

# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 26 March 2012

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

*Members observed two minutes' silence.*

## Assembly Business

### Resignation: Mr Willie Clarke

**Mr Speaker:** Before we begin business, I advise the House that I have received a letter from Mr Willie Clarke giving me notice that he intends to resign as a Member of the Assembly with effect from 12 April 2012. We wish him well. I have notified the Chief Electoral Officer in accordance with section 35 of the Northern Ireland Act 1998.

### Statutory Committee Membership

**Mr Speaker:** The first item on the Order Paper is a motion on Committee membership. As with other similar motions, this will be treated as a business motion, and therefore there will be no debate.

*Resolved:*

*That Mr Alastair Ross replace Mr Sammy Douglas as a member of the Committee for Social Development. — [Mr Weir.]*

## Ministerial Statements

### Prison Reform Programme

**Mr Ford (The Minister of Justice):** With permission, I wish to make a statement on the prison reform programme.

In my statement to the House in October last year to welcome the publication of the final report of the prison review team, I stated that the next six months would be critical to this programme of reform. I am clear that full implementation of the prison review team's recommendations will take years, rather than months, and will require change across the system of government as well as within the Prison Service. However, I believe that the progress made in the past six months proves that the change we are embarked upon is transformational in scale and nature, is being tackled with pace and vigour and is irrevocable in its outcome.

The significance of this work and the benefits that it stands to bring to the whole of society in Northern Ireland cannot be overstated. It will bring benefits not only in creating a transformed, more efficient and effective Prison Service but, more fundamentally, in helping to shape and inform the approach that our society should take to those who offend against its rules by encouraging and supporting their rehabilitation. The reform programme, properly resourced and managed, has the potential to significantly improve public safety by reducing offending and the risk of reoffending, thus easing the burden in financial and human terms that crime places on our society.

The start we have made can genuinely give confidence that my Department's response to the recommendations is positive and that the progress being made is real. I will today set out the steps that give rise to that judgement. As

Members will know, I have also established an oversight group, which I chair, that will provide robust and impartial scrutiny of the performance of the reform programme as it moves forward.

The scale of change facing the Prison Service is unprecedented in its complexity as we seek to deliver transformational change against a backdrop of diminishing resources. Key to reform are the ongoing negotiations between Prison Service management and the Prison Officers' Association (POA). I pay tribute to both sides for the constructive and businesslike way that they have conducted their discussions. At the outset, I made it clear that change was not something I wanted to do to our staff but that, rather, our objective was to bring about reform working with them directly as employees and working alongside their elected union representatives. It is, therefore, encouraging to announce today that, after several months of detailed and painstaking negotiations, the Prison Service and the POA have agreed in principle a way forward. It includes repeal of the current and long-standing framework agreement, to be replaced by a new staff deployment agreement.

On 1 April, NIPS will launch its new operating model, which will be rolled out in line with the introduction of new shift patterns over the next six months. Custody officer and offender supervisor posts will be introduced. Staff currently serving in support grades will have the opportunity to amalgamate into the custody officer role, and 200 new staff will be recruited as part of the ongoing external recruitment campaign. Staff will be appointed to those grades on new pay scales and with new terms and conditions of employment.

The current seven-tier management structure will be simplified to four tiers. That will greatly improve accountability, expand decision-taking responsibility and improve the work undertaken in the new grades. Staff throughout the service will have a clear line of progression with regard to advancement, and all staff will have the opportunity to obtain professionally recognised qualifications. Obtaining a certificate of competence and, subsequently, a licence to practise will be a requirement in order to secure continued employment, pay progression and promotion.

A new dispute resolution procedure and industrial relations procedural agreement will

be implemented, supported by a new code of ethics. An updated and refreshed disciplinary procedure will also be developed and introduced by the summer of this year. As we proceed to implement change, we are committed to working towards releasing the remainder of the staff who applied for the voluntary early retirement scheme. That will, of course, take time, but I am confident that we will be able to do so.

The negotiations with unions have set the backdrop to much of the progress made in NIPS over the past six months. As is clear from the package of measures that has been agreed, much of this first phase has focused on laying the foundations for structural reform. It is equally encouraging to see the tangible benefits that this work is already bringing in transforming and modernising the way in which we manage our business. For example, the introduction of a centralised detail office has brought a greater degree of management control over the deployment of staff resources and is already improving regime delivery across all three prison sites.

Under the voluntary early retirement scheme, the first tranche of 151 staff will leave the service at the end of this month. The recruitment campaign for the new custody officer grade was launched last month, with nearly 5,000 applications received. Following a stringent and demanding selection process, the first recruits are expected to be operational by the end of this year.

Arrangements are also in place for the transfer of prison healthcare staff to the South Eastern Health and Social Care Trust from next week, which will ensure, for the first time, that there is appropriate governance and accountability for the delivery of healthcare services in the custodial environment. Work is also well advanced to bring forward other major and fundamental structural change. NIPS is taking forward a number of important reviews, including reviews of catering, corporate services and corporate governance, which are helping to shape and inform both core and non-core operational delivery. That will lead to a more efficient and cost-effective service. An infrastructure manager has been appointed, whose remit includes the development of a prison estate strategy, which I plan to publish next month, and consideration of the future of the Prison Service's data system, PRISM.

NIPS has conducted a further review of full-body imaging scanners, in line with a recommendation in the prison review team's report. On the basis of that review, I intend to initiate a pilot of full-body imaging scanners as soon as the necessary authorisation for use of that technology in prisons is obtained.

NIPS has also been addressing concerns about equality and diversity reporting and has strengthened the role of equality and diversity committees in prisons.

The review team's report was clear about the need to invest in the development of staff remaining in the Prison Service: a staying-on package, as Dame Anne Owers called it. Considerable progress is being made on developing our staff and preparing them for the challenges of working in a prison service with a changed focus, which will also underpin the much needed cultural reform called for by the review team.

Plans are well advanced for a new comprehensive training programme, leading to the award of a certificate of competence, that will upskill and develop custody officers to enable them to carry out their role competently and effectively. Similarly, a learning and development programme for offender supervisors is under development, which will lead to the award of a professional licence to practice. That will be accredited externally.

The Prison Service is also putting in place a new disciplinary system for uniformed staff that will include a new code of conduct and discipline, a new code of ethics and a new professional standards unit, which will set in place new arrangements to enable the Prison Service to better manage disciplinary cases and monitor the application of appropriate conduct standards for prison staff.

The prison review team recommended a holistic solution to reforming the entire prison system in Northern Ireland, not just the Prison Service. Work has been continuing across my Department to address the review team's recommendations, most notably those relating to juvenile offenders and sentencing policy.

There has been good progress as a result of focused work between the Prison Service and the Youth Justice Agency to ensure that under-18s are only accommodated at Hydebank Wood when absolutely necessary. That has resulted in

a significant reduction in the number of juvenile inmates. As at 20 March, only three inmates at Hydebank Wood were aged under 18, although legislative changes will be needed to fully end the practice.

I launched a supervised activity order pilot scheme earlier this year in Newry. It will run for six months before being evaluated, and steps are being taken to identify and establish a further location.

My Department is in discussion with the Justice Committee on the way forward following last year's review of community sentences. I hope to announce proposals in the near future.

As the prison review team made clear, implementation of the necessary reforms cannot be delivered by my Department alone. Some of its recommendations involve a strategic realignment of the framework for tackling offending and reoffending and will require a cross-departmental response. With that in mind, I am engaged in a series of meetings with other Ministers. My Department has hosted strategic workshops to create a shared understanding of how the recommendations fit within the wider agenda of improving public safety and reducing the risk of offending and reoffending. That work is still at a fairly early stage but has led to agreement around three key themes. First, identifying and providing interventions to change the behaviours that have led to offending. Secondly, creating a prison system that is focused on enabling individuals to change as well on providing a safe, secure and humane system. Thirdly, delivering more effective outcomes through better joined-up partnership arrangements across government.

I am clear that there is still a considerable distance to be travelled, and I acknowledge the inevitability of encountering further challenges and obstacles that will need to be overcome as we move forward. However, I am confident that the journey of reform has begun, real progress is being made, and momentum is building. Although challenges remain, with the support of the Assembly, the reform process is, I believe, unstoppable.

**12.15 pm**

**Mr Givan (The Chairperson of the Committee for Justice):** I declare an interest: I have a family member employed in the Prison Service. First, I commend the director of human

resources in the Prison Service, Ronnie Armour, and Finlay Spratt, chairman of the Prison Officers' Association, for reaching an agreement in principle. Obviously, there is more detail to be implemented, which will require more work. It would be foolhardy not to welcome the agreement that has been reached in principle.

That said, I am sure that the Minister will agree that communication with staff is fundamental to any change programme. There is concern that morale is low and communication is not being properly filtered through to rank-and-file officers. Will he assure the House that there will be proper communication, particularly to those involved in the exit scheme? The Minister said that he is confident that he will be able to allow all those who wish to leave to do so. Finally, will the Minister also assure the House on an issue that has been touched on previously and that concerns the bumpy road that we are travelling on? Will he assure the House that the uniforms that will be issued to new officers and offender supervisors will be of the same standard as those that are currently issued to staff and that any change that may be talked about will first require discussion and approval at the Executive?

**Mr Ford:** I thank the Committee Chair for his welcome. I have no problem at all in joining him in commending Ronnie Armour and Finlay Spratt for the positive and constructive way in which management and the POA have engaged in recent months.

The Member makes a valid point about getting communications through to rank-and-file officers. Unfortunately, when detailed negotiations are under way, it is difficult to communicate the full detail to everyone. However, I certainly trust that the agreement, which is agreed in principle and close to absolute finalisation, will need to be communicated as speedily and effectively as possible. Prison Service management will do that.

On the Member's final point, I cannot give him any assurances on precisely what new uniforms for new officers will look like. That matter is under discussion. However, he correctly makes the point that the emblems and uniforms, as has been established in the Chamber in the past, will be controversial and will require agreement around the Executive table.

**Ms J McCann:** Go raibh maith agat, Mr Speaker. I also welcome the Minister's statement. I refer the Minister to the section about healthcare

services. The Minister will be aware of the serious medical and mental health problems of Marian Price, who is being held at Hydebank women's prison. Will he authorise Mrs Price's immediate release to an outside hospital so that she can be treated for those problems?

**Mr Speaker:** Order. Let us have questions to the statement. The Member is almost straying onto a different subject. If the Member can demonstrate that she is linking her question to the statement, I will be very happy to listen to her. It is really up to the Minister whether he wants to answer the question.

**Mr Ford:** I thank Ms McCann for her welcome for the statement. I can confirm that the healthcare needs of every one of our prisoners are now being managed by the South Eastern Trust, to which full responsibility will pass on 1 April. The Prison Service will take seriously any recommendations from the trust regarding the welfare and health of any prisoners.

**Mr Speaker:** I caution Members that questions need to relate to the ministerial statement.

**Mr B McCrea:** I almost get concerned that you are directing your comments to me. I will do my best to ask the Minister —

**Mr Speaker:** It is no reflection on you.

**Mr B McCrea:** Thank you, Mr Speaker.

I welcome the statement and acknowledge that considerable work has been done. However, I want to tease out something from the Minister. You mentioned that, as of 20 March, only three inmates at Hydebank Wood were aged under 18 and that legislative changes would be needed if you wanted to change or end the practice. What legislation would be required? Do you intend to bring forward that legislation? Do you not accept that, while the general principle of not putting people aged 18 or younger in with older inmates is a good thing, some 18-year-olds may need special circumstances?

**Mr Ford:** I thank Mr McCrea for his welcome for the statement. Today is a good news day for the Prison Service, and we should recognise that as we go into detailed questions. I thank him for recognising the work that has been done.

Not long after I became Minister, there were 20 or 21 under-18s at Hydebank Wood on different nights. I have the complete table if any Member wishes to ask me for it afterwards. That is now



down to a very small number. I fully recognise that that small number includes those who require facilities other than those that can be provided in Woodlands Juvenile Justice Centre.

The key issue for the Assembly will be whether it wishes to legislate in the future to remove the option for Hydebank Wood. Clearly, that can only be done if the facilities are available in Woodlands and if the Assembly wishes to legislate that way. However, I am fully conscious of points made by other Members about the necessity to remove, as far as possible, under-18s from Hydebank Wood. The historically low numbers that are there now is a sign of the good work being done by the Prison Service, alongside the Youth Justice Agency, to manage those young people better.

**Mr P Ramsey:** I thank the Minister for the statement. He referred to creating a prison system that is safe, secure and humane. Clearly, the forced strip-searching that is ongoing in Roe House is not safe, and it is certainly not humane. The Minister also referred to the further review of full-body imaging scanners. He will be aware of how emotive that subject is, not just inside the prison but outside it. Will he outline to the House a definitive time frame and target for the introduction of that mechanism? Who does he need authorisation from?

**Mr Ford:** I thank Mr Ramsey for that. He referred to the issue of full-body searching being emotive, and it certainly is. As far as I am concerned, the Prison Service in Northern Ireland, as in the other two jurisdictions in the UK, uses full-body searching, where necessary, in order to ensure the safety and security of prisoners and prison officers. It is clearly something that we wish to move away from when we can provide that security without full-body searching.

At this stage, I can give no timescale for the introduction of the technology that I wish to see piloted. However, I can give a commitment that, as soon as licensing is agreed on an application being taken forward for Holme House Prison in Yorkshire, it is my intention that Northern Ireland Prison Service will be able to make use of that technology to carry out our own pilot and to see how quickly it is possible to introduce alternatives to full-body searching. However, the necessity is to ensure the safety, security and welfare of prisoners and staff.

**Mr Dickson:** I thank the Minister for the excellent progress that has been made and for bringing us this six-month report. The Minister said in his report that it is clear that there is still a considerable distance to be travelled. What are the key milestones for the next six months?

**Mr Ford:** I tempted to look at you, Mr Speaker, and say that is not what was in the statement.

I thank my colleague for his welcome. I highlighted a number of points that will come through in the next six months, such as further issues relating to structural reforms. I have already highlighted the fact that the implementation of the healthcare changes will happen next month. I suppose that qualifies. Reviews that are under way should report back on issues such as corporate governance and learning-and-skills training. The estates review is due back in the next few weeks and will be reported on to the House as fast as possible. There are other ongoing issues relating, in particular, to the new staff coming in. None of them is likely to be operational within six months, but I believe that we will see the first new recruits in training within six months, to be operational by the end of the year. There is a lot of work going on around developing the skills of existing staff, seeing that we manage prisoners better, introducing the new staff and allowing the exit scheme to progress, which is likely to be among the key focuses of the next six months.

**Mr Weir:** I thank the Minister for his statement, and I particularly welcome the fact that there has been agreement with the POA.

Certainty is key to the implementation of the programme in terms of its working well and in respect of staff morale. The Minister said that he was working towards the release of the remainder of staff who had applied for the voluntary early retirement scheme. What is the timescale for the second tranche of the voluntary early retirement scheme? If the Minister cannot answer that today, can he indicate when he will be in a position to produce a full timetable that outlines for the remainder of staff the timings for the full roll-out of the voluntary early retirement scheme?

**Mr Ford:** I thank Mr Weir for a perfectly reasonable question. Unfortunately, it is not possible to answer it, on two basic grounds: first, the timing of exits will have to be commensurate with the timing of recruitments, to ensure that we maintain adequate staffing;

secondly, part of the compensation package for officers who leave is compensation in lieu of notice. If we were to give individual officers notice, they would not be entitled to that compensation in lieu of notice. Therefore, while it is clearly unsatisfactory for some officers who would like a more specific date, it is not possible to give them specific dates. All that I can say is that we are working to ensure that we enable those who wish to leave to do so in an orderly fashion, commensurate with the needs of the service, as I highlighted.

**Mr McDevitt:** Leadership will, undoubtedly, be critical in delivering the change programme outlined in the Minister's statement. Does the Minister expect any other changes in the senior management of the Prison Service? When can we expect to have a new director for the Prison Service appointed?

**Mr Ford:** Mr McDevitt makes a reasonable point. It is certainly not my expectation, at this stage, that we will see any further significant leadership changes. The new change manager is familiarising himself and will be in post within a month or so to lead that aspect of the work. I am working with the permanent secretary of the Department to see how we can ensure replacement for the director general when Colin McConnell leaves at the end of May. I understand that the employment process for the permanent replacement, which is being led by the Civil Service Commissioners, is being fully considered this week and will result in an advert immediately after Easter. Obviously, however, there will then be questions, including things like vetting processes, about how quickly an applicant can be put in post.

**Mr McCartney:** Go raibh maith agat a Cheann Comhairle agus buíochas don Aire as an ráiteas seo. I thank the Minister and welcome his statement. I am sure that he appreciates that such a long statement will require more than one question. I welcome the fact that the director general will be in front of the Committee on Thursday, when we will be able to tease out some of the issues.

In his concluding paragraph, the Minister said that reform should be unstoppable. I think that that is the benchmark on which all of this will be tested. It is a bit disappointing that there was no direct reference to the change management team in the statement. Can the Minister outline

what role it will play in ensuring that reform is unstoppable?

**Mr Ford:** I thank Mr McCartney for his question. It is sometimes easy to overpersonalise things. Although I have certainly paid tribute to Colin McConnell and his work and will continue to do so, we will have the replacement change manager in post soon, as I have just said to Mr McDevitt. We are working on the replacement for Colin McConnell, and, as has been highlighted over the issue of negotiations with the POA, for example, Ronnie Armour has played a very significant role in that, as the appropriate director in the Prison Service.

We need to recognise the work that is being done by the team as a whole and not simply personalise it to one individual or another. It is my hope that we will soon have in place the full team that will continue the good work that has been done over the past six months. I said that the momentum was building and was unstoppable, and I believe that that is because of the good work I see being done by the Prison Service management — not by just one person, but the whole team.

**Lord Morrow:** I, too, thank the Minister for his statement. We speak here of offenders, rather than criminals; we must never forget the type of people for whom we are reforming. As he takes the reform package forward, does the Minister accept that keeping the outside population, never mind the prison population, on board is of vital importance? Does he accept that there is a lot of dissatisfaction, for instance, in the Prison Service itself, and that it appears to some that there is a lot of contradiction in the manner in which this is being taken forward? Some prison staff who have worked there for over 30 or 40 years are being told that they will not qualify or will not be able to pick up on the new regime and will have to wait longer. Does he accept that those people need to be shown respect and that those who want to leave the service can do so with dignity?

### 12.30 pm

**Mr Ford:** I thank Lord Morrow for his comments on that. However, I thought that that was the entire intention of the package; that those who wish to leave are being allowed to leave with dignity. Clearly not everyone can leave on 31 March, but the documentation that individuals were supplied with made it clear that release will be on the basis of the needs of the service.

I accept that some individuals who had hoped to leave early are disappointed that they cannot leave in the first tranche. However, if they had read the paperwork, they would have known that that was never going to be possible. As I have said, I believe it is important that we provide the best possible information to all members of staff and ensure that the work is done as speedily and efficiently as possible. However, that cannot simply mean that everybody goes on the exact date of their choosing.

**Mr Kinahan:** I, too, welcome today's statement. On page 5, paragraph 2, we hear about a new disciplinary procedure. The Minister is probably aware that I have been asking questions of all Departments on the number of disciplinary matters, to which his Department declined to answer. Yet I am told that there are possibly many more there than in any other Department. I am told that there is, therefore, quite a lot of disquiet. Will the Minister ensure that rank and file members of the Prison Service are able to be consulted about the new code of conduct and discipline without any pressure from above or the outside?

**Mr Ford:** I have to emphasise that management have a responsibility to manage. The new disciplinary procedures have been part of the ongoing discussions between the POA and Prison Service management. I think that that is recognition of the valid role that employees have, while recognising also that difficulties have arisen in the past in the Prison Service because management have not been able to manage properly. I am determined to see that, working with our employees, we get a better system for the future.

**Mr Lynch:** Go raibh maith agat a Cheann Comhairle agus gabhaim buíochas leat as an ráiteas sin a Aire. Did the Minister receive legal advice on the conditions that can be attached to enhance severance packages for prison officers? Did he read the advice or did he rely on submissions from officials?

**Mr Ford:** I did not personally read legal advice on issues of the severance package. I think it entirely reasonable that, at times, Ministers read the submissions that they receive from officials. If the point Mr Lynch is making is about the potential re-engagement of prison officers, I can give him the news that of the 4,900 applications received by the Department for the

new custody officer posts, one came from a serving prison officer.

**Mr McCarthy:** I also welcome the statement from the Minister. I refer to the last paragraph, in which he said: "the journey ... has begun." I pay tribute to the efforts of the Minister and his Department for where we have come to along that journey. Will he tell the Assembly when he reckons that that journey will finish and we will have a Prison Service for Northern Ireland that is second to none?

**Mr Ford:** I thank Mr McCarthy for his point. The general line is that we are talking about a reform process of something like four years. However, I made it clear when I announced the outcome of the prison review team report that the first six months would be vital. That is why I am making this statement, at a little over five months, because six months comes during the Easter holidays, to emphasise that the journey is well begun. However, there will be a lot more work to do on the way.

I probably should tell the House that, a few weeks ago, I met my predecessor with responsibility for prisons, Paul Goggins, in Westminster. He told me that prison reform was one of the issues that direct rule left to devolution because it was thought to be too difficult. It is a tribute to those doing the work in the Prison Service, and to the collective way in which this House and the Department have worked alongside the Committee and others, that they have been able to tackle an issue that was too difficult for direct rule. That is an indication of the good progress being made.

**Mr Allister:** Will the Minister give some clarification on the issue of uniform? If a new uniform is thought necessary, why is that? Can he give an assurance, in light of past controversy, that there is no proposal within the Prison Service to remove HMP or the crown from the uniform? If there is no agreement in the Executive on the uniform, does that mean that the existing uniform will prevail for all staff?

**Mr Ford:** Mr Speaker, I thought that I had made it clear in my first answer to Mr Given, the Committee Chair, that the uniforms for new staff may be something different from those currently there, but we have clearly established in the Chamber in the past that the precise detail of uniform and emblems might be regarded as sufficiently controversial and, indeed, is

regarded as sufficiently controversial as to require Executive approval.

**Mr A Maginness:** I thank the Minister for his previous answers. I note that the patient Mr Armour and the redoubtable Mr Spratt have eventually reached agreement in principle. You said in your statement that it is an agreement in principle. Does that mean that further details need to be agreed, because you also said that, on 1 April, the Prison Service will launch the new operating model, which will be rolled out in line with the introduction of new shift patterns over the next six months? Is there final agreement on the detail and the substance?

**Mr Ford:** I thank Mr Maginness for his positive comments. I am not quite sure whether it is purely the patient Mr Armour and the redoubtable Mr Spratt, though, perhaps, that may not be an inaccurate description of either of them. As I understand the measure of agreement that has been reached, by saying that it was "in principle", I meant it was probably not covering the full detail of the agreement. As I understand it, there are a few minor bits of fine-tuning to be worked out. However, in essence, we have an agreement between Prison Service management and the Prison Officers Association on very significant and fundamental reforms that the Prison Service will operate in the future, negotiated willingly by those two gentlemen and others over a period of months in a way that will, I believe, provide the transformational change that we all wish to see.

**Mr S Anderson:** I thank the Minister for his statement. I understand that six officers who did not meet the criteria have been allowed to leave the service in the first tranche. That, in itself, further demoralises the remaining staff when they see such discrepancies coming to light. I also understand that another 68 staff may be moving from a criteria 3 to a criteria 2 situation, which I would welcome. The remaining staff were told at a meeting in Maghaberry that they would be allowed to leave by the end of March, and the delay has totally demoralised quite a number of staff who had made arrangements to leave on 31 March. I know that the Minister has been pressed for an answer on this, but can I press him again to tell me and the House when he thinks that the staff who want to leave will be allowed to leave?

**Mr Ford:** I thank Mr Anderson for his question. I have heard from a number of quarters that staff

were told that they could all go by 31 March. I can simply tell the House that that is not what has been reported to me and that that is not what is conveyed in the paperwork that was supplied to all members of staff. Realistically, when 500 staff applied for the exit scheme, I do not think that we expected that they would all be able to leave on a single day.

Mr Anderson referred to the six officers who are being allowed to go and who did not meet the criteria. I regret that that is the position. That fault arose contrary to what was said in Saturday's 'Belfast Telegraph': it arose when pension calculations were being done in DFP central pensions branch. When the Prison Service became aware of the error, arrangements were made to ensure that six other staff would be able to leave, and they were the next six who would have legitimately left. In a sense, six staff members have been advantaged but none has been disadvantaged. I have asked for all those pension calculations to be revisited to ensure that we are 100% accurate. It is deeply unfortunate that that error was made. However, it was not made by the Prison Service, and the Prison Service is seeking to remedy it as fast as can be. As I said earlier to Mr Weir, it is not possible to give a date when all staff will be able to leave, but I am committed to ensuring that those who applied for the exit scheme will be able to leave as early as possible, commensurate with ensuring an adequate staffing regime for the Prison Service.

## **NSMC: Aquaculture and Marine**

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the 1998 Act, regarding the recent meeting of the North/South Ministerial Council (NSMC) in aquaculture and marine sectoral format.

The meeting was held in the NSMC joint secretariat offices in Armagh on Thursday 1 March 2012. The Executive were represented by Nelson McCausland and me, and the Dublin Government were represented by the Minister of State for Communications, Energy and Natural Resources, Fergus O'Dowd TD. This statement has been agreed with Minister McCausland and I make it on behalf of us both.

We welcomed the recently appointed Foyle, Carlingford and Irish Lights Commission chairperson, Winston Patterson, and vice chairperson, Alan McCulla, to their first NSMC meeting and received a progress report on the work of the Loughs Agency from the chairperson and chief executive, Derick Anderson. Both Minister O'Dowd and I have made visits to the Loughs Agency and have had the opportunity to meet front line staff who have experienced attacks and abuse when carrying out their enforcement duties. It was, therefore, satisfying to hear of the positive effect on the agency's field staff morale as a result of these meetings.

We were also pleased to learn that following my meeting with the Chief Constable of the PSNI and correspondence issued to an Garda Síochána Commissioner in relation to attacks on the Loughs Agency's enforcement staff and volunteer river watchers, new and more formalised lines of communication between agency officials, the PSNI and an Garda Síochána are being developed.

We welcomed the success of the agency's enforcement actions under the oyster fishing regulations, with a series of cases having a successful outcome in the courts. In 2011, agency staff dealt with 54 rod-related offences and 44 seizures. Agency protection staff also seized 161 illegal nets, 12 boats, 36 bags of oysters and two cars as well as various other items, including knives, balaclava masks and batons. Staff have dealt with 134 pollution incidents and taken 11 sets of statutory samples. Regarding environmental protection, the agency successfully convicted every

individual or company that had caused a fish kill by pollution in the Foyle area in 2011.

The improvement in the oyster population of Lough Foyle was noted, and we encouraged the agency to continue to develop management strategies to consolidate and refine these improvements. We also noted the disappointing drop in sea survival of Atlantic salmon since the 1990s and welcomed the Loughs Agency's action, following extensive consultation, in issuing a declaration suspending commercial fishing in Lough Foyle and the tidal Foyle and the restriction on angling carcass tags to help to improve the survival of Atlantic salmon.

We noted that the Loughs Agency, which took a lead role alongside partners from the University of Glasgow and Queen's University Belfast, was successful in securing funding through INTERREG IVa for the integrated aquatic resource management project between the island of Ireland and Scotland, known as IBIS. The overarching aim of this project is the development of a common approach to the delivery of high-priority training, research and knowledge-sharing, supporting freshwater and marine resource management and policy, and the biodiversity that these ecosystems support. The total value of the programme, which runs from August 2011 to June 2015, is approximately £8 million.

We welcomed the presentation by the Loughs Agency on the Lough Foyle oyster fishery and oyster spawning assessment. The findings and recommendations from these annual reports allow the agency to use the evidence gathered to inform its decision-making in relation to regulation, policy development and enhancement works for the fishery. We were pleased to note during the subsequent discussion that the Loughs Agency was considering the introduction of revised regulations concerning both the minimum weight and size of oysters permitted for landing in order to help ensure a sustainable oyster fishery. The oyster sector had recently raised that issue with me.

We were also pleased to learn that active consideration is being given to promoting local oysters through an oyster festival to coincide with the planned Clipper Round the World Yacht Race in the Foyle in July. We also noted the development of a bird survey protocol for Lough Foyle and Carlingford Lough that will

be used to inform and update the Loughs Agency's appropriate assessments as required by the EU habitats directive, which defines how Natura 2000 sites are managed and protected. The data collected will allow for informed assessments of how waterbird populations may affect or be affected by aquaculture activity in the loughs.

We heard at the meeting that the process of recruiting the third stakeholder advisory forum is progressing, and that the agency expects that advertisements inviting applications will be sent out in the near future. The advisory forum has been an important tool for engagement with the stakeholders of both the Foyle and Carlingford catchments. The recruitment of the third forum will ensure that all interested parties will be provided with the opportunity to put forward their views on areas of interest or concern.

#### 12.45 pm

We considered two recommendations concerning the Loughs Agency that arise from the St Andrews Agreement review. We agreed to refer the following recommendations for endorsement to the NSMC plenary meeting in June 2012. The first recommendation was for the Loughs Agency to establish and provide services to producer organisations for the development of marine products. The Council supported that recommendation and agreed that any legislative obstacles identified by the agency would be addressed by the two sponsor Departments. The second recommendation was for an amendment to be sought to the Magistrates' Courts rules to enable costs that are awarded to better reflect the cost of bringing prosecutions. Although any change to legislation in the North of Ireland to provide for a fixed-penalty regime is a matter for the Executive, it was agreed that the Department of Agriculture and Rural Development (DARD) will keep under review the opportunity to amend the Foyle Fisheries Act 1952 to allow for a fixed-penalty regime.

We welcomed the progress on delivery of the Loughs Agency's legislation implementation plan; approved the Foyle Area (Greenbraes Fishery Angling Permits) Regulations 2012, which prescribe the fees payable to the Foyle, Carlingford and Irish Lights Commission for the issue of Greenbraes fishery angling permits; and noted that further regulations will require NSMC approval later in 2012.

Finally, we agreed to meet again in aquaculture and marine sectoral format in June or July 2012. Go raibh míle maith agat.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her statement this afternoon. She referred to the attacks and abuse experienced by front line staff in the Loughs Agency. She mentioned that lines of communication between the Loughs Agency and the PSNI have improved. Can the Minister elaborate on what else is being done to protect staff?

With the amount of legal activity that is taking place — the seizure of 161 illegal nets, 12 boats, 36 bags of oysters, two cars and various items that include knives, balaclavas and batons — are we tackling the issue or scratching the surface?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for the question. The reason I went to meet staff is that I am genuinely concerned that they have to carry out their jobs in difficult circumstances. I am pleased to say that the level of attacks on staff has greatly decreased, but that could be due to the season that we are in. Obviously, that would have to be monitored over a longer period to see whether some headway has actually been made. As Mr Frew said, significant work has been done to seize illegal items. Now that there is improved communication between the gardaí and the PSNI, that will, obviously, help things. The fact that we have also had a number of successful prosecutions acts as a deterrent. So, collectively, all those things add up and make a difference. Staff are delighted that levels are lower than they were at this time last year. However, as I said, we will have to keep that under review.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. Can she give us a flavour of the work that the Loughs Agency is doing on the marine tourism development strategy?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for his question. The agency reported at the meeting that an application for INTERREG funding has been submitted for a project that involves the development of a 200-berth marina in Warrenpoint and the first stage of a similar development in Stranraer, including a new breakwater slipway and pontoon berths. The

lead partner is Newry and Mourne District Council. The agency, Warrenpoint port, Louth County Council and Dumfries and Galloway Council are the other partners.

Those facilities will form the basis for a number of interactive projects between Carlingford lough and Loch Ryan and extend the necklace of marinas from the south and south-east of the island to the extremely attractive sailing opportunities between the north and west of Scotland, its islands and coast, and the north coast of Ireland. The aim is to provide day-sailing opportunities between the marinas and encourage visiting yachts and cruisers to explore Carlingford on their way north and, hopefully, west to the Foyle and beyond.

I hope that that gives the Member a flavour of the type of work that is being done under the marine tourism development strategy. I look forward to bringing forward many new, inventive ideas because they are constantly coming to the fore when I am out meeting groups.

**Mrs Dobson:** I also thank the Minister for her statement. The success of the Loughs Agency, with improvements reported in the oyster population in Lough Foyle, stands in stark contrast to the failure of DARD and the Department of the Environment (DOE) to protect the horse mussel in Strangford lough. Can the Minister tell the House why, in one area, her Department seems to be improving, while, in another area, it is getting it so wrong?

**Mrs O'Neill:** The issue of the horse mussel in Strangford lough is not one that is discussed at NSMC aquaculture meetings. However, I can bring the Member up to date on that issue. DOE and DARD put a position paper to Brussels, but that was rejected. Europe wants more, and we are actively working up positions on that. I am also meeting fishermen very shortly, as people's livelihoods in that area depend on pot fishing. We have to have a balanced approach and make sure that any move we make protects the interests of those fishermen and helps to restore the horse mussel. It is about having that balanced approach, and the DOE and I are actively working on that. We have a short time frame in which to convince Europe of our position.

**Mr P Ramsey:** I welcome the Minister's statement to the House. The number of incidents and threats against staff, particularly the staff of the Loughs Agency and volunteers,

is very worrying. The SDLP condemns those threats. Will the Minister outline how many incidents have occurred in recent times? She mentioned that there have been some arrests. Will she detail how many arrests have been made and what help we, as Members, can give? This cannot continue to happen, and it is not reasonable to expect any staff member to work under those circumstances.

**Mrs O'Neill:** I totally agree with the Member: it is totally unreasonable for staff to go out to do their jobs every day and be under constant attack, with stones, batons and everything else thrown at them. As I said, we have made some improvements, and the fact that the level of those incidents is pretty low is encouraging. However, we have to keep the situation under control.

On the measures that we have taken, I have met the Chief Constable of the PSNI and the Minister of Justice to discuss sentencing. Sentencing is also an issue and we want it to act as a proper deterrent. A combination of those measures will help to improve the situation. As I said, those incidents are at a low level. There have been three recent prosecutions and a number of others are actively being pursued. All those things will collectively make a difference.

**Mr McCarthy:** I thank the Minister for her statement. The Minister said:

*"the agency successfully convicted every individual or company that had caused a fish kill".*

Were any of those convictions made against Northern Ireland Departments? The Minister also commented on the Loughs Agency's action in:

*"issuing a declaration suspending commercial fishing in Lough Foyle".*

There is a similarity between that action in Lough Foyle and what has happened in Strangford lough. Has there been any loss of employment as a result of that suspension?

**Mrs O'Neill:** The agency has advised that seven cases involving pollution incidents have been brought to court. I will write to the Member to clarify whether any of those prosecutions involved Departments. I can also give him details of the seven cases that were brought to court as they have been dealt with. The agency has also advised that there have been no pollution incidents that have led to any fish kills this year. That is positive.

I think that your other question was about compensation. Some compensation was awarded back in 2008 in the form of a hardship package to assist people getting out of salmon fishing. That was back in 2008 and before my time as Minister. However, that is the situation as I understand it.

**Mr T Clarke:** I also welcome the Minister's statement. Paragraph 18 of the statement refers to a recommendation to seek an amendment on the costs that are awarded. We should welcome that, and hopefully it will come forward.

I think that there may be a typing mistake in the statement as it refers to "north of Ireland legislation" rather than Northern Ireland legislation. This is the Northern Ireland Assembly. Will the Minister push forward an increase in fixed penalties to make them much harsher?

**Mrs O'Neill:** I think that it is important that penalties reflect what you are trying to do and act as a deterrent. If penalties need to be increased to do that, we will have to keep that under review. I met the Minister of Justice on the issue of fines and costs that have been awarded, and we continue to pursue that issue.

One of the recommendations that arose from the review of the St Andrews Agreement was that there should be joined-up thinking in relation to the recovery of costs and what it costs us to take cases to court. It is important that we continue to do that.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. What specific topics will be studied in the INTERREG IBIS project?

**Mrs O'Neill:** A wide range of topics will be included, but I will highlight four of them: first, the development of science-based management strategies for the environmental and commercial sustainability of native oysters in the context of local commercial production; secondly, the investigation of blue mussel production under different management practices, and helping producers to develop points of stock audits to better manage mussel crop and increase returns; thirdly, the monitoring of salmon migration in the Foyle to aid in achieving the objectives of the water framework directive and the habitats directive by providing information for effective management; and fourthly, with eel populations in decline, the early life history of eels is poorly understood, and the study will aim

to address that issue. Those are the specific topics that the IBIS project will be involved in.

**Mr Buchanan:** I thank the Minister for her statement. How many successful convictions have there been as a result of people being taken to court for their involvement in vicious attacks on Loughs Agency staff?

**Mrs O'Neill:** There have been at least three prosecutions, and a number of cases are under appeal. We have to await the outcome of those cases. There have also been a number of seizures, as I outlined in my statement and which Paul Frew picked up on. A number of avenues are being pursued.

**Mr Kinahan:** I thank the Minister for her statement. I welcome the fact that the Loughs Agency's enforcement actions are working, and the comment that it convicted every individual. However, I still find it amazing that a meeting that calls itself an aquaculture and marine meeting does not seem to have any representation from the Department of Culture, Arts and Leisure (DCAL), DOE or even from tourism. Will the Minister try to invite people from those Departments so that the whole of the marine and aquaculture sector can be included?

**Mrs O'Neill:** The stakeholder advisory forum is a group that involves all stakeholders, whether they are on the fishing side, the angling side or are involved in tourism. It is made up of a wide range of people and it looks at all the issues around Carlingford lough and Lough Foyle. It is important that we exploit the tourism potential that exists in those areas. Some of the ideas that were discussed included having an oyster festival similar to the one that takes place in Carlingford and whether that could happen in Derry, perhaps tied in with the Clipper yacht race. A number of initiatives are being taken forward, and many stakeholders are represented on the forum.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. I welcome the development of a bird survey protocol for Lough Foyle and Carlingford lough. Will the Minister give us some more details of the development of the protocol?

**Mrs O'Neill:** As you said, the agency has developed a bird survey protocol, and it has started surveying in Carlingford lough. The next stage is to roll that out in Lough Foyle.



That will be done, in the first instance, by a masters student through the IBIS project. The information generated by those surveys will be used to update the agency's appropriate assessments for the two sea loughs.

An appropriate assessment must be carried out before an aquaculture licence can be granted or renewed and it is required under article 6 of the EU habitats directive. The existing avian data is insufficient for use as an indicator for the interactions between water birds and aquacultural activity, so supporting data is needed to bring the aquaculture sector into compliance with the habitats directive. Additional information is needed on the distribution of water birds, with particular attention to protected species and the abundance and assemblage of water birds and their interactions with aquaculture. There is a lot of information to be gathered, but the IBIS project will be key to making sure that it is delivered.

**Lord Morrow:** The closer you look at this statement, Mr Speaker, the more alarming the whole thing becomes. The Minister said that lines of communication are being developed between the PSNI and the Garda Síochána.

It is disappointing to discover that we are only at the development stage. We have not developed them yet, but we are trying to develop them. She then went on to tell us that 161 illegal nets were seized. How many prosecutions were there as a result of the seizure of those 161 nets? When you ask how many is every, you either get a figure of seven or a figure of three. That is very disappointing, and I am sure that the Minister will agree that she has about a million miles to go on the programme yet before we get to any degree of satisfaction. What new steps are being taken to bring those cases before the courts? She tells us that 161 illegal nets were seized. How many prosecutions have there been?

**1.00 pm**

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As I said, I have made it a priority, and it is a priority of Loughs Agency, to protect the staff as they are out doing their job. Absolutely everyone condemns the attacks. Previously, I have outlined the initiatives that have been put in place. Of course, there already was communication between the gardaí and the PSNI, but, with specific reference to this issue, there needed to be improved lines of

communication, so I welcome the fact that some sort of more formal protocol for engaging around the specific issues of poaching in this area and protecting staff is going to happen.

As you rightly said, 161 illegal nets and 12 boats were seized. There have been 44 seizures and 54 rod-related offences. There is a list as long as your arm of seizures and prosecutions. I am quite happy to write to the Member and give him the detail of prosecutions that have been made as a result of those 161 seizures, but, as I said, there have been three successful prosecutions and a number of prosecutions are under appeal, which we will have to continue to pursue. It is important to me that the staff are protected and that we do all that we can to ensure that they are protected as they do their job.

**Mr Allister:** I will press the Minister a little further on paragraph 8, where we read of 161 illegal nets, 12 boats and two cars being seized. Was that in 2011? Are we now to understand that, in all of that, no prosecutions have been made relating to those items or that there have been three prosecutions? It has been quite confusing. The Minister has come to the House and said that she will have to write to Members, but could she not have foreseen that one of the prime questions that would be asked would be about the number of prosecutions that have been made so that we can get a handle on whether or not there has been any success in dealing with those issues?

**Mrs O'Neill:** I said that there have been three prosecutions and a number are under appeal, so that may lead to a different number. The prosecutions were for oyster fishery breaches, and we have to continue to pursue those very successfully. We have to continue to ensure that we drive out the illegal activity that is happening there, but that will take a combined effort between the PSNI, the gardaí and the Loughs Agency. The Member who spoke previously asked how many prosecutions resulted from the seizure of 161 nets. That is what I said I would write to him on, and I will do so.

**Lord Morrow:** On a point of order, Mr Speaker. There has been confusion right around the House about what exactly the Minister's statement is really saying. Is it in order for a Member to request at the end that the Minister place all of the information that she has alluded to in the Library so that Members have access to it?

**Mr Speaker:** I have listened to what Lord Morrow has said. It is a matter for individual Ministers how they might answer Members' questions on any statement and what they might do after making a statement to the House.

**Lord Morrow:** Further to that point of order, Mr Speaker. Are you saying that it is order for a Member to request the information? It is a matter for the Minister whether or not he or she deigns to provide it.

**Mr Speaker:** Yes, of course. I agree with Lord Morrow that it is up to any Member to request whatever information they want from any Minister, here or anywhere else in the Assembly.

**Mr Allister:** Further to that point of order, do you agree that we are in a very unsatisfactory position? The statement and the questions on it have finished, and we have been told about three prosecutions. We were then belatedly told that they, in fact, relate to oyster fishing, and we are left in the dark about whether or not the 161 illegal net seizures resulted in any prosecutions. Is it not a most unsatisfactory situation that we have questions on the statement and still do not know those basic answers?

**Mr Speaker:** I thank the Member for his point of order. I am sure that the learned Member will know the avenues that he should travel to try to exercise his right further to get information from the Minister. The Business Office is always there to advise Members on a way forward on any issue.

I ask the House to take its ease as we move on to the Second Stage of the Superannuation Bill.

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

## Executive Committee Business

### Superannuation Bill: Second Stage

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

*That the Second Stage of the Superannuation Bill [NIA 6/11-15] be agreed.*

The object of the Bill is to amend the Superannuation (Northern Ireland) Order 1972 to remove the need for trade union consent to introduce detrimental changes to the current terms of the Civil Service compensation scheme for Northern Ireland and to introduce new requirements for the Department of Finance and Personnel (DFP) to report on the consultation it engages in with unions with an aim to reaching agreement on such changes. The Department of Finance and Personnel has authority to make and maintain pension and compensation schemes for Northern Ireland civil servants under article 3 of the Superannuation (Northern Ireland) Order 1972.

The main schemes for civil servants made under the Superannuation (Northern Ireland) Order 1972 are the principal Civil Service pension scheme for Northern Ireland and the Civil Service compensation scheme for Northern Ireland. The Superannuation (Northern Ireland) Order 1972 requires that the Department shall engage in consultation with trade unions representing civil servants on any proposed changes to the schemes. Under article 4 of the 1972 Order, the Department is also required to secure the consent of the trade unions representing civil servants for any detrimental change that would have the effect of reducing the level of benefits payable under the schemes.

The Civil Service compensation scheme for Northern Ireland determines the levels of compensation paid to members who are made voluntarily or compulsorily redundant. It should be noted that, in addition to Northern Ireland Civil Service (NICS) staff, a number of other public bodies are also members of the scheme.

The Northern Ireland Civil Service pension and compensation schemes operate on the basis of parity with the equivalent schemes in the home

Civil Service, which are made and maintained by the Cabinet Office under the provisions of the Superannuation Act 1972, which, in Great Britain, is the equivalent of the Superannuation (Northern Ireland) Order 1972. Although public service pension policy is a transferred matter, it has been a matter of practice for many decades that the schemes for civil servants in Northern Ireland have been virtually identical to their equivalents in Great Britain.

The Bill introduces amendments that have already been made to the Superannuation Act 1972 in Great Britain. Failure to maintain parity in this instance would result in civil servants in Northern Ireland who are made voluntarily or compulsorily redundant continuing to receive higher compensation payments than civil servants in Great Britain who leave in similar circumstances, which, of course, exerts additional pressures on public expenditure in Northern Ireland.

Payments in the Civil Service compensation scheme for Northern Ireland are currently determined with reference to length of service and to the age of an individual. Under the provisions, payments are generally limited to a maximum of three years' pay. A new compensation scheme for the Home Civil Service was introduced on 22 December 2010, and the maximum payable is limited to 21 months' pay for voluntary redundancy and 12 months' pay for compulsory redundancy. Those terms are considerably less generous than those currently available to Northern Ireland civil servants.

The Minister for the Cabinet Office, Francis Maude, introduced a Superannuation Bill in the House of Commons on 15 July 2010 to amend the provisions of the Superannuation Act 1972. That Bill received Royal Assent on 16 December 2010.

The Public and Commercial Services Union and the Prison Officers' Association lost a legal challenge in August 2011 against the imposition of the new Civil Service compensation scheme in the High Court.

This Bill will enable the Department of Finance and Personnel to take forward secondary legislation to realign the rules of the Civil Service compensation scheme Northern Ireland with those of the Home Civil Service scheme.

On 7 July 2011, the Executive agreed the drafting of the Superannuation Bill, and its

introduction to the Assembly was agreed on 23 February 2012. My officials briefed the Finance and Personnel Committee on the Bill, and I look forward to maintaining the constructive working relationship over the coming months.

I will now turn to the Bill itself. Clause 1 removes the requirement in article 4 of the Superannuation (Northern Ireland) Order 1972 that the Department of Finance and Personnel must obtain consent of the Civil Service trade unions before introducing a change to the Civil Service compensation scheme Northern Ireland that would have the effect of reducing a compensation benefit that may be provided under the scheme. That is accomplished by subsection (3) of clause 1, which inserts provision that the requirements for trade union consent will not apply in the case of a compensation benefit attributable to a voluntary or compulsory redundancy, except where the case is prior to the coming into operation of the amendment.

Clause 2 inserts a requirement that, where consultation is undertaken by the Department of Finance and Personnel on the provision that would have the effect of reducing the amount of compensation payment, that consultation must be conducted with a view to reaching agreement with the trade unions consulted. Subsection (3) of clause 2 specifies that the Department of Finance and Personnel must document the consultation that has taken place and the steps taken with a view to reaching agreement on a provision that would have the effect of reducing compensation benefit made under the Civil Service compensation scheme Northern Ireland. The Department will be required to lay a report before the Assembly that provides that information and states whether such agreement has been reached before a provision comes into operation.

Clause 3 states that, in the Bill, the "1972 Order" means the Superannuation (Northern Ireland) Order 1972. Clause 4 sets out the title of the Bill and the provisions for commencement. Subsection (2) provides that clause 2, entitled "Consultation in relation to civil service compensation scheme modifications", will come into operation one month after the Bill receives Royal Assent. The provisions in clause 1 will take effect on Royal Assent.

The Bill provides for fair superannuation arrangements for civil servants in Northern

Ireland, aligning with arrangements in Great Britain, addresses age discrimination and promotes prudent public expenditure. I look forward to the support of the Assembly in taking forward the proposals.

**Mr Murphy (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for outlining the general principles of the Superannuation Bill and welcome the opportunity to contribute to the debate on behalf of the Committee for Finance and Personnel. As outlined by the Minister, the main provisions of the Bill are to amend the Superannuation Order 1972 by removing the requirement whereby the Department must secure the consent of trade unions to introduce detrimental changes to the current terms of the Civil Service compensation scheme and to introduce new requirements for the Department to engage with trade unions with the aim of reaching agreement on detrimental changes.

### 1.15 pm

The Committee first heard from the Department on the proposed Bill in June 2011, following the becoming law of the Superannuation Act 2010 at Westminster. Although the policy on NICS pension and compensation arrangements is devolved, the Department has traditionally operated on the basis of parity with the Whitehall Civil Service schemes. The initial briefing on the proposed Superannuation Bill in June 2011 was provided in the context of ongoing legal proceedings that had been taken by the trade unions against the imposition of the new compensation scheme. That meant that, at that stage, the Department was in a position only to outline options for what action was required here. The legal challenges were subsequently unsuccessful, and the Executive proceeded to agree draft legislation in February 2012.

The Committee received a pre-introductory stage briefing from the Department on 7 March this year. As has already been outlined, the Superannuation Bill will provide for changes to trade union engagement and allow the Department to move to amend the Civil Service compensation scheme to align the amount of compensation that is payable to NICS staff and other members of the scheme with what is payable across the water. In other words, it caps the amount of compensation that is payable to civil servants to 12 months' pensionable pay

on compulsory redundancy and 15 months' for voluntary redundancy. It should be noted that, under the current Superannuation Order 1972, such amendments to the compensation scheme can be made by DFP using subordinate legislation not subject to Assembly control.

The Committee has given initial consideration to the Bill based on the two briefings to date and has identified a number of themes and issues to be explored at Committee Stage. Members will wish to consider the Bill's general impact, including the comparative benefits that are provided under the current scheme compared with the new scheme. The Committee will hear from a panel of trade union representatives at its meeting tomorrow, which will be the first opportunity to hear the views of the main stakeholders affected by the Bill. The Department has informed the Committee that the trade unions have been consulted and informed of the proposed changes, but they have not yet formally responded. It is important, therefore, that the Committee engage fully with the trade unions on the Bill.

The Committee will also wish to consider the overall consequences of the detrimental changes that the Bill will introduce to the compensation scheme. It will be important to consider, for example, the relative pay in the public and private sectors as a factor in introducing any detrimental changes. The Committee hopes to hear from a number of stakeholders in that regard.

In addition, the Committee wishes to explore further the assumption that parity must be maintained. The Minister outlined the reasons for maintaining parity in response to a recent question for oral answer, and the Department has also briefed the Committee on the perceived benefits of parity. The arguments for maintaining parity are largely based around the costs involved in providing more favourable benefits under the scheme locally and the associated administration costs of departing from the Whitehall Civil Service, such as the argument for establishing our own IT systems. The Committee has sought further information from the Department on the costs of departing from parity to inform its consideration of the issue.

As I already mentioned, amendments to the scheme can be made by DFP outside of the normal Assembly procedures for subordinate legislation. There is therefore a question over

whether appropriate protections are in place for scheme amendments, given that the Bill removes the need for trade union consent. The Committee has queried with the Department whether the 1972 Order could be amended to require amendments to the scheme to be subject to Assembly control. The Department has confirmed that it would be possible to provide for that in the Superannuation Bill. I expect, therefore, that the Committee will want to give further consideration to the need for more Assembly control of future subordinate legislation as part of its scrutiny of the Bill.

Members have also recognised the need to consider any possible human rights and equality implications of the Superannuation Bill, particularly to do with the special statutory requirements that exist locally. The Committee will invite evidence from the Human Rights Commission and the Equality Commission, and it will need to give the matter very careful scrutiny.

The Committee will take forward those issues and invite written and oral evidence from all stakeholders as the Committee Stage progresses. Given the sensitive nature of the Bill and the need for detailed consideration of its provisions, I expect that the Committee will wish to consider in due course whether it needs to request an extension of the normal time allocated to Committee Stage.

I take this opportunity to thank the Minister and his officials for facilitating the Committee's exploration of the issues to date. Members will continue that engagement during Committee Stage. Go raibh míle maith agat.

**Mr Girvan:** I speak in favour of the Superannuation Bill. The fact that we must keep parity has already been mentioned. A number of Members are aware that, last week, the Minister talked about ensuring that Northern Ireland remained on the same Civil Service pay as areas of Great Britain.

I feel that that is the case and, as such, we should look along a similar line in relation to the costs that could ultimately be reflected on Northern Ireland and the Assembly if we break that rule at this point. I appreciate that this is one of the issues that will be brought up tomorrow, when the Committee, as was said, meets the trade unions, which may well have concerns about some aspects of how this will impact on members who are being made voluntarily or compulsorily redundant and

the time factor involved in the amount of pay that they will receive. I appreciate that the Bill provides for 21 months' payment for voluntary redundancy and 12 months for the compulsory. The Chair mentioned 15 months; maybe there will be some clarification on that point, but I understand it to be 21 months for voluntary and 12 months for compulsory redundancy.

As far as the 1972 Order is concerned, I appreciate the need to look at how we use the funds that we have more proactively and ensure that we do not spend more than we have been allocated towards these types of arrangements. The Committee has already met departmental officials, and a number of our queries were addressed at that session. As it stands, I support the Second Stage of the Superannuation Bill. I appreciate that it will impact greatly on the final payment that will be received by those people who, due to the economic climate, will lose their jobs in the Civil Service. We must consider that, and, even though we say that we support the Bill, we do not want to see people losing money from redundancy payments. Unfortunately, you cannot have your cake and eat it, but we have to make these judgements, and as an Assembly we must support that.

**Mr Cree:** I welcome the opportunity to speak on important legislation that has ramifications for a significant number of people in Northern Ireland. The Finance Committee has received briefings on a number of occasions on the Superannuation Bill. In effect, the Committee has been in limbo, as the corresponding legislation that was introduced in Westminster had been subject to legal proceedings, to which our Chairman has referred. I thank the officials for keeping us apprised of the situation up to this point.

I first want to deal with the legal challenge in GB. It was brought by the Public and Commercial Services Union and the Prison Officers' Association against the changes to the Home Civil Service compensation scheme introduced as a result of the Superannuation Act 2010 at Westminster. However, the legal challenge was unsuccessful, and that has left the way open to move forward with the Superannuation Bill that is before us today, and subsequently to amend the Civil Service compensation scheme in Northern Ireland. The effect will be to bring Northern Ireland into line with what has happened in the rest of GB.

As I said at the outset, the legislation will have ramifications for a number of people in Northern Ireland. Statistics from the Department show that the Civil Service scheme, at 31 March 2011, had just over 34,000 active members and that last year, the scheme paid out more than £232 million in pensions and lump sums. Therefore, due to the sheer volume of people that the Bill affects, we approach it with sensitivity and a good deal of sympathy.

To deal with the issue in its broadest sense, the compensation scheme determines the amount of compensation and early pension benefits to be paid to staff who face voluntary or compulsory redundancy.

The key changes to the scheme include that staff leaving on voluntary redundancy will — I will say this for Mr Girvan's information — receive a maximum of 21 months' salary and those leaving through compulsory redundancy will receive a maximum of 12 months' salary. I believe that, under the current system, members are entitled to a maximum of three years' pay.

Moving on, I will look specifically at the Bill's proposals. It is a short Bill, and, as the Minister said, it contains two main clauses. Clause 1 will remove the requirement to obtain consent from the Civil Service trade unions for reductions in benefits. However, that needs to be looked at alongside clause 2, which will augment the requirement on DFP to carry out consultation with a view to reaching agreement on any reduction of a compensation benefit. Clause 2 will also introduce a requirement for DFP to produce a report on such consultations. That report must be laid before the Assembly.

Overall, I believe that clause 2 means that trade unions' views will be adequately taken into account, despite their consent not being needed. It is also clear that the Assembly can perform an important scrutiny role of any changes through consideration of the DFP report. At this stage, I am satisfied with the Bill's general principles.

The issue that lies at the heart of the debate has been rehearsed in the House many times, and that is the issue of parity. The Minister and his officials from the Department of Finance and Personnel have made the decision that now is the time to introduce legislation to ensure that parity is maintained in that area. The Ulster Unionist Party supports that decision. There is little point in going over the detrimental effects

that a divergence from parity with the rest of the United Kingdom would have on Northern Ireland. During the debate on welfare reform, we heard, and will continue to hear, of the financial consequences of doing that. Suffice it to say, however, it is an important avenue that we should not, and will not, go down. The Ulster Unionist position is clear on that.

It must be noted that the Executive agreed a paper on 7 July 2011 that outlined that the Superannuation (Northern Ireland) Order 1972 needed to be amended. The paper also agreed to remove the need for union consent and to introduce detrimental changes to the current terms of the Civil Service compensation scheme (Northern Ireland). It also agreed to introduce requirements for DFP to report on its consultation with unions with the aim of reaching agreement on any such changes. Therefore, it is important to remember that, as it moves through the legislative process, the Bill has received the Executive's backing.

**Mr D Bradley:** Go raibh maith agat a LeasCheann Comhairle agus tá áthas orm páirt a ghlacadh sa díos póireacht seo ar an ábhar tábhachtach seo. Thank you, Mr Deputy Speaker, and I am pleased to participate in this Second Stage debate. At Second Stage, we are charged with addressing the Bill's general principles. In my view, one of its general principles revolves around how we deal with changes in transferred matters, which, in this case, means those financial issues that affect us as a result of legislation that has been introduced in Westminster.

As several Members said, parity is at the heart of the Bill. That goes alongside the breach of the social contract between unions and government, which has been part of compensation issues for a number of years now. Traditionally, there has been a tendency to follow parity. You could say that parity is the default position here, especially when there appears to be a cost to the Executive. However, in some cases, as in this one, we are not always given the exact figures and costings that are associated with breaking parity. In the case of this Bill, we are told that departure from parity will cost us more, but we are not told how much more. We are expected to make up our minds in a vacuum, without the necessary information being available. I wonder whether that is a good way in which to proceed. I think not, especially as this is such an important issue, which, as

the Member who spoke previously said, has the potential to affect the lives of so many people and their families.

### 1.30 pm

Apparently, the options were presented to the Minister and his view was that there would be a cost if we did not follow parity. We were told that there would be a cost to departmental expenditure limits and in the benefits payable to people, as well as a cost for different legislation and administration and, as the Chair of the Committee has said, for adjustments to the IT system. The question is this: how much, and could we afford the cost? Should we afford it? Without the figures, we do not know; we are in the dark. That begs the question: on what was the Minister's view based? Did he have a breakdown of the options and the costs? Did he make a decision on that basis? Or did he simply come to the conclusion, without any figures being available, that there would be a cost? Yes, there may be a cost, but let us know what it is so that we can make up our minds on the basis of fact rather than on the basis of what we think the cost might be. On some occasions, the cost might be worth paying.

Neither was the Finance and Personnel Committee presented with figures to indicate costs. There is a telling line in the evidence given to the Committee during the departmental briefing on the Bill on 7 March. An official laid out the Department's stall in relation to following or not following parity. Two issues were mentioned: the costs, for which, as I said, no figures were given, and mobility transfer across all public sector schemes. The official concluded:

*"that is a link that we and the Northern Ireland Executive have chosen to maintain."*

As I said, it is a telling remark. According to that evidence, it is not the Executive alone who have made the choice to maintain the link with parity, which, of course, is their democratic right.

**Mr Wilson:** Since the Member seems to be making such a meal of the whole issue of parity, maybe he will outline to the Assembly, just for the sake of clarity and consistency, what line the SDLP Social Development Ministers, Mr Attwood and Ms Ritchie, took when it came to welfare changes that were devised in Great Britain but had to be applied by them as Ministers. Did they not let the word "parity" slip over their lips on

quite a number of occasions in the Assembly as well? Or has the SDLP had a sudden aversion to the whole concept of parity?

**Mr D Bradley:** I thank the Minister for his question. It is a very good one, and I am eager to answer it. If the Minister casts his mind back to the Executive decisions on this particular issue, he will recall that the SDLP Minister voted against it. *[Interruption.]* On previous occasions and in other instances, he may have supported parity, but the point that I am making —

**Mr Wilson:** That is a good one. Thank you.

**Mr Deputy Speaker:** Order, please. Whatever your views on the pensions, you have to make your remarks through the Chair. Carry on, Mr Bradley.

**Mr D Bradley:** Thank you very much, Mr Deputy Speaker. The point that I am making is that it may be advantageous to follow parity on some or many occasions, or it may not be. However, if we are to make those decisions, we must have the information, the costings and the figures that help us make up our mind. The point I am making, and I am sure that the Minister and Chair will take note of it, is that on this particular issue, we did not have such figures and costings. I hope that that clarifies for the Minister the point that I make.

In the evidence given to the Committee, it very much appeared that this was a joint decision taken by the Executive and officials in the Department of Finance and Personnel. We have to ask who really is in control. Politicians need to show clearly that it is they who are in control.

As was mentioned, the main provisions of the Bill are to amend the Superannuation (Northern Ireland) Order 1972 to remove the need for union consent to introduce detrimental changes to the current terms of the Civil Service compensation scheme here and to introduce requirements for DFP to report to the Assembly on its consultations with unions with the aim of reaching agreement on any such changes.

Under the proposed changes, the maximum compensation payable under the new compensation scheme will be 21 months' salary for staff leaving on voluntary redundancy and 12 months' salary for those leaving under compulsory redundancy. There are two significant points to be noted there. The first is that there is now no requirement for agreement to be reached, just that consultation be carried

out with the aim of reaching agreement. The second is that the Department and the Minister are required to report on their consultations and to lay that report before the Assembly. It is far from clear whether that gives the Assembly the opportunity to debate and vote on that report. I ask the Minister for clarity on that. Is it that a report will be laid in the Library and the Assembly will be presented with a fait accompli, with no power to reject the report or even to question the Minister on it, or will the report come before the Assembly in the Chamber so that Members will have the opportunity to question the Minister on it and, indeed, to vote on it? That is a very important matter and relates to the powers of the Assembly to scrutinise the work of Ministers and Departments.

If that is not the case, then this Bill presents the danger of undermining the scrutiny role of the Assembly, and we should be very unwilling to accept that. Under those circumstances, the Department and the Minister would have a free hand to change the compensation schemes at will without any accountability to the Assembly. I am interested to hear what the Minister has to say in response to that. I draw my remarks to a close and await the Minister's response.

**Mr Dickson:** I am speaking on behalf of the Alliance Party in the absence of my colleague Mrs Cochrane, who would normally speak in such a debate, but she is travelling with the Speaker this afternoon.

I welcome the opportunity to speak on the Bill. Following the Superannuation Act 2010, which removed the requirement of the Superannuation Act 1972 for trade union consent to critical changes in the Home Civil Service compensation scheme in Great Britain, this Bill was crafted to complement and reflect those predetermined provisions and, significantly, to place Northern Ireland on a level playing field with regard to parity alongside our counterparts.

Taking into consideration the unpredictable and ongoing nature of the economic uncertainty facing our society, there is an evident and pressing need for us continually to revise and refine how we govern. That is equally applicable to the process that we employ in maintaining pension and compensation schemes for our public sector.

As touched on by other Members, the Bill primarily provides for amendments to the Superannuation (Northern Ireland) Order 1972,

with the fundamental change relating to the need for trade union engagement when making changes to the Civil Service compensation scheme. Current legislation dictates that the Department must obtain the consent of the trade unions before it can make any adverse changes to the existing scheme. Under the new proposals, the historical requirement for trade union consent will be removed, meaning that the Department will be free to proceed with changes without requiring external approval.

Our trade unions play a vital part in the representation of public sector workers, and constructive engagement should be both pursued and encouraged. Although I have concern over the removal of the trade union consent as a requirement, additional measures in the Bill seek to redress the balance and ensure that due process and credence is given to the trade union voice.

As I have said, constructive engagement with trade unions should be both pursued and encouraged. In order to appropriately and comprehensively give trade union representatives their rightful place, new requirements in the Bill call upon the Department to report on the success and nature of the consultation it engages in with the trade unions, with a view to reaching agreement suitable to all sides.

In line with the amendments, the Department is required to bring a formal report before the Assembly. I look forward with interest to the Minister's comments on how that report, which is on any proposed changes to reducing compensation levels payable to civil servants on redundancy, will be done. The introduction of such a requirement places responsibility on the Department and the Minister to be transparent and accountable in how they present information and engage in consultation.

Although the opportunity for greater consideration and scrutiny will arise when the Bill is brought before the Finance and Personnel Committee, I hope that all Members will take advantage of the time afforded to them before the Bill reaches its next stage in this Chamber and that both the Department and the Minister will give careful consideration to any concerns raised as and when they become apparent, bearing in mind that any changes to the provisions we afford our public services will impact on the processes by which we govern. We must give



due consideration to the economic climate in which we operate, and, above all, we need to be able to justify and stand by our decisions.

The proposed changes not only seek to maintain parity and ensure our public servants have equal status with their GB counterparts, but in principle seek to take account of the prevailing economic winds. It is on those grounds that the Alliance Party offers its support to the Bill at this stage.

**Mr Hilditch:** I will be brief. I support the Bill and look forward to its Committee Stage in the days ahead and the work that that will entail on what is an important piece of legislation.

Clearly, employment cultures change. More often than not, it is not just an annual salary that is taken into consideration when people set out on their careers. The overall package can be crucial, and elements within that are taken into consideration when someone sets out on a career path. Those elements are high on people's list of priorities when they are applying for work and looking at where they will be in future years. Particularly in today's economic climate, most people will look at the finer detail before taking their first step on the career ladder. Universities and colleges are training graduates and are playing an advisory role in identifying career-linked benefits.

With the parity issue in mind, I want to seek a number of assurances on some of the elements associated with the Bill as it prepares to advance to its Committee Stage, which, as the Chairperson highlighted, begins tomorrow. Will the Minister give us some detail on how any proposed new scheme would be able to protect the lower paid and limit payments to higher earners? As I stated before, the situation of the lower paid is important, so hopefully there is some protection in the scheme for them and people in that group will see that.

Given the issues that have, unfortunately, grabbed the headlines in recent times in other places, can we look at situations in any scheme where there is an opportunity for someone who has retired to regain their position in the Civil Service at a later date after a change of mind? What would happen to compensation payments when rejoining? Further to that, are there any issues there for the folk who fall into the partial retirement category? How would that impact on their situations?

With those points of clarification, I support the Second Stage of the Bill and look forward to the scrutiny at Committee level.

**Mr McLaughlin:** Go raibh maith agat, a LeasCheann Comhairle. I find this a particularly difficult discussion for this Assembly, but I see it as a challenge. I very much look forward to hearing what the unions have to say tomorrow. However, I note that none of them, including NIPSA, has yet made a formal submission to the consultation. As we know, they have joined the legal challenge in London, and that reflects their general approach to negotiations. They prefer to align themselves with the direct negotiations with Treasury on pay rounds and are strongly of the view that that should be reflected in the parity application of any outcome of those negotiations. The unions may give some steer to the Committee tomorrow, and we will certainly question them on that. However, my understanding is that, notwithstanding failure to get a positive outcome from the legal challenge, the unions have not reconsidered their traditional approach — if I might use that term — of shadowing the pay negotiations at Westminster, which, generally, are then applied directly across.

#### 1.45 pm

Clearly, the issue for the Assembly and the Executive is how we find an approach that uses the powers that we have already and that reflects the position of the unions and the situation that applies elsewhere, in a way that the public can understand.

The public sector is the mainstay of our local economy in many ways, and any detrimental effect on its spending power is a factor to be considered. My sense of the debate thus far is that we have not been provided with sufficient empirical evidence of comparisons of pay grades in the public and the private sector. People may also argue that, under the arrangements that have pertained so far, in which we shadow the Westminster pay negotiations, there is a widening gap between the public sector and the private sector here and that those arrangements contribute to the imbalance in our economy. The Committee should take a long-term perspective on that issue, with a view to achieving what has been a very consistent priority for the Assembly and its Executive since the re-establishment of the Assembly at Stormont.

We have also discovered other issues. Westminster Departments tend to operate with an even greater silo mentality than Departments here. At least here there is access to the gene pool of experience and talent and an ability to transfer between Departments to take best advantage of it. I do not speak with any authority on the extent to which that is maximised, but at least it can happen. As I understand it, one Department at Westminster could be making civil servants redundant at the same time as another is recruiting. That seems to be a very expensive and wasteful practice, both in itself and of experience gained. Our Civil Service is at least ahead on that particular curve.

There is also an issue that arises from the arrangements and packages that have been negotiated. One report that I have heard about indicates that there are up to 1,700 civil servants who are simply too expensive to make redundant. They have such packages in place that the Civil Service cannot afford to make them redundant. I ask the Minister whether that situation applies here. I am constantly bemused by the fact that we have over 200 senior civil servants in what is quite a small region. While we are having this discussion, the question pops up of why we have so many and why we do not seem to be able to do anything about the excessive numbers. That should be one of the issues that we consider when approaching the question.

At the end of the day, decisions have to be made, and the Assembly should be allowed to have buy-in. I have serious concerns that simply laying an order will affect not only the immediate implementation of the new policy but any future amendments to it. The Assembly should make its views known in respect of that very clearly to the Minister.

I understand that there is a possibility that this will be addressed, and I strongly affirm my support for that. The Assembly should be consulted. There should be a process, and it is well within our gift of positive or negative resolution that each measure in respect of the introductory phase and any subsequent amendment to the scheme is brought back to the Assembly for consultation. That is in the interests of the Executive and the particular Minister concerned.

It is also in the interests of the Assembly to take a corporate view in addressing anomalies

and inconsistencies that have developed over time or in terms of transfer from one type of government to another. This is an opportunity to put our fingerprint on it. I want to have robust engagement with the unions about the approach that they have taken up to now. There are anomalies that are not necessarily working in the broadest interests of the economy. However, their perspectives and their buy-in, if we can achieve it, are absolutely vital. Therefore, the measures of consultation in respect of the new scheme will be a crucial test, and I look forward to hearing what the Minister has to say about those points.

**Mr McQuillan:** I support the Second Stage of the Bill. The Bill will ensure parity with the rest of the United Kingdom after the passing of the Superannuation Act 2010, which removed the requirement of the Superannuation Act 1972 for trade union consent on detrimental changes to the compensation scheme for the Home Civil Service in Great Britain.

The Department of Finance and Personnel has authority under the provisions of the Superannuation (Northern Ireland) Order 1972 to make, maintain and amend pensions and compensation schemes for the Northern Ireland civil servants and other employments listed at schedule 1 to the Superannuation (Northern Ireland) Order 1972.

The Bill removes the requirement that exists under the Superannuation Order 1972, whereby the Department of Finance and Personnel must secure the consent of trade unions to introduce detrimental changes to the Civil Service compensation scheme. Those provisions are contained in clause 1 of the Bill.

The Bill also introduces new requirements, contained in clause 2, for the Department of Finance and Personnel to report on the consultation it has engaged in with the trade unions, with the aim of reaching agreement on detrimental changes. Under the new requirement, the Department must lay a report before the Assembly describing the consultation process it has undertaken on the proposed changes that would have the effect of reducing the level of compensation payable to civil servants on redundancy. That is something that I feel is fair and more transparent, as the Department, in its consultations, will be held to account by the Assembly directly.

Recently, in the Chancellor's Budget, the idea of regional pay rates for employees of the Northern Ireland Civil Service was floated. The Finance Minister is on record as opposing such a scheme, which would not only harm employees of the Northern Ireland Civil Service and its associated agencies but would result in unequal pay scales being introduced across the United Kingdom. In my opinion, that is not in line with the principles of fairness and equality.

For that reason and for ensuring equality, I support the Bill, which would see employees here treated no differently from employees anywhere else in the United Kingdom. If the Assembly retained the Superannuation Order 1972, we would only see additional superannuation costs having to be met by this House, meaning that the Executive would have to take money from somewhere else in order to pay for it. That is something that I cannot support. Members are, therefore, duty bound to ensure parity with the rest of the United Kingdom, as the Northern Ireland Civil Service is essentially Northern Ireland's biggest employer, and, by doing so, to protect Departments from being hit with the large compensation payouts that would result from the retention of the current consultation exercise. Therefore, I support the Second Stage of the Bill.

**Mr Allister:** The compulsion of parity means that this is largely an academic exercise, but it fills some time in the Assembly, although, judging by the interest in this debate, not a lot of time.

I am left wondering a little bit about the Minister's belief in the Bill, because I note that his colleagues voted against its parent Bill, the 2010 Bill, when it was going through Westminster. The Minister does not appear to have voted; I do not know whether that was by accident or by design. No doubt he will tell us whether he was foreseeing this day, when someone like me might get up and rebuke him for wanting to lead us in a direction he had voted against. Certainly, his party and his colleagues in Westminster voted against the Superannuation Bill of 2010, but, today, they have been professing their support and belief in this Bill, which, to all intents and purposes, is identical. I am sure that there is a very compelling explanation for that, and I am sure that, at this moment, the inventive Minister is thinking about what that is, and we will hear it in due course. It is a point that is worth noting upon, particularly since he talked to us about

clarity and transparency being so important. No doubt, we will have some clarity on that issue before the debate is out.

The pretence that clause 2 will afford consultation with the unions is quite farcical, because clause 1 makes it abundantly clear that you can consult with the unions as long as you like, but they have no veto; their consent is not required. Although the Department will, doubtless, go through the motion of consultation with the unions, in parallel with what has happened in another place, the reality is that, at the end of that process, the unions will be told, "We hear what you say, but this is how it is." Clause 2 is much window dressing. As it was in the 2010 Act, so it is in the local Bill. We know much in the House about mutual vetoes and how one side can, sometimes, be forced to make a concession it does not wish to make, because if it wants progress on something else, it has to concede on that particular issue. In this case, however, there is no veto. The veto is with the Department and, therefore, the Department will simply go through the motions, hold the line and say, "There it is."

The one area that concerns me the most relates to low-paid civil servants. We are making a distinct detrimental change in reducing the level of compensation from three years to 12 months in a compulsory redundancy. I am not particularly concerned about whether our overpaid senior civil servants and their compatriots, the overpaid special breed who are called Spads, are reduced to 12 months' pay on exit, which, in the case of some Spads, might be a mere £90,000. I am not particularly concerned about them, but I am concerned about the low-paid civil servant who is earning maybe £17,000, £18,000, £20,000 or £21,000 and who, hitherto, after many years of service, could at least have had the cushion of a significant sum of money accumulated over the three year compensation. Now, in a climate in which employment is so difficult to attain, they find that all they will have is 12 months' compensation. I suspect the Minister may well sympathise with aspects of that, but his Bill will drive that situation, if compulsory redundancies arise amongst the lower ranks of the Civil Service.

## 2.00 pm

We all recognise — at least, most of us recognise — that the primary issue here pertains to parity. It is the compulsion of parity that will propel

the Bill through, drives the content of the Bill and will enforce the Bill. However, in the context of recent speculation about parity pertaining to public pay and regional diversity, the House needs to be careful about how it plays fast and loose with parity. This House, in part, and this Executive have set the scenery for interference with parity, such as could come in respect of public pay disparity, by playing fast and loose with parity. When it comes to taxation, we have no allegiance to parity. We pander, and we demand change on corporation tax. We say that parity is not for us on taxation. Do not, therefore, be surprised if, in consequence, the Treasury says that, if we are not signed up to parity on income and taxation, we should not expect it to sign up to parity on expenditure. That is a concern: this House, sowing what it sows, could yet reap, in a far more ravaging sense, the demolition of aspects of parity in respect of public pay. For me, that is a considerable concern and one that makes the price that may be paid in respect of corporation tax an even greater one than looks to be possible at this moment.

There are issues. I look at the Bill and, knowing that it will be propelled by parity through the House, wonder why we simply did not do it by a legislative consent motion. I think we all know in this House that the Bill is going through. This Bill will be signed up to because of the compulsion of parity. However, we will, no doubt, go through the motions of debating it here, debating it in Committee and, at the end of the day, doing what could have been done by a legislative consent motion.

**Mr Wilson:** I thank all the Members who have taken part in the debate. Despite the comments made by the last Member, I think that, although there have not been a huge number of Members in attendance, we have had an interesting debate with some very important points raised. I will seek to address all those points; I will not dodge any of them, including the point made by the Member for North Antrim.

I thank the Committee for the work it has done to date on this. I look forward to the work it will do at Committee Stage and the report that will come at the end of that for final debate in the Assembly.

I will deal with the general points that were made, referring to specific Members as I go. The point of clarity has already been made: for

the voluntary redundancy scheme it will be 21 months, and for compulsory redundancy it will be 12 months. Indeed, the Member for North Down was trying to make me redundant — I do not know whether it was compulsory or voluntary — by answering the question that Mr Girvan raised on the issue.

A number of issues were raised about the Bill. The first was on the need for the legislation. Of course, there is the issue of parity and the fact that there will be costs associated with the Assembly, both in the cost of the compensation payable and the cost of administration. Mr Bradley made the point that, if we are going to talk about compensation and say that there are compensation costs, the Assembly should at least have some idea of what those costs are likely to be. As I pointed out in the intervention, that doctrine was not followed by the SDLP Ministers when they were in the same position. Mr Bradley pointed out that parity might be beneficial at times. Parity was very beneficial; it was a very beneficial argument for Mr Attwood and Ms Ritchie when they wanted to dodge any questions about why the SDLP was following the benefit and welfare reform line for the rest of the United Kingdom even though it was probably against their Social Democratic and Labour Party principles. They did it on the basis of parity. I do not remember costs ever being given at that stage. Nevertheless, I will outline the calculations that we have done for the cost of not maintaining parity. Apart from the administrative changes — I have outlined the IT system, communication etc — there will be the direct costs of the differences in the compensation.

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

**Mr Wilson:** Let me just give the figure. According to the calculations that have been done so far, under the old scheme — the scheme as it exists at present up to the three years — the cost would be £12 million if you were to make 100 staff redundant. Under the new scheme, it would cost £7 million. That is a difference of £5 million for every 100 redundancies. That is a rough calculation, and it contains a number of assumptions. However, it is a conservative value that we have attached to the parity costs.

**Mr D Bradley:** I thank the Minister for giving way. He alleges inconsistency in the SDLP's approach to parity. How does he explain his

party's inconsistency on the Bill, voting against it at Westminster and promoting it here today?

**Mr Wilson:** I would have been a bit embarrassed to raise that point. If the Member is going to make a point, he should not steal it from the Member for North Antrim. I will address that point anyway, but the Member should be original in his thinking, for goodness' sake. If he is going to think of criticisms that he wants to address —

**Mr D Bradley:** Answer.

**Mr Wilson:** I am going to answer it, but I need a bit of a lead-in. Just give me the time to answer it. If the Member wants to make points, he should at least be original. He should not go around stealing points from other Members in the Assembly, for goodness' sake.

Let me address the question just in case I forget it and then find myself accused of trying to dodge the point. I thought that this point might come up, although I did not expect that so much research would have been done. However, knowing the thoroughness of the Member for North Antrim, I suppose I should have expected it. I did not vote on the issue in the House of Commons. The issue was live at that time, and it was coming to Northern Ireland, although, on other occasions it has not. As a party, we felt that there were issues that we would prefer not to see changed. There were some things in the Welfare Reform Bill that we voted against, and there have been some issues in the Budget in past years that we have voted against. Where we feel that the change can be made, we seek to make the difference by being there and voting on the issue. However, once the issue has been decided in the House of Commons and it comes to Northern Ireland, there are times when a view has to be made on balancing whether we continue to have a different regime that is costly or, having made the arguments and lost them, we simply implement the changes here.

The view that we have taken on this one is this: yes, had there been the ability to change the view of the Government at Westminster, of course we would have done that. However, having not succeeded in that, why should we then impose unnecessary costs on ourselves? Secondly — this is important — why should we continue with a regime that leaves Northern Ireland open to legal challenges, as some Members pointed out? One reason that changes were required was that the current system relates not only to the length of service but to

the age of people who are made redundant. I do not think that it would have been long before we got a challenge on the grounds of age discrimination.

There is a three-year element to the system at present, as Mr McLaughlin said. The Member for North Antrim asked how the change will impact on the lower paid: the three-year rule also made it difficult — or too expensive — to make some people in the system redundant because of the level of compensation that would be required. There are good reasons why some of the changes need to be made, including practical benefits and to avoid legal challenges.

Members spoke about how the situation had changed from unions having a veto, where there had to be agreement, to a process of consultation. I take issue with the point raised by the Member for North Antrim, who said that he felt it right for that veto to be maintained — I see that he shakes his head — and that we were doing damage by removing it.

**Mr Allister:** My point was that the Bill is disingenuous by pretending that there is a consultation process that could have an effect, when in reality it is window dressing, given that the veto rests with the Department and no veto rests with the unions.

**Mr Wilson:** Perhaps the Member has clarified his position; I thought that he was opposing that aspect of the Bill. People have asked whether the consultation is purely window dressing. They have asked what the Assembly's input will be when the consultation has taken place. Clause 2(3) of the Bill states:

*"Before the scheme comes into operation, the Department must have laid before the Assembly a report".*

First, that report must show that consultation has taken place. Secondly, it must show the steps that we are taking with a view to reaching agreement. That is the purpose of the consultation: it must be genuinely undertaken in order to reach agreement. It is not a bit of window dressing. To ascertain whether that has happened, the report must include a clear statement of the steps taken to reach agreement with the trade unions and whether such agreement has been reached. I do not accept the point that this is simply window dressing.

Another point, first raised by Mr Bradley and then reiterated by other Members, concerns the role of the Assembly. So what if the report is laid before the Assembly? What role does the Assembly then have? The report will be for information after the consultation has taken place. It is not part of the consultation, but I do not need to preach to the Member what mechanisms are then available. Many reports are laid before the Assembly, and the Assembly has ways of dealing with them, either through Members' questions or debates in the House or by referring them to Committees. I am sure that Members will be ingenious in finding ways of ensuring that such reports, when laid before the Assembly, have an opportunity for public airing.

### 2.15 pm

**Mr D Bradley:** I thank the Minister for giving way. Considering that the changes are important and will have a serious impact on people's lives, does he not agree that the Assembly needs much more accountability on the issue? Does he not agree that, given the protection that civil servants had previously, in so far as their unions had a veto, it would be appropriate that the report comes before the Assembly in the Chamber, is open to question and, indeed, is voted on? That would afford civil servants further assurance that their rights would be protected fully.

**Mr Wilson:** I am not sure what the Member is actually asking for. Is he now saying that the Assembly should be the body that negotiates directly with trade unions about levels of compensation? If that requires Assembly support before it can go through, he would actually be putting the Assembly directly in the line of negotiation. For example, if a report comes to the House and it shows that all reasonable steps were taken to reach agreement and it was not possible to do so, is the Member saying that, despite not having been involved in any of those negotiations, Assembly Members should have the opportunity to say that they do not believe that adequate steps were taken or that they do not like the outcome and, therefore, want a different outcome? The purpose of the Bill is to ensure that there has been fair negotiation and that it has not been a case of walking in and saying, "There is the compensation scheme. Take it or leave it. Bye, bye", and walking out again. The report must show that all reasonable steps were taken. Of course, the Assembly would have

concern if it were shown that reasonable steps to reach agreement were not taken. That is the Assembly's role. It is not its role to negotiate compensation levels.

**Mr D Bradley:** I thank the Minister for giving way. That is the exact point that I am making. If proper steps have not been taken to reach agreement, the Assembly has no power over it. The Assembly merely has a report laid before it. It has no power to reject that report.

**Mr Wilson:** I would have thought that we were actually giving the Assembly more input now. The Member well knows that, given the scrutiny that there would be of such a report laid before the Assembly, if it were seen that reasonable steps had not been taken, he and other Members would have lots of different opportunities, through Committees, debates on the Floor, questions to Ministers et cetera, to ensure that that point was made and highlighted. That is much more input than the Assembly has at present.

The third issue that Members raised was the protection of lower-paid staff. Mr Hilditch and Mr Allister raised that issue in their contributions. Mr Allister pointed out that, under current arrangements, those who are in the lower-paid group at least receive a maximum of 36 months' pay if they are made redundant. I noted that he took the lower, compulsory redundancy figure of 12 months, rather than the voluntary redundancy figure, and said that, under the new scheme, the cushion is removed substantially.

I suppose that, first of all, there are two provisions. The first issue is that most redundancies that have taken place have been voluntary. I stand to be corrected, but I do not think that there have been any compulsory redundancies for a reasonable period. We are more likely, therefore, to be talking about the 21-month limit than the 12-month limit. Secondly, under the new scheme, there will be a minimum pay level for which people will be considered, which is £23,000 per year or the part-time equivalent. So, to take Mr Allister's example, someone on £17,000 a year would be treated as if they were on £23,000 a year, and, if they went for voluntary redundancy, they would get compensation of 21 months' payment. Although there is a reduction in the number of months of compensation they would receive, the uplift in pay that they would receive would mean that the compensation payable

would be more or less the same under the new scheme. They would receive an uplift in pay of over 33%, and the reduction from 36 months to 21 months is just over 33%. Therefore, the compensation should not be that different, and that will protect the lower-paid. At the upper end — I think that this addresses Mr McLaughlin's point — compensation would be limited to a maximum of £149,820. Even if someone earns £160,000 a year, their compensation would be limited to that maximum. Therefore, there will be a pulling-back at the upper end of the scheme, and protection has been built in for the lower-paid. Part-time workers, who perhaps only work half a week, will receive a full-time equivalence and their compensation will be worked out on a pro rata basis.

Mr Murphy and one other Member raised the issue of human rights. That was the subject of a court challenge in England, and the court rejected the human rights argument. It did not take the view that human rights extended to a veto over any provisions or that provisions had to be continued for those who had made payments in the past.

Mr McLaughlin and Mr Murphy raised the gap between wages in the private sector and those in the public sector. Mr McLaughlin pointed out that there was a widening pay gap and asked what implications that would have for the compensation scheme. I do not want to get into a debate about the gap between private sector and public sector pay in Northern Ireland. The whole point of Arlene Foster's and the First Minister and deputy First Minister's strategy to attract investment to Northern Ireland is to get private sector wages up. It is not about bringing public sector wages down. We do not want to become a low-wage economy in Northern Ireland, and I do not want to go down the route of debating the differences between private sector and public sector pay and how that should be reflected in compensation levels.

Mr Allister and other Members raised the issue of parity. I indicated that the costs require parity, and I do not think that we have been inconsistent on that issue. There have been occasions — for example, with air passenger duty — when we said that we wanted to have control over certain tax levels to manipulate certain variables in our economy. That is not a general attack on parity itself. I have made myself unpopular with Members by saying that we have to be careful when it comes to asking

for separate arrangements for Northern Ireland. However, there are occasions when that is justified and we can show a specific, economic benefit from doing so. I do not believe that we have laid ourselves open to a charge of hypocrisy on the issue of parity.

I know that we are drawing close to Question Time. I thank the Members who took part in the debate and welcome the support that the Bill has received to date. I understand that Members have raised very genuine issues, some of which, I am sure, I have not convinced them about at this stage. However, there will be other opportunities to do that. The Bill will now proceed to Committee Stage.

The Bill is short and targeted. It is vital because it seeks to ensure that there are fair and affordable superannuation payments for members of the scheme in Northern Ireland. I commend the Bill's Second Stage to the Assembly.

**Mr Deputy Speaker:** As the Minister has pointed out, Question Time begins at 2.30 pm. There have been indications that there may be a Division. I suggest that the House take its ease until then. The Question on the Second Stage of the Bill will be put directly after Question Time.

*The debate stood suspended.*

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

2.30 pm

## Oral Answers to Questions

### Environment

**Mr Deputy Speaker:** Questions 2, 3 and 14 have been withdrawn.

#### Wildfires

1. **Mr Boylan** asked the Minister of the Environment for his assessment of the recommendations contained in the report of the interdepartmental working group on wildfires.  
(AQO 1620/11-15)

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

I thank the Minister for his question, which is particularly timely, given the good weather of the past week and which is forecast for the coming week. There is a particular obligation upon all who use the countryside to ensure that there is no reckless or deliberate behaviour in the next period to ensure that last year's events are not replicated. As the Member is aware, I convened an interdepartmental group to look at the issue. It has now reported to me, and that has been useful. As a consequence, I have now written to my colleagues in the Department of Agriculture and Rural Development (DARD), the Department for Regional Development (DRD) and the Department of Health, Social Services and Public Safety (DHSSPS) to propose a strategic wildfires forum, borrowing from the model in Scotland and in parts of England, to ensure that measures are taken to mitigate risk in the future.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. What resources will be made available to fully implement the recommendations in the report?

**Mr Attwood:** Resources are already directed towards ensuring the protection of natural habitats. For example, nearly £250,000 is given to the Mourne Heritage Trust in an effort for it to, among other things, protect the habitat of the Mournes, and it has been doing a very successful job. Similarly, I have made it clear to officials that funding for the equivalent group in the glens should be forthcoming to enable

it to assist in the management of the habitats in the glens of Antrim and the Causeway Coast generally. Under legislation that was passed by the Assembly last year, other public bodies have an obligation to protect biodiversity in areas where they are responsible, and I hope that other organisations and other Ministers will protect all of that as we go forward. More than that, people have to be more responsible. There may be a need for by-laws on the use of campfires and barbecues. There may be a need for councils to provide greater wardening services, and there may be a need for proper and controlled burning in areas at risk. In all of those ways, beyond resources, the problem may be addressed.

**Mr B McCrea:** What actions does the Minister envisage in advising people in the peatland areas, where there is a particular issue with fires?

**Mr Attwood:** First, in some places at some times, there will be a need for controlled burning. If there is going to be controlled burning, it should not be in areas of blanket bog and it should not happen during the season of ground-nesting birds. It should happen in a way that mitigates carbon emissions and does not interfere with water quality and catchments in the area. If those standards are deployed, controlled burning might be appropriate, but it should not be appropriate in areas of blanket bog, given the value of the bog for diversity, given that it retains carbon and given the damage that burning would cause to the natural habitat.

**Ms Lo:** The Minister is probably aware that the Committee met the group, and we looked at the recommendations. We very much welcome the report. The first recommendation was for the protection of a strategic wildfire management plan. When will that be produced?

**Mr Attwood:** It will be produced if I can get buy-in from ministerial colleagues. It would be somewhat unilateral — although I am minded to act in that way at times — if I were to convene a forum without having those responsible for the farming industry and the fire and safety agencies in the room. So, subject to the views of the relevant Ministers, a wildfire prevention plan and a forum will be created to borrow from best advice in other jurisdictions and to apply our own minds to manage that going forward.

Ultimately, it seems to me that, if the Assembly can pass legislation for national parks and then deploy resources to follow national park



designation, we will have a further mechanism to protect areas of diversity through the national plans framework to ensure that what happened in and around this time last year is not replicated in future years.

**Mr Deputy Speaker:** Members, I remind everyone not to have conversations during Question Time. If you want to have a conversation, please go outside the Chamber. I certainly wish to listen to the answer and hear the questions that are being asked.

**Mr D Bradley:** Go raibh maith agat a LeasCheann Comhairle agus gabhaim buíochas leis an Aire as a chuid freagraí go dtí seo. I am grateful for the information that the Minister gave on the investment in the conservation measures in the Mourne. Can anything further be done to protect areas such as the Mournes and the Ring of Gullion? Is there scope, in some cases, for cross-border co-operation on that issue?

**Mr Attwood:** I thank the Member and acknowledge the many good organisations, not just the heritage trust in parts of the North, including those in Slieve Gullion. I was recently in Camlough, and I passed by the lake. There are organisations there that are funded by government and by local councils and are doing mighty work in managing the area and in creating tourist opportunities and local employment. The more groups that are formed to manage our habitat, rivers and lakes, the better the management of the natural assets, which are such a wonder of this part of the world, will be. On the far side of our national parks legislation — if that is the mind of the Executive and the Assembly, and I trust that it will be — the opportunities for a cross-border national park arises capturing the Cooleys, the Mournes and Slieve Gullion. That would make a very big statement about the quality of natural assets on this island and about the opportunities for jobs in tourism going forward.

## Alcohol Misuse

4. **Mr Byrne** asked the Minister of the Environment for an update on his discussions with publicans and bus operators in relation to curbing irresponsible practices involving alcohol.  
(AQO 1623/11-15)

**Mr Attwood:** I thank the Member for his question. I acknowledge that the Minister for Social Development is bringing forward regulations on irresponsible drink promotions further to

the legislation passed by this Assembly last year, and I acknowledge that the Minister of Health, Social Services and Public Safety is also bringing forward minimum unit pricing proposals. Further to the initiative taken by Michael McGimpsey and me last year, a model has been adopted by the London Government in the past number of days to take other issues off the front page.

The Assembly, through the various Ministers or otherwise, needs to bear down on irresponsible actions, be it by those who sell drink in on-sales or off-sales or those who allow drink, especially excessive drinking, on buses or coaches. Those issues clearly now need to be addressed. In my meetings with the bus and coach operators and the nightclub owners, I said very firmly that the public, media and political spotlight is now very much concentrated on them and their activities. There are many good bus and coach operators, and there are many responsible sellers of drink, both in off-sales and on-sales. A small number are clearly on the wrong side of the law, and their irresponsible practices now need to be curbed. I will be bringing forward various proposals, both in respect of entertainments licences and bus and coach operator licences, in the near future.

**Mr Byrne:** I thank the Minister for his answer. Can he say whether any further consideration has been given to any other measures that might help to alleviate the problem? I agree with him that there are many responsible bus operators and, indeed, publicans and nightclub owners.

**Mr Attwood:** I acknowledge the last comment. There was one coach operator at the meeting recently who had a booking for a coach to take people to an underage disco. He said at the time of the booking that he would insist that there was no alcohol for sale. When he turned up to collect the underage people, another bus turned up and offered its services to those young people, with alcohol to be consumed on the bus. That is the sort of irresponsible behaviour we have on one hand and the sort of responsible behaviour on the other.

How do we take this forward? When it comes to the irresponsible nightclub owners, there should be a capacity, through the Department of the Environment (DOE), to build more rigorous terms and conditions into entertainments licences when those are issued. At the moment, DOE issues model terms that guide local councils

on what should be built into the body of a licence. There should be a capacity, through my Department, to build into the model terms more demanding requirements on nightclub owners when it comes to the sale and consumption of alcohol in those premises. I intend to bring that forward in the near future.

Similarly, when it comes to coach and bus operators, is it credible that those who travel from point A to point B do so listening to disco music and having disco lights? Is that a safe mode of transport? Is that an interference to the bus driver? Does that not carry risk to those on the bus and to those who are using the roads? Those are the sorts of issues that we are drilling down on in order to determine if there are requirements that we can build into the PSV regime —

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

**Mr Attwood:** — that will see bus and operator licences more rigorously enforced.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. Given that the proposed new legislation might apply only to bus and rail stations, what measures in relation to alcohol and antisocial behaviour might be put in place to apply to park-and-ride bus shelters and stops?

**Mr Attwood:** The rules, if there are any changes to them, will not just apply to stations. They will apply to the buses and coaches themselves; those, at least, that are operated for commercial benefit. At the moment, when a PSV bus goes in for approval and checking annually, there are requirements laid down in respect of the PSV licence. It may be possible to build some restrictions into that licensing regime in respect of what can and cannot happen on a bus.

Similarly, when it comes to the consumption of alcohol on buses, which is not allowed, the law may need tightening up so that any bus driver or operator who allows the consumption of alcohol on buses that they have offered for commercial use may, like people who may consume alcohol on buses, be vulnerable to the law and be guilty of an offence. All of that will come down to enforcement. That is why the Driver and Vehicle Agency (DVA) has been conducting — I have instructed it to continue to conduct — targeted enforcement operations against bus operators who, according to local intelligence and evidence, may be engaging in practices that see excessive amounts of alcohol being consumed

on buses, with all the health and welfare risks that arise.

**Mrs Dobson:** Will the Minister detail what discussions he has had with publicans and the taxi industry to help to curb irresponsible drinking and subsequently to lead to safer travel home?

**Mr Attwood:** I thank the Member for her question. As I indicated earlier, following the recent attention around these issues and tragic events that have occurred, I convened two meetings. One was with nightclub operators and was attended by about 45 people, and the other was with coach and bus operators and was attended by about 25 people. There was a very quiet mood at the meeting with the nightclub owners. I think that the operators in that room, who may have been subject to some public comment recently and may be prima facie in breach of the law, knew that, as I indicated earlier, the political, media and public spotlight was very definitely trained on them. The message that they received from me, from Pubs of Ulster, which has provided great assistance in this issue, and from the superintendent of the PSNI in Belfast who is responsible for that end of the business, was very clear: there will be greater enforcement, there may well be more laws, and entertainment licensing regimes may well be upgraded. Nightclub owners, especially one or two of the big ones in and outside Belfast, need to realise that they have to get their house in order. The law will be amended and there will be greater enforcement to ensure that their houses are in order.

2.45 pm

### Planning Applications: Local Council Opposition

5. **Mr G Robinson** asked the Minister of the Environment what consideration Planning Service gives to a local council's opposition to a planning application. (AQO 1624/11-15)

**Mr Attwood:** I thank Mr Robinson for his question. In two or three years, the situation will be very different to the one that prevails at the moment. In two or three years, on the far side of the review of public administration, local councils will have the responsibility to determine planning applications, save those of a strategic nature, which will be retained by DOE at a strategic planning level. In the future, as I have said very often, a big challenge for local councils

will be that they will be the planning authority and will have to make decisions on the vast majority of planning applications. It will be a big challenge to local councils to ensure that they fulfil the standards of being a planning authority rather than continuing as they have before, legitimately, as a group of planning lobbyists in respect of planning applications that come before the council.

When it comes to the current role of a council in a planning application, under the law, the Planning Service has a duty to consult, and the views of the council will be a material consideration. Under current practice, a weekly list of applications is provided to the council. If councillors object to one that is proposed for streamlining, it will be withdrawn from the streamlining list. Councillors can have planning applications deferred for office meetings, and, in exceptional circumstances, for site meetings. On rare occasions, subject to certain rules, there can be a referral to the management board. Councillors and councils may feel that their views are not fully taken on board, but there are adequate opportunities under the law and in policy for those views to be taken on board by the Planning Service.

**Mr G Robinson:** In the meantime, can the Minister assure the Assembly that council opposition to a planning application is given full and proper recognition by planners? There is a belief among the public that that does not happen in some cases.

**Mr Attwood:** I thank Mr Robinson for that question. It may be that, behind the question, there is a particular matter that he is anxious about. He has repeatedly raised with me the issue of an application in the Limavady Borough Council area, and he has been very diligent in doing so. I intend to visit the site because it is a unique planning application in the Northern Ireland system. As a consequence, it might be legitimate for me to view the site in question. However, no works are ongoing and there is no licence live for that site.

Even though a council may unanimously be opposed to a certain application, it may be the case that the environmental health department of the very same council has not indicated any view of opposition. The council may be opposed, but the environmental health department may not have indicated its opposition. However, I reassure the Member that, certainly as long as I am Minister, a unanimous council opposition

should have a significant bearing on the thinking of the planning office when it comes to a final determination.

**Mr Nesbitt:** I thank the Minister. Perhaps he could add a little more clarity on how his new planning legislation will ensure that future council decisions are fair and equitable to all. How will they be reviewed by the Planning Service?

**Mr Attwood:** I thank Mr Nesbitt for his question and wish him the best of luck this weekend. It may not be welcome news to Mr Nesbitt, but I wish Mr McCallister all the best for this weekend as well. May the best man win.

The Member's question is an important one. Given the history of planning in some places in a previous phase of our history, there is a strong need to ensure that planning is transferred with all appropriate checks and balances. Whoever the Environment Minister is, and from whatever party, they must ensure certainty that checks and balances will prevail in a council planning application, not least because, given the charged history of planning and that it will be the single greatest function to be transferred to councils, we need to make sure that planning is done in a credible, fair and proper manner. That is why forthcoming legislation will lay down ethics requirements around the conduct of councils and councillors. Standards will be laid down for applications that should not be considered by a council but by its officers, given a potential conflict of interest. Requirements will be laid down, whereby a group of councillors —

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

**Mr Attwood:** — will have the power to call in planning applications to ensure that things are fair and seen to be so.

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. Can the Minister assure me that councils' views on any marine planning application will be taken on board and will not be overridden by those of outside bodies?

**Mr Attwood:** I presume that the Member is going back to the issue of the Crown Estate. As I indicated in the Marine Bill's Second Stage debate, and particularly in reply to Mr Allister, the legal ownership of the seabed remains with the Crown Estate. However, under the Northern Ireland Act 1998, marine management out to 14 nautical miles was passed to the

devolved Administration. Therefore, whether it is marine planning or in respect of any land-based application, responsibility falls strictly to local authorities. Yes, there will be consultation with all appropriate organisations. Yes, I have advised the Crown Estate, the devolved Governments and those in London and Dublin that I intend to develop a marine plan. I am obliged to do that, and it is good practice, given that we share the water known as the Irish Sea. However, decisions in respect of these matters will be taken by domestic authorities.

### Developers: Penalties

6. **Mr Campbell** asked the Minister of the Environment whether he will consider imposing penalties on developers who fail to complete building works after prolonged delays.

(AQO 1625/11-15)

**Mr Attwood:** I welcome the question and agree with the sentiment behind it. As I will try to demonstrate, I will work towards agreeing, as fully as I can, with its ambition.

Developers submitting planning applications and getting planning permissions at the same time as leaving to rack and ruin, decay and decline, sites that have not been developed or have been abandoned during development is an issue that we need to address. That is why, on the far side of the ongoing work to mitigate the appearance of a number of sites in Portrush and Portstewart, I intend to call in a number of developers who continue to trade when, in my view, they have let sites, one of them a listed building, go into decay and decline at the same time as they make legitimate representations for planning approval in respect of other developments.

So, although at this stage I may not be going as far as imposing penalties for failure to complete building works on developers who continue to trade, I intend to put the spotlight on developers who continue to trade and who fail to complete works to ensure that they step up to the mark going forward.

**Mr Campbell:** I thank the Minister for his response and for his assurance that he is with me on the principle behind the objective of the question. Given his proactive approach to the matter thus far, would it be possible for him to ascertain over the next 12 or 18 months those areas across Northern Ireland where there are problems with developers who have sites but

who neglect them, fail to look after them and do not do any of the repair or refurbishment work on them that their planning applications from councils require? Will he do that work and monitor the situation closely over 12 or 18 months and then bring action to bear against those developers?

**Mr Attwood:** I hope to bring action to bear against those developers and others before 12 or 18 months. On Thursday night, I had a long conversation with a representative of the National Asset Management Agency (NAMA). Given that 5% of NAMA's assets are in the North of Ireland, I asked that organisation to scope out and identify where those assets are and to determine whether it could step in to deal with the decay and dereliction of sites that have been left, not developed or only partially developed. So, the issue is not just for developers but for NAMA, the banks and the administrators. Having spoken to NAMA, I intend speaking to those groups of people and to the developers in the near future.

In the prevailing economic circumstances, and in situations where sites are going into decline and developers are continuing to develop, I believe that the focus should be on those people. That applies whether the site in question is in Portrush or Portstewart, on the Lisburn Road in Belfast or in Derry ahead of 2013 and in general. I believe that attention should be brought to bear on all those matters.

The intervention in Portrush and Portstewart is a pilot scheme, but it is one that I hope the Executive will endorse more widely. Our built and natural environment are important, but our natural environment is damaged when the built environment in areas of beauty such as Derry and the north coast is prejudiced by the failure to protect, secure or otherwise develop sites. Consequently, by either going after the developers who are in the wrong or by the Executive intervening to provide money to help those areas of the built environment that are in decay, I hope that that can become a policy that can be rolled out over the next number of years.

**Ms Ruane:** Go raibh maith agat, a LeasCheann Comhairle. Thank you, Mr Deputy Speaker. Can the Minister tell me what moneys institutions are holding in bonds for unfinished developments? Are those bonds accruing interest?

**Mr Attwood:** I would be delighted to interrogate that question in my conversation with NAMA and others, so I will come back to the Member on that.

**Mr Dallat:** I know that many people in Portrush and Portstewart will welcome the Minister's response. He may recall a recent visit to a site at Strand Road in Portstewart that has lain undeveloped for over 30 years. Are we to assume today that the residents of that area may, at long last, have a solution to an eyesore that has scarred one of the most beautiful parts of Portstewart for 30 years?

**Mr Attwood:** I thank the Member for his question. I am aware of the site, and I have visited it in the past number of weeks. Given my many journeys to that part of the world and to Portstewart in particular, I have been aware of the site for a very long time. It is appalling that any developer could leave that site for a year, never mind a decade or, allegedly, two decades. The site overlooks the Portstewart beach and is next to the Portstewart golf course, where, no doubt, many people will come to play in the months before and after the Irish Open in Portrush. To leave that site in that way is an indictment of those who did so. If it is the case, which I have to determine, that a developer owns that site, or if there are any other sites in any other part of the North that a developer owns that are left to go into decay and dereliction while those developers are legitimately asking the Planning Service for help with planning applications, I think that those individuals and companies have questions to answer.

That is part of the reason why I have convened a meeting in Portstewart and Portrush to have developers and developers elsewhere answer the hard questions raised by Mr Dallat.

**3.00 pm**

## Health, Social Services and Public Safety

### Pharmacy

1. **Mr McCartney** asked the Minister of Health, Social Services and Public Safety to outline the current position on the way forward for pharmacy services. (AQO 1635/11-15)

**Mr Poots (The Minister of Health, Social Services and Public Safety):** As I informed the Assembly in my statement on 13 March, I remain strongly committed to establishing a progressive and sustainable way forward for community pharmacy that will make better use of that group of skilled and dedicated professionals to help improve the health of the population and provide high quality advice and support to patients and the wider community.

I also announced to the Assembly on 16 March that an additional £8 million in funding for 2011-12 has been released and is available to support new services, improve premises and support the staffing of community pharmacies, particularly in rural and deprived areas. In reaching that funding position, I have had to proceed on the best evidence available. I now call on Community Pharmacy to agree to participate in the surveys that my Department will now undertake and provide the further information that is needed to move forward. The longer that information is withheld, the longer it will take to arrive at an agreed solution.

As outlined in the proposals contained in 'Transforming Your Care' the opportunity is there for community pharmacists, as they will be playing a much greater role in the future in providing front line care in the community. However, it follows that reimbursement and remuneration need to be modernised to promote and support that new vision and those new opportunities. It is a model based not on prescription volume and products supplied but on health outcomes for patients and working as members of an integrated primary care team.

I have agreed that the most recent court judgement should be subject to appeal because of its wider effect across government. However, I repeat my call to the representative body of community pharmacy contractors to engage with my Department and the Health and Social Care (HSC) Board to seek agreement and a way forward that will recognise and support the new and evolving role of community pharmacists in delivering improved services to patients and being fully involved in the new world of reformed health and social care services.

**Mr McCartney:** Go raibh maith agat a LeasCheann Comhairle agus buíochas don Aire as an fhreagra sin. I thank the Minister for his answer. Will he outline what steps he has taken to engage with community pharmacists?

As I am sure he is well aware, they believe that the deal falls short of what they had originally anticipated.

**Mr Poots:** I agree that it falls short of what was anticipated, albeit, perhaps, what was anticipated was not correct in the first instance. I have instructed officials to continue to engage with Community Pharmacy Northern Ireland (CPNI) representatives on the way forward, particularly in respect of how we do things in 2012-13. The negotiations were very much about what has already happened in 2011-12. We had a very short time frame in which to do that. However, there is a huge opportunity to move forward together and make proper use of our community pharmacists in helping us to deliver 'Transforming Your Care' and giving them the requisite amount of money for the service that they provide.

**Ms P Bradley:** I thank the Minister for his answers thus far. Has the extra injection of money which he announced a couple of weeks ago for community pharmacy been released into the system yet?

**Mr Poots:** Some £8 million of additional money, over and above what was on offer to pharmacists, was announced, and £7 million of that has been distributed at this point. The other £1 million could be distributed quickly.

**Mr Durkan:** I thank the Minister for his earlier answers. Will the Minister reveal to the Assembly the cost to his Department of the two recent judicial reviews relating to community pharmacy?

**Mr Poots:** Of course, the judicial review was not taken by me but by the CPNI, and we were responding to that. As I understand it, the costs were something in excess of £150,000.

However, that needs to be set against the estimated savings made as a result of the drugs tariff now being in place. The drugs tariff was not quashed or overturned by the court, and now stands. It is estimated that savings could be in the order of £12 million to £20 million. So, it is good news that the drugs tariff does stand, and it will be good news for Northern Ireland plc because it means that there is more money to be spent in other areas of health as opposed to buying expensive branded drugs, and will allow us to use generic drugs better.

## Health and Social Care: Business Services Transformation Programme

2. **Mr Byrne** asked the Minister of Health, Social Services and Public Safety whether he plans to make a statement on the outcome of the business services transformation programme, given that it is a matter of urgency for administration staff working in health and social care. (AQO 1636/11-15)

**Mr Poots:** The consultation period for the proposed business services transformation programme ended on 29 February 2012. I have since had meetings with political and staff representatives to discuss the proposals. I am now considering the responses received and points made as well as seeking further information. I will announce my decision in the near future.

**Mr Byrne:** I thank the Minister for his answer. Does the Minister accept that there is great concern and anxiety in many locations across Northern Ireland regarding those proposals, and does he further accept that the impact is adversely affecting one section of the community in women?

**Mr Poots:** I accept that there is a considerable level of concern. I would have thought that there was not so much concern in Omagh, considering that was one of the sites chosen. Perhaps the Member is calling for us to change our minds and maybe put one of the facilities elsewhere. At this stage, however, we are giving consideration to everything. I have met staff representatives with local politicians and I appreciate that a lot of the people affected are women, particularly younger women, and it is not necessarily that suitable for a lot of them to travel. Nonetheless, all those things will be taken in the round as we arrive at a final decision on that issue.

**Mr I McCrea:** Will the Minister give an assessment of the scope for efficiencies in administration and management in the health service?

**Mr Poots:** I personally think that it is substantial. In this particular case, the savings that we will be aiming for as the years transpire will take us to around £17 million per year. We should not ignore that, because if we spend that sort of money on administration we do not have it to spend on hip replacements, accident and emergency or new cancer drugs. If Members

are here today saying, “You should be spending that on administration as opposed to any of the other things”, I am afraid that I will have to disagree with those Members. I will be standing by my election manifesto commitments in disagreeing with those Members who want to spend health money on administration. I want to spend it on healthcare.

**Ms S Ramsey:** I thank the Minister for his answers. Taking on board the points that the Minister raised in response to this question, will he outline if and when he became aware of the possibility that the proposal could have implications for the equality agenda?

**Mr Poots:** An equality impact assessment was carried out during the process. That is being revised as the consultation results have come in. We take cognisance of all those issues. We are not looking for compulsory redundancies in the first instance. I encourage those who it does suit to go and take the offer of voluntary redundancy. However, we will look at all the issues. We will seek to ameliorate things as far as possible and treat our staff with appropriate care and dignity because we recognise that the staff are good staff, and that we are in a position of flux and change, which is never a nice position for people to be in. Nonetheless, I have to be driven by ensuring that we maximise what we get for our spend on healthcare. That is not in administration, which is a necessary element of healthcare nonetheless, but we need to ensure that it is as efficient as possible.

### Healthy Eating and Physical Activity

3. **Mr Campbell** asked the Minister of Health, Social Services and Public Safety how his Department is promoting healthy eating and physical activity in areas of high social and economic deprivation. (AQO 1637/11-15)

**Mr Poots:** The recently published framework for preventing and addressing overweight and obesity in Northern Ireland, entitled ‘A Fitter Future for All’, clearly recognises the links between deprivation and inequalities and rates of obesity, participation in physical activity, and eating a healthy, nutritious diet.

While taking a population-wide approach, the framework seeks to focus particular action in areas of deprivation. In its role in driving forward the implementation of the framework, particularly in the context of addressing

disadvantage and deprivation, the Public Health Agency explicitly focuses on communities in greatest need. It has invested significantly in supporting communities and building capacity at a local level to ensure their active participation and engagement in promoting positive health and well-being and tackling health inequalities.

**Mr Campbell:** The Minister will be aware that, particularly in the schools estate, many of the premises are based in working-class areas. Has he had any discussions, or are any planned, about the role that sporting facilities and the schools estate could play in combating obesity, particularly among young working-class people?

**Mr Poots:** I believe that every Minister is a Minister for health and everybody has a responsibility for the health of the population. In order to move things forward, I have had discussions with other Ministers, including the Minister of Education, who is in control of the schools estate, and the Minister of Culture, Arts and Leisure, who is responsible for sport. The more that we can make better use of those facilities in our schools, particularly at night-time, so that people can benefit from having such facilities and being able to use them, the better.

The more that we can invest, the better, because you will have a number of people involved. For example, in east Londonderry, we have a skipping for health programme in two schools: Ballysally Primary School in Coleraine and Drumachose Primary School in Limavady. We also need to be looking at things like Cook it!, inspiring communities to get active together, cardiac rehab programmes in schools and health promotion in homes.

So, there is a lot more that can be done, and we should be encouraging schools and health organisations to work together to have a better-educated public, particularly when it comes to our young people.

**Mr McKay:** Go raibh maith agat, a LeasCheann Comhairle. Given the recent debate about the visibility of cigarettes on shop counters, has the Minister considered any proposals to ensure that fruit and other healthy snacks are more prominent at locations where customers queue, particularly as, at those locations, they are surrounded by confectionery — sweets and crisps — and so on?

**Mr Poots:** First, that is not an area that I have responsibility for. Secondly, it is not an area in

which we can dictate to businesses how they should conduct their affairs. I encourage people to eat more fruit and vegetables and be active. The Public Health Agency is doing courses of work, and there will be a greater focus on working-class communities to ensure that the health inequality that exists is improved and that its trajectory, which has been widening, is changed and we move to a situation where, because you are born in a certain part of Belfast or a certain deprived area in Northern Ireland, you are not more likely to die considerably earlier than someone who happens to live just a few miles further up the road.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Go raibh maith agat a LeasCheann Comhairle agus gabhaim buíochas leis an Aire as an méid a dúirt sé ar an cheist seo go dtí seo agus ba mhaith liom an cheist seo a chur air. What mechanisms are there to maximise and co-ordinate interdepartmental co-operation on this issue?

**Mr Poots:** As I indicated, I have had a number of meetings with other Ministers, and I have further meetings set up with them. Last week, for example, I was with the Minister for Social Development, having had previous meetings with him on issues that cross the boundaries. I will be having meetings in the coming weeks with other Ministers to develop a government programme to respond on these issues. One area that is particularly important is education, because poor educational outcomes and poor health outcomes very often go hand in hand.

We are participating in discussions with, for example, the Department of Culture, Arts and Leisure, the Department of Education and Sport NI to develop the level of physical activity in schools. A wide range of meetings are taking place, and they will continue.

**3.15 pm**

## Learning Disabilities

4. **Mr Craig** asked the Minister of Health, Social Services and Public Safety what action is being taken to improve the lives of people with learning disabilities and their families.

(AQO 1638/11-15)

**Mr Poots:** Improving services for people with a learning disability remains one of my highest priorities. Through continued implementation of the Bamford action plan, my Department,

in collaboration with other Departments and agencies, is working to deliver improvements across a range of learning disability services. These include the ongoing resettlement of people from learning disability hospitals into community settings, improved access to more flexible and appropriate respite provision and day opportunities, and support through the transition to adulthood.

**Mr Craig:** I thank the Minister for his answer and for how he prioritises those with learning disabilities. Will the Minister outline what is proposed under the Compton review, as there have been issues with people moving into the community and with day care cover?

**Mr Poots:** The health and social care review report presents a compelling case for change and explains why our current model of health and social care services is not sustainable into the future. In setting my vision for the future of health and social care services, my overriding concern is to drive up the quality of care and improve outcomes for patients and clients and ensure that they have the best possible experience in every aspect of their care. Key to that is promoting prevention and early intervention measures with the overarching objective of avoiding unnecessary hospital admissions.

I also fully recognise the need for greater productivity from the resources available to us, particularly in times of austerity. The learning-disabled community has a huge contribution to make to society in general. Last week, I attended a conference held by the Patient and Client Council, which helps to establish other facts as regards how we provide support and care.

The Minister for Social Development is being particularly co-operative in supporting communities and ensuring that we get significant assistance in meeting the Bamford commitments of having appropriate homes for people who have a learning disability as opposed to them being in hospital.

**Mr P Ramsey:** Minister, parents across Northern Ireland will be reassured to hear today that helping those with learning difficulties is one of the highest priorities for you and the Department. It is a hugely emotive, delicate and sensitive matter. Does the Minister envisage any difficulties this year with people with learning difficulties leaving school and looking for care in the community?



**Mr Poots:** Historically, there has been a problem. It is a major challenge to have adequate places for the number of people who leave school and receive support in, for example, adult resource centres and, indeed, those who want to continue to use adult resource centres. One of the issues is that, because we are much more successful in supporting people, people with learning disabilities are living to considerably older ages and, consequently, need the services for longer. That poses a challenge to us, and it is a question of how best we can address that challenge. However, we recognise the valid point that the Member makes.

**Mr Lyttle:** What level of short-term respite care provision is available to the families of those with learning disabilities in Northern Ireland, and does it meet current need?

**Mr Poots:** Respite care is certainly an important issue for us. The Health and Social Care (HSC) Board works quite closely with the trusts and seeks to make significant improvements to the availability and flexibility of respite care. That has to be particular to the needs of parents and carers. I regard respite care as a significant investment that pays us a significant dividend. If we do not support carers and they fall ill themselves, that will create a much greater burden for us in respect of the care that has to be provided.

As a Government, we could never replicate the care that carers provide. I put on record once again my appreciation of the work that they do. We will seek to provide appropriate respite, where possible, while recognising that it will not always be possible to meet everybody's needs.

### **Accident and Emergency Departments: Alcohol-related Incidents**

5. **Mr A Maskey** asked the Minister of Health, Social Services and Public Safety what policies or protocols are in place in accident and emergency departments to enable staff to deal effectively with alcohol-related incidents.

(AQO 1639/11-15)

**Mr Poots:** My Department takes staff and patient safety very seriously. Each HSC trust operates a robust, zero-tolerance policy, overseen by a senior director. The policy requires the provision of a working environment where employees can undertake their duties

without fear of abuse or violence from any person, including those who are under the influence of alcohol. Patients who attend A&E departments under the influence of alcohol, and who are violent or aggressive towards members of staff, are removed from the premises by security staff or the PSNI and may be subject to prosecution under the Offences Against the Person Act 1861.

In October 2010, schedule 21 to the Criminal Justice and Immigration Act 2008 was commenced. It was designed to deal with low-level antisocial behaviour in hospital premises. The schedule provides authorised officers in HSC trusts with the power to remove from hospital premises persons who cause nuisance or disturbance to HSC staff.

In addition, I am meeting the Minister of Justice on 16 April to discuss further how the problems caused by people who threaten staff and patient safety can be addressed and to consider possible areas of mutual collaboration between Departments.

**Mr A Maskey:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for that reply. First, I want to make it clear that I am in no way suggesting that people who have taken alcohol should not be given treatment in accident and emergency units. However, I want to make the point that there is a widely held public view that people who have taken alcohol and are abusive when in A&E units are given preferential treatment, which is of great annoyance to people who are waiting in a queue, sometimes for quite lengthy periods.

I make that point because I recently heard some health professionals basically admit that, at times, to solve the problem of a nuisance being created —

**Mr Deputy Speaker:** I think that the Member has made his point.

**Mr A Maskey:** — by people who have drunk on board, they are brought in and treated ahead of other people who have been waiting patiently. No pun intended.

**Mr Poots:** I am glad that the Member has raised the issue. Very often, the media and the press will focus on failings in the health service, but they do not focus very much on the abuse of the health service. The Member has highlighted where one area of abuse has taken place. I

lay down a challenge to the media to go to an accident and emergency department on a Friday or Saturday night and see the abuse that our staff have to take from people who come in looking for help and who then abuse the people whom they are seeking the help from.

I get sick of people who constantly carp and criticise the health service when there are people out there who are abusing it, and they ignore that level of abuse. It is a shame on the media and the press for not taking that case up better.

**Mr Elliott:** I am sure that everyone in the House will agree with the Minister that it is not acceptable that members of the health service, and particularly those on the front line, be abused in any way. Has the Minister or Department put in place any additional security measures over the past few years to deal with issues of alcohol-fuelled disorder? If so, does he have any idea of how much those measures are costing the health service?

**Mr Poots:** Through the zero-tolerance strategy, we have more detailed recording of incidents, and those figures will reflect the difference between incidents that had malicious intent as a cause as opposed to the health condition of the patient. We need to recognise that most of the cases come from people with mental health issues, and such incidents do not take place in accident and emergency departments. There are other problems.

We also have a more significant role for the trusts' communication teams to play. They should be represented on any group in trusts. We are also engaging with staff who have been subject to physical or verbal abuse to learn from their experience and to understand the issues faced by front line staff.

We have done some work with England, and, in 2009-2010, the total number of incidents recorded there was 56,718, and the total cost of violence against staff was estimated at £69 million. In Northern Ireland, the number of incidents recorded was 8,186, which, if compared on a proportional basis to England, equates to around £10 million a year.

**Mr Dunne:** What discussions has the Minister had with ministerial colleagues in relation to cheap alcohol promotions?

**Mr Poots:** I am having ongoing discussions with Minister McCausland, in particular, on the

issues around cheap alcohol. Interestingly, I found in a newspaper at the weekend an advertisement by Lidl for 2-litre bottles of strong cider discounted to £1. That is shameful. There was another advertisement from Asda promoting its cheap alcohol. Those supermarkets do not seem to get it. They are participating in the destruction of many people in our community and destroying the lives of people and their families, but they continue to do it. Then they complain when the Government suggests that we should have a minimum price for alcohol. I am glad David Cameron has come on board and is supporting it.

I also had, and am continuing to have, discussions with Minister Ford about having an on-the-spot fine for people who abuse our medical staff. If we can fine people £60 for parking six inches over a white line, I do not see why we cannot introduce fines for people who abuse our hospital staff.

## Health: Services for Children

6. **Mr Givan** asked the Minister of Health, Social Services and Public Safety for his assessment of the need for services for children from nought to five years to be consolidated and better co-ordinated. (AQO 1640/11-15)

**Mr Poots:** The planning and commissioning of children's services, including those for children from nought to five years, has recently undergone considerable restructuring to ensure a more integrated approach, and I am content that that will provide consolidated and co-ordinated services to meet the needs of children.

The restructuring is borne out in the work of the Children and Young People's Strategic Partnership (CYPSP), which is chaired by the Health and Social Care Board and whose members come from a wide range of agencies, including the Public Health Agency, the Department of Education, the PSNI, the Department for Social Development and the voluntary and community sector.

The CYPSP has produced a draft strategic plan to improve the well-being and realisation of rights of children in Northern Ireland in relation to the six outcomes for children identified in the Government's 10-year strategy for children and young people. By collectively assessing a range of information on how children are doing against the six outcomes, the structure will enable

the identification of priorities and influence where common investment is needed. That co-ordinated planning and commissioning process harnesses the added value from each member agency, ensuring services are targeted, and facilitates joint commissioning.

At departmental level, I am working closely with other Ministers and Departments, particularly the Department of Education, which has responsibility for early years. I am fully committed to continuing that collaborative approach.

**Mr Givan:** I thank the Minister for his response. Can he elaborate on the role he envisages the family nurse partnership playing in that regard?

The Minister has highlighted the role of the Department of Education. Does he agree that when the Department is looking at any issue around schools, he needs to ensure collaboration with the Department of Health? Will he elaborate on Knockmore Primary School, for example, and on whether any decision in respect of those special units should be taken in very close consultation with the relevant health trust?

**Mr Poots:** Supporting families and children through early intervention and prevention is, and will continue to be, a priority for my Department. That is reflected in such policies as Families Matter and the interventions supported under that, such as the family nurse partnership and family support hubs. It is our intention to roll the family nurse partnership out further. We can see the benefits of that, even at an early point.

The Member mentioned Knockmore Primary School. Speech therapists who work for the South Eastern Trust are very clear that they can provide the best possible service under the existing structure. If we move away from that structure, we may, therefore, be undermining that. However, I understand that there may be a strong case presented for some of the facilities to move to some of the further away parts of Northern Ireland. Nonetheless, it is clear that our speech therapists are doing a very good job in that facility, and that needs to be maintained.

### **Royal Victoria Hospital: Waiting Lists and Trolley Waits**

7. **Mr McLaughlin** asked the Minister of Health, Social Services and Public Safety to outline his

plans to tackle waiting lists, including trolley waits, at the Royal Victoria Hospital, Belfast.  
(AQO 1641/11-15)

**Mr Poots:** In the commissioning plan direction that was issued to health and social care on 29 February, I have set challenging targets for the delivery of health and social care services, including the requirement for higher levels of performance within emergency care departments.

I expect the HSCB to work with the PHA and the trusts to ensure that those targets are met. In addition, the current situation in some of our emergency departments is unacceptable. I expect to see a significant improvement in performance. I have asked the Health and Social Care Board to provide a robust plan of immediate actions to secure improvement.

### **3.30 pm**

**Mr Deputy Speaker:** That ends Question Time to the Minister of Health, Social Services and Public Safety. I ask Members to take their ease for a moment or two.

## Executive Committee Business

3.45 pm

### Superannuation Bill: Second Stage

Debate resumed on motion:

*That the Second Stage of the Superannuation Bill [NIA 6/11-15] be agreed.*

Question put.

The Assembly divided: Ayes 74; Noes 12.

#### AYES

Mr Allister, Ms M Anderson, Mr S Anderson, Mr Bell, Mr Boylan, Ms Boyle, Ms P Bradley, Ms Brown, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr W Clarke, Mrs Cochrane, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lynch, Mr Lyttle, Mr McCallister, Ms J McCann, Mr McCarthy, Mr McCartney, Mr McCausland, Mr McClarty, Mr B McCrea, Mr I McCrea, Mr McElduff, Mr M McGuinness, Miss M McIlveen, Mr McKay, Mr McLaughlin, Mr McMullan, Mr McQuillan, Mr A Maskey, Mr P Maskey, Mr Molloy, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Ms S Ramsey, Mr G Robinson, Mr P Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Swann, Mr Weir, Mr Wilson.

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

#### NOES

Mr Agnew, Mr D Bradley, Mr Byrne, Mr Durkan, Mr Eastwood, Mrs D Kelly, Mr McDevitt, Dr McDonnell, Mr McGlone, Mrs McKeivitt, Mr A Maginness, Mr P Ramsey.

Tellers for the Noes: Mr McDevitt and Mrs McKeivitt.

Question accordingly agreed to.

Resolved:

*That the Second Stage of the Superannuation Bill [NIA 6/11-15] be agreed.*

### Rates (Deferment) (Revocation and Savings) Regulations (Northern Ireland) 2012

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

*That the draft Rates (Deferment) (Revocation and Savings) Regulations (Northern Ireland) 2012 be approved.*

Either the Health Minister thinks that he has got a new job here or he is trying to take mine.

I will briefly set out the background to the rates deferment scheme before I address the reasons why the regulations are before us today. As Members may recall, the rates deferment scheme for owner-occupier pensioners was introduced in April 2010, having come out of the 2007 Executive review of the domestic rating system. The scheme provides a payment choice for pensioners, allowing them to defer the payment of rates until their death or the sale of their property. It was intended to provide a further option for those who are asset-rich but income-poor, those with a modest or fixed income and those who are not eligible for means-tested rates support.

The scheme allows pensioners and their partners to roll up their rates bills at a concessionary rate of interest and is subject to a number of conditions. The property must be the sole or main residence of the owner-occupier pensioner with at least 40% equity in the property and have a capital value in excess of £50,000. The scheme is not one to enter into lightly. It is certainly not a quick-fix payment solution; rather, it involves a long-term commitment that could last for more than 30 years.

I stress to Members that deferment provides a payment choice. It is not a relief, nor does it provide free money. A cost is also attached to it, both for my Department and for participants. In the last Assembly, the Finance and Personnel Committee considered that, even if only a small number of pensioners were to benefit, the choice of deferment should be made available to them. Similar views that it would be a useful option to offer pensioners were expressed during the consultation and in that Assembly. Others viewed the scheme as a death duty or expressed concern about the scheme's cost and revenue implications. In light of that and prior to

its introduction in 2010, I stated that I wanted a scheme that not only was effective but attracted sufficient and manageable numbers. As a result, I gave a commitment that, in a couple of years' time, I would conduct a thorough evaluation of the scheme to examine how many people it helps and how effectively it provides value for money. Given the novel nature of the scheme, that was intended to allay the concerns of some Members. It also reflected the fact that, at that time, it was impossible to predict the level of interest in and the uptake of the scheme. My Department has now undertaken an evaluation of the scheme having sought the views of key stakeholders and the Finance and Personnel Committee.

While set-up and running costs have been lower than was originally anticipated, take-up has also been much lower. In fact, the figures have been disappointingly low despite the strenuous efforts of Land and Property Services (LPS) to promote the scheme, which included a section in the leaflet that was posted out with rate bills in 2010-11. In addition, a deferment factsheet and detailed guidance booklet was made available. LPS also refers to the deferment scheme at outreach events that it attends, which has generated interest. Despite that, over the past two years, only a handful of ratepayers — 21 in total — have deferred their rates. Even the number of people who have shown interest in the scheme and requested an application form or an illustration of what the deferment debt could be for them is in the low hundreds. It is not possible to know exactly why applicants decided not to proceed. However, I consider that a key factor will have been a lack of appreciation of the financial implications with regard to the amount of debt that could accrue over the deferment period, which could be up to 30 years. There is also the impact on a person's equity in their property. For example, deferring rates on a property with a capital value of £400,000 could result in deferred debt of £140,000 over 20 years. That is a significant sum by any standards, even with a modest interest rate of 1%. It should also be remembered that, even without interest, the rates on such properties would be in excess of £70,000 over the same period, which is not an inconsequential sum.

Although the lack of applications has been a concern, looking forward, I believe the relative cost of the scheme to be a more serious issue. The annual running costs of the scheme per

participant are extremely high relative to the sums of rates that are deferred, and that is largely down to the extremely small numbers involved. In addition, given the financial and legal implications of the scheme, the initial set-up costs were high. For example, my Department had no choice but to obtain advice from the Government Actuary's Department (GAD) on debt projections and establishing an actuarial debt model. As one member of the Finance and Personnel Committee, who at the time was supportive of the scheme, put it:

*"it will be a relatively costly scheme for the Department to administer. If take-up turns out to be extremely low and the costs are significant, it may be necessary to determine whether it should be continued."* — [Official Report, Bound Volume 49, p118, col 1].

Unfortunately, I think that we have already reached that point.

In saying that, I readily admit that I was never an enthusiastic supporter of the measure. Although it was introduced as a result of the consultation process undertaken before my time as Finance Minister, I agreed, as a member of the Executive, to allow it to go ahead for a trial period, hence my commitment to undertake an early evaluation. As part of that process, my Department looked at a number of options, including continuing with the current scheme or amending it. The hope was always that higher numbers would avail themselves of deferment so that the administrative costs per individual would be as low as possible. The administrative costs of the scheme per participant have been around £1,400 per year over the two-year period, and the sums of rates deferred have been in the region of £1,500 per participant per year. Therefore, the cost of running the scheme was nearly the same as the sums of rates that were deferred yearly.

Therefore, the scheme has unfortunately turned out to be ineffective. It does not provide value for money for the Assembly, and, as a result, I do not believe that we can, hand on heart, support its continuation. It falls into the "nice to have" category, but, given the extreme pressure on public expenditure, that is not good enough. For that reason, I intend to close the scheme with effect from 1 April.

Although no applications —

**Mr Allister:** Should I assume from the sad saga that the Minister has outlined that this was some hare-brained scheme from a direct rule Minister, or did someone else think this up and implement it?

**Mr Wilson:** Had he been listening, the Member would have realised that it came out of the 2007 review of rates that the Executive undertook. I do not agree that it was a hare-brained scheme by any means. It was a means of trying to help to address the issue of those who lived in expensive properties but did not have a great deal of income. The hope was that there would be a much greater uptake, but, as I have outlined to the House, only 21 people decided to participate. I am not sure whether that was because of people not wanting to eat into the equity in properties that they perhaps hoped to leave to their family or simply because of the scheme's requirements, including the need to have 40% equity, the property needing to be of sufficient value and the costs that could accumulate over 20 years. As it turned out, what was a well-meaning and genuine attempt to address a problem did not work out.

We should not forget that, at the time that the measure was introduced, a huge debate was going on about those who lived in large houses, whose family had left, who did not have a great deal of income and who could not afford to pay the massive rates on their property. I think that the Assembly sought to be innovative in trying to address the issues that arose as a result of that difficulty.

As it turns out, it would not be the first innovative measure that the Assembly has tried. In fact, a few months ago, just after the Budget, I agreed that some of the rates measures that we had provided for the so-called green homes had had such a low uptake that we should stop doing that as well and use the money for the warm homes scheme and other schemes that would help to reduce heating bills. I do not agree with the Member that it was a hare-brained scheme. It was a well-meaning attempt to address a problem that did not work out as had been anticipated. For that reason, I intend to close the scheme. Although no applications will be accepted —

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

**Mr Wilson:** Yes, I will give way, and I hope, at least, that the Member, on this occasion, will make an original point and will not just copy the

Member for North Antrim. He is getting into a terrible habit of doing that, and there is no point in repeating and recycling points that someone else has already made. In fact, the Member for North Antrim may start charging him if he continues to steal points from him.

**Mr D Bradley:** I thank the Minister for giving way. I do not think that one occasion can indicate a habit, but I will take his advice and I will be wary in the future.

Will the Minister explain the situation of the 21 current participants? Perhaps he mentioned it and I may not have heard it. Will their participation in the scheme be protected?

**Mr Wilson:** The Member was reading my mind. I was just coming to that point. I will answer it because it is very important. People entered into what is a long-term commitment and did so in good faith. They paid substantial upfront legal costs as well, and the Member is right: it would be remiss to simply abandon those people. Although no applications will be accepted after the end of March, I assure Members that those who are currently deferring rates will be unaffected by the change. They will continue to be able to defer rates until such times as they die or, alternatively, sell or transfer their property.

I also consider that it may be more effective to redirect the administrative savings from the closure of the scheme into Land and Property Services' wider relief take-up strategy of targeting relief towards those most in need, which has the aim of increasing the take-up of reliefs such as housing benefit, rate relief and lone pensioner allowance, which reach a large number of pensioners. For these reasons, I ask Members to support the revocation of the rates deferment scheme, with savings provisions for current participants, and I commend the draft regulations to the House.

**Mr Murphy (The Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a LeasCheann Comhairle agus gabhaim buíochas leis an Aire. I thank the Minister for his opening remarks, through which and, indeed, his responses to interventions he has answered quite a number of points.

The Committee for Finance and Personnel received a briefing from officials on 15 February 2012 on the evaluation of the rates deferment scheme for pensioners. The scheme, as has been outlined, allowed qualifying pensioners to

defer payments of rates at a preferential rate of interest until the time of their death or the sale of their property. Members heard that the take-up level of the scheme was much lower than anticipated, with only 21 agreements entered into in the two years in which the scheme was in operation. In addition, the administrative costs of the scheme were considerable, relative to the sums of rates deferred. The Minister said that the average amount of rates deferred was £1,500 per person per year, while the average administration cost was £1,400 per person per year. The scheme, therefore, did not appear to be effective or to provide value for money. The Committee was advised that, as a consequence, the Minister proposed the scheme's closure with effect from the end of the current rating year.

The Committee noted that savings provision will be made for cases where an application is made to the Department before 1 April and a deferment agreement in respect of that application entered into before 1 October 2012. Provision is also made to protect partners and surviving partners of people who have entered into a deferment agreement; that is the point to which the Minister just referred.

Following the evidence session, the Committee agreed that it was content with the Minister's proposal to close the rates deferment scheme for pensioners from 1 April 2012. The policy proposals contained in the statutory rule were subsequently considered by the Committee on 22 February.

On 14 March, the Committee formally considered the statutory rule that is before the Assembly today, together with the accompanying report from the Assembly's Examiner of Statutory Rules, which raised no issues by way of technical scrutiny. The Committee agreed to recommend that the Rates (Deferment) (Revocation and Savings) Regulations (NI) 2012 be affirmed by the Assembly, and I support the motion.

#### 4.00 pm

**Mr Cree:** As a member of the Committee, I was fully involved in the discussions and the negotiations, and I am quite happy to support the motion.

**Mr D Bradley:** Go raibh maith agat a LeasCheann Comhairle agus gabhaim buíochas leis an Aire as an méid a dúirt sé cheana féin. I thank the Minister for the explanations that he has given. The time has come to end the

scheme. Given that the running costs outweigh the benefits to older ratepayers and that there are only 21 participants, it does not make sense to continue with it. I agree that the sensible thing is to bring the scheme to an end, and I am happy that the Minister has clarified the fact that the existing 21 participants can remain in the scheme. I am happy to support the motion.

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

**Mr Wilson:** I thank all of the Members who contributed to the debate. The interventions raised Members' points on the wisdom of the scheme originally, and I have answered those as well as Mr Bradley's point about protection for those who are already in the scheme. I hope that I have given assurance to Members on both of those issues. I thank the Committee for its work in looking at the regulations, and I trust that Members will show the necessary support for the order. Although, generally, I do not favour restricting the options available to ratepayers, in this case, it is hard to justify the continuation of the scheme for new applicants. Therefore, I commend the order to the Assembly.

*Question put and agreed to.*

*Resolved:*

*That the draft Rates (Deferment) (Revocation and Savings) Regulations (Northern Ireland) 2012 be approved.*

## **Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2012**

**Mr McCausland (The Minister for Social Development):** I beg to move

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2012 be approved.*

These regulations are made under the Mesothelioma, etc., Act (Northern Ireland) 2008 and increase the compensation payable under the Act to persons diagnosed with diffuse mesothelioma or, if the person has died, their dependants. The increases under the order maintain parity with the corresponding scheme operating in Great Britain. I will outline briefly the purpose of the scheme. Mesothelioma is an asbestos-related cancer of the lung or abdominal linings. It is a unique disease. It has a long latency of 20-plus years. It is rapidly progressive and invariably fatal, with death occurring within 18 months of the onset of illness.

The scheme provides financial support to vulnerable people and their families within a matter of weeks, without the need to establish an occupational link or, indeed, any causal link. The introduction of the scheme means that many people who were previously not eligible for help, for example, those who were unable to pursue a civil claim or to claim a lump sum under the pneumoconiosis scheme now have access to financial help for this terrible disease. Sufferers of mesothelioma are eligible for a payment, regardless of whether they were employees, self-employed or, indeed, never worked, provided they have not already received a compensation payment from another source.

These regulations increase the amounts payable under the mesothelioma scheme by 5.2%, in line with this year's uprating of industrial injuries benefits from April 2012. The amount payable to a person aged 37 or under at diagnosis will be increased from £77,506 to £81,536, the same maximum that can be paid from April 2012 under the pneumoconiosis scheme.

The increase in the amounts payable ensures that the compensation provided under the scheme maintains its value and continues to support those in need. I am sure that Members across the Assembly will be happy to support the regulations.

**Mr A Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for tabling the debate on the regulations this afternoon. On behalf of the Social Development Committee, I want to make it clear that the Committee considered the matter on 23 February 2012 and again at its meeting on 8 March and was content to give its approval to this regulation on mesothelioma, which, as the Minister has said, is to ensure that victims of that disease get a lump sum — or, if they are deceased, their relatives do.

This disease is a cancer of the thin membrane that lines the chest and the abdomen, and, as the Minister has said, it can be latent for up to 30 years, in which case the companies that may have been responsible for an unsafe environment are often out of business. So, this regulation will ensure that such a payment can be made.

It should also be noted that, from April, the increase in most benefits will be based on the consumer prices index, and a number of members of the Committee were concerned at potential reductions in that. However, as the Minister said, this year, under the consumer price index (CPI), the increase will be 5.2%. Members of the House may wish to give some attention to that in the time ahead. The Committee is content that the statutory rule be confirmed by the Assembly.

**Mr G Robinson:** Like other Members, I am dealing with a constituent who suffers from severe chest problems that are directly related to mesothelioma problems picked up in his former employment, and I want to stress to Members how difficult life can become due to that awful condition. Anything that can be done to ease the impact on the everyday quality of life is welcome, and I concur with the Minister that we must make sure that people who suffer from it are properly compensated.

I also want to use this opportunity to urge those who engage in DIY to ensure that they at least use a mask that will cover their mouth and face when drilling in case there are unidentified asbestos sources in their work or at home. I urge Members to support the motion to ease the lives of people and their families in a practical and welcome way. Therefore, I support the motion.



**Mr Copeland:** Thank you for the opportunity to speak on this important issue. It is a condition that continues to kill up to 50 people a year in this Province. When I was not that old, my father was involved in shipbuilding in Belfast and worked on occasions in the cavities of some of those vessels. He described asbestos raining down like snow in the days before people understood what the fallout from asbestos would be.

We are in economically strained times, and it is only fair to those who have found themselves afflicted by this terrible illness that this Government should increase the amount that is payable to them or their dependants in line with the consumer price index to shield them, as much as we can, from the current austerity measures that are affecting other parts of the Budget and to help and, hopefully, ensure that their quality of life is not further diminished.

Mesothelioma should be treated differently to other asbestos-related diseases because diffuse mesothelioma is a particularly nasty variant of that cancer. There is a particularly poor life expectancy compared with other diseases like this. Other diseases that are in payment under the 1979 Order do not necessarily always end in a fatality, but diffuse mesothelioma is almost always fatal. The median survival from diagnosis varies according to who you are talking to and from study to study, but it is mostly within the range of six to nine months, with most people passing through a not particularly pleasant death within 18 months of diagnosis. Every person diagnosed with the condition will need additional support and help, and many of them find it hard, as the Chair said, to find, after so many years, that this has been lurking in their metabolism.

They will feel angry and bitter, and many of their relatives and friends will share those thoughts, so it is important that anyone diagnosed with mesothelioma has access to information about their illness and treatment and to emotional support and someone who can talk to them when they feel that they need it.

Once sufferers and relatives have absorbed the initial impact of the diagnosis, they are faced with the considerations of finance. Financial security becomes a key concern, not only for the person who suffers from the condition but for those who will be left when things have run their course. There is nothing that I can do other

than support those measures in the Chamber and endorse the views and thoughts of everyone else.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for bringing the regulation to the House today, and we will certainly support it. It will go some way to help ease the suffering of victims of mesothelioma, which, although it is a very rare cancer, is unfortunately becoming more common here. In circumstances where it is too late, it will provide some degree of security for victims' families. The Chair of the Committee, Alex Maskey, mentioned the retail price index (RPI) and the consumer price index. We would prefer it to be in line with the retail price index, but we are certainly supportive of the regulation.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the very positive way in which they have dealt with the regulations.

No amount of money will ever compensate individuals and families for the suffering and loss caused by diffuse mesothelioma, but those who are suffering rightly deserve some form of monetary compensation. It is essential that sufferers receive some level of compensation before it is too late. I am certain that we all want to ensure that the increased lump sum compensation payment under the Act continues to be available to those who contract that terrible disease or their dependants. I therefore commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2012 be approved.*

## **Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012**

**Mr McCausland (The Minister for Social Development):** I beg to move

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012 be affirmed.*

The regulations are made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979. They increase the compensation payable under the Order to those suffering from certain dust-related diseases and their dependants who satisfy the conditions of entitlement on or after 1 April 2012. The increase in amounts payable under the Order maintain parity with the corresponding scheme operating in Great Britain and are in line with the annual uprating of social security benefits.

I will briefly outline the purpose of the Order. People suffering from an industrial disease can sue their employer if that disease was contracted as a result of working for that employer. Some diseases covered by the Order can take years to develop symptoms and may not be diagnosed until decades after exposure to the dust. Given the time frames involved, it is possible that employers responsible may no longer exist. Consequently, sufferers and their dependants can experience great difficulty in obtaining compensation.

The scheme was introduced in 1979 to provide a lump sum payment for sufferers who are unable to pursue employers through the courts as the employers are no longer in business. In order to receive a payment under the scheme, a person must have been awarded industrial injuries disablement benefit. A claim can also be made by the dependants after the death of the sufferer. To receive the payment, there must be no relevant employer who can be sued and court action must not have been brought or compensation received in respect of any of the diseases for which a person is claiming. The lump sum payment is in addition to the weekly industrial injuries disablement benefit that is paid in relation to the same disease.

### **4.15 pm**

The scheme covers five respiratory diseases, most of which are directly related to asbestos

exposure. They are: mesothelioma; diffuse plural thickening; primary carcinoma of the lung; byssinosis; and pneumoconiosis, which includes asbestosis. The lump sum payment is based on the age of the sufferer and the level of disability, with higher amounts paid to people with higher levels of disability and whose disability arises at an early age. Lower amounts are payable to dependants who claim after the sufferer has died. The maximum amount that can be paid from 1 April 2012 is just over £81,536 for a person aged 37 or under at diagnosis.

The amounts that are payable under the scheme are increased by 5.2% in line with this year's uprating of industrial injuries benefits. The increase will help to ensure that the compensation that is provided under the Order maintains its value. I am sure that Members across the Assembly will agree on the importance of supporting those who suffer from those terrible diseases and will, therefore, support the regulations.

**Mr A Maskey (The Chairperson of the Committee for Social Development):** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for bringing forward the proposal. The Committee considered the matter on 1 March and 8 March 2012. It was content that the statutory rule be made.

Members have already heard from the Minister and, I think, Mr Robinson, that the lung disease can be very incapacitating. When such a disease is brought about simply through the course of doing one's work over many years in conditions that a person believed were safe, it must be even more difficult to deal with. The Committee understands that the effects can be chronic and long term and can seriously impact on one's quality of life and the lives of the victim's family. Although it has already been said that no amount of money is a substitute for good health, it is important that the regulations ensure that the amounts payable offer some assistance to sufferers and their dependants. It is important that there are increases. The regulations will increase the amounts payable to sufferers of the dust-related diseases that are noted in the regulations or to the dependants of persons who were disabled by such a disease before they died. Therefore, the Social Development Committee recommends that the Assembly affirm the statutory rule.

**Mr Durkan:** I support the motion, a Phriomh-LeasCheann Comhairle. It is another piece of legislation that will help to ease the suffering of victims and dependants who suffer bereavement.

**Mr McCausland:** I am pleased with the consensus of support across the Assembly for the regulations. I thank the Chair and members of the Social Development Committee for the very positive way in which they have dealt with the regulations.

It is perhaps worth mentioning briefly that the annual incidence of asbestos-related disease continues to increase. That is because of the typically long period between asbestos exposure and the onset of the disease, which can be up to 60 years. That means that many deaths are a reflection of past rather than current working conditions. The current annual number of deaths from asbestos-related diseases in the United Kingdom is around 4,000. Of those, around 100 are in Northern Ireland. I welcome the support and endorsement of the Committee for the regulation. I am certain that we all want to ensure that the value of compensation under the 1979 Order is not eroded by inflation. The regulations will make sure that that does not happen. I commend the motion to the House.

*Question put and agreed to.*

*Resolved:*

*That the Pneumoconiosis, etc., (Workers' Compensation) (Payment of Claims) (Amendment) Regulations (Northern Ireland) 2012 be affirmed.*

## Private Members' Business

### Royal Victoria Hospital: Accident and Emergency

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

**Mr McCallister:** I beg to move

*That this Assembly recognises the unprecedented pressures currently being placed on the accident and emergency department at the Royal Victoria Hospital; notes with concern that staff are working in extremely challenging circumstances and the impact that this has on staff and patients; accepts the recommendation contained in the recent review of the provision of health and social care that the Department should encourage only people in need of emergency treatment to attend accident and emergency departments; and calls on the Minister of Health, Social Services and Public Safety to review urgently the services at the Royal Victoria Hospital, to ensure that the necessary permanent staff are employed on an effective and efficient basis to allow the smooth operation of the accident and emergency department.*

Members will no doubt be aware of fairly endless news reports and media coverage of some shocking events, predominantly at the Royal Victoria Hospital's A&E department, and of the pressure on A&E provision across Northern Ireland. I am sure that everyone agrees that this is something that has to be addressed, dealt with and treated with the utmost seriousness. I am aware that some members of the Committee for Health, Social Services and Public Safety gathered to meet members of the Belfast Trust to get an update on the A&E situation. Unfortunately, my Chief Whip duties meant that I could not be there, but I am sure that the Chair of the Committee will fill the House in on any progress that was made at that meeting.

The impact of this situation creates several difficulties. Staff morale is an issue that, of course, must be dealt with. We have a huge problem with staff morale because they feel under endless pressure, which is not good for staff, their health or the service that they provide. It is also very damaging to the morale of the public, for whom the service is provided

and who rely on it. The House has to recognise that the past few weeks and months have been hugely damaging to public morale.

Services at the Royal have come under significantly more pressure since the announcement last summer that the City Hospital's A&E department was to close. At the time, I warned that processes, beds and people had to be put in place to cope with that closure. I regret that that does not appear to have been the case to deal with the numbers that we are experiencing.

I am sure that we all accept that admissions to A&E change from day to day and season to season. However, some of the excuses given by the Trust and the Minister have been around things such as winter pressures. Look at the weather that we have had over this winter. It has been one of the mildest on record. The weather has not been a factor. Yes, it could reasonably be argued that the weather might have been a factor in the two previous winters, but this winter has been very mild. If we are struggling and the system is at breaking point after one of the mildest winters on record, what would it have been like had we had the severe winter weather that we had in the previous two? The Minister will probably give us figures on flu levels. We have not even had the same crises that we had to deal with over the past several years with swine flu and the pressures that it put on the system. The system, quite clearly, is not fit for purpose.

The motion refers to the acceptance in 'Transforming Your Care' of some of the directions of travel needed to reduce pressures on our A&E services and how we get people to enter the health service at, perhaps in some cases, a more appropriate point from which to get their pathway through NHS treatment.

We can all support those wishes, but I have warned the Minister consistently that he cannot close units without having the systems in place to handle the backlog. If he wants people to go to doctors' surgeries instead of A&E units, they have to have access to them and be able to get there. If he wants people to go to other minor injuries units or to be triaged somewhere else, he has to have those facilities in place before he closes centres. That is the problem that we are facing in our A&E system.

Some appalling tragedies have happened, with some people dying. No one would want

any of our loved ones to suffer the indignity of passing away on a hospital trolley. That news was appalling and shocking to us all, never mind our hearing about people having to wait for hours, sometimes five or 12, for treatment in an accident and emergency unit, where time is of the essence. So, if we accept that we need to move to a better point of entry, it is the Minister's role and responsibility to get that right before he makes changes.

I have warned the Minister about this previously, but the other difficulty that he will face will be when he goes to take £83 million over the Compton review period out of acute services to put into community-based services. Although many in the House agree with that direction of travel, he will have difficulty delivering that and avoiding a crisis in every A&E unit across Northern Ireland, not just that in the Royal Victoria Hospital. That is one of the challenges that the Minister faces.

It will also be a huge challenge when he starts to close other A&E units. He has already witnessed the pressures that his decision on the City Hospital A&E unit created for the Royal Victoria Hospital, and, when he starts to look at other A&E units across Northern Ireland, whether they are the units in the Causeway or Daisy Hill hospitals or in the Mater Hospital in north Belfast, or whether there is a completion of what he announced for Lagan Valley Hospital, he will see that he has serious problems to deal with. I do not want to see that situation continue. The pressures on him to deliver will be enormous, and, when he takes his £83 million out of the acute side and puts it into community care, he will have tremendous difficulty matching those up without causing the very crisis that we see in the Royal Victoria Hospital now. If the Minister does not act and do something now to get this situation under control, we will see it repeated across Northern Ireland.

The numbers of people who are waiting in Belfast have been pretty dramatic. Last month, nearly 400 people waited over 12 hours to be dealt with. I pay tribute to Altnagelvin Hospital, which, with a rate of just 0.1%, had the lowest rate of the overall December 2011 average. That average was 1.9%. The figures for Belfast Trust are significantly higher than that. This issue needs to be addressed. The Minister has put the challenge to health trust officials, saying that, if they do not sort this out, they will

be sacked. The buck stops with him. He is the Health Minister. He has to take responsibility.

The Minister has to get this issue sorted out in Belfast before it spreads across Northern Ireland and before we start seeing increased waiting times in other places. He should do that before he decides to close other A&E units, before he considers closing the A&E units of the Causeway or Daisy Hill hospitals or before he changes the system across Northern Ireland. If he does not do that, he will find that people are waiting longer and longer. Although the waiting times might be tremendously inconvenient to people, sadly, however, the most serious part of this situation is when the outcomes become considerably worse and when the types of tragedies occur such as that in the Royal Victoria Hospital that we heard about in recent weeks. I do not want to see that type of situation repeated anywhere in Northern Ireland, and I am quite sure that no colleague in the House wants to see it either. So, I very much hope that the House accepts our motion and that there is widespread support for it.

I am sure that everyone here will have been written to or spoken to about some fairly horrendous wait in A&E and the level of service given. I want to see the situation improve across Northern Ireland. I want to see whether the Minister can deliver on his promise to cut the number going to A&E and deliver a better system for minor injury services at A&E. He has to get that right before he moves to close any more A&Es. When there is such pressure in the Royal Victoria Hospital, he may well want to look at whether it is practical to open up the A&E unit at the City Hospital again to relieve and deal with those pressures. However, the Minister must get a grip on the issue.

**4.30 pm**

**Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety):** Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to take part in the debate as Chair of the Committee. I take the opportunity to commend those who tabled the motion for securing the debate. It is a very topical debate, and fair play to them for moving and shaking in the Business Committee to secure it. It is important that we debate relevant issues more quickly than we do currently. I also take the opportunity to welcome the Minister to the

debate. He has taken a hands-on approach to a lot of the issues, and it is important that we get as good an update as possible on a daily basis on the issues facing A&E.

A number of weeks ago, I went to the A&E unit in the Royal. I am in the position of being the constituency MLA as well. People had been stopping me in the street, and it was the first time in a long while that people were vexed about an issue. No one knew I was coming. I tried to go in with a low profile, but, being the type of person I am, I could not. When I arrived, everyone knew I was there. However, I saw at first hand the pressure that not only staff but patients and their families are under. They were trying to deal with a serious issue in serious circumstances. When I got talking to people, I found that there was a perception that this was all down to the closure of the A&E unit at the City Hospital. That is an issue that I have raised with the Minister, the Committee and the hospital staff. That is the perception. Some say that the situation is due to winter pressures, but we have not really had a winter like we had last year. I am not getting into the technicalities of that; those are issues that health professionals can answer. I had a conversation this morning with Alex Maskey. He said to me that this was an issue in his constituency offices in South Belfast. The perception there is that this situation is due to the closure of the City A&E. So I am glad that the Minister is here to try to deal with some of those issues. We need to talk about how to instil confidence in the community.

The proposer of the motion mentioned that the Committee paid a visit to the Royal hospitals this morning. I have only five minutes in which to speak, which is a pity, because I would like to go into more specific detail. We had justified concerns, and we took the opportunity to go this morning. It was an announced visit. Some people are cynical and say that things are hidden when you go on an announced visit, but I do not think so. We saw things at first hand and were able to talk to the senior medical staff there. I take the opportunity to thank them for facilitating our visit.

Like the other Committee members, I was hugely impressed by the dedication and professionalism of the medical staff, from nurses and doctors to the support staff. They are committed to dealing with the problem, and, indeed, the senior management of the Belfast Trust is also committed to dealing with

it. However, the reality is that A&E staff cannot cope with this on their own. In any media interview that I have done, I have commended the staff at A&E, because I know that they are doing a great job. I have said that that the problem is not in A&E; the problem is in other parts of the hospital. A&E needs to be supported by other parts of the hospital. It is important to acknowledge the Minister's recent statement in which he also highlighted that issue. I know that medical staff work above and beyond the call of duty in A&E, but there are blockages in other parts of the hospital. So whatever changes are made in any A&E system, we need to ensure that the system itself changes to suit that need.

One of the issues, based on the Minister's recent statement, is that the Committee met the Royal College of Nursing. It has also raised concerns. People are trying to do this in a mature way. We are not trying to create panic out there. When people go to our A&Es, they get the best service, but the reality is that there is a perception that our A&Es are not working. There is a perception that they are failing. The Minister is here. A key issue raised with us today about nurses being able to discharge is that a lot are band 5 nurses. So, are we going to put that pressure on band 5 nurses, or is there a system to make the nurses band 6 or band 7?

**Mr B McCrea:** Will the Member explain just what a band 5 nurse is, please?

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

**Ms S Ramsey:** Thank you. I may need the extra minute for that. A band 5 nurse, as it was explained to us, is probably somebody who has just graduated. However, some of the nursing staff who have been staff nurses for a long time are still band 5. So, there is an issue through the Agenda for Change. Do we need to move those nursing staff into a higher band, or are we going to put pressure on nursing staff who are band 5 to discharge patients when, according to their band level, they are not capable of discharging patients? Those questions need to be answered.

**Ms P Bradley:** Would the Member agree that they could be looking at band 7 nurses, who are nurse practitioners and already doing nurse-led discharges?

**Ms S Ramsey:** Absolutely, and that is the multitude of issues that needs to come into play here. In the 12 seconds that I have left, I will say that it is again a question of mentioning the Minister's personal involvement. It is crucial that we look at A&E departments across the North and the impact that the pressures that one A&E is under may have on others.

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

**Ms S Ramsey:** We also, Minister, through you and as elected reps need to restore confidence in our community. Our A&E departments are safe. People need to be aware that, when they go to A&E, they will get a safe service.

**Ms P Bradley:** Excuse me, Mr Principal Deputy Speaker. I have just dropped all my notes on the ground in the process, so that was a good start.

I, too, welcome the opportunity to speak on this important matter. The provision of emergency healthcare must be fit for purpose for every person who resides in Northern Ireland or visits here as a tourist or on business. With the temporary closure of the City Hospital emergency department, everyone knew that additional pressures would be placed on the two remaining type 1 emergency care departments in the Belfast Trust area. That change is coupled with what is traditionally one of the busiest times for emergency departments — Mr McCallister and Ms Ramsey mentioned winter pressures. However, from my experience last year working in the trust, I can say that we had fewer people at the emergency department because of the extreme weather conditions. So, winter pressure does not necessarily coincide with extreme weather conditions.

The staff on the front line must be congratulated on the care and dedication —

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

**Ms P Bradley:** Yes, certainly.

**Mr McCarthy:** Why are officials continually telling the public that it is because of continued winter pressures that we have this problem?

**Ms P Bradley:** What I said, if the Member would listen, is that it is not necessarily due to extreme weather conditions. In extreme weather conditions, people traditionally do not leave the house. Therefore, there are fewer people with fractures going to hospital. We still have

cold conditions; people still live in their home in cold conditions. There are still illnesses — for example, respiratory illnesses — that are exacerbated by cold conditions. Therefore, winter pressures are a reality, not fiction. If you don't mind, I will continue.

The staff on the front line must be congratulated on the care and dedication that they have shown to the people of Northern Ireland in providing this vital service. We must ensure that, when we hold the system to account, we do it in such a way that we do not demoralise this section of a vital workforce. The system, however, can do only so much to reduce waiting times at the point of delivery. Invariably, if a person presents at an emergency department with a non-emergency condition, they will and should have to wait longer to be seen. The public have a duty to ensure that they access the most appropriate place for treatment. Although that may be difficult to identify in some circumstances, research suggests that people present at emergency departments as they cannot gain access to their GP in a timely manner. That needs to be addressed. GPs and minor injury units also have a vital role to play. They must ensure that their patients and the communities that they serve know where they can attend and when it is appropriate to attend.

The Department must work in conjunction with the Public Health Agency to ensure that the public are aware of their role in helping with the smooth running of the emergency departments in particular and of the entire health service. The 'Transforming Your Care' document placed the individual squarely at the centre of our health service. Every individual has a right to expect the very best from our health service, but they also have a high level of responsibility to ensure that their actions and choices do not place the health service under any more unnecessary strain.

Changing demographics mean that over the next number of years more demands will be placed on the health service as a whole and on the emergency section of medicine in particular. Some of the changes that we have made, such as the temporary closure of Belfast City Hospital, have had to be done sooner than expected to ensure the public have access to the very best medical care. Ultimately, the staff who are employed to work in this area are committed to providing high standards. Having worked in the health service, I have some

understanding of the motivations and values that people who enter this occupation have.

We cannot ignore failings when they occur, and critical self-examination is an important part of ensuring that the health service continues to be a service that we as a country can be proud of. I welcome the Minister's announcement of the creation of an action group that will be tasked with reducing waiting times and improving the care that patients can expect to avail themselves of. The tragic cases over recent weeks show us that we must ensure that we continue to hold our health service to account so that lessons, if they are present, can be learned and we can endeavour to minimise the risk of such incidents happening again. Sadly, the temporary closure of the City Hospital emergency department has placed the remaining emergency departments under a degree of strain. The closure could not be avoided, due to the staffing issues that were present.

I support the motion, recognising that people should not attend an emergency department unless it is an urgent situation. They should instead take advice from those in the community, such as pharmacists, GPs, out-of-hours services and minor injury units across the healthcare system. I also welcome moves by the Minister in appointing the action group to address a wide range of issues that can impact on waiting time.

In Northern Ireland, we are very fortunate: we have universal healthcare that is free at the point of delivery. I want to see us continuing to provide that service to all the people in Northern Ireland in the very best way possible.

**Mr Durkan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion, which was obviously precipitated by the tragic death of a gentleman alone on a trolley in the accident and emergency unit of the Royal Victoria Hospital, news of which broke last week. I take the opportunity to offer our condolences and apologies to the man's family, whose grief has been compounded by the circumstances of his passing and the subsequent media attention. Perhaps, however, they may take some modicum of comfort if his death is not in vain and provides the wake-up call needed for us to tackle the malaise in our healthcare system that is most evident on the front line in our A&E services. That tragic

event has highlighted, as if that were needed, the fact that there is something chronically wrong with the A&E unit at the Royal. Today, the Health Committee visited the unit, and we were impressed both by the unit itself and by the diligence of its staff. However, it has become evident over past weeks that it is not working and needs to be fixed. We need to restore public confidence and can only do so by restoring staff morale.

Unfortunately, the situation at the Royal is something of a microcosm of the unacceptable situation in A&Es across the North. We have to ask why that is and then tackle the causes. There are too many people presenting at A&E who, quite frankly, have no need to be there. A 2008 review indicated that attendances at A&E here were 20% to 30% higher than elsewhere in these islands. Could that have anything to do with the appointments system operated by GP surgeries, where people have to wait three or four days for an urgent appointment? I acknowledge the statement from the BMA at the weekend that GPs can play a vital role in reducing the logjam at our emergency units: they certainly can, and they certainly should.

#### 4.45 pm

Healthcare must be looked at as an entire system rather than in silos. Have we work to do on the management and marketing of our out-of-hours services? Where are the blockages elsewhere in our hospitals that prevent people being moved through the system and into a bed? Do we have enough beds? Why do we not have enough doctors and consultants in acute medicine? That is the reason used as justification for reducing the number of units, which we had been assured would ultimately result in better care.

**Mr McCallister:** I am grateful to the Member. Does he agree with my point that you cannot change those services until you have new ones in place? If you have better out-of-hours systems, people must know to go to them and the best place to access them. Other things not being in place is what is driving such a massive influx into our A&Es.

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

**Mr Durkan:** I concur with the Member and, indeed, will address that later. We have a lot to do regarding education of the general public here.

Despite protestations, it seems that the closure of the unit at the City Hospital has not corresponded with an improvement in care at the Royal. People living in areas where the A&E unit is under threat will be extremely hard to convince that closures are for their benefit. Alcohol plays a major role in the pressures in our system, and any initiative to curb it will be most welcome. Education of the public is vital. Do not turn up unless you need to. As Ms Bradley pointed out, the Public Health Agency has a very important role to play.

Let me be clear: the failings here are with the system and not the staff. Nurses and doctors on the front line are nothing short of heroic. They run a gauntlet of abuse from drunken louts and ever-increasing scrutiny from the Department, the media and us. That compounds unimaginably what must already be one of the most stressful and highly pressured jobs in the world: literally saving lives every day and night. I have engaged with many health professionals over the past number of weeks. They are 100% dedicated to their work, but practically everyone I spoke to pointed to a lack of resources. A shortage of nurses has been exacerbated by recruitment freezes and vacancy control. How many qualified, highly skilled nurses have left Northern Ireland to work elsewhere? The shortage of nurses is impacting on the mental and physical health of existing nurses, and they feel that it also compromises the care that they can give.

The Budget that the Assembly passed last year made this situation inevitable. The SDLP voted against it because of the ultimate consequences that it would have for front line services. We were told that it would not have those consequences. The next few years will see ever-increasing savings demanded of trusts and ever-increasing cuts as a result. Yes, there is fat in the system, but we are cutting into the bone. While the Minister must play the hand that was dealt to him in the Budget, he has the chance to come up trumps with the wild card afforded —

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

**Mr Durkan:** — to him by the Compton report. We have been given assurances that funding will be made available to enable the transition from our current model to the one envisaged



by Compton. I ask the Minister to look at the allocation of that funding very carefully.

**Mr McCarthy:** I am very grateful that the Minister, the man responsible for the mess that we are in, is in the Chamber today to hear the concerns expressed on behalf of our constituents. We demand that he acts immediately to get on top of this disaster before it gets worse.

The Minister's latest efforts, which were announced on Wednesday 21 March, simply must show results sooner rather than later, if further deaths, patients waiting for long hours on trolleys and build-ups in corridors or cupboards are to end. Failing that, the Minister or his senior officials must step aside and install people who, as the Chairperson of the Health Committee said, can regain the confidence of the patients, public and staff.

In his latest action plan, the Minister expects 95% of patients to be admitted or discharged within four hours. We applaud that. Let us hope that it happens. If that does not happen, let someone else take over the reins to see that it does happen. Some people will not agree with what I am going to say, but the people of Northern Ireland owe a great debt of gratitude to our local media — papers, radio, TV and other outlets — including the staff at the Royal and other hospitals, for the relentless campaign to get all patients the service to which they are entitled. Cover-ups must be a thing of the past. If the case of that unfortunate patient who died almost unnoticed on a trolley in a corridor in the Royal hospital had not been highlighted, we would not have seen an action plan, and we would not have seen red faces in the Department. Like Mark Durkan, I offer sincere sympathy to the family of that gentleman on their sad loss and hope that he will not have died in vain but that his passing will have made the necessary improvements to see better treatment in all our hospitals.

The Assembly recently gave a guarded welcome to the 'Transforming Your Care' report. I sincerely hope that changes can be brought about to provide a better all-round health service. However, we have had such reports before, and look at the mess we are in today. The report relies heavily on our GPs taking on a great deal more work, but will they be able to cope? That question has to be answered. Our community pharmacies are expected to take

on a great deal more work, and look at how the Department has treated them after two lost judicial reviews. The Department is sitting back and allowing our best pharmacies to go down the tubes before they even get an opportunity to provide that extra service to our population.

The premature closure of the City Hospital has been a total disaster. Anyone with a brain would have known or should have known that 40,000 patients would have to go somewhere. It is totally obvious that this was a premature and wrong decision, certainly until proper provision was available somewhere else. Where does the Minister stand on his statement to the Assembly on 13 September 2011? The first paragraph stated that the emergency department in the City Hospital would close "on a temporary basis". I have heard his colleague use that term on a number of occasions. That decision was taken by the Belfast Trust on 7 September. Was that fact, or was it deliberate misinformation to soften the blow? We need an answer.

Our Health Committee received a letter recently from a staff member in the Royal Victoria Hospital. He said that things are really awful and patients wait for days on trolleys and chairs. He said that he has seen junior doctors in tears and staff shouting at each other. As a junior doctor in the Royal, he said that he has no voice. He said that it was only a matter of time before someone came to serious harm in the A&E department. Well, unfortunately, a gentleman has come to harm. How many more?

Minister, please listen to the cry from your staff. Until the crisis is over, please get more staff, more space and more beds at the earliest possible opportunity. I fully support the motion.

**Mr Dunne:** I welcome the opportunity to speak on the issue, which has attracted a lot of media attention in recent days. Having visited the Royal's emergency department with the Health Committee this morning, I was able to see much of the good, constructive work that was going on. There is no doubt that pressure is being placed on the A&E department of the Royal and that staff have to work in difficult circumstances.

I commend the Minister for taking action last week and setting up an improvement action group, which has been tasked with tackling the current problems with waiting lists. Today we saw at first hand the lean exercise that has

gone on in the Department. Staff at all levels, right down to junior members of staff, have been asked to identify areas requiring action. That is good work, and we commend the Minister for taking that initiative.

It is right — it was said here earlier — that we pass on our sympathies to the unfortunate families that have been treated in an unsatisfactory way in recent days. However, it is important that we remember that the vast majority of those who visit our hospitals regularly in Northern Ireland are generally satisfied with the care in our hospital service. The main problems relate to getting into the system. Waiting lists to see consultants and to get treatment are too long, and waiting times for A&E in some trust areas are poor and unacceptable.

It has to be recognised that 54,705 patients went through A&E units throughout the country in February 2012. Some 73.3% were dealt with within four hours. The Royal Victoria Hospital had 7,587 patients through its A&E in February, averaging 260 people a day. That highlights the scale of the operation in A&E and puts into perspective the demand on our A&E service. Almost 5,000 patients were seen and dealt with within four hours; 2,307 were treated within a period of between four and 12 hours; and 399 patients waited for over 12 hours, which is a cause for serious concern and needs to be addressed. It should also be noted that 75 more patients had to wait in excess of 12 hours in the Ulster Hospital in February. It is our local hospital and the hospital that serves the majority of the people in my North Down constituency. In the Ulster Hospital, 474 patients had to wait in excess of 12 hours, and, in the Royal, the total was 399.

Staffing in the hospital service is critical, and I have raised it during the three Health Committee sessions on the Compton report. The Royal A&E has 87 nursing posts, and I understand that there are 13 vacancies, which are in the process of being filled. Staff morale is vital to providing a quality service, and I was impressed by the professionalism and commitment from all grades today. It was also mentioned during our visit that the recent negative media focus on the Royal has had a demoralising effect on staff. Thankfully, however, staff sickness has not been significantly affected. It was noteworthy when talking to the director of acute services, Patricia Donnelly, that

they had received more positive feedback on the standard of care in the A&E in the past few weeks than they have had for a very long time.

Everyone recognises that the performance of the A&E is very much subject to the performance of other processes in the hospital system. Other issues that need to be addressed such as the efficiency of the release of patients from hospital — trying to get as many patients out in the mornings, rather than the afternoons — the internal pharmacy system and ambulance availability need to be looked at to resolve the bottlenecks in the Royal Victoria Hospital.

There is a wider issue, and, as was said, we need to keep focused on making sure that those who do not need to go to the A&E department in the first instance do not go. It was mentioned today during a visit by a health professional that 30% of the people arriving at A&E should not be there and should be treated elsewhere in the system.

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

**Mr Dunne:** The recent Compton report will go some way to resolving those issues. I support the motion.

**Mr P Maskey:** Go raibh maith agat, a Príomh-LeasCheann Comhairle. First, I pass on my condolences and those of my party to the family of the man who died in the Royal a number of weeks ago. He happened to be lying on a trolley for 20-odd hours, waiting to be transferred. It is very sad for the family, but I am sure that it is also very sad for the hospital staff, who are very dedicated people. I commend them for all their hard work and endeavours. I am sure that they do not want to see such a thing happen on their watch or during their shift, especially somewhere where they have to work daily.

I have been in the A&E in the Royal Hospital with my mother on many occasions over the years. My mother is still with us, thankfully, but that is down to the hard work, commitment and dedication of the staff. I commend them for that. I would never fault them, and I would not allow anyone to take their name away. You have to argue that what they do daily is second to none. I do not think you would get it anywhere else.

**5.00 pm**

A couple of weeks ago, my colleague Sue Ramsey and I met the Belfast Trust to raise the

issue from a constituency perspective. Over recent weeks and months, many people have come to our constituency offices about waiting times in the A&E at the Royal. They believe a possible reason for that is that the A&E at the City Hospital closed. I would like to hear from the Minister today exactly what the reason is. The trust assured us that the closure of the A&E at the City Hospital was not the reason and that it was down to winter pressures. Any of us who have looked out the window today or been lucky enough to take a walk will know that the winter was very mild this year. I am sure that the pressures were there. The medical people can explain to us why that was the case.

Listening to everybody who has spoken in the debate so far, I know that everybody is coming at this from the same point of view. There are issues, and those issues need to be resolved, but how do we find a way of doing that? There is an onus on the Department to come up with the right solutions, but staff members who have concerns should be listened to before the Department implements decisions. That has been a concern since the time of the previous Minister, who might not have listened to trade unions or staff members. They are the experts, working day and daily, who know exactly what many of the issues are. I hope that, through this review, the concerns of staff members, trade unions and other professional bodies are taken on board. If their concerns are addressed, hopefully that will see some of the problems that are occurring in A&Es cease.

Staff will tell you that they are under severe pressure. You just have to look at the media impact in the past week or so to see that more and more staff members — people whom we have never seen before — are coming out to speak about their concerns. That is possibly down to the frustration that nobody seems to be listening to them. I am sure that those staff do not want to be putting their face on the TV screen, but they have come out —

**Mr B McCrea:** Will the Member give way?

**Mr P Maskey:** Certainly.

**Mr B McCrea:** I am thinking about your comments about the previous Health Minister. He did listen to the unions. He went down and talked to them. I wonder, Mr Maskey, whether it has come to you as a surprise that the A&E department is so hard-pressed. It was said that there were going to be problems, but the

situation seems to have caught people by surprise. Why do you think that is?

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

**Mr P Maskey:** Go raibh maith agat. I remember going to an A&E years ago when I had an accident. I waited hours and hours and hours. It is not a new problem that people are waiting any length of time in an A&E. It has been an ongoing problem for many years. Some of us will have brought our kids to A&E and have had to wait sometimes for 10 or 12 hours. It is not a new problem.

Of course there are pressures. Of course people have concerns. Sometimes, the people who raise the issues are raising them for the right reasons. That is why I am talking about staff members. Staff will tell you whether or not Michael McGimpsey met them, but did he listen? We still have the same problem. That shows the importance of today's debate. I hope that the Department takes on board the concerns that staff have, listens to those staff who have spoken to the media in recent days and listens to the trade unions and the patients. Patients are key to all this. Although we have staff and hospitals, it is the patients who must come to the fore. I hope that we work to achieve that and listen to all concerned.

It will not be easy. This is not an easy problem; rather, it is a generational problem. I hope that the pressures that we see, whether in the media or, hopefully, through the Committee and the Minister himself, will ease in the very near future. That would allow a bit of breathing space to let the Department, officials, staff members, doctors and nurses provide a 100% assurance to patients that they are there to treat the patient, there to ensure the best for the patient and there to deliver a first-class service.

**Ms Brown:** As a member of the Health Committee, I am speaking in support of this motion. I recognise the unprecedented pressures faced by medical staff at the Royal Victoria Hospital. I am very concerned by developments there, just as I was concerned, and continue to be, about similar pressure some weeks ago at the accident and emergency department in Antrim in my constituency.

In the first instance, I pay tribute to all staff, who have been working under immense pressure in our health service in recent times.

Their dedication and commitment serves as an inspiration to us all.

It is clear that the systems in place for dealing with demand over a specified period have been stretched to their absolute limits. In a statement released to the media on Wednesday 21 March, Minister Poots stated:

*"I will not accept poor or sub-standard services in our hospitals."*

That is a statement from a Minister who is not going to stand idly by and let such a situation continue. Therefore, he has my confidence, despite the abuse that he has received from some of the media.

I look forward to the outcome of the review into the situation at the Royal by the action group established by the Health and Social Care Board along with the Public Health Agency. I know that the Committee will take a keen interest in their findings. Therefore, I support the initiatives announced by the Minister and encourage him in driving change throughout the entire health and social care sector.

'Transforming Your Care: A Review of Health and Social Care in Northern Ireland' was published in December 2011. What we have witnessed over the past number of months, be it in the Royal or the Antrim Area Hospital, is a demonstration of the need for the recommendations in that review to be implemented. Furthermore, as the motion highlights, we need to see a reduction in the number of people attending accident and emergency for non-urgent health issues. We cannot have people attending accident and emergency departments with medical concerns that could be adequately addressed in the community, either at a person's local medical centre or at their local pharmacy. That will require not only a culture change for those in wider society but among all those in the service, as the review highlights. Such change could be brought about by education, either through our schools, a media campaign for the wider public or a new initiative, such as the idea presented to the Health Committee last week of introducing a new three-digit phone number, 111, for non-emergency situations in an attempt to end the habit of the public using 999 for any situation. Of course, that is just one of the many ideas brought forward by those who work in the service and who see the difficulties at first hand.

I urge administrators and those with responsibility to do their utmost to encourage new thinking and practices that will lift our health service out of this seemingly endless cycle of lurching from one crisis to another. We must take the hard decisions now in an attempt to halt the slide.

I am conscious that the recent chaos in A&E departments can put off those who need urgent care going straight there, leaving them in a worse state than they were to begin with. Therefore, we need to reassure the public that that issue will be addressed. We also need to ensure that people will not suffer further stress and illness as a result of delays once they arrive at the hospital. It is not enough to accept that waiting for several hours is the norm and that endless hours on trolleys in corridors is something that has to be endured. Confidence needs to be built in the health service as a whole, and it may take some time for those reforms to be put in place. Most importantly, however, it requires the assistance of more than one person or agency. I urge the Minister to act with urgency and continue to make the difficult decisions that will, ultimately, benefit all those who genuinely need an effective and efficient A&E department when the need arises.

**Mr Gardiner:** I welcome the opportunity to speak on this matter. From the outset, I want to make it clear that the motion is not criticising the nurses, doctors and staff who do a very good job under very difficult circumstances at the Royal Victoria Hospital. I was in the Royal Victoria Hospital this morning with members of the Health Committee, and we could see that, when the service is running smoothly, it works very well. However, today's debate focuses on what happened in the Royal over the past number of months. The issue has been well covered by the media over recent weeks. Some of the stories of personal experiences have been extremely concerning, and even the most hardened observers would have done well not to have been moved by some of the individual stories. Although many of the individual reports have been shocking, I accept that most have received adequate treatment, albeit they have had to wait for far too long.

The Department set an ambitious target. As from April 2010, 95% of the patients were to be treated and discharged or admitted within four hours of their arrival at the accident and emergency department, with no patients waiting longer than 12 hours. This target has not been

met. Last month alone, 399 patients at the Royal Victoria Hospital had to wait for more than 12 hours.

The Ulster Unionist Party opposed aspects of the 2011-15 Budget last year. We said at the time that we were most concerned about funding for our health service, and we were accused of scaremongering. However, we are now in the situation in Northern Ireland where, having come through one of the mildest winters on record, our accident and emergency system seems to be on the brink of collapse. It was not only the Royal that seemed to have been caught unprepared but the A&E department at the Mater Hospital, the Ulster Hospital and Antrim Area Hospital.

I would appreciate it if the Minister could address a number of things in his response, the first being staffing levels. Is there any basis for claims that nurses' shifts have been going unfilled in the Royal Victoria Hospital? If so, how many shifts does he believe to have been affected and what action has he taken subsequently to ensure that this never happens again? Will the Minister detail when his Department first became aware of the problems with the accident and emergency department at the Royal? I know his Department has strong monitoring arrangements in place, but unless these issues are acted on, that monitoring will have been in vain.

I have some concerns about the Compton proposals for the future of acute services in Northern Ireland, not least the support they give to reducing the number of acute hospitals to between five and seven. We saw what happened when the Belfast City Hospital accident and emergency unit closed. Funding reductions might have notable impacts on the operation of the service. Meeting targets is difficult enough at the best of times. However, as the Health Department moves forward with limited resources, I am very concerned about whether it has the ability, the sense of urgency or the appreciation that change is needed and needed now.

**Mr G Robinson:** I pay tribute to the dedicated staff who work in A&E departments throughout Northern Ireland. If everyone believed the reports of the sensationalist media, A&E staff would feel that they are not appreciated. Staff at A&E do a fantastic job that few people can do or would want to do, and I salute their diligence

in the face of adversity, verbal abuse and even, on occasions, physical abuse, which the Health Minister alluded to during Question Time today.

In an A&E in my constituency, the hours of opening and excellent services provided are achieved mainly by the use of locum staff. This has been relayed directly to me by the CEO of the Northern Trust. This fact points to one thing; a lack of trained A&E staff available to take up full-time posts. Locum staff are not employed on a permanent contract by any trust in Northern Ireland. In Belfast, the same situation applies as applies in East Londonderry, and this was the primary reason behind the temporary closure of the City Hospital's A&E department. It also ensured a safer service for the patients.

We must all remember that our Health Minister, like all Ministers, is faced with a large deficit in his budget due to a £4 billion cut in the block grant imposed by the Conservative Government. I would welcome it if those who tabled the motion could come up with the qualified staff required to solve the problem, as, I am sure, would the Health Minister. I understand that all efforts are being made to employ full-time staff. The Minister recently restated that. It will take time to achieve the recruitment of these medical staff.

#### 5.15 pm

I also stress that there must be a full appraisal of how people who turn up at A&E departments are treated in order to ensure that A&E treatment is available for major life-threatening conditions such as injuries sustained in road accidents or heart problems. A system where patients with minor injuries are redirected to a different facility where a nurse can discharge them would greatly help to free up A&E departments to deal with real, life-threatening emergencies. I also want to take the opportunity to express my condolences to the family of the gentleman who was found on the trolley in the Royal. I support the motion.

**Mr Allister:** We have seen and heard of some quite unbelievable scenes at the casualty department in the Royal Victoria Hospital. Scenes have been described of people who need medical attention lying on trolleys for 34 hours and of someone dying on a trolley. It is hard to comprehend that that sort of scene occurs in this part of the world in the 21st century, yet, sadly and realistically, it does occur. There has to be accountability for that because

that is what the public seeks. The public pay their taxes and rates. They look for services in return. When the public discover that they are getting that level of service — for which I do not at all blame staff, who are so stretched it is unbelievable — they ask why. They ask, “Where does the buck stop?”

The buck stops in this House. It stops with the Minister. The failures of the Royal and Antrim Area Hospital are the failures of the Minister, because that is the way that accountable democracy works. This time last year, it may have seemed easy to some when the buck stopped on the Ulster Unionist Party Benches to my left. Everything was simple. Everything was easy. Now, they may be discovering that, when the buck stops on their Benches, it is not so easy. Suddenly, we hear in some of the speeches from the DUP Benches, which would have been very different this time last year —

**Mr McCallister:** I am grateful to the Member for giving way. Does he recall that, over the past year or more, Members on the DUP Benches have, indeed, congratulated themselves on how they have spread the jam? Now, we realise that it is actually spread so thinly that the health service cannot meet the standards and demands that the Minister expects from it.

**Mr Allister:** A year ago, they were telling us that there was so much jam that it was everywhere as far as the last Minister was concerned and that the health service did not need any more cash. The reality dose that has set in is very different indeed.

Of course, today, it is everyone else's fault. They just cannot stretch it back far enough to blame direct rule, so they blame the drunks. Of course too many drunks turn up at casualty departments, but they always did. That is not the reason why we are in the turmoil that we are in today. Then, they blame people for not going to their GP. That has been a perennial problem. Yes; it is good and necessary to tackle those issues, but do not just make excuses for failure.

Anyone with a titter of wit would have known that, if you close a casualty department that has a throughput of 45,000 people a year, such as at the City Hospital, and put that burden on the two other hospitals in the city, inevitably, they would not be able to cope. My goodness, a Research and Information Service report that was done before the City Hospital's casualty department closed told us exactly what the

Minister has never seemed to realise; that if it were closed, it was likely to have a huge knock-on effect on the other A&E sites in the greater Belfast area. Indeed, so it has. It is, therefore, no surprise that closing the City Hospital's casualty department “temporarily”, to use that euphemism, has created the huge knock-on effect that we have seen at the Royal Victoria Hospital.

Of course, we then have waiting times that are utterly out of control. Figures for the debate show that, in Antrim Area Hospital, only 58% of patients are seen within four hours. We know from the media that many people are not seen within that time. Let us not blame the media for putting the focus on things that are wrong. In fact, many members of the public are grateful to the media for doing that.

It might be uncomfortable for those who have to take the heat, and it might be desirable for them and their well-paid, multiple spin doctors to spin it out of existence. However, it is reality and it has to be faced, and the sooner the better.

The problem is multifaceted. I received an answer from the Minister today about the downtime of ambulances delivering people to casualty departments. To my amazement, it emerges that that downtime — the time from when patients are delivered until the clinical staff take charge — is greater than 45 minutes for 30% of patients who are delivered to the Royal Victoria Hospital. Moreover, I am told by ambulance staff that, in some cases, that downtime can run to hours. Think of it, ambulances are marooned at a hospital, unable to go anywhere else, because they cannot hand over control of their patients to clinical staff. That is an issue that undoubtedly needs attention. What this all points to is that the Minister's pursuit of the Compton review, with its crazed idea —

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

**Mr Allister:** — of reducing the number of hospitals that provide key acute services to five to seven, will visit the turmoil of the Antrim Area and the Royal Victoria hospitals right across this Province, particularly if the Minister is foolish enough to close the acute services at the Causeway Hospital.

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I welcome the

opportunity to hear the views of Members on the motion and to respond to it. At the outset, I want to express my regret at all of the deaths that have taken place in our accident and emergency unit in the Royal Victoria Hospital over the period in question. I also want to express my regret at the amount of time that some have had to wait and the conditions that some have had to wait in. We want to improve that, and I believe that we will do so. Nonetheless, it is important that we recognise that problems exist and deal with them.

I thank the Members who tabled the motion. It is sensible and rational, and I am happy to support it and to work with Members to achieve a better health service in Northern Ireland. Mr Maskey pointed out that waiting times in accident and emergency departments are nothing new, and I agree with him. Nonetheless, that does not make the situation acceptable. We need to have better waiting times and services in our accident and emergency departments. I know that it is nothing new because I have personally experienced it. In January 2009, I sat with my disabled brother from one morning to 4.00 am the following day and waited for him to receive the care that he needed before he was admitted to hospital. I sat there among the drunks and lots of others who should not have been there. On that night, three years ago, there was a red light on and they were calling for staff to come from other wards to help in the A&E unit. Waiting times are not new, but we need to work on them and improve them.

The Health Minister in 2008-09 received an uplift to his budget of some 13.5% or £500 million. Where did that money go? How was it spent? How was it that, when we got to 2011, we had not seen improvements? One would like to know how that money was spent and where it went. I believe that there is considerable money in the system. We need to ensure that we spend that money wisely and do not waste money in our health service, and it is my intention to drive out waste from the health service.

This afternoon, most Members spoke sensibly and rationally. That is, with the exception of two Members: Mr McCarthy and Mr Allister. Mr McCarthy, in true style as that of the village idiot, behaved in an opportunistic way and did not make any rational points whatsoever. Indeed, it seems that I am to blame for everything that has happened in the health

service from the start, in spite of the fact that I have only held this office for nine months.

Mr Allister, on the other hand, is surprised that people die in accident and emergency units. I do not know where he has been living for the past number of years, because his comment was particularly stupid.

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

**Mr Poots:** No, I will not give way, because the Member had his opportunity. In fact, he had six minutes, and he did not make his case very well at all on this occasion.

**Mr B McCrea:** You should take him on, then.

**Mr Poots:** I am doing that right now.

**Mr Principal Deputy Speaker:** Order.

**Mr Poots:** The A&E at Belfast City Hospital was not closed in the sense that its staff were discontinued. They were moved to the Mater Hospital and the Royal Victoria Hospital, so no diminution of staff took place. The logic — sometimes I wonder — of suggesting that spreading staff over three sites instead of two would make it better is totally flawed, and I am surprised that someone who claims to be very able and articulate would come off with logic of that standard. That is a complete failing on his part.

The fact of life is that we have our pressures this year, and those are significant. I will deal with the issue of winter pressures. Winter pressures happen each and every year. Some Members may think that because there was more frost in one year than there was in the next, we will have a better year. I remind Mr McCallister, as opposed to Mr Allister, of a saying in the rural community: a green Christmas makes a fat churchyard. Why do old people always refer to that? The fact of life is that green winters, or warm winters, normally lead to more deaths and illnesses than extremely cold winters. Nonetheless, we have the pressures every winter.

I want to deal with the changes that took place across the Belfast Trust. I remind Members that nine additional beds were created in the Royal Victoria Hospital and that four new short-stay units were installed in the Mater Hospital. Staffing in the Belfast City Hospital was reconfigured so that the overall staffing complement at the Royal Victoria Hospital was increased.

The accident and emergency unit at Belfast City Hospital was closed because of a lack of availability of consultants and registrars in the facility. That was in June 2011. Mr McCarthy may well think that I played some role in not appointing consultants and registrars to Belfast City Hospital, but I think that that predates my role in the health service. Therefore, he will recognise that I had absolutely nothing to do with the fact that there was an inadequate number of consultants and registrars to cover both facilities.

As a consequence, the Northern Ireland Medical and Dental Training Agency (NIMDTA) warned us that we did not have enough senior doctors on site. Therefore, we had to take steps to address that. Actions had to be taken because of circumstances in Belfast City Hospital that were beyond our control and that we inherited. It is absolutely criminal that we had a situation in which on many evenings and weekends our major trauma unit in Northern Ireland was covered by junior doctors. That is not acceptable in any respect.

Where are we going with all this? We need to make significant changes. Last week, I announced that we would be making changes to patient pathways so that patients have effective access to hospital services without having to go through emergency departments and that we would manage the waiting times for elective and other services. Long waiting times for elective care can lead to greater pressures being placed on emergency department services.

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

**Mr Poots:** We heard enough from you earlier on.

We need a focus on discharge, right from the point of admission and throughout the patient journey, for those patients who end up being admitted. We need to look at what is being done outside hospital to ensure that people who do not need to go to an emergency department do not end up there.

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

**Mr Poots:** I will give way to Mr Beggs because he did not make a comment, and I might get some sense from him.

**Mr Beggs:** The Minister talked about discharge pathways. Does he agree that it is unacceptable that patients who are ready for discharge have to wait for more than two weeks because of the

inadequacy of the available care packages? Will he ensure that there is appropriate training of additional personnel so that more carers are available in the community and beds are not blocked because of a lack of care?

**5.30 pm**

**Mr Poots:** Yes, I agree with the Member. That is a perfectly sensible comment: that type of thing needs to be driven out of the system. We are considerably better than other parts of the UK, given that we have a joint health and social care system, but, nonetheless, that is not to say there are not failings that we need to address. Last week, I raised the issue of the important role that community care provides in all of this, and community care can indeed help.

We also need to look at the pharmacy network. We need to look at GPs and the out-of-hours services and consider whether we get a good enough service from out-of-hours doctors. If we do not, do we need to address that and change it to help ensure that we have a better reliance on primary care as opposed to people coming to accident and emergency units in the first instance? Minor injury units can be used to provide the advice and treatment that can safely be provided outside of emergency departments, and we need to ensure that suitable support arrangements are in place to facilitate early and appropriate discharge back to the community.

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

**Mr Poots:** Yes.

**Mr McCartney:** The Minister has listed a number of aspects that he thinks can help accident and emergency treatment. On Friday, I visited Altnagelvin Hospital as part of a party delegation. Will he comment on the impact that the acute medical unit is having in taking pressure off the accident and emergency department?

**Mr Poots:** By using medical assessment units, minor injuries units, the appropriate out-of-hours services and the GP system, we can reduce greatly the burdens and pressures on our health system.

As the Chairperson of the Committee said, one of the biggest problems that the emergency department at the Royal Victoria Hospital has faced over the past few days is the fact that there are pressures on the hospital itself. I will clarify for Members, in case some of them do



not understand. The vast majority of Members understand and are up to speed with things, but it appears that some Members are not. No beds were closed at the Royal Victoria Hospital or at the Belfast City Hospital over the past few months, but they were all full. We need to ensure that there is a better flow of people through the hospital system, so we need to have more discharges in the mornings. We need to ensure that pharmacy can respond to the needs that are placed on it. We need to ensure that more beds are available. If beds are not available, that will inevitably lead to trolley waits, which causes consternation and problems. That is why I propose that consultant decision-making in emergency departments about discharge is maximised and that the amount of surgery that can be done as day cases rather than for inpatients is maximised so that those beds are not taken up. I propose that we increase the proportion of patients who are discharged by lunchtime each day and that we have sufficient ward rounds — that means twice daily — to promote early discharge. We should keep only the most seriously ill waiting for investigations or procedures that could otherwise be done as an outpatient. I was approached by a Member who said that a family member was kept from Monday to Friday and got a test on the Friday. That was three or four days lost in a hospital ward, where that person did not want to be, taking up a bed that someone else needed.

We need to ensure that we permit senior nurses to discharge patients over weekends and public holidays. A point was raised about the grading of nurses. If nurses are being asked to take the responsibility, they should be paid the grade. That is very clear, and it is an investment. It is sensible that nurses take on more responsibilities that they safely can, thereby reducing the workload of doctors. It is financially sound.

There are ways of actively tackling the delays in discharge into the community, which Mr Beggs raised, and developing options to deal with the 20% to 30% of patients who turn up inappropriately at emergency departments. We can tackle that by allowing triage nurses to discharge individuals home — we would like to give them more responsibility to do that — or by providing an out-of-hours GP or minor injuries unit on the same or adjacent sites to which we can direct patients. Also, emergency departments operate for 24 hours, and it is important to consider whether other elements

of hospitals can work longer than the traditional nine to five or nine to nine.

So, while it is not possible to completely eliminate the risk that sometimes things will go wrong, there are known and well-established actions and changes that can minimise the risk. I need full assurance that they are being applied.

Finally, I pay tribute to all the staff in the health and social care system. The press and media have made a constant attack on our health and social care system. I know that Mr McCarthy maybe likes our staff being attacked, but I do not. I do not like to see people who work extremely hard in the system to care for people attacked on a constant basis by elements in the media. They do a wonderful job in difficult circumstances. They need our support. They do not need people to drive their morale down; they need encouragement for the work that they do. We need to respond to their needs.

I called down last Thursday unannounced, without any officials, and had a long conversation with staff in the Royal Victoria Hospital emergency department. They were very clear that they do not like the constant attacks on them. They want support and help, and they want people to listen. I welcome the fact that most of the comments in the House today have been about how we can resolve issues and how we can work together to do it. I thank all Members who want to work positively for a better health service in Northern Ireland for their contributions.

**Mr B McCrea:** First, I have a declaration: my partner is a nurse; her sister is a nurse; her sister's husband is a renal technician; my brother-in-law is chief executive of a health trust; and one of my daughters is a junior doctor. It is fair to say that I get a fair amount of information about the health service.

**Ms S Ramsey:** Will the Member give way?

**Mr B McCrea:** If you will not be long.

**Ms S Ramsey:** Did the Member ask me to explain what a band 5 was so that he could have that conversation when he gets home?

**Mr B McCrea:** The Member knows why I asked that question. However, I want to be serious.

Some people in my party do not think that we can do opposition and do not think that we have it in us to point out when something is wrong.

They do not think that we have the ability to take a Minister to task when he has been in the job not nine months but 10 months, which have been 10 months of shame. There is a list of things that have gone wrong. Had it been the other way round, all the people over there would not be nodding, saying what a wonderful job the Minister has done and saying that the people are wrong. They would be lined up to say, "No, the Minister is wrong". There are people in this party, including my colleague Mr McCallister, who are more than able to take on Ministers who fail in their duty and who should stand up and take responsibility for their actions. I cannot understand how a Minister who was able to talk on 9 March 2011 with all sorts of colourful imagery about how bad the previous Minister was will not take interventions from people who wish to debate the issues with him. Is he not able to sustain an argument? Does he not know the answers to the questions? He asks the rhetorical question, "Where did all the money go?". Well, he is the Minister; he should know.

As many people have pointed out, this has not suddenly come out of nowhere. Mr Maskey talked about times when he had taken people down and waited. We have all talked about those issues, yet we seem to have a crisis. Why has that crisis come on your watch, Minister? What has happened since you took over? It was interesting that Mr Maskey said that people should listen. It is not the previous Minister who was not listening; it is this Minister and his colleagues. We warned and warned and warned that there were insufficient resources to do the job properly and that people would be at risk. I heard many blandishments from people around here who seemed to say that the public are at fault because 30% of them should not turn up. If you go down that route, some person who should have gone to hospital and did not will face really serious problems. You really need to encourage people. Whenever they feel that they are ill, they should go and get medical attention. It is not for us to tell them not to go. You should get a service in place so that you can filter out what needs to be done efficiently and what needs to be done early. It is a question of more efficient triage. Why can we not find out when people come in whether they need emergency treatment, to be talked to and sat down for a while or to be told that they would be better off going somewhere else? Why can we not manage it whenever people get to the door? Why do we have to say to people, "Do not come, make it

up yourselves, take the risk"? That is totally contrary to all the advice that we give. Normally, what we say to people is, "If you are in doubt, check it out. Go and see what has to happen".

I say this in defence of Mr McCarthy: the Minister retaliated but would not let him intervene. Mr McCarthy said that the man responsible for the mess was in the Chamber. He pointed the finger at the Minister. It is the Minister. It is democratic responsibility. You are accountable. When you start making assertions that heads will roll if somebody does not do something, it is your head that should roll. You should actually stand up and be counted. Frankly, what you are doing is obfuscating and ducking your responsibilities.

The Minister can sit here and smirk and say that it does not really matter, but even his own colleagues were talking. Mr Dunne came up with a series of statistics, all of which were very disturbing. Particularly disturbing was the statistic that 399 people waited for over 12 hours. That is absolutely outrageous. What, Minister, are you going to do about that? Ms Brown talked about issues to do with Antrim. She said that heads must roll. I agree with her: his head should roll. He has not been able to deliver. A year ago, he was talking the big talk, saying, "I am going to do this, I am going to do that, I am going to make decisions". We have seen what happened when you made decisions — absolute chaos. The absolute destruction of the NHS — that is what you are responsible for. That is what you have taken on board. When you go through all the stuff on the record, you, Minister, should be ashamed of yourself.

My colleague Mr Gardiner highlighted the fact that we have been saying consistently that we need more funding. It is on the record. Radical changes need to be made to the way our services are delivered and configured, but we need the money and resources. Not so, said Mr Poots. We were told there is more money than you know what to do with, if only you would come along and make a few touches to the tiller, things would be all right. We see now what that has led us to. This is something that we, collectively, have to make sure is not allowed to continue.

When it comes to providing opposition and pointing out when people are not doing their job, we should not sit idly by and come out with bland statements saying that things are OK. There was the nonsense that he had at the end

about placing it on record that attacks on staff are most unwarranted: nobody was attacking staff. Everybody was 100% behind them. Mr Robinson, I think, mentioned the scurrilous media that seemed to have a campaign against the DUP and the Minister. Nonsense.

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

**Mr B McCrea:** I will indeed.

**Mr McCarthy:** Does the Member agree — this is the question that I wanted to ask the Minister — that, had it not been for the media and the outrage of the people of Northern Ireland, the Minister's announcement of an action plan would simply not have happened? He was gliding along as quietly as possible. The fact that the media have come to the fore brought us to where we are today, and we will hopefully see improvements.

**5.45 pm**

**Mr B McCrea:** I thank Mr McCarthy for his intervention. I was hoping that he would take the opportunity, because he made some telling points earlier. That is the real tragedy in all of this.

The DUP spin machine says, "What a marvellous Minister. He is listening. He will take decisions. Things are tough, but you can be sure that Mr Poots is at the helm and things are fine". I dread to think what would have happened if even one of the regrettable incidents that have happened in the past 10 months had happened on our watch. The outrage that would have come from those Benches would have been nothing ordinary. I actually thought that there would be more from Mr Poots, that he would stand up and say, "Mea culpa. I got it wrong. There was a mistake. We do need more money. We should go to Executive colleagues and come back and say that this is the way that we want to go forward". It is really disappointing that a man of his experience and long standing in the Assembly will not engage in debate. When Mr Allister put forward various points and said that so many unbelievable things had happened, Mr Poots should have said that that was not the case and that he was able to defend the point. However, he could not or would not. He should have. The real measure of Ministers is whether they are able to stand up when the question is asked. When people look at the debate and hear what everybody has to say, they want to hear more than bland statements and Members saying that they do not know what

happened. Ms Bradley talked about winter, and we had a discussion about it. Between her and the Minister, I am not sure whether we want a cold winter or not. There used to be different issues, including flu and orthopaedics. We look at the demand year in, year out, and there are peaks at certain times of the year. We should manage those peaks. If you close one A&E, only an idiot is surprised that the demand goes up elsewhere. That is the real issue.

The Minister is culpable and responsible. If heads are to roll, one should be his. I support the motion.

*Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the unprecedented pressures currently being placed on the accident and emergency department at the Royal Victoria Hospital; notes with concern that staff are working in extremely challenging circumstances and the impact that this has on staff and patients; accepts the recommendation contained in the recent review of the provision of health and social care that the Department should encourage only people in need of emergency treatment to attend accident and emergency departments; and calls on the Minister of Health, Social Services and Public Safety to review urgently the services at the Royal Victoria Hospital, to ensure that the necessary permanent staff are employed on an effective and efficient basis to allow the smooth operation of the accident and emergency department.*

*Adjourned at 5.47 pm.*







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