that would subject any scheme that has the effect of reducing the amount of compensation benefit to negative resolution. I welcomed the opportunity to consider that amendment and, after consultation with the Office of Legislative Counsel, I agreed to it as it will strengthen the role of the Assembly, address the trade union concerns about fairness and scrutiny and provide a level of assurance in that regard.

As discussed at Consideration Stage, the newly reconstituted pension forum offers the opportunity for compromise and agreement on potential nuances in the timing and substance of compensation scheme changes. The pension forum continues to meet regularly, and I believe that it is a perfect vehicle for meaningful engagement and consultation between my Department and trade unions.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. I welcome the Final Stage of the Superannuation Bill.

As part of the Committee's consideration of the Bill, it received written submissions and held oral hearings with key stakeholders. The Committee agreed a number of key conclusions and policy recommendations in addition to the amendment to the Bill, all of which helped to address issues raised in evidence. Those were set out in detail in the Committee report and were accepted by the Minister. I addressed the provisions of the Bill in detail during the debates at its previous stages, but I would like to take this opportunity to highlight the work that the Committee will be concerned with as a result of the Bill coming to pass.

Members were mindful that the removal of the requirement for the Department to obtain the consent of the Civil Service trade unions for a reduction in benefits provided under the Civil Service compensation scheme was always going to be a contentious issue. During Committee Stage, the Department provided important clarification that engagement between Civil Service management and the trade unions offers opportunity for compromise and agreement on potential nuances to the timing and substance of compensation scheme changes in the North. In its report, the Committee recommended that local consultation with the trade unions should be undertaken at the formative stage of policy development and in tandem with, rather than subsequent to, the respective Whitehall Department. The Committee believes that the pensions forum has the potential to provide an appropriate mechanism for meaningful engagement in that regard.

I now turn to the agreed amendment to the Bill, the specifics of which were well rehearsed during the debate at Consideration Stage. The Committee believes that the agreed amendment will provide a measure of Assembly control, which is appropriate in the context of devolution. After some debate, the Committee opted for the negative resolution procedure in the amendment to align more with the provision in the 1972 Order for changes to the compensation schemes of other public servants. In addition, the Minister has provided assurances to the Committee regarding the Department's intention to observe the 21-day rule in the laying of a scheme under such Assembly control.

The work that arises from the Bill, in particular the engagement undertaken in relation to future subordinate legislation, will, therefore, be conducted in the context of the safeguards in the Bill and the assurances that the Department has provided to the Committee and the wider Assembly. In terms of the assurances, consultation reports laid by the Department under clause 2 of the Bill will be expected to demonstrate and provide transparency by setting out in detail the appropriate steps that have been taken to try to secure agreement between management side and trade union side.

I thank the Minister and departmental officials for their responsiveness and assistance to the Committee throughout the development of the legislative proposals. On behalf of the Committee, I formally support granting the Bill its Final Stage.

Mr Cree: I support the Bill's Final Stage. As the Committee Chairman said, quite a lot of evidence was taken, and members decided to support the Bill throughout and are pleased to support its Final Stage.

Mr D Bradley: Go raibh maith agat, a Cheann Comhairle. Éirím le tacaíocht a thabhairt do Chéim Dheiridh an Bhille. I support the Bill at Final Stage.

The Minister referred to the amendment to the Bill, which I think strengthens the Assembly's role by giving Members, the Committee and political parties the opportunity to hold the Department to account. Without that amendment, it would simply have been a matter of taking the veto away from the trade unions and handing it to the Department, and there would certainly have been an element of hypocrisy in that. It will become the case that a veto, if there is one, will be given to the Assembly, which is where I believe it should be. That is good for the devolved institutions and for democracy.

The Committee had some debate about the differences between consultation and negotiation. At the end of the day and because of the lack of case law around negotiation, the Committee preferred to follow the legal precedent associated with consultation. However, I think that the amendment urges the Department to consult seriously with trade unions. The report produced as a result of such consultation would be subject to negative resolution, and I think that will encourage the Department to ensure that real efforts are made to reach agreement with the trade unions. So, I think that the Committee's scrutiny has been

helpful and has produced a fair outcome in relation to the Bill. For that reason, I support the Bill.

Mrs Cochrane: I, too, welcome the opportunity to speak briefly at the Bill's Final Stage. Given the ongoing economic uncertainty facing our society, there is an evident and pressing need for us to continually revise and refine how we govern. That applies equally to the processes that we employ to maintain the pension and compensation schemes for our public sector. As other Members have said, the Bill primarily amends the Superannuation (Northern Ireland) Order 1972, with a fundamental change relating to trade union engagement when changing the Civil Service compensation scheme.

The enactment of the Bill will remove the requirement for trade union consent to any proposed changes to reduce compensation levels payable to civil servants on redundancy. However, as the unions play a vital part in representing our public sector workers, the new requirements in the Bill will call upon the Department to report on the consultation process that is undertaken. The introduction of such a requirement places the responsibility on the Department and the Minister to be transparent and accountable in how they present information and engage in consultation. That should ensure due process and that credence is given to the trade union voice. The Alliance Party, therefore, supports the passage of the Bill.

12.15 pm

Mr Wilson: I thank Members for the contributions that they have made in this short debate. It is an important issue. I do not think that the shortness of the debate is in any way reflective of how important the issue is. Of course, it is an important issue, but the fact that the debate has been a short one is an indication of how much work was done at Committee Stage to satisfy the members that the legislation that is coming forward has sought to provide the safeguards that they wished to see, while at the same time recognising the reality that I spelt out at the start of the debate — namely, that we need to have the changes in place if we are going to have the changes in the superannuation scheme. If we do not bring those through, it will, of course, be very costly to the Assembly. I think that Members at least recognise that, where there are parity issues and where deviation from parity is going to incur huge costs to the Assembly, whether they like parity or not, and whether they would like to plough

their own furrow or not, nevertheless, there are constraints upon us. It really is cavalier to suggest that we can go our own way regardless of the economic consequences.

I thank the Members for the way in which they have conducted the scrutiny of the Bill. As I have said, and as Members have acknowledged, as a result of that scrutiny and of recommendations that were made, we have amended part of the Bill to try to strengthen the role of the Assembly. All of the Members made the same point, which was to ask, if we are taking away the veto from trade unions, what we can do and what we are doing to ensure that at least there is proper consultation and that, when we say that we are going to consult, there is some mechanism to determine whether that consultation has been proper.

There are a number of things. First of all, we have the pensions forum, which meets monthly, where those issues are discussed, as Mr Bradley and the Chairman said, at an early stage with the trade unions. There is a long process of looking at any changes that are to be made so that there can be a proper input. I actually think that that ongoing work is better than what some people suggested, which was to have a fixed period of consultation, because it allows all the nuances that people have talked about to be gone through.

The second thing is that not only does there have to be that process but a report has to be made to the Assembly on what consultation has taken place, with records of that consultation. We have said that, when the Assembly is considering any changes to the compensation scheme, we will lay the regulations 21 days prior to the discussion. So, there is the report looking at the consultation; there is the 21-day period; and then, of course, there is the change that we have agreed with the Committee, which is the negative resolution. I am not so sure that we would call it an Assembly veto, as Mr Bradley described it, and I hope that it is seen not as that but as a genuine attempt to give the Assembly its say and a chance to look at all the information in terms of any superannuation changes and how we have come to reach that point.

Mr Bradley raised the issue, which the Committee had talked about, of whether it should be consultation or negotiation. It is quite clear from the terms of the reference of the pension forum with the trade unions that it was formal consultation and not negotiation. The whole idea of consultation is that it is designed to reach agreement, if that is possible. In negotiations, of course, you have to reach

agreement, so there is a difference. Negotiation is used more for pay issues than superannuation issues.

I hope that I have shown to the Assembly that, first, although this change is necessary, it reflects what is happening in the rest of the United Kingdom. It is necessary if we are to get changes made quickly, but it still has built-in safeguards. For those reasons, I ask the Assembly to pass the Bill and allow it to move quickly to Royal Assent. That will allow us to put in place the arrangements that are necessary to change the compensation scheme in time to avoid any economic penalties for the Executive and the public purse in Northern Ireland.

Question put and agreed to.

Resolved:

That the Superannuation Bill [NIA 6/11-15] do now pass.

Committee Business

Committee on Standards and Privileges: Report on Complaints Against Mr Jim Wells MLA

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer of the motion will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. Mr Wells will have 10 minutes to make his contribution, and all other contributors will have five minutes.

A valid petition of concern was presented on Friday 16 November in relation to this motion. I advise Members that the vote on the motion will be on a cross-community basis.

Mr McCarthy (The Deputy Chairperson of the Committee on Standards and Privileges): I beg to move

That this Assembly, in consideration of the report of the Committee on Standards and Privileges (NIA 71/11-15), imposes upon Mr Jim Wells MLA the sanction of exclusion from proceedings of the Assembly for a period of seven days beginning on the day after the resolution.

Before I start, Mr Speaker — *[Interruption.]*

Mr Speaker: Order.

Mr McCarthy: — I congratulate you and all of your staff on a wonderful weekend of celebrations for this Building.

I move the motion on behalf of the Committee on Standards and Privileges, and, in doing so, I ask the Assembly to agree to impose upon Mr Jim Wells the sanction of exclusion from the proceedings of the Assembly for a period of seven days.

I take no satisfaction whatsoever in asking the Assembly to do this. However, I think that the Assembly has a duty to respond to the breach of the code of conduct that has been identified by the interim Assembly Commissioner for Standards and the Committee on Standards and Privileges.

All Members have received a copy of the Committee's report on the complaints about the conduct of Mr Wells that were made by Ms Carál Ní Chuilín and Ms Mary McArdle. Each

complained about separate encounters with Mr Wells in June 2011. The former interim Commissioner for Standards, Dr Tom Frawley, investigated those complaints, and Members have also received a copy of his reports.

Ms Ní Chuilín alleged that, on 8 June 2011, Mr Wells confronted her on the West Staircase in Parliament Buildings in an aggressive and threatening manner. She said that Mr Wells had pointed his finger very close to her face and told her that she would not be welcomed by the Ulster-Scots community and that neither she nor her special adviser would be going to south Down.

As we all know, Ms Ní Chuilín's special adviser at that time was the other complainant, Ms McArdle. Specifically, Ms Ní Chuilín claimed that Mr Wells had said to her:

"You needn't think you are going to bring that murderer to South Down."

Ms Ní Chuilín described Mr Wells as having been very angry, venomous and intimidating during this encounter and said that she had found the exchange completely unexpected and unsettling. Ms McArdle alleged that Mr Wells confronted her later the same month. She said that he passed her on the first floor corridor in Parliament Buildings and said to her, "There is the murderer herself." She went on to say that Mr Wells told her that she had murdered a young woman coming from her place of worship, that she was a disgrace and that she had better not dare come to south Down. Ms McArdle said that the whole exchange lasted one or two minutes and that, during that entire time, Mr Wells wagged his finger in her face. She described Mr Wells as having been forceful, aggressive and intimidating during the encounter and said that she considered his conduct to be an abuse of power.

Mr Wells has accepted that separate exchanges took place between him and each of the complainants on the dates in question. There is no real dispute about the general tenor of those encounters. There are, however, some specific differences between the complainants' and Mr Wells's accounts of the respective exchanges. In respect of his encounter with Ms Ní Chuilín, Mr Wells said that he told her that he disagreed with the appointment of Ms McArdle as her special adviser. He considered that he had most likely made a remark along the lines of, "You had better not bring her to south Down." Although Mr Wells believed that he may have wagged his finger towards Ms Ní Chuilín, he had no

recollection of having pointed his finger at her in an aggressive manner.

In respect of his encounter with Ms McArdle, Mr Wells disputed the allegation that he called her a murderer, although he said that he had mumbled a snide remark as he passed her. He said that he had used the phrase "monster adviser" before saying to her, "You murdered Mary Travers coming out of her Catholic place of worship." Mr Wells said that he may well have said to Ms McArdle that she was a disgrace and that she had better not come to south Down. However, he disputed that he had used the word "dare" in this context.

The interim Commissioner was unable to corroborate either Mr Wells's or the complainants' accounts of the exchanges that occurred. The interim Commissioner, therefore, examined the provisions of the code of conduct against the conduct that Mr Wells himself acknowledged in responding to each of the complainant's complaints against him. Having done so, the interim Commissioner concluded that Mr Wells had breached the code of conduct. Specifically, the interim Commissioner said that Mr Wells's conduct on both occasions was in conflict with the principles of conduct of respect and good working relationships.

The Committee has agreed with the interim Commissioner's conclusions. The code of conduct requires Members to treat other Members and their staff with courtesy and respect. Individuals should not be subjected to unreasonable and excessive personal attack. That is clear. It is the Committee's view that, on each of the two occasions in question, Mr Wells's conduct went beyond what is acceptable under the code of conduct.

Mr Allister: Will the Member give way?

Mr McCarthy: No; sorry. I am too busy at the minute with this. You will have plenty of time to contribute afterwards.

The Committee also reached that view after giving the matter careful consideration. We recognise Members' rights to express their opinions, and we agree, of course, that Mr Wells should not have been prevented from expressing his opinion on Ms McArdle's appointment. However, the issue is the manner in which Mr Wells expressed his opinion. When you confront someone in the corridor, call them a monster, point your finger in their face and warn them to keep out of a certain area, you have crossed the line into unacceptable behaviour.

It is a matter of real regret that the Committee had to bring this motion to the Chamber. The Committee had agreed that an appropriate apology from Mr Wells would have been a fitting and proportionate resolution to the matter. It is very disappointing that Mr Wells chose not to apologise. His failure to apologise left the Committee with no option but to bring forward this motion to impose a sanction and, therefore, to have this debate.

Before concluding my remarks, I would like to make a few comments on behalf of my party and on my own behalf.

Once again, I express sincere sympathy to the Travers family on the heinous and shocking loss of a beloved member of their family. It is obvious that, as for so many other victims of the Troubles, their pain and suffering continue. No doubt, today's proceedings will exacerbate that pain.

Our primary aim as Members is to make good legislation, to help and advise all our constituents and to abide by a set of rules. We should be using this hour and a half to help eradicate poverty, to help get jobs into Northern Ireland and to help prevent so many people — 392 people — losing their home —
[Interruption.]

12.30 pm

Mr Speaker: Order. I ask the Member to take his seat. The motion before the House was tabled by the Standards and Privileges Committee. This debate is about nothing else and nothing more. I warn all sides of the House that I will not allow any Member to widen the debate. I will not allow that to happen. Mr McCarthy, please continue.

Mr McCarthy: Thank you, Mr Speaker.

The entire Assembly approved the appointment of an independent ombudsman. He has completed his work fairly and squarely. Surely we have a duty to support his findings, whether we like them or not. I thank Dr Tom Frawley and his staff for the work that they have completed on our behalf.

Mr Wells must surely acknowledge that he went overboard and crossed the line. He could quietly have made amends for his actions. Of course, Mr Wells was not the only one outraged at the appointment: we were all outraged. Why is it so difficult for DUP Members and perhaps other Members to say, "Sorry"? Even David

Cameron, the British Prime Minister, stood at the Dispatch Box and said, "Sorry".

Mr Speaker: Order. I am being reasonable with the Member, but he is going outside the brief of the motion.

Mr McCarthy: Members have got the gist of what we are talking about today. I was disappointed to learn this morning that a petition of concern had been tabled. That is another misuse of the mechanisms of the House. I urge Members to support the motion.

Mr Ross: First, I thank Mr McCarthy for proposing the motion. As Chair of the Committee, I would generally do so, but, given that I am totally opposed to the motion, voted against it in Committee and will vote against it again today, it was not appropriate for me to propose it.

On his personal remarks as a member of the Alliance Party, I must ask Mr McCarthy, if he thinks that we should follow the Commissioner for Standards on everything that he does, what the point is of having the Committee in the first instance.

I, too, am disappointed that we have got to this stage. Many difficult decisions in Committee have been handled with a level of maturity, as such issues should be. However, the fact that we have brought the motion to the Floor of the House shows a degree of failure in the Committee.

The motion calls for the suspension of Mr Jim Wells for a week from the House. It is not about whether Mr Wells broke the code of conduct when he had his encounter with the two individuals. Mr McCarthy, it is important to clarify that there was not agreement in Committee on whether Mr Wells had breached the code of conduct in the first instance, nor was there agreement on whether we should table the motion. There are Members on this side of the House who argued that Back-Benchers have a fundamental right to express their own views and a right to challenge Ministers on decisions that they have taken, particularly those that were taken in a context in which people across Northern Ireland were left very upset.

I also heard, during the discussions on the report, Committee members talking about how it was important that we protect the integrity of the Committee and the integrity of the House. That was absolutely right, but the motion does nothing to protect the integrity of the House or

the integrity of the Committee. Indeed, I heard Mr McCarthy propose in Committee that we should suspend Mr Wells for an indefinite period. That would do nothing to enhance the integrity of the House. The motion in front of us was proposed by Members from Sinn Féin and supported by the SDLP, the Alliance Party and the Green Party.

Mr McCarthy: I thank the Member for giving way. I do not recall saying what you have just said I said. When it was proposed that Mr Wells be suspended, I remember posing the question of whether he would be suspended with or without pay. That is a different subject.

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

Mr Ross: I appreciate that, Mr Speaker. My recollection is very different, and I will be interested to hear if other Members agree with my recollection that the Member proposed that Mr Wells should be suspended indefinitely until he came to the House for an apology.

Let me put on record the reason why I think the House should oppose the motion. It is very simple: this is not a proportionate response to the alleged breach of the code of conduct. To suspend a Member for a week for allegedly having had an encounter with a Minister and her adviser in the corridors in which they claimed that they were upset is not —

Mr McCartney: On a point of order, Mr Speaker, the Member said that there was an alleged breach. From my reading of the report, there was a breach. I want the Speaker to rule on that.

Mr Speaker: Allow the Member to continue.

Mr Ross: It is not a punishment that in any way fits the crime, and it is not a proportionate response. If Members take a cursory look at other legislatures around the United Kingdom and in the Irish Republic, they will see that this is not a proportionate response.

I want to draw the House's attention to other jurisdictions in which there have been suspensions of a Member for a week or longer. On 12 May 2011, Mr David Laws was suspended from the House of Commons for seven days for a breach of rules regarding rented accommodation. It was around the misuse of expenses. On 25 January 2008, Derek Conway was suspended from the House of Commons for 10 sitting days for serious misuse of parliamentary funds when he was

paying his son for work that he was not judged to be doing. Again, that is a serious financial matter. On 2 February 2005, Mr George Galloway was suspended for 18 sitting days for receiving undisclosed personal financial benefit from the regime of Saddam Hussein. Mr Clive Betts was suspended for a week for the employment of a personal friend whose study visa had expired and for being party to altering a letter that was then presented to an immigration official. Again, that was a very serious breach of the code of conduct in the House of Commons, and he was suspended for seven days. In 2002, Keith Vaz was suspended for a month for allegations that he had interfered with an investigation.

It is not just the House of Commons that we can look to for evidence; we can look at the Scottish Parliament. On 1 March 2007, Mr Brian Monteith was given a suspension of five days for disclosure of confidential information to the media. Again, that was a serious breach in which a Member leaked information to the media. On 1 July 2005, a number of Members — Colin Fox, Frances Curran, Rosie Kane and Carolyn Leckie — were suspended for a month for disorderly conduct during First Minister's questions, and that matter was referred to the Scottish Committee. Again, the Scottish examples are about serious breaches of the code of conduct. Something similar happened in Wales in May 2012, when Keith Davies was censured for unreasonable behaviour in a hotel room that was paid for by the taxpayer.

Mr F McCann: Will the Member give way?

Mr Ross: I will not give way because I have very little time left.

I have made the point that this is not a proportionate response. In other jurisdictions throughout the United Kingdom, this is not how such a situation is handled. It will set a precedent in Northern Ireland that a Member who commits a minor breach of the code of conduct will be suspended for a week.

Mr Speaker: The Member's time is almost gone.

Mr Ross: I ask the House this: given that a precedent is being set for such a minor breach, what will we do with a Member who seriously breaches the code of conduct? I urge the House to protect the integrity of the Committee and the House and vote against the motion today.

Mr Speaker: The Member's time is up.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom cúpla focal a rá i dtacaíocht an rúin. I will say a few words in support of the motion. I disagree with the Chair. It is his role to direct and guide the Committee, and the majority of people in the Committee voted for the motion. Mr Speaker, I am glad that you gave the direction on how the debate should take place, because I do not want to see people going off on a tangent. This is about a motion being tabled by a Committee and brought to the Floor of the House by the majority of the Committee. I would like Members to stick to the motion. Unfortunately, over the past number of weeks, a few contentious motions have been brought to the Floor of the House, and this is another one. As the Deputy Chair of the Committee said, we should be talking about unemployment and poverty and everything else. *[Interruption.]*

Mr Speaker: Order. The Member has the Floor.

Mr Boylan: This is a Committee motion; it is not a Sinn Féin motion, so Members may understand that. Although my name is on it, it is normally the procedure that the Committee's name should be on it because it tabled it. However, I accept that my name is on it.

I want to bring a few things to the Floor of the House. This whole Building is an office, be it the basement for refreshment; the ground floor, where this very Chamber is based for debate; the first floor, where people can bring issues to Ministers; the second floor for administrative backup; the third floor offices; or the fourth floor for IT and HR. The whole Building is used for the benefit of Members to bring debates and to support them in their role as MLAs. We are talking here about the Nolan principles and how Members should — *[Interruption.]*

Mr Speaker: Order.

Mr Boylan: — conduct themselves in this Building. It is an office. Members can deny that all they like, but, basically, that is what it is. The Chair spoke about what happened in Committee. The issue is that the Member has been found in breach, and that is in the report. I had to laugh when I heard him, because I have experienced working with Mr Wells in Committee in a previous mandate and I have never heard Mr Wells mumble anything. He is very articulate in everything that he puts across — I will give him that — so I do not accept what he said here in response. He will have a fair crack of the whip.

I want to spend my remaining two minutes talking about the role of the Committee. All Members are mandated to represent their communities here, but they also signed up to the Good Friday Agreement and this institution and how it should — *[Interruption.]*

Mr Speaker: Order.

Mr Boylan: — and the formation of the institution. They are either here to respect that or they are not. They are either going to follow the rules and regulations of it or they are not. That is what I am saying. So, we are part of a scrutiny Committee. We have gone down the route of having an independent commissioner bring forward a report, and the majority of the Committee respected the decision on that.

Mr Wells: Will the Member give way?

Mr Boylan: OK.

Mr Wells: It is important that we put it on record very clearly that no unionist on the Committee at any stage supported any aspect of the report. It was supported entirely by a cabal of Sinn Féin, the SDLP and the smaller parties.

Mr Boylan: Maybe the Member is hard of hearing. The majority of the Committee supported this, so the Committee brought it forward. I said the majority. Those are the rules, and that is what we are adhering to. I will say this: the majority of the Committee supported the motion and the report from an independent commissioner. There are Committee staff here at the minute. I could very well ask this: what is the point of having a scrutiny Committee on Standards and Privileges?

Mr Speaker: The Member has an extra minute.

Mr Boylan: Thank you very much. It is not so much that I want to challenge the Committee on Standards and Privileges and say that it does not have a role after today. The Member said that we were setting a precedent. There is a petition of concern in, so we are not going anywhere down the road of setting precedents. The issue is about respecting the decisions and respecting what is here. If the role of the Committee is to ensure that a commissioner brings forward a report as part of the process, you should respect that. That is what will come out of today. I go back to this: it was a Committee —

Mr Ross: Will the Member give way?

Mr Boylan: OK. Go on.

Mr Ross: I will be very brief. The interim Commissioner for Standards did not bring forward a proposal to suspend the Member from the House. That is what the Assembly is being asked to do today. That is the issue in protecting the integrity of the House. It is on the question of suspending a Member for seven days for such a minor alleged breach of the code of conduct.

Mr Boylan: The Member would not apologise, and, to be fair, the Committee gave the Member ample opportunity. *[Interruption.]* To be honest — *[Interruption.]*

Mr Speaker: Order, Members. Members should not shout across the Chamber. Allow the Member to continue.

Mr Boylan: With the last 10 seconds I have. The Member was given ample opportunity to write an apology. Actually, I did not favour that, but the Committee supported it. With that in mind, I support the motion.

12.45 pm

Mr Nesbitt: Let me touch on some of the background that might explain the motivation for these complaints. Within the debate and, frankly, despair in the community about the appointment of Mary McArdle, the Ulster Unionist Party identified one certainty, which is that Sinn Féin was wrong not to notify the Travers family that it was about to promote a woman convicted for her part in the murder of Mary Travers. It is wrong because Sinn Féin says that it understands victims and understands their needs. They even tell us that they themselves are victims. So they understand that victims are not only traumatised by the event that happened to them and their loved ones but live in a constant, relentless fear of being retraumatised, of waking up some morning to news that plunges them back. That is what Sinn Féin did to Ann Travers. The complainants understand victims, so they know that they should have done something to warn Ann Travers, to send a message or find an intermediary to say, "Look, in a couple of days, you will wake up to news that you will find impossible to take. It will fast-track you back to the blackest day of your life".

Mr Molloy: On a point of order, Mr Speaker. Surely, the debate is about the motion from the Committee on Standards and Privileges. Mr Nesbitt's role as commissioner is not what we are debating today.

Mr Speaker: Order. I warned the whole House earlier: the debate is about the motion before the House; it is about nothing else. So, I warn all sides of the House. I will allow Members some latitude around all these issues, as Members know from the past. So, as far as possible, contributions should be to the motion.

Mr Nesbitt: Thank you, Mr Speaker. I just emphasise that I was trying to give some context to the motivation for the complaints coming from two members of Sinn Féin, a party that demands respect, human rights and equality — certainly, when it suits them.

I will skip on, then, to Mr Wells. What should we think about Mr Wells and what he is supposed have said and done? It appears that he said and did things that are matters of regret. It would perhaps be better if he had not said and did whatever he said and did. However, he was angry; like most people, he was angry. It is not just me saying that it is a matter of regret: Ann Travers thinks it would have been better left unsaid. I know that because the Ulster Unionist Party asked her. We do not just say, as a piece of rhetoric, that we understand victims; we put victims first, by asking them, "What do you think about this?".

Here is an interesting fact: Ann Travers feels guilty about what is happening in the Chamber today. I do not need to tell Sinn Féin that; they understand victims, of course. They get it immediately. However, for the rest of us, the point is this: a part of Ann thinks that it is her fault that we are having this debate and that, if she had not — these are her words, not mine — "made such a fuss" about Mary McArdle being promoted by Carál Ní Chuilín, we would not be here doing this. You can say that that guilt is irrational, but ask Sinn Féin and they will tell you — they know all about victims — that those feelings of guilt are very common among victims. So these complaints and the long slow process towards resolution have served only to put Ann Travers through hell once again. I can put it no more simply than this: given that Sinn Féin understands victims, I can only conclude that it is cynically exploiting Ann and her family with these complaints.

Now, there is another side to Ann's reaction, and I must again ask Sinn Féin to excuse me for stating the obvious. I listened to the Minister, Carál Ní Chuilín, on the BBC television news last week, reacting to Jim Wells. She said that we all needed to respect each other. She said that an insult to one elected representative was an insult to the people who elect them. This is the same Carál Ní Chuilín who once posted a tweet on her social media

site describing Michael McDowell, an elected politician and Irish Government Minister, as — I quote — "a complete gobshite". She said of this elected representative, Michael McDowell, that — I quote:

"It makes you think of white sheets and of burning crosses".

I am sorry that the Minister is troubled by those images, but, forgive me, I am more concerned about the mental images that Ann Travers has to cope with when she thinks of Mary McArdle. She thinks of her sister bleeding to death in her mother's arms, a gun pointed at her mother's head that misfired not once but twice and of the gun pumping shot after shot into her father.

Mr Givan: Will the Member give way?

Mr Nesbitt: I will.

Mr Givan: I am sure that the Member would like another minute. Does he not think, given the traumas that Sinn Féin, the SDLP and the Alliance Party are revisiting on Ann Travers, that they should withdraw the motion rather than push it to a vote?

Mr Speaker: The Member has an extra minute added to his time. Once again, I make the point that even interventions need to keep to the motion before the House — *[Interruption.]* Order. I remind the whole House and the Member who has the Floor that this is not about the Culture Minister and it is not about any other Minister: it is about the report from the Standards and Privileges Committee, which the House is debating.

Mr Nesbitt: Thank you, Mr Speaker. I thank the Member for his intervention. I think that Ann Travers would feel that she wants this to finish. So, if the easiest and quickest way for it to finish would be for Sinn Féin to withdraw the debate, absolutely, that would suit her. However, because this has gone on for so long — she has lived with this for well over a year now — she is questioning, although she does not really need to question, the motivation of those who brought the complaint.

Mr Speaker, you said that today is about Jim Wells, and I accept that. However, it is also about other people, with your indulgence. It seems that the debate has turned its focus to say that this is not about what Mary McArdle did; it is about what was done to her. Therefore, in the virtual world of Sinn Féin, as the clock strikes 13, the perpetrator becomes the victim. The victim of what? Exposure to

what most people were thinking at the time. How will the Ulster Unionists vote? I asked Ann Travers if she had any advice, and she said just three words: "Support Jim Wells".

Mr Eastwood: I do not propose to speak for long. I am sure that you will be delighted. The SDLP will provide only one Member to speak in the debate, because we believe that there are much more important issues to be discussed in the Chamber today. It is unfortunate that we have school students in here watching the debate. I hope that Members are mindful of the fact that people are looking at this place and looking to us to provide leadership and hoping that, maybe, we can provide a different kind of leadership for our young people.

The fact is that the Committee on Standards and Privileges had a report from the interim commissioner that said that Mr Wells breached the code of conduct for Members in the way that he acted in the House. My view on that is that it is simple: there has to be some form of sanction. However, it must be pointed out — Mr Wells, maybe, needs to know this — that many members around the Committee table tried to avoid this day. We did not want to bring this to the Chamber, mainly because we did not want to give Mr Wells and all the other people another platform. We offered Mr Wells a way out. Mr Wells was offered the opportunity to provide an apology to the offended parties. He refused to do that, and now we are here today. This is being debated in the House today because of Mr Wells. The bottom line —

Mr Wells: Will the Member give way?

Mr Eastwood: No, I am sure that you will have your say, Mr Wells. The bottom line is this: it is incumbent on all of us in the House to treat each other with respect, whether you like them or not, whether you agree with them or not and whether you are in government with them or not. You have to treat each and every person — each and every colleague in the House — with respect. It is very unfortunate that, again in the House, we are repeating and regurgitating old arguments when we could be dealing the thousands upon thousands of people who are leaving our shores or joining dole queues. Instead of doing that, we are talking about Mr Wells. Let us get this done and done quickly. This is on Mr Wells: he had an opportunity to apologise, and he did not take it.

Mr Campbell: I want to deal with one practical issue in the report before us today before developing the theme a little. There is an issue with the timeline. The complaint was received

on 30 June, and Mr Wells was contacted, presumably, on 3 September. When the issues being raised include supposedly as serious a matter as wagging your finger close to someone's face and you are expected, two months later, to remember whether you did in fact do so, that is inappropriate. On any future occasion, if a complaint is lodged, the Member concerned should be informed as soon as possible thereafter so that their memory of how close or otherwise to the face a finger was wagged is fresh.

I move on to the body of the report. This is a serious matter. However, when I read the report, I found shades of Basil Fawlty. At the start of the report, Ms Ní Chuilín says that she found her altercation with Mr Wells unsettling. So, a Member who served four years for her terrorist occupation and involvement with weapons in a bomb attack found it unsettling that words were exchanged. After spending four years in jail for terror offences, she was unsettled because somebody raised their voice at her. Then, of course, she spent 10 years as a co-ordinator for Tar Anall or whatever it is called, which is a project for republican ex-prisoners. So I am sure that there were many occasions during those 10 years when people waved finger close to her face. We have no record of her finding those occasions unsettling, but she found this one unsettling. Then, she went on to say that Mr Wells conducted himself in an aggressive and intimidating manner. Intimidating? A Member involved in terror found a raised finger intimidating.

I will almost rest my case there, but I feel the need to move on because Ms McArdle then put in a complaint as well. She used a whole range of phrases to describe her conversation with Mr Wells, words such as forceful, aggressive, hostile and intimidating. I will take the Fawlty Towers analogy a bit further: I cannot second-guess the secretary in the interim commissioner's office, but even that person did not put the following in inverted commas. Whether they were too embarrassed to do so, I do not know. Ms McArdle also said that she did not expect anyone to be subjected to such behaviour in their place of work. This is a person who, as we all know, was convicted for their part in the murder of Mary Travers, but she talks about people being subjected to such behaviour as a raised voice in their place of work.

Mr Wells: Will the Member give way?

Mr Campbell: Yes, I will.

Mr Wells: Does the Member accept that, as stated in the report, six members of staff reportedly heard the two meetings between me, McArdle and the Minister, but, when interviewed by Tom Frawley, not one of them heard it, and not one of them remembered it?

Ms Ruane: On a point of order, Mr Speaker. Is it appropriate for the Member to speak in such disparaging terms and not address her as Ms McArdle?

Mr Campbell: Well, Mr Speaker, unfortunately, and Mr Eastwood made the point —

Mr Speaker: Order. On that point of order, it is important that Members use proper names when debating any subject.

Mr Campbell: On the point that Mr Eastwood made, people have to work out the rationale for bringing the motion. They cannot have it both ways. They cannot say that we should be involving ourselves in more important business, put their hand up in Committee to bring a debate on the report here and then say that it would be far better if we were talking about jobs. Do you want to talk about jobs or the report? You cannot bring the report to the Assembly and then say that it should not be here.

I will expand the theme that Mr Eastwood developed. Mr Wells is the centre of attention today because of the Committee vote that brought the report here.

1.00 pm

If people want more indications of unionist anger at what Sinn Féin did in the past, they will get them. I just wonder why I have treated Sinn Féin in a particular way for 14 years and there has never been a complaint. Have people got the stomach for a complaint? Do they not want to complain? What is your problem with making a complaint? *[Interruption.]*

Mr Speaker: Order. Members must make their remarks through the Chair.

Mr Campbell: You see, Mr Speaker, some unionists react to Sinn Féin as though that party had never been involved with terror. Some other unionists —

Mr O'Dowd: On a point of order, Mr Speaker. The Member is skating on very thin ice with regard to Sinn Féin, which is a political party that is represented in the Chamber. He knows

that fine well. He is trying to get a reaction. However, we cannot let it pass. *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: Sinn Féin, who they share power with around the Executive table and who they share the Office of the First Minister and deputy First Minister with, was never involved in terror.

Mr Campbell: As I said, Mr Speaker, some unionists react to Sinn Féin as though it had never been involved with terror. *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: On a point of order, Mr Speaker. It would appear that the Member is ignoring the Speaker's ruling. Is his language appropriate or not?

Mr Speaker: Order. Once again, let us bring Members back to the report. I ask Members to be careful with their language and how they use it in the House.

Mr Campbell: Thank you, Mr Speaker. Other unionists react to Sinn Féin as though it had never been forced to stop their involvement with terror. However, all democrats in the Chamber deal in different ways with those who were past terrorists. I know the way that I have dealt with them. I support Mr Wells.

Mr Molloy: Go raibh maith agat, a Cheann Comhairle. First of all, I support the report by the Committee on Standards and Privileges. The fact that the Chairman did not present the report is a reflection on the Committee itself and on the Chairman. In any situation, whenever someone chairs a Committee, we expect the Chair to represent the Committee at different times, regardless of whether they agree with it.

Mr Ross: I did not speak in the debate as Chairman of the Committee. However, does the Member honestly suggest that it would be appropriate for the person who voted against the motion in the Committee, and who proposes to vote against it today, to move it? That would be a preposterous position to adopt.

Mr Speaker: The Member has an extra minute added to his time.

Mr Molloy: If the Chairman reflected on his role as Chair, he would be able to reflect on the Committee and present a report from whatever quarter it came. After all, it is your Committee. It is not a Sinn Féin Committee or an SDLP

Committee. It is your Committee — the Committee on Standards and Privileges.

Mr Ross: Will the Member give way?

Mr Molloy: No. I will not give way again.

Mr Speaker: Order.

Mr Ross: On a point of order, Mr Speaker. I take umbrage with the fact that the Member is trying to suggest to the House that, in some way, I am biased in my chairing of the Committee. If any Member has a complaint to make about how I chair the Committee, I propose that he or she brings it forward. I will not accept any Committee member's suggesting to the House that I chair it in any way partially.

Mr Speaker: The Member has certainly put his remarks on record. Let us move on.

Mr Molloy: We will reflect on that.

The role of the Chair is an important issue, but it is not the main one. The petition of concern is more important. We now have a situation where it is pointless to have a Committee on Standards and Privileges, because every report that that Committee brings forward will simply be deferred by the DUP when it does not like it. So, what would be the point of having a Committee on Standards and Privileges in future?

Mr Wells has got his backup and support today. It is noticeable that he used to be away down in the corner of the Chamber on his own, which is where he took himself once when he fell out with the party. Now the party has moved down to him and has given him a wee bit of support to get round today.

Before us today is a report from the interim Assembly Commissioner for Standards. He has upheld the complaint. Whatever else happens, with the petition of concern or whatever else it could be, Mr Wells has been found guilty by the commissioner and the Committee on Standards and Privileges. So, he is guilty of the offence and of the complaint that has been made against him. Whatever about the petition of concern, it will not save the fact that Mr Wells has been found guilty. Remember this is a future Minister of Health. A future Minister of Health has been found guilty of bullying. When he is the Minister of Health, he will have to say that he does not want staff in hospitals and in the health service to be bullied.

This is the man who actually is bullying around this Chamber.

Mr Speaker: Order. Let us return to the motion. All contributions should be on the motion.

Mr Molloy: A Cheann Comhairle, I think that it is very relevant.

Mr Humphrey: On a point of order, Mr Speaker. Is it in order for the Member who has just sat down but who currently has the Floor to suggest that Mr Wells has been found guilty of bullying? No such guilt has been found at all.

Mr Wells: Apologise. You did not treat me with respect.

Mr Speaker: Order, Members. Order. I take it that most Members have read the report, and its findings are absolutely clear. Let us move on.

Mr Molloy: Thank you, a Cheann Comhairle. We have had an indication that Mr Wells bullied two women outside the House. We also had the situation in which he bullied women in the House and called them names. On that occasion, he very quickly realised his position and apologised. It is a pity that he did not do the same in this situation, but he failed to do so. So, we have a situation now in which unionists have filed a petition of concern, which is their safeguard.

South Down is a no-go area for Sinn Féin or for Ministers and whoever Mr Wells does not like in this situation, so he will decide who actually can come in and out of south Down and actually threaten everyone else who he does not want to come into it. That is a threat against the Ministers of this Assembly. Again, I ask Members to reflect on the fact that we are talking about Ministers of the Assembly. Whether you like them, agree with them or oppose them, they are Ministers and represent the Assembly, so they should be given respect, as should other Members in future.

Mr Clarke: On a point of order, Mr Speaker. When reflecting on this debate tomorrow, Mr Speaker, I ask that you read Hansard. The Member has just said that Mr Wells threatened people with their lives if they came to south Down. From reading this report, I do not believe that there was ever a threat made against anyone's life. Will you make a ruling on that, Mr Speaker?

Mr Speaker: Let me read Hansard and reflect on all that has been said in the debate.

Mr Molloy: Go raibh maith agat. I treat threats as threats. I do not know in what other way you could treat a threat but in that way.

We could have come here today and talked about Ulster Resistance, the red berets and the unfound arms that the DUP and Ulster Resistance reported — *[Interruption.]*

A Member: We could talk about Special Branch.

Mr Speaker: Order.

Mr Molloy: — but we did not do that. *[Interruption.]*

Mr Speaker: Order. I have already warned the Member that he should not shout across the Chamber. All remarks must be made through the Chair.

Mr Molloy: Go raibh maith agat. I will get there eventually. We could have talked about all those issues, which again are about bullying in the community, and, unfortunately, about some sad bullying right across the board.

Mr F McCann: Will the Member give way?

Mr Molloy: OK.

Mr F McCann: Does the Member agree that the Members across the way are giving the impression that they put up a stout defence of Mr Wells yet that could not be further from the case?

Mr Molloy: I do not think that you can defend the indefensible. The problem is that the Committee found that it could not defend the indefensible. In fact, the Committee as a body tried to get Mr Wells to respond and apologise, which would have dealt with the situation, but he refused to do so.

We are here debating along the lines of what is in the report. Mr Wells said that he mumbled something. We are talking about a Christian gentleman. We have an opportunity here for the truth. I think that it would be very fitting if Mr Wells, even if he did not apologise, simply said, "Yes, I did say that" or, "No, I did not say that. I just mumbled something." He may be quite happy to do that. Having failed to tell Tom Frawley exactly what he said — he said that he just mumbled something — it is important that

Mr Wells say today exactly what he said and what he meant, and what he meant by, "Do not bring that woman to south Down." What exactly was that threat? How was he going to carry it out? How was he going to ensure that that woman did not come to south Down? It looks as though Mr Wells has a barrier around south Down that nobody crosses unless he reflects on it.

I ask him to reflect on something else. He was part of the old Stormont. I think that today is a reflection of the old Stormont. Unfortunately, unionism did not learn from the old Stormont. It is still repeating the same thing that we —

Mr Speaker: The Member's time is almost gone.

Mr Molloy: — had before. We have an attempt today to have one-party rule —

Mr Speaker: Time is gone.

Mr Molloy: — that dictates to the rest of community.

Mr Poots: On a point of order, Mr Speaker. Mr Molloy made a statement that Mr Wells is part of the old Stormont. I think Mr Wells probably was not old enough to vote when that was done away with in 1973.

Mr Speaker: Order. It is not a point of order. Let us move on.

Ms P Bradley: As a member of the Committee on Standards and Privileges, I take Members' conduct very seriously. It is appropriate that our behaviour does not bring the Assembly into disrepute. That being said, I find that I cannot support the findings of the Interim Commissioner's report on the allegations brought by the Minister of Culture, Arts and Leisure and her staff, and nor can I support the proposed sanctions.

In order for me to explain my reasons for not supporting the proposed sanction, I need to talk about the Commissioner's report. For me, one of the most crucial points of the report is the lack of independent evidence that is available. Although all parties concerned in both cases tell roughly the same story, in the case of the Minister it is obvious that this was a chance encounter. It was not premeditated, a fact that I feel is acknowledged by both parties. Mr Wells admits that he did make a comment to the Minister, who was walking away from him at the time and who then proceeded to turn round and face him. Had she not done this, she would not

have seen the alleged wagging of the finger, which of course Mr Wells denies.

Mr Wells has maintained that he did not tell the Minister that she was not welcome in his constituency, but rather that her unelected, unvetted, convicted murderer member of staff would not be welcome. It could therefore be argued that by doing this and making this view known, Mr Wells was indeed placing forward a view that was at the forefront of his constituents, and therefore —

Mr Wells: Will the Member give way?

Ms P Bradley: Yes.

Mr Wells: I think that is an important point. The reason I made it very clear that the Minister's adviser was not welcome is that almost all of the Ulster-Scots culture groups and sporting clubs in south Down, in my community, have at least one person who was a victim of IRA terrorism. It would be an absolute insult to the memory of their loved ones to have McArdle coming to South Down accompanied by the Minister.

Mr Speaker: The Member has a minute added on to her time.

Ms P Bradley: Thank you, Mr Speaker, and I thank Mr Wells for his intervention.

As Mr Wells stated in an earlier intervention, despite a number of Ushers being present — a fact acknowledged by both parties — none remember this incident, something again which suggests to me that the exchange was not as aggressive as portrayed by the complainant. These halls, as you know, Mr Speaker, echo quite a lot. Is it really conceivable that a man so angry as to frighten a woman would not have raised his voice, or that his body language would not have alerted someone in the vicinity that there was a heated exchange happening? I also have serious concerns regarding the time lapse between the exchange happening and the complaint being investigated.

As regards Ms McArdle's complaint, again a number of issues have not been resolved. First, Ms McArdle accepts, as does Mr Wells, that the initial comments —

Mr McNarry: Will the Member give way?

Ms P Bradley: Certainly.

Mr McNarry: I appreciate that. Will the Member agree that, resultant from this motion, Unionists in this House, from this day, will be wary of any discussion or engagement with Sinn Féin in the future? What is next on the agenda? Will terrorist war crimes be accepted as legitimate complaints in this House, and where will that take us?

Ms P Bradley: I thank the Member, and I have to say I agree with him.

I will go back to the point to do with Ms McArdle. First, Ms McArdle accepts, as does Mr Wells, that the initial comment was a snide comment, and not made directly to Ms McArdle as she walked past. She then turned and confronted the Member. Now, bearing in mind that the Minister had already had a run-in with Mr Wells regarding Ms McArdle's appointment and was apparently frightened, would she not have conveyed this to her staff, advising them not to get into confrontation with such an aggressive person? And, if not, was this not a dereliction of her duty of care to her staff's safety?

Despite this, Ms McArdle alleges that the word "murderer" was used, and Mr Wells said "monster" was the word. The facts are clear; Ms McArdle is a convicted murderer, and Mr Wells may well view her crime as monstrous, as would most law-abiding citizens. Either word could be argued as legitimate to be used in regard of Ms McArdle. Many people in Northern Ireland were sickened by her crime, and under freedom of speech should Mr Wells not have the right to make his views known? I also note that, once again, there were no independent witnesses, despite people being present, and I find it amiss that Ms McArdle was not asked about her demeanour or tone when she turned to confront Mr Wells, because that is exactly what she did: she turned to confront Mr Wells.

I doubt very much that she was speaking in the same tone as I am today, and I believe that Miss McArdle had some idea of Mr Wells's views.

1.15 pm

As for the apology, Mr Wells does not feel that he has anything to apologise for, and he feels that an apology would not be genuine on his part. The Committee is recommending a sanction that is too harsh for the crime due to all the inconsistencies that I have highlighted in the evidence. Mr Wells was merely mirroring the views that many of his constituents held, and there was no premeditation in his acts.

Suspension is too harsh and will serve no one, and it sets a dangerous precedent of Members making apologies that they do not mean. For that reason, they will, effectively, be worthless. Therefore, I cannot support the sanction.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Tugaim tacaíocht do thuairisc an choiste. I support the Committee's report.

I am not going to rehearse what happened; we know what happened. We have heard about it and read about it. Committee members have discussed it at length. Commissioners have taken the time to give everyone the opportunity to air their point of view. Having listened to everyone, they concluded that Mr Jim Wells was guilty of breaching the code of conduct and that he should apologise in writing. We have the report. He has not done that. Is that such a hard thing to do?

Now, I do not know what Jim Wells is going to say, although I could probably have an educated guess. However, this is not about political opinion or religious belief. This is not about what happened in our conflict in the past, although Jim and his mates might try to dress it up as that. This is about anti-Catholicism, sectarianism and misogyny. The definition of misogyny is hatred or dislike of women and girls. That is what Jim Wells has done and has been found guilty of. What makes it even worse is that it is a mixture of sectarianism —

Mr Allister: Will the Member give way?

Ms Ruane: No, I will not give way.

It is a mixture of sectarianism and misogyny, a lethal cocktail. Here we have a Member who has been elected for many years, so he cannot claim ignorance —

Mr Humphrey: Will the Member give way?

Ms Ruane: No, I will not give way. I have heard enough from the lads across the way. Here is a Member — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — who claims to support the institutions, yet refuses — *[Interruption.]*

Mr Speaker: Order. Let us have remarks through the Chair, and let us refer to Members by their proper names.

Ms Ruane: Go raibh maith agat, Mr Speaker. Here is a Member who claims to support the institutions yet refuses to take up the opportunity to attend a Committee of the institutions that he claims to support. Here is a Member who is being talked about as a Health Minister in the near future yet who shows complete disdain for the decisions arrived at democratically by a Committee of the Assembly. I ask Mr Nesbitt in particular to note that this is not a Sinn Féin motion; it is a Committee motion.

Mr Wells: Will the Member give way?

Ms Ruane: No, I will not. I could accept it if Jim Wells stood up and said, "My apologies. I lost the head. I feel very emotional about people who were killed in the conflict." Then, we could have a real debate about how dreadful our conflict was and how difficult it was for all families, for the Travers, for Enniskillen, for Loughinisland, for Teebane, for Bloody Sunday. But, you see —

Mr Elliott: Will the Member give way?

Ms Ruane: No, I will not.

The motion is not about the people killed in the conflict. Do not dress up misogyny as pretending that people care for particular families. It is much more complex than that. If we are serious about dealing with our dreadful past and the hurt that was caused collectively, let us create a framework in which to do that. However, that is a debate for another day.

A Member asked earlier why other complaints did not come to the Committee. During my time in education, Mr Wells, who now does not support the report, was one of the people who brought a vexatious complaint to Tom Frawley about me. The reason it did not come through a Committee — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: I will tell you why: the reason it did not come through a Committee was that it was unsubstantiated. He was joined by his friend down the bottom of the hall.

Mr Wells told Mary McArdle and Aire Carál Ní Chuilín, Minister Carál Ní Chuilín, that they are not welcome to come to south Down. Well, the last time that I looked at the election results for the past five elections, Sinn Féin got significantly more votes than Jim's party. So, he should never assume that he represents everyone in south Down; he clearly does not.

The people of south Down understand that there was a conflict and that people in every community suffered greatly, people like the Loughinisland families and young James Morgan, RUC, British Army and IRA volunteers. The people of south Down understand that. My — *[Interruption.]*

Mr Speaker: Order. *[Interruption.]* Order. We are debating a motion that has come to the House on behalf of the Standards and Privileges Committee. Let us, as far as possible, have contributions about the report.

Ms Ruane: Go raibh maith agat, Mr Speaker. Thank you.

My message to Mr Wells is this: gone are the days when there was not a Fenian about the place and when women did not have the vote or power. Sinn Féin will not tolerate bullying behaviour or inequality. It certainly will not tolerate misogyny or anyone being treated as a second-class citizen. If Mr Wells thought that he could intimidate two strong women, he has another thing coming.

My message is simple: I do not agree with Mr Wells's views —

Mr Speaker: The Member's time is almost gone.

Ms Ruane: — but I respect the fact that he has a mandate and that people have voted for him. We expect the same from him. Before Members vote —

Mr Speaker: The Member's time is gone

Ms Ruane: — supporting misogyny — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: — they really need to think about it. *[Interruption.]*

Mr Speaker: Order.

Mr Poots: People will look in and will think that the debate is somewhat bizarre and farcical. They can thank Sinn Féin and the SDLP and the Green Party and the Alliance Party — it always seem to vote with the SDLP and Sinn Féin — for bringing the motion forward and wasting the Assembly's time.

I have known Mr Wells for many years. I have known him since I was a young person — he

was not just as young — and I have always found him to be a very honourable man. He is very forthright and speaks his mind, but, at the same time, Jim would hurt neither an animal nor a human being. Jim is very conscious of all of that. I believe that Mr Wells works very hard and carries out his duties for the Assembly and his constituents in a very honourable way. He should not have been brought before the House as he has been today.

I should say that no decision has been taken. A recommendation was made to the Committee, and the Committee has made a recommendation to the House. However, the House will make the decision.

Mr Molloy: On a point of order, Mr Speaker. The report of the Committee very clearly says that Mr Wells has been found guilty and a recommendation of what should be done has been brought before the House today.

Mr Speaker: Order. Let us clarify the issue: both complaints were upheld. Let us move on.

Mr Poots: The House will make the decision on Mr Wells's suspension, nobody else. We will wait and see what happens.

Nonetheless, people have been described as being offended and hurt by a comment that Mr Wells made. We have heard today from Ms Ruane about misogyny and the hatred of women. What hatred of women was involved when someone saw fit to pump Tom Travers and his daughter Mary full of bullets? That was a real hatred of women. I will give way to Ms Ruane if she wants to apologise on behalf of Sinn Féin for the travesty that was carried out against the young woman Mary Travers.

Ms Ruane: I will certainly talk about misogyny in the House. This Member — *[Interruption.]* The Member has to understand — *[Interruption.]*

Mr Speaker: Order. Let us have remarks through the Chair.

Mr Poots: I note that Ms Ruane could not bring herself to apologise for the murder of a young Roman Catholic woman, who was leaving the chapel —

Mr Molloy: Will the Member give way?

Mr Poots: You had your chance. The Member had his chance.

That young woman was leaving a chapel and was gunned down by the IRA. Ms Ruane had her chance to apologise, and she failed to do so. Yet, on the other hand, she has demanded that Mr Wells should apologise for doing what? Waving his finger. It is not good enough if you wave your finger, but it is all right if you put it on a trigger. That is the situation we find ourselves in, and Ms Ruane has tried to bring misogyny into it. How pathetic of Ms Ruane. Thank goodness she is no longer our Education Minister.

As to what happened, I am not sure whether Mr Wells called her a monster or a murderer. Had he called Ms McArdle a murderer, he would not have been the first to do so; because, on one day, the learned judge, in effect, said to her, "You're guilty of murder. You're going down". So, Ms McArdle is a murderer, and if Mr Wells described her as such, he was not describing her inaccurately. He was being factual.

What amazes me is that we have Ms Ní Chuilín and Ms McArdle, who were prisoners that Sinn Féin would deem to have been prisoners of war and thus soldiers. These "soldiers" of the IRA were actually afraid because somebody waved their finger. Thank goodness that we had the SAS on our side and not Mary McArdle and Carál Ní Chuilín, if they are afraid of a finger being waved at them. *[Interruption.]*

Ms Ruane: On a point of order — *[Interruption.]*

Mr Speaker: Order. There is a point of order.

Ms Ruane: The SAS — *[Interruption.]*

Mr Speaker: Order.

Ms Ruane: The SAS was found guilty of serious murders. I respectfully ask the Speaker to rule on the Minister's support for the SAS.

Mr Speaker: Order. Once again, I ask Members to come back to the report that is before the House.

Mr Poots: The report concludes that Mr Wells spoke out of turn. I have to say that many in the community in south Down and across Northern Ireland will fully support what Mr Wells did and what he said.

Mr Givan: Will the Member give way?

Mr Poots: Yes.

Mr Givan: The Member is right to make it clear to Sinn Féin that, while it clearly wants to put manners on Mr Wells, it is right that we put manners on its members. They were the victim-makers, not the victims.

Mr Speaker: Order. Once again; let us get back to the report that is before the House. Continue Mr Poots.

Mr Molloy: On a point of order, Mr Speaker. May I ask through you, is the Member issuing another threat that he will put manners on Sinn Féin? Because I tell him that he will have a long way to go. *[Interruption.]*

Mr Speaker: Order. Let us move on. Continue Mr Poots.

Mr Poots: Thank you, Mr Speaker. I am sure that Sinn Féin will probably want to move on and forget that Mr Molloy is actually proud of the fact that he is ill-mannered. I was taught from quite young in life that a little manners will take you a long way.

In the eyes of many of the Northern Ireland public who we represent today, Mr Wells has done nothing wrong in identifying that Ms McArdle is a murderer and that many sections of the south Down community would be less than welcoming to Ms McArdle were she to come and visit that community. The fact that we are debating this here today is a disgrace on the parties opposite. It is a disgrace on the Green Party and the Alliance Party that they stood with Sinn Féin and Colum Eastwood, the man who carried the coffin of the dissident terrorist. It is a disgrace that they stood with them and that we have this debacle this afternoon.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Beidh mé ag labhairt ar son an rúin seo. I speak in favour of the motion.

I always find it bizarre and farcical when a Minister says that he finds a debate bizarre and farcical yet gets up and speaks in it. That is particularly so on a day of news reports that there are all sorts of problems in the accident and emergency departments in the Belfast Trust, yet the Minister has time to come here to watch a bizarre and farcical debate. Perhaps, his time would be better spent doing the job that he is elected to do.

That apart, we get lectures here all the time and from many in the House about due process, and the argument today is about due process. People who work in this Building are entitled to

bring complaints to the Standards and Privileges Committee, which determines whether someone should investigate such complaints and then comes up with the findings. In this instance, the complaints were upheld. The Member in question — I do not see him about — was found guilty of what the commissioner described as an "unreasonable and personal attack".

Therefore, in that instance, it is straightforward that the Member should do what any other person would do: either stand over it or apologise. However, this Member has form, as we have seen in the Chamber, where he verbally attacked and abused a Member who happened to be a woman. He was then asked to apologise. He did so, though not in my opinion. He was described last week by somebody as Corporal Pike.

1.30 pm

Mr Nesbitt: I thank the Member for giving way. Are you at odds with Ms Ruane? You say that it was a Member who happened to be a woman, whereas Ms Ruane says that it was misogyny.

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

Mr McCartney: Put it like this: it is some coincidence that the three people whom he has personally attacked are women. Male Sinn Féin Ministers have appointed male former political prisoners to the position of special adviser without there being any attacks, personal abuse, finger waving or, as he now describes it, mumbling in the corridor. Therefore, there is a good case to be made that, in this instance, he is guilty of abusing women and not men. If that is misogyny, he is guilty of it.

Mr Nesbitt: You said "happened to be".

Mr McCartney: I am pointing that out, and you gave me the opportunity to do so. Three women — those are the people whom he seemed to attack. *[Interruption.]*

Mr Speaker: Order. The Member has the Floor.

Mr McCartney: There are other important points to be made about the role of the Committee. Francie Molloy and Cathal Boylan touched on this, and you, as Speaker, may need to address it in the future. Where now for

the role of the Committee on Standards and Privileges? It is a Committee set up by statute and given a design and a template on which it operates. Now, it is circumvented by a petition of concern. There is one thing that I will say to Mike Nesbitt, who, I know, has been lecturing republicans over the past number of days: when you march through the Lobby today, you should bear it in mind that you are clearly saying to people that the lessons of one-party rule have not been understood by you or your party. This is a one-party decision to usurp the role of the Assembly. That is what you are signing your party up to, and, when you walk through the Lobby today, that is what you will be doing.

Gregory Campbell may feel that he has been confronting Sinn Féin for the past 14 years, but I know of no instance when he put his finger into the face of a person in Sinn Féin. He certainly has not put his finger into my face, nor would I allow him to. *[Interruption.]*

Mr Speaker: Order.

Mr Wells: I was first elected to the Chamber in 1982, and one of the most difficult roles I had to perform was attending the funerals of many decent members of the security forces murdered by the Provisional IRA. When it came to 2007, after following so many coffins, it was a very difficult decision for me whether to vote to go into coalition with those who had been the spokesmen for those dastardly activities. However, I knew that a large number of people yearned to move on to build a better future for the people of Northern Ireland. Having done that, I expected that the Members opposite would have had some understanding of the enormous hurt and pain that they had caused the ordinary, decent people of this community over the past 40 years. What I did not expect them to do was to gloat and revel in their past misdeeds. I will give a few examples: we had Mick Murphy, the former Member for South Down, organising a tour —

Mr Speaker: Order. The Member will know that I have given some latitude. He now needs to come back to the report before the House.

Mr Wells: You have not exactly given me much latitude, Mr Speaker, as you allowed the Member for Mid Ulster to ramble on about red berets etc.

Mr Speaker: Order. The Member is coming very close to challenging the authority of the Chair. I have said that I am prepared to give

the Member some latitude, provided that he can link whatever he is saying to the report.

Mr McCartney: On a point of order, Mr Speaker. If you make a ruling, can the DUP overrule it by a petition of concern?
[Interruption.]

Mr Speaker: Order. That is not a point of order.

Mr Wells: Mr Speaker, of course, I would never dream of questioning your ruling. What I am trying to do is set the context of why I respect neither the decision taken by the Minister of Culture, Arts and Leisure nor her appointment of Mary McArdle as her adviser.

Mr McKay: I thank the Member for giving way. I understand that he is raising the issue of appointments. In 2004, the Member oversaw an appointment in Ballymoney, when Gary Blair, who was convicted of the murder of a Sinn Féin member in Ballymoney, was appointed to the DUP officer board in that area. The Member was there and oversaw that. He saw no issue with that appointment.
[Interruption.]

Mr Speaker: Order. Even interventions need to be in and around the report. That should be very clear. Yes, I will allow Mr Wells some latitude in setting the scene, but he needs to come to the report sooner rather than later.

Mr Wells: We had Mr Mick Murphy, the then Member for South Down, organising a tour for Sinn Féin ghouls around the Warrenpoint massacre site. He showed them where they planted the bombs and where the snipers sat and murdered 18 members of the security forces. We had Gerry Kelly coming to the Russell Gaelic Union in Downpatrick telling us about the wonderful Maze escape. He forgot to mention that that led to the death of a prison officer. More recently, we had Gerry McGeough getting the support of Sinn Féin members of Dungannon council, who were trying to get him out early. However, the decision that caused even more discontent and anguish in the community was the Minister of Culture, Arts and Leisure's decision to appoint Mary McArdle, the convicted murderer of a young Roman Catholic woman who was coming out of her place of worship.
[Interruption.]

Mr Speaker: Order.

Mr Wells: There is no hierarchy of victimhood, but I have to say that murdering someone and trying to murder her father and her mother as they were coming out of a place of worship has to be sinking to an all-time low.

When the Minister made that decision there could have been only one of two issues in her head at the time. One was that she did not understand the enormous hurt that that decision would cause. The second and perhaps more likely — I notice that she is not here to answer; she is scared to stand up and justify herself — was that she was aware of the hurt that that would cause the ordinary, decent community and the Travers family but continued to make the decision. *[Interruption.]*

Mr Speaker: Order.

Mr Wells: There were only two options, but one thing is absolutely certain: Mary McArdle would not have been appointed to a £60,000-a-year salary as the adviser to the Minister of Culture, Arts and Leisure had she not murdered Mary Travers. The reason that the two women knew each other so well was that they shared a cell. McArdle was the IRA commandant of the women's wing in prison. She was, effectively, the Minister's boss while she served eight years for her attempted murder of police officers at Crumlin police station. The community was outraged because it felt that McArdle was rewarded for her murder of that totally defenceless and innocent young woman by being given this very important post. That caused outrage.

I was angry. The community was angry. I was concerned. Have I a right, in a democratic society, to express that concern? Yes. If I did not have the right to express it forcibly in a way that can even cause concern or upset, there would be no freedom of speech in this Building. I have to have that right, and I exercised that right.

Just to make it absolutely clear, I did accuse Mary McArdle of murdering Mary Travers. I did, because it is true. I said that she was unfit to be an adviser because of her activity. A totally innocent woman was murdered by Mary McArdle.

Mr Molloy: Will the Member draw us back to when he was talking about the number of coffins that he followed? Will he also express concern about the Ulster Resistance weapons and the red berets that were in his constituency at that time? *[Interruption.]*

Mr Speaker: Order. Once again, I warn all Members that interventions must be around the motion and on Members' contributions.

Mr Wells: The difference is, of course, that there was no attempt to appoint anybody from any loyalist paramilitary body to become a £60,000-a-year adviser to any Minister. That is the difference, and that is what stuck in my craw and angered me intensely. I tried to articulate that on behalf of my constituents.

I expressed a view about Mary McArdle not coming to south Down. Members should note that I did not say that about the Minister; I said it about her adviser. As I said, throughout south Down every unionist community group, soccer team, sports society or Ulster-Scots society has at least one person who has suffered greatly as a result of IRA terrorism. Can you think of anything that could be as insulting to those people as to have Mary McArdle arriving in a chauffeur-driven Skoda to some event in south Down and getting out of the car and behaving totally normally? That would be the ultimate insult, because her name was on everyone's lips when that decision was made.

How does Sinn Féin get respect? I am told that I showed no respect to either the Minister or her adviser. What respect did McArdle show Mary Travers and her family? What respect did the Minister show the family and the community when she raked over the embers and brought back to memory all the horror of what happened outside that chapel all those years ago? I do not have respect for those decisions, but we need to move on as a society.

Mr Boylan: Will the Member give way?

Mr Wells: I certainly will.

Mr Boylan: Is the Member saying that he does not respect this report or the institutions in which he is here to represent his constituents? Basically, that is what you are saying. As I said, it is about respect. Do you have no respect for the role of the Standards and Privileges Committee?

Mr Wells: It is about non-unionists in a Committee ganging up against someone expressing his point of view in this Building. I thank the Ulster Unionists and my colleagues for their support, but we need to move on.

Mr Allister: Will the Member give way?

Mr Wells: Yes.

Mr Allister: Is the issue here not hardened terrorists who are victim makers seeking to go down the perverse route — a well-worn path for Sinn Féin — of trying to be victims themselves and trying to don the mantle of victimhood to the point that waving a finger apparently offends them? They say, "We can support the use of terror and cold-blooded murder, but how dare anyone point out what we are?". That is the ultimate perversity of victim makers trying to turn themselves into the victim.

Mr Wells: I noticed Ann Travers's comments in one of the regional newspapers during the week. She said that she wished that her late sister Mary could be given the choice between having a politician wag his finger in her face or being murdered coming out of a chapel. That is the choice that she would like her to have.

We need to move on. What do we need to do? I attended a church service five years ago at which there was a former loyalist paramilitary who had become a Christian. He decided to have a completely clean sheet. He sat down at his word processor and wrote out every crime that he had committed in torturing his community for 30 years. He had it bound, brought it into his local police station, handed it to the sergeant and said, "Arrest me. I have done that". The sergeant said, "We have never heard of you", but he arrested him anyway. That man did two years under the terms of the Belfast Agreement. He gave all those victims the who, the what, the why and the where. He gave them a form of closure that they would not have had otherwise. I say this to the Members opposite who have committed terrorist crimes: you need to start writing. I will provide you with a binder — *[Interruption.]*

Mr Speaker: Order. As the Member will know, I have given him quite a bit of latitude to present his case and defend himself. I ask that the Member, as far as possible, come back to the motion.

Mr Wells: I see Mr Molloy getting —

Mr Speaker: Order. There should be only one Member on his feet at a time.

Mr Molloy: On a point of order, Mr Speaker. Mr Wells said that he would hand us a sheet to fill in and has accused us of having been involved in violence.

Mr Speaker: Order. I have already ruled on the issue. Mr Wells, you have one minute left.

Mr Wells: Mr Molloy, you need to start writing. Mr Kelly, you need to start writing — *[Interruption.]*

Mr Speaker: Order.

Mr Wells: Mr McGuinness, you need to start writing — *[Interruption.]*

Mr Speaker: Order. I ask the Member please to come back to the motion.

Mr Molloy: On a point of order, Mr Speaker. I ask the Member to withdraw or clarify his last remark, because it was a very serious remark. It shows why the report on Mr Wells's attempts to intimidate and bully people is before the House today.

Mr Wells: All that I can say is that until the honourable Members opposite start writing —

Mr McKay: Will the Member give way?

Mr Wells: No, I have given way enough.

Until they start telling us what they did over the past 40 years —

Mr Speaker: Order, if the Member does not come back to the report and the motion, I will move on. I will allow the Member to finish.

Mr Wells: All that I can say is that, if the honourable Members opposite are waiting for me to apologise for articulating the views of my constituents about the dreadful murder of Mary Travers and the appointment of her murderer to a £60,000-a-year job as adviser to the Minister of Culture, Arts and Leisure, they will have a very long wait indeed.

1.45 pm

Mr Agnew: Thank you, Mr Speaker —

Mr McKay: On a point of order, Mr Speaker, the Member for East Derry said from a sedentary position:

"Stick it in your pipe and smoke it."

I ask you to make a ruling on that.

Mr Speaker: Order. Let us move on.

Mr Agnew: I support the motion, and I wind on behalf of the Committee on Standards and Privileges. Before I do so, I want to make a few

comments in my individual role as a member of the DUP. *[Laughter.]* Apologies. *[Interruption.]*

Mr Speaker: Order. I am sure that the Member will want to correct himself.

Mr Agnew: I apologise to the House. I wish to withdraw that remark.

Some Members: Hear, hear.

Mr Agnew: I stand as a Green Party Member to express my sorrow that the debate has descended into name calling and abuse across the Chamber and, to some extent, disrespect from both sides of the House when we are here to discuss the code of conduct for Members and how we should act respectfully towards one another.

It seems incongruous that, on the one hand, the DUP wishes to sit in government with Sinn Féin but on the other believes that it is OK to name call and abuse.

Mr Campbell: Yes, that is exactly right.

Mr Agnew: I believe that that is disrespectful.

Mr Speaker: Order. The Member has the Floor. He is winding on the motion. Order.

Mr Agnew: It is disrespectful not only to the Member whom you abuse in that way but to these institutions, the rules of which all Members have to accept to some degree when they take their seat in the Chamber. As Members, we accept the code of conduct, and we accept that we must treat one another with a level of respect. We should respect one another's mandates, because we sit here as elected Members. An opportunity has been lost today to show that this is a mature institution and that the party at the head of them is mature.

We discussed the issue in Committee, and there was respectful debate around the Committee room. There was some concern, particularly among DUP members, that a debate on the issue in the Chamber would descend into what it did today. Their concerns have been realised. I suggested that, if Members were genuinely concerned about that, they should go back to their party Whips and do as the SDLP did today: choose one Member to speak, keep it respectful, keep it moderate and stick to the issue. The issue is not what we think of Ms McArdle or Ms Ní Chuilín, it is whether the code of conduct has been

breached and whether the proposed sanction is correct.

The Chair of the Committee, in his capacity as a Member, stated that the proposed sanction was too strong. In Committee, several sanctions were proposed, and the DUP members did not agree to any of them. They showed a complete lack of ability to acknowledge the view of others on the Committee and of the interim commissioner that the code of conduct had been breached. That code of conduct underpins how we behave as Members. The DUP has shown, by tabling a petition of concern, that it will not accept any sanction against its Member. That is regrettable.

I will move on to speak on behalf of the Standards and Privileges Committee. First, as I have expressed, I am disappointed by the tone of the debate. Some contributions were deliberately antagonistic and fractious. Maybe, that does not surprise some people, but it contrasts starkly with how we dealt with the matter in Committee. There were differences of opinion, and we heard those today, but those differences —

Mr D McIlveen: Will the Member give way?

Mr Agnew: I will not give way because I have to represent the complete views of the Committee.

Those differences were aired in a respectful and courteous manner in the Committee, and, given some of the sensitivities involved, the Assembly would have been better served if all Members had taken that approach today.

Objectivity and impartiality should be at the heart of what we were doing. An independent investigation by the interim Commissioner for Standards has concluded that Mr Wells has breached the code of conduct. The Assembly's Committee on Standards and Privileges has also concluded that Mr Wells has breached the code of conduct. Mr Wells has been given the opportunity to apologise, but he has decided not to do so. In those circumstances, the Committee really has no option but to seek an alternative sanction. To do anything less would undermine the measures that we have in place that ensure that Members are accountable for their conduct.

A number of Members, including Mr Wells himself, have said that he was entitled to express his views on Ms McArdle's appointment and that he should not be denied his right to free speech. I agree with that

entirely, and so does the Committee. The Committee said in its report that it is clear that all Members should be free, within the law, to express any political opinion that they may hold and that the Assembly should not seek to prevent or limit any political opinion being expressed legally. The Committee also acknowledges that Members are entitled to express their opinions in a robust and forceful manner and that this is to be accepted in the normal cut and thrust of political life. However — this point is crucial — safeguarding Members' rights to free speech is not the same as saying that Members can behave in an aggressive, confrontational or threatening manner when they express their opinions. The Assembly code of conduct makes that clear. Individuals should not be subjected to unreasonable or excessive personal attack. Mr Wells has not breached the Assembly code of conduct because he spoke out robustly against the appointment of Mary McArdle: he breached the code of conduct because of the manner in which he confronted the complainants. It is not acceptable for any Member to confront another Member or a member of staff in the way that Mr Wells confronted the complainants.

Some Members have said that the sanction of exclusion from proceedings of the Assembly for seven days is disproportionate and too severe. Of course, this is the first time that the Committee has ever tabled a motion to impose a sanction on a Member for a breach of the code, so we do not have precedents to draw on. However, I would point out that the Committee's initial preference was not to impose a sanction at all. The Committee had agreed that an appropriate apology from Mr Wells to the complainants would have resolved the matter in a fitting and proportionate manner.

Mr Ross: Will the Member give way?

Mr Agnew: I will not give way.

We think that it is most regrettable that Mr Wells did not accept the Committee's view on that and did not apologise. Had he done so, there would be no motion for a sanction before the Assembly today. I would also point out that any Member who felt that the Committee's proposed sanction was too severe could have put down a motion for a lesser sanction. I can say that the Committee considered the matter of an appropriate sanction carefully and, in doing so, had regard to Mr Wells's failure to apologise. The Committee felt that suspension from proceedings of the Assembly for a period of seven days was fair and proportionate.

Some Members have spoken about what Ms McArdle has done in the past and her conviction in relation to the awful murder of Mary Travers. I fully recognise how strongly many Members and, indeed, the public feel about Ms McArdle's appointment as the Minister's special adviser, but, no matter how strongly Members feel about Ms McArdle, it does not relieve them of their responsibilities and duties under the code of conduct. The Assembly has agreed that Members should be required to uphold the principles of respect and good working relationships. Specifically, the code of conduct says that individuals should not be subjected to unreasonable and excessive personal attack and that Members must treat other Members and their staff with courtesy and respect. It does not say that that requirement only applies some of the time or only in respect of certain Members or certain staff members. We cannot pick and choose when we should adhere to the principles of the code of conduct or ignore what is set out in the code, no matter how legitimate or justified we think our position is.

I will make brief reference to a few other points that have been made. The lack of evidence was raised by Paula Bradley. Mr Frawley acknowledged in his report that he was unable to corroborate any of the accounts. However, he decided, on the strength of Mr Wells's own account of what happened, that a breach of the code of conduct had occurred.

Mr Wells: Will the Member give way?

Mr Agnew: I will not give way. Sorry, I have to finish.

I conclude by reminding all Members of their duty to observe the principles of conduct as set out in the Assembly's code of conduct. These principles include the principles of respect and good working relationships. Members must treat other Members and staff with courtesy and respect. I sincerely hope that this is the last time that the Committee has to table a motion in relation to a matter like this. I urge the House to support the motion.

Question put.

The Assembly divided:

Ayes 49; Noes 51.

AYES

NATIONALIST:

Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

OTHER:

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

Tellers for the Ayes: Mr Eastwood and Ms Ruane.

NOES

UNIONIST:

Mr Allister, Mr Anderson, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Copeland, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Storey, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr McQuillan and Mr G Robinson.

<i>Total Votes</i>	<i>100</i>	<i>Total Ayes</i>	<i>49</i>	<i>[49.0%]</i>
<i>Nationalist Votes</i>	<i>41</i>	<i>Nationalist Ayes</i>	<i>41</i>	<i>[100.0%]</i>
<i>Unionist Votes</i>	<i>51</i>	<i>Unionist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>8</i>	<i>[100.0%]</i>

Question accordingly negatived (cross-community vote).

Welfare Reform Bill: Ad Hoc Committee on Conformity with Equality Requirements

Mr Speaker: The next item is a motion from the Committee for Social Development under Standing Order 35. Order, Members.

Standing Order 35(3) restricts the debate to a brief statement to propose the motion and a brief statement to oppose it. I have ruled previously that the time limit for such statements should be five minutes each. The Minister for Social Development has indicated that he will speak to oppose the motion.

One amendment has been selected and appears on the Marshalled List. As Standing Orders are silent on the arrangements for amendments in these circumstances, I have ruled that the proposer of the amendment and one Member who opposes it will each have five minutes in which to speak.

I inform Members that a valid petition of concern was presented this morning on both the amendment and the motion.

As required by Standing Order 28, no votes can be held on either the amendment or the motion until tomorrow. Those votes will be the first item of business tomorrow morning. The vote on the amendment will be on a cross-community basis. However, because there is a petition of concern to the motion, Standing Order 60(4) now applies. That means that the Question that will be put tomorrow on the motion will automatically become one by which I will ask the House to agree that the Welfare Reform Bill may proceed without reference to an Ad Hoc Committee on conformity and equality requirements. The Question must be passed with parallel consent. I am conscious that these are complex issues and that this is the first time that the provisions have been used. If Members have any queries, I ask them to take the Clerks' advice or to come to the Speaker's Office.

Let us move on with today's business. Given the speaking restrictions, Members should not try to intervene, and I will not take any points of order until this item is concluded. Let us proceed.

Mr Allister: On a point of order on the motion, Mr Speaker.

Mr Speaker: Point of order on the motion.

Mr Allister: I am much obliged. I have been trying to listen above the hubbub to what you have been saying, Mr Speaker, but I question the validity of the motion, given the wording that has been chosen.

When one looks at Standing Order 35, one sees that there is a very clear process in it. Up to the point where a Bill has been referred to the Statutory Committee, it can be referred to an Ad Hoc Committee, but, once a Bill is with the Statutory Committee, as in this case, the wording of Standing Order 35(10) is not that it shall be referred to an Ad Hoc Committee but that it shall be "transferred" to the Ad Hoc Committee.

I suggest that the language that is used in the Standing Order is done so deliberately. There is a distinction, because, at this moment, the Bill is reposed with the Statutory Committee. The Standing Orders anticipate that it cannot be in both that and the Ad Hoc Committee. Therefore, the Standing Order requires that the motion shall transfer it, but the motion before us does not seek to transfer it. It seeks only to refer it. Therefore, it would leave the Bill before two Committees, which is not compatible with Standing Order 35. So, I ask you to rule that the wording of the motion is not something that can be done under Standing Orders.

Mr Speaker: Members will know by listening to the learned Member that these are complex issues. I agree with the Member that it would be more accurate if the motion had used the word "transfer" rather than "refer", but I am satisfied that it is competent. The Member will know that I take counsel on these issues, and I am satisfied that the motion is competent.

Mr Maskey (The Chairperson of the Committee for Social Development): I beg to move

That, in accordance with Standing Order 35(10)(a) and (b)(i), the Welfare Reform Bill be referred to an Ad Hoc Committee on Conformity with Equality Requirements; and that the Ad Hoc Committee shall consider and report only whether the provisions of the Bill are in conformity with the requirements for equality and observance of human rights.

Go raibh maith agat, a Cheann Comhairle. Thank you very much, Mr Speaker. I move the motion under Standing Order 35 on behalf of the Committee for Social Development, and I do so for a number of very important and compelling reasons.

First, I place on the record that, when the Committee Stage commenced, all the Committee members endeavoured to complete the consideration of the Bill within the statutory 30 working days, but, due to the volume of clauses and the importance of the Bill, the Committee rightly invested a significant amount of time and effort in scrutinising the Bill. In fact, we have been meeting for three days every week since mid-October, including through recess. We have taken oral evidence from almost 30 organisations and received close to 50 written submissions. That is probably an unprecedented volume of engagement with any Committee in the lifetime of this particular Assembly. We are very pleased that that has been the case, because of the importance of the issue.

2.15 pm

During presentation of their evidence, stakeholders raised a whole range of serious concerns, including the human rights and equality implications of the Bill. The presentations that we received came from a wide range of organisations that represent our community, such as Churches, trade unions, a whole range of disability advocacy organisations, and the community and voluntary sector. For the purposes of this particular motion, we dealt with the Equality Commission and the Human Rights Commission. I will come to that in a second or two.

Notwithstanding the very important and extensive consideration of the Bill by the Committee and across all parties, given the compelling evidence that was presented to us that highlighted a whole range of concerns, the Committee felt that it was important that we carry out the maximum and most robust scrutiny. That is what we have been involved in. Given the radical nature of the changes that the Bill will represent, the Committee, in its wisdom, felt that it was necessary to give even further, closer consideration to the Bill's human rights and equality requirements. I will outline why in a moment.

I assure all Members of the House, as I assured the Minister and departmental officials when I met them at the Minister's request the other evening, that the purpose of the motion is not about delay; rather, it is about ensuring that we maximise the scrutiny that is available to the House on issues of concern about human rights and equality provision requirements.

In its evidence, the Human Rights Commission advised the Committee that the Department had said that it had conducted a full analysis of

the Bill against the European Convention on Human Rights but that a lot more work needed to be done to ensure that the Bill was compliant with all human rights requirements. The Human Rights Commission was very clear that it had not been involved in full, proper and appropriate levels of consultation with the Department during the whole legislative process thus far.

The Equality Commission also placed on record that it had a number of concerns and that, although it had engaged with the Department over the past number of months and the Department had provided a number of assurances, none of them had as yet been realised.

All Committee members expressed serious concerns. I can say without fear of contradiction that every single member, across all parties, shared the vast majority of concerns that have been placed before the Committee. We have heard compelling evidence that we cannot and must not ignore. If the Human Rights Commission and the Equality Commission come to me, as Chair of the Committee, and tell me that they are not satisfied with the degree of consultation that has been had with them or that their concerns have not been addressed, I will ensure, to the best of my ability, that the House will be given the benefit of full and maximum scrutiny in order to ensure that the Bill complies with the concerns of the Human Rights Commission and the Equality Commission. As I said, concerns have been raised by the trade union movement, Churches and a raft of other organisations. We have also heard concerns expressed by organisations such as NICEM on EU provisions in the Bill that could adversely affect other EU nationals.

It is very clear that all Committee members across all parties are concerned about the Bill. What we are saying to the Minister and the Department, and as we said to Lord David Freud, is that these matters are of such importance and will potentially have such a negative impact on the people whom we collectively represent that it is imperative that we do our job. I presume that the Minister will refer to the meeting that he asked to have with me as Chair the other night. I urge the Minister to embrace the concept of full scrutiny. I also urge him, when the Department quotes figures, not to quote figures that were presented by Department for Social Development officials months ago.

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

Mr Maskey: In my view, those figures distorted the actual financial consequences of the Bill.

This is not about delay but about maximising scrutiny. The people whom we represent are likely to be very adversely affected by the Bill. It is very important that all Committee members continue to do their job. That is why there is a petition of concern against the motion.

The following amendment stood on the Marshalled List:

Leave out all after "35(10)(a);" and insert

"and (b)(ii), the Welfare Reform Bill be referred to an Ad Hoc Committee on Conformity with Equality Requirements; and that the Ad Hoc Committee shall, in addition to considering and reporting on those matters, carry out the role of the Statutory Committee in relation to the Bill."
— [Mr Campbell.]

Mr Campbell: The amendment in my name and that of my colleague was tabled to try to ensure that an issue would not arise whereby the Committee could not continue to finalise amendments and clauses in the Bill but could in fact conclude its business rapidly. Not to do so would cost several million pounds. Unfortunately, the tabling of the petition of concern means that the amendment is superfluous, and I, therefore, withdraw it.

Amendment not moved.

Mr Speaker: Order, Members. The amendment has not been moved. I call the Minister for Social Development, who has five minutes to oppose the motion standing in the Order Paper.

Mr McCausland (The Minister for Social Development): I welcome the opportunity to respond to the motion. I have addressed the Assembly on a number of occasions on the Welfare Reform Bill, its process and the financial and, indeed, societal repercussions if the Assembly further delays its introduction. It was only four weeks ago, on 22 October, that I spoke against a motion tabled under Standing Order 34. That motion was defeated, and I am dismayed that human rights issues are featuring again as part of today's motion.

On the other issue of equality, around which today's motion has been tabled, I have already outlined the steps my Department has taken in that regard. As part of the process for me as the Minister for Social Development bringing forward the Welfare Reform Bill to the

Executive and introducing it here at the Assembly, my Department carried out a detailed analysis of the proposals in the Bill for their conformity with equality requirements, including, I might add, a public consultation on those same proposals.

It was on 5 September last year — more than a year ago — that the Department published its draft equality impact assessment on the proposals in the Bill. That document was sent directly to 65 different organisations, as well as being made available on the departmental website and to all 108 MLAs. The consultation period ended on 30 November, and the Department received a total of 27 responses representing the views of 37 groups. It is worth noting that neither the Human Rights Commission nor, indeed, the SDLP bothered to respond.

For me, the whole issue is very simple. If we proceed in the direction in which some Members want to go, we will cost the people of Northern Ireland a substantial amount of money. If this process proceeds in the direction indicated and is taken away from the Social Development Committee and into an Ad Hoc Committee, the matter will be stalled until the Ad Hoc Committee finishes its work. That will be the result of what is proposed. We are already operating under a very tight timetable and framework. I notice that the Committee Chair said that it is not the intention to delay, but the fact is that it will cause delay.

Let us look very clearly at the implications of this. If we delay the process by 10 days, and I take that figure, because 30 days is the normal period set out for an Ad Hoc Committee, then the cost to the Northern Ireland Budget would be £4 million — £4 million pounds for a 10-day delay. If it were the full 30 days, the cost would be £13·1 million. If we go beyond that — and if you look very carefully at the timetable, you will see that it may well do so — it would run up to £28 million. The fact is that there is no need to squander that money, because it is possible for the Social Development Committee to fully explore the issues of equality and human rights without the sort of delay that it is contemplating.

Let us just think of the cost that would be incurred. In a few months' or a year's time, when someone says that they need some money to sort out a leaking roof in a classroom, or deal with damp, or because drugs are not available in a hospital, or because we do not have enough to mitigate some of the detrimental effects of welfare reform, I will come back and say, "If you had not squandered the £4 million, the £13 million or whatever the figure was, we

might have been better positioned to deal with that." This matter can be dealt with at no extra cost — not one penny — if the Social Development Committee deal with it. The fact is that the expertise resides with that Committee.

This is not about welfare reform. It is about a squalid little squabble between the SDLP and Sinn Féin. The SDLP wants to be able to say, — and this all came out in this morning's press statement from Mr Durkan — "We led Sinn Féin by the nose. We pulled them along. We are the people who did it. We got them over the line." This is about an inter-nationalist squabble. It is nothing to do with the issue before us. Anyone who suggests that the matter can proceed in the Social Development Committee and the Ad Hoc Committee at the same time is wrong. The matter is stalled within the Social Development Committee.

Mr Speaker: The Minister's time is almost gone.

Mr McCausland: It cannot proceed in parallel, and I urge the House not to squander money on funding what is basically an SDLP/Sinn Féin stunt.

Mr Speaker: The Question will be put at the start — *[Interruption.]* Order. The Question will be put at the start of business tomorrow morning. The Business Committee motion to establish an Ad Hoc Committee, which is the next item on the Order Paper, cannot now be moved. Let us move on.

The next item on the Order Paper is Question Time. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.30 pm.

The sitting was suspended at 2.25 pm.

On resuming (Mr Deputy Speaker [Mr Dallat] in the Chair) —

2.30 pm

Oral Answers to Questions

Regional Development

B59: Cloughfern Corner, Newtownabbey

1. **Ms P Bradley** asked the Minister for Regional Development what plans his Department has to alleviate congestion on the B59 Doagh Road at Cloughfern corner, Newtownabbey. (AQO 2871/11-15)

Mr Kennedy (The Minister for Regional Development): Mr Deputy Speaker, I hope that you will give me some credit for being on time today. Let me also claim your indulgence by welcoming a group of elected representatives, including Mayor Tom Crosby and officials from Roscommon County Council, who are present in the Chamber.

On 24 October 2012, I announced the making of the vesting order for the proposed £60 million major works scheme to improve the A2 Shore Road between Belfast and Carrickfergus at Greenisland. That will enable my Department to acquire the land necessary to construct a new dual carriageway between Shore Avenue at the University of Ulster and Seapark. Roads Service anticipates that the upgrading of that section of the A2 will reduce the number of vehicles using the B59 Doagh Road and alleviate traffic congestion. Work on the proposed A2 scheme is expected to commence in the early part of next year and will take approximately two years to complete.

Due to the delays experienced by motorists who use the B59 Doagh Road at peak times, Roads Service is currently undertaking a feasibility study to investigate the possibility of introducing traffic signals at the junction of Doagh Road with Station Road and O'Neill Road, known locally as Cloughfern corner. If progressed, the scheme would also replace the existing zebra crossings with fully controlled pedestrian facilities incorporated into the traffic signals. The feasibility study is still at an early stage. Once it is completed, any potential scheme will be prioritised and will have to compete for funding against the large number of other potential minor improvement schemes in Roads Service eastern division. I, therefore,

cannot currently give a firm indication of when or, indeed, whether the scheme will progress.

Ms P Bradley: I thank the Minister for his answer thus far. I welcome what the Minister had to say. I know, as someone who used to work along there, just how bad it gets. I welcome the Minister saying that there is a feasibility study, but is there anything at all that he can do in the interim? The cars are using residential areas. They go through Fernagh to get from the Doagh Road to Station Road, and that, in itself, causes a hazard.

Mr Kennedy: I am grateful to the Member for her question and her kind comments. Of course, my officials continue to examine how we can bring forward improvements, particularly in the light of the larger scheme that is due to take place and the likely impact that it will have. Of course, you cannot make omelettes without breaking eggs, but, still and all, you want to try to manage the situation as far as possible.

Mr Dickson: I thank the Minister for his answers so far and for his welcome comments about progress on the A2. During the construction of the A2, further pressure will be put on the B59 and Cloughfern corner. What efforts will your Department make in terms of traffic management to ensure that what is a rat run does not become an even bigger one?

Mr Kennedy: I am grateful to the Member. I accept the point that he makes. The implementation of a major project, such as the A2 Shore Road to Greenisland, will inevitably cause significant disruption along the A2 and the adjacent roads during the construction phase. There are, of course, significant challenges associated with carrying out those works within the space available on that very constrained urban corridor. They include laying new gas mains, sewers, water mains and electricity and telephone cables. All utilities to the adjoining properties must be maintained during the construction of the road while accommodating the 35,000 vehicles that use the road every day.

To tackle those issues, Roads Service has established a temporary traffic management strategy group, known as TTMSG — that rolls off the tongue — which includes representatives from PSNI, Translink transportation unit and officials from Newtownabbey Borough Council and Carrickfergus Borough Council. The aims of that wide-ranging group will be to minimise disruption and keep all those affected informed of the works and the developments throughout

the contact. I very much hope that we can make progress on that basis.

Ballynahinch Bypass

2. **Mr Wells** asked the Minister for Regional Development for an update on plans to build a bypass for Ballynahinch. (AQO 2872/11-15)

Mr Kennedy: The Member will recall that I met elected representatives, traders and council officials in Ballynahinch to see for myself the road network and traffic conditions in the town prior to my announcement in January 2012 of the preferred line for the A24 Ballynahinch bypass scheme. Roads Service officials have confirmed that work to progress the development of a specimen design is ongoing, together with the planning and completion of the required surveys, including a detailed environmental survey, that are necessary to progress the scheme.

As the Member will appreciate, strategic road improvement schemes, such as the Ballynahinch bypass, can only be provided at considerable cost, which in this case is estimated to be in the range of £40 million to £50 million. That level of funding is not available in the current Budget period, during which the A5, A8 and A2 schemes are being progressed. However, Roads Service will continue to progress the A24 Ballynahinch bypass scheme, as resources allow, so that it can be ready for construction should finance become available. I would welcome the Member's support in helping to secure the funding necessary to progress the scheme.

Mr Wells: I also welcome the delegation from Roscommon. I hope that they have the famous TD Ming with them. He is an individual whom I have always wanted to meet.

Moving back to the subject of Ballynahinch, I am concerned that, when the bypass was first suggested in 2001, the price was £9 million, yet now you are telling me that the estimated cost of construction is between £40 million and £50 million. The whole project is rapidly running out of control. If we do not act soon and provide it, we will simply never have the money to provide that much-needed bypass to relieve traffic congestion in the crowded town of Ballynahinch.

Mr Kennedy: I am grateful to the Member for his comments. It has been indicated that he will become a member of the Executive — if he behaves himself, at least. On that basis, he will be able to assist me in my efforts to obtain even

more finances for my Department to bring forward road schemes like the Ballynahinch bypass.

Mr McCallister: Will the Minister confirm his commitment to the project and to identify the necessary funding to move this much-needed project forward?

Mr Kennedy: I am grateful to the Member for his supplementary question and his ongoing commitment. Strictly speaking, Ballynahinch is no longer in the South Down constituency. Indeed, my party leader, Mike Nesbitt, has not been slow in making representations on behalf of the Ballynahinch bypass scheme. I am very aware of it as a scheme, as I am with other schemes throughout the length and breadth of Northern Ireland. Those include the A26, which will please Robin Swann, the Millennium Way, which will please Sam Gardiner and Jo-Anne Dobson, the Enniskillen bypass, which will please Tom Elliott, and, of course, a great many others. I am very dedicated to bringing forward and making as much money available to my Department as possible and to arguing at the Executive on that basis, so that we can improve the road network throughout Northern Ireland.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. As the Minister is on the subject of bypasses, will he give us an update on the status of the Dungiven bypass, now that the public inquiry has been heard?

Mr Kennedy: I am grateful to the Member for his supplementary question. The fact that I did not mention the Dungiven bypass earlier does not mean that I have forgotten about it — you would not allow me to anyway. We have had the public inquiry, and, as the Member knows, it is a matter of available finance. I will continue to battle for funds to bring forward projects such as the Dungiven bypass and the A6 as quickly as we can.

Mr McCarthy: Does the Minister not feel very disappointed that, after 30 or 40 years, we are no further forward? I was alarmed to hear the Minister say that the scheme is only at the design phase. I would have thought that, after all these years, we would be ready to go once the money was available. Sammy Wilson announced a lot of money last week. Could some of that not be diverted to Ballynahinch, which is in my constituency?

Mr Kennedy: I thank the Member for his contribution. However, I am also conscious that Ballynahinch is a new addition to your constituency, so you may not know the

background to it. You may not be as well informed as you think. Let us not worry about the past, which I cannot change. As roads Minister, I would like to carry forward the Ballynahinch bypass project. I would like to continue to advance the argument to get the funds necessary to complete that and other schemes.

Donegall Road, Belfast: Roadworks

3. **Mr McGimpsey** asked the Minister for Regional Development for an update on the roadworks on Donegall Road, Belfast. (AQO 2873/11-15)

Mr Kennedy: Roads Service has advised that the resurfacing of approximately 650 metres of carriageway on the Donegall Road from the Broadway roundabout to Euterpe Street is now complete. The works, which began on 13 August 2012 and were completed by 17 September 2012, typically took place between 7.00 am and 8.00 pm, thus minimising noise disturbance to residents. This scheme, which was valued at approximately £220,000, was undertaken to improve the safety and strength of the road. No further works have taken place on the Donegall Road since the completion of the resurfacing scheme.

The Member may also have noted that works at Hope Street and Sandy Row are now complete. Final resurfacing was substantially completed over the weekend just past. Those works included the introduction of two-way traffic on Hope Street, with the commissioning of traffic signals at the junction with Sandy Row and Linfield Road — yes, Linfield — on 28 October 2012. This provides controlled pedestrian crossings at a busy location that is particularly important to the residents of the Sandy Row area, as it provides a connection with the city centre. It also provides an additional northbound route via Hope Street, Sandy Row, Durham Street and College Square North for traffic on Great Victoria Street and improves local access to the area. Roads Service has been monitoring traffic flows at this junction and across the city, both on the ground and by CCTV, and traffic has been flowing well. As further works are completed across the city and traffic patterns are established, further traffic management measures can be considered where necessary to target any specific issues that arise.

Mr McGimpsey: I thank the Minister for his answer and for the long explanation about the Hope Street/Wellwood Street scheme, even though I did not ask for it; it is nice to get it. Will

the Minister confirm that the roadworks that have now ceased on the Donegall Road will carry on right down to the junction with Shaftesbury Square, particularly because of the very poor condition of the pavements in that area? Will he also confirm that the moratorium for Christmas will not affect those works?

Mr Kennedy: I am grateful to the Member for his supplementary. Obviously, my officials will continue to carry out all the necessary works that they can. I am pleased to say that the moratorium on public works from now until Christmas is now in operation. That is good news for everyone concerned — residents, travellers, shoppers, tourists and everyone who works or spends time in Belfast — and has been widely welcomed by the Chamber of Trade and other public representatives. I hope that it confirms the signal that Belfast is open for business, as are other towns and cities across Northern Ireland, such as Lisburn, Newry and even villages such as Bessbrook.

Dr McDonnell: I thank the Minister for his answers so far. I generally welcome the works that have been done on Donegall Road and Hope Street. I also commend the Minister on the resurfacing in progress on the Malone Road; it is very welcome. I also commend Roads Service for the flexibility that it has shown to people getting in and out while that work takes place. It is useful to make a positive comment the odd time. However, I draw the Minister's attention to the terrible state of many roads across Belfast as a result of the ice and snow and perhaps even the machines used to deal with the ice and snow in the past couple of bad winters —

Mr Deputy Speaker: May we have the question, please?

Dr McDonnell: Have you any long-term plans? Nearly every road needs resurfacing. Is there a work scheme, plan or programme in place to resurface roads and replace some of those potential potholes?

2.45 pm

Mr Kennedy: I am grateful to the Member for the challenge that he raises. It would be a significant challenge to reinstate every road. Obviously, we continue to bid for moneys to help with structural maintenance. That is fundamentally the Member's point. I welcome his positive comments on the work that has been carried out and on the approach adopted by my officials in Roads Service and, indeed, in the other utilities in co-operating to ensure that,

when necessary works are being implemented, there is minimum disruption or as little disruption as is practically possible. I am very interested in continuing to get the necessary funds to maintain the road network that we have not just in south Belfast or Belfast but across Northern Ireland.

Ms Lo: I also commend the Roads Service for the good work carried out on Donegall Road. It is really a great improvement for the area. Will the Minister give an update on the proposal to resurface Rugby Road? Many of the residents oppose that, because it is not in keeping with the character of the area.

Mr Kennedy: I am grateful to the Member for her supplementary question, which strays somewhat from the Donegall Road and Sandy Row area. However, I confirm that ongoing discussions with the residents that will hopefully achieve a resolution to the issue are happening or are about to happen.

Flooding: South Antrim

4. **Ms Brown** asked the Minister for Regional Development what consideration has been given to addressing the persistent flooding in south Antrim. (AQO 2874/11-15)

Mr Kennedy: Roads Service has identified locations in the south Antrim area that are prone to flooding. Some of those flooding problems have been programmed for remedial repairs, and the required funding has already been allocated. NI Water has also identified a number of properties in Antrim town, Newtownabbey, Randalstown and Glenavy that may be at risk of out-of-sewer flooding. Each of those properties is the subject of a detailed appraisal study of the sewerage infrastructure. That may identify possible improvements. Any schemes arising from that process will be considered for implementation in NIW's capital works programme, subject to available funding and competing priorities.

I understand that, following previous river flooding incidents, the Department of Agriculture and Rural Development's Rivers Agency undertook extensive investigations and completed feasibility studies on the Sixmilewater, Fourmile burn and Doagh river. A flood alleviation scheme is nearing completion on the Fourmile burn, and other alleviation works have been carried out along the Sixmilewater to improve flood protection at Muckamore and Meadowside in Antrim. Officials from Rivers Agency, NI Water and Roads Service have engaged in meetings with

residents from Antrim and Muckamore affected by flooding and with officials from Antrim Borough Council and local public representatives to address their concerns. Rivers Agency will take forward further works and schemes on a prioritised basis and on the basis of available resources.

Ms Brown: Will the Minister outline what action has been taken to upgrade identified poor drainage systems, particularly in Templepatrick, where traffic tends to come to a standstill in heavy rain on the A6 Antrim Road and the A57 towards the M2 slip road in both directions?

Mr Kennedy: I am grateful to the Member for her supplementary question. Obviously, she will know that co-operation with Rivers Agency is necessary and desirable on drainage issues. Indeed, that is the case with the other responsible agencies and Department. My Department is responsible for the maintenance of the storm water gullies in the public road network. We aim to clean all gullies in urban areas twice each year. That policy ensures that a reasonable level of maintenance is carried out on the drainage system while taking account of the Department's finite funding and staff resource levels. I understand the Member's point about Templepatrick, and, if I have any further information on that that would be valuable, I will provide it in writing.

Mr Kinahan: I thank the Minister, and I also congratulate Roads Service in both the Antrim and Newtownabbey areas for being extremely quick in helping.

My question follows on from what the Minister was talking about. How does his Department engage with the other Departments, such as DARD on flooding, and with councils, particularly on sandbags? Those issues affect roads because of blockages such as those at Parkgate and Templepatrick.. How does his Department engage with the Department of the Environment on building new developments on flood plains?

Mr Kennedy: I am grateful to the Member for his supplementary question and his kind comments about Roads Service, its officials and the other agencies involved.

I am happy to confirm that Roads Service is in regular contact and co-operates fully with other Departments on all flooding-related issues. It has established a network of divisional flood liaison officers to provide clear channels of communication for other Departments, local councils and area health emergency planning

co-ordinators. Roads Service, as well as NI Water, plays a key role on the flood liaison group, which promotes co-operation and co-ordination between the main organisations required to respond to flooding incidents, such as Rivers Agency, NI Water, Roads Service and the Northern Ireland Fire and Rescue Service.

Mr Rogers: I thank the Minister for his answers so far. What developments are taking place in his Department to introduce sustainable urban drainage systems?

Mr Kennedy: I am grateful to the Member for his supplementary question. Obviously, sustainable systems would be a desirable outcome to arrive at as quickly as possible. There is, of course, the issue of cost and budget, and that has to be measured in the current climate. I will write to the Member with an update.

Road Maintenance: Ards Borough Council Area

5. **Mr Nesbitt** asked the Minister for Regional Development how the level of funding for roads maintenance in the Ards Borough Council area compares with five years ago. (AQO 2875/11-15)

Mr Kennedy: Roads Service has advised that the current level of funding for roads maintenance in the Ards Borough Council area has increased when compared with that of five years ago. In the 2011-12 financial year, out-turn spend on structural and routine maintenance was approximately £5.7 million, compared with £2.5 million in the 2006-07 financial year.

Although Roads Service's initial roads maintenance budget for the current financial year was lower than 2011-12 levels, my Department has been bidding vigorously in an effort to secure additional in-year funding, most recently as part of the October monitoring round. That has resulted in further interim allocations that have enhanced funding across all council areas, including Ards Borough Council area, where current funding is well in excess of the out-turn figure for 2006-07, thus allowing more maintenance schemes to be carried out.

Mr Nesbitt: I thank the Minister. Notwithstanding and without prejudice to Ballynahinch, where does the resurfacing of

Main Street in Greyabbey fall on his Department's list of priorities?

Mr Kennedy: I am grateful to the Member for his supplementary question. It seems that Ballynahinch will not be enough; it will have to be Greyabbey as well.

Roads Service has advised that it considers the scheme to be of a high priority. I should point out that NI Water recently completed utility works on Main Street in Greyabbey and that the reinstatement works that it carried out are currently within the maintenance guarantee period as required by the Street Works (Northern Ireland) Order 1995.

The maintenance guarantee period runs for a minimum of two years, during which time NI Water is responsible for the condition of the reinstatement, including dealing with any settlement that may occur in its trench. I know that the Member will understand that it makes sense to allow time for the reinstatement to bed in prior to embarking on any reconstruction or resurfacing scheme.

The cost of the proposed work would represent a significant proportion of the annual structural maintenance budget for the entire Ards area. Therefore, it is likely that the scheme would have to be split into two or three stages. However, we have been bidding proactively for additional funding, and, should sufficient funds become available, it is hoped that resurfacing works can commence late in 2013-14 or early in 2014-15.

Mr Deputy Speaker: Before calling the next contributor, I remind Members that supplementaries to this question must be specific to roads maintenance in the Ards Borough Council area now and five years ago.

Mr McCarthy: Go raibh maith agat, a LeasCheann Comhairle. I stand as a proud member of Ards Borough Council. I must express gratitude for the work that has been done in the Ards Borough Council area, but there are loads of work to be done. In relation to the Ballynahinch one —

Mr Deputy Speaker: Mr McCarthy, we need a question.

Mr McCarthy: After years of having minor projects on work schedules, land acquisition seems to be the problem. Will the Minister plan well ahead and purchase the land? I am thinking of improved sightlines, as there are in the programme for our local section office. The

land could be purchased quickly so that the project could then be got on with when the funding is available.

Mr Deputy Speaker: Sorry, Mr McCarthy. I ask you for a question for the second time.

Mr McCarthy: I think that the Minister has got the gist of what I am on about.

Mr Kennedy: I am grateful to the member for his supplementary. I have got the gist, but I am not sure that it is the right gist. I was talking about Main Street, Greyabbey. Where did you go off to? *[Laughter.]* I gave a detailed answer on Main Street, Greyabbey. I think that, in my initial answer, I proved conclusively my commitment to trying to get more moneys for structural maintenance that can be spent not only in the Ards Borough Council area but in all parts of Northern Ireland.

Mr McAleer: Will the Minister give us any indication of how much funding has been transferred from the A5 pot to the roads maintenance budget for Ards and other parts of the Six Counties?

Mr Kennedy: That was an ingeniously delivered question from the Member. I have made it plain that, while the legal situation in respect of the A5 persists, I am limited in what I can say. However, I can confirm that we have had discussions with the Department of Finance and Personnel about reprioritising the allocated funds. We very much hope that the situation can be resolved. I still believe that it will be possible to bring forward the A5 scheme, hopefully at the earliest possible point.

Car Parking: Cycle Lanes

6. **Mrs Cochrane** asked the Minister for Regional Development what action his Department is taking to address illegal parking in cycle lanes. (AQO 2876/11-15)

Mr Kennedy: I want to begin by saying that I fully appreciate the concerns and frustration of cyclists caused by vehicles that park in cycle lanes during their operational hours. Motorists should be mindful and considerate towards cyclists when using our roads and should not park illegally in cycle lanes. Roads Service has advised that a traffic attendant can issue a penalty charge notice to a vehicle that is parked on a mandatory cycle lane. However, a penalty charge notice cannot be issued to a vehicle that is parked on an advisory cycle lane, unless other parking restrictions apply; for example,

clearway restrictions or bus lanes. When a traffic attendant observes a vehicle parked in a cycle lane in contravention of a restriction, the appropriate enforcement action will be taken.

Mrs Cochrane: I thank the Minister for his answer. Will he also give us an update on the parking enforcement awareness programme that was due to commence on 30 October?

Mr Kennedy: I am grateful to the Member. Obviously, the Department encourages cycling. We are committed to providing safer roads for the growing number of cyclists and pedestrians. We have done that through a range of measures such as road safety engineering, traffic calming and the enhancement of the pedestrian and cycling network. All these initiatives, including those brought forward by Travelwise, are key elements of the sustainable travel options involving cycling and its promotion.

Mr McDevitt: I thank the Minister for his ongoing commitment to cycling. Given that it is the beginning of road safety week, will the Minister indicate to the House whether he is willing to strongly consider the merits of introducing 20 mph zones on a statutory basis or to support the private Member's Bill due before the House in the coming months that will do so?

3.00 pm

Mr Kennedy: I am grateful to the Member for his supplementary question. I know that he is a keen and very active cyclist. I am aware of the private Members' Bill and of the representations made by those in favour of introducing 20 mph schemes. Although I am not opposed to such schemes, the issue seems to be one of enforcement: how such limits are to be enforced, whether the PSNI can commit the necessary resources and whether responsible motorists and vehicle users will be prepared to accept the restrictions that are placed upon them. That is an ongoing discussion that I am having with my officials, and we will see what emerges.

Employment and Learning

Mr Deputy Speaker: Question 13 has been withdrawn and requires a written answer. Jonathan Craig is not in his place, so I call Thomas Buchanan.

Steps 2 Success

2. **Mr Buchanan** asked the Minister for Employment and Learning for an update on his Department's proposed Steps 2 Success programme. (AQO 2887/11-15)

Dr Farry (The Minister for Employment and Learning): Steps to Work, my Department's main adult return-to-work programme, is due to end on 31 March 2013, when the current contracts for delivery expire. Steps 2 Success is being developed as the successor to the outgoing programme. A public consultation exercise outlining the high-level design of Steps 2 Success ended on 12 October, resulting in over 80 responses from a wide and varied range of organisations. The level of interest in the programme is very encouraging. My officials are collating and evaluating the responses received and will use that feedback to inform the design of the programme.

A summary response to the consultation exercise, which will include recommendations on the way forward, will be published once this work has been completed. It is planned that procurement for the new programme will commence in February 2013, with an anticipated start date of February 2014.

Mr Buchanan: I thank the Minister for his response. What implications, if any, will the delay in bringing forward the Steps 2 Success programme have for students?

Dr Farry: I thank the Member for his substantive and supplementary questions.

We do not anticipate the delay having any meaningful impact on any key stakeholder group. It is important that we get this right. In fact, I would not even suggest that there is a delay in practice: we are simply shifting the timetable in a slightly different manner to make sure that we fully take on board the responses to the consultation.

The House will be aware that the Minister for Social Development has set a timescale for the introduction of universal credit on 1 April 2014. Although that is an entirely separate programme, there will obviously be a spin-off between the two different strands. It is anticipated that this element will be in place ahead of the introduction of universal credit.

Mr B McCrea: Following on from your last answer, Minister, there must be some connection between welfare reform and

universal credit. Will you identify what that is for us?

Dr Farry: In Northern Ireland, we have had the Steps to Work programme as the main employment programme. That was a successor to the New Deal. Even without welfare reform taking place in Great Britain and Northern Ireland, we would have been in a situation where we would have had to re-contract and redesign our main employment programme.

Obviously, an employment programme is important, because it is critical to assist people who have been out of work for a long time in returning to work. Obviously, universal credit is designed to improve the employability of people, incentivise people who have been on benefits to find work by making it more attractive — in some cases by having a combination of some benefits and some work — and address the catch that many people who find themselves on benefits experience, where not finding work is actually beneficial and pays its way. So, what we do in our work programme is critical to maximising the employability prospects of people who are on benefits today and who will be on universal credit in the future.

Mr McMullan: Go raibh maith agat, a LeasCheann Comhairle. Minister, you said that you had consulted widely on the programme. Just how widely has your Department consulted with the voluntary and community sector on the proposed Steps 2 Success programme?

Dr Farry: I thank the Member for his question. In some respects, this could be viewed as a simple recontracting exercise, and, as such, there would not normally be an expectation of a full public consultation. Given the importance of getting people into work and the new contracts arising from that, I took the decision that it was important that we had a public consultation. It is by no means a done deal, and we are very keen to hear the views of the public and different organisations on the ongoing design of the programme. We received over 80 responses to the consultation, and that was in excess of what we had anticipated, hence we needed to take more time to properly analyse those. I was pleased with the degree of response from the community and voluntary sector. In addition to the formal consultation, the Department organised a number of information sessions, through which we engaged with the community and voluntary sector.

Unemployment: East Belfast

3. **Mr Douglas** asked the Minister for Employment and Learning what training and employment programmes his Department is planning to tackle levels of unemployment in east Belfast. (AQO 2888/11-15)

Dr Farry: My Department has a range of programmes to support those who are unemployed back into work. Steps to Work is being delivered successfully in east Belfast by Bryson FutureSkills. Since being awarded the contract for that area, the organisation has introduced several pre-employment initiatives, known as Step Into, and is engaged with GEMS NI, Penna Plc and FIT NI to develop further employment initiatives in east Belfast. The recently announced First Start and Step Ahead 50+ initiatives will also help to address unemployment in east Belfast.

In July, I launched the youth employment scheme to help young people gain experience, acquire new skills and find employment. Training for Success provides a guaranteed training place for unemployed 16- to 17-year-olds, with extended eligibility for those with a disability up to age 22 and 24 from an in-care background. Contracted training suppliers, including those in east Belfast, deliver the programme, which aims to progress participants to higher-level training, further education or employment by addressing personal and social development needs, developing occupational skills and employability skills and, where necessary, essential skills. Programme-led apprenticeships offer unemployed young people a guarantee of training of up to 104 weeks followed by a level 2 apprenticeship framework.

In addition to the above measures, a community family support programme pilot is being introduced in east Belfast, west Belfast, Strabane, Cookstown and Newtownabbey to support parents, help prevent younger family members falling into the not in education, employment or training (NEET) category and to help other young family members already in that situation to re-engage with education, training or employment. It is anticipated that, following an evaluation of the pilot, an upscaled community family support programme will be rolled out to all areas over the period 2013-15.

Mr Douglas: I thank the Minister for a comprehensive response. Will he confirm that the target for those entering training schemes to gain employment is around 23%? What percentage is being achieved?

Dr Farry: I thank the Member for his supplementary question. While he may praise me for a comprehensive initial answer, I do not, unfortunately, have a comprehensive follow-up answer for him on the precise figures for each different strand. I can say that they are, in the main, in and around the targets that we have set, and while I am pleased that we are in a position to more or less meet the targets that have been established, we can by no means be complacent, and we need to be ever more mindful of the need to improve the performance of our employment programmes.

I will jump back to Steps 2 Success. It is worth highlighting that one of the reasons why we are going through a redesign of the programme is to ensure that we are in a better position to increase the performance level of placing people into sustained employment. Steps to Work is performing well on its targets, but, clearly, we can and should do a lot better, and, in many respects, some of our employment programmes have, starkly, tended to be some of the lesser performing among equivalents elsewhere in the UK.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister have the figures on the number of young people from east Belfast and, indeed, Strabane who are not in education, employment or training?

Dr Farry: Members are quizzing me on some very specific things. I will write to the Member with those particular figures in so far as we can break them down. It is important that the House appreciates that the figures are often compiled from the labour force survey, which, by its definition, is a survey and does not necessarily lend itself to a ready breakdown on a constituency basis. In so far as we can provide those figures, I will do so to the Member. In the same way, I will write to Mr Douglas to give him the precise figures for each of the relevant programmes that I referred to in my main answer.

Mrs Overend: As there are regional variations in unemployment statistics, does the Department for Employment and Learning have regional variations in its strategies?

Dr Farry: I thank the Member for her question. Obviously, there are major subregional variations in unemployment. Again, it is worth stressing that we have the labour force survey, which is a survey, and we also have the claimant count, which can provide a more accurate basis of unemployment on a local geographical basis. Obviously, we seek to take

into account regional variations in the way that we design and take forward programmes.

Again jumping back to the Steps 2 Success issue, one of the key aims is to ensure that any future providers treat people across Northern Ireland equitably, that they address particular needs and there is not a situation where providers are able to address and cream off the easier cases to help, allowing people to fall through the cracks. That applies to people's existing level of attainment and employability as well as any subregional variations that there may well be.

FG Wilson: Job Losses

4. **Ms P Bradley** asked the Minister for Employment and Learning for an update on the assistance offered by his Department to people affected by the job losses at FG Wilson. (AQO 2889/11-15)

Dr Farry: Since I last reported on this matter, my Department, through the redundancy advice service, has worked in partnership with the Social Security Agency, further education colleges, HMRC and other agencies to provide 15 clinics across all three FG Wilson sites affected by these announcements. Through this service, my officials provided advice on alternative job opportunities and mentoring, access to training courses, entrepreneurship, education opportunities and careers advice, as well as on a range of other issues such as benefits and taxation. This service was delivered free of charge to all employees facing redundancy.

In addition, the Department for Employment and Learning arranged six jobs and training fairs, and, again, these were delivered across all three sites. My officials worked proactively to target and identify over 30 companies that expressed an interest in attending the jobs fairs, with 28 attending the Larne event, 16 at Monkstown and 16 at Springvale. At the training fairs, my Department worked in partnership with, among others, further education colleges, training providers, industry experts and employment and careers counsellors. Workers affected were provided with access to opportunities and pathways into a different career.

Moving forward, the further education sector will have a key role in providing assistance to individual employees. The further education sector's response is being co-ordinated by the Northern Regional College with support from other colleges, in particular Belfast Metropolitan

College. Following the jobs and training fairs, the Northern Regional College received 31 training needs questionnaires from employees based at the Larne and Monkstown sites. These are currently being analysed by the college so that individuals can be signposted to the appropriate provision.

Finally, my staff in the jobs and benefits offices are currently dealing with fresh claims for benefit being made by FG Wilson employees, and my Department continues to liaise with the company should they require any additional services.

Ms P Bradley: I thank the Minister for his answer, and I find what has happened so far to be very encouraging. There have been several schemes in the past, including the one that we had when we had the Nortel job losses. How confident is the Minister of the effectiveness of this scheme, and has he any evidence that past schemes were productive in retraining and employment?

3.15 pm

Dr Farry: I thank the Member for her question and her supplementary. Retraining is of fundamental importance. It is not just an issue in this society; it affects many other countries around the world whose economies are going through transition. I know that the recently re-elected US president, President Obama, has placed a very heavy emphasis on the reskilling of workers affected by economic downturns. He has had discussions on this with a number of US officials.

What we are doing can be very effective, both in identifying new employment for affected workers and in providing retraining. In some cases, the retraining simply gives an accredited qualification to someone who has already worked for many years in a company without the need for formal qualifications to demonstrate the skills that they already have.

To date, most of the people who have gone through the process were those taking voluntary redundancy, and they may be in a different context from those facing compulsory redundancy. However, it is important to stress that workers need to consider alternative job opportunities. They need to be very open-minded about their ability to relocate or commute to different employment that might not necessarily be right on their doorstep, unfortunately.

Dr McDonnell: Have any further applications for funding been made to the European Union, with a view to further upskilling the workers involved? Has the European Union been of any benefit through providing extra funding from its social development fund, or whatever?

Dr Farry: I thank the Member for his question. Money from the European social fund is already being drawn down for a wide range of schemes in the community and voluntary sector. The Member perhaps refers to the European globalisation adjustment fund, which is controlled at UK level by the Department for Work and Pensions (DWP). My officials have been in touch with DWP officials to explore the applicability of the fund to Northern Ireland. However, there is the danger that that fund would simply give us funds to duplicate provision that we currently make in Northern Ireland and, at the same time, ask us to surrender money to balance additional investments being made through that fund. So, at this stage, we are sceptical about whether that fund will be of any particular benefit to our situation in Northern Ireland. However, discussions are ongoing with DWP.

The United Kingdom Government have not yet made any advances or application to the European globalisation adjustment fund. It may well be that a test application will be made relating to FG Wilson or to the Ford closure that was announced in Dagenham in recent weeks.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give us an update on his work with the Minister of Enterprise, Trade and Investment in relation to the staff at FG Wilson who are now unemployed?

Dr Farry: My officials and I work in close co-operation with our counterparts in the Department of Enterprise, Trade and Investment. There is a clear division of labour in what the two Departments seek to do. My officials work closely with the employees affected on their reskilling and try to facilitate placements in existing companies with vacancies. It is encouraging to see companies coming forward and participating in job fairs.

My colleague the Minister of Enterprise Trade and Investment is very much minded further to develop business opportunities in Northern Ireland, particularly in east Antrim, and to see how the presence of, and any future developments in relation to, FG Wilson and Caterpillar can be consolidated there.

Mr Beggs: I welcome the clinics and training fairs, etc, that have happened. Is the Minister yet able to indicate what the outcomes have been? How many employees, whether agency workers or permanent employees of FG Wilson, have been able to get permanent employment?

Dr Farry: We do not yet have the precise figures for placements and jobs filled as a consequence of those events. It is very much a work in progress. I can tell him that the number of people who have been affected to date by the redundancies is 490. That figure breaks down into 108 agency staff, 332 hourly production staff and 50 salaried engineering staff.

Community Family Support Programme

5. **Mr Swann** asked the Minister for Employment and Learning what action is being taken through the community family support programme pilot. (AQO 2890/11-15)

Dr Farry: The community family support programme pilot is part of the wider Pathways to Success strategy that will take a range of actions across the Executive to prevent young people falling into the NEET category. Initially, the pilot programme will be delivered by the Local Employment Intermediary Service (LEMIS) in partnership with the existing health and social services provision. It will commence in January 2013 and will focus on the needs of 44 disadvantaged families in the targeted areas of east and west Belfast, Strabane, Cookstown and Newtownabbey.

The families that are involved in the pilot programme will get help from a dedicated family liaison officer, who will ensure that the delivery of support is directly matched to the expressed needs of the families. They will help the families to address a range of issues and will provide support to enhance parenting skills. They will also work closely with schools to ensure that young people receive additional help with the essential skills of numeracy, literacy and ICT. Help and support for social and economic issues, health, housing, alcohol and drugs will also feature in the support package, and everyone of working age will get help to develop skills to find work.

All families participating on the pilot will also have access to one of a number of Strengthening Families programmes. Those are nationally and internationally recognised evidence-based family skills training programmes that are designed to foster effective parenting skills, reduce problem

behaviours and delinquency, and improve social competencies.

My Department is committed to Delivering Social Change. Through the provision of £2 million for the signature project, Pathways to Employment for Young People, the pilot will be upscaled and rolled out to deliver support to 500 families in the period 2013-15.

Mr Swann: Will the Minister outline how the 500 families will be selected for the extended programme and what areas they will be focused on?

Dr Farry: As I said, we will initially pilot the programme in a number of identified areas. That is very much linked to the areas where LEMIS is in existence. The full roll-out of 500 families will happen across Northern Ireland. That will be prioritised on the basis of identified need and where we can make the biggest intervention. In that way, we will use the money that we have available for the best possible outcomes.

Mr Eastwood: I thank the Minister for his answers so far. Will he detail the funding for the project until the end of the Assembly term?

Dr Farry: I am grateful to the Member for his question. We have a significant budget set aside for the NEETs programme overall across the next number of years. We are spending approximately £10 million in total over the remaining three years of the current comprehensive spending review period.

We will be spending slightly in excess of £2 million to help people with this strand. Of course, a number of other strands are part of the NEETs strategy. In particular, I draw attention to the announcement that we made about a new training allowance for young people who are currently on European social fund-type training schemes. In the past, they have fallen out of formal support that is given through the educational maintenance allowance because they are not part of the statutory system. That has been a source of grievance. A lot of Members, including those on the Committee, picked up on that. There was a debate in the House about the matter, and we were pleased to be in a position to follow through on that and to address the issue.

Post-primary Schools: Area Planning

6. **Mr I McCrea** asked the Minister for Employment and Learning to outline the discussions he has had with the Minister of

Education on the post-primary area planning proposals. (AQO 2891/11-15)

Dr Farry: Following both Minister O'Dowd's statement to the Assembly in September 2011 about post-primary area planning and the discussion at the Executive in December 2011 on the establishment of the Education and Skills Authority, I wrote to the Minister supporting his proposals. In particular, I emphasised the need to ensure that area planning arrangements take full account of the further education estate and of the vocational provision that further education colleges can deliver. That sector has huge potential to assist in the achievement of many of the objectives that were highlighted in Minister O'Dowd's statement. He confirmed that he will require the Education and Skills Authority to consult with the further education sector when drawing up or amending area plans.

We are agreed that there is a need to avoid duplication in education provision and that it is important for schools and colleges to plan collaboratively in the interests both of young people and the economy. I understand that the revised plans, taking account of the consultation responses, are due in the Department of Education by 7 December 2012.

On the wider front, the mix of academic education in schools and vocational education in colleges results in motivating young people, helps them to make better career decisions and delivers better results in examinations. I have had a number of discussions with Minister O'Dowd, including on the wider implementation of the entitlement framework here, and I look forward to more detailed discussions, particularly on the post-primary area planning proposals.

Mr I McCrea: I welcome the Minister's response about ensuring that the further education sector is included. The Minister may be aware of the Magherafelt learning partnership, which brings together the very things that he has referred to on the post-primary sector and further education colleges.

Does the Minister agree that colleges play an important part in delivering the best education for children at post-primary level? Will he ensure that he keeps a very close eye on any proposals that come out of the Minister's final decision?

Dr Farry: I thank the Member for his question and for his supplementary question, and I agree

with the thrust of what he is saying. It is important that we do not overly focus on institutions when approaching this important issue. This is about giving young people choice and the full range of options, and about ensuring that we have the best possible situation for outcomes. It is important that we allow and recognise the different interventions that schools and further education colleges can make in that regard and which are best placed to deliver the particular emphasis that they bring.

The colleges have a lot to offer through applied subjects and vocational training, and it is important that we plan as far as possible around the existing colleges and what they can do. To give one clear example of the benefits that arise from collaboration, there is often concern rightly expressed about the level of attainment of young people, in particular their basic essential skills at GCSE level in maths and English. Young people are often not motivated in a more clear-cut academic environment, but when they are placed in and have the benefit of a degree of vocational training through partnership, they more clearly understand the benefits and rationale as to why they need maths and English. It is those young people who more often get a better level of attainment in those basic qualifications than those who may go down a more classic academic route but are lacking in motivation to achieve.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. Has the Minister seen any recent improvements in the way in which grammar schools interact with further education colleges to deliver the entitlement framework?

Dr Farry: I thank the Member for his question. This is very much a work in progress. It is important that we make the point that collaboration around area planning and, in particular, around the delivery of the entitlement framework is not just something for non-selective schools and the further education system to take forward. It is very much something for grammar schools as well. No matter what setting young people find themselves in, they benefit from having the maximum range of choices before them. We should not talk about a pure academic route or a pure vocational route. Young people may benefit from being able to mix and match, and that applies as much to students in a grammar school setting as it does to students in any other type of school.

Mr Allister: I listened to what the Minister said about joined-up thinking with the post-primary review. In the light of that, can he give his assurance that, when it comes to the future of the Ballymoney campus of the regional college, we can look forward to that being strengthened rather than weakened, as some have suggested?

Dr Farry: I am reluctant to go into the specifics of what may or may not happen with particular college campuses, but the House will well know that Ballymoney is an issue to the forefront.

I will certainly give the commitment that I will continue to push the importance of joined-up collaboration between the further education sector and the secondary level sector. It is to everyone's benefit that we use what we have to the best possible and maximum outcome for students, in particular, and for the economy.

3.30 pm

DEL: European Political Institutions

7. **Mr Sheehan** asked the Minister for Employment and Learning to outline his Department's plans to engage better with European political institutions. (AQO 2892/11-15)

Dr Farry: My Department is committed to making a full contribution to raising Northern Ireland's profile on the European stage. Earlier this year, I met László Andor, Commissioner for Employment, Social Affairs and Inclusion, in Brussels to discuss issues such as youth unemployment and improved access to European employment and social affairs funding programmes. We also discussed how Northern Ireland's universities and further education colleges could increase access to European research funding and participation in mobility programmes.

My Department is making preparations for the next round of structural funding and, in particular, developing the context of the next Northern Ireland European social fund programme 2014-2020, which the Department has been requested to do by the Department of Finance and Personnel (DFP).

My Department is an active player in the implementation and co-ordination of European Union initiatives. For example, we engage with the regional skills education and training network to identify partners for future projects in support of themes in the Northern Ireland skills strategy. My Department's employment service

engages with EU institutions, including the European Employment Services and the Partnership between Employment Services group.

The employment service, with financial assistance from the European Commission, has organised a major jobs fair that will take place this Wednesday in the Europa Hotel, Belfast. I will officially open the Belfast European jobs day.

In partnership with the Minister of Enterprise, Trade and Investment, I am establishing a substantial higher education EU support fund from 2012-13 onwards, the purpose of which is to increase significantly Northern Ireland's drawdown of European research funding.

My Department plays a full part in the Barroso task force arrangements. It has supported the appointment of four desk officers for the Office of the Northern Ireland Executive in Brussels to improve contacts with EU officials and help Departments and the broader sectors with which they work to pursue potential funding opportunities.

Private Members' Business

Child Poverty Action Plan

Mr Deputy Speaker: As two amendments have been selected, up to one hour and 45 minutes will be allowed for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. The proposer of each amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other speakers will have five minutes.

Mr Nesbitt: I beg to move

That this Assembly takes account of the recently published annual child poverty report; notes that the Office of the First Minister and deputy First Minister is falling far short of the targets contained within the Child Poverty Act; and calls on the First Minister and deputy First Minister to publish an action plan for the child poverty strategy.

Anybody expecting a speech that is based on an emotional appeal because the debate deals with children, and disadvantaged children at that, will be sorely disappointed with what I have to say. It is not about pulling heartstrings; it is about pulling together to offer joined-up government slightly quicker than we do at the moment in order to tackle an issue that no one can dispute is not only important in its own right, but may be seen as one of the litmus tests of the efficiency and effectiveness of any Government. It will not be an emotional appeal because that would be self-indulgent.

Earlier this year, I visited an area of dereliction in north Belfast. I walked the streets with some of the young people who live there. Those young people have no great hopes that better times lie ahead for them unless they move. We looked at some boarded-up housing and a small pitch that is years behind the 3G facilities that some more privileged children have access to these days.

Then, we turned a corner, and ahead of us lay the majestic Titanic signature building. Tens of millions of pounds' worth of modern technology was invested in that beacon of the new Belfast and post-ceasefire progress. That is all very welcome, of course, but it sat, for them, Tantalus-like just out of reach. I would have said that it was taunting them, but it appeared that I was the only one who seemed to notice. The young people were reconciled to the fact that it was not part of their future or fate. The

Titanic building seemed to do no more for them than they think we do in this Building. They are unemotional and very much grounded in their assessment of their lives.

We have a population of only 1·8 million. Yet, among that number, more than 100,000 children are deemed to live in relative poverty, and of that number, 40,000 live in severe poverty. Surely, that is not tolerable. The question then is this: what are we doing about it? The answer is that the lead has come from Westminster, with the UK Child Poverty Act 2010. That legislation sets targets across four key areas, with the overarching aim of almost eradicating child poverty by 2020. Flowing from that is the duty on the Office of the First Minister and deputy First Minister (OFMDFM) to publish a child poverty strategy and an annual report on progress. The first of those reports came out earlier this year. However, "early" is not really the word; it was late.

I have to say that late arrivals are a trend in the Department. Just this morning, BBC Radio Ulster highlighted the delay in dealing with another strategy that could make a huge difference to tackling child poverty. 'Good Morning Ulster' has caught on to the fact that, two years on from promising a childcare strategy, the money for that remains in OFMDFM's bank account. That is £12 million that could be used to empower people who cannot afford to work because of the cost of private sector childcare — the very people whose children are living in child poverty.

So, what is the problem that has led to that blockage in releasing money? Apparently, the Department is keen to ensure that the time is taken to "get it right". I have often heard that phrase when Departments have been challenged over inaction. We have to take the time, they say, to get it right. Coming from the private sector, I find the notion that there is a right answer strange. Businesspeople tend to find themselves faced with a series of options, none of which you could call "right", and all of which, in fact, fail to get it right in absolute terms, because they all have their downsides.

Getting it right is, by all means, a laudable ambition, but is there a right answer for a child-minding strategy? I suspect not. I suspect that what is required is for somebody, faced with a number of options, to make a judgement call. That person needs to understand the positives and the negatives of the judgement call and then have the political courage to make that call, knowing that there will be voters who will not like the decision.

When it comes to tackling child poverty, what we need is an action plan. I have outlined the sequence to date: the UK legislation, followed by the devolved strategy and the annual report. However, we still need action. One of my party's criticisms of the way the devolved Government works is that there is a huge focus on producing strategies. Strategies are high-end documents that float high over the ground that they are supposed to reach. We have to take the next step and agree on delivery plans.

Siobhan Fitzpatrick, the chief executive of Early Years, told Radio Ulster this morning that devising a child-minding strategy was not exactly rocket science. I wonder whether the same is true of tackling child poverty. We have that annual report on year 1 of our local strategy.

Let me quote from a couple of points. Point 7 states:

"Joblessness is the most profound cause of poverty. Being out of work impacts directly on income."

That is hardly rocket science.

Point 8 states:

"Research and analysis shows that poverty has a detrimental impact on people's life outcomes. Disadvantage affects their health and wellbeing as well as their circumstances".

Again, that is hardly rocket science.

So what will achieve take-off in the fight to eradicate child poverty? The answer is the use of funds and resources already available, such as the £12 million unspent on child-minding or the £80 million in the social investment fund. Let us not forget that that was supposed to be £80 million over four years. However, nothing was spent in year 1, and it is now clear that next to nothing will be spent in year 2, given that the First Minister told the House recently that it will take the zonal advisory panels three to four months to devise and submit their area plans. That will take us just about to the end of the financial year. And yet, that money is for tackling dereliction and deprivation, the very issues that we could say underlie child poverty.

Read the year one report on the local child poverty strategy, and you get a mixture of motherhood and apple pie and a series of case studies, identifying Executive actions that I would suggest were already in play, unless OFMDFM is arguing that, say, for example, the

Department of Education's Every School a Good School policy was a direct and singular result of the desire to tackle child poverty.

So what would be the brave thing to do? What would take a bite out of the problem? A brave politician will be truthful about the scale of the problem and how long it may take to fix. In fact, given that the UK strategy sets 10-year targets, you do not even need to be that brave to acknowledge that the problem is not going to go away in the short term. A brave decision would be to say that we are going to help the hardest hit; those who are in persistent child poverty. That, indeed, is one of the four targets in the UK strategy. Relative low income is one measure; combined low income and material deprivation a second; absolute low income a third; and persistent child poverty is the fourth.

Now, the voluntary and community sector here identified as long ago as 2008 that persistent child poverty in Northern Ireland stood at over 20%, which is more than double the figure in Great Britain, and yet it is not a target of the Programme for Government. The Minister will know how critical organisations such as Save the Children have been of the lack of a target. So why not change that? Target it with some of the £12 million that is sitting in the bank ring-fenced to give meaning to a child-minding strategy. Tackle it with some of the £80 million in the bank for the social investment fund.

I believe, Deputy Speaker, that we will hear an amendment that suggests that we should go and seek additional funding from elsewhere to tackle this problem. I question whether that is necessary if you actually use the funds that are already available. I have outlined £92 million that has been ring-fenced that could be used to tackle this fundamental problem. If you are looking for additional help, as the UKIP amendment suggests, what about looking to Europe? European territorial co-operation from 2014 to 2020, ending the same year as the child poverty strategy from the UK, holds a promise of INTERREG V and possibly Peace IV. Of the 11 criteria that will underpin both those prospective programmes, criterion nine is social inclusion and combating poverty.

The problem with child poverty is getting worse, by all measures. More children and more families are being disadvantaged. I have no doubt what defence we will hear from the Department: factors, they will say, beyond our control. Indeed, there are many, but there are also many, many billions of pounds sterling at our disposal.

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

Mr Nesbitt: Let us not strategise endlessly; let us perform the process of government by delivering for our children.

Mr Moutray: I beg to move amendment No 1:

Leave out all after "report;" and insert

"notes that the child poverty targets set in the UK-wide legislation are challenging and that all regions across the UK are struggling to meet the targets, given the current international economic downturn; and calls on the Executive to work with the devolved Administrations and the UK Government to identify actions to meet the statutory targets and reduce poverty."

Unfortunately, we do not have to look too far within our constituencies before finding a child who is suffering as a result of poverty. Indeed, it is a known fact that child poverty is often linked to family poverty, which I know every Member of this House is endeavouring to tackle on a day and daily basis within their constituency.

I firmly believe that when poverty is involved, children's expectations of their own lives are greatly reduced. This can lead to a cycle where poverty is repeated from generation to generation. Indeed, I know Barnardo's has raised and continues to raise this very point when discussing child poverty issues. Also, when children move from childhood into adulthood, they are more likely to find it difficult to obtain employment and may suffer ill health, possibly face homelessness, or become involved in offending, drug and alcohol abuse, and abusive relationships. It is therefore vital that there are both local and national efforts to tackle child poverty and eradicate it from our society.

I state at the outset my disappointment with Mr Nesbitt and Mr Kinahan for bringing forward the motion. They know full well that much work is being done by the Assembly and the Executive to tackle issues that are contributory factors to child poverty in our society. Although there is merit in flagging up the issue of child poverty in the House, the motion in no way takes cognisance of the fact that much work is being done and that the current difficulties lie with the challenging targets that were set by the UK Government and which, obviously, have been affected greatly by the international economic downturn.

3.45 pm

Today's motion would have been better served by recognising more recent up-to-date poverty figures that reveal a decrease, rather than solely leaving the task at the feet of OFMDFM. I commend the First Minister and deputy First Minister and all Ministers who are putting every effort into improving the quality of life for the most vulnerable.

Ultimately, we are bound by the Child Poverty Act, which provides a statutory basis for joined-up action across the UK to reduce poverty among children. That legislation underpins and supports any localised efforts. The duty and the challenging targets have been implemented by the UK Government. Obviously, it has been commissioned that each of the devolved Administrations should work with the UK Government to develop personalised and joined-up strategies that will work towards the overall goal of eradication by 2020. We must take heart from the fact that all regions are finding the targets extremely challenging. Nonetheless, strides are being made locally, as every Member knows.

In tackling poverty, it is crucial to break the cycle that exists in households and communities. Undoubtedly, education is a key element in that, as are the initiatives that involve people, such as the ones that develop their skills, increase their employability chances, lead to job creation, decrease the cost of living, keep rates down, and ultimately aid communities in finding their own solutions to the problems in their community. Indeed, the Government have not been found wanting in tackling poverty and deprivation. You only have to think about the social investment fund, which provides £80 million of investment for community-led projects that will tackle youth unemployment, dereliction, and health and well-being issues. That will, no doubt, make a huge contribution and will really go some way to tackling deprivation and poverty.

We also have to think of the efforts that have been made to try to tackle unemployment, with the Minister of Enterprise, Trade and Investment playing a key role in endeavouring to attract new businesses to Northern Ireland. We have been able to develop and build on our apprenticeship targets. Also, 79,000 people have improved their maths, English and information and communication technology (ICT) skills through the Department for Employment and Learning's (DEL) Essential Skills programme. All of those improve employability.

We think of the freeze on regional rates and the fact that our rates bills are the lowest in the UK again. That is aimed at tackling the cost of living and the cost to families who are struggling. We also have been able to freeze the water rates, cut prescription charges, and provide heating and insulation grants and assistance. In terms of education, we have improved on healthy eating schemes in schools, improved the provision of after-school activities for young people, increased our contribution to uniforms and to free school meals. We have also invested significantly in neighbourhood renewal areas. We know that sports can play a key role in developing children socially and physically. Unfortunately, the figures for much of what I have said will not show because the measurement of poverty is based on income.

Work is still to be done to tackle child poverty. As I stated at the beginning, I am sympathetic to those good folk who cannot put food on the table. We all want to help those who cannot get employment. We all want to ensure that children are brought up in an environment in which they are safe and have the potential to grow into well-respected citizens who are able to support themselves and their families through well-paid jobs. I want to see the cost of living reduced and the employment opportunities increased. However, as the amendment states, the other institutions and Westminster need to work together so that a joined-up approach can be taken.

Additionally, OFMDFM has stated that it intends to produce a plan that will identify several key projects that will add value and will work in a cross-departmental way to tackle child poverty. It has developed a framework called Delivering Social Change to deliver and support work on child poverty. I believe that the House has been tackling and continues to tackle the real issues that affect people.

Mr McNarry: I beg to move amendment No 2:

At end insert

"and to identify additional funds associated with limiting the damage of the recession for use in combating child poverty."

Hopefully, my amendment is a convincing proposal. In the context of the overall financing of Northern Ireland through the block grant, especially with the inability of the Executive to generate new receipts during a prolonged recession, it is critical to have a feasible funding plan. That is why we need to tease out ways to

deliver better performance on existing targets, including on child poverty.

In 2009, the Economic Research Institute for Northern Ireland (ERINI) published a document on options for the Northern Ireland Executive. At the time, I was supportive of some of the ERINI ideas, which were a range of suggestions for the identification of new money. One suggestion was the rephrasing of capital programmes. I know that a certain amount of rephrasing has taken place.

So, what has been or what is the pattern of rephrasing across all the Departments? To what extent has new money been generated by freeing up funds to deliver on the central anti-poverty remit? I ask those questions because I believe that it is clear that not all Departments are delivering equally or evenly on rephrasing options. Surely, we can bring forward conventional procurement projects that could create enhanced employment opportunities and, with that, an increased money supply in the community, which would prove to have a flow-down effect on child poverty. Perhaps the junior Ministers in OFMDFM will give us details of the rephrasing and where we are with it to date. That would allow us, in the Assembly, to assess the performance of some Departments and to reach our own positive conclusions.

Of course, my primary concern in all this is that we can resource greater spending on realising and actioning child poverty targets by identifying more money. It goes without saying that, during a recession, some Departments will need more money and some will get by with less. I know that the monitoring rounds provide some help with reallocating funds between Departments during a financial year. However, generally, Departments are reluctant to declare reduced requirements until well into the year and, in many cases, until it is too late. There simply has to be a more systemic exercise of reallocation earlier in the year and within the context of the Executive's overall priorities. Has that been attempted in order to deliver on child poverty targets?

The recession changed everything, and it should have provoked the rewriting of Government priorities. However, it has not fully done so, and that is why we have the problem with child poverty targets. The fact that there is a recession should not be an excuse for a failure to deliver on targets, especially child poverty targets. We, in the House, cannot say to such children that we cannot do it because there is a recession. The case can be made — let me attempt to make it — that, when there was not a recession, we did not stand up the

figures. We did not provide. We did not meet child poverty targets. So it is a bit lame, at this time of the day, to introduce the issue of a recession that is hitting everyone.

The New Policy Institute's report stated that certain groups in Northern Ireland are at risk of child poverty. Over half of children in severe poverty are from single-parent families. Those living in rented accommodation make up 63% of children in severe poverty. Having young parents aged under 25 and being a child in a workless family are further risk factors. Absolute child poverty levels now stand at somewhat lower than one child in five. Let me be very clear: I think that it is the view of the House that no matter what the level of poverty is, it is today too high for us all.

With five weeks to go until Christmas Day and the delivery of the Christian good news message, it is more than likely that that message will pass by many of our children in poverty. I trust that we will today hear some good news for children who are, frankly, oblivious to international economic recessions but who, nonetheless, would welcome any benefit from an announcement identifying additional funds to combat child poverty. I trust that such an announcement will be delivered today, because I happen to believe that the money is there. I see it found for too many other things that are very important to some, and, in moving amendment No 2, I just ask this question: will the junior Ministers announce that they have found some money for this very noble cause?

Ms McGahan: Go raibh maith agat. Child poverty is an issue of major importance, and it is only right that the Assembly should debate it. It is vital that we debate it from a position of knowledge and understanding and not one of ignorance and attempted party point-scoring. Sadly, the proposers of the motion have adopted the latter approach. The motion:

"notes that the Office of the First Minister and deputy First Minister is falling far short of the targets contained within the Child Poverty Act".

Anyone who has read the Child Poverty Act will know that it calls for each of the Departments here to set out the measures that it proposes to take. If the proposers of the motion had wanted to have a serious debate, the motion would no doubt have read, "That the Executive are falling far short of the targets set out in the Child Poverty Act". However, that is, of course, not what the motion states.

Sadly for the many families affected by child poverty, we are unlikely to achieve the targets set out in the Child Poverty Act. That will not be because of a lack of effort on the part of some Ministers in the Executive. Rather, it will be down to the Tory agenda of attacking the most vulnerable by cutting benefits that are set against an already low baseline and seeking to find ways to exclude as many as possible from the benefits that they so badly need and deserve. Changes to child benefit payments will leave many parents no choice but to cut back on vital necessities. We need to ensure that children are protected as much as possible.

The motion is proposed by Members of a party that seeks to deflect attention from where the real blame lies; Members who campaigned to get the Tory party into office and who now seek to pretend that they have nothing to do with the Tories as they wash their hands of their dirty work. The motion's proposers will neither wipe away the evil of child poverty nor remove their part in contributing to it. It would have been better had the proposers of the motion acknowledged the steps taken by the Executive to help to address this very serious issue and brought forward their ideas and proposals for debate. In the absence of those, at least —

Mr McCallister: Will the Member give way?

Ms McGahan: No, not today, sorry.

Mr McCallister: Not until next week.

Ms McGahan: Whatever. In the absence of those Members at least apologising for their support in getting the Tories into office, thousands of children across our communities are today, and will be in the future, worse off because of the actions of the party whose Members proposed the motion.

The Assembly, rather than calling for action plans, should be calling for more actions like those recently announced under the banner of Delivering Social Change and ensuring that they are targeted at addressing the evil of child poverty.

4.00 pm

Mrs D Kelly: I begin by congratulating the BBC Children in Need appeal and all those who participated at the weekend. I think £794,000 was raised in Northern Ireland alone, which is a record achievement. Even in these tough times, there are still people who think of others and contribute their skills, talents or, indeed, their money.

It is interesting to hear that the way in which Sinn Féin has answered the proposers of the motion and the amendments is to throw out a blanket criticism. I welcome the junior Ministers here this afternoon and hope that they can shed some light on the four or five flagship projects that OFMDFM indicated to this Assembly and, more recently, to the OFMDFM Committee in May this year.

Throughout the world we can all watch how some attempt to suppress children's access to education. We know that education is a way out of poverty. In improving educational outcomes for our young people here and, therefore, their employability and job skills, one would have hoped that, within the term of this Assembly, we would have agreement on an early years strategy and that we would have seen some of the money that Mr Nesbitt referred to being spent. We would also welcome a progress report on the childcare strategy.

I know that junior Minister McCann's predecessor, Ms Anderson, referred to the social investment fund at the Committee, alongside Mr Bell, and — I paraphrase — said that they believed that the social investment fund was a critical project to tackle child poverty. It is interesting and disappointing to note that, as Mr Nesbitt said, no money has been spent. Worse than that, Mr Nesbitt, that money is likely to be spent badly. They are now setting up steering committees right across the nine regions. Those regions have been told to get together very quickly and make decisions on spend of £40 million on capital projects and £40 million on research projects on whatever you could think of — whatever you are having yourself, practically. Many people outside the Executive will, quite rightly, scrutinise how that money is spent at a time when people are losing their jobs.

Many have referred to the importance of interdepartmental and collaborative working. I welcome the fact that the junior Ministers head up a ministerial subgroup and look towards their ministerial colleagues in all working to a common objective in tackling child poverty. Perhaps Ms McCann can give us an update on where we are across that range of Departments.

It was most regrettable and alarming to note that last week Minister Nelson McCausland returned £8 million that was intended for social housing. We all know the importance of housing to health outcomes. Indeed, the child poverty strategy refers to the importance of environment in a child's overall well-being and

opportunity for learning and learning through leisure and play. I am not sure whether OFMDFM has actually agreed its flagship projects on play and leisure. Perhaps some of the existing members of the OFMDFM Committee might pick up that point in their contribution. I recall there being disagreement around some of those projects. In fact, year on year, the money for the flagship projects on play and leisure was returned in the monitoring rounds. I have thus far not been made aware of any such project being put in place.

Other Members referred to health outcomes. I know that the junior Ministers, particularly junior Minister Bell, have a particular interest in social care and fostering and adoption services. I am sure he will agree with me and acknowledge the fact that far too many of our young people in Northern Ireland are going into care because of — I am sure there is a myriad of reasons — the lack of support for families. That is an investment we want to see. Once the children are in care, however, we need to make fostering and adoption much easier for would-be parents. There is a three-year time frame before a child can be placed with a loving family, which is much too long —

Mr Deputy Speaker: The Member must bring her remarks to a close.

Mrs D Kelly: — particularly at such a critical time in a child's development. At the opening of an Asda store last week in Portadown, which I welcomed, it was stated that disposable income in Northern Ireland was £89 a week for the average family and £149 in England.

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

Mrs D Kelly: There is something terribly wrong with all that.

Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I will start by saying a few words as Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister in order to briefly inform the Assembly of the Committee's work on the issue, after which I will speak as an Assembly Member.

The Committee questioned the junior Ministers on 23 May 2012 about progress on child poverty reduction targets and the need for a specific action plan to enable the effective monitoring of delivery on this important issue. The junior Ministers indicated that the

Delivering Social Change framework was the action plan that would be most successful.

The junior Ministers described their role in chairing two ministerial subcommittees, one regarding children and young people and the other dealing with poverty and social inclusion. The Ministers also advised that one of the Delivering Social Change programme board's first tasks will be to develop a plan.

On 20 June 2012, OFMDFM officials briefed the Committee on the report on the Child Poverty Act 2010, which was due in March 2012. In response to a question about an action plan they again referenced the initiatives that would be brought forward under the Delivering Social Change framework.

On 12 September 2012, the Committee was again briefed by officials on OFMDFM Programme for Government delivery plans. Although that briefing was in public session, the delivery plans were presented in confidence. The Committee has yet to receive a response to its request to make the delivery plans relevant to the children and young people amenable to public consideration.

The Committee also conducted an inquiry into child poverty and published recommendations as long ago as 2008. Some of those specific recommendations included a regional action plan, specific actions in the Programme for Government, affordable childcare, a benefit uptake strategy, debt advice services, adequate disability children's services and additional early years education support for those in need of it most.

Speaking as an Alliance Party MLA, I think it is clear that OFMDFM delivery on this important issue is, regrettably, not a record of timely and accessible action. I, therefore, support the motion as tabled.

Recent figures suggest that 28% of children in Northern Ireland live in poverty. I appreciate the efforts of the DUP, by way of its amendment, to set this problem in the context of a global economic downturn that, of course, has had a devastating impact on families throughout the world and to recognise the need to work to change the policies of other Governments. However, the Assembly must specifically support the original motion and a specific child poverty action plan with open monitoring in order to co-ordinate the work of the Executive in lifting children and families out of child poverty.

The Child Poverty Act 2010 set challenging targets for the whole of the UK, and OFMDFM's May report detailed progress against those targets. One action cited was the abolition of prescription charges. However, research shows that those on a low income spent significantly less than those on higher income levels. Another action recorded was the freezing of rates, but many families on a low income do not pay rates, as they receive housing benefit or rate relief.

There were significant omissions from the OFMDFM report. There was no mention of the action plan.

Mrs D Kelly: I thank the Member for giving way. It is not all about being unemployed. The cost of childcare is prohibitive for many working families as well.

Mr Lyttle: I agree absolutely. Working families face incredibly difficult times at the moment. Early years education and affordable childcare are absolutely critical to them, yet we have seen years of delay from OFMDFM in the delivery of action on that issue. The failure to deliver a robust childcare strategy is probably the most major failure in relation to child poverty. Any action plan relating to child poverty must have a commitment to provide affordable, accessible childcare at its heart. Childcare in Northern Ireland is among the most expensive in the UK. We also need to raise awareness among parents of the availability of childcare vouchers and the childcare element of working tax credit.

While the global economic downturn has had an unprecedented effect on our local economy, there are measures that the Assembly can take to lift our most vulnerable children out of poverty. We need a specific action plan with monitoring mechanisms to co-ordinate the work of the Executive response on this issue.

Mr G Robinson: I support amendment No 1. This debate is about one of the major economic challenges that we face in Northern Ireland. It is one to which there is no easy or definitive solution. It is made more difficult by the reduction in our block grant from Westminster, which was made by the former political partners of the proposer of the motion. Calling for an action plan on a child poverty strategy wastes more precious time and financial resources without making any positive contribution to the current problem.

A January 2012 briefing note on the Child Poverty Act 2010 states:

"Section 16(3) of the Act requires OFMDFM to take economic and fiscal circumstances into account in the preparation of its strategies ... and ... the relevant Northern Ireland department must have regard to ... the effect of the implementation of the strategy on those resources."

Unless I am mistaken, this means the less money there is in the block grant, the less money there is for a child poverty action plan. The supporters of the motion, therefore, campaigned for Westminster seats on the basis of implementing cuts. However, they do not want them when it is not politically expedient.

It is better to get parents into work and to take children out of poverty in that way. In preparation for the upturn in employment, it is essential that the programmes announced by the Minister for Employment and Learning are supported. The constant efforts of the Minister of Enterprise, Trade and Investment are to be acknowledged and praised. In case the proposer is not aware, the Minister of Enterprise, Trade and Investment has expended much time and effort in attracting employment. She is to be congratulated on her determination and success in the current fiscal climate.

As the amendment states, the targets set in UK-wide legislation are challenging, but Northern Ireland is not unique in finding the targets challenging. We must look at a UK-wide approach and, within that approach, put our case for additional funding due to the unique problems that Northern Ireland is experiencing in this harsh economic downturn. We must all remember that we are the only part of the UK that shares a land border with another European sovereign state. It has lower corporation tax, which puts our plans to attract business at an immediate disadvantage. As the Assembly does not currently have tax-altering powers, great challenges remain in addressing the differential.

The Executive, including the Minister for Regional Development, are very aware of the problems and see it as sensible to ensure that our population is trained and ready to take jobs as and when they become available. The Minister for Employment and Learning assured me, in response to several questions for written answer, that third-level education establishments and his Department try to ensure that the courses offered meet the skills that are required by employers. That is a practical approach to reducing child poverty.

I repeat that it is essential that there is a UK-wide approach to ensure that all ways of tackling poverty are examined and shared. That is why I believe that amendment No 1 is a practical and, hopefully, non-divisive way forward.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. Child poverty is obviously a major issue, and I am glad that we are talking about it in the Chamber today. It is vital that we combat child poverty, particularly in times of austerity. There are currently 120,000 children living in poverty in the North — that is one in four — and one in 10 lives in severe poverty. Some of the most deprived areas of Europe are here in the North of Ireland. Indeed, poverty is a growing issue that is being acutely felt across the island of Ireland. The increasing number of food banks is just one of many testaments to that fact.

There is an old saying that actions speak louder than words. I think that we have an Executive that take that to heart. They have, through their Delivering Social Change agenda, started to ensure that resources are directed to where they are most effective and will do most good. I and many people in my constituency who are directly affected by child poverty want to see that approach continuing.

4.15 pm

Of course, we need to ensure that what is done has a positive effect. We know from the responses in the Assembly of the First Minister and deputy First Minister that they have engaged with the National Children's Bureau and the Centre for Excellence and Outcomes in Children and Young People's Services so that they work with Departments to ensure that they develop models by which all actions can be assessed for their impact on child poverty. That is an important and very welcome step, but, of course, having an outcomes model is no good if the resources are not available. Again, we can see where the Executive have stepped up to the mark by allocating resources to help address child poverty.

Of course, we have to recognise that child poverty cannot be separated from family poverty, as over half of the children who live in poverty in the North come from a working family. However, it is more difficult for us to tackle child poverty now in the North as working parents will be attacked under the banner of welfare reform and cuts and the false narrative that child poverty is a result of the dependency culture is stuck on repeat. However, I welcome

the recent Executive commitment of £26 million to support education, health, families, training and employment. All of that has the potential to impact positively on addressing child poverty. We also had the commitment of an additional £80 million of ring-fenced funding to support the most disadvantaged communities.

There is still a lot to do if we are to alleviate child poverty. That should be factored into future thinking and budgeting in every Department. As we move towards the next comprehensive spending review, we need to set aside specific funding in each Department to tackle poverty, and if we are serious about doing that it cannot be business as usual. It means being prepared to take a bit less so that other people can have more. The interests of children have to be at the core of every Department in the Executive. I am afraid that is not the case at present. The Child Poverty Act calls on the Executive as a whole to act on child poverty.

Another mechanism that we should all use to tackle child poverty is the EU. We must take advantage of Ireland's upcoming EU presidency and put pressure on the Dublin Government to keep child poverty on the EU agenda in a big way and ensure that the beneficial work carried out by Cyprus during its presidency continues. We must also put pressure on the EU, with its forthcoming budget for 2014 to 2020, and the European social fund, to ensure that child poverty remains a priority.

Those are all positive steps, and we all could and should welcome them rather than using this serious and sensitive issue as a means of political point scoring. We all have a duty to every child, and all too often we take for granted things like food, clothes and even heat. It is absolutely essential that we are able to give children the best start in life to ensure a better and brighter future for them.

There is a clear link between social deprivation and educational attainment. Unfortunately, in the long run that also means employability and job skills. Children from a poorer background are twice as likely to be unemployed when they leave school. Poverty is a vicious circle, and it is vital that we break the poverty trap that families so often end up in. Often, child poverty affects not just one generation of a family but one after the other after the other. The harsh reality of child poverty is kids being sent to school in flip-flops in November and being sent to school on an empty stomach. I do not want that reality to be lost in a sea of rhetoric.

Mr Wells: On a point of order, Mr Deputy Speaker. The last time I witnessed someone walking in front of Ms Fearon, the Member for Newry and Armagh, I said it was the worst example I had ever seen. The conduct of the Member for West Tyrone just now was even worse. It is extremely off-putting for the Member and shows her absolutely no respect. I ask you to rule that that is not allowed to continue.

Mr Deputy Speaker: I note what the Member has said. In the House, we encourage Members not to walk in front of other Members who are speaking. I check who is speaking on the monitors outside to make sure that I do not inadvertently do that.

Mr McAleer: On a point of order, Mr Deputy Speaker. I apologise to the Member for walking in front of her.

Mr Deputy Speaker: The Member's apology is noted.

Ms Fearon: On a point of order, Mr Deputy Speaker. I do not need Mr Wells to stand up for me. I am sure that Declan McAleer did not mean any harm, but thank you for bringing it up.

Mr Deputy Speaker: I move on and call Mrs Brenda Hale.

Mrs Hale: I welcome the opportunity to support the first amendment. From the outset, I must state that the motion falls short of having any consideration of the wider UK context, the responsibility of the Secretary of State to achieve poverty-related targets and the current global economic downturn, which has made targets for child poverty incredibly difficult to achieve. Indeed, I find it somewhat hypocritical that the motion has been tabled by UUP Members who ran under the Conservative Party banner, the same party whose plan to squeeze the public sector is leading to more and more people dropping below the poverty line on a daily basis.

I am sure that all Members in the Chamber today agree that the Assembly should do all in its power to tackle child poverty and ensure that we break the cycle of generational poverty that has plagued many families for decades. It is not acceptable that 122,000 children in Northern Ireland live in poverty. That is a figure that we cannot ignore. However, in trying to tackle child poverty, we must remember that sometimes our hands are tied. As with our colleagues in Scotland, our devolved power covers many important areas in relation to

tackling child poverty, such as health, education and housing, but policies on taxation and the benefits system, which play such a major role in tackling child poverty, remain with Westminster.

Having recently read an article by Mr Neil O'Brien, the director of Policy Exchange, I found myself asking how the Government measure policy and why the poverty target focuses mainly on one aspect, namely income. Focusing on the target of income has meant that, if the Government divert money from housing benefit to spend on social housing, child poverty goes up under the current measure because, instead of giving people income through benefits, you help them with lower rent. Likewise, if the Government tried to divert money from the benefits system to allow the Executive to spend more on creating jobs, that would push up the relative measure of child poverty. That is because, under the current measure, success in increasing employment does not show up much in the target. In fact, the increasing employment of non-parents pushes child poverty up.

In relation to the Assembly, education spending does not show up on target, nor do the free hours of childcare, and the treatment of addictions and mental health problems do not feature. In effect, the current target says that money must always take precedence over other priorities. If you transfer that concept to Northern Ireland, the Assembly is taking considerable steps to raise aspirations and achievement, increase access to opportunities through education, support parents back into work and provide much-needed support to those most at risk.

Since the creation of the child poverty strategy, OFMDFM has used flexibility in resources to support families by keeping down direct household costs. The establishment of the social protection fund has been used to support the £22 million winter fuel payments scheme so that people living in poverty can heat their home. Approximately £36 million a year is invested in free school meals for some 58,000 children to ensure that they have a healthy, nutritious meal each day. During 2011-12, £26 million was invested in providing EMA to those from a low-income family, and there was a £40 million social investment fund to support physical regeneration and a further £40 million to tackle employment issues and community services. There has also been a £13 million package to tackle rural poverty. On top of that, the regional domestic rate has been frozen at the rate of inflation, and Invest NI has secured over £2.6 billion of investment. The list goes on.

Measuring child poverty via income makes it easy to gauge but does little to gauge a child's well-being and ability to succeed in life and fails to represent the experience of those living in poverty. For the Assembly and the Executive, it means that all the good work across the Departments to combat the factors that lead to child poverty is missed because it is not considered when measuring poverty among children.

I welcome the amendment tabled by my colleagues as we need to ensure that we work more closely with Westminster to revisit the targets in light of the economic downturn and, at the very least, evaluate how we measure poverty. Indeed, I welcome the recent announcement by Iain Duncan Smith that he plans to introduce a holistic approach to measuring child poverty, and I look forward to reading the feedback to the Government's consultation on that issue. I welcome the debate and support our amendment.

Mrs Overend: I rise to support the motion in the name of my colleagues. I apologise for my voice today; hopefully you can hear me OK.

It is positive that we have the opportunity to debate the issue today. The annual child poverty report sets out that some work is being done but it does not adequately deal with what action is needed to improve the situation. Child poverty is a serious issue. It is not limited to Northern Ireland, but it is particularly severe here. The statistics bear that out. In some constituencies, the figures are frightening, specifically North Belfast, West Belfast and Foyle. It is incumbent on the House to ensure that we do all in our power to combat poverty and deprivation in all its forms.

I will deal specifically with some of the statistics that are available for child poverty. As we know, there are four measures: relative low income; combined low income and material deprivation; absolute income poverty; and persistent poverty. It is possible to get caught up in statistics too much when we should focus on real outcomes and results on the ground. However, I want to make a few points on that. First, all of the four measures are getting considerably worse and have been since 2007. This is despite junior Minister Jonathan Bell's bizarre claim during an OFMDFM Question Time that there has been a 19% reduction in child poverty. It is also the case that the gap between the child poverty figures in the rest of the UK and Northern Ireland are widening. A briefing from Save the Children from the beginning of this year stated that a gap of 8% had opened up between the child poverty

figures in Britain and Northern Ireland. Further to that, in June 2011, the Institute for Fiscal Studies published a report that suggested that an average of 24% child poverty may be present throughout the UK by 2020 and that Northern Ireland could be even worse, at as much as 34% by that time. So, we can see that Northern Ireland's performance in tackling child poverty is worse than the rest of the United Kingdom on average, with the gap expected to widen.

With the situation being so severe, we must bring new policies forward to tackle poverty and deprivation. One of the announcements in the four-year Budget, as well as being a subsequent Programme for Government commitment, was the social investment fund, which was supposed to represent £80 million assistance to tackle deprivation and dereliction as well as to create pathways to employment. It is simply not good enough that, 18 months into this Assembly term, we have not seen a single penny of that money administered to the social investment zones. We must remember that the zones include places such as north and west Belfast and Foyle, which so badly need that investment. The blockage with the fund needs to be sorted out and the money allocated to those most in need.

My party is calling for an action plan flowing from the child poverty strategy. This is needed because, to quote a criticism from Fergus Cooper, the head of country for Save the Children and chair of the Child Poverty Alliance, the child poverty strategy contains no specific Northern Ireland targets, measured steps or timelines. It has been widely accepted that an action plan would be forthcoming, and OFMDFM outlined on a number of occasions that work was ongoing on drafting one. Members will be aware of that from answers to written and oral questions that have been asked from around the House. However, this now appears to be shelved, with that work being subsumed within the Delivering Social Change programme.

I ask that there be clarity today over the intentions of the First Minister and deputy First Minister in setting out the clear actions that they will take to tackle child poverty over a set timescale. The Ulster Unionist Party is not caught up about whether it comes as part of the Delivering Social Change programme or whether it is an action plan, an implementation plan or some other plan, but it has to contain clear actions and must come sooner rather than later.

In conclusion, I will deal briefly with the DUP amendment. I cannot support the amendment, as it does not truly reflect the situation in Northern Ireland, where, as I have stated, the gap with the rest of the UK is widening. Child poverty in some areas, such as north and west Belfast, is among the worst in the United Kingdom. Although, there is, of course, merit in working with the other devolved Administrations, OFMDFM needs to unequivocally take the lead and come forward with a specific and dedicated action plan to tackle child poverty now. Earlier in the debate, Mr Robinson made what I would describe as snide comments about the position of our party in relation to where we stood two years ago. Perhaps he needs a brief lesson on what devolved government is about, and maybe he could ask his colleagues about the £200 million that was reshuffled only two weeks ago. Maybe that would help him to understand better.

4.30 pm

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. Thank you, deputy First Minister — sorry, Deputy Speaker. It is getting late in the afternoon.

My two colleagues have addressed the motion. Obviously, as a party, Sinn Féin opposes the motion. We think it unfortunate that people would seek to score points on an issue as important as this.

I only want to make a few brief points. It is very important to recognise that the Executive and a number of the Ministers are doing their best, within a very challenging environment, across a range of Departments. A lot of them, maybe all of them, could be doing better. That is what we have to continue to press for, to ensure that every Department does what it is required to do. That is what the Child Poverty Act 2010 is all about. However, in the context of the debate, we simply cannot ignore the overarching environment within which all the Ministers and Departments have to work, particularly as it impacts on children.

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

I think it important that we continue to learn lessons as to how the Executive can do their work on a joined-up basis and in a planned and methodical way, so that we can carry out the work that the Executive have set themselves and which the Assembly has endorsed under the Programme for Government. We must effectively tackle the whole issue of child poverty. As I have said, we cannot be

neglectful of the environment within which we work.

We have been met with what can only be described as an absolutely disgraceful cuts agenda from the Government in Britain. That Tory-led administration has, over two mandates, slashed the Budget available to people here. In the last term, it was absolutely shameful that the Government reneged on very important commitments that they had made to help the process of re-establishing these institutions. It is important that we continue to repeat the fact that that Government robbed this Executive and these institutions of a substantial amount of money which it had committed. So there has been serious lack of integrity from the British Government, and that imposes a serious challenge upon people here.

So, we have a substantially reduced budget within which Ministers and the Executive have to try to function and deliver on the Programme for Government commitments. We also have, facing us, a Tory welfare reform cuts agenda. That is something that we cannot ignore. I urge Members who have the motion before them to reflect, long and hard, on how they will vote with regard to the Tory welfare reform agenda.

Clearly, we have that Bill in front of us, and I know, and I am very satisfied, that Members across House, from all parties, have expressed a whole range of concerns about aspects of the Welfare Reform Bill. The Ulster Unionist Party has done so as well. However, ultimately Members of the Assembly will have to cast their votes in respect of that particular Bill, and aspects of it. So I urge Members to realise that and to invite the public to be aware that a demonising, propagandistic approach is being taken in the media and by some politicians — including some here, unfortunately — towards people who are unemployed and on low incomes. Those people are being blamed for their own problems.

Components of the Welfare Reform Bill which will undoubtedly have a negative impact on people here, and particularly on children, include the removal of the disability child premium, which will result in a minimum cut of £25 per week on families with children who have disabilities. That is a direct cut on those people. That money would have been available as part of the tax credit.

To people who are currently employed, albeit on a low income, I say that this Welfare Reform Bill is not just directed against the unemployed, or some notional cohort of people who are all sitting on benefits and getting a lot of money. A

lot of people who are currently on low incomes will be negatively impacted upon by some of the provisions of that Bill. The whole question of the passported benefits will impact upon schoolchildren, school meals and other aspects. The whole question of the underoccupation of housing means that, if a person gets a part-time job, he will lose mortgage interest support. So there is a whole raft of measures in the Welfare Reform Bill that will have a dramatic impact on children because they will affect families.

That also includes such things as the benefit cap, which will also impact, presumably negatively, on families with a large number of children. I want to make the point that our party is opposed to the motion. We want to see all —

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

Mr Maskey: Thank you. We want to support all the measures that are required across the Executive to tackle child poverty, but we want all the parties in here that say that they want this thing tackled to shoulder their responsibilities as well.

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

Mr Eastwood: It was the playwright, Sean O'Casey, who said that poverty is the disease that gets into the bones. Therefore, I think that it is essential that we take our responsibility seriously in tackling poverty when it begins, and that is with children.

We have heard a lot today about how serious child poverty is in this part of the world, and we all know the figures. The Joseph Rowntree Foundation states that 120,000 young people in Northern Ireland are living in child poverty; 46% of the children in west Belfast are living in child poverty; and in my constituency of Foyle, the figure is 36%.

I do not think that it is good enough for us to do a Pontius Pilate and not take responsibility for issues in our own constituencies. We all have a responsibility to eradicate child poverty. It is not just the Tories; it is not just at Westminster. In fact, if you are so concerned about Tory cuts, people should go to Westminster and vote against Tory cuts when they are being implemented in Westminster.

Mr Maskey: Will the Member give way?

Mr Eastwood: I will gladly give way.

Mr Maskey: Is the Member trying to give the House some assurance, or some understanding at least, that his party went to Westminster? In fact, it fought the last Westminster election campaign on the basis that it needed to be there to stop the cuts. Well, his party has not stopped a single penny of the cuts. How many other MPs would you need — another 100, perhaps? There are only 18 here in total, and we have five. Therefore, the five would not have made any difference. Your party certainly made no difference.

Mr Eastwood: It is interesting to note that that is the new philosophy for Sinn Féin democracy: we just do not bother going, because it will not make a damn bit of difference. It will not matter.

Mr Deputy Speaker: Order, order. Make all remarks through the Chair. *[Interruption.]* Order. I ask all Members to have respect for the House. We have one Member speaking at a time. Mr Eastwood.

Mr Eastwood: Thank you, Mr Deputy Speaker. We all went through the Lobbies this morning to vote on something when we knew the outcome, because the DUP had put down a petition of concern. However, we all did it anyway. If we are concerned about something that is happening to the young people in this part of the world, I think that it is essential that we go wherever we have to go to try to stop it. The SDLP will do that regardless.

I am very happy to kick the Tories and very happy to talk about welfare reform. We know that there are difficulties because of the Tory cuts and the proposed welfare reform. However, we have to take responsibility for ourselves here. We go round telling people how great devolution is, how important it is that we are all involved in the political process here, and that we need to support the stability of these institutions. If that is the case, we need to take responsibility. I accept that every Member of the House is committed to getting rid of child poverty. The fact is this: we have failed, and we have failed the children who need us most. That is an indictment on this place. This is not about political point-scoring. It is about trying to make sure that we succeed in future.

The Executive's report on the progress of the last Programme for Government states that all of these things are still left in red: to meet the target to halve child poverty by 2010, not done; to work towards ending severe child poverty by 2012, I do not think that that is done either; to

meet the target for a reduction of 15% in the rate of suicide; to reduce by 50% the life expectancy differential between the most-disadvantaged areas and the Northern Ireland average; to increase the attainment levels in primary schools with the majority of pupils from a neighbourhood renewal area to within 5% of the Northern Ireland average. Mr Deputy Speaker, the fact is that we did not do those things. We have not succeeded in getting rid of child poverty.

The SDLP tabled an amendment and, unfortunately, it was not selected. We were asking that this part of the world — Northern Ireland — takes responsibility for its own issues. We said that there should be individual targets for Northern Ireland so that we can ensure that we can work towards dealing with the problems that exist in this jurisdiction. Unfortunately, our amendment was not accepted.

However, the SDLP will support the motion, and it will also be happy to support Mr McNarry's amendment. The fact is that it is time for the Assembly to take responsibility, because far too many of our young people are leaving: they are getting on the plane to Australia. Thousands of others are in the dole queues. In my constituency and in other constituencies around the North, that is even more acute. We can no longer blame the Tories. We have to take responsibility for the things that are within our remit. It is important that every Member of this House recommits and redoubles their efforts to eradicate child poverty, because we are not going to meet the targets set down. By the way, we would not have met them anyway, even before welfare reform was introduced and the Tories came into power, because we were nowhere near the target at that stage. We need to take responsibility for where we are at, and I do not think we are anywhere near where we need to be.

Mr Agnew: I want to make it clear that I stand to speak in favour of the motion and amendment No 2 as a member of the Green Party.

We need to start at a different starting point because it is assumed in our economic strategy and in answers to questions that I have asked that economic growth will solve child poverty. We need to start off from a different starting point because economic growth does not necessarily mean a reduction in poverty. We could see GDP rise, but that would be as a result of those at the top end of society having an increase in their income or wealth. In such circumstances, we would see an increase in

GDP, but we would also see an increase in child poverty. So, the two things are not the same. GDP growth and tackling child poverty are not the same thing.

We need to start to measure income inequality, which is something that we do not do adequately in Northern Ireland. I have asked questions around that, and it is clear that there is currently no intent to measure income inequality. I do not believe that we can tackle child poverty if we do not have that data to work from.

The current proposals coming forward from the Executive are inadequate, and, in some cases, counterproductive. Take, for example, the proposal to cut corporation tax. That will see anywhere between £200 million and £400 million that would otherwise be spent on health, education and, in particular, essential early years services being taken away to supplement the profits of the largest businesses in the hope of a small handful of jobs in return. Those few, low-paid jobs that could result from such a tax cut will do nothing to tackle child poverty, particularly in families where, as we have seen from statistics, there are a number of people in work who are still living in poverty and whose children live in poverty.

The Department for Social Development states that the number of dependent children who live in a household where either one parent or both parents are in full-time work and where the household is considered to be low-income or in poverty was 58,400 in 2009-2010. So, creating jobs in and of itself is not an adequate approach to tackling child poverty, and it is certainly no comfort for the sick and disabled who cannot avail themselves of those jobs and are permanently out of work as a result of circumstances outside their control. The strategy of taking money out of our block grant to give to large companies is not a way of tackling poverty for them.

Equally, the economic downturn cannot be used as an excuse. That is very much the thrust of the DUP amendment. Child poverty is a measurement relative to median income levels, so, if we have an increase in child poverty in a time of economic downturn, that only serves to show the inequalities that are inherent in our society. In fact, the wealthiest incomes are being buffered in this time of austerity, while those at the lowest end are suffering the worst of the UK Government's austerity measures, and, indeed, of the policies of this Assembly.

We must also spend the money that we have better. Members may know that I am working on a private Member's Bill to better co-ordinate how we spend money on children and how we provide services to children. We have a situation in which every Department has a greater or lesser responsibility to children, yet they are not working together to achieve shared aims. For example, I visited a Home-Start project. I asked the people there how it was funded. They cited three different funding streams from the Department of Health. That required three different application forms, three different forms of monitoring, and three times as much bureaucracy than is necessary. We must cut that type of inefficiency out of the system.

4.45 pm

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

Mr Agnew: It is no excuse to simply blame the Tories. The failure of Departments to work together is the Assembly's responsibility. The failure to bring forward an action plan on child poverty is the failure of the Executive. The failure to produce a childcare strategy is the Executive's failure.

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

Mr Agnew: The failure to deliver an early years strategy is the Executive's failure.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): Go raibh maith agat, Mr Deputy Speaker. First, I want to say that I am grateful for the opportunity to speak on the issue on behalf of the Executive. It is an important matter, as many Members have already said. Many Members have also already said that it is a matter to which the Executive have given significant priority.

I want to highlight some of the progress that has been made on the issue since the Executive published their first annual report on child poverty in June 2012. First, I want to say that poverty is multifaceted, as many Members have said. While there is income poverty, there is also poverty in other areas. When we address child poverty in particular, it is important that we look at household income. Most children live in some form of household. We cannot deal with child poverty in isolation from overall poverty. It is important to remember that.

I want to set other developments in the intervening months in the context of the challenges that we face. This is one of those occasions when OFMDFM represents the position of not just one Department but of all Departments. It is important to remember that: it is the responsibility not just of OFMDFM Ministers but of the Executive to challenge and combat child poverty. Requirements in the Child Poverty Act 2010 apply to each and every Department. They require all of us, individually and collectively, to work towards reducing child poverty in all its guises and, just as importantly, to tackle the issues that give rise to child poverty. Those issues are many and impact on the work of every single Department.

I want to turn to inaccuracies in the terms of the motion. The first annual report was published five months ago. It was laid before the Assembly by the First Minister and deputy First Minister in a written statement to the House on 6 June 2012. Later that month, officials appeared before the Committee, which is chaired by Mr Nesbitt, to answer his questions on the report. Further correspondence between Ministers and the Committee followed. Despite that multi-layered approach to informing Mr Nesbitt and the Committee of what we were doing to tackle that challenge, he almost seems reluctant to recognise or offer his support for the progress that has been made and is being made.

Another flaw in the motion is that Ministers have not fallen short of targets in the Child Poverty Act 2010, because the Act does not set any targets for the Executive. In fact, it sets targets only at a UK level. Some Members' advocating for a set of measurements and targets other than those set out in the Child Poverty Act 2010 runs the very real risk of regionalising and massaging child poverty levels down without any material improvement having been made to the lives of those who actually live in poverty. It is important to remember that. We do not want to massage the figures. We want to have real action that will make real difference. We have listened to the sector's concerns in asking us not to go down that path. We have engaged with the sector. That is what it is telling us.

We will not settle for a second-rate measure or accept a second-class outcome. We will not allow the position of people across the North to be measured in terms that are less than those expected by people elsewhere in these islands.

Mr Lyttle: I thank the junior Minister for giving way. In what way would an open and specific action plan to co-ordinate or monitor the Northern Ireland response to child poverty

negate the need for a holistic approach to the issue?

Ms J McCann: As I said, we need to have those measures. Otherwise, there is no point. People here earn less. The median wage or income is less. We, therefore, have to be measured in the same way. What I can say is that the outcomes, policies and actions we put in place need to be specific, targeted and focused. We stand by the measures called for, but we want to see progress measured consistently against those standards.

Last week, DWP announced proposals for a consultation on alternative measures of poverty. The proposals do not suggest a change to the statutory measures provided for in the Child Poverty Act 2010. OFMDFM is committed to reporting against the measures in the Act and will do so again in the next annual report, which is due in March 2013. However, in whatever way it is measured, we should be aware that there is a real concern among many stakeholders in the community about the potential for child poverty to increase, not least on foot of the changes to welfare benefits and the tax policies of the coalition Government. Some Members covered that.

The first annual report of the Scottish Government shares our view that various actions of the Westminster Government succeed only in making it more difficult to achieve the goal of eradicating poverty by 2020. We will not measure poverty in terms that suit the needs of the Government rather than reflecting the needs of the people. The measures need to reflect the variation in circumstances across these islands. Differences in economic opportunity, family size and rates of disability all have a direct and meaningful impact on the scale of child poverty.

When the Westminster Government introduced the Child Poverty Act, they did not legislate to share poverty equally across the UK, did not find a magic formula that would allow wealth to be distributed evenly across the lands and did not create a challenge that fell evenly between Westminster and the devolved Administrations. Nevertheless, it is a challenge that we accept. The Executive collectively agreed the Programme for Government, which builds prosperity and tackles disadvantage, and we will drive forward the child poverty strategy under the latter heading.

Members asked what we have done, and I will outline some of that. Since early this year, my predecessor Martina Anderson and I, working with junior Minister Bell, have led the

development of a range of interventions under the banner of Delivering Social Change. Junior Ministers have held bilateral discussions with virtually all their ministerial colleagues to press them on the areas where their Departments could intervene meaningfully to address and reduce child poverty.

Those one-to-one meetings with Ministers were constructive and encouraging, and as a result, we have identified a range of areas, as set out in the Executive's child poverty strategy, that we believe will identify the interventions that can work most effectively to reduce child poverty. Those interventions have to be targeted and focused. Members spoke about statistics here today. We need to look at the constituencies where child poverty is statistically highest and provide interventions for areas, families and communities on the basis of need.

Our approach is two-pronged. In the short term, we aim to improve early interventions that will improve children's education and health and those that will support families as they face up to the scourges of low pay; unemployment; a legacy of poor educational achievement; unsatisfactory health outcomes; and significantly higher levels of disability, including and especially mental disability. To make a start on achieving that, we have announced a number of signature programmes, worth £26 million, under Delivering Social Change, which lead Departments will take forward on some of those issues.

In March, the Executive endorsed the Minister for Employment and Learning's proposals to introduce an assistance package to alleviate some of the worst effects of growing youth unemployment. His Department was allocated £5.8 million in June, and last week, the Executive announced allocations of £15.6 million in 2013-14 and £19.6 million in 2014-15. Those amounts are in addition to the £200 million in the economy and jobs initiative.

Mrs D Kelly: I thank the Minister for giving way and for highlighting some of the interventions. Does she agree that, if those interventions are to be effective, they need to have statutory targets in each Department and that a proper monitoring and timely framework has to be introduced in order to ensure that those targets are met? I am sure that she will agree with her colleague in the Dáil. Mary Lou McDonald said that over 100,000 of our children live in poverty and that, if Labour and Fine Gael are serious about making the best interests of the child paramount, they need to produce a strategy to end child poverty. Surely she would agree with that sentiment. Therefore, as junior Minister

with specific responsibility for child poverty, she must want such a strategy to be introduced in the North.

Ms J McCann: I thank the Member for her intervention. Certainly, I think that interventions must be based on outcomes, which have to be monitored and reviewed, because there is no point in us throwing old money after new and consistently doing things that do not work.

Schools will also benefit greatly from the allocations in this financial year and those agreed for the next two years. They secure adequate funding for the school sector to ensure that we continue to drive excellence in our education system.

The Executive have allocated £12 million to the development of the childcare strategy, which a number of Members mentioned. The first awards, worth £322,000, were made in 2011. Bids submitted in 2012 have just been assessed, and five proposals, which will deliver up to £4.5 million, were successful. The projects selected address a range of needs, including after-school clubs, children with disabilities and the childcare requirements of vulnerable families. Work on a consultation document on a childcare strategy is at an advanced stage and, following Executive agreement, will be published shortly. I know of and share the frustration at the lack of a childcare strategy because I have spoken before in the House about that. I hope that it will be produced soon.

Secondly, we aim to develop a range of measure that will point the way to a difference in the long term. Our efforts to support communities as they build resilience, develop entrepreneurship and reap the benefits of the economic development strategy will offer dividends that can and will be counted in the scale of reduction in child poverty. Improved services to children; better environments, including play and leisure facilities; and the stronger employability of parents and young adults will all contribute to reducing child poverty in future years.

The work that OFMDFM has been leading to develop a child poverty outcomes model illustrates how Departments have been given a new focus and improved tools to allow them to recognise both the role that each can play in reducing child poverty and the means to measure the extent to which their interventions have made a difference. OFMDFM has commissioned work to deliver tools to Departments to help them to better understand their role in addressing child poverty. This work

has already started, and we expect to see results early in 2013-14.

We are pleased that this approach has attracted support from external stakeholders, including members of the Child Poverty Alliance, who have sought a more focused relationship between what we do and what we want to happen. We welcome their involvement and support in helping to shape the progress.

Where we find interventions to be less effective than we had hoped, we will now have the means by which to quantify that performance. We have the tools by which we can justify how and where we will target further interventions. This is innovative social policy and targeted project management. This is the exercise of good government that will make a difference to those who are unable to access private schools, private healthcare or personal pensions.

When the First Minister and the deputy First Minister announced the social investment fund, they did not package it as a child poverty action plan. When they announced £26 million of investment in new approaches to tackle problems of numeracy and literacy, the development of family hubs and targeted support for young people not in education, employment or training, they did not produce a glossy brochure with an action plan title.

We now have a clear strategy, endorsed by all Executive Ministers. We have clear arrangements in place to develop measurements of how each Department is contributing to reducing child poverty, and we have begun to deliver specific programmes that will make a meaningful difference to the immediate and longer-term needs of children and young people and, in turn, their children in generations to come.

I am grateful for the opportunity to make clear what the Executive have been doing to deliver on their commitments under the child poverty strategy.

I am saddened to see that some Members might feel that they might be scoring political points. Tackling child poverty is a very serious issue. I hope that all parties will ensure that we take this forward in a collective manner and that Ministers take it forward in a collective and holistic way. One child living in poverty here is one too many. We need to challenge it on a united front. If we stay united, we can look forward, instead of going into petty party politics on the issue.

5.00 pm

Mr McMullan: On a point of order. There seems to be a separate meeting on the Benches across the way. It is not very respectful to anybody who is speaking.

Mr Deputy Speaker: If I feel that I need to intervene because they are disturbing the Assembly, I will do so. I have intervened in the past.

Mr McNarry: I thank all the Members who spoke for their participation in this serious debate. It drew out the vagaries of poverty. It seems that, to some, poverty is just another casualty of recession. We have heard a proposal and two amendments. It seems that they are quite similar; they ask similar questions. There is more than a hint that something is wrong. Otherwise, the motion would not be made, and there would be no amendments to go alongside it.

Not for the first time is the leader of the Ulster Unionists confusing himself. He misreads my amendment. Hopefully, after hearing my submission, he now understands that my claim for additional funds are funds that are brought through reallocation.

Mr Lyttle: Will the Member give way?

Mr McNarry: I would normally, Chris, but I am pushed for time. Let us see how we go.

I remind the House that, on 23 January this year, I referred Members to the work of the Office of the First Minister and deputy First Minister in the very first mandate, when the absolute child poverty levels fell from 29% to 19%. That was dramatic. Clearly, something was done at that time that was right and was impressive. We, as an Assembly, need to re-examine our predecessors' work from that time to see what different circumstances, if any, exist today. The point that I make is that we should not be so ready to write off earlier successes and forget what was achieved in the first mandate on this issue.

There is no serious division and no reason for slick sound bites. I have been impressed by their absence. Most important is the outcome. It is the message, because the outcome that I want to see is fundamentally the reallocation of funds — the funds that are underused or returned moving across to uplift targets on child poverty. That is how I see it being done. There are no acceptable excuses. My amendment says that funds are available. It points to a way

to energise and even to suggest to the junior Ministers that they plunder some money for those vulnerable children to benefit from.

The junior Minister highlighted progress in addressing poverty. She took us through the cross-departmental responsibilities. She refuted child poverty targets that are aligned to an Act, but she did not detail the use of funds that are set to her Department's own criteria of targeting child poverty. It is the upgrading of targeting that children will benefit from. I ask the Minister to take that on board. I welcome the advancement of intervention she talked about, which arose from meetings led by her and her colleague Jonathan Bell.

However, regrettably and disappointingly, despite what was said by the proposer of the motion, me and, to a lesser extent, the proposer of amendment No 1, the junior Minister's message fell short of an announcement of new money and a pathway for funds to an outlet that is waiting desperately to be targeted with cash. The junior Minister awaits some outcomes in 2013-14, and I will hold her to those. I only hope that the children can hold on, because she has given no figures and no guarantee that poverty will be reduced.

Mr Lyttle, I will oblige you now.

Mr Lyttle: I thank the Member for giving way. Does he recognise that there are certain budgets available, especially in childcare, in OFMDFM that have gone unspent and are underutilised, and that, as it stands, resources are available?

Mr Deputy Speaker: The Member has an extra minute.

Mr McNarry: I very much thank the Member for his intervention. I would not, perhaps, dwell on that subject, but an exposé of budgets that are underspent and underused in the Assembly is perhaps long overdue. That will be key. It appears to me that Departments are unable to get their heads around using the money they bid for. It is nearly criminal that Departments bid for money and then send it back, and that because of that children in need find themselves —

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

Mr McNarry: — unable to avail of that spending.

Mr Hamilton: It has been said often in the House, although not a terrible lot by some in

this debate, that we are living in tough times. It is a source of shame that so many children in Northern Ireland are in child poverty and that areas in Northern Ireland repeatedly top UK league tables for child poverty. It was drawn out by many in the debate that the situation for many is getting worse, with no short- or medium-term signs of improvement.

This is a very worthy and proper subject for the Assembly to debate, and it is an issue that should have our utmost attention. Sadly, I do not believe that the intention behind the motion was to do that. Rather, it was to continue to develop a narrative around criticising the Executive and their performance. Yet the Member who proposed the motion, through the Member sitting to his left, remains part of the said Executive that his party seems so freely and willingly obliged to criticise.

It was as much about what the motion did not say as what it did say. There was not a single acknowledgment anywhere in the contributions of Mr Nesbitt or Mrs Overend of the fact that, although it might be easy to criticise the Executive and say that they are not meeting their child poverty targets, the situation is the same across the United Kingdom. There is not a region in the whole of the United Kingdom that is not struggling to meet its child poverty targets. The reason for that passed the Members of the Ulster Unionist Party by, and they gave no acknowledgement to it.

Mrs Overend said that child poverty seemed to get worse from 2007, and I wondered what was happening around 2007. Therein lies the answer: 2007 was the beginning of one of the worst downturns and recessions that any of us have ever seen. There was no acknowledgment that the downturn, the coalition's cuts and the reductions in welfare spending for some are having a serious impact on child poverty.

There was also no acknowledgement of the fact that a national debate is going on — and it was started by the Department for Work and Pensions last week — about whether the measurements for child poverty are accurate. We are having a debate about failing to meet targets, yet the national Government that set those targets and are responsible for them do not know whether the measurements are appropriate. So, they are looking at whether factors should be taken into account such as family breakdown, educational underachievement, debt, and drugs and alcohol dependency, and Iain Duncan Smith has launched a consultation on that basis. It is only right and proper that that happens. Even

though the benefit system may assist a family in which there is alcohol or drug dependency, and raise its income through increased benefits, that income may go on drugs or drink and may therefore not help the children in that family at all. Those children may be lifted statistically out of poverty but may not be materially any better off as a result.

I heard Iain Duncan Smith say last week that 300,000 people across the UK had been lifted out of child poverty since 2010 because the poverty line had dropped because average incomes went down over that period. So, there is a question mark over the veracity of the figures, and it is only right that we look at those again. It is important, too, that Northern Ireland contributes to doing that. There is no acknowledgement of the fact that those statistics are also going down in Northern Ireland. Mrs Overend said that she did not really want to dwell on statistics, and I understand why she did not want to when those statistics disprove her point. A Northern Ireland Statistics and Research Agency report in June showed a reduction in relative child poverty rates in Northern Ireland from 22% to 21%. There was no acknowledgement of that happening.

Neither was there any acknowledgement of the actions taken by the Executive, of which the Ulster Unionist Party is a member, that will not always show up as having an impact on incomes or, therefore, on child poverty statistics. I am thinking about the £26 million going into Delivering Social Change, which some Members talked about. It is targeting literacy and numeracy; family support; job creation — £22 million; the social protection fund, on which £200 million will be spent over the next number of years; and an economy and jobs initiative. We should also be proud of the fact that we have continued to maintain the lowest household bills in the United Kingdom.

I think that all of us believe that creating a job is the best way out of poverty for anybody and any family, and we have gone about investing in infrastructure that creates jobs. I, for one, —

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

Mr Hamilton: — am not going to criticise Titanic Belfast, as Mr Nesbitt did, when it has created jobs directly and has had spin-off benefits for the tourism sector. People looking for an action plan need only look at actions such as those.

Mr McCallister: Listening to Mr Hamilton, I am relieved that all is so well in the world and that we really do not have much of a problem after that dramatic fall of 1% in child poverty. That begs the question; why have the debate? My colleague Mr Nesbitt set out the reasons. Surprisingly, the only party that mentioned political point-scoring, which the junior Minister was critical of, was actually her own party. Its Members were the only ones who said that this was about political point-scoring. Everyone else at least accepted that there is a genuine desire to tackle the issues surrounding child poverty and that we must do significantly better than we have over the last number of years.

My party colleague Mr Nesbitt talked about the issues around child poverty and was most critical of the fact that money is going unspent in the social investment fund; money that could be used not next year or the year after but today. It is available to us today. We could use it to make a difference to people's lives in areas of all of our constituencies. Those include some of the constituencies that Mrs Overend talked about, such as North Belfast and West Belfast, and Foyle was also mentioned. They are areas that need that type of input. They need the work to be done and they need money invested in them to tackle the scourge of child poverty. That is what Mr Nesbitt made the case for.

We have had everything today from Tory cuts and blaming the Tories for everything. It will be a sad day when Sinn Féin does not have the Tories to blame for everything that is wrong in the world.

Mr Nesbitt: I thank the Member for giving way. Does he recall the Finance Minister, Sammy Wilson, giving evidence to the Grand Committee at Westminster? As reported in Hansard, he talked about the settlement:

"it is not a particularly good or bad deal; it is the kind of deal we would have expected ... given the settlements ... for other Departments across the United Kingdom. I and my party have not joined in the siren calls to 'resist the Tory cuts' and to ignore what is a reality."

5.15 pm

Mr McCallister: I thank my colleague for that useful intervention. I am glad that DUP Members are listening to that, because it is important that they get that message and listen to their Finance Minister.

There are many things that we should and could be doing. This is about looking at how the money is spent and what it is spent on. Mr McNarry said that we still had child poverty even in the best of economic times, which is an important point to reiterate. We did not solve the issue of child poverty when our economy was in growth and we had literally billions of pounds being thrown into public spending. We did not solve all of the problems in our health service or tackle all of the social ills that we needed to deal with.

Of course, one of the key drivers, as Mr Hamilton mentioned, is job creation. He will of course know, as the Finance Minister designate, that something like one million jobs have been created in GB. Where is Northern Ireland's job creation, which is sitting at 8,000, 9,000 or perhaps 10,000 in the private sector? That is probably well behind what has been created in the rest of the country, so we are not doing as much as we should or could on job creation. I agree with the point that Mr Nesbitt made, that creating jobs for people to take up is one of the key ways out of poverty. It is one of the biggest advantages. We need to create and grow that private sector wealth, create the jobs and create that purpose for people, and for children growing up in families, so that they get used to seeing someone going out to work, and that would improve educational outcomes. All of those issues are related.

I will go through some of the contributions. Mr Moutray said that it is something that not only the local Government but the national Government need to do, working together. He talked about eradicating it by 2020. If we go at the pace we are setting now, that seems highly unlikely. He talked about some of the achievements, such as the lowest rates bills, and Mr Hamilton reiterated them. As Mr Lyttle pointed out, many people trapped in poverty are on housing benefit or get rate relief so they would be unaffected by that. Freezing prescription charges has helped a great many people, particularly those with long-term illnesses, but, again, some of the people on poorest incomes would get free prescriptions anyway.

We need to look at all of those issues and not be so downbeat about what we can do or think that, just because we have had cuts in our Budget, we can afford to have underspend elsewhere. Some Members of Sinn Féin were saying that each Department should be looking at what it is doing with regard to the Child Poverty Act. I do not disagree with that. Mr Nesbitt and Mrs Overend did not disagree with that. Many people who spoke did not disagree

with that. What they have called for is to stop having endless strategies and start doing some action plans and implementing some of the policies that might help the very people we are elected to try to help. Those are some of the issues, instead of always blaming Tory cuts and welfare reform.

Ms Kelly congratulated the marvellous effort of Children in Need. I think it is important to show that people are still giving in that spirit of generosity in Northern Ireland, and that is to be commended. She rightly made the point about agreement on an early years strategy. Too many of the strategies that we have looked at have no action plans with them. We have been locked with strategies that, quite frankly, in some cases, are meaningless. Some of the early years strategy, when it was before the Education Committee and other Committees, was meaningless about what the interaction was without adequate cross-departmental working.

George Robinson talked about the economic challenges. He also mentioned the Tory cuts, so he obviously missed Mr Wilson's reference to them in his evidence to the Grand Committee at Westminster. He talked about lowering corporation tax and what that could achieve for job creation.

Ms Fearon talked about the levels of severe poverty. We agree that those need to be tackled, but we did not hear anything from the junior Minister about what that is going to look like. We hear the warm words about working very diligently, but we do not see any actions or outcomes. It has to be about the outcome of eradicating child poverty. That is the outcome on which we should all be focused.

Mr Maskey spent his entire contribution doing his welfare reform speech, but for what end? He has been offered support from the SDLP on at least one occasion so far, and I am sure that it might offer on other occasions to sign a petition of concern. In that case, he could quite easily stop the Welfare Reform Bill. It was pointed out to him that his colleagues do not go to Westminster to vote against welfare reform.

Mr Maskey: Will the Member give way?

Mr McCallister: I will, briefly.

Mr Maskey: Does the Member realise that he will have an opportunity tomorrow morning, by way of a petition of concern, to make a call on referring the Welfare Reform Bill for further

scrutiny on the grounds of human rights and equality compliance?

Mr McCallister: It is great that the Member has brought the motion that will be voted on tomorrow. He has had his chance with the SDLP, and I am quite sure that it will provide him with other opportunities in the future. Let us then see if he puts his money where his mouth is and signs it and follows through. He has the numbers; the SDLP does not. He could make a difference if he supports the SDLP.

Mr Deputy Speaker: The Member's time is almost up.

Mr McCallister: Let him stand up and be judged then.

Mr Maskey: You should put your money where somebody else's mouth is, then.

Mr Deputy Speaker: Order. Before I put the Question on amendment No 1, I advise Members that both amendments may be made and that one amendment does not preclude the other.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 58; Noes 36.

AYES

Mr Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Mr Brady, Ms Brown, Mr Buchanan, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Ms McGahan, Mr D McIlveen, Miss M McIlveen, Mr McKay, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Molloy, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr Ross, Ms Ruane, Mr Sheehan, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Ayes: Mr Douglas and Mr G Robinson

NOES

Mr Agnew, Mr Allister, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Cree, Mr Dickson, Mrs

Dobson, Mr Durkan, Mr Eastwood, Mr Elliott, Mr Ford, Mr Gardiner, Mr Hussey, Mrs D Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McClarty, Mr B McCrea, Mr McDevitt, Dr McDonnell, Mr McGimpsey, Mr McGlone, Mrs McKeivitt, Mr McNarry, Mr A Maginness, Mr Nesbitt, Mrs Overend, Mr P Ramsey, Mr Rogers, Mr Swann.

Tellers for the Noes: Mr McCallister and Mrs Overend

Question accordingly agreed to.

Question, That amendment No 2 be made, put and agreed to.

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly takes account of the recently published annual child poverty report; notes that the child poverty targets set in the UK-wide legislation are challenging and that all regions across the UK are struggling to meet the targets, given the current international economic downturn; and calls on the Executive to work with the devolved Administrations and the UK Government to identify actions to meet the statutory targets and reduce poverty and to identify additional funds associated with limiting the damage of the recession for use in combating child poverty.

Cross-border Education

Mr Deputy Speaker: Order, please. Members, if you wish to have a conversation, please leave the Chamber.

The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and a further 10 minutes 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 to propose and a further five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Kinahan: I beg to move

That this Assembly notes, with concern, the consultation on cross-border education; recognises that there are circumstances in which parents living close to the border may wish to send their children to a school in the neighbouring jurisdiction; further notes that this only happens in a small minority of cases; expresses concern that this consultation, on an issue of potentially significant consequence for the future of education, was confined to a narrow geographical area; and calls on the Minister of Education to reflect on his priorities and address the outstanding issues which he is already facing such as area planning, finding an equitable solution on selection and tackling educational inequality.

I very much welcome the chance to put forward our ideas through the motion. A little bit of me feels that it is rather like carrying on the boxing motions from the past few weeks and that there should be a "Ding, ding. Round 4". It seems to be an endless battle as we try to get our points across. I want to use today's debate as an alarm call, but not the Strawberry Alarm Clock or the tinkle or buzz of your phone and not just a wake-up call; this is an alarm call for all that is going on. Our education system is being destroyed by stealth, deliberate vagueness, a lack of clarity, a deliberate lack of explanation of what is going on and a lack of consultation. In a way, it is a despotic or tyrannical way of doing business.

Mr Flanagan: Will the Member give way?

Mr Kinahan: No, I want to carry on, thank you.

It is a strange attitude towards our schools. Last week, the Minister, one or two others from here and I attended the Primary School Governors Association. The inspectorate and

the Department were there for a question-and-answer session. By the end of it, there was a simmering anger as the inspectorate and the Department insisted that what they were saying had to be followed with no chance of discussion. That is the problem. We had discussions on the Northern Ireland numeracy assessment (NINA) and the Northern Ireland literacy assessment (NILA) and how the assessment system was failing, and we had concerns about the new rules and regulations that are coming in for governors. However, at every turn, both said, "The Minister instructs us as follows", which was as good as saying, "You must obey." So, it seems that, today, the debate focuses on a very poorly actioned survey that has phenomenal potential to affect our education system and be misused in future debates. At present, sections of the Assembly seem to be not just asleep but positively comatose. As I said, I want to use the debate as a wake-up call. I want to see everyone coming together and to stop this galloping virus of changes that this Minister of Education is proposing.

Yesterday, those of you who watched 'Sunday Politics' saw the head of St Malachy's restate the Ulster Unionist call for a pause, a stop and, as it was put yesterday, a step back. Schools are at breaking point, overcome with reviews, changes and top-down directives, and are not able to concentrate on teaching for pupils. We need everyone — everyone — working together for a joint, long-term strategy and vision. At the moment, we seem to have a comatose attitude to all the changes that are coming our way.

In today's motion, we are initially talking about a cross-border survey, one that is conducted online, one that has controlled access only, one that talks to parents but only three years out of 14, and one that only talks to parents within six miles of primary schools or within 12 miles of the border on post-primary. However, the premise is not wrong. We should look at anything that moves with parents' choice, but here it is a very limited number of parents who we will actually hear from. At a time when budgets are tight and the system is failing, I do not believe that this is a good use of Department time or funds. We will end up with a survey that is not representative and not accurate and will, I am sure, be used as part of the dogma-driven action of the future. Let us all step back, work together and concentrate on agreeing a way forward. Will the Minister take that step back? Will he sit down and engage with all parties on the way forward?

I ask all the parties here to join us in forming a committee that can work together on selection,

but it needs Sinn Féin to take part this time. We need to resolve so much, and we cannot go on as we are, as if we are all in a coma. As we saw from yesterday's programme and from the past two weeks, many pupils are taking five exams. The numbers who are taking them have gone up. Although the Minister disputes the figures, some 7,000 pupils are taking the tests. More and more are taking them. Sir Kenneth Bloomfield said yesterday that this is a democracy and that that means choice. Let us sit down together and sort out this mess. We must have some form of streaming, so let us have one agreed exam, as we have been calling for, for the next two years and sit down and find a democratic solution for the future.

As I said, the Minister ignores or disputes the figures. In Committee, we continually have the Department producing numbers and statistics, but, when we speak to schools, we get a very different story. As a party, we do not disagree that changes need to happen. We need ESA. We need area planning. We need assessment. I could go on, but, most importantly, we all agree that we must tackle the disadvantaged areas and put forward every possible way so that they too can have the choice and a chance to go to whatever type of school they want to go to.

In the ESA debate, the Minister rightly picked me up when I failed to mention in my long speech the need to help with Protestant disadvantage. I take that on board. I listen, and I hope that he does too. As a party, we would like to see a pupil bonus scheme brought in. If the savings that, we are told, will come in with the introduction of ESA appear, let us see them pay for it. That is just one of the many ways that we can help the disadvantaged.

5.45 pm

I go back to the main point: can we have a pause, a stop, a step back? There seems to be a propaganda campaign from bishops and from some areas of secondary education to say that selection does not work. They do not want to understand the other side of the argument. Some make it a class matter. Yes, we have a problem. Let us all sit down and resolve it. In the Programme for Government, we have a target for shared education, albeit a small one. In area planning, we see a worsening of division being put in place, as sectors are forced into even more sectarian groupings. We are losing the learning communities where shared education is thriving. Here, we need to step back, change legislation and make area planning help increase the sharing in education as much as we can.

We have CCMS saying that it will get rid of grammar schools, with no democratic notice from the people. I acknowledge that it has its own good education system and that it controls that. However, it is as much at fault as grammars may be in its inclusiveness. This decision to force the hand on grammars is not democratic, and to only join together in area planning all the same types is as exclusive and badly thought-out as can be. It is time to sit down together. I could go on as much about this mess, but we cannot just go on opposing each other. We must find a way through.

Today, we have a small matter of cross-border education and a consultation process. For that, we must be grateful, because consultation is not something that we see much of. My colleague Tom Elliott will concentrate more on the border issues. The end of the motion concentrates on tackling education equality. Let us all sit down and do that together. Regarding the amendment, I support its content, especially the call for consultation to be robust and to be included in area planning. However, I do not believe that the focus of the debate should be diverted from the motion by the amendment.

A word of warning: I spoke to one headmaster from a Protestant school in County Cavan.

Mr Deputy Speaker: The Member's time is almost up.

Mr Kinahan: Thank you, Mr Deputy Speaker. The headmaster said that, if we open up the border, all his pupils will go to Northern Ireland and his school will have to close. We need to think through where this cross-border consultation is taking us. However, let us sit down and agree a joint long-term way forward.

Mr Rogers: I beg to move the following amendment:

Leave out all after first "notes" and insert

"the consultation on cross-border education; recognises that there are circumstances in which parents living close to the border may wish to send their children to a school in the neighbouring jurisdiction; and calls on the Minister of Education to ensure that this consultation is robust and is included as part of the area planning process."

I listened to Mr Kinahan. Sometimes, when we stray off the topic, the Speaker will pull us back. To me, this debate is about cross-border education. I agree with many of the comments

that Mr Kinahan has made, including his reference to the elephant in the room, which is selection. He repeats a call that I made some time ago that we need to get around the table to sort that out. However, this is fundamentally about cross-border education. I am confused about the motion. On the one hand, it is concerned about the consultation on cross-border education; on the other, it acknowledges parental preference and the need to focus on area-based planning. Surely cross-border education needs to be a part of the area-based planning process.

In the 'Belfast Telegraph' on 16 February, the Ulster Unionists called on the Assembly to lobby the Irish Government to protect Protestant schools in Donegal that are in danger of closing. Surely, the best way to do this is for the Department of Education and the Department of Education and Skills to work closely to ensure that this survey is part of the area planning process. In a 'Belfast Telegraph' article in April, the DUP articulated its view against cross-border consultation. I disagree with the DUP's assertion that the survey is a bid to prove that:

"there is a demand for an all-Ireland education system".

If we are to put pupils, families and communities first, we should have considered this issue from July 2012, when the area-based planning process began.

The SDLP amendment recognises the importance of facilitating parental preference on a cross-border basis. We all note the change in school population right across the North. It is no different in border areas; in fact, in border areas, there are, in many cases, more serious demographic problems. This affects both sides of the community. At last year's Church of Ireland synod in Dublin, major concerns were expressed about the future of their smaller primary and post-primary schools. In one area in County Cavan, 99% of the children have to travel up to 20 miles to get to school. Irrespective of which border county it is, North or South, the problems are the same. Cross-border education co-operation could become a lifeline for small schools and their communities. Many small schools on both sides of the border face extinction. Real and meaningful consultation could become a lifeline for the small Protestant and Catholic communities in border areas.

In a recent review of Catholic post-primary education in Fermanagh, the closure of St Mary's High School in Brollagh was

recommended. Although the school is over an hour's journey from Enniskillen, it is about 15 minutes travel from Ballyshannon, County Donegal. It makes sense that we should consider the cross-border dimension; otherwise, what is the long-term effect on the community of closing the school in Brollagh? What young couple would wish to settle down in an area where there is no primary, never mind post-primary, education? It will result in further migration from our rural areas. That will have a knock-on effect on other services in the local community.

Although the closing date for consultation on the northern part of the survey is now past, I am reassured by the comments of Mr McLean during the Education Committee's meeting on 12 September:

"Area planning was never seen as a one-off exercise to be done, completed and dusted and then put on the shelf. It is seen as an iterative process that will ... set the strategic direction."

I need to remind the proposer of the motion that the Good Friday Agreement makes it incumbent on the Governments on both sides of the border to protect the rights and interests of minorities. Surely, access to locally provided education is a fundamental right.

I understand the concerns of Members opposite, as there are many issues with our education system in the North. This is not a distraction but an integral part of the area planning process. We all know that there is lots of work to be done. Yes, there are financial implications when children from one jurisdiction attend school in another jurisdiction, but that problem is not insurmountable and can be resolved quite easily between the corresponding Education Departments. Our primary objective should be to provide a high-quality education for all our children who live here. Therefore, we must consider cross-border education, because, in some cases, the best option may be to go to a school in the Republic. If we are to build an all-Ireland economy, education, health, cross-border business, telecommunications, cross-border taxation, banking, housing and third-level study are all important considerations.

Miss M McIlveen: Given the history of Sinn Féin's tenure of the education portfolio, whenever a project is undertaken by one of its Ministers, it is, understandably, met with a degree of scepticism. However, the motion appears to simply suggest to the Minister that he should prioritise other matters, such as area

planning, selection and educational inequality over a consultation on cross-border education. Therefore, I am happy to support the motion. I absolutely agree that issues such as those should be high on the agenda. I have little doubt, however, that finding an equitable solution on selection ranks extremely low on the Minister's list of priorities. We need only look at Sinn Féin's refusal to take part in cross-party meetings on transfer and its refusal to even acknowledge the work of that group.

I would certainly like to see a greater focus on educational inequality, with particular attention being given to raising the standards of working-class Protestant boys. The Minister and his party are fond of referencing the underachievement of working-class Protestant boys, but I would like to see some action taken to address that.

I am not sure whether it should be an issue of where such a survey falls in the scheme of things to be done or whether it should be done at all. The primary concern should be the motivation behind the survey. Currently, schools in the border areas of Northern Ireland accept pupils who reside in the Irish Republic, but priority is given to pupils living in Northern Ireland. From my perspective, it is right and proper that our children should be given priority.

The Minister has said that the joint survey is to examine how education is provided along the border corridor and whether there is scope to engage in joint planning of the respective school estates in the area. That suggests that he intends to remove the priority of our pupils having a place in our schools. In the Irish Republic, there is no legal requirement for a school to prioritise children from the Irish Republic over those from Northern Ireland. So the attitudes of Northern Ireland parents to educating their children in the Irish Republic should be fairly evident. It also stands to reason that the only area to potentially lose out in this change is Northern Ireland. Is there the potential for Northern Ireland schools in border areas to be oversubscribed, thereby forcing our pupils to seek education in the Irish Republic, where a different syllabus and examination system are in place?

The concerns about funding cuts to Protestant schools in the Irish Republic have been well highlighted. The potential result of removing the priority for our pupils in our schools is that it would place Protestant pupils at a disadvantage if they were to seek a school in the Irish Republic that reflected their ethos. I hope that the Minister will take that factor into consideration.

The first issue that should have been addressed, before even contemplating a survey on widening opportunities for children from the Irish Republic to attend Northern Ireland schools, is that of who pays. We pay for children from the Irish Republic to be educated here, and the Irish Republic pays the costs of educating children from Northern Ireland there. The figures available in May showed that we were funding 401 primary and post-primary pupils resident in the Irish Republic. Of course, that is the number who actually declared that they were resident in the Irish Republic, so it may be higher. I understand that half that number go in the opposite direction, so we already get the short end of that stick. I am aware that the Finance Minister raised this at an NSMC meeting. Can the Minister provide us with the current cost differential and the projected cost should there be a greater flexibility in admissions criteria in Northern Ireland?

We also know of some parents, particularly in the Fermanagh area, who were not aware of the consultation, which raises a further concern about the accuracy of the results of the survey. That is in addition to complaints about the sporadic nature of the questionnaire, its lack of focus and the difficulty that some parents have accessing it.

Ultimately, we should be concerned that the Minister is concerned more about politics than children in this instance. We have already expressed our concerns about the direction in which he wishes to go with GCSEs and A levels.

Mr Deputy Speaker: The Member's time is almost up.

Miss M McIlveen: Now we need to express our concerns about the availability of Northern Ireland school places to Northern Ireland pupils in the border corridor.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I will speak against the motion and in support of the amendment.

The motion calls on the Assembly to note:

"with concern, the consultation on cross-border education".

I simply do not agree that the cross-border survey is anything to be concerned about. Moreover, having read the various statements from the Minister and the comprehensive information pack that accompanies the motion, I

was unable to find a single reference to such a consultation. It does not exist. What we are talking about is a survey, which is being jointly conducted by the Department of Education in the North and the Department of Education and Skills in the South. It will gauge the level of interest among parents along the border corridor in securing a place for their child at a school in the other jurisdiction.

The survey will no doubt reflect how people in the border area live and avail themselves of services, including education. With the nature of border life continually changing, many parents now live in one jurisdiction and work in the other, but their children can face obstacles to crossing the border for their education. Therefore, it is important that a survey such as this will flag up some of the obstacles that prevent parents from sending their children in either direction. Although many parents are often not aware of the options that exist, some obstacles may require legislative adjustment, and I am delighted that Minister O'Dowd and Minister Quinn will examine ways in which that can be amended accordingly.

Legislation currently requires that schools and preschools give priority in admission to those who are resident in the North over those who are not. Legislation also permits assistance with home-to-school transport only for journeys to schools in the North. Sinn Féin believes that the legislation should change to reflect and facilitate the reality of the lives led by people in border areas and the way in which they access public services.

6.00 pm

I understand that investigations are going on so that we can better understand the nature of current legislation in the context of EU mobility laws. Any progress on this issue will, no doubt, be a positive development in the planning of education provision in border areas.

Surveys such as this are vital, as they allow us to build better relationships and outcomes for all our young people who live in these areas. We have cross-border travel for those in further and higher level education, so it is important that we actively assess how we can improve primary and post-primary education provision for border communities. In a recent press statement, the UUP's Tom Elliott described the survey as a "political stunt", yet Mr Elliott was doing the somersaults by, on the one hand, claiming that the survey was a waste of money and, on the other, requesting that it be more extensive, which would consequently have made it more expensive.

If we do not have a survey of where resources can be best spent along the border corridor, we will undoubtedly continue to duplicate them, as two education systems will be operating back to back. It makes perfect sense to assess parental choice in border communities to see where, if necessary, we can share resources. Fears that the initiative will cost the Assembly a fortune are misguided and prejudicial. We have had pupils travelling back and forth across the border for some time now. Whenever students leave the jurisdiction to go south, we pick up the bill, and whenever students from the South come north to this jurisdiction, the Dublin Government pick up the bill. The survey is simply about flagging up obstacles and issues that may need to be addressed. It is also about helping to illustrate the best use of resources along the border corridor and giving us a quantifiable illustration of how education can best be utilised.

Moreover, the outcomes of the survey will be used to assess potential cross-border planning opportunities for area planning. The chief executive of the CCMS, Jim Clarke, said to the Committee recently:

"I welcome the survey ... I think that it is better to have information on which to base perceptions rather than to simply have perceptions. I also think that it is a logical way to respond to local needs. We know that there is cross-border movement. Some of it is official, but a lot of it is not."

He went on to say that we are seeing the logical rationalisation of reality. Area planning for post-primary provision has marked the first step on this journey on the transformation of our education system and the schools estate. The consultation period has come to an end recently, and the boards are analysing the various responses before reporting on the plans.

It is incumbent on us all as public representatives to assure parents and schools that we have begun a process of much-needed transformation. Any facet of change will be carefully planned, and, indeed, such plans will be reviewed regularly and updated to reflect local characteristics and developing circumstances.

Without doubt, the Minister will face difficult decisions. Those will not always be popular, but this process is about making the right, not the easy, decisions. The Minister is responsible for shaping an education system and schools estate for not only our children but our grandchildren and the generations to come.

When the various boards came to the Committee recently, they were keen to stress that the area-planning process was a journey and not an end in itself.

Mr Deputy Speaker: The Member's time is almost up.

Mr Hazzard: That is a very important point. The process has created a fertile space for debate, which was not possible in previous years. For once, educationalists are asking themselves whether they are capable of providing a curriculum that can and will continue to meet the needs of our young people for generations.

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

Mr Hazzard: I will not support the motion, but I will support the amendment.

Mr Lunn: We will also support the amendment but not the motion. I have to congratulate Mr Kinahan; I think that this is the first time ever that we had a 10-minute speech on a motion that did not mention that motion until the ninth minute.

I can see that he is using cross-border co-operation as an excuse to discuss a range of issues on the education system that go far and wide. I do not want to dwell on it, but I do not disagree with a lot of what he said on the wider issues. However, that is not what the motion is about. As Chris Hazzard rightly said, the consultation is on a North/South ministerial agreement to conduct a survey.

The motion refers to an issue of "potentially significant consequence" that was:

"confined to a narrow geographical area".

I would have thought that a 12-mile corridor for primary school pupils and a 24-mile corridor for secondary school pupils was perhaps adequate to address the problems of cross-border issues. If secondary school pupils from the South want to travel north more than 12 miles, good luck to them. I think that that is a pretty fair test of opinion, and I think that the survey is a good idea.

Why should our area-based planning be cut off at the border? Mr Rogers referred to St Mary's High School in Brollagh, and Michelle McIlveen referred to the possibility of schools being oversubscribed on our side of the border. I do not see that happening, but what I do see is that an influx of Southern pupils might be the

saviour of a school along the border, in whatever sector.

I mention sectors. Daithí McKay asked a question a few months ago on the number of schools adjacent to the border — in the corridor that we are talking about — with a Church of Ireland or Presbyterian ethos. The number of post-primary schools on the Southern side of the border with that ethos is only four: one each in counties Cavan, Louth, Monaghan and Donegal. I can certainly see the problems that Protestant pupils and their families in that region may have. If the better solution is for them to come north, that is to be welcomed. This is Europe now, not just Northern Ireland and Southern Ireland. We need to think a bit wider than that.

There are a dozen such primary schools, but even with a dozen spread along the border, of which I think half are in County Donegal, the Northern authorities do not have to take Southern children until they have at least reviewed all the applications from the North. Apparently there are no such criteria in the South, where the same criteria have to be applied to all applications.

There seems to be a fear that there will be a massive influx of pupils from the South to the North. Let us wait and see whether that is one of the things that the survey indicates. I believe that 12,000 surveys have gone out. I do not know whether that is to 12,000 families in the North or the parents of 12,000 children. On the same basis, the survey has perhaps gone out to 20,000 in the South. That is 12,000 of our school population being consulted — most of whom will want to stay on this side of the border — out of a school population of whatever the figure is now. It is certainly well over 300,000.

I do not see any potential wrecking of the system here, yet Mr Kinahan has accused us of being guilty of sleepwalking into some kind of destructive Sinn Féin plan for the education system. I think that he used the word "comatose". I can assure him that most of us are not comatose. We have the same concerns as him but not in the same terms. There are major items that need to be sorted out that have nothing to do with cross-border education.

Mr Deputy Speaker: The Member's time is almost up.

Mr Lunn: Thank you, Mr Deputy Speaker.

I wish him luck with his suggestion that he is going to create another committee to discuss the selection issue. He is very welcome to

have the report of the committee that I set up around three years ago. If he can move it any further forward, I will congratulate him. In the meantime, we support the amendment but not the motion.

Mr Craig: I support the motion. I do not think that any of us is sleepwalking into anything. The only danger is that, given the level of debate, we may end up comatose ourselves.

Minister O'Dowd has the notion that we should look at and do a survey on cross-border co-operation. That is all well and good, but when I look around the education system, the biggest issues that I see out there do not concern whether we are sharing schools well enough across the border, no matter from which side we cross it. We are in danger of losing sight of the real issues out there. Thankfully, this Minister has started to focus on the underachievement of pupils in the bottom third of our schools. That to me is the biggest issue of all, not whether pupils go to school in the Republic or Northern Ireland. The point is that they are going to schools that are failing them, and if the Minister were to spend much more of his time looking at that issue and doing something about it, the entire education system would be much better off.

Mr Flanagan: Will the Member give way?

Mr Craig: On you go.

Mr Flanagan: The Member said that the Minister should spend more of his time dealing with specific issues. Does the Member have access to the Minister's diary to see how much time he is spending on each of the issues?

Mr Deputy Speaker: The Member has an extra minute.

Mr Craig: As the Member well knows, if I had access to the Minister's diary, I would be in serious trouble, so the answer is clearly no.

Whether we deal with a six-mile radius, a 12-mile radius or whatever across the border, there is no real demand of any serious nature for a lot of this. The numbers, as was quite rightly pointed out by another Member in the Chamber today, are small. That is why I worry about us becoming fixated on an issue that, quite frankly, in the longer term, I doubt will go very far at all.

I noted a series of issues that need to be looked at and rectified when it comes to cross-border education. If we look at the ethos of a lot of schools in the Republic of Ireland, we see that

there is a lot about teaching the Irish language. I know that the Minister is fixated on that issue, but a large section up here has no desire to learn Irish.

The other issue is this: are we going to get to the stage where we start transferring teachers back and forward across the border? If we are going to do that, we are going to have to do away with a lot of barriers in the Republic of Ireland that stop qualified teachers here teaching there. There are discriminatory factors down there that need to be tackled if we are ever going to get to the situation where you could, on a day-to-day basis, transfer pupils and teachers across the border. As I said, we are miles away from even thinking about those issues; the reality is that we have bigger issues in our entire system to look at.

While I support the motion with regard to having the focus put back on other issues and not becoming fixated with cross-border co-operation in education, I do not support the amendment. I do not think we need to have our eyes taken off the ball of where we should be in education. I think we need to be very careful about and focused on the issues that I outlined.

While it is all right looking at this in the cold light of day, I appeal to the Minister not to let us become fixated on small numbers, which I feel, in the end, will be to placate what will eventually come to light with the closure of many maintained schools along the border.

Ms Boyle: Go raibh maith agat, a LeasCheann Comhairle. I support the amendment and oppose the motion. I was not aware of a consultation on cross-border education, but I am aware of a survey that the Minister conducted to see whether there is a demand in this area.

The motion states that people wishing to send their child or children to a school in a different jurisdiction are in a small minority. I want to ask this: has the UUP conducted its own survey? If so, I would be interested in seeing its findings.

I represent a border area, and I know all too well the difficulties that families encounter, particularly in the South of Ireland, with families wanting to send their children to school in the Six Counties.

I am on record in this House and, indeed, in the Education Committee as speaking in favour of pupil access to education in both jurisdictions, and I have never heard anyone in the Education Committee saying otherwise.

One of a number of families who contacted my office for assistance in this area conveyed to me the difficulties that they have encountered. For a family who live in Lifford in County Donegal, which is one mile from Strabane, the nearest primary school in the South is 10 miles away. Given their domestic situation — they have a number of small children who need to get to school at different times, which involves access to transport — it does not suit them to send their children to a school 10 miles way. Their preferred school of choice is one mile over the border in Strabane. It makes sense to that family to send their child to school in Strabane. I believe that they should have that option.

One parent told me that she feels "very marginalised" because her child was not given priority and was not accepted in the school of her choice in Strabane. They are a Protestant family. That family has begged and pleaded with me and others in the Chamber to change legislation in the hope that the changes that that would bring will happen soon for them and before her second child starts school so that she would not have that problem any more. So, I ask the Members on the opposite Benches who tabled the motion whether they understand fully the problems of accessing education in border areas.

6.15 pm

The Department states that over 12,000 pupils have been identified in years 1, 7 and 8 in 143 primary schools and 63 post-primary schools. The Department says that the parents of those children will have most recently considered cross-border education, so those families are the target population for the survey. You cannot ignore the plight of over 12,000 children, which is hardly a minority. I believe that the survey is critical in determining area planning, and it will allow Minister O'Dowd and Minister Quinn to get to work on policy and provision.

Another barrier exists when someone has a child with special educational needs who attends school in the North and lives in the South. That child is not entitled to a statement of need. They are not entitled to be assessed for special educational needs. We need to protect their rights. I welcome the work that both Ministers are doing in that area. I look forward to the outcome of the survey. I believe that neither the UUP nor any other party in the Chamber has anything to fear from the survey. I support the amendment.

Mr Elliott: I thank my colleague Mr Kinahan for tabling the motion.

Some of the discussion that I heard has been quite interesting. One of the most unusual contributions came from Mr Lunn, who said that Mr Kinahan spent 10 minutes speaking but did not actually speak to the motion. Coming from Mr Lunn and the Alliance Party, that surprises me. They are experts at that. If anybody were to do that well, it is Mr Lunn and his party colleagues. So, I have to say that that is rich coming from the Alliance Party and those who try to criticise my party colleague for doing that.

Mr Lunn: I thank the Member for giving way. I just want to say that he is talking complete nonsense, so I suggest that he sit down again.

Mr Deputy Speaker: The Member has an extra minute.

Mr Elliott: Thank you very much for that extra minute, Mr Lunn. You have just given me an extra minute to talk instead of sitting down. It is quite interesting that Mr Lunn and the Alliance Party is trying to close down democracy and debate in the Assembly. I am very surprised at that.

Turning to the survey, I listened to Mr Hazzard and Ms Boyle. It is quite interesting that the first question on the survey asks whether someone is resident in the North of Ireland or the South of Ireland. Ms Boyle has left the Chamber now, but if someone who lives where she does, which is somewhere around Strabane, were asked that question, I would assume that they lived in the South of Ireland, because, obviously, Donegal is much further north than Tyrone. Clearly, I am interested in the survey.

Not every parent who was supposed to get the survey actually got it. Not every parent of children in those years got the code to enable them to log on to the survey on the internet either by e-mail or whatever other electronic means. From start to finish, it has obviously been a shabby survey and a shabby process throughout. That is very concerning to my colleagues and I, particularly when the Department is paying for it and could think of much better ways to spend that money.

I am sure that the Sinn Féin Minister and his party colleagues are under significant pressure from many schools in border areas, particularly those such as St Aidan's High School in Derrylin and St Mary's High School, Brollagh, in Belleek. Those schools are under particular

pressure to survive. There is no difficulty with them having cross-border co-operation. Cross-border education and co-operation has been going on for generations.

I am sure that most of you will know or at least recognise that it has been quite a long time since I was at school. However, even back then, I was in the same class as pupils from the Republic of Ireland. I know still of a number of pupils who are resident in Northern Ireland but cross the border to be educated in the Republic of Ireland, and vice versa. There is nothing to stop that happening at the moment. I do not see why we need a survey that costs money and is of very limited use. What use is a survey of primary school kids living within six miles of the border and post-primary pupils living within 12 miles of it?

Mr Flanagan: I thank the Member for giving way. He started off by saying that there was no need for the survey, and now he is criticising the Minister because the survey area was capped at six miles and 12 miles. Which is it? Are you opposed to the survey or do you want a wholesale survey of the whole island? Will you clarify that for us?

Mr Elliott: I will clarify that quite easily. I never said that I wanted a full survey of the entire island. What I am merely pointing out is this: what use is a survey of a limited area? It is very restrictive and is obviously subjective. As Mr Flanagan knows, people who live more than six miles from Belleek may have more of an interest in cross-border education than those who live on the border. As others said, many people who live on the border in Fermanagh travel the 20 miles to Enniskillen to be educated rather than cross the border, even though they have that choice at the moment. Therefore, I do not see what the relevance of the survey is.

It is quite clear that it is a political stunt. What the Minister wants to do is stamp his authority on cross-border education. It would have been much more in his interest and that of others if he had put the money into resolving the issues that Mr Kinahan and others talked about. Pupils at Devenish College in Enniskillen, for example, were promised a newbuild school in 2004 — I am sure that it was the same for schools in other areas — but because consecutive Sinn Féin Ministers and others procrastinated and refused to build that school, the parents, pupils and teachers were left to work in much more difficult conditions than should have been the case.

There are ample opportunities for the Minister to progress education in Northern Ireland and

assist co-operation, where possible or necessary. I have been to St Aidan's in Derrylin and to Brollagh and Belleek and have discussed the opportunities and —

Mr Deputy Speaker: The Member's time is almost up.

Mr Elliott: — cross-border potential there. They know that I will support that, but I will not support a waste-of-money survey carried out by a shabby Minister.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. First, I want to pick up on Mr Elliott's point about the newbuild that was planned for Devenish College.

The Member will be well aware that a proposal was put forward for a newbuild in 2004. However, in 2004, Sinn Féin did not hold the education portfolio. It was not Caitríona Ruane or John O'Dowd who promised a newbuild there. The problem was that the controlled sector could not come to an agreement about Devenish College. Nearly everybody in the House knows that, but, for some reason, those on the opposite Benches have put their head in the sand and continue to blame Sinn Féin Ministers. There cannot be a newbuild at Devenish College until there is agreement in the controlled sector. The sooner that that happens, the better.

I will return to the —

Mr Elliott: Will the Member give way?

Mr Flanagan: I will happily give way.

Mr Elliott: For clarification, is that Department of Education policy?

Mr Flanagan: The Member will be aware that there is currently a process called area planning.

Mr O'Dowd (The Minister of Education): Will the Member give way?

Mr Flanagan: I will happily give way.

Mr O'Dowd: Is the Member from the Ulster Unionist Party suggesting that I build a school in an area where there is no agreement? His party spokesperson gave me a 10-minute lecture on seeking agreement, but now he is suggesting —

Mr Deputy Speaker: All remarks through the Chair, please.

Mr Flanagan: I thank the Minister for intervening. He responded much quicker than I could have.

I return to the text of the motion. My party colleagues laboured the point that this is not a consultation but a survey. It is not simply a consultation; it is much broader than that. The fact that the motion refers to a consultation really shows that — pardon the pun — the UUP has not done its homework.

The motion also talks about this only happening in a small minority of cases where there is a demand for cross-border education. I live very close to the border, like a number of other people in here, and it is clear that there is a demand for that. There are barriers to cross-border education, and I commend John O'Dowd and Ruairí Quinn for their proactive response to this. In fact, going by the media response on the BBC and RTE when this was announced, there is a clear demand. There is clear public interest in this, and it is something that we should be looking into. The UUP is criticising the fact that a survey is taking place at all, but then complaining about the fact that it is limited to six or 12 miles. It really highlights the deficit of knowledge and comprehension of the UUP cheerleaders for education.

I also note that missing from the text of the motion is a reference of any kind to ESA, given that ESA is one of the big pieces of work that is being undertaken by the Department of Education. Mr Kinahan referred to a number of other pieces of work that are under way, but he has left out ESA, and I really have to wonder why. Perhaps it is because Mr Kinahan is too busy writing to every principal in the North of Ireland, purporting to be representative of the Education Committee, with headed paper saying he is the Deputy Chair of the Education Committee, outlining his personal opposition to ESA and encouraging principals to outline their opposition to ESA. It would be much better for Mr Kinahan, instead of wasting time writing to every principal in the North, to sit down and talk about ESA with sensible people, and not just write letters to people who do not want to hear from him.

I will move to the debate itself. The motion talks about democracy and a clear lack of democracy, and two Members in the far corner raised it. In response to the area-planning process, 1,300 people from west and north Fermanagh responded to the consultation that was put out by the Western Education and

Library Board and the CCMS. They outlined their view that there should be a cross-border element to the future of education in that area. What about those 1,300 people? Do their voices not get heard? Do we completely ignore the democratic wish of the people in that area?

The view of those 1,300 people, as they have clearly outlined, is that they want to see a cross-border area learning community established. They want a pilot model that would assess the barriers that exist to the development of cross-border education and that could be used as a template for development in other areas to tackle the fact that there are schools facing closure in rural and border communities.

Mr Kinahan has brought a number of motions to this House, and they have been used to criticise Sinn Féin's stealthy road to a united Ireland. One of them was about the public ownership of Lough Neagh. The last one was about ESA. I am absolutely amazed that he has not used the opportunity today to talk about a stealthy road to a united Ireland; this would have been his best opportunity ever.

One of the terms of reference for the area-planning process was that the Minister asked the education and library boards and the CCMS to explore possibilities for cross-border sharing. Members of the Education Committee will know that that has not been done. In the absence of that, it really is up to parents and pupils to outline their preference for a cross-border model, because it is clear that it is not going to come from the education and library boards and the CCMS. It is going to have to come from the ground.

Michelle McIlveen and Tom Elliott claimed that people in Fermanagh did not know that this consultation was taking place, but every parent of a child in P1, P7 and first year got a letter from John O'Dowd saying that this survey exercise was under way and encouraging them to go online. Better than that, Mr O'Dowd appeared in the 'Impartial Reporter' a fortnight ago urging the 1,100-odd parents of people in those years in Fermanagh to complete the survey.

Jonathan Craig claims that there is no demand for this, but the whole purpose of this survey is to identify the demand. How can somebody hanging out in Lisburn say that there is no demand for sharing or the further development of cross-border education in a border corridor? He then goes on to say that we are not at a stage yet where teachers and parents can go across the border.

Mr Deputy Speaker: The Member's time is almost up.

Mr Flanagan: I welcome those comments from the DUP. It seems that it wants to move to the stage where pupils and teachers can freely cross the border for educational purposes.

Mr Allister: Is it a sign of the total disconnect of this House from reality that only one other Member in this debate about cross-border education even mentioned the matter of cost? Every day that we meet here, we discuss issues around austerity. We had a debate today about the failings in child poverty.

We are constantly told about the cost pressures. We hear about them in the welfare debate and in everything else. Yet, here we have a proposition that inescapably costs the Northern Ireland taxpayer substantial amounts of money. We already know that 400 children from the Irish Republic are educated for free in the schools of Northern Ireland and that fewer than 200 children from Northern Ireland are educated in the schools of the Irish Republic. Straight away, one can see that there is a financial deficit. When the Finance Minister was asked about that deficit, he said that it was more than £1 million. When the Education Minister is asked about it, he has no interest in it whatsoever.

6.30 pm

It does not end there. We now know from questions that I have asked that there are over 4,000 students from the Irish Republic in our regional colleges getting education for free at a cost of over £8 million per annum. There are over 4,000 students from the Irish Republic in our universities getting education that we subsidise at a cost of over £4 million per annum. In education alone, the Northern Ireland taxpayer puts his hand in his pocket to educate students and pupils from the Irish Republic to the tune of £13.5 million a year. I have no problem with students from the Irish Republic coming to study in Northern Ireland, but they need to bring their chequebook with them. This is not a free handout, but that is what it has been.

It is in that sense and on that path that the Minister wants to take us further. With no regard to the cost, he wants to have more students from the Irish Republic whom we educate at our expense in our schools, and they walk in free. More than that, one of his colleagues said that we needed to provide them with free transport. Is there no point at which

this House connects with reality and begins to face up to what we are talking about? If there is going to be any talk about cross-border education, it is time that it is costed and paid for. Those who benefit from it or their Government should pay us for it. We cannot go on like this.

Of course, because the Minister sees no border and wants no border, he is happy to peddle his all-Ireland agenda, of which this, undoubtedly, is a part. He peddles it in terms of parental choice. That from the Minister who, with the greatest possible totalitarian vigour, stamps on parental choice in Northern Ireland when it comes to parents who want their kids to go to a grammar school or to go through a selective process. He is the man who is most vigorous in denouncing and denying parental choice. When it comes to this matter, it is all dressed up in giving the parents of the Irish Republic and Northern Ireland the choice of where they educate their children and we will pay for it. I think not.

It is not just a matter of paying for it in the sense of paying for the teachers and the cost of education. There is also the question of capital costs. If you have an influx of pupils and you need a school extension in Northern Ireland, who will pay for it? The Northern Ireland exchequer will pay for it. That is why I come back to the point that it really is time that we rooted this debate —

Mr Deputy Speaker: The Member's time is almost up.

Mr Allister: — in some reality, and that reality is the financial reality. The fact that so many just want to close their eyes to that is indicative of the motives that they really have.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Beidh Comhaltaí ar an eolas, ón phreasráiteas d'eisigh mé ar 23 Deireadh Fómhair agus le déanaí ó na fógraí sna nuachtáin áitiúla ar chonair na teorann, go bhfuil suirbhé ar bun ag mo Roinn le trí sheachtain anuas — *[Interruption.]* It is good to hear the ignoramuses from across the Chamber, who, in an education debate — *[Interruption.]* Go and look "ignoramus" up in the dictionary, and you will find its true meaning. During an education debate, they will criticise someone for using another language. Every time it happens, it amazes me that, during an education debate, you would be criticised for using the Irish language or, indeed, another language. Then again, some people

from across the Chamber never cease to amaze me.

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

From my recent press release of 23 October and, more recently, from adverts in the local papers along the border corridor, Members will be aware that my Department has been undertaking a cross-border survey. Neither I nor my Department is involved in a cross-border consultation, as the motion suggests. It is important that motions are accurate, and the Business Committee or the Business Office may wish to investigate or reflect on that.

Earlier this year, through the medium of the North/South Ministerial Council — a body that was established under the Good Friday Agreement and ratified again under the St Andrews Agreement and is part of the institutions that we are all Members of — I discussed the importance of facilitating parental preference in the selection of schools. We noted the change in population on both sides of the border and discussed how that might impact on schools. We recognised that the current budgetary climate presented opportunities — note that line — for school planning in border areas.

Mr Kinahan spent most of his presentation telling me that I did not listen, that I needed to sit down and listen and that we needed to stop and listen. A survey gathers the views of people. Surely that is listening.

Mr Kinahan: It is an example.

Mr O'Dowd: It certainly is an example, so why are you looking to me to stop it? Why are you looking to me to stop conducting the survey, which, by the way, is estimated to cost approximately £5,200? That is information that I think it is important for Members to have. That is not a big amount, and I have to congratulate my Department on the work that it has undertaken through its data and statistics branch. That has saved significant funds. So, here we are: as Minister, I am conducting a survey and gathering views and seeing what the reality is on the ground, as Mr Kinahan tells me I have to do.

I have been a Member for eight years, but I am not aware of the cross-party working group around the Minister for Regional Development, which advises him what policy decisions he should make. However, Mr Kinahan has suggested that I, as Minister of Education,

should have an all-party working group around me that would advise me on what decisions I should take. That is strange. I am also aware that, when a Minister from the UUP held the Employment and Learning portfolio during previous terms, there was no all-party working group advising or perhaps telling the Minister for Employment and Learning what decisions he should make. Mr Kinahan and his party have somehow misread the 1998 Act and the St Andrews Act, and they believe that they have the authority to establish an all-party working group around me, as a Sinn Féin Minister, to tell me what decisions to make. It does not exist in legislation, and it is not going to happen. I am the Minister of Education, and I make the decisions; that is my job. That is my job under the ministerial code, it is my job under legislation, and it is my job as the person responsible for making the decisions. I do not shirk from those decision-making responsibilities. For some reason, Mr Kinahan has decided to set himself on a course in the Chamber as the person who is going to cause controversy in education. I have listened to three speeches from Mr Kinahan in the Chamber, and I have not heard one policy proposal in any of them. I have heard a collection of mistruths, half-truths and factual inaccuracies, but I have not heard a policy. That is the difference between Mr Kinahan and me.

Mr Kennedy: On a point of order, Mr Principal Deputy Speaker. I would be grateful if you or the Speaker would review the comments of the Minister of Education. He implied that my party colleague Mr Kinahan was guilty of "mistruths" — I think that was what he said. There should be detailed scrutiny of the Minister of Education's inflammatory comments, and you or the Speaker should bring forward a response.

Mr Principal Deputy Speaker: I will certainly refer to the Hansard report. I also advise all Members to moderate their comments and to make them from a standing and not a sedentary position.

Mr O'Dowd: Thank you, a Phriomh-LeasCheann Comhairle. If any of my comments were unparliamentary, I will have no difficulty whatsoever in withdrawing them.

The important difference between Mr Kinahan and me is that I have policies that I am prepared to defend and debate and engage with people around. Mr Kinahan has no policies.

Mr Kinahan: Will the Minister give way?

Mr O'Dowd: No, you have had all your time. You have had three speeches in which to deliver policies, and I have not heard one.

So, that is the difference. Now, disagreeing with a policy is different from saying that the policy is rubbish or a mess or that there is a crisis. Why would any Education Minister want to destroy the education service or the Education Department? That is just nonsense. You may disagree with my policies, but I assure you that I am serious about education. I am serious about making changes in young people's lives. I am serious about creating the world-class education system that your party and others in the Chamber claimed for decades that we had. When it failed the young people who were supposed to be getting a service from that system, it was not the service's fault, it was the young people's. You left generations of young people behind you, and, when I hear you talk about education, all I hear is the needs of a minority of schools. I am not interested in the needs of a minority of schools; I am interested in all schools and all young people.

Why have we brought forward the cross-border survey? To put it quite simply, it is because we need to know the attitudes of people around the border to education services and whether we can or should deliver them on a cross-border basis.

Mr Allister referred to figures. I do not know whether the figures relating to the Employment and Learning Minister's responsibilities are accurate; I will allow that Minister to respond to those. Mr Allister purports to say that I spend around £1 million a year on pupils from the South. In its context, that figure is correct. He does not take into account the number of pupils who travel from the North to the South. His original figure of £1 million represents 0.05% of my budget — an important amount that I am not dismissing but putting into context for Members. If we follow the equation through as we should and take into account the number of pupils who travel to the South without being charged, a saving comes back to us. So, we are actually talking about 0.025% of my budget. That is what Mr Allister is getting vexed about in the corner.

I was reared in a family where I was told that the pennies make pounds, and he is quite correct that we have to look after all our finances. I am not sure that it is worth the rise in blood pressure that it brings to Mr Allister, but it is not the finances, you see, it is —

Mr Allister: Will the Minister give way?

Mr O'Dowd: I will, briefly.

Mr Allister: Of course there is a balance between the two-way movement. However, whatever the figure is, does the Minister agree in principle that the Government of those to whom we provide a service should pay for it and vice versa? Do you agree with that principle?

Mr O'Dowd: I certainly agree with that principle. In the first discussions that Minister Quinn and I had about cross-border education, the issue of finance was raised. One of the issues that we will have to deal with, as we consider the returns from the attitudinal survey and the report at the next North/South Ministerial Council and whether there is to be a further programme of work from this, will be how each jurisdiction finances the cross-border element of the work. Of course it is relevant, but I do not think that that is your objection or the objection of some Members across from me in the House. The objection — 14 years on from the Good Friday Agreement — is "cross-border". Political unionism somehow wants to believe that politics in this society has not moved on and that the Good Friday Agreement did not happen. The truth is that Ministers from North and South meet very regularly and plan the delivery of cross-border services to the communities that they represent. It is happening daily; in fact, it is now routine. When Ministers come to the House to report on the North/South Ministerial Council sectoral meetings, Members hardly attend, because it happens every day of the week. Members' lack of interest may be a good or a bad thing, but it is clear that services are being delivered, particularly to border corridor communities.

6.45 pm

I note Mr Elliott's comment that a number of his constituents did not receive the survey or did not receive the code to go on to the computer. I would be interested if Mr Elliott could provide me with more information on that. I would be disappointed if we left families and individuals out of the survey. I want to have as broad and representative a voice as possible heard in relation to this matter, because, through that, we will be able to establish a better service for whatever is needed across the border.

Members may also be interested to know, in terms of cross-border planning, that Minister Quinn plans to build at least 20 new schools in his jurisdiction. Most of those will be around the

main population centres, but some of them may well be along the border. Surely there is an opportunity there for a wee bit of cross-border planning for us to save the money that Mr Allister is concerned about. If we do not have to build a school on our side of the border and Minister Quinn builds a school on his side of the border, surely that is a wee bit of common sense — cross-border services being delivered, the public purse being protected and services being delivered to the communities that need them. It works both ways. We need to know exactly what the demand is, what the barriers are and what the potential is. Then we will plan, going towards the future, how we will deliver services to the border communities. It also has to be recognised — representatives from all sides of the House will know this — that border communities can be some of the most marginalised communities in our society and that they have been derelict of public investment for many years. That matter is now being slowly but surely rectified, and, through this small piece of work, we will be able to do more on that.

Some Members were concerned that my only concern at the moment was the cross-border survey and that I had more important things to concentrate on. Indeed, the motion states that I have more important things to concentrate on. This is only an element of my work. It is one part of the programme of work that I have rolled out. There are other important elements of work being rolled out.

I note Members' concerns about selection. Mr Kinahan has proposed that we should continue a single test for two years. What about this for a counterproposal: what about abandoning academic selection for two years, moving on from there and having a debate? There is a proposal that is worth as much merit as your proposal to keep the status quo for two years. The Democratic Unionist Party says that I should concentrate on academic selection. Is the DUP prepared to put the legislation that protects academic selection on the table for discussion? That would be an interesting discussion, and it would open up a whole load of options for the future of academic selection. The current scenario is not the best way forward. I firmly believe that academic selection is unnecessary. I also know that we have not convinced all the people we need to convince to move away from it, but Members opposite cannot demand that academic selection be retained and not learn from all the other processes that we are involved in. If there are going to be discussions about academic selection, put everything on the table and allow an open and frank discussion to take

place around that, instead of walking into discussions, as we have seen in the past, with the protection of legislation in place and saying that we will discuss everything but not the legislation. That is not the best way forward. I can assure Members that my —

Mr Kinahan: Will the Minister give way?

Mr O'Dowd: Very quickly.

Mr Kinahan: Does that mean that the Minister is willing to sit down if everything is put on the table? Does that mean that we can all be involved and all have a chance to influence education?

Mr O'Dowd: I am prepared to sit down and discuss individual topics, but I am not prepared to hand over my ministerial authority to an all-party working group. I am the Minister. I make the decisions. However, if the Member is suggesting that there is potential for individual subjects to be discussed and debated, of course I am up for that, but let us put everything on the table for discussion, where everybody walks into the room as equals, where everybody's opinion is equal and where opportunities are made to resolve that. I am prepared to do that and have always been prepared to do that.

Members, I can assure you all that my total focus is not on the cross-border survey. It is an integral part of my work programme, but it is not the only part of my work programme, as Members will be acutely aware.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The motion has been proven to be rather confused, contradictory and, indeed, poorly drafted. I doubt that it would pass my learned friend's muster, were he to subject it to detailed examination. On the one hand, it:

"recognises that there are circumstances in which parents living close to the border may wish to send their children to a school in the neighbouring jurisdiction"

and expresses concern that the survey was confined to too small an area. However, it offers no alternative. Mr Elliott plucked a figure out of the air, but we have no indication of whether that is the Ulster Unionist policy. On the other hand, the motion recognises the issue as being of:

"potentially significant consequence for the future of education".

That sounds to me like an issue of huge importance. However, it states that the Minister should make it secondary to other important issues such as area-based planning, selection and equal access to education standards. There is an obvious contradiction here. Area-based planning is one of the important issues raised by the motion. Surely a consultation on that should include the areas that interface with the border. As I said, it is clear that the motion is confused and contradictory.

The SDLP amendment, on the other hand, states clearly that the cross-border survey should be part of area-based planning. This was the very point that I was getting at when, at Question Time on 25 September, I asked the Minister to say to what extent cross-border co-operation would be considered as part of area-based planning. The Minister, in his response, made it clear that he expected the education and library boards to include information collected through the survey on cross-border education in their plans.

The areas that the survey will cover extend for six miles on either side of the border in the case of primary schools and 12 miles for post-primary schools. The area was selected on the basis of current trends and seems reasonable under the circumstances. I have heard no sustainable rationale from the supporters of the motion for any enlargement of this area.

Mr Kinahan appealed for a group to be set up to deal with outstanding issues. There was such a group previously, and, as I recall, the then Ulster Unionist Party spokesperson on education rarely attended. When he did attend, he could not wait to leave in order to leak information from the group to one of the evening newspapers here. If a group is established, I hope that it is more watertight from an Ulster Unionist point of view than its predecessor.

Mr Lunn: Does the Member agree that the Member to whom he refers also put out statements on meetings that he had not attended?

Mr Principal Deputy Speaker: The Member will have an extra minute.

Mr D Bradley: I recall that that happened on several occasions. Of course, the Member afterwards denied that he did it.

Mr Rogers made a strong case for the amendment. He gave the example of St Mary's High School in Brollagh, which is 15 minutes

from Ballyshannon and an hour and a half from Enniskillen. He said that its closure would kill a rural community. He said that access to locally provided education is a right, not a privilege, and that it makes sense to have co-operation between Ballyshannon and Brollagh. Tom Elliott, to give him his due, agreed with that.

Mr Allister and Miss McIlveen were very concerned with questions of cost. The Minister dealt with those questions.

Mr Hazzard referred to the fact that the survey will reveal key information on cross-border educational co-operation and that, on the basis of that information, we will be in a better position to make informed decisions about co-operation in education along that border corridor. The outcome will indicate where such co-operation needs support and development. Surely that information will be extremely useful to the education system here.

Mr Lunn outlined a strong argument for the amendment on behalf of the Alliance Party and stated that cross-border co-operation could be very beneficial to religious minorities on both sides of the border.

Tá mise sásta tacaíocht a thabhairt don leasú, agus gabhaim buíochas leat as ucht deis cainte a thabhairt domh ar an ábhar tábhachtach seo. Mr Principal Deputy Speaker, I thank you for the opportunity to speak on this issue. I urge Members to support the amendment.

Mrs Dobson: I support the motion. During the debate that we had in the House last week on school inspections, I made the point that a conflicting conveyor belt of policies is coming from the Department. Those policies deflect the attention of principals and their staff away from achieving the wholly effective leadership that is in the best interest of pupils and their schools.

Mr Flanagan: Will the Member give way?

Mrs Dobson: No. I want to make my points.

It is also true that those conflicting policies deflect the Department's attention away from dealing with the issues that are most important to our schools and, ultimately, every pupil in Northern Ireland.

Concentrating time, effort and funding on politically motivated issues such as cross-border education, which impacts on a minute number of pupils, is merely a Sinn Féin sideshow that further dilutes the efforts being

made to tackle the major issues. During last week's debate, Sinn Féin accused Mr Kinahan and me of failing to show political leadership. The Minister later accused me of not representing all my constituents when I made representation to him to retain the successful and popular Dickson plan in Upper Bann.

The Ulster Unionist Party motion highlights clearly Sinn Féin's politically motivated agenda in the education of our young people and how, through a narrow focus on cross-border education, major priorities are left on the sidelines as dogma is placed before delivery. If we were to look at Sinn Féin's political leadership in education over the past 11 years, we would see that it has presided over a catalogue of failure and missed opportunity shown by, among other things, thousands of empty school desks; demoralised teaching staff; school leadership that is classed as failing because of the Department's interference in school management; and failed computer systems that are a frustration to teachers and potentially damaging to pupils' education. All that comes at a time when literacy and numeracy achievements among the most deprived, especially among Protestant working-class boys, are unacceptably low.

At the end of it all, the Minister argues that his focus is not on schools but on pupils. That is a thinly veiled argument for introducing politically motivated reforms that do not have the support of the majority of people in Northern Ireland. It is only right that those of us in the House who oppose these policies make our views known. This motion provides that opportunity. Given the massive challenges facing teachers, parents and pupils, it is Sinn Féin and Sinn Féin alone that stands bereft of the qualities necessary to lead our education system into the future.

We must work towards a modern system that delivers academic excellence for all our children. Political solutions that ignore the views of those at the coalface of education cannot ever deliver effective change. Principals, teachers, parents and pupils need to be fully involved in and consulted about the future of their schools. That should not be achieved by politically time-bound consultations designed to merely rubber stamp decisions that have already been taken but by the Department refocusing on the major issues and directly involving all those affected in genuine and open debate. It should not be done by fixating on political issues that have little impact beyond dogma and, indeed, could pre-empt and conflict with other departmental policies and consultations, such as area planning.

Danny Kinahan explained that the motion should be a wake-up call for many in the House to stop the galloping reforms and changes that the Education Minister proposes. He called for people to step back and pause and for everyone to work together towards one educational vision and to concentrate on an agreed way forward. He said that we could not go on the way that we are.

Important steps are required on ESA, and that is where the Minister's focus should be instead of on pressing simple political posturing. Mr Kinahan said that we need to think through where the cross-border consultation is taking us.

7.00 pm

Sean Rogers said that the debate is fundamentally about cross-border education. He also said that he is confused about the motion and that cross-border education needs to be part of the area-based planning debate. He said that he understood the concern of Members regarding the Department's priorities.

Michelle McIlveen said that she supported the motion and agreed that issues such as area planning and the selection process should be given greater prominence by the Minister and the Department. She said that she would also like to see a greater focus on addressing educational underachievement and suggested that, as a region, Northern Ireland could draw the short straw when it came to the Minister's priorities towards cross-border education. She suggested that the different education system, including examinations, in the Republic, may disadvantage pupils from Northern Ireland. She also suggested that the Minister is more interested in the politics than in the pupils.

Trevor Lunn said that he could see the problems that Protestant families could have. He spoke about the possibility of an influx of pupils from the Republic to Northern Ireland and said, "Let us wait and see". Surely he would agree that it is better to raise concerns in the Chamber than to adopt a wait-and-see stance.

Jonathan Craig spoke about the importance of not fixating on the issue of cross-border education.

Michaela Boyle asked whether the Ulster Unionist Party had conducted its own survey. She may or may not be aware that only last week we sent correspondence to every school and board of governors in Northern Ireland.

Only a week later, we have already been inundated with responses, many of which contain a palpable sense of frustration and express a continued annoyance at the direction of travel from the Department, a direction that is increasingly political. Those are the people with whom the Minister should be consulting.

It may come as a surprise to the Minister, but I do speak to principals in primary, secondary and further education campuses in all sectors across my constituency. It is a sad fact that I very seldom hear them talk about his Department in complimentary terms. In fact, I am often told of the copious missives that our schools receive from his Department every week, often conflicting and seldom helpful.

As the Minister reflects on his priorities, will he give the House his assurance that he will endeavour to build bridges with school leaders and begin the process of drastically improving communication between his Department and schools? Will he show that leadership and begin to refocus on delivering solutions to the major issues? That can only be in the best interests of all our pupils, not just sections of them. I commend the motion to the House.

Question put, That the amendment be made.

The Assembly divided:

Ayes 48; Noes 43.

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Byrne and Mr Rogers

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr

Girvan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Noes: Mrs Dobson and Mr Kinahan

Question accordingly agreed to.

Main Question, as amended, put.

The Assembly divided:

Ayes 48; Noes 43.

AYES

Mr Agnew, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr McDevitt, Dr McDonnell, Ms McGahan, Mr McGlone, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Ayes: Mr Byrne and Mr Rogers

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Clarke, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Noes: Mrs Dobson and Mr Kinahan

Main Question, as amended, accordingly agreed to.

Resolved:

That this Assembly notes the consultation on cross-border education; recognises that there are circumstances in which parents living close to the border may wish to send their children to a school in the neighbouring jurisdiction; and calls on the Minister of Education to ensure that this consultation is robust and is included as part of the area planning process.

Employment Law Reform

Mr Principal Deputy Speaker: I ask Members to take their seats or to leave quietly. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes in which to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer will have 10 minutes to propose the amendment and five minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Ross: I beg to move

That this Assembly recognises that the national Government have undertaken a review of employment law to reduce the regulatory burden on businesses; and urges the Minister for Employment and Learning to ensure that Northern Ireland does not fall behind the rest of the UK in terms of reforms.

In recent months, a number of motions have been brought to the Floor of this House asking for various measures to be taken to help stimulate our local economy. We have no remit over many of those measures, and we call on Westminster to take action. However, today's motion is something that the Minister in the devolved Assembly can take some action on.

Employment law is an area devolved to the Assembly, and, therefore, the Minister in this House could take steps to help local businesses. Given that it is a devolved issue, we could take a different route and tailor a response that is specific to Northern Ireland. However, I will argue that, in this specific area, that will not be in the interests of the Northern Ireland economy. I fear that if we do not keep up to speed with reforms that have already taken place at Westminster, that will be bad for attracting investors and will be bad for local business.

On Wednesday, we were briefed on the issue by the Minister in the Committee. Mr Flanagan made a point during that briefing that he harboured a suspicion that perhaps unionists were just backing this issue because that is what they were doing in the rest of the United Kingdom. It is true to say that, in employment law, Northern Ireland has generally mirrored what has happened in the rest of the UK, but if we have increased levels of red tape for businesses looking to set up here in Northern Ireland, elsewhere in the UK suddenly becomes much more attractive to them. Therefore, we

would be at a competitive disadvantage to other regions of the United Kingdom.

I make the point to Mr Flanagan that, when we have identified areas where we are at a competitive disadvantage to our neighbours — the greatest example is when we are at a competitive disadvantage to our closest neighbours in the Irish Republic — unionists on this side of the House have taken steps that bring us out of step with the rest of the United Kingdom. Examples of that are the devolution of air passenger duty (APD) and the devolution of corporation tax. Those are issues that we, on this side of the House, will look at individually in order to help our economy.

As I said, the Minister has now taken the step of briefing the Committee. He brought a motion to the Floor of the House, which is encouraging, but it is fair to say that, up until this point, the Minister has walked somewhat of a tightrope, and he has not given too much away in respect of his preference of whether he will bring forward reforms to this House. The amendment in the name of his colleagues in the Alliance Party reflects that position and probably leaves us no clearer about whether the Minister intends to bring forward any legislation on this issue. However, it is important that Members from all sides of the House are able to tease out some concerns that they have with reforms or to push the Minister to bring those forward. Given that we are keen on this being a take-note debate, we will not divide the House because of the amendment.

The Minister has already outlined to the House and to the Committee on Wednesday that there are many areas where there is general agreement between employer bodies and the trade unions, and I hope that he will go through those again in his summing up. Indeed, there are some areas where there is agreement among Members of this House. Greater use of the Labour Relations Agency is an example that Members from all sides of the House have welcomed. Early resolution is important in reducing costs to small businesses that, more often than not, are forced to settle early to avoid the time and cost of these things rumbling on any longer.

There are other areas in which we are ahead of the United Kingdom, which we, obviously, do not need to change.

7.30 pm

However, concerns have been expressed by Members opposite in certain areas. One such

area is the extension of the qualifying period for unfair dismissal claims from one year to two years. I am sure that the Minister, in his response, will inform Members that this is nothing new: changes have been made to that period many times over the past number of decades. There has not been any notable impact on employees' abilities to protect themselves.

It is important that we give business the flexibility and confidence to hire and, indeed, to let staff go as their needs change or if staff underperform. I do not subscribe to the view that this will dilute workers' rights. Indeed, I think that there is a strong argument, which I put to the Minister on Wednesday 14 November 2012, that a longer period allows companies more time to fully assess an employee's performance. Therefore, it can be beneficial to workers, particularly in areas of employment where sales targets are important.

Many areas of the reform introduced by the coalition Government are about making systems simpler and avoiding unnecessary cost to small businesses for dispute resolution. Obviously, that is important to Northern Ireland, which has a small-business economy in which 98% of firms employ fewer than 20 people. SMEs provide some 80% of private sector jobs here. I noted from the Federation of Small Businesses (FSB) members' survey in 2011 that 70% of its members believed that employment law in Northern Ireland deterred and discouraged growth. There is a fear among employers who want to take on new staff that employment legislation can often be used to take advantage of them. That should be of concern to us. If small businesses feel vulnerable and are being disincentivised from taking on more staff, we need to look at that very seriously.

It is also important to note that it is not just a matter for small businesses. Time and again, we listen to larger businesses, such as Tesco, BT, etc, tell us — in fact, they emphasise — how important it is that regulations are the same across the whole of the United Kingdom. Again, it is fairly self-evident why that would be the case. Having different employment regulations in Northern Ireland would mean that it cost those businesses more for systems and training to ensure that they are compliant. That point is also made by the Confederation of British Industry (CBI), which says that managing employment law variance in different regions of the UK incurs an additional cost.

Of course, if there were two regulatory systems, it would also be potentially very damaging to

our efforts to continue to attract back-office operations from elsewhere in the UK and run them here in Northern Ireland. The additional legal and other costs for separate systems could disincentivise firms from doing that. BT is a prime example. If it cost BT more to run an office in Northern Ireland than it would in, say, the Midlands or Glasgow, those jobs will ultimately be lost. Members must stand up and recognise that, in the modern world, work is mobile and costs are critical to all businesses.

It is, perhaps, most evident in the work that we do to pitch Northern Ireland to foreign investors. A significant part of our foreign direct investment (FDI) pitch is that Northern Ireland is part of the same regulatory framework as the rest of the United Kingdom and that we operate under the same labour laws and legal framework. We need to ensure that we do not dilute that message by having different regulations and less business-friendly employment laws in this part of the United Kingdom than would be the case in Great Britain.

Previously, I heard the Minister say that we lack evidence of the impact of some of these reforms. However, if he honestly believes that having a tougher regulatory system for businesses to comply with will be more attractive to potential investors, he needs to get out and speak to more companies. Recently, in my capacity as Assembly private secretary in the Department of Enterprise, Trade and Investment (DETI), I had the opportunity to meet representatives of a number of companies from the United States that were considering whether to invest in Northern Ireland. All of them raised with us the issue of employment regulations in various parts of Europe. They said that it was a key determining factor in whether they would invest.

If we are less attractive than the rest of the UK and laws here remove flexibility for companies to adapt their workforce, they will seek to invest in other parts of the United Kingdom. It will not be good for us if we are unable to compete with other regions. It is a clear reason why we need to ensure that Northern Ireland does not fall behind reforms elsewhere. If we are serious about job creation in Northern Ireland, Members should argue that, as a minimum, we keep up to speed with the rest of the UK. Indeed, that is why, of course, all major parties in the House are behind a reduction in corporation tax. It will help us to attract companies to invest in Northern Ireland, particularly companies from overseas, including the US.

In conclusion, I fear that we are already behind the rest of the United Kingdom in the reform of employment law. We need to ensure that any time lag is kept to an absolute minimum. We often hear people ask what Stormont is doing to create jobs. Of course, it is not the Government that creates jobs; ultimately, it is employers and business. It is our role as legislators to create the right atmosphere and environment for employers to have the confidence to take on more staff and to create job opportunities for people across Northern Ireland by investing here.

A business-friendly regulatory framework, coupled with the highly skilled workforce that we boast of, will undoubtedly make Northern Ireland a very attractive place to do business. Even though we have fallen behind the rest of the UK in respect of reform, if the House gives a clear indication today that it will ensure we are not less attractive than other regions of the UK and that it is serious about helping business rather than hindering it, we will send out a strong message to small business that we are on its side and a signal to possible inward investors that Northern Ireland is open for business and is a more attractive place to invest than alternatives elsewhere in the United Kingdom.

I urge the Minister to push ahead with reforming employment law here, and I ask the House to endorse the motion and ensure that Northern Ireland is an attractive place to do business.

Mr Lyttle: I beg to move the following amendment:

Leave out all after "Assembly" and insert

"notes that the Minister for Employment and Learning has initiated a wide-ranging review of employment law in line with the commitment made in the economic strategy; endorses a modern, efficient and integrated employment law system that works in the interests of business, helps our economy to grow, attracts investment and encourages companies to recruit new staff, and at the same time provides sufficient protection for the rights of employees, with opportunities for redress; and calls on the Minister to have due regard to changes in employment law in Great Britain and the Republic of Ireland."

I welcome the opportunity to debate such an important economic issue as employment law. The amendment is in line with the Alliance Party's aim to produce employment law that will deliver competitiveness for employers and

protect employee rights in the region. The amendment notes that the Minister for Employment and Learning has, indeed, initiated a wide-ranging review of employment law in line with the commitment made in the economic strategy to achieve that aim. The Minister outlined details of the review in the House recently.

During the statement, he also declared three outcomes that he hoped to achieve as a result of the review. I broadly agree with those outcomes, the first of which is to make Northern Ireland a model for employment relations and to consolidate it as a place to do business.

The second is to shift the balance of how complaints are addressed and to establish a culture and process of alternative dispute resolution in order to ensure that the bureaucracy that Mr Ross spoke about earlier is decreased and that early resolution is encouraged. I welcome the fact that the Labour Relations Agency is leading change in that area.

The third outcome is to simplify the tribunals process. It is the Alliance Party's view that if that can be achieved, we would create a better system for dealing with employment law in Northern Ireland than would be the case if we were simply to follow the Great British model. I agree that the current system is too time-consuming for employees and employers and that it can create unnecessary stress for both.

I welcome that, in an effort to achieve consensus among employers and employees in the region, the Labour Relations Agency will soon facilitate a round-table forum for key employee and employer bodies. I hope that that reform can help to lay the foundation for an efficient and integrated employment law system that works for business, helps the economy to grow, attracts investment, encourages companies to recruit staff and protects the rights of employees. I believe that the Assembly has the opportunity to show the public and businesses in Northern Ireland how devolution can work to their benefit.

I also welcome the fact that Department for Employment and Learning officials are identifying appropriate support mechanisms for the SME sector in order to assist compliance with employment law and that the Labour Relations Agency is undertaking early resolution projects to consolidate an emphasis on early intervention.

In closing, I welcome the opportunity to debate this important issue. I ask Members to support

the Alliance Party amendment, as it acknowledges that the Minister has initiated a sound work programme for employment law in Northern Ireland, while recognising that we as legislators have an opportunity to create a system of employment law, unique to our region, that could be held up as best practice by other Governments.

Mr B McCrea (The Chairperson of the Committee for Employment and Learning): I am happy to have the opportunity to talk on this issue. I agree with the proposer of the motion that what we are really looking for is a way of simplifying bureaucracy and encouraging employment in this part of the world. The motion calls for us to make sure that we keep up to speed with what is going on in other parts of the world, specifically the United Kingdom. The question, of course, is whether keeping up to speed actually means doing the right thing. We may be able to do things that are better than what others are doing. We will probably want to address that. The issue is not just about keeping up to speed; it is about whether we could be different and, if we are going to be different, whether we could be better.

So, I will move to address, in general terms, the amendment that my Alliance Party colleague tabled. The issue about the aspirations is admirable. *[Interruption.]* I did think about that, actually, but it is too late. It is late. *[Interruption.]* It is too late.

Mr Kinahan: Is there something that you want to tell me?

Mr B McCrea: I will tell you later, Danny. It will be all right.

When we look at the aspirations that Mr Lyttle set out, we see that they are all, of course, very worthy. The question is how to reconcile some of the divergent views that are put forward in the consultation process. I have to say that that is really the key to all this. We have to resolve any disagreement.

So, there is a discussion about whether there should be a qualifying period of one or two years. I listened to the Minister talk about the fact that some people argued that moving to a two-year qualifying period would actually be detrimental to the process. That is because you would switch claims that would have been dealt with in an unfair dismissal tribunal to something that is to do with equality legislation.

I know that this suggestion for the Minister is not for the faint-hearted, but I think that any all-

encompassing review that he is considering should look at the impact of the equality legislation. All the issues that we have brought forward and all the reports that I have seen said that all the matters involved have more or less been resolved. We ought to be able to deal with equality issues by exception rather than rote. There must be something that we can do to take the burden away from that. Nobody is trying to defend any instance where there has been inappropriate action, but we have largely done the job on that particular case. So, I would be interested to hear from the Minister whether he will tackle that.

I will also say, in a fairly benign way, that, like the Member who moved the motion, I am happy to accept the amendment. That is because we are really at the start of this discussion and dealing with it in Committee and suchlike. I think that that Member asked a fairly pertinent question of the Minister when he asked what the Minister's view of all this is. The Minister has been very good about saying that we must consult, we must take on people's views, everybody's stakeholders are in there, and that he would be particularly keen to hear from stakeholders about where you can get some agreement between employer bodies and employees. However, nowhere have we actually heard what the Minister thinks or what he would like to drive forward.

What is his vision? What would he recommend to us at this stage? What is he trying to achieve? I think that that is what it is going to come down to. He will not be able to resolve every single issue that comes across his table, because, quite simply, there will be a divergence of views. So, his role is to say, as the Minister for Employment, and I suppose, Learning as well, that, "These are the recommendations that I would like to see implemented. This is what I want to do; this is what I want to do." It needs something of a charge, and I said to him that I would rather that we were in the vanguard of this procedure than following meekly behind.

I know that there is sometimes an argument that, if we wait a bit longer, we will get it right. Actually, our economy is in such a situation that we need to try to overcome employers' reluctance to take on new people at this stage. We need to encourage them to take people into their place of work, because once they are working, it is easier to train them up and to skill them. They will also find that people are worth keeping on. The biggest tragedy for our economy will be if we do not get young people in some form of placement or, in fact, anybody in some form of placement. If we could, within

reason, remove the regulatory burden, encourage people to go into work, encourage employers to take them on board and find a way through to that solution, I would be in full support of it. On that basis, Mr Principal Deputy Speaker, I support both the amendment and the motion.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Before I start, I apologise to the Minister and to the Members who will speak after me. I have to leave after I speak, because I have to be in Enniskillen for 8.00 pm, which will be a good feat. *[Laughter.]* I welcome this debate and the opportunity to take part in it. This is part of a wide-ranging discussion that is currently under way on a reform of employment law. It started out with an extensive consultation document that the Minister launched. That was followed by the changes that have and are taking place in Britain and the rest of Ireland, the statement that the Minister made to the House and the visit by the Minister to the Committee last Wednesday. Those are all very useful parts of the process. As the Chair of the Committee said, we are still no further forward in finding out what the Minister's specific proposals are, but hopefully they will come. I will review Hansard tomorrow to see whether they come out this evening.

7.45 pm

There is a general and widely held acceptance that we need to have a review of employment law. Clearly coming out in the Alliance Party amendment is the fact that the review and any proposals that come from it should meet the needs of businesses and employees in a very balanced way. It is clear from Minister Farry's sentiments and comments that he is trying to strike that balance. I suppose that we will all support him in that stance. He has to shuffle difficult cards and has difficult things to manage while taking on board the views of the business community, employers, trade unions and other politicians. It is quite ironic that the Labour Relations Agency has been brought in to mediate on the dispute.

Having recently met the Institute of Directors (IOD) and the CBI, it is obvious that there is a need for a review. The business community is clearly calling for one. Anybody would be daft to ignore that. However, I made it known at the Committee last Wednesday — Mr Ross picked up on this — that we cannot do it simply because it has happened in Britain. We cannot implement what the British Government have simply for the sake of it and just to maintain

parity. At the end of the day, it has been done at the whim of the business community; it has not really been done by taking a long-term view into consideration. I really do not know how much consideration has been given to the rights of workers over there.

I have yet to hear the exact views of or proposals from the Minister or any other political party. I am going to spend the next two and a half minutes not making any either, so we will all get on the best.

The one big issue that most people talk about is the qualifying period for unfair dismissal claims. I have yet to hear a convincing argument that increasing the qualifying period for unfair dismissal claims will be of any benefit. A number of people have said that increasing it from one year to two years will make it easier for businesses to hire people. My gut reaction to that is to ask whether it will make it easier to fire people.

Last Thursday, the CBI made the very pertinent point that, for businesses that have the majority of their operations in Britain and want uniformity here, it makes sense for them to have a similar system here. That is something that we cannot ignore. However, an awful lot of those businesses would not simply be based in Britain with a smaller operation here. An awful lot of them would have operations across these islands, across Europe and in many other countries. If there is a different qualifying period for unfair dismissals or a whole host of other things that may or may not change, those are things that businesses, when they move into a new market or are working in other territories, have to take into consideration.

Mr Ross: I thank the Member for giving way. He makes an interesting point about the similar regulatory system right across the United Kingdom. In our efforts to try to draw back-room jobs to Northern Ireland, which will look after HR for the whole of the United Kingdom, it is imperative that we have the same regulatory system. Those jobs will not come to Northern Ireland if we have a different system.

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

Mr Flanagan: I put it to the Member that we would be trying to attract organisations to provide back-room services for companies in not only Britain but all of Europe. There are different employment laws across all of Europe. I completely understand the point that he is making. I see that it is not just based on

unionism principles of trying to keep everything the same as Britain; there is a pragmatic approach and an alternative argument to be made. However, I remain to be convinced by it. Before we can make any decisions on what we are doing, it would be useful to see what the Minister proposes. We will all then complain about them in harmony. Go raibh maith agat.

Mr P Ramsey: I support the motion and the amendment. I welcome the amendment from my colleague on the Committee. He made an interesting point about the complex needs of employment law. It might be an idea for the Minister to take up the new 500 student places for Northern Ireland and create a new school of employment law at Magee College, for example. Thanks, Chris.

It is imperative that the economic conditions around regulation and legislation are supportive of economic output in jobs and businesses. The review of employment law in GB and here presents a number of opportunities and, indeed, challenges to not only enhance the business climate but to modernise and tweak some labour laws.

As employment law is a devolved matter, the SDLP does not accept that we should simply mirror the laws in Britain. We have a different operating climate for businesses and different economic challenges, which mean we should grasp the responsibility and customise our employment legislation to meet our specific needs and goals. A precise balance of support for businesses and workers must be our main focus. The motion refers to not falling behind. However, I believe that we have the chance to sail well ahead of the mooted reforms in Britain.

Take, for example, the Beecroft report. Produced as part of the BIS reform of employment law, it suggested some harsh changes to employment law, some of which will have a detrimental effect on workers' protection, whether in unfair dismissal, the dilution of convention rights or the reduction of social gains that have been fought for over many years, such as flexible parental leave. Among other things, the report suggests that the period during which an employer can dismiss an underperforming employee should be extended from one year to two years. The author of the report was strongly in favour of a system whereby an employer can dismiss someone without giving a reason, provided that they make an enhanced leaving payment.

Compensated no-fault dismissal as it is known gives employers an easy way to sack workers, rather than helping to improve the skills and

productivity of employers. It also does not take into consideration the implications on workers' employment records and possible long-term unemployment, which will result in a higher benefits bill. In this time of economic uncertainty, the last thing that we need is for more people to be out of work as a result of relaxing labour laws such as that. Indeed, in a BIS progress report on the recommendations of the report, the Government accepted that there was evidence that the majority of businesses did not support that measure.

Another suggested measure was that small businesses should be exempted from measures such as unfair dismissal, flexible parental leave and equal pay audits. Surely that cannot be something that we would want to introduce in this region. All those proposals do is remove hard-won protections for workers. The SDLP will certainly not accept that.

The Government have conceded that the author's proposal to reintroduce the default retirement age at a higher age bracket is probably in contravention of the European Convention on Human Rights. Again, that is something that I do not want the House to support.

Interestingly, the report refers to consistency of industrial tribunal rulings. A report by the Employment Tribunal System Steering Board (ETSSB) found that consistency in outcomes was not as it should be, and it made a number of recommendations. In his latest speech on the local review, the Minister referred to the Underhill report, and I welcome the fact that he is taking the time to assess all the information on tribunals. Tribunals provide a valuable service, but if we can improve them, we should endeavour to do so. I also welcome the Minister's patience and his sensible and practical approach so far.

Recommendations on the reform of the criminal background check system have been dealt with via the Protection of Freedoms Act 2012, and the Home Office is on course to deliver the new online system in spring 2013.

Finally, the equal pay audits that were mentioned in the Beecroft report have been dropped by the Government. They were not welcomed by businesses, but they did identify that some businesses are still discriminating on the basis of sex when paying their workers. The SDLP is very clear that equality means equality for all and not just for men or for women.

Those who tabled the motion should ask themselves what kind of working and trading environment they want here.

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

Mr P Ramsey: I strongly support the amendment proposed by Chris.

Mr Buchanan: As a member of the Employment and Learning Committee, I support the motion in the name of my two party colleagues. Our Committee spent considerable time and energy on the complex issue of employment law. We had the Minister's Assembly statement, and a follow-up briefing by him and his officials last week. The motion gives us the opportunity to further air our thoughts here.

Employment law is a devolved matter, as we all know. Therefore, we have the opportunity to tailor it to suit the circumstances and needs of Northern Ireland's businesses and workers. However, we must be careful to ensure that we do not make it a greater burden for employers and employees to comply with. I am in no doubt that the Minister will assert strongly that he is seeking to do precisely that by making it less complex. His statement to the House on 5 November updated the progress to date, but it is clear that this will be a fairly lengthy process. As we go to public consultation next month, there is no doubt that this will take considerable time. I have no difficulty with developing our own approach, but it is not surprising that businesses, particularly those that operate internationally, find a range of different laws and regulations irksome.

The default position ought to be that we maintain some sort of parity, or at least keep fairly closely in line with the rest of the UK, unless there are compelling reasons to do our own thing. Mike Mullan, chair of CBI Northern Ireland's employment and skills committee, said:

"Northern Ireland is the only region in the UK that has the policy tool and power to create an employment framework that encourages job growth, investment and can become a leader in modern employer/employee relations."

Although I agree with him that we can be different, in the interests of employers and employees, our employment law should be as closely aligned as possible with that in the rest of the UK.

The crux of the motion is that we recognise the work that is being done on employment law by the coalition Government at Westminster, and that we ought to be careful not to fall behind the rest of the United Kingdom. I will take as my main example the vexed issue of the qualifying period for unfair dismissal. The Minister said that there are widely ranging views on that among various stakeholders, and we therefore must take our time. However, I am not so sure that we have the luxury of taking our time on this matter.

We must consider that, from 6 April 2012, in England, Scotland and Wales, the qualifying period for employees wishing to bring an unfair dismissal claim will be two years, an increase from one year. Even if a decision is taken to bring Northern Ireland into line with that, to do so could take up to spring 2014 for that to happen, two years behind the rest of the UK. Is that good practice? Is that good for businesses? I do not think that it is.

I understand that Invest NI has some concerns that the differential may have an adverse impact on firms thinking of investing in Northern Ireland. If that is the case, such a situation is simply untenable. Any impediment to our economic recovery must be tackled and removed, where possible, without delay. Firms in the United States of America — the source of much of our inward investment — are used to flexible employment arrangements in relation to sacking staff who are not up to the job. That must be a factor in our consideration of the qualifying period. That is the sort of issue that we need to address with more urgency. We need the facts and figures to help us to decide on the right way forward. I strongly believe in the rights of workers, but we must remember that many of our firms are SMEs, and a balance must be struck between competing rights.

I was interested in the Chancellor's suggestion at the Conservative Party conference last month that workers should be given the chance to have shares in a company in return for sacrificing some of their employment rights. I understand that that is to come into effect in GB by April next year. Again, it is something that requires careful consideration here. However, in view of the nature of our business base, it may act as an incentive for employers and employees. Whatever we do or do not do —

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

Mr Buchanan: — let us make sure that we do not fall any further behind the rest of the UK and that we do not create a greater

bureaucratic burden for our businesses. I support the motion.

8.00 pm

Mr F McCann: Go raibh míle maith agat, a LeasCheann Comhairle. I will begin by welcoming the wide-ranging review of employment law being undertaken by the Minister. He has to be commended for that. While the Assembly has the power to pass employment law, we should act on that in a compassionate way. We should not rush down the road of following what has taken place in Westminster, which has seen a diminution of workers' rights over the past number of years.

At the outset, I want to emphasise that we can arrive at a legal framework that helps businesses succeed but also respects the rights of employees. Helping business to succeed does not have to be at the expense of workers' rights. Indeed, the Irish Congress of Trade Unions has pointed out that making it easier to sack people is not the answer to economic prosperity. Rather than diminishing workers' rights, we should enhance their working conditions. I understand that a similar review is being undertaken by the Dublin Government at this time. Would it not be great if both Administrations worked in close co-operation to harmonise employment law where possible?

Mr Ross: Will the Member give way?

Mr F McCann: Yes, certainly.

Mr Ross: It is an important point to make. This is not about making it easier for firms to sack employees. It is about giving them flexibility and confidence in order to take on additional staff. That is good for workers. However, if there is a circumstance where workers are underperforming, of course it is important that businesses are able to get rid of those staff and replace them with more staff to make them more competitive. That is what this is about. It is not a charter for sacking workers.

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

Mr F McCann: It always ends up like that. If you listened to the speech of the last Member who spoke, you would have heard him quote British Ministers who talk not only about making it easier to sack people but about incentives and people getting shares if they accept a diminution of their workers' rights. You would think that Iain Duncan Smith wrote it. There are

serious problems there for people, and it could be used and abused right across the board.

People should work in close harmony, certainly cross-border, because they are going through a similar thing at the present time. Maybe the Minister can respond to the point about cross-border co-operation.

I also seek assurance that the Department has engaged meaningfully and had meaningful discussions with trade unions and the Law Centre. Will the Minister, if possible, provide detail on whatever emerging issues there are? We should remember that workers' rights were hard won. It took several generations to put the rights of workers on a firm footing. We have witnessed successive British Governments continuously eroding those hard-won rights. This is a time when we are facing the biggest unemployment statistics in decades, emigration levels at their worst for years and rising and a welfare Bill that will have deep consequences for tens of thousands of our constituents. It is also important that we get it right when providing training for young people to ensure that they have the skills that will equip them with the experience they require to take up new types of employment. That is why it is crucial that we have an experienced, well-trained workforce — a workforce that knows that we in the Assembly have its back in terms of employment rights.

The motion calls on the Minister to ensure that regulatory burdens on business are reduced. I was concerned because that usually means an attack on workers' rights. I am glad that the supporters of the motion have now accepted the Alliance Party's amendment, which recognises the need for a modern, efficient and integrated employment law system. At the same time, the amendment speaks of the protection of employees' rights, with opportunities for redress. We should always recognise that, in our economy, we have the lowest-paid workforce. We also have the new communities, which are treated differently when it comes to employment law. We are the only ones they can turn to for help.

I listened to the British Prime Minister this morning, with his right-wing ideology, saying that he will abolish the need for equality assessments to be carried out. Slowly but surely, workers' rights are under attack. Let us not go down that road. We should be the voice of business but also the voice of workers.

Mr Hilditch: I support the motion tabled by my colleagues. From time to time, we hear much criticism of business being brought to the Floor

of the Assembly that has no relevance to our legislative powers or is outside our control, but, with employment law, we have something that has historically sat separately, on a regional basis, and that now, under devolution, can be shaped and worked to suit our needs and requirements in Northern Ireland. In practice, of course, we need to be mindful of what has been established at European Union level and how that can restrict any radical change to the law and the protection afforded to workers that Europe encompasses. That said, as a regional Government, we now have the opportunity to develop the system and, in particular, ensure that Northern Ireland does not fall behind the rest of the United Kingdom in terms of reform.

The motion recognises that the national Government have undertaken a review of employment law and that it has been policy that the law here should be broadly in line with that in Great Britain. On a lighter note, however, I do not think that, despite the usual time delay that happens in the implementation of some legislation, we will ever again have to wait the 21 years that it took to bring in the Race Relations (Northern Ireland) Order here in 1997, legislation having been enacted in Great Britain in 1976.

We are aware, of course, that a process of review has started in Northern Ireland, and I acknowledge the work of the Minister and his Department to date. When the discussion paper was launched in May, it was to get the views of all the stakeholders, bearing in mind the main issues of early resolution of disputes, efficient and effective tribunals and better regulation in general. That exercise has proved to be useful, and a large number of responses were subsequently received.

The Minister's recent statement to the House and his appearance at the Committee last week were encouraging for those who wish to see the matter gather momentum and move forward to a designated timetable if possible. It has been very useful at this stage to determine which policy areas are being taken forward for consideration and which proposals have been identified.

The aim of the motion is to ease and reduce the regulatory burden on business, and, hopefully, the actions that are being taken currently by the Minister and his Department are the beginnings of such easements and a fit-for-purpose legislation that will help to balance the needs of our economy with respect for the rights of every worker.

Although the review will help existing businesses to grow, we must also work to ensure that we are best placed to compete in the global market. Nowadays, we hear only too often of the displacement of industry to other areas or the loss of contracts that do not come our way. I am not saying that current employment law is the reason for that, but, if those charged with bringing in inward investment were armed with good, practical, reformed laws, we just might create an advantage for ourselves over places with poorer or difficult employment legislation.

We need to place ourselves well in the market. I am encouraged by the Minister's initiative of a benchmarking exercise to identify international best practice in employment relations.

In conclusion, I believe that this debate and support for the motion will assist in moving the matter of employment law forward. As we enter the consultative stage in spring 2013 and on towards potential legislation, there will be many more debates and discussions on the more sensitive issues, but we should all focus on best practice. Rather than falling behind on reform, we should make Northern Ireland a model for the workplace.

Mr Kinahan: I am pleased to speak on such a vital matter. It is one that affects all our companies, whether they are small, medium or large concerns. Any motion that tries to lessen bureaucracy and the legal burdens on business is extremely welcome, and, in this day and age, we need to see urgent and dynamic action.

I understand that all these matters have been dealt with well by the Committee and that its members have clarified many of the relevant points, so I will be brief. I am pleased that the UUP is supporting the motion, but, in looking at the amendment, it is essential that the rights of employees are not forgotten. Therefore, we will support the amendment. However, within the amendment lies one of the main difficulties inherent in all that is going on. We need to find a dynamic way of resolving difficulties so that businesses can thrive, employ more people and, at the same time, not forget human rights. There lies the rub. We need all sides to be flexible in trying to find a way forward quickly. I look forward to hearing from the Minister how he thinks we can do it. We cannot go on bleeding jobs and closing businesses. The knock-on effects will be frightening if the spiral keeps going. We all need to think hard about where we are going if this crisis keeps on going in that direction.

I am not going to go into the details of what is happening at Westminster — we all know about Mr Cable's plans for change — other than to highlight that I, in my brief time as an MLA, have been lobbied often on the difficulties of us not being the same as Westminster in having only a one-year qualifying period rather than two when it comes to unfair dismissals. At the same time, I have been lobbied on the high costs of tribunals. We need to find our way forward on that. Sometimes, it may be worth the short-term pain that a two-year qualifying period allows when it lets a company have the flexibility to expand or shrink, employ more or fewer people and make sure that it survives through the present times. After all, that is what we want. I know that one company in Ballyclare is doing its best to find all 25 of its employees jobs across the water while it closes here. We have to keep that in mind all the time.

Mr F McCann: Will the Member give way?

Mr Kinahan: I am happy to give way.

Mr F McCann: All that I have heard in the debate from that side of the Chamber is about the burden on employers, about making it easier for employers and about the erosion of rights to protect workers. I would expect that from the UUP, because you were tied to the Conservatives in the last election. However, when you turn round and look at the DUP Benches, you see people who represent working-class communities. It is terrible when people continually talk about employees as if they do not mean anything. We can have the best of both worlds. We can bring in well-paid employment and train people up so that they can go into well-paid jobs. We should keep that in mind. When we talk about the erosion of workers' rights, we are talking about people.

Mr Principal Deputy Speaker: The Member will have an extra minute.

Mr Kinahan: I am glad of the intervention. As I said, there lies the rub. We have to look after employees' rights.

Mr Ross: I thank the Member for giving way. I just want to respond to the accusation made across the way. Does the Member not agree that, in making it easier for businesses to come to Northern Ireland and set up here, we are setting the environment in which jobs can be created? This is about job creation. Anything that we can do to help job creation will help our constituents, whether they are from working-class areas or anywhere else in our constituencies. That is what this is about. It is

about job creation and helping those who provide the jobs in society so that our constituents can get them.

Mr Kinahan: I do not get another minute sadly, although I will not go on that long.

That is exactly why we are here. We are here to focus on creating jobs. In a really thriving employment world, which we are not in, when someone loses their job, there should be somewhere else that they can get a job. That should be part of the system. It is vital that companies can expand and keep working and employing. I go back to the point that there lies the rub. We need a quick system. We need to find a way of looking after people who have lost their job so that they can get their next job quickly, while the companies thrive and make sure that they can employ more people. That is the difficult point that we always struggle with.

It is better that the huge costs that can be built up around tribunals are paid into the company and to the employees or towards investing in the company rather than the money going into lawyers' pockets. We need to change that. Many changes are in place. I look forward to hearing what the Minister will say, because one of the most difficult points is about how you get that balance. We need to find a way to do it quickly. We need to keep people in jobs and, most of all, for our companies to thrive; that is what we are after.

Mr Anderson: I rise as a member of the Employment and Learning Committee to speak in support of the motion. I congratulate my two party colleagues on securing the debate. As has been said, it is timely that we have secured this debate now, in light of the Minister's statement to the House on 5 November and the ministerial briefing at last week's Committee meeting.

The economy is at the heart of the Executive's Programme for Government. We must, therefore, make sure that we do everything in our power to free up business. In this debate, we are considering an area that is vital, especially in light of the fact that our economy continues to struggle. In the last few years and indeed in the last few months, we have seen some businesses downsize and others go to the wall. In this difficult climate, it is vital that our local businesses are not restrained or hampered by layer upon layer of unnecessary red tape and bureaucracy. That is often how much of our employment law is viewed.

For far too long, businesses have had to endure bureaucracy imposed on them not only by

Europe, which seems to specialise in the manufacture of red tape, but from a raft of other laws, directives, rulings and regulations. All of that can pose big challenges even for the larger businesses, which are in a better position and have more resources to cope with it than small business set-ups. Employment law is a major challenge for SMEs, which, as has been said, are the backbone of Northern Ireland's economy. Something like 90% of our employers are small or medium-sized enterprises. Often, they are family-run businesses that do not have the time or expertise to deal with the raft of form-filling involved. Indeed, that can often be the final nail in the coffin of some of these businesses. As was said in the House today, we need to get a balance in our employment law that recognises the demands placed on employers and the rights of workers.

8.15 pm

Adam Marshall, the director of policy at the British Chambers of Commerce, summed the situation up well during a recent interview with the BBC. He said:

"Of course employment rights are important, but should be weighed against opportunities for the unemployed who are looking for work."

That is an important point. The rights of workers are not helped when businesses are reluctant to hire new recruits because of the mountain of form-filling and red tape involved. I know of one small business whose mistake filling out a form meant that a young employee could not be retained. That is intolerable, particularly in light of growing youth unemployment levels.

As the motion points out, the coalition Government at Westminster have undertaken a major review of employment law. That will last for the life of the Parliament, to 2015, and has three key objectives: to improve growth through increased labour market flexibility; to reduce the burdens on business; and to give employers the confidence to take on more people. Those should be the three pillars of our strategy, and they are the sort of fundamental areas that I referred to earlier.

In assessing how best to proceed in Northern Ireland, we should resist the temptation to reinvent the wheel. It seems that the work being done by the coalition Government is worthy of our serious consideration, not just the "due regard" referred to in the Alliance

amendment. To date, the Westminster review has delivered a number of positive outcomes. I will not go into those now, but they are listed in detail on the Department for Business, Innovation and Skills website. I am concerned that we are not moving on this as quickly as we should be, and I support the motion and its call for swift action by the Minister.

Dr Farry (The Minister for Employment and Learning): I am grateful for the opportunity to take part in the debate, which comes in the wake of an important statement that I made to the Assembly on the employment law review on 5 November. As Members stated, I have subsequently had a further constructive engagement with the Committee for Employment and Learning.

Today's motion presents Members with an opportunity to have a more formal debate and give their views on this critical subject. It is important that the Assembly and the Executive work together to create a modern, efficient and effective employment relations system that assists the further development of a dynamic economy and equitably meets the needs of employers and employees. I have made a commitment, in line with the Executive's economic strategy, to carry out a review of employment law so that it works in the interests of business, helps our economy to grow, tracks investment and encourages companies to recruit. At the same time, any such review should provide sufficient protection for the rights of employees and opportunities for redress.

Historically, Northern Ireland has sought to replicate Great Britain in employment law matters. Therefore, legislation in the two jurisdictions is strikingly similar. However, employment law is a devolved matter, and Northern Ireland does not need to rigorously follow developments elsewhere. Devolution provides a real opportunity to determine our own future in that respect and create an integrated employment relations system in which economic competitiveness and workers' rights are balanced and in harmony with each other.

At the same time, we should give full regard to the developments in employment law in the rest of the UK and the Republic of Ireland. In doing so, we will be taking into consideration the reality that many businesses operate on a transregional or transnational basis and that differences in employment law and its administration can be a factor. Furthermore, we must, of course, be alert to the competitive position of Northern Ireland as an investment location. However, we should not become a

slave to those developments. We should seek to mirror what happens in other jurisdictions when it is clearly in our interest to do so, but, when it is not, we should seek to do things differently. Devolution allows us to shape employment law and its implementation to suit the particular interests and circumstances of Northern Ireland, and that is appropriate as the structure of our economy and labour market can be different from the rest of the UK. At times, Northern Ireland has done things differently from the rest of the UK. For example, during the last mandate, the Assembly passed the Employment Act 2011, which made fundamental changes to the way workplace disputes are resolved here. In contrast to the situation in Great Britain, it retained the statutory procedures that employers are required to follow when taking disciplinary action or dismissing an employee. Our legislation also modified our already unique fair employment legislation to make it possible for fair employment tribunal and industrial tribunal cases to be considered in a single hearing.

Since coming into office, I have continued to develop and maintain Northern Ireland's employment law framework and, last year, secured the Assembly's agreement to transpose the agency workers directive. There was a compelling case for opting in to the 12-week derogation that had been agreed between the social partners at the UK level. That achieves an estimated 60% reduction in the regulatory costs to business per annum. In September of this year, I launched the Labour Relations Agency's enhanced statutory arbitration scheme, which offers a viable alternative to employment tribunals. That service is not available in the rest of the UK. It confirms my commitment to delivering on early intervention and prevention in government.

Although not rejecting the original motion, I have some difficulty with its emphasis. I reject the premise that not following everything that happens in Great Britain in some way means that we would fall behind. In my earlier statement to the House, I challenged the notion that the employment law review needs to be pitched in the context of the interests of business against the rights of workers. I also rejected the argument that all forms of deregulation will automatically lead to growth and prosperity. I am not sure that all the proposed reforms in Great Britain meet those tests. However, I have a sense that the real and positive intent behind the motion is to ensure that Northern Ireland does not fall behind the rest of the UK in our competitive position and to ensure that we have growth in

the global context. It is important that we do not lose sight of that objective. Therefore, I am most certainly alert to any prospect of Northern Ireland's economy falling into a competitive disadvantage. That does not necessarily arise from not automatically mirroring everything that happens in the rest of the UK. Indeed, doing so would raise fundamental questions about the purpose of devolution. Devolution is not just about copying what others do but, rather, taking the opportunity to be creative and innovative in policymaking. Therefore, Northern Ireland has the opportunity to do things better than elsewhere and to fashion a system that works well for employers and employees. The amendment enables what is, in essence, a take-note debate on the current employment law review and reflects the opportunity to take full advantage of devolution while recognising the responsibility to consider properly what is happening in other, especially neighbouring, jurisdictions.

My Department's review of employment law represents the most significant consideration of our employment relations system since employment law was returned to Northern Ireland after devolution in 1999. It covers every aspect of the employment relationship and will require a partnership involving all the employment relations representative bodies. I assure the House that I am committed to evidence-based policymaking, better regulation and to making the decisions that best serve employers and employees. I do not propose to go into the detail of how precisely the review will be taken forward: that is already a matter of public record following my statement to the Assembly on 5 November. Some measures have been initiated and decided, including much greater use of alternative dispute resolution, the launching of a fundamental review of the tribunal rules system, taking into account the Underhill review in Great Britain, and active consideration of early neutral evaluation both in the Labour Relations Agency and, potentially, in the tribunals system.

As I indicated in the earlier statement, there is a need for a more detailed options appraisal of a number of other items that could, in turn, require primary legislation to implement. I am committed to keeping the most important of these on the agenda. I am working, therefore, towards the finalisation of a paper to go to the Executive in the new year so that a more formal public consultation on a range of proposals and, indeed, a number of different options can be facilitated. Following any such public consultation, I will bring final recommendations on the way forward to the Executive and, with the Executive's approval, to the Assembly. It is

important that we strive to work to proceed on the basis of consensus, where possible. That applies in the Executive and the Assembly, as well as in the wider community. I have been struck by stakeholders' commitment to work in partnership to assist the Department in that. I am encouraged by the initiative that the Labour Relations Agency has shown in hosting a round-table forum of the key employee and employer bodies. The purpose of that group is to seek to identify proposals that would be agreeable to all stakeholders. We have not had that type of structured engagement between all the key stakeholders for quite some time. That type of joint working is likely to create the stakeholder confidence that will be needed to underpin any of the policy decisions that will flow from this review. Clearly, I will give serious consideration to any proposals that enjoy the support of both employee and employer interests.

I have been encouraged by the nature of the debate and the strength of argument that Members offered. However, it is worth highlighting that there remains a significant divergence of opinion on a number of critical issues. That has also been reflected in some of the meetings that I have had with key stakeholders. It sets us a significant challenge, and I urge all Members to support and contribute to a more collaborative and inclusive approach, which I am adopting, to my Department's employment law review.

I will now respond to some of the specific issues that were raised during the debate and speak about some of the substance that is involved in looking to the way forward. There has been quite a lot of discussion on unfair dismissal. That issue will require careful consideration, and, as Members are aware, the qualification in Great Britain was recently increased from one year to two years on the basis that it would increase business confidence and encourage companies to recruit more staff. It is argued that any difference in the medium term between Northern Ireland and Great Britain could undermine our competitive position and be a negative factor for investors. However, others point out that Northern Ireland, Great Britain and the Republic of Ireland already have some of the most liberal labour laws in the world. They point to the risk that workers in a more uncertain employment situation will be less likely to spend their money in the local economy.

In addition, there is a danger of the unintended consequence of claims that would otherwise have been dealt with as unfair dismissal cases simply being transformed into alleged

discrimination cases, which can be more complex and costly to address. Given that a change to unfair dismissals may have a limited practical impact, some may say that the case for Northern Ireland marketing itself presentationally in similar terms to Great Britain is, therefore, a lot easier to make. By contrast, others may draw the opposite conclusion and claim that there is less need for reform. I am prepared to give the House the commitment that I believe that this is a sufficiently critical matter to the Northern Ireland economy to the extent that it should be considered as part of a more focused public consultation. There may be a number of options that we can consider as part of that, so it will remain part of our agenda, but there is no predetermined outcome. Any consultation would enable stakeholders to provide a stronger evidence base and allow us to assess the validity of the various arguments and the different options.

Other substantive measures could be taken forward as part of a formal consultation. Those measures would require legislation. One is to do with the compulsory routing of all claims through the Labour Relations Agency in the first instance. That would better expose claimants and respondents to the possibilities of alternative dispute resolution, and it would be part of a system of streamlining the process and making it a lot more efficient in finding responses. Protected conversations is another area where Northern Ireland potentially now has the ability to strike out in the lead. It means that a space can be created in the workplace where certain issues can be raised on a without prejudice basis. So far in Great Britain, they have not been able to find a way forward with that, but we are willing to try to find a meaningful way that that can be taken forward in Northern Ireland.

8.30 pm

Members mentioned a number of other points that I want to address. Mr Ramsey mentioned the Beecroft report. I am not impressed by many of its recommendations. Indeed, in my statement on 5 November, I made the point of ruling out the compensated no-fault dismissal. In any event, that is not going forward in Great Britain.

Someone else referred to the proposals by George Osborne on people buying shares in companies in return for writing off all or some of their employment rights. That is to be taken forward purely in Great Britain. We can consider it in Northern Ireland, but I have to say that I am very sceptical of the benefits of that particular proposal at this stage.

Bureaucracy and red tape was mentioned. In the first instance, a more streamlined employment relations system, which includes greater use of alternative dispute resolution and a much more efficient, effective and consistent tribunal system, will hopefully address some of the regulations and the burden that employers find themselves with. Employees can also find the tribunals to be a very onerous and challenging environment. Therefore, there is a common interest across the spectrum in making the system work a lot easier.

As much as I am a fan of the European Union, I recognise that there has been a tendency at times to gold-plate certain regulations. We are very willing to have a review of regulations to see whether we can simplify things. Perhaps it was not a coincidence that the statement was made to the House on 5 November. We could talk about a bonfire of the regulations. We are starting the process to see whether things can be done more efficiently through consolidation of regulations. That is a programme that we will work through.

Reference was also made to equality legislation, and it is worth making the point that parity works both ways. We in Northern Ireland do not currently have parity with the rest of the UK on equality legislation. We are now falling behind. There is an issue over the complexity and inconsistencies of equality law, which also create problems for employers. That is not an issue for my Department, but it is something that the Office of the First Minister and deputy First Minister may wish to reflect on.

Let me confirm to Mr Flanagan and Mr McCann that I have had discussions with my counterpart in the Irish Government, Richard Bruton.

Mr Principal Deputy Speaker: Will the Minister please bring his remarks to a close?

Dr Farry: The Irish Government are taking forward their own reforms, and we have had detailed discussions both with trade unions and the Law Centre.

Mr Dickson: I am grateful for the opportunity to speak in this debate, to wind on the amendment and to comment on what others said. For the record, my previous employment, prior to coming to the Assembly, was as a senior conciliation officer in the Labour Relations Agency. I hope to speak later in my contribution in a personal capacity on the role and work of the Labour Relations Agency.

Many of those who contributed to the debate spoke in very similar terms about the need for Northern Ireland to remain competitive and the need, nevertheless, for a Northern Ireland model of employment relations. Those are things that Chris Lyttle referred to. He also referred to the Labour Relations Agency round table, as indeed did others, and to the need for early resolution in disputes.

Mr McCrea referred to the link between unfair dismissal and other legislation as both a deterrent and a positive, in respect of changing time limits. He also indicated that he and his party were willing to accept the amendment. He also challenged the Minister to provide his views on any proposed changes to the legislation. Mr Flanagan referred to the needs for the review, the relationship between employees and employers and the need to create a balance. Balance was a term used by many Members who spoke in the debate.

Mr Ramsey and others indicated that they would support the amendment. He said there was a need to modernise employment law but that we are operating in a different climate, both economic and to the rest of the United Kingdom, given our close relationship with the Republic of Ireland.

Mr Buchanan said that we must be careful not to impose a greater burden on employers, particularly in these times, given business needs. He referred to parity of employment legislation across the United Kingdom and said that we should be aligned with the rest of the United Kingdom. He also said that not making changes would put us two years behind the rest of the United Kingdom. He also raised the issue of shares in companies, as did the Minister.

Mr McCann welcomed the review. He said that we should not necessarily run down the United Kingdom road, but that we should respect the rights of both employees and employers and enhance their rights. He said that there were serious problems, but that we should be looking for cross-border harmony as well.

Mr Hilditch referred to the fact that the powers were not outside our control. He said that we could shape the powers of employment law to meet our own needs, and that we should ensure that Northern Ireland does not fall behind the rest of the United Kingdom. He referred to the length of time that it took for the Race Relations Act to be brought on to the statute book in Northern Ireland. He also referred to easing the burden on employers and Northern Ireland's place in the marketplace.

Mr Kinahan referred to the legal burden on businesses and the essential rights of employees. He acknowledged that in the amendment, and that was welcomed. He also referred to the number of times that he had been lobbied as an MLA about the change in the time limits. Mr Anderson said that this was a timely debate. He referred to the struggles in our economy and called for swift action on those issues.

The Minister referred to other jurisdictions and how our market is different from the rest of the United Kingdom. He also referred to the Employment Act in Northern Ireland, which, as we know, makes us different from the rest of the United Kingdom. He referred to the Labour Relations Agency's enhanced arbitration scheme, and he also referred to the round-table conversations that the LRA, as I understand it, is about to embark on. He suggested that we should not just copy the rest of the United Kingdom legislation, but that we should attempt to better that legislation.

He referred to tribunal rules and various other initiatives that were on the agenda, the partnership of stakeholders and the need for the round-table forum. He also referred to the time limits on unfair dismissal, and some initiatives, for example, all claims —

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

Mr Dickson: — going through the Labour Relations Agency. He also referred to protected conversations.

Mr Weir: Members will be happy to learn that I will not simply be regurgitating the individual contributions that have been made. To their credit, the Members left in the Chamber have pretty much sat through the entire debate, so they have heard all the points that have been made.

With regard to the long-term impact in Northern Ireland, this has, perhaps, been today's most significant debate. I suspect that it will not necessarily be the lead debate in the news headlines and, despite the fact that we have contrived to finish the debate before 9.00 pm, I suspect that it will not be leading the nine o'clock news. Nevertheless, and despite the rapt attention of the Public Gallery and of the Members who have stayed to the bitter end, it has been a debate and a day for revelations. I appreciate that there may be someone sitting in the Public Gallery at an angle that I cannot see. I am glad that one of the Members opposite has

won the I-spy competition as regards the Public Gallery.

During one of the debates earlier today, Steven Agnew announced his obvious defection to the DUP. Tonight, at least in terms of implication, Basil McCrea announced that he was joining the Alliance Party. Despite that, a number of significant things were said during the debate.

As the proposer indicated, part of the debate was to tease out concerns. It was an opportunity to have a take-note debate on what is a very important issue. When the motion was tabled, it predated the Minister's statement and the overall review of employment law. As such, this side of the House is prepared to give the Minister the opportunity to come forward with concrete proposals that, hopefully, can make the necessary step change in the economy that we all want to see. To that end, we are happy to give the Minister that opportunity by accepting the amendment, although it would not necessarily be the way that we would have drafted it. The compliments may end at that point, but, nevertheless, we are prepared to do that.

At the heart of this debate is the attempt to ensure that we do not have a competitive disadvantage in Northern Ireland. It has been shared on all sides of the House that we want to see an economy and a workplace that are fit for purpose. A key role in that is played by employment law. There have been some divergences within that.

A constant theme came from a number of Members, particularly on this side of the Chamber, and, to a certain extent, from the Alliance Party as well, about simplifying bureaucracy, as Chris Lyttle put it, and reducing employment law to ensure that that burden was not there. It is fair to say that a much more suspicious tone was taken on that attitude from Sinn Féin and the SDLP, who seem a bit more sceptical of change. They are concerned and see the phrase "reducing the burden of regulation" as some sort of right wing Trojan horse.

It was a generally well-tempered debate, but I took exception to one thing. Fra McCann claimed that everybody on this side of the House seemed to be obsessed with diminishing workers' rights. I am not sure that there was a single contribution on this side of the House or in the debate that talked about reducing workers' rights. What we are talking about is trying to reduce bureaucracy.

Mr F McCann: Will the Member give way?

Mr Weir: I will be happy to give way.

Mr F McCann: I referred to the submission made about people accepting shares in return for a diminution of their rights as workers.

Mr Weir: An example was given of what had happened in England. As others indicated, there is scepticism towards that. It was simply an illustrative example, but we should not look at this as simply some attempt to diminish workers' rights. We should try to find a balanced way forward that ensures that we have a reduction in bureaucracy.

As indicated by the Minister and others, there is a range of things that can be a win-win in this situation; for example, greater use of the alternative dispute resolution and the Labour Relations Agency. Mr Dickson spoke of his own experience. I am not sure whether a period in the Labour Relations Agency qualifies one to be a Chief Whip. Perhaps I should have had that training myself, but those are things that can be embraced and which in no way diminish workers' rights.

As Sydney Anderson said, we have to be mindful that, in Northern Ireland, you have small, local businesses, which are often family businesses, and we have to ensure that the bureaucracy placed on them is not overly burdensome. It is also the case, as was made by a number of Members —

Mr Dickson: Will the Member give way?

Mr Weir: I will give way briefly.

Mr Dickson: Following on from the theme of the burden, particularly on small employers, the Labour Relations Agency, through the Minister, brought regulations to the House on the arbitration scheme that now covers all jurisdictions. It is a free service, and it is available to all employers and employees in Northern Ireland who find themselves in those circumstances. There is no need to go through the burden or cost of a fair employment tribunal. You can do it through a free process. We are steps ahead of the rest of the United Kingdom in that service being available.

Mr Weir: Mention was made of the tribunal system. I think that we would all embrace the idea of making that bureaucracy less onerous, simplifying it, making it less expensive and making it swifter in delivering a result. That would help to lift the level of regulation from employers, and a lot of employees would also embrace it. So, there is a range of things that can be win-win on that basis.

One of the other main themes has been the level of divergence from the rest of the United Kingdom. A number of Members have said that we are not going to slavishly follow every crossed t and dotted i across the water. However, there is a concern and a need to ensure that our level of divergence is not so great that it damages our competitive advantage. That is important.

Mention was made of foreign direct investment. My colleague who proposed the motion, particularly from his experience of DETI, knows the attitude of foreign companies, particularly from the United States. They do not want to believe that this is some a simple place apart, where they are going to be faced with a plethora of burdens. So, it is important that we get that right.

8.45 pm

It is also the case from the point of view of national delivery that where there is a situation where we can provide something that can be replicated and, indeed, used to service all of the United Kingdom, it is important that we do not put up barriers that discourage those jobs from being based here. At present, we see that with regard to back-office functions in social security, for example, and in a range of other private firms. That is why it is important to get it right.

There is concern. A number of Members spoke about it. Tom Buchanan talked about the need for urgency and said that we do not really have the luxury of time. It is important that, while we welcome the progress that has been made on the employment law review, we do not find ourselves in a situation in which we fall behind the rest of the United Kingdom. There is an argument that, purely from the point of view of time, we already are somewhat behind. It is important that when we reach the end result, it is done swiftly and correctly and provides that level of urgency. We have got to recognise that we are in a global marketplace and, as such, it is important that we meet those issues.

A very important issue was, indeed, raised by Basil McCrea, when he talked about the impact of equality and whether we need to look at that by way of exception. That needs to be examined as part of the review. The Minister talked about the need to ensure that the interests of business are protected and that we do not fall behind. Quite naturally, given the fact that he is at the start of the review, a number of Members challenged him with, "What are the real views of Stephen Farry?" I think

that, perhaps, we did not get too many of his views tonight. That is, perhaps, understandable given the Minister's position.

Dr Farry: Will the Member give way?

Mr Weir: Unfortunately, I have less than a minute left.

Dr Farry: You will have to wait.

Mr Weir: I appreciate that, perhaps, the real views of Stephen Farry could be encapsulated within a minute and it would still give me time to reply. However, I will not necessarily take that chance.

I have to say that the review is to be welcomed. We will test that when we see the end product. With regard to the Minister's announcement, I know that a range of concerns have come, for instance, from the likes of CBI and FSB. Some of those have been met. In other areas, we are still falling short.

We will wait to see what emerges from the review. Certainly, we, on this of the House, will wait and hope to see robust changes to employment law that ensure that Northern Ireland is at the cutting edge and, indeed, has the most dynamic and competitive business sector and environment that can be provided in this region. Consequently, we are prepared to give the Minister that chance. Therefore, we are happy to support the amendment to the motion.

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

Main Question, as amended, put and agreed to.

Resolved:

That this Assembly notes that the Minister for Employment and Learning has initiated a wide-ranging review of employment law in line with the commitment made in the economic strategy; endorses a modern, efficient and integrated employment law system that works in the interests of business, helps our economy to grow, attracts investment and encourages companies to recruit new staff, and at the same time provides sufficient protection for the rights of employees, with opportunities for redress; and calls on the Minister to have due regard to changes in employment law in Great Britain and the Republic of Ireland.

Adjourned at 8.48 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2012

ISBN 978-0-339-50582-7



9 780339 505827