

Official Report (Hansard)

Monday 27 January 2014
Volume 91, No 3

Contents

Assembly Business	1
Committee Membership	1
Ministerial Statement	
Fisheries Council: December 2013	2
Executive Committee Business	
Public Service Pensions Bill: Further Consideration Stage.....	7
Oral Answers to Questions	
Office of the First Minister and deputy First Minister	22
Health, Social Services and Public Safety	30
Executive Committee Business	
Public Service Pensions Bill: Further Consideration Stage (<i>Continued</i>).....	39
Assembly Business	
Extension of Sitting	55
Executive Committee Business	
Public Service Pensions Bill: Further Consideration Stage (<i>Continued</i>).....	55
Private Members' Business	
Hospital Wards: Nursing Staff Levels	81
Written Ministerial Statement	
Northern Health and Social Care Trust Procurement Issues	95

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.
Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

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

Assembly Members

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

Northern Ireland Assembly

Monday 27 January 2014

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

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Before we begin today's business, I want to put on record my concerns about an exchange that took place between a Member and a Deputy Speaker during Question Time last Tuesday. I have to say that the Hansard report of the exchange is not good reading. Not long ago, I reminded the House that the authority of the Chair is always the same regardless of who presides over business in the Chamber. Members who think that, because I am not in the Chair, they can be discourteous to Deputy Speakers and challenge their rulings need to think again. Members know that, if they stray from the normal rules, they can expect whoever is in the Chair to intervene. When the Chair gives a direction, it should be respected and not be challenged at any time. I will certainly keep a very close eye on the issue and hope that I will not have to return to it.

I know that some latitude is given to Members when they are coming to their question, especially at Question Time. From time to time, Members want to give a brief explanation before they come to their question and deliberate on what they want to say in developing their question. However, that is where it ends. On three occasions, the Member was asked by the Deputy Speaker to come to his question. It did not happen. Regardless of whether it is I or a Deputy Speaker in the Chair, if Members are asked to come to their question, they must do so. That is where it ends. It is not a matter of having statements from Members before they come to their question.

It is also unfair on Ministers when Members give a long preamble before coming to a question. On occasion, Ministers have to ask whether there is a question in the Member's statement at all. I warn the House that the authority of the Chair, irrespective of who is in the Chair, is final.

I ask Members to call Members by their proper name, please. That is vital and has been a

ruling in the House for some time — it is a clear convention. Therefore, let us call Members and parties by their proper name.

Committee Membership

Mr Speaker: As with similar motions, this will be treated as a business motion. Therefore, there will be no debate.

Resolved:

That Mrs Judith Cochrane replace Mr Trevor Lunn as a member of the Committee for Agriculture and Rural Development. — [Mr Dickson.]

Ministerial Statement

Fisheries Council: December 2013

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 on the outcome of the negotiations that the Fisheries Council held in Brussels on 16 and 17 December, which determined fishing opportunities for 2014. In the annex to my statement, Members will find a map of fishing areas; a summary of the main total allowable catches (TACs) and quotas of interest to the local fleet; and a provisional summary of the landings made into County Down ports by the fleet in 2013.

Other fisheries Ministers — George Eustice, Richard Lochhead and Alun Davies — and I agreed our first order negotiating priorities ahead of Council. They were minimising the cut to the nephrops TAC for area VII; ensuring that the freeze on fishing effort — the number of days at sea that can be fished — secured for 2013 was carried forward into 2014; easing restrictions on fully documented fisheries and extending possibilities to include haddock, whiting, saithe and plaice in such schemes in North Sea mixed fisheries; reducing the proposed cuts in the TACs for cod and haddock in the Celtic Sea; and ensuring that decisions on TACs for data-limited stocks were taken on a case-by-case basis and informed by all available evidence and stock trends. In setting those priorities, our aim was to secure a fair and balanced package that set limits to ensure the long-term sustainability of fisheries and to be consistent with the reformed common fisheries policy that came into force on 1 January 2014. Our priorities were guided by three key principles: the need to follow the best science available; achieving maximum sustainable yield in fisheries by 2015 wherever possible; and the need to reduce the discarding of fish.

The Council followed a familiar pattern. Commissioner Damanaki introduced the Commission's proposals at a plenary meeting on the Monday morning. Member states responded, and that was followed by a round of trilateral negotiations between some member states, the presidency and the Commission. There were several meetings with others to explore areas of common interest. My officials and I had meetings with our counterparts from the South about Irish Sea interests and, in particular, the proposals for the nephrops TAC. A compromise proposal from the presidency was put forward on the Tuesday morning, and

there were further trilateral negotiations before a final package of proposals was presented late on Tuesday afternoon.

What was unusual about this meeting of the Council was that agreement on the TAC and the quota package was reached shortly after 6.00 pm on the second day. Members will be aware that Fisheries Councils are notorious for late finishes in the early hours of the morning. I think that the reason for an early finish this year was that there were fewer big issues for many member states: for example, North Sea TACs and quotas could not be agreed until negotiations with Norway were concluded in January. The first compromise also went further than many countries had anticipated. That put considerable pressure on countries still engaged in negotiations on the second day to reach an early deal.

Ministers from Britain and I had been concerned that effort control would again dominate the agenda and allow less time for negotiation on other key issues. In the event, the Commission gave an early indication at trilateral discussions that it would be flexible and not resist calls to maintain the fishing effort at 2013 levels for 2014, and that was very welcome. Effort control has a significant impact on vessels fishing for white fish species.

The Assembly may recall that, prior to the 2011 Council meeting, I made a commitment, with the support of the local industry, that our prawn fleet would fish with highly selective gears so that they could be exempt from the effort restrictions imposed by the cod recovery plan. In 2012, the fleet trialed a number of gear options, but the Commission's scientific advisers could not conclude whether the low cod catches exhibited by the nets were the result of their technical properties or because of a low abundance of cod in the fishing grounds when the trials took place. Further trials under scientific observation took place from February to April 2013. The results, which were written up by the Agri-Food and Biosciences Institute (AFBI), were presented to the Commission. In November, the Commission's scientific advisers concluded that three types of gear had selectivity properties that would allow exemption from effort controls.

That was a significant achievement, and I pay tribute to the scientists in AFBI and the local industry for the work done to achieve that outcome. Indeed, it was gratifying to hear Commissioner Damanaki acknowledge those achievements in her opening plenary address at Council. We have delivered as promised. Although the acknowledgement is welcome, the

Commission needs to reflect this by taking a more positive and flexible approach in its proposals for future Irish Sea TACs.

The gear developments are extremely important in the context of the new CFP, which will seek to do away with the wasteful practice of discarding fish. Of course, the best way to reduce discards is to avoid catching what is not wanted in the first place, and that is where highly selective gears come in. Although our prawn fleet has made huge progress in reducing cod catches through improvements to fishing gears, there are still challenges ahead to further reduce catches of small haddock, whiting and plaice. That will be a key focus during 2014, as we work with industry on a continuous improvement programme for gear technology.

This year, my top priority was again to secure a good deal on the TAC for nephrops, or prawns, which is the single most important species in the Irish Sea. That was also a top priority for my Southern colleague, Simon Coveney TD. Again, it was frustrating that the Commission proposed a high cut to the TAC. That has been the Commission's practice, year on year. It proposes a cut to reduce the TAC to equate with scientific advice, ignoring the fact that the fishing patterns of member states with an interest in that stock have changed over time. France, in particular, takes up around half its 24% share of the TAC. Prior to Council, we, along with the South, put forward a joint paper arguing against that approach. As pointed out in the paper and by me at the trilateral negotiations, the proposed cut by the Commission was totally unjustified. The TAC has historically been set at a level above that of the scientific advice, but fishing patterns demonstrate that the landings by fleets exploiting the stock are and have been in line with the scientific advice for some years. Although the scientific catch advice will fluctuate up and down each year, all stock indicators suggest that exploitation of the stock is sustainable.

The Commission's initial proposal for a 24% cut was reduced to 14% in its first compromise. That was still unacceptable, and the Commission was pressed to move further. In subsequent discussions, the Commission indicated that it could move to 12%, but it was not until the final plenary discussions that further movement was secured. The final package that was agreed saw the TAC cut by 9%. I think that was a reasonable outcome. Last year, we were able to secure an increase of 6% because of a comparable improvement in the scientific catch advice. This year, the

scientific advice was to reduce catches by some 8-4%, which is broadly in line with the final outcome.

Members will appreciate that I cannot go with the science one year and ignore it the next. The prawn fishery in the Irish Sea is crucial to the well-being of the local industry, our fish processors and the communities that depend on fishing. We must bear that in mind and ensure that the fishery is not over-exploited. However, we also must take an approach that ensures that the fishery is sustainably fished but not under-exploited. The latter would have happened, to the detriment of our industry, had the Commission's initial proposal prevailed.

The annex to my statement details the TAC movements to other fish stocks landed by the local fleet, but those are of much less importance than nephrops. Despite our arguments that cuts to the cod quota would make no difference to conservation measures, the Commission followed the cod plan, which provides for a 20% reduction. There were further cuts of minus 25% to plaice and minus 18% to sole, which are a reflection of the concerns expressed in the scientific advice. There were welcome increases of plus 15% in monkfish, plus 18% in hake and plus 5% in herring, again reflecting the scientific advice.

I am grateful for this opportunity to inform Members about the outcome of the 2013 fisheries negotiations as far as they affect our fleet. It was a tough Council, and I am relieved that the outcome was a reduction in the prawn TAC, which is broadly in line with the scientific advice, but it could have been very different. With fewer unresolved big issues, there were enough member states prepared to accept the overall fishing opportunities package to allow the presidency to conclude a deal. Thankfully we got the Commission to move further before that happened. I put on record my thanks to my colleagues George Eustice in DEFRA, Richard Lochhead in the Scottish Government, Alun Davies in the Welsh Assembly and Simon Coveney in the South for their strong support throughout the negotiations.

12.15 pm

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development): I thank the Minister for her statement on this very important issue. Given that we have had a prawn quota cut of up to 9%, how can the Minister say that this is a reasonable outcome? Given that the scientific evidence was sitting at 8-4%, would it not have been better to get a

deal at 8% or less, given the scientific evidence and the proof to back that up?

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

Has the Minister met the local industry to discuss that cut and how to manage it? I understand that although she must go with the scientific evidence, there is a gap between the scientific evidence and the local knowledge of the fishing industry that needs to be bridged. What efforts are the Minister and the Department making to bridge those gaps and to try to get clear evidence and the local knowledge of the fishing fleet into her negotiated plans?

Mrs O'Neill: I thank the Member for his question. I will pick up on the first point around the cut. Obviously, we would have preferred to have come back having seen no cut to the industry. You will be aware that, in last year's negotiations, we went out, we had strong science and we were able to get to a 6% increase, based on the science. So, I suppose it is unreasonable to expect that we would be able to argue against the argument we deployed the year before. That said, we made the case very strongly, and it was useful to have a joint argument with the South of Ireland, because we were able to deploy the same arguments. The general principle of the argument is this: there are other member states that do not use their full quota. If you look at it in that bigger picture, we argue that we do not believe that we justify a cut. That said, we made the argument, and, initially, we took it from minus 24%, so it was a very tough starting point. To go out with a minus 24% on the table, and the scientific evidence not backing it up, it was a tough start to the negotiations. That said, we got it down to 9%. Did we want more? Yes, absolutely, of course, but that was the outcome of the long negotiation.

Obviously, I engage with the industry before I go to Brussels, so we agree the industry priorities. Obviously, nephrops are the mainstay of the local industry, so that is the area that we focus on. We engaged with them before we went out. One of the areas that we discussed was how we, as the Department, would work with the industry more closely in the future. One of the things that I believe worked in the past, before my time, was a fisheries forum. I am not saying that we need to have an exact replica of that in the future, but now is a good time. I had said to the industry that we would engage again at the early part of this year. On the back of the outcome of the December Council, I think it is an ample time to

discuss how we work together, looking at the challenges that are there, obviously, and the opportunities brought about by the common fisheries policy changes, as well as the fact that we are going to have the new European and maritime fisheries fund (EMFF) funding streams. There are a lot of areas that we need to be discussing, and I am happy to do that with the industry.

Mr Deputy Speaker: I remind Members that Committee Chairs are given some latitude when asking questions to the Minister on a statement. I ask for your cooperation so that all Members who wish to do so will get to ask a question.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her statement. What progress is being made on the highly selective gears?

Mrs O'Neill: As I said in my statement, the commitment that I made two years ago, with the cooperation of the industry, has helped to save the industry from having technical measures imposed on it — things that were not necessarily suitable for our fleet. As I said in the statement, we now have more acceptable gear types that are capable of reducing cod catches to below the 1.5% that the Commission expects us to be able to deliver on. It also allows vessels to become completely exempt from the days-at-sea restrictions. Our commitment remains the same. Even without exemption, all our prawn vessels must use highly selective gears within the cod recovery zone.

As I said in the statement, I was delighted that the scientific advisers in Europe approved three highly selective gears for our industry. They approved those last November, and, over the next wee while, we are expecting to possibly have another method that will also be acceptable to the Commission. So, we have made a lot of progress. It is also important to point out that we still have funding available under the European fisheries fund (EFF) to be used to help to finance the scientific work to improve the selective gear that we use, to contribute to the adoption of those types of gears, and to get it approved by the European scientists.

Mr Byrne: I welcome the statement from the Minister. Obviously, the fact that the prawns have been cut by 9% is concerning. Will the Minister outline how Scotland and the Republic fared, given that, last year, Scotland got a 24% increase and we got only a 6% increase?

Mrs O'Neill: I do not have the breakdown of the other areas and how they fared. However, suffice it to say that they all have different priorities. In a lot of ways, we are fighting one general argument on the need for more flexibility. That is what we hope to have as a result of the common fisheries policy. For example, monkfish is of big importance to Scotland. However, that is not our priority: our priority is nephrops. So, we work together where we can, and we also deploy our own arguments where necessary.

I do not have the figures with me, but I am happy to provide them in writing, because they are in the public domain.

Mrs Dobson: I also thank the Minister for her statement. I know that a lot of pressure was brought to bear on the EU in support of our local industry, not least by my party colleague Jim Nicholson MEP, who secured a visit by Bernhard Friess to Northern Ireland. However, the outcome will herald financial losses —

Mr Deputy Speaker: Can we have a question, please?

Mrs Dobson: — and job losses. Minister, what are you doing to give our fishermen confidence following this slap in the face from Brussels?

Mrs O'Neill: The Member will be aware that, every year, we go out to Brussels in December and go round the merry dance of how we engage with the Commission. Unfortunately, this year, the science was not in our favour, but we made the case strongly. We took it from -24% to -9%, so that was positive.

As I said in answer to the Chair of the Committee, I have set out my plans for engaging with the industry. Now is the opportune time to do that, given that we have CFP reform and are looking at the new EMFF. So, now is the time to engage with industry on our next steps and on where we go from here. I think that I already outlined that clearly in the answer to the Chair of the Committee.

Mr McCarthy: Two or three years ago, as a member of the Agriculture Committee, I went to Brussels, where we met the commissioner. At that time, we talked about the discarding of fish. I see that you are still talking about the discarding of fish. When will we see that problem sorted for the fishermen's benefit?

Mrs O'Neill: Dealing with fish discards is a major European issue. It is an issue that we

are all trying to deal with. Our industry has been very progressive. When I talk about highly selective gears, we are talking about making sure that we do not fish the fish that we are not trying to catch. Our industry has been very progressive, and I think that it has been to the forefront. Commissioner Damanaki, in her opening address to the plenary in Europe, commended the fishermen from the North of Ireland fleet on the work that they have done on highly selective gears. We are to the fore in tackling the discard issue, so our industry should be commended for that. We have a way to go, surely, but we will continue to work with the industry. As I said, there are opportunities financially to support the selective gears for people to allow adaptations to their boats. As I said, we are in a good position. Other areas from right across Europe will look to our industry to see how progressive we have been.

Miss M McIlveen: The Minister referred to the importance of nephrops. She said that she regarded it as her top priority, which I welcome. Moving forward, DEFRA's round 2 marine conservation zone proposals will include two important areas in the Irish Sea for our prawn fishermen. What is the Minister's position on those proposals, and what are her thoughts on DOE's consultation on inshore marine protected areas around Northern Ireland?

Mrs O'Neill: That is not an issue that is relevant to the statement. We will talk to the Committee about those issues. I have spoken about this with the Environment Minister. I have also spoken to the new DEFRA Minister, George Eustice, in the run-up to the December Council on these issues.

To me, it is important that we get a balance. We do not want something in place that will damage the local fishermen's livelihoods. That is something that we need to deal with. I have always made it clear that, going forward, any of these proposals need to be done in conjunction and with proper full consultation with the local fishing industry. Unless that is done, I will obviously not support anything that will cause harm to an industry that is very important for people who live in coastal areas.

Mr Irwin: I understand that discussions are being held between the fishing industry and fisheries administrations in other parts of the United Kingdom about the EU's control regulation. What is happening here in Northern Ireland?

Mrs O'Neill: Again, that is not a question that is relevant to the statement, but I am happy to

provide the Member with a very detailed response in writing on the breakdown of where that is at. As I said in a couple of other answers, engaging with the industry is key for all these things. In moving forward and in looking at any sort of developments, we need to engage with the industry. The group that I want to establish will be a key forum for all those things to be discussed.

Mr Deputy Speaker: I encourage Members to connect their question to the statement.

Mr Rogers: I thank the Minister for her statement. Prawn fleets, particularly those operating out of ports such as Killeel, are likely to see an increased effort from displaced vessels, with major cuts in white fish quotas. Added to that, we are talking about a drop in prawns of around 600,000 tons. What are you doing to give more support to our prawn fishermen?

Mrs O'Neill: I have answered that in responding to earlier questions. The outcome of December Council is a position that we come to every January, but now that we have the CFP reform, which came into effect from 1 January, and, from 2015, the new EMFF — the funding for fishing communities — we need to look at opportunities and the barriers to growth. That comes back to the wider Going for Growth strategy and how we support local industries in being able to grow.

As I said, I want to establish a forum where fishermen can come together with the Department to have a frank discussion about the future and look at all the issues. There are plenty of issues that we need to look at, particularly given the cuts that we see from Europe. We do not just leave the issues at the December Council and park them there but continue to press them with Europe right throughout the year. Obviously, the December Council is what leads to the quota allocations, but there are many other issues that we engage with Europe on all year around, and I will continue to do that. However, I believe that the forum, whatever title it takes, will be a really big help in looking at the needs of the industry and at how we can work more collectively and effectively.

Mr Buchanan: Minister, given the concern that fishermen have had for some time around the sustainability of the industry, do you believe that the key priorities in your statement go far enough to ensure its long-term sustainability?

Mrs O'Neill: I assure the Member that those priorities are identified with the industry. They are not my priorities but industry priorities. In the run-up to December Council, I engaged with quite a number of people in the industry. They were all here in November. We agreed the priorities, and the industry was content with them. It is not a case of me imposing these priorities; rather, they are industry priorities.

Ms Lo: Sustainable fishing is very important, but it is also important that we have the right gear to reduce the waste of fish that we do not want. How much investment or research and development funding is the Department focusing on to help our fishing industry?

Mrs O'Neill: I do not have the exact breakdown of figures, but I am happy to provide them to the Member. Funding is key, because, as I said, our industry has been so progressive. Through the European Fisheries Fund, we have been able to fund a lot of the work around the science involved. Our scientists in the Agri-Food and Biosciences Institute have been very proactive with the fishing industry. AFBI is focusing on that and is working with the industry to gather the science. When we go to Europe, we want to make sure that our science is something that we can stand over. There has been significant investment.

Mr Allister: The Minister thinks that a 9% cut in our nephrops quota is a reasonable outcome. It follows, then, that she must think that the £2 million cut in income is reasonable, whereas it patently is not, particularly for an industry that for the past two years has jumped through every hoop that Brussels has set —

Mr Deputy Speaker: Can we have a question, please?

Mr Allister: The industry has jumped through every hoop concerning gear changes, only to get this slap in the face. If the Minister thinks that a 9% cut is a reasonable outcome, did she really fight for the industry at all, or did she roll over like Mr Coveney did by indicating that a cut would be acceptable?

Mrs O'Neill: I think that I have made it very clear that I agreed my priorities with the industry, that the priorities were set with the industry and that I went out to Europe and made it very clear that those were my priorities.

It is a reasonable outcome when you put it in context. You can pick out wee words to use, but, to put this in context, we were going out there with a 24% cut. The science did not back

up the argument. Last year, when we were happy to take the 6% increase, we did so because we had the science to back us up. Surely you cannot turn your argument year on year.

Is there a bigger picture, particularly around the fact that other member states do not use their entire quota? Absolutely. Is that something that Brussels needs to look at? Absolutely. France, for example, did not take 25% of its allocated quota. Our industry would be happy to take that on board if that were the case. As I said in answer to a previous question, I continue to argue the case not just in December but all year round.

12.30 pm

Mr Wells: Does the Minister accept that her relationship with the Irish Minister was far too cosy? It was easy for him to accept a 9% cut, given that he had a 34% increase last year while we had only a 6% increase. Why was she not batting for the fishermen of this part of the United Kingdom in Northern Ireland rather than snuggling up to the Minister from the Irish Republic?

Mrs O'Neill: As I said, I went to Europe with priorities that were identified by the industry. The industry here wants me to discuss the issue with Simon Coveney, and the industry here talks to its industry counterparts in the Twenty-six Counties. *[Interruption.]* The industry here wants me to engage with Simon Coveney — *[Interruption.]*

Mr Deputy Speaker: Order.

Mrs O'Neill: — and make a joint case. The Member may have his personal political views, but the industry was very happy for me to work with Simon Coveney to argue the case for the Irish Sea and our quota in the prawn negotiations. The Member's views are political views and not those of the industry.

Executive Committee Business

Public Service Pensions Bill: Further Consideration Stage

Mr Deputy Speaker: I call the Minister of Finance and Personnel, Mr Simon Hamilton, to move the Further Consideration Stage of the Bill.

Moved. — [Mr Hamilton (The Minister of Finance and Personnel).]

Mr Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1, 2, 13 to 15 and 19, which deal with pension board representation, revaluation, local government schemes and police pensions. The second debate will be on amendment Nos 3 to 12, 16 to 18 and 20, which deal with the pension age of scheme members.

Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. If that is clear, we shall proceed.

Clause 5 (Pension board)

Mr Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 13 to 15, and 19. Members should note that amendment No 14 is consequential to amendment No 13 and that amendment No 19 is consequential to amendment No 15.

I call Mr Alex Attwood to move amendment No 1 and address the other amendments in the group.

Mr Attwood: I beg to move amendment No 1: In page 3, line 43, at end insert

" , and must include representation from any trade union recognised by the employer".

The following amendments stood on the Marshalled List:

No 2: In clause 9, page 6, line 11, leave out "5" and insert "7".— [Mr Attwood.]

No 13: In clause 18, page 11, leave out lines 32 to 34 and insert "31 March 2015".— [Mr Attwood.]

No 14: In clause 28, page 16, line 19, leave out "2014" and insert "2015".— [Mr Attwood.]

No 15: After clause 29 insert

"Police pensions

29A.—(1) *Regulations C9 and C9A of the Royal Ulster Constabulary Pension Regulations (Northern Ireland) 1988 (S.R. 1988 No. 374), as substituted by Schedule 1 to the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations (Northern Ireland) 2006, (S.R. 2006 No. 152) (widow's, etc. pension or gratuity to terminate on re-marriage or other event) shall cease to have effect as from the reinstatement date.*

(2) *Where any person's entitlement to receive payment on account of a pension or a gratuity under the Regulations of 1988 was terminated by virtue of regulation C9 or C9A, the pension or gratuity shall be reinstated and become payable as from the reinstatement date.*

(3) *Nothing in this section authorises or requires any payment on account of a pension in respect of any period before the reinstatement date.*

(4) *For the purposes of this section the reinstatement date is 1 July 2014.*— [Mr Allister.]

No 19: In clause 36, page 21, line 13, at end insert

"() section 29A;"— [Mr Allister.]

Mr Attwood: I will speak to the other amendments in the group and touch on the amendments tabled by Mr Allister.

I acknowledge that the Speaker's Office accepted the amendments and, indeed, virtually all the amendments that were tabled at Further Consideration Stage. That is good practice. As has been said in the Chamber before, the Bill is arguably the most significant legislation to come before the Chamber thus far in this mandate. It is important, therefore, that, at the last stage at which amendments can be tabled, we try to reconfigure the Bill as best we can in the interests of the 230,000 people who will be

affected by the Bill on the far side of Royal Assent.

I took some time to read through the Hansard report of the Bill's Consideration Stage. The Minister may be surprised to know that I am one of a small group of people who read Hansard; I think that it is very revealing. I was struck by many of the Finance Minister's comments, and I will rely on those as I go through the amendments. I was particularly struck by his comment that the Bill was:

"designed to last for a generation at least"
— [Official Report, Vol 90, No 6, p19, col 2].

That reflects the scale and character of the pensions legislation and the scale and character of the amendments tabled by us and others at Further Consideration Stage.

I venture to say that the reason why the amendments are before the House today and why we argue for all of them to be accepted is reflected by today's coverage in the London newspapers of yet another pensions Bill that will shortly come before the House of Commons. As I understand it, that Bill — this is relevant to the amendments — will give people the opportunity to top up their state pension, if, of course, they have the savings to do so. It is curious that it will enable people with savings to top up only over an 18-month period. I do not know, but some would suggest that this is curiously timed, given the forthcoming Westminster election. It goes further. Although that might be the most public aspect of the new pensions legislation, it also begins, as we understand it, to outline a European model of pension scheme known as a collective defined contributions scheme.

All that reveals to me that the House needs to be very vigilant about this pensions legislation because the Treasury, George Osborne and his team are not finished with this yet. The fact that further legislation will be proposed indicates that they are not finished yet when it comes to the scale of their ambition to rework the pensions regime that has existed for so many years in the image of something different. Given that the Minister has said that this Bill was:

"designed to last for a generation at least"

what thoughtless folly it was that anyone could conceive of a legislative consent motion (LCM)

Mr Deputy Speaker: Order.

Mr Attwood: Yes, I will come straight to the amendments, Mr Deputy Speaker.

What thoughtless folly it was that anybody could think that legislation:

"designed to last for a generation at least"

could somehow be addressed by way of an LCM. Let us never repeat that error at the Executive table with any future pensions legislation.

Amendment No 1 is an attempt, appropriate at Further Consideration Stage, to go back to the issue of trade union representation on pension boards. As we know, the Bill, as drafted, states that there will be representatives of the employees on the boards but is now silent on representation from a recognised trade union. The reason why we have decided to go back to the issue is that little was said by the Minister at Consideration Stage when this matter was interrogated. There was little in what he said that gave reassurance to us or, I suspect, to many people listening on trade union membership of pension structures. Frankly, given what is in Hansard, far from being reassured, we are alarmed. That is why we would like the Minister to accept the amendment, which does no violence to any particular interest, in order to build certainty, confidence and reassurance among those who are listening, especially the trade union movement, which, after all, represents 56% of the members of public sector pension schemes. The Hansard report of Consideration Stage records what the Minister said.

I see that we have been joined by the previous Minister of Finance, Mr Wilson. Maybe he is in a position to confirm whether the advice that he received from the then private ministerial secretary, Simon Hamilton, was consistent with his advice to the Executive that the pensions legislation should be dealt with by an LCM. There was silence on that matter at Consideration Stage. Maybe you will want to use your good authority and voice to confirm or deny what the advice may have been from your colleague at that stage. While you contemplate that matter, I will go back to what the current Minister said at Consideration Stage:

"As I have stated, the thrust of the Bill ... is to enhance good governance for public service pension schemes. That certainly does not mean promoting the role of the trade unions, which is what amendment Nos

3 and 4 would result in." — [Official Report, Vol 90, No 6, p47, col 2].

I repeat the quotation:

"certainly does not mean promoting the role of the trade unions".

Mr Wilson: I thank the Member for giving way. Will the Member recognise that a pension fund is made up of contributions from employees and, therefore, the best people to look after the interests of employees are themselves? They will approach this with a view to ensuring that the highest possible return is achieved on the pension fund so that their pensions are safeguarded, whereas trade unions are likely to bring in not only those interests but other interests that trade unions may well have. For that reason, the emphasis ought to be on the role of employees in supervising and monitoring a pension fund.

Mr Attwood: I thank the Member for his intervention. First, 56% of people in the public sector choose voluntarily because of the nature of the legislation, which in my view is correct, to go into trade unions.

Mr Wilson: Will the Member give way?

Mr Attwood: I will give way in a second. Under current trade union and employer management arrangements, that gives a trade union the responsibility to negotiate for and represent its members. Therefore, if 56% of people make contributions to a trade union, join a trade union and rely on a trade union to make their case in respect of pensions and other matters, the most consistent and principled position is to recognise that, when it comes to involvement in pension structures, trade unions should have a particular place of recognition.

Mr Wilson: Will the Member give way?

Mr Attwood: I will give way in a second. I will give way to everybody, so you do not have to be anxious about that, Mr Wilson.

The second thing is that those comments from the former Minister of Finance betray a hint, if not more than that, of an anti-union approach, which is the concern of many of the comments that I will come to in respect of the Finance Minister's contribution at Consideration Stage. I give way.

Mr Wilson: Does the Minister recognise that nearly half the workforce choose not to be part of a trade union? Therefore, for him to say that

trade unions can represent those who have invested money in a pension fund is incorrect. Does he also recognise that there will be occasions when there could be a conflict? People usually join trade unions for the representation they give in the workplace, but, when it comes to the investment of funds, there will be occasions when trade unions may well have a conflict of interest. For example, they may not wish to see money invested in certain funds because of political differences or views, even though those funds may give a better return to the pension contributors.

Mr Attwood: The Member is moving ground. He is now raising an issue of people on pension structures that may take, to borrow the phrase, an ethical approach to pension investment —

Mr Wilson: It could be political.

Mr Attwood: Or a political approach, but let us take the narrow one of ethical investment. I would like to think that, when it comes to pension structures, there will be people, including unions, who will take an ethical approach to investment schemes when it comes to their pension funds, rather than saying, "Let's follow the money. Let's follow the place of maximum profit. Let's disregard any issue about ethics or values when it comes to members' contributions and investments in pension schemes".

12.45 pm

I would like to think that people who come into pension schemes do not sit and occupy places in the pension structures simply to maximise the return. If the argument is that pension structures should maximise return, just hand it over to some private investment company to maximise return. I suggest that the point of members being involved, I suggest, is to ensure that all views are heard, that proper values inform pension schemes, and so on and so forth.

Mr Wilson: Will the Member give way on that point?

Mr Attwood: I will give way.

At Consideration Stage, our amendment that the employee representatives should be trade unions was defeated. To be fair, some good arguments were made in denying that amendment. However, if you go and speak to trade unions, as Mr Wilson will have done as Finance and Personnel Minister, they will confirm to you that it is part of their code and

integrity that, when they speak and negotiate on behalf of union representatives, they are also mindful of their responsibilities not to do prejudice and, indeed, to best represent those who are not in the same place as them when it comes to union membership.

I will give way to the Member.

Mr Wilson: First, the Member has not addressed the point that nearly half the workforce decides not to be represented by the trade unions. It is interesting to note that the whole thrust of his argument is that trade union representation in the pension scheme would enable decisions to be made other than decisions that seek to maximise the return for members. He has dealt with the ethical ones, but there are, of course, political reasons why trade unions may well decide that they do not want money invested in certain funds or whatever.

Most people listening to this debate who have put their money in a pension scheme will want that money to give the maximum return so that their pensions can be safeguarded. The Member argues against his own amendment when he indicates that the reason for trade union involvement might be to ensure that the decision to go for the lesser return should be taken, even though there is a better return to be made.

Mr Attwood: I have to say to the Member that —

Mr Agnew: Will the Member give way?

Mr Attwood: I will in a second.

I have to say to the Member that it seems to me an incongruous and unhappy argument that, when it comes to pension funds, we should abandon any sense of value in informing how those funds are invested save one of profit and maximising return.

I remember how, at Queen's University — both he and I are graduates of that place — an argument was made through the senate 30 years ago to have a stream of ethical investments of university funds, including pension funds. Why? It was to recognise that there are obligations around pensions, given the scale of pension funds in the Consolidated Fund or in the private sector, where you can do no harm — you can do some good — through ethical-based investments, and you can do some harm by having investments in certain practices that, in our view and, I think, in the

view of citizens generally, would do violence to core values that represent the society and state in which we live.

In any case, Mr Wilson, our amendment says that, when it comes to the employee representatives, given that over half of them are members of trade unions, that should be recognised in the law in order to respect the principle of industrial relations that trade unions have a particular responsibility and statutory role under trade union legislation to make representations on behalf of their scheme members. However, even if you put all that away, I suggest, as I said earlier, that when a Minister came to the House and says that this legislation:

"certainly does not mean promoting the role of the trade unions". — [Official Report, Vol 90, No 6, Part 1, p47, col 2].

— it is reasonable to ask whether there is something going on here that is not about promoting the role of the trade union but actually about diminishing the role of the trade union.

Mr Agnew: I thank the Member for giving way. This comes back to Mr Wilson's point that unions are not empowered because they represent only 56% of the workers. However, given that he is in the minority party in the Assembly that is represented by significantly less than 56% of the voters, what empowers him and his party to bring forward this pensions Bill? Surely the trade unions are the best supported body of workers that can represent workers, given that no one exceeds 56% endorsement.

Mr Attwood: I will take an intervention from Mr Wilson if he wants to reply to that point from the Green Party, which I agree with.

Let me develop the point for the benefit of Mr Wilson and others. As can be seen from the Hansard report and from other comments from the Finance Minister, our concern is confirmed that the trade union movement is not being properly and fully recognised in the Bill when it comes to its membership being represented in pension structures. During Consideration Stage, the Finance Minister, referring to the amendments being tabled by Mr Rogers and Mr Bradley from the SDLP, said that those amendments were:

"short-sighted and restrictive approach, which some Members have allowed themselves to become lobbyists for".— [Official Report, Vol 90, No 6, p19, cols 1-2].

I ask the Minister to confirm that, in making those comments, he is not suggesting in any shape or form that the trade unions that made representations to various Members, including, no doubt, the Finance Minister, did not take a "short-sighted and restrictive approach" and that he is not suggesting that any of those amendments or that those who argued for them, including the trade union movement, were somehow "short-sighted and restrictive" in their approach. If he does not confirm that, you can understand why an amendment that the SDLP tabled explicitly says that there should be:

"representation from any trade union recognised by the employer".

There is a sense, from some of the comments made in Consideration Stage and even in Further Consideration Stage this afternoon, that the unions are somehow being restrictive and short-sighted in their approach, given that they lobbied for amendments to the pension scheme.

I will go further and confirm the anxiety that some of us have about the Bill. At another point during Consideration Stage, the Finance Minister said:

"Trade unions are not employees." — [Official Report, Vol 90, No 6, p19, col 1].

That is true, but he should have then said that trade unions are organisations of employees. That is also true, and it gives the proper legal and wider recognition to trade unions' role and function.

Mr Wilson: Will the Member give way?

Mr Attwood: I will give way.

Mr Wilson: What makes trade unions, which are organisations representing employees, better custodians of the employees' pension fund than the employees themselves, who are the people who make the contributions? This is not excluding those who have paid in from having some say in what happens to their funding. The Member seems to be suggesting that having that representation through a third party is superior to having the representation from the employees themselves.

Mr Attwood: The amendment does not take away from the area of employee input in the Bill. It aims to add to that to ensure that it includes representation from any trade union.

Why do we make that argument? Mr Wilson reminds me of that scene in 'Life of Brian' when the rebellion is gathered in some house in Jerusalem or some part of the Holy Land, and they ask the question:

"what have the Romans ever done for us?"

Let me tell Mr Wilson what the trade unions have done for us over the past 30 or 40 years. I choose that time frame deliberately so that it will be within the life of every single Member of the Assembly. What have the trade unions done? They were responsible for legislation on employment rights in 1996; on health and safety at work in 1974; on working-time regulations and the minimum wage in 1998; legislation on employment agency law in 1973; and on transfer of undertakings in 2006. That is the body of legislation of which the trade union movement was the architect and for which it was the lobbyist — to use the phrase that was used in a rather dismissive way — over the past 30 or 40 years.

When Mr Wilson asks why the trade unions should be recognised by the employer explicitly in the Bill and as part of the pensions structures, it is because every employee in this Building, whether MLA or staff member, and every other employee outside this Building, and because of the contribution of the union membership, a situation has been brought about whereby pay and conditions of work are different from what they were even 30 or 40 years ago. Given the particular role and contribution of the trade unions in defending workers and ensuring that the workplace is one that is better than one that is worse, is it too much to say to the Minister that, when it comes to the management of pension funds, their contribution should be explicitly recognised in the Bill through what is quite a moderate amendment?

Mr Wilson: Before the Member gets carried away with his historical rhetoric, let us come closer to home and look at the record of NIPSA in representing employees in pensions negotiations. Does he agree that there are many members of NIPSA who are still mad at the way in which the union, when it came to whether equal pay should be extended right across the Civil Service, handled the matter?

Mr Deputy Speaker: The Member should return to the amendments being debated.

Mr Wilson: All that I am saying is this: there are plenty of occasions when employees know that trade unions, for political reasons, do not

get the best deal for their members, because they take short-term political considerations into account. When it comes to pensions, the best people to look after them are those who made the contributions and not those who may have a political agenda.

Mr Attwood: I will make one point about NIPSA. When I was Minister for Social Development, in the run-down to the 2011 election, I turned up at my office on the Andersonstown Road to be greeted by a small number of people waving NIPSA flags, not in celebration of my turning up at the office but to protest against what I, as a member of the Executive, had decided. I think that I might even have dissented from what had been decided, but, nonetheless, they were protesting, in the eye of an election, about what the Executive — the Government in Northern Ireland — were doing.

I could have been unhappy at that circumstance, but I invited them in for a cup of tea. Although they were protesting against what the Executive had done, their right to protest had to be defended. The contribution of NIPSA, as one of the main employee unions in Northern Ireland, and its right to organise, protest and make representations is something that, even when I do not agree with it — there have been occasions when I have not agreed with it — I am precious about. NIPSA, like many others, has made enormous contributions to the improvement of worker conditions and pay in this part of the world.

Mr Deputy Speaker: The Member should return to the amendments.

Mr Attwood: To emphasise the point, if it were not for the unions and their work on the situation facing the Driver and Vehicle Agency (DVA) in Coleraine — I cannot recall whether NIPSA is involved in that, but I think that it is — that office's doors would have been closed two or three years ago. However, the unions, along with other people at Executive level — Mr Wilson knows full well about this — fought that fight, and perhaps in the next number of days that battle will also prevail.

1.00 pm

I will come back to the amendments now. The purpose of amendment No 1 is not to create prescriptive requirements about trade union input into the pension structures. It is to give the trade unions their proper place, which, under industrial relations frameworks, they should have and are entitled to, given the scale

of their membership and the maturity and wisdom of their input, not in every case but in many cases.

Mr D Bradley: I thank the Member for giving way. Does he agree that the trade unions have built up quite a large degree of expertise on pensions? They have the resources to provide their members with very sound advice on pensions, so it is important that those resources and that advice are available. One way to help to ensure that is by naming the trade unions in the Bill.

Mr Attwood: I very much agree with that. As the Member was speaking, confirmation of that point came into my head. I speak from the little authority that I had as a previous Minister, when I had to appoint people to the Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC) scheme from a trade union background. As I recall it, under the law, unions are guaranteed a place on the NILGOSC scheme, representing 48,000 people, which is 20% of all those in public sector employment in the North. I am subject to correction on that, and I know that the Finance Minister will check with officials whether I am right or wrong. Given that the DOE and NILGOSC have that requirement, it seems to us that that requirement should also be honoured with wider pension structures.

In conclusion on amendment No 1, the amendment is to create certainty and avoid doubt, to ensure that the current industrial relations framework prevails and to reduce the risk that dogma — there has been a bit of that today —

Mr Hamilton (The Minister of Finance and Personnel): You are too hard on yourself.

Mr Attwood: Yes, I await your replies with interest because some of your comments from the Consideration Stage debate require further comment. For those reasons, I urge the House to support amendment No 1.

I turn to amendment No 2. At the Consideration Stage debate, there was a proposal to move the five-year threshold to 10 years. That proposal was denied by the House, so we are going back to the issue today to move the five-year threshold to seven years for people who may want to take time out of work. During the Consideration Stage debate, the Minister said that he was not inclined — I think that he said that he was absolutely opposed — to move to 10 years because the five-year threshold was:

"reasonable, adequate and generous"
[Official Report, Vol 90, No 6, p20, col 2].

On the face of it, I think that there is a tension between something that is reasonable and adequate, and generous. If it is generous, it suggests that people are going a bit too far. In any case, the argument that we make for seven years is simply that the nature of the workplace is changing and employees' lives are changing.

A number of years ago, very few people took a five-year career break. That is still the case, but, given the changing nature of the workplace and, hopefully, greater recognition of the requirements of family life and the work/life balance, particularly the requirements of parents, male or female, who want to rear children, and so on, it does not seem to us to be ungenerous to now move from five years to seven years. That is a moderate adjustment for a very small number of people who may wish to take a career break and come back to work afterwards. That is small recognition of the small number of people who may so be inclined — there will be very few. Given the nature of the economy that will exist after the recession and that the option of taking five years out of work will not be attractive to that many people, we think that a moderate amendment of that nature should earn the support of the House.

The third amendment concerns the current NILGOSC scheme. I declare a bit of an interest because, as Mr Wilson might be inclined to tell me, I made arguments around the Executive table about it. The local government scheme is fully funded, unlike any of the other schemes captured by this legislation, which are funded out of the Consolidated Fund. So I declare an interest because I was involved in an earlier stage of the NILGOSC scheme process. As I said earlier, the scheme involves about 50,000 people, extending beyond local government employees to include library board employees and others. That is a significant number: it is 20% of all those who might be affected by the Bill. Therefore, it is a significant sector, and, in practice, and, in any case, on a point of principle, we need to work through very carefully what the consequences will be for the proposed cut-off date in the Bill of March 2014.

I made the argument at the Executive table that, given that the NILGOSC scheme was fully funded and, therefore, different in character from all the other pension schemes that will be affected by the proposed changes in the Bill, it should be treated differently. Local government employers, employees and management, not just here in Northern Ireland but in England and Wales, were all trying to deal with the issues

around the local government scheme in a way that would see changes, including those related to Hutton, being in place by 1 April 2014. I thought that it showed great authority by the trade union side, the employees and employers that, given the different character of that pension scheme, to try to gather in one place, by the end of March 2014, all that was required to be done for the scheme's management and the implementation of the relevant Hutton recommendations. However, that will not be the case.

I will give five quick reasons why we should now remove from the Bill the cut-off date of the end of March 2014. As with the other schemes under the legislation, the effective date for the new pension arrangements should be the end of March 2015. First, if you speak to NILGOSC and all its membership, they will confirm that, given the scale and complexity of what is being proposed and the number of people who will be impacted, it was likely that they would have a parallel process and learn heavily from the English and Welsh local government scheme and the negotiations around all of that. The intention was that we would be able to learn in significant ways from England and Wales, but they did not move as quickly as they might have, and I hope that the Minister will be able to confirm that. Even in June 2013, when they went out to consult on various regulations regarding what the local government scheme might look like post-Hutton, it was devoid of much detail, and, therefore, there was a lack of certainty. The delay in making progress on the local government scheme in England and Wales meant that there was a parallel lack of certainty in making progress on the Northern Ireland scheme. If we rush in now, we will regret that at our leisure.

Secondly, even in England, some of the transitional arrangements for the local government scheme have not yet been reduced to regulation. Therefore, for reasons beyond the control of the Government in London, even the relevant transitional arrangements are in a place of some uncertainty. Therefore, there is a particular reason, given the time frames that we are talking about, for an absence of regulations in Britain that would outline the issue in respect of transitional arrangements. We should take some time out to get it right here.

Thirdly, as the Environment Minister will have confirmed, draft legislation on the local government scheme's design, administration and transitional arrangements went out to consultation here only in December last year. Even then, at some risk, which is the nature of consultations, the period for consultation was

shortened. The consequence is that the consultation, short though it is, closes on 7 February. So, the consultation on the legislation for the scheme design and related matters has not even closed and will not close for another week. That is despite there being a requirement in the Bill to have regulations in place by the end of March. Therefore, it seems to us that, if we are going to honour the principle of consultation — even a shorter consultation than might have been desirable — that needs to be reflected now by taking some time out so that the date of March 2014 does not apply.

In any case, even if, on the far side of the consultation, we went down the road of the Minister tabling regulations and so on and so forth, it would create a very short window of two or three weeks for NILGOSC to make adjustments to payroll and computer systems. A commonsensical approach would be to not visit that upon NILGOSC in such a short time frame.

Why should we do all that? For the fifth reason. There are 48,000 members, and, if I remember correctly, compared with other schemes, a disproportionate number are women and are on lower-paid incomes. If we do all this in a rush, 48,000 people will be living with the consequences. Those consequences may impact most on women and part-time workers. If you do this in a hurry, you will be correcting it retrospectively. You will have a situation in which some will not get all the pension that they are entitled to and others will have to pay back pensions that have been overpaid. That will create confusion, and it will result in the interests of the employees, unionised or not, being compromised.

Mr Wilson: Will the Member give way?

Mr Attwood: I will in a second. I make the argument that there are administrative, individual, legal and financial reasons for adjusting the date of the end of March so that it is consistent with all other schemes. I give way.

Mr Wilson: I will not go into all the detail behind the reason why the date of 2014 was allowed in the first place. However, the Member will be aware that certain concessions were made to allow 2014 to be the date. Does he not accept that, given the history of what has happened here, if the date were moved to 2015, exactly the same problems could arise again? People might say, "There is plenty of time. We have time to make the adjustments, and we have bought ourselves another year." There would

be no pressure to get the changes made. 2015 would come and go — maybe that is what he is after — and the changes would still not have been made.

Mr Attwood: First, I dispute the use of the word "concessions" because I was seeking, at Executive level, concessions in respect of this. The Member, who was then the Minister of Finance and Personnel, was one of the people who resisted that. If it is his understanding that the Executive eventually agreed that there should be concessions in respect of the local government scheme, I welcome that, because I made that argument time out of number, and, time out of number, the Executive said no. If they were actually saying yes, I welcome that.

If you speak to NILGOSC, which I had the good fortune to do when I was Minister — the employers, the employees and the trade union side — the one thing that you will conclude is that they were not seeking to buy time.

They were actually seeking to speed up, because, given the different character of the fund, they thought that they could do that work and do it well in a shorter time frame than in respect of the other pension categories named under clause 11. It was not to delay and create doubt; it was actually to do it quicker and create certainty.

1.15 pm

Despite their best intentions — I am utterly convinced of NILGOSC's best intentions for employer, employee and trade union — for the four or five reasons that I have outlined, they are not in a place for this to be mature enough for all of it to get done by the end of March. Given that the law will require that various processes need to be completed in respect of all of the other categories of pension named in clause 1 by the end of March 2015, why not say that it should be done in respect of the local government scheme as well? As I understand it, that should be satisfactory to Treasury, because the NILGOSC scheme will still be captured by the intention of the legislation to have the end of March 2015 as the final deadline in respect of relevant matters for the pension schemes under clause 1.

In case the argument is presented, as it may be, that penalties would be attracted if the NILGOSC scheme was deferred in that way for a year, it is my understanding that penalties apply to the unfunded pay-as-you-go schemes rather than the fully funded local government scheme, which is one of the essential

differences of character. For those reasons, I urge people to accept amendment Nos 13 and 14. I look forward to hearing the Minister's view in that regard.

I turn, finally, to the last amendment in the group, which was tabled by Mr Allister, in respect of the RUC widows' pensions. It is a very well drafted amendment. I recognise that this is such a big piece of legislation that, if it was not for the work of the staff in the Bill Office, it might not be beyond Mr Allister but it would certainly be beyond the competence of other Members, including me. The Bill Office worked to get the best drafting possible to frame the best outcomes possible, even in very tight time frames in the middle of last week. I acknowledge the staff in the Bill Office for all of that work.

The amendment tabled by Jim Allister is well drafted —

Mr Wilson: Will the Member give way?

Mr Attwood: — but, more important than that, the intention is well made. I will give way.

Mr Wilson: Does the Member share my disappointment that, of course, that could have been done by regulation, had the Justice Minister decided to do so? For some reason or other he has proved intransigent on the issue, and it therefore had to come in the discussion on the main Bill.

Mr Attwood: That is a matter that you will have to take up with the Minister of Justice. I am not that familiar with the details of that particular row, but I would be interested to hear the Justice Minister reply to it in due course.

Is the point of the amendment tabled by Mr Allister not that we should ensure that, in primary legislation, we legislate for as many categories of employee or pension member as we can? Whether it has come in in the way that Mr Wilson suggests or not, we should seek in the Bill to maximise flexibilities, but not in a reckless way in terms of financial consequences. I trust that, if some of the amendments that we have proposed are accepted or Mr Allister's amendment is accepted, in group 1, the same principle of flexibility will be accepted when it comes to amendments in group 2.

Mr Girvan: I have come to speak on the first group of amendments. In doing so, I appreciate that it seems to be something of a regurgitation of the debate we had a couple of weeks ago in

relation to amendment No 1 and the necessity to try to force in the unions as the people who represent everyone, even though it appears that only 56% of the employees are represented by unions, so, therefore, 44% are left outside the door.

When the unions came forward at Committee Stage to give evidence, I witnessed some of the good work that they do. I also experienced some of the worst evidence presented, in that there seemed to be some intransigence, as I mentioned previously, in their way of working with people. We have to achieve a balancing of the books some way, but they seem to have their own ideas about how those books should or should not be balanced. They also placed great emphasis on how taxation is the way to deal with everything and that those who are possibly trying to use legal approaches to avoid tax should be pursued and made to pay. That is one way.

It is clear that amendment No 1 is just another attempt to put the unions at the top of the tree in negotiations. I think that the members' representatives on those bodies and the pension boards are the people who should make the case on behalf of their members, who are ultimately the people who contribute.

Amendment No 2 deals with breaks in the scheme. Mr Attwood alluded to the fact that it is a generous scheme. The way that private firms deal with this is an issue that is always raised. I do not know too many private firms that would offer the same conditions as are offered in the public sector, where a career break of up to five years will not affect pension entitlement. As a consequence of that, I feel that we have set a fair balance — I will use that term — for the way forward. I appreciate that 10 years sets the bar somewhat high. We will debate other amendments in which the SDLP will attempt to cover all the bases, but that is further on in the debate.

As far as breaks in service are concerned, I deem the seven-year scheme, which the public purse would have to fund for the time that no contributions are received from said scheme member, to be pushing the boat too far. The balance has been set fairly at five years.

I appreciate that we were to look at other amendments. Where amendment Nos 13 and 14 are concerned, my colleague has probably shot my bolt. However, I am not going to die in a ditch over the matter. It is important that those who control the likes of the NILGOSC scheme, which I am referring to, are aware and put measures in place. That is because there is

a real fear that, by giving them another year's grace, they will take that year and then come back to renegotiate. I think that that is part of the scheme. Is it renegotiation or is it agreement? Whatever way they want to put it, it is consultation. It is not always about renegotiation; it is about consultation. That is what the point is.

That moves us on to an amendment that, by and large, every Member around the Chamber should see a bit of common sense in. Amendment No 15 calls for a new clause and makes reference to widows of police officers who have lost their life. It would mean that those who fell outside the scope of the 2008 change could avail themselves of that. The way in which the 2008 changes do not allow the widow of someone killed in the line of duty before that to remarry without losing her pension entitlement could be deemed unfair. In the light of that, the amendment makes total sense.

There is also the fear that those who remarried in the late 1980s and the 1990s will have lost the pension that they would otherwise have received. I do not know exactly how that would work under the amendment or whether it could be looked at retrospectively. I appreciate that not all legislation seems to work retrospectively. That is one area that the new clause could open up. The numbers involved are very small. It is important that we do not have one piece of legislation that discriminates against another. The 2008 changes to the scheme made provision for a widow to remarry and not lose her pension entitlement. It is vital that others can do the same.

Mr Mitchel McLaughlin: Will the Member give way?

Mr Girvan: Yes.

Mr Mitchel McLaughlin: I draw the Member's attention to a particular point. The reference is to former RUC members who were killed in action. I am certain that the Member is not approaching this from the point of view of excluding anybody. I think that, without that reference, it is clear that the amendment, in fact, incorporates all widows of former RUC officers.

Mr Girvan: I would not wish to exclude widows of former RUC officers. I am glad to be assured that that is included. I speak in favour of amendment No 15.

Amendment No 19 is consequential to amendment No 15. It follows on from it and includes it in the Bill.

Mr D Bradley: I thank the Member for giving way. In his reference to amendment No 1, the Member's actual words were, I think, that it was an attempt to put trade unions at the "top of the tree". Having read the amendment several times, I see nothing in it that creates a hierarchy of representation. It merely ensures that trade unions are named as representatives of their members in the Bill.

Mr Girvan: I am happy to enter into debate on the matter. Inclusion of the word "must" means that nothing can be negotiated or discussed unless the unions are there. That is the point. I do not have an issue with working with unions in many other areas, but saying that representation from trade unions "must" be included says to me that nothing can be discussed unless they are present.

I support amendment Nos 15 and 19, reserve judgement on amendment Nos 13 and 14 and am against amendment Nos 1 and 2.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I speak in favour of the majority of the amendments. Amendments in both groups demonstrate the benefits of having a Further Consideration Stage. Some of them clearly reflect the debate and, indeed, division at Consideration Stage.

Amendment No 1 is a case in point. I feel that it fits in better than the amendment from the previous stage. It reflects a common-sense approach. It states that, if an employer recognises a trade union, there should be representation from that union. That should address some of the concerns that other parties had previously about "member representatives" referring to trade union representatives exclusively. It is a common-sense approach that we will support.

1.30 pm

We shall also support amendment No 2. The gap in pensionable service was raised at Committee Stage, and it is important to recognise the potentially greater impact that that will have on female employees who have been out of the workplace for a longer period because they have been involved in raising their children. In that context, therefore, seven years is a reasonable period.

I am also happy to support amendment Nos 13 and 14 and the change from "2014" to "2015".

As Members have said, it affects a large number of employees, and we need to ensure that that work is carried out correctly. It is not a big ask to support both amendments.

Amendment Nos 15 and 19 from the TUV affect only a small number of people. From what I have heard since I read the notification of the amendments, some people who want to remarry are not remarrying solely because of this, so it seems rather punitive.

I will keep my comments short. As Mr Attwood said, we should express our gratitude to the Bill Office, given the considerable demand that has been put on its services during the past week.

We will support the majority of the amendments in group 1.

Mr Cree: I am pleased to speak at Further Consideration Stage. As one Member has said, we seem to have covered most of the ground at the previous stage.

Amendment No 1 insists on mandatory trade union representation. I cannot support that view. I believe that it is covered very well in clause 5(7). It is up to representatives to choose people to represent them, and I do not see anything to prevent them choosing trade union members, should they so decide. However, I am certainly opposed to mandatory representation by someone who is not a member of the pension scheme. Similarly, amendment No 2 would extend the gap in a person's pensionable service from five years to seven years. That is also unreasonable. A lot of money would have to be found to cover that during the intervening period. Most of the private sector does not have anything like that gap in pensionable service.

Amendment No 13 attempts to extend the closing date for existing schemes to 2015, and amendment No 14 follows on from that. On behalf of the Ulster Unionists, I support those amendments as they are reasonable.

A new issue has been brought in by amendment No 15, which seeks to correct an unfair situation in police pension regulations. Again, people have referred to that fairly accurately. Under the 1988 rules, a widow would lose her pension should she remarry. It is hard to believe that that sort of thing still exists. That was changed by the 2009 regulations but not retrospectively. It is right that it should be addressed. I have sympathy with the amendment, which the Ulster Unionist Party will support. Amendment No 19 follows

on, and I will support both amendments on behalf of my party.

Mrs Cochrane: At the outset, I declare an interest as a member of the Civil Service pension scheme.

At the earlier stages of the Bill, I spoke on the policy intent behind the legislation and stated that perhaps we would not enact it if it were entirely up to us. However, today's debate is obviously not about the merits of the Bill as a whole but instead is focused on specific amendments and their outworkings should they be accepted by the House today. It is important that we assess the consequences of each amendment and reach our decisions after taking into account the full facts surrounding each one.

I turn first to the proposed amendment to clause 5, which relates to pension board representation. It is very similar to an amendment debated at Consideration Stage, which attempted to restrict employee representation to trade unions. The clause already allows those who are appointed to the board for the purpose of representing members of the scheme to be members of trade unions but does not state that they must be. Although I am sure that it is likely that many members would like to have representation from a trade union on the pension board, there are also members who are not members of any trade union and would not necessarily wish that to be the case. Therefore, I will not support that amendment.

Amendment No 2, which relates to clause 9, again seeks to increase the maximum gap in a person's —

Mr D Bradley: Will the Member give way?

Mrs Cochrane: No, not at the moment.

Amendment No 2, which relates to clause 9, again seeks to increase the maximum gap in a person's pensionable service that can be disregarded for pension revaluations. Again, we will not support the amendment because the Bill as drafted already allows for five years, which is in line with the typical maximum career break and is a fair provision for those who have had a break in pensionable service.

I will move on to the amendments that apply to the local government scheme. Amendment Nos 13 and 14, which apply to clauses 18 and 28 respectively, would delay implementation of the reform of the local government scheme by

one year. It is somewhat disappointing that a reform that should generate necessary savings is being delayed. However, I have sought an assurance from the current Environment Minister that the delay will not have financial implications for the Executive, nor will it result in an added burden to ratepayers. If that is confirmed, we will support the amendments.

Mr Wilson: Will the Member give way?

Mrs Cochrane: Go ahead.

Mr Wilson: Does she accept that, although it will not have any cost for the Executive, it will have a cost for the scheme, which has been described as fully funded but is actually underfunded at present? Indeed, there is quite a lot of catch-up to be done. The danger of an attempt to fill the gap created by another delay in increased pension contributions is that ratepayers will pay for the delay.

Mrs Cochrane: I thank the Member for his intervention. I sought an assurance from the current Environment Minister about the cost that it may put on to ratepayers. At this precise moment, the information that I have is that it will not have implications. Hopefully, that can be thrashed out further on in the debate.

Mr Attwood: Will the Member give way?

Mrs Cochrane: Go ahead.

Mr Attwood: Does the Member accept that, currently, the NILGOSC scheme is, as far as I can recall, fully funded to 89% of its anticipated requirements? That is much better than many other pension schemes in the private sector, which, as we all know, are underfunded by significant sums. NILGOSC is one of the best performing pension schemes in its investments, to the point that nearly 90% of its anticipated costs are funded. In any case, NILGOSC has developed a moderate recovery plan to ensure that it gets to 100% or surpasses 100% of anticipated demand.

Mrs Cochrane: Again, I thank the Member for his intervention. It is positive that NILGOSC has looked at a recovery plan, provided that that does not simply put an additional burden on ratepayers.

Finally, then —

Mr Wilson: Will the Member give way again, just so that this is on the record?

Mrs Cochrane: Go ahead.

Mr Wilson: I am glad that it has at least been admitted that, although the scheme was described as fully funded, it is not fully funded and could not pay out fully at the moment. Does the Member accept that part of the recovery plan was that increased contributions would start from 2014-15 and that now, of course, there will be a year's delay in those increased contributions?

Mrs Cochrane: Again, I take the Member's point. That is why I went to the current Minister of the Environment specifically to ask for an assurance that there would not be a cost. Hopefully, the Finance Minister will have some more information on that.

Mr D Bradley: Will the Member give way?

Mrs Cochrane: I will move on at this point. Thank you.

Finally in this group of amendments, I want to refer to new clause 29A. I understand that Mr Allister will be aware that the Justice Minister has been pursuing this issue for some years. He has repeatedly pressed the Home Secretary and the Secretary of State for Northern Ireland to recognise the particular circumstances that a small number of police widows find themselves in. We are talking about a small number of widows and very particular circumstances. Yet, the objections from both Whitehall Departments have been that amending the regulations would breach principles such as retrospectivity and parity. At this stage, the Justice Minister has not accepted those arguments but has not yet found a resolution. Mr Allister proposes that the Bill offers an opportunity to address the issue. The Alliance Party has very real sympathy with the circumstances in which these widows find themselves. We will listen carefully to what the Finance Minister has to say on the matter. In particular, we await his informed opinion on whether an amendment such as that proposed by Mr Allister can bring about a resolution of the issue.

Mr Wilson: Will the Member give way on that point?

Mrs Cochrane: Yes. Go ahead.

Mr Wilson: I have noticed that, in the absence of the Justice Minister, the Member has tried to make some defence of him, but does she agree that, if the Minister had been sympathetic and not hard-hearted, he could, at a very early stage, have agreed to change by regulation the

terms of the pension scheme to enable those who were forced to live in sin because, if they had got married, they would have lost their pension —

Mr Attwood: On a point of order, Mr Deputy Speaker. I think the Member needs to be careful with his language. To refer to people who choose a certain way to live as living "in sin" visits upon those people an unfortunate reference.

Mr Deputy Speaker: The Member's points have been noted, and I am sure that Mr Wilson will take that on board.

Mr Wilson: I was merely using the colloquial term.

The point I am making is this: had her Minister agreed to change this by regulation, the folks who were forced to choose between not getting married and keeping their pension and getting married and losing their pension could have had the issue resolved.

Mrs Cochrane: I thank the Member for his intervention. Having dealt with one of my constituents who is in that situation, it is my understanding that the Minister of Justice has, on numerous occasions, tried to address the issue and has gone back and forward. I have seen the correspondence around that. Yes, there may be ways in which it could be properly resolved through legislation, and we continue to press the Minister on that as well.

I want to know whether the amendment that is before us today can bring about a resolution. Is it possible to use a DFP Bill to amend police pension regulations? If the Bill before us can, in fact, be used to resolve the issue, we should take the opportunity. If it cannot, we will wish to hear from the Finance Minister whether it might be addressed through secondary legislation. If it can, we will support such a solution.

Mr Givan: I speak in support of amendment No 15. My colleagues have dealt with the other amendments in the group. I will curtail my remarks solely to the amendment in respect of RUC widows who seek to remarry. I have met one of the widows in that circumstance. She lost her husband, who was killed because of the job that he was doing, and she had very young children. She is now in a position where she would seek to remarry but the financial consequences of doing so are very severe. She has been stuck in that position for quite a number of years. She wants to do the right thing, according to her faith. The individual who I have been dealing with is a Christian, and she

wants to honour the principles that she lives by. However, if she did so, the regulations would bring a great deal of financial hardship.

I know that my colleagues have campaigned on the issue, including the Member of Parliament for my constituency, Mr Donaldson, and, as this constituent resides in Strangford, Jim Shannon, the Member of Parliament there. They have collectively campaigned on this with the Home Secretary, Theresa May, and the Prime Minister, David Cameron, who has been engaged on the issue. My European Parliament colleague, Diane Dodds, has been campaigning on the issue from January 2011. The issue has been ongoing for a considerable time.

I know that the Member for North Antrim, who tabled the amendment, will be aware of the case that I mentioned, because I have been reading through correspondence that that Member has been engaged in. We have sought to deal with this. There have been exchanges of correspondence with the Prime Minister, the Home Secretary, David Ford, the Human Rights Commission here in Northern Ireland and the Victims' Commission, and all of them have been unsuccessful. I have been particularly disappointed by the Minister of Justice's approach to this. It has not been helpful in trying to find a resolution.

Diane Dodds, a Member of the European Parliament, recently engaged the Justice Committee on the issue. I thank Members from all parties who sit on that Committee because, when the matter was raised, we all felt that it was a case worth pursuing. We then sought a legal opinion on the issue from the Attorney General. In response to the Committee, the Attorney General made a number of points that would be worth the Assembly bearing in mind in deciding whether it has the competence to deal with the issue.

1.45 pm

He made the point:

" the Royal Ulster Constabulary Pension Regulations 1988 are the bedrock of pension provision in relation to the police."

He went on to state how the relevant different sections — I will not go through them — of different legislation empower the Department of Justice as the authoritative body to deal with the issue. He said to the Committee:

"although the Department is primarily responsible for making regulations there is a complex consultative process that must be adhered to".

That includes the Department of Justice having to engage with the Policing Board, the Police Association for Northern Ireland, the Department of Finance and the UK Police Negotiating Board, for those regulations to be consulted on and, therefore, to be lawful. I am not aware of the Minister of Justice having even commenced any of those processes to bring forward his own regulation.

The Attorney General went on to say:

"it is clear to me that the Department has taken over entirely the Secretary of State's role in relation to police pensions irrespective of whether such pensions are payable to RUC officers and their dependents or PSNI officers and their dependents. Accordingly, it is the responsibility of the Department to make similar provision for RUC widows as is provided for in the Police Pension (NI) Regulations 2009 in respect of the PSNI if it wishes to do so."

Members will be familiar with the current law, whereby widows of serving officers who were killed can remarry, should they choose to do so, without any financial consequences to the pension that they have been in receipt of. This is a matter of equality: there is a current group of employees who have this provision, and there are those who have been impacted in the past who do not. It is right that we now move to address this issue by bringing forward this amendment. We have seen from the engagement over the past number of years that the Department of Justice has not wanted to bring forward regulations. Although the Member for East Belfast indicated that the Minister has engaged with Whitehall and that Whitehall has concerns about the issue, it is clear from the legal opinion of the Attorney General that it is for this Assembly; it is a wholly devolved matter, and it is for the Minister of Justice to bring forward regulations.

Mr Wells: Will the Member give way?

Mr Givan: Yes.

Mr Wells: I waited until Mrs Cochrane came back into the Chamber before saying this, because clearly all that she was doing was parroting words given to her by the Justice Minister. She was told, "In my absence, please

tell the Assembly my concerns about this". Does the Member accept that the Minister has form in this regard? If he does not like something or is uneasy with it, he has a quite annoying habit of not telling the Committee or the Assembly; he puts it into the bushes by asking for a working party or more research, or saying that he is valiantly trying to get it through.

The reality is that the Minister has been in position now for over three years. If he had wanted to do something about this, there would be clear evidence indicating that there was movement. Mrs Cochrane made it very clear that there has been absolutely no movement, which means that it is probably never going to happen. Therefore, I entirely agree with what Mr Allister is trying to do. I hope that other Members, rather than causing further suffering and distress to those ladies, will back the amendment.

Mr Givan: I thank the Member for his intervention.

The point that I want to continue making is that, having sought to put pressure on the Minister of Justice to bring forward his own regulations in compliance with the processes that currently exist, and having got evidence that that is not going to happen, what are Members to do? I recognise that it is somewhat unusual to use this Bill to address something that the Department of Justice should have addressed by way of regulation. However, it is entirely reasonable for that approach to be taken. Therefore, the Bill should be used to facilitate the changes that we have sought.

I have engaged with the Finance Minister, Mr Hamilton, on this particular issue. I have sought to get the reassurance from him that, despite advice that he may well be receiving, it is going to be competent and we are able to do this because of the particular issues at stake. Hopefully, the Minister, when responding later, will outline how he has been able to try to deal with this. I had a number of conversations with him and Diane Dodds over the weekend on this particular issue to try to make sure that the amendment can be facilitated and hopefully have the endorsement of the Minister, which can then reassure the House that it is the right thing to do. It will put right something that will affect a very small number of people.

I recognise that the Assembly will, by and large, deal with legislation that will impact on the vast majority of people. However, if we in the Assembly are to do something for the one or two in society, I think that it is right that we do

so. That is why we support devolution. I have no doubt that, if this had been left to direct rule, we would not be able to make this particular change. However, because of devolution, we are able to look at particular circumstances, and, where we are able to make positive change, we can do so. That is why amendment No 15 should be commended, and I trust that the House will be able to give it its full support.

Mr I McCrea: I will be brief in my contribution, given that most of what my party needed to say has been said. I thought that the proposers of amendment No 1 would have learned from the debate at Consideration Stage that, when they did not get their way for the unions, they were not going to get their way for this one either. The amendment includes the words:

"must include representation from any trade union".

However, it is blatantly obvious. I think that my colleague Paul Girvan referred to the fact that 56% of people in the public service pension scheme are members of trade unions, so it is highly likely — in fact, it is certainly over 50% likely — that any membership of the scheme would include members of a trade union. So, I do not accept that the amendment is necessary, and I will not be supporting it.

Mr D Bradley: Will the Member give way?

Mr I McCrea: I will.

Mr D Bradley: Could the Member explain to the House what exactly is wrong with this amendment? What is wrong with trade unions, which, as you said yourself, represent a good majority of members in the schemes, being named in the Bill as representatives of their members?

Mr I McCrea: I think that what we debated at Consideration Stage on the previous amendment on this matter applies to this. The fact is that naming them in the Bill will discriminate against those who are not members of trade unions. The Members can wax lyrical as often as they want about this issue, but the fact is that it discriminates. I heard them refer to equal rights, human rights and many different rights, but what about the rights of those people who are not members of a union?

Mr Attwood: Will the Member give way?

Mr I McCrea: Yes.

Mr Attwood: Would you provide to the House the legal advice that you have received that led you to say that that amendment would be discriminatory? Where is the legal advice? If you are relying on that word and on its precise legal consequences, you should provide that legal advice, otherwise you should withdraw the claim that it is discriminatory.

Mr I McCrea: I think that the Member has gone a wee bit too far. If I have an opinion on whether it discriminates, I do not need to seek legal advice to provide me with that. I am entitled to that opinion.

Mr D Bradley: Will the Member give way?

Mr I McCrea: No; I am going to move on. Obviously, they are not listening, no matter what is said. I will move on, because we are running very close to 2.00 pm.

I think that, as other Members said, five years is a fair period to allow people to take a career break that will not impact their pensions. I said the previous time that it felt as though they were plucking a number out of the air. They had 10 years the previous time, so they are trying their luck with seven years. However, I do not think that that is going to happen either.

As other Members said, we are not going to divide the House on amendment Nos 13 and 14. It is disappointing, as Judith Cochrane said, that this is continuing to 2015, but again, we will not divide the House. As my colleague Paul Givan said, one or two people are affected by the issue that amendment No 15 seeks to address. In this case, if it is the right thing to do, we should do it. I have no doubt that the Minister will detail whatever information he has about the amendment's competency and whether what it seeks to do can be done. Like other Members, I am disappointed that the Justice Minister has not brought that change in via regulation. Nonetheless, we are where we are, and hopefully we will deal with the matter through the amendment.

We will certainly not be supporting amendment Nos 1 and 2, but we will not divide the House on any of the other amendments in the group.

Mr Deputy Speaker: As Question Time is due to commence at 2.00 pm, I suggest that Members take their ease until then. The debate will continue after Question Time, when the next Member called to speak will be Jim Allister.

The debate stood suspended.

2.00 pm

(Mr Speaker in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Attorney General: Reappointment

1. **Mrs D Kelly** asked the First Minister and deputy First Minister for an update on their decision regarding the reappointment of the current Attorney General. (AQO 5365/11-15)

Mr M McGuinness (The deputy First Minister): Consideration of the options for filling the position of Attorney General (AG) after the current term ends in May 2014 is under way.

Mrs D Kelly: The deputy First Minister will recall that, in the autumn, the First Minister said that he and the deputy First Minister would be reaching a settled view about the appointment of the Attorney General and be making an announcement within a matter of weeks. It is now a matter of months. What further information can the deputy First Minister give to the House?

Mr M McGuinness: I can give no further information to the House other than to state the position that we recognise that, come May of this year, the position of Attorney General needs to be filled. We had a discussion about that during the past seven days, and we hope to be in a position to make an announcement very shortly.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. Given the issues that the Attorney General has involved himself in, does the deputy First Minister think that he has strayed outside his remit?

Mr M McGuinness: It is important that we understand the different roles and responsibilities of the Attorney General (AG). When he was appointed, we invited him to undertake the non-statutory role of chief legal adviser to the Executive. He also has a range of responsibilities derived from statute, convention and practice. Section 22(5) of the Justice Act 2002 requires the Attorney General to exercise his functions independently of any other person.

There may well be times when the AG, in his statutory role, acts in ways that others may consider unhelpful. There may be times when we as an Executive differ from his views, but it would be wrong of us to seek to curtail his actions when he is acting in his independent statutory role.

Ms Lo: Will the reappointment process take into account the controversial and sometimes unhelpful or inappropriate comments and remarks that the Attorney General has made in the past few years?

Mr M McGuinness: I am not sure what remarks the Member refers to, but I made it clear in my initial answer that there were times when people voiced objections to what they considered his involvement in areas that he should not have been involved in, whilst we as an Executive absolutely have to respect the independence of his office. We have to remember that the Attorney General is a statutory officer with a range of responsibilities derived in part from statute and in part from convention and practice. Section 22(5) of the Justice Act requires the Attorney General to exercise his functions independently of any other person.

On the Attorney General's appointment, we also invited him to undertake the non-statutory role of chief legal adviser to the Executive. Such a role is usually carried out by the senior law officer in comparable jurisdictions. One of the terms of reference of the Angiolini review was to examine and make recommendations on possible tensions between the Attorney General having to balance his role as chief legal adviser to the Executive with his statutory responsibilities.

Mr Speaker: Question 11 has been withdrawn.

Haass Proposals: Cost

2. **Mr Frew** asked the First Minister and deputy First Minister whether any analysis has been carried out regarding the cost of implementing the Haass proposals. (AQO 5366/11-15)

Mr M McGuinness: The Haass talks concluded on New Year's Eve without agreement between the five Executive parties on the proposals that were put forward. In the absence of such agreement, there has been no assessment or analysis of the cost of implementation. The panel of parties was asked to bring forward recommendations that would provide long-term and sustainable solutions in the best interests

of the community and make peace more resilient going forward. It will, therefore, now be for the parties to agree a way forward, and, at that stage, it would be appropriate to consider the funding and budgetary implications of the agreed measures.

Mr Frew: Given that victims were at the heart of Haass, that it was the twenty-second anniversary of the Teebane atrocity last week and that no one has been brought to justice for that heinous multiple murder, will the deputy First Minister, by his own admission a member and leader of the IRA, give all the information that he has to the PSNI to assist the victims and the families of those murdered that day?

Mr M McGuinness: The Member takes a great liberty in attributing to me information that I have absolutely no knowledge of whatsoever. The reality is that, in the course of the Haass discussions, there was a huge responsibility on all the parties to come forward with an agreed approach to dealing with the issues of victims; parades; and flags, symbols and emblems. It does a grave disservice to victims if we find ourselves, as the Member has unfortunately found himself, in a position where he is tempted to score political points.

We have to recognise that we have a duty and a responsibility as politicians to find solutions to these problems. We all entered the discussions with a very clear understanding of the challenges before us. I, for one, am not prepared to shirk my responsibilities as a political leader to try to find outcomes that will be beneficial to victims. In the context of the Haass recommendations, a menu of options was put forward that quite clearly could, if implemented, deal with a lot of the concerns that victims have. We are all much better working positively and constructively together to find solutions as opposed to engaging in what I consider to be a very low attempt to score a political point.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. What does the deputy First Minister think the implications will be if the parties do not agree on a way forward through the Haass talks?

Mr M McGuinness: I have to say that I think that there will be implications for victims, for communities looking for a resolution to the issue of parades, for loyal orders who wish to parade and for people who, I think, are mature enough to engage in a debate on how we respect the British identity in the North and the

Irish identity in the North. These issues represent huge challenges.

Remember that our parties were part of a process called cohesion, sharing and integration (CSI), in which a lot of good was work done. A lot of that good work is now in the Together: Building a United Community approach. Just a few days ago, the First Minister and I attended a very important event in the Waterfront Hall involving a lot of young people and organisations. Those young people hope that we can continue to move forward and deal with these situations. However, we failed to deal with the three issues during the CSI process. Some parties play-acted, and some parties stepped out of the process. That is why, with the agreement of the five party leaders, we had to bring in Richard Haass. It is our responsibility to find a solution to the three issues. Will we find a solution by repeating the CSI failures? I think not.

Mr Cree: Will the deputy First Minister give an assessment of the impact of introducing a whole raft of new quangos on the policy to reduce the number of arm's-length bodies?

Mr M McGuinness: All parties in the Assembly accept that the three outstanding issues that we are trying to find resolutions to require imaginative and innovative approaches. The dialogue and discussions that took place over a six-month period, culminating in intensive talks prior to and after Christmas, left us in a position in which, for example, the leader of the Ulster Unionist Party told the media that he was 80% to 90% in agreement with the approach adopted in the Haass discussions. Of course, if you are in agreement with 80% or 90%, that effectively means that you are in agreement with the architecture that was proposed by Richard Haass. *[Interruption.]*

Mr Speaker: Order.

Mr M McGuinness: I see heads shaking, but I think that the public, having heard the Ulster Unionist Party say that it was 80% to 90% happy with what was being discussed in the final days of those talks, will have realised that much of the discussion centred around the establishment of the Historical Investigations Unit —

Mr Nesbitt: Language.

Mr Speaker: Order.

Mr M McGuinness: — and a recovery mechanism and other mechanisms to provide

the solace and comfort that many victims' groups are seeking.

Mr Byrne: I thank the deputy First Minister for his answers. Does he agree that extra resources may be required from the British Government to implement the Haass proposals? Given that we want to be in a positive frame of mind, how confident is the deputy First Minister that legislation can be moved in the Dáil, the House of Commons and, indeed, here in due course to make sure that implementation happens?

Mr M McGuinness: There is a huge responsibility on the British Government in particular to recognise that, in the event of agreement being reached, they should make a financial contribution towards the establishment of the important bodies to deal with what are very contentious issues in the process. I contend that, whatever price will be paid by the British Government, it will be minimal in the context of resolving issues that cause great aggravation in our community and have, by their existence, created all sorts of difficulties in these institutions. I met the British Secretary of State recently, and that issue was raised. I have also raised the issue with the Tánaiste, Eamon Gilmore, who I have contact with and met recently. From the interest taken by the White House and the State Department, there is a very clear recognition that, in the context of agreement being reached, the British Government should make a financial contribution towards the resolution of these issues.

The Member asked about legislation. The big focus at the minute is on whether or not the meetings that we are involved in at party leadership level in the Assembly can find a way forward. If we find a way forward, we will then face the issue of legislating.

Delivering Social Change

3. **Mr Anderson** asked the First Minister and deputy First Minister for an update on progress on the Delivering Social Change framework. (AQO 5367/11-15)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister McCann to answer the question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): As Members will be aware, the Delivering Social Change framework was set up to tackle poverty and social exclusion. It represents a new level

of joined-up working across government to achieve tangible, long-lasting social benefits for those who need them most. Underpinning all that work is a recognition of how important it is that all our children and young people get the best possible start in life. That is why the early work of Delivering Social Change has focused on the identification of the needs of children and families to ensure that the most urgent and significant problems in our society are addressed.

The initial six signature programmes announced in October 2012 are focusing on early interventions to tackle issues before they develop into problems and to give children a good start in life. For example, it includes prenatal interventions, early years interventions and programmes for those who are not in education, training or employment. Significant progress has been made on those programmes, and they are beginning to make a real impact. However, those signature programmes alone will not eradicate the serious issues such as poor health, low educational attainment and chronic unemployment.

Reducing intergenerational poverty can be achieved only by all Ministers working together with a longer-term view to the next Programme for Government period and the years beyond. We have recognised that, and a policy project board has been established to look at how the Executive can improve the quality of life for our communities in the areas of health, education, employment, family and community life, and cohesion. Through a more joined-up approach, we believe that we can make changes in children's lives and, in doing so, help break the cycle of multigenerational poverty that blights so many of our communities.

Mr Anderson: Further to that detailed response, what consideration is being given to future projects?

Ms J McCann: A lot of consideration has been given to future projects. The board that I mentioned has been looking at, for instance, the Active Ageing strategy and issues concerning people with disabilities.

The Member will know that, recently, we also had the Delivering Social Change for Children and Young People strategy, which is now out for consultation. We are looking at a number of projects in those three areas in particular, but we are concentrating primarily on children and young people and on families.

2.15 pm

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. What consideration has been given to extending the consultation period for the Delivering Social Change for Children and Young People strategy?

Ms J McCann: As I said in my reply to the previous question, the Delivering Social Change for Children and Young People strategy, which has been launched and is out for consultation, sets out proposed outcomes, indicators and actions that we hope will improve the outcomes for children and young people. Although we have said that the consultation was due to close on 21 February due to the statutory deadlines, we acknowledge that that time period is not in keeping with good practice as outlined, for instance, by the Equality Commission, so we hope to extend that period. I do not know whether the Member has had a chance to read it, but we are actively engaging with people in local communities who have a particular interest in those areas of work. We will be going out to get their ideas to influence any future policy.

Mr Dallat: I have listened to the junior Minister with some level of confusion. She will recall that these hubs were to be signed off by the end of January, which we are now in. Have leases been negotiated, and are we going ahead?

Ms J McCann: I am sorry; for clarification, is that the family support hubs or the social economy hubs? *[Interruption.]* I am happy enough to answer the Member's question.

Mr Speaker: Order. I appreciate that, Minister.

Mr Dallat: The hubs that were promised by the First Minister and the deputy First Minister for Delivering Social Change.

Ms J McCann: I am not being facetious here; I just want to answer your question. *[Interruption.]*

Mr Speaker: Order.

Ms J McCann: There has been a bit of difficulty with the family support hubs. We had a meeting recently at which that was clarified; they were supposed to be in place much more quickly than they were. We are being told that they will be in place by April this year. All eight social economy hubs, and a ninth, extra one, will be in place soon, and the locations are there. I take the Member's point about the

family health hubs, because we are very keen to get those in place as soon as possible.

Mrs Dobson: I thank the junior Minister for her answers. Is she content that the consultation on the Delivering Social Change for Children and Young People strategy will last only five weeks — she touched on that in her previous answer — and that the child-friendly version of the consultation document is not yet published?

Ms J McCann: As I said, we were put under a bit of pressure because of the statutory deadlines by which we have to report to the Assembly under the Child Poverty Act 2010. We did acknowledge that it was not in keeping with the Equality Commission's recommendations for consultations. We do not want to consult just the stakeholders and the people who deliver the service; we are very keen to consult the children themselves, so I think that what we will see, hopefully, is that consultation with the children and young people. We started that off last Friday at an event in the Waterfront Hall, where hundreds of young people came together. I take on board what you are saying, because we are very keen to make sure that children and young people are actively involved in that.

Social Investment Fund

4. **Mr McElduff** asked the First Minister and deputy First Minister when they expect funding to be allocated to projects via the social investment fund (AQO 5368/11-15)

Mr M McGuinness: With your permission, Mr Speaker, I will ask junior Minister McCann to answer this question.

Ms J McCann: We have agreed indicative financial allocations for each of the nine social investment fund (SIF) zones. Officials have met the chairs of the nine steering groups, and then each steering group, to agree the projects in each of the area plans that can be funded from the available resources for each zone and to discuss the next steps to progress the delivery of the projects. We expect that the first tranche of projects will receive letters of offer in the coming weeks. Officials are focusing further efforts on securing approval for those projects that sit within the limits of affordability in each zone but have not yet been fully approved. We anticipate completing this exercise by the end of the current financial year.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. I thank Minister McCann for her answer. Now that allocations have been decided, when will local groups and projects be informed about how they have fared in the application process and whether they are likely to receive funding?

Ms J McCann: I sympathise with the point about the length of time that it has been taking for some projects. We are hopeful that, by the end of next month, letters of offer will go out to some of the lead organisations that will be delivering them. We are very keen to get that money on the ground, because, having come from the community sector, I know how frustrating it is for community organisations that are constantly looking for funding for projects. We are really trying to get it out as soon as possible, and I will keep the Member informed about how that is going.

Mr Campbell: Will the junior Minister and the deputy First Minister ensure that, at the next round of funding under the SIF, when they are discussing interface areas in particular, account will be taken of communities of either side of that interface to ensure that there is a balance in funding applications, particularly in hard-to-reach communities on either side of it?

Ms J McCann: Certainly. We are taking where the most need is into consideration. We want to ensure that all communities have the money and the resources that they need to put the services, projects and programmes in place. It does not matter what side of the community they are from. We are looking at this specifically to help people who are disadvantaged and who are in most need.

Mr Rogers: I thank the junior Minister for her answer. What consideration has been given to rural impacts in the strategic area plans for SIF?

Ms J McCann: The Member will know that the social investment fund was for right across the North, unlike neighbourhood renewal, which is mainly for urban areas. The social investment fund also included rural areas. We know that SIF will not cure all the ills that are out there, so we are very keen to work with other programmes that are already out in communities, such as neighbourhood renewal. You mentioned rural communities, and we are very keen to work within area plans.

This came from the bottom up, if you like. Steering groups are deciding what projects and programmes are prioritised for getting this

funding. So, it is for the areas, represented by the steering groups, to decide that.

Mr Allister: After the protracted delay, is it sheer coincidence that OFMDFM is holding off the announcements on what projects have been successful to get those announcements as close as possible to the local government elections?

Ms J McCann: No, nothing could be further from the truth. As I said, I have worked in the community sector, and I know the difficulties that people in that sector have in trying to get resources and funding for programmes and the different things that they do there. So, we are trying to get this funding out as quickly as possible, and we will be doing that.

Investment Strategy

5. **Mr Milne** asked the First Minister and deputy First Minister for an update on the Executive's investment strategy. (AQO 5369/11-15)

Mr M McGuinness: In October 2012, we launched the latest revision of the investment strategy, covering the years 2011-2021, envisaging a total investment of something like £13.3 billion. The strategy is sufficiently flexible to respond to developments in priorities and policy, as well as to changes in the wider economic context. That includes access to further capital, which was agreed as part of the Building a Prosperous and United Community agreement that was announced in June 2013.

In the financial year 2012-13, some £1,300 million was invested in capital infrastructure projects, and I expect a broadly similar figure for 2013-14. During the past year, a number of significant projects have been completed, and new ones have been started or have commenced in planning. To ensure that we are making best use of the resource that is available to us, we are completing a review of existing infrastructure and an assessment of future needs. This will ensure that our investment strategy continues to be informed by the latest evidence. That has been complemented by innovative research by the Strategic Investment Board and Queen's University on new strategic infrastructure planning models to assist Departments and public bodies, and by action to manage property assets more effectively.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the deputy First Minister for his answer. Can he provide an

update on the development of the Community Safety College at Desertcreat?

Mr M McGuinness: I am sure that all Mid Ulster MLAs will be happy to know that, following some difficulties, the two sponsoring Departments — Justice and Health — have agreed on the design and costings for the college. It is expected that the contract will be awarded in June, when work will begin on the site. Construction is expected to be completed by autumn 2016, and the college will open shortly after that. The total cost of the college, including construction, equipment and ICT will be in the region of £157 million. In line with our Programme for Government commitments, the college's location helps to address regional imbalances in investment, and the inclusion of social clauses in the contract will provide training, work and business opportunities for local people.

It is also important to state that there will be a meet-the-buyer day in March 2014. That will provide opportunities for local businesses to become involved. We are all absolutely agreed that, in the context of the huge contracts, it is very important that small local businesses be given every opportunity to be in there seeking opportunities for themselves and for their employees.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra cuimsitheach. Can the deputy First Minister give us any indication as to why the announcement of the date of commencement has again slipped? Many of us who have been involved closely in trying to advocate the project have seen the date slip quite considerably. We were told that it would be March, then it was to be May, and he has just announced that it will be June.

Mr M McGuinness: The Member is aware that the Community Safety College is a joint venture between the PSNI, the Fire Service and the Prison Service. When the college is completed, it will be a world-leading centre of excellence for training. Initial tender returns received in December 2012 were significantly above the pre-tender estimates, resulting in a process to review specifications and designs. We are all very conscious that that has been the primary reason why we have ended up in a slippage situation. I have taken as keen an interest as anybody in the project. I am very anxious to see it completed, because the college will be hugely beneficial to people, not just in the constituency but all over the North, in seeing

the decentralisation of important bodies out of Belfast.

It is also important to state that significant elements were opposed in the first instance to the project going to Cookstown. It took people such as me and others to stand against those who wished to have it in the Belfast area. I am happy to say that we won the day, and the centre of excellence for community safety will be built in Cookstown, starting in June. A bit of slippage? I will accept that over the college not going there at all.

Mr McCarthy: How will the Executive's investment strategy be utilised to remedy the disastrous effects in many areas in Northern Ireland, particularly on the Ards peninsula, where so many sea breaches, flooding and coastal erosion affected many people's houses and businesses?

Mr M McGuinness: In my initial answer, I said that built into all of this is flexibility. We all have to be very conscious of the incredibly worsening weather situation and the extremes of weather that we have been experiencing in recent years. No doubt, those responsible for devising a strategy will have to take account of coastal erosion and how that can be to the detriment of local communities, such as those on the Ards peninsula. Therefore, it is a point well made.

Mr Speaker: Order, Members. We move on to topical questions.

2.30 pm

Historical Institutional Abuse Inquiry

1. **Mr D McIlveen** asked the Office of the First Minister and deputy First Minister for an update on the Historical Institutional Abuse Inquiry. (AQT 601/11-15)

Mr M McGuinness: With your permission, Mr Speaker, I will ask junior Minister McCann to take that question.

Ms J McCann: The Member will be aware that there have been recent developments. The people who were affected by historical institutional abuse have been going to Banbridge. We are trying to ensure that the people who come forward and have to face that process will have as many support mechanisms and services as possible. We are concentrating on that. Obviously, the inquiry is independent, but we are helping and are very keen to make sure that the people who come forward are

supported in the horrendous ordeal that they have to face.

Mr D McIlveen: I thank the junior Minister for her answer. She and the deputy First Minister will be aware that the evidence given this week, I think, or last week by Sisters of Nazareth nuns was described as "haphazard and piecemeal". What obligations do institutions such as the Sisters of Nazareth have when it comes to cooperating fully with the inquiry?

Ms J McCann: There could not be anything more dreadful than what those people had to go through. I think particularly about the vulnerability of the children involved, because they had nobody to turn to. Everyone should approach the inquiry, regardless of the basis on which they are giving evidence, with openness and transparency. I hope that that is the case, whatever organisation people are from.

Child Poverty Strategy

2. **Mr Anderson** asked the Office of the First Minister and deputy First Minister how it proposes to take forward the child poverty strategy to ensure progress. (AQT 602/11-15)

I commend the "turning the curve" exercises in the new child poverty strategy.

Mr M McGuinness: With your permission, Mr Speaker, junior Minister McCann will take that question.

Ms J McCann: The Member will know from what was said earlier that the new Delivering Social Change strategy for children and young people is out to consultation, and included in that is the child's outcome model. We have been in consultation on that for some time with stakeholder organisations. We are trying to base that around the health, family support and educational achievement outcomes for children.

We are bound by the Westminster Child Poverty Act 2010 to report to the Assembly by the end of March. That might not be possible, and the date might slip simply because we want to go out to consultation and get information. That is where the strategy sits, and hopefully we will have more information to bring to the Assembly in the coming weeks and months.

Mr Anderson: Will the strategy be laid in time to meet our statutory obligations in the Child Poverty Act?

Ms J McCann: I have just said that that is what we hope to do. It might slip by a couple of weeks, but that is all. We do not want to cut the consultation period short, because we are very concerned about the Equality Commission's view. We want to consult as many people as possible before we bring the strategy back. It might slip by a couple of weeks, but that is all.

Mr Speaker: Question 3 has been withdrawn.

Haass Process

4. **Mr Spratt** asked the Office of the First Minister and deputy First Minister, given our commitment to the ongoing Haass process, whether the deputy First Minister can outline his view of the next steps. (AQT 604/11-15)

Mr M McGuinness: The next steps are very clear and are in the public domain. The party leaders in the Assembly have met on two occasions. They will meet again tomorrow, which will probably be a lengthier meeting than the first two. There is a huge responsibility on all of us to find a way forward on these three contentious issues.

It is incumbent on all of us to be positive and constructive and to recognise that the lot of politicians among the general public is not great. I find that embarrassing. What we need to do is show the public right across society that we have the ability to tackle these difficult issues. We have tackled even more difficult issues in the past. When you look at where all of the parties are now — in an inclusive Executive and Assembly — you clearly see that the challenges before us could, if resolved, improve the standing of politicians and increase the public's confidence in our ability to work together in a positive and constructive way.

That is the mode that I am in. My involvement in this process for over 20 years has been characterised by forging agreements with others. In forging agreements, we all have to recognise that, at times, compromises have to be made. I think that the compromises made to bring us to where we are today were honourable ones. We need to continue to do that in the interests of our people.

Mr Spratt: I thank the deputy First Minister for his response. In light of the Haass deliberations on the past, will the deputy First Minister join me in congratulating the authorities for continuing to seek justice for the family of Eamon Collins, who was so brutally murdered, and in calling for anyone with any evidence or

information to pass that to the Police Service of Northern Ireland?

Mr M McGuinness: In the course of the Haass discussions, we had a remedy to deal with those issues. Unfortunately, thus far, we have not reached agreement on how we go forward. In the context of, hopefully, reaching agreement on how we take that forward, there will be many other cases, not just that of Mr Collins, that, if the families so wish, need to be dealt with. What we provided for public consumption, as all who have read the Haass document will know, is a menu of options for families. I do not know what the Collins family wishes at this time. No doubt we will be apprised of that in the coming period. There is certainly a huge responsibility on all of us to put in place processes that will deal with all of these issues comprehensively, right across the board, and provide options for families who will decide either that they want the truth but not prosecutions or that they want prosecutions. It is our duty and responsibility to support them all.

Holocaust Memorial Day

5. **Mr Lyttle** asked the Office of the First Minister and deputy First Minister how it will commemorate Holocaust Memorial Day. (AQT 605/11-15)

Mr M McGuinness: I understand that our junior Ministers will represent the Office of the First Minister and deputy First Minister at an event that will take place shortly in, I think, the City Hall. It is very appropriate that we commemorate the day. The First Minister and I have attended Holocaust commemorations in the past, which is hugely important. I, for one, am absolutely delighted that Adolf Hitler was defeated by the Allied forces in the Second World War. I hate to think that we would have been living in subjugation to the Nazis here in the North or on the island of Ireland, had he got his way. I recognise the terrible suffering and misery of the Jewish people who lost their lives during the Holocaust. In fact, others from the Assembly and I visited Auschwitz and saw at first hand the terrible conditions in which people lost their lives.

Mr Lyttle: I thank the deputy First Minister for his response and share his sentiments about this important day. However, does he agree that the best commemoration is action to eradicate discrimination and prejudice of any kind? Will he update us on the racial equality, sexual orientation and community relations strategies that would take such action here in Northern Ireland?

Mr M McGuinness: I think that the Member probably knows better than anybody else the challenges that face us in how we go forward on those matters. From my perspective, I absolutely recognise that we need to live in a society where everybody is treated equally and there is no discrimination whatsoever. It is our responsibility as legislators and political leaders to ensure that we live in a society where people feel valued, no matter what their sexual orientation, religious belief or political allegiance. That is a huge responsibility, but there are also huge difficulties in getting to a place where we can find absolute agreement on all those issues so that we can drive forward with an unequivocal approach to protecting the rights of citizens.

Legal Advice

6. **Mr Nesbitt** asked the Office of the First Minister and deputy First Minister what expert legal advice, in the specific field of legislative competence, is available to Ministers from lawyers employed within the Department. (AQT 606/11-15)

Mr M McGuinness: Obviously, all sorts of legal advice is available to the Department through the Departmental Solicitor's Office (DSO). All Departments have access to that expertise, and all Departments avail themselves of that expertise on an ongoing basis. Separately, we have the Attorney General, with his particular expertise. There is no shortage of legal advice for the purposes of ensuring that we push forward with legislation. Obviously, drafting legislation is a particular gift that not everybody has. Therefore, that absolutely puts pressure on legislative drafters when we find ourselves in a scenario where there is a lot of legislation to be processed.

Mr Nesbitt: I thank the Minister. On the specifics of the proposed amendment to the ill-fated Planning Bill, which would have brought some economic planning matters within OFMDFM, is he aware of whether Sinn Féin and/or the DUP sought advice on whether the amendment was legislatively competent and whether the advice was that it was legal or not legal?

Mr M McGuinness: I assure the Member that neither the First Minister nor I would have pushed forward with that project without having had legal advice. It is also important to state that the First Minister and I met the Minister of the Environment in, I think, November last year. It is our hope that, as a result of ongoing

discussions, we will see a way forward to ensure that we bring the Planning Bill before the Assembly.

Cyberbullying

7. **Mr Ross** asked the Office of the First Minister and deputy First Minister whether its actions are making the cyber-community a safer community, given the focus on cyberbullying last week, with individuals convicted for sending menacing tweets. (AQT 607/11-15)

Mr M McGuinness: That is hugely important. Particular difficulties and problems are being experienced by our young people, not just in the North but all over the island. We are all very conscious that we are fast approaching Safer Internet Day, which, I think, is in February. I know that an awful lot of good work has been done by people like Jim Gamble, a former member of Child Exploitation and Online Protection Centre (CEOP), and others, who all recognise the great dangers that the Internet can present to our young people. It can present great opportunities for our young people, but, on occasion, it presents great dangers. We are very focused on the need to ensure that, working in conjunction with the Police Service, we move forward on the issue as we learn more about these situations.

There was one particularly tragic situation in Ballybofey, County Donegal, where, in the past couple of years, two siblings lost their lives to suicide.

Those are very tragic situations, and it is incumbent on all of us to address the issues that present those dangers to young people. The best way to do that is through a joined-up approach, working with Internet providers, police and experts.

2.45 pm

Health, Social Services and Public Safety

Southern Trust: Junior Doctors

1. **Mr Byrne** asked the Minister of Health, Social Services and Public Safety to outline the number of junior doctors recruited by the Southern Health and Social Care Trust in the past five years. (AQO 5380/11-15)

Mr Poots (The Minister of Health, Social Services and Public Safety): I thank the Member for his question. The Southern Health and Social Care Trust directly recruited three junior doctors in 2009-2010; six in 2010-11; three in 2011-12; six in 2012-13; and two in 2013-14. The Southern Trust has approximately 225 junior doctor posts, and the Northern Ireland Medical and Dental Training Agency (NIMDTA) has filled over 90% of those posts.

Mr Byrne: I thank the Minister for his answer. Does he accept that succession planning for doctors will be important in hospitals? Is he content that enough training is in place for F1s, F2s, senior house officers (SHOs) and, indeed, registrars to meet the needs of retiring consultants?

Mr Poots: It is certainly an issue for us. We work with NIMDTA to identify the number of doctors that we might need to move things forward. We have issues in particular areas. For example, obstetrics and gynaecology (O&G) and emergency departments are two areas where we can sometimes struggle to fill positions. NIMDTA is very well aware that that is the case. It has a role in ensuring that there are adequate numbers of doctors to fill those positions.

Often, we have a greater problem when it comes to middle-grade doctors than we have with junior doctors. Last week, I raised the matter with Theresa Villiers that we used to be able to bring doctors into Northern Ireland and, indeed, right across the UK from any Commonwealth country. However, because of European regulations, we are being restricted in doing that. I for one will be very prepared to challenge European regulations if they impact detrimentally on people's health. I will encourage the Home Office and land and border security to look at those issues.

Ms Maeve McLaughlin: The cost of locums for the appointment of junior doctors was £5 million in the Western Trust, because often junior doctors do not apply because of regional disparities and deficits issues in the western area. How can the Minister address that particular issue? Go raibh maith agat.

Mr Poots: I am not in a position to force people to work in particular areas. Jobs are advertised and recruitment is carried out. People apply for jobs. I recognise that it is more difficult to fill posts in areas away from Belfast. It is more challenging and difficult, and we have to deal with that. The Western Trust works very hard

on recruitment. However, it finds challenges in particular areas and specialties. We need to recognise that. We will support the trust in what it attempts to do. In spite of everything, we are getting good results in the Western Trust area on many fronts and it is to be congratulated for that.

Mrs Cameron: What efforts are being made to recruit doctors for the emergency departments at Downe Hospital and Lagan Valley Hospital?

Mr Poots: In response to my request, the South Eastern Trust has redoubled its efforts to attract emergency medical staff to both the Lagan Valley Hospital and Downe Hospital. Advertisements have been placed in the local press, in addition to further contact being made with various recruitment agencies. The trust has endeavoured to recruit middle-grade doctors to all of its hospitals. However, it has not been possible to fill all of the vacancies, primarily due to a regional and national shortage of those staff. In addition, local hospitals also have difficulties in attracting staff of that type for reasons such as geographical location; perception of stand-alone facilities; and the increasingly stringent clinical standards whereby medical staff have to demonstrate competencies linked to volume and case mix which cannot be maintained in smaller hospitals.

During the financial year 2013-14, the trust has incurred expenditure of around £4,000 on two recruitment campaigns. The costs do not include the use of locum medical staff. In July 2013, a speciality doctor post was advertised. On 16 June 2013, there were three applicants for nine vacancies, and two appointments were made. On 7 January, advertisements were placed in the media for a consultant and for speciality doctor posts. Outside the normal recruitment processes, the trust has also tried to develop its own middle-grade staff, often by working intensively with locum staff to develop their skills to a point where they are able to work at middle-grade level and to become trust employees.

The trust has also opportunistically brought in GP trainees who have expressed an interest in emergency medicine, and it has helped them to reach the point at which they are able to cover middle-grade roles. It has also found that traditional advertising has been largely unsuccessful in filling middle-grade posts. Recruitment of staff across emergency departments is a UK-wide theme, and it is currently estimated that up to 50% of all emergency department posts are unfilled.

Mr Beggs: Junior doctors go through a training programme and, ultimately, so do middle-grade doctors. Can the Minister assure us that there is a sufficient training budget for doctors and nurses that means that, in the future, we will not continually face vacancies?

Mr Poots: I do not want to sound sexist in any way, shape or form, but we have a higher number of females training as doctors now. I think that, at this point, a higher number of doctor trainees are young women as opposed to men. However, many more females choose to opt out in their thirties than would have been the case previously, because of the demands of life, raising a family and so forth. That is a choice that many of them make. For example, the average age at which a male GP retires is 57, and the average age at which a female GP retires is 37. So, one can see where the problems can arise. There has been a fundamental shift in the number of females now training to be doctors, and many of them do not want to be working full time. Some of them opt out of the system at a relatively young age, and that causes us greater problems. Although more people are being trained now than ever, the retention of doctors is very important.

I think that there may be opportunities to look at how we attract people back into practice. So, if someone drops out because they want to be with their children at that early stage in life, what is the potential of getting them back into even part-time employment at a later stage? Perhaps some of the hurdles are too high to get over, and we need to look at how we can be more flexible in bringing people back into employment in the healthcare system.

Orthopaedic Service: Altnagelvin

2. **Mr P Ramsey** asked the Minister of Health, Social Services and Public Safety to outline plans for the staffing and resourcing of the orthopaedic service in Altnagelvin Hospital. (AQO 5381/11-15)

Mr Poots: I am advised by the Western Health and Social Care Trust that it has plans in place for the capital development of an additional theatre space by 2015. The trauma and orthopaedic service will use part of that to develop the elective inpatient and day-case capacity in the trust, thereby reducing the reliance on the independent sector. The trust will bid for recurrent revenue and for capital equipment investment for that service development in the coming months. The trust is also working with local commissioners on

several developments for that service, including bone health and pre-operative assessment.

Mr P Ramsey: I declare an interest as a patient at the orthopaedic department at Altnagelvin. Does the Minister share my concern that we had a centre of excellence for children's orthopaedics at Altnagelvin for the entire north-west but that we are losing that capacity? Parents fear greatly that they will be forced to take their children to Belfast. What can his Department do to assist to bring that capacity back to the orthopaedic department?

Mr Poots: My understanding is that that is about doctors and not about finance. It has not been done to save money; it is about an ability to have the correct and requisite number of people who were capable of providing the service. Therefore, we will provide the support that the Western Trust seeks and requires from the Health and Social Care Board (HSCB) for recruitment and support to help to ensure that such a service can exist. I understand that that has had difficulties and that that is why we are in the position that we are.

Mr Speaker: Order. Before I call Mr Dunne, I want to say, in the mildest terms, that this is a specific question about a specific hospital: Altnagelvin. I am not prejudging what the Member's question might be.

Mr Dunne: This question is about Altnagelvin Hospital.

Some Members: Hear, hear.

Mr Dunne: Thank you, Mr Speaker.

Will the Minister give us an update on the new primary percutaneous coronary intervention (PCI) unit at Altnagelvin Hospital, which will, I understand, go a long way to treating heart attack patients in Londonderry?

Some Members: Hear, hear.

Mr Poots: I thank the Member for what is a very topical question. The introduction of the service in Belfast and at Altnagelvin will mean that patients having a heart attack will be taken directly to a cath lab that is capable of undertaking the procedure on a 24/7 basis. That is a substantial step forward in Northern Ireland for heart attack victims. It means that they will bypass emergency departments in other facilities and be taken directly to a cath lab.

I hope that Members will not ask silly questions at some future point about why an ambulance bypassed a certain hospital. It will have done so in the interests of the patient. It might not always get the right result, because we are talking about life-and-death situations. However, it will ensure that many more people survive a heart attack as a result.

The pilot took place at the Royal. The service became operational 24/7 on 30 September 2013. It is planned that the Altnagelvin service will provide a daytime PCI service from spring 2014, with a 24/7 service in place by summer 2014. Until the final phase of the regional expansion is complete, services for patients who are not in the catchment area for Belfast will continue to use clot-busting drugs, followed by a planned PCI, before they are discharged from hospital.

Mr Speaker: I say to the whole House that, although I know where the Member was coming from, his question certainly was about a different service. *[Interruption.]* Order. It certainly was about a different service from the one raised in the main question, but I allowed it. Members should not make light of rulings from the Chair.

Cystic Fibrosis

3. **Mr Buchanan** asked the Minister of Health, Social Services and Public Safety what action he is taking to improve care for people with cystic fibrosis. (AQO 5382/11-15)

Mr Poots: In 2012-13, significant investment was made to improve care for cystic fibrosis patients. That included £4.4 million identified recurrently to support the full introduction of the new drug treatment Ivacaftor and a further £693,000 to implement two treatments approved by the National Institute for Health and Care Excellence (NICE): mannitol dry powder and tobramycin dry powder, both for inhalation. There has also been investment in the children's service, including more staff for dietetics, physiotherapy and pulmonary function services, and further improvement in the process of transition from paediatric to adult services.

Mr Buchanan: I thank the Minister for his response. Can he indicate to the House when the review of the cystic fibrosis service is due to take place?

Mr Poots: The cystic fibrosis team in paediatrics currently does not meet the standards set out in the Cystic Fibrosis Trust's

'Standards of Care' from 2011. Over the next few years, there will be investment opportunities to correct the small number of staff required to meet the guidelines for paediatrics under the vulnerable specialities work stream of the HSCB, if that is deemed appropriate following the publication of the next cystic fibrosis review report. So, there is a willingness to ensure that we can meet the needs of people with cystic fibrosis.

Mr McKinney: What is the Minister's assessment of the current methods of diagnosis for those with cystic fibrosis?

Mr Poots: Cystic fibrosis is commonly and, in most instances, successfully identified at a very early point in paediatrics. I recall very well dealing with kids who had cystic fibrosis when I led a church youth group. In fact, of the 440 people with the condition in Northern Ireland at the one time, we had three of them.

All those were identified when they were babies. At that time, all of them were told that their life expectancy was around 20 years. Unfortunately, that transpired to be the case in one instance, but the other two are still alive. The average life expectancy for cystic fibrosis is now 41.

3.00 pm

As a result of the fantastic work that was done through our research teams in Northern Ireland, we have identified a solution to the problem coming from the Celtic gene of cystic fibrosis. As a consequence, those people can have a full life expectancy. It has been a huge investment of almost £4.5 million for the acquisition of that drug, but those people will have a full life expectancy. That involves around 23 people. The investment is significant, but those are the big decisions that we have to make on whether we fund a service such as this, which has such an impact on people. However, funding that service will leave us short somewhere else. Those are big decisions that we have to arrive at.

Ovarian Cancer

4. **Mr Lyttle** asked the Minister of Health, Social Services and Public Safety if his Department will launch an ovarian cancer awareness campaign, as previously voted for by the Assembly on 11 March 2013, to coincide with Ovarian Cancer Awareness Month in March 2014. (AQO 5383/11-15)

10. **Ms Ruane** asked the Minister of Health, Social Services and Public Safety for an update on the awareness campaign for ovarian cancer. (AQO 5389/11-15)

Mr Poots: Mr Speaker, with your permission, I will answer questions 4 and 10 together, as they are about the same subject. I am aware that March has been designated Ovarian Cancer Awareness Month by four leading ovarian cancer charities, and I thank them for helping to highlight the signs and symptoms of the disease. I also encourage any woman who has concerns about possible symptoms to go to her GP as soon as she can.

The Public Health Agency is developing a cancer awareness campaign for Northern Ireland, which will prioritise ovarian cancer. In taking that forward, the agency is evaluating current cancer awareness campaigns being conducted in England and Scotland and conducting an evidence review to determine which specific tumour sites to include. That work is necessary to guide the development of the Northern Ireland campaign and will take several more months to finalise. Following that, the dates for the campaign will be announced and enacted as soon as possible.

Mr Lyttle: I thank the Minister for his response. Will he join me in paying tribute to women such as Una Crudden, a tireless campaigner for ovarian cancer awareness, and, as we are in Cervical Cancer Awareness Month, Sharon Montgomery of Cervical Cancer Northern Ireland? Does he agree that targeted, stand-alone campaigns are needed to raise awareness of symptoms, increase early diagnosis and reduce the impact of this type of cancer on women in our community?

Mr Poots: We certainly need to target specific areas, and that will be done. A number of organisations and groups support people with various types of cancer. Some years ago, I was introduced to Angels of Hope by Mr Anderson, because he had a special interest in the subject. I have had the opportunity to visit that facility. I have met Una on a number of occasions, and she is a fantastic lady. I have also met Sharon on a number of occasions, and she is another fantastic lady. Those people are raising awareness, and I greatly appreciate what they are doing. We want to work with them and have their support in our work to highlight to the public how best they can identify the early signs of cancers and, hopefully, get treatment at an early point, which can stop the cancer progressing to fatal consequences.

Mr Wells: I am sure that the Minister will join me and Mr Lyttle in congratulating Una Crudden for her outstanding work on ovarian cancer. What does the EUROCARE-5 study reveal about cancer survivorship rates in Northern Ireland?

Mr Poots: The fifth study in the series analysed data from cancer registries that covered all or part of 29 countries, covering over 50% of the adult and 77% of the childhood population of Europe, including anonymous data from 74,000 cancer patients in Northern Ireland. It compares five-year survival from diagnosis for more than nine million adults and 60,000 children diagnosed between 2000 and 2007. The main conclusion is that cancer survival has improved but still varies widely between European countries, despite major improvements in cancer diagnosis and treatment during the first decade of the 21st century. Nordic countries — with the exception of Denmark — central European countries such as Austria, Belgium, France, Germany, Switzerland and the Netherlands, and some countries in southern Europe, particularly Italy, Portugal and Spain, have the best survival rates for cancers.

Ms McCorley: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answers to this point. I, too, commend Una Crudden for the efforts that she has made to highlight the disease from which she suffers. Given that we had the debate nearly a year ago, in March 2013, that there does not seem to have been much progress since then and that the evidence is that only 3% —

Mr Speaker: I encourage the Member to come to her question.

Ms McCorley: — of women are confident that they can identify a symptom of the disease, is there not a case for a stand-alone campaign?

Mr Poots: I assure the Member that it is not as a result of anybody dragging their feet. Courses of work are being carried out. It is critical that, when we launch a campaign, which we will, it is done on the basis of the best knowledge available. That is the work being done. We will ensure that the messages put out are strong and powerful and that we can stand over them. The UK National Screening Committee states that, at present, screening should not be offered, except in the context of the Medical Research Council's randomised control trial, which is due to report in 2015-16. The trial is investigating the effectiveness of

screening for ovarian cancer using a blood test or an ultrasound screening. Two hundred thousand women between the ages of 50 and 74 have been recruited, and Belfast City Hospital is one of the centres involved.

A sister study, the UK familial ovarian cancer screening study, is also ongoing. Its primary objective is to develop a screening strategy for ovarian cancer. It wants to identify the most appropriate screening test criteria for the interpretation of results and determine the screening interval for women at high risk because of family history or inherited genetic predisposition. A lot of things are happening. The public may not be fully aware of them, but a lot of things are going on in the fight against ovarian cancer.

Mrs Dobson: I welcome the Minister's commitment to launch the cancer awareness campaign. I am sure that I join other Members whose lives have been touched by cancer. I did not get to know one of my grandmothers as she died from ovarian cancer at 41. Will the Minister commit to further research into the duration and frequency of symptoms before diagnosis, the stage of disease at diagnosis and subsequent survival?

Mr Poots: I probably dealt with a lot of that in my previous answer when I talked about the work that we are doing with Belfast City Hospital as part of a UK-wide research programme. We take ovarian cancer very seriously. It is a cancer that is difficult to identify and recognise because it can be confused with symptoms of other things that are troublesome but certainly a lot less dangerous. Consequently, not everybody is identified as quickly as they should be. Therefore, we need to do more work to ensure that the condition is identified earlier so that people have a greater chance of having their lives saved.

Palliative Care

5. **Mr Humphrey** asked the Minister of Health, Social Services and Public Safety what action he is taking to ensure that the best possible palliative care is provided. (AQO 5384/11-15)

Mr Poots: My Department's palliative and end-of-life care strategy for adults in Northern Ireland is titled 'Living Matters: Dying Matters', and it provides a blueprint for ensuring that the best possible palliative and end-of-life care and support are provided for the terminally ill and their families and carers. A significant initiative is under way in support of the implementation of

the strategy's recommendations and as part of the wider Transforming Your Care reforms.

In September 2013, the Health and Social Care Board, in conjunction with Marie Curie Cancer Care, embarked on a programme of work to transform the delivery of palliative and end-of-life care in Northern Ireland utilising Marie Curie's nationally developed Delivering Choice programme.

My Department has also recently undertaken a review of HSC services for children and young people to provide a strategic direction for the development of services over the next 10 years. Palliative and end-of-life care for children and young people has been considered on its own to give prominence to this important area of paediatric services. On 5 January, I launched a public consultation on the review of paediatric palliative care. The consultation document sets out 18 recommendations aimed at enhancing the existing high-quality care and support for children and young people with life-limiting or life-threatening conditions, as well as their families. The consultation will run until 28 March 2014.

Mr Humphrey: I thank the Minister for his answer. What results have been found from evaluations by his Department of the Delivering Choice model?

Mr Poots: The Delivering Choice programme is already being delivered at a number of sites across the United Kingdom. It is helping to pioneer new ways of working that are designed around the individual and their families or carers. An independent evaluation of the Delivering Choice programme in Somerset by the University of Bristol in 2012 showed that, where the programme was in place, there was evidence of reduced emergency admissions, which were down by 39%, and A&E attendances, which were down by 34%, in the last month of life, compared with areas where the programme was not in place.

Mr A Maginness: I thank the Minister for his answers. Pain-reducing drugs and pain control are central to palliative care. Can the Minister outline his position on the availability of such drugs here in comparison with other areas such as England and Wales?

Mr Poots: Sorry, was that pain-relief drugs?

Mr A Maginness: Yes.

Mr Poots: The feedback that I get on the standard of end-of-life care is, generally, very

positive. Whether it is organisations such as Marie Curie Cancer Care, the Northern Ireland Hospice or many of the other charities that provide support for people, or whether it is our palliative care teams, I never hear anything but huge credit for the dedicated support that they give, their knowledge of the issues that they deal with, their sensitivity and care, and the support that they can quickly enlist from other key clinical providers such as doctors and so forth. I have had occasional complaints but, when compared with many other areas of health, the positive view that people have of the care that is provided massively outweighs them. I have not picked up that there is an issue on that front.

Paediatric Services

6. **Mr Storey** asked the Minister of Health, Social Services and Public Safety what action his Department is taking to improve paediatric services. (AQO 5385/11-15)

Mr Poots: My Department is consulting on its review of paediatric healthcare services. The review aims to build on our existing services for children, which are delivered to a high standard. The review has produced proposals for the future development of hospital and community services, and palliative and end-of-life care for children with complex and life-limiting conditions. The overall aim is to strengthen Northern Ireland's paediatric healthcare services for the next 10 years. I would urge anyone who has not already done so to contribute to both consultations because my Department is keen to hear the views of the public on these important services.

Mr Storey: Will the Minister provide an update on progress towards the new regional children's hospital?

Mr Poots: My colleague the Finance Minister visited the Royal Belfast Hospital for Sick Children with me on 7 October. He was quite taken aback by the condition of the hospital in which our children are being treated. He has indicated that we can have the finance, and a project to replace that outdated facility is now a priority for the Executive. As such, £15.5 million has been allocated by the Executive for the scheme in 2014-15. Further associated capital costs will be considered by the Executive as part of the next Budget process.

The main aim of the scheme is to ensure that all paediatric services are delivered in an environment that meets current standards. The capital cost of the project is around £250

million. That will cover the design and building of the hospital as well as the site infrastructural work needed to facilitate the running of the new facility. The outline business case has been reviewed by DHSSPS officials and is being considered by DFP. The business case approval could be in place, hopefully, within the next few weeks, with work commencing in 2014 and expected to be completed by 2020.

Mr Speaker: That ends the period for questions for oral answer to the Minister of Health. We now move on to topical questions.

3.15 pm

Firework Injuries

1. **Mr Irwin** asked the Minister of Health, Social Services and Public Safety how many firework injuries there have been in Northern Ireland in the past year. (AQT 611/11-15)

Mr Poots: I have to say that that is something that we can view considerably more positively. It has been the best year for firework injuries since data began to be collected in 1996. During the 2013 Halloween period, six patients reported to emergency care departments with firework-related injuries, which was eight fewer than in 2012. Data on firework injuries is collected specifically for the four weeks around Halloween, and it is not possible to report on the number of persons who go to emergency departments with firework injuries at other times of the year.

In 2007, a multi-agency firework safety awareness campaign was established. That was supported by the Ministers responsible for the Department of Justice and the Department of Health, Social Services and Public Safety, and the group developed the advertising campaign that has run for the past seven years. The 2013 campaign was very successful and achieved a 75% reduction in the number of firework-related injuries. We are delighted that that is the case and that many young people who would have been injured in previous years have avoided injury as a result of paying attention to the campaign.

Mr Irwin: I thank the Minister for his response and welcome the fact that there have been fewer injuries in the past 12 months. What measures does the Minister think are making a real difference with the public in Northern Ireland?

Mr Poots: The campaign has been ongoing. Sometimes I criticise the press and media in the House, but, in this instance, I thank the press and media for assisting us and getting a message out that fireworks are dangerous and need to be used in the proper context if people are to genuinely enjoy having fun with them. We need to use every tool in our armoury and get the message across to the public that teenagers fooling around with fireworks is not a safe use of them. They are dangerous. They can be enjoyed but they need to be enjoyed appropriately.

January Monitoring Round

2. **Ms Fearon** asked the Minister of Health, Social Services and Public Safety to detail how the £30 million allocated in the January monitoring round will be used. (AQT 612/11-15)

Mr Poots: I thank the Member for the question. We will have to invest in a series of things. As I indicated to the House, one of the areas where we identified particular issues and problems was with children who have been identified as being at risk. I think that it will shock many members of the public to learn that hundreds more children have been identified as at risk this year than last year, and a lot of that has to do with the issues being highlighted on television relating to Saville and, indeed, many other personalities, most of whom are associated with the BBC. That brought it to people's attention. Some £5 million is being spent on that.

There are a number of other areas, including urgent care and elective surgery, that we will want to continue to support, because we have made a real dent in many of the waiting times, and people are receiving care in a much more appropriate time frame. So, we will spend that money on a whole series of things.

While we continue to attempt to save money in the system, having a system that is as efficient as possible is always a challenge for us. If we do not deliver efficiencies, we will deny services to people as we will have spent money on things that are unnecessary through inefficiency.

Ms Fearon: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. The chief executive of the Health and Social Care Board said that a further £28 million would be obtained in transitional funding for Transforming Your Care. In the June monitoring round, the Department was only able to secure £9.4 million, and a further bid of

£7 million was submitted in the January monitoring round. Is Transforming Your Care now at risk?

Mr Poots: It is not at risk. We would like to see it maintaining the momentum that has been developed, and the integrated care partnerships that are a key aspect of it are now up and running. However, we certainly could have used more funding, had we received it. Some of that might have gone into invest to save for voluntary early redundancy, but, if that is not available, we will not invest in that this year, and maybe that opportunity will not exist for individuals to take up as time moves on.

So, we will just have to work through with the funding that we have. I greatly appreciate the support that the Finance Minister has given me. I should say that there are considerable additional pressures on health this year. For example, the Northern Health and Social Care Trust has 2,500 additional admissions to hospital, despite a whole series of work that reduced the number who would need to be admitted. We have many more older people and many more people with chronic illnesses than was the case five and 10 years ago. That will continue to grow, and those pressures will continue to build.

January Monitoring Round

3. **Mr Anderson** asked the Minister of Health, Social Services and Public Safety how the recent January monitoring round allocation will assist patients. (AQT 613/11-15)

Mr Poots: It will certainly help to alleviate significant and inescapable pressures that have emerged across Health and Social Care. Such an allocation will play a critical role in helping to address a range of pressures in front line services that will affect the most vulnerable, including our looked-after children and elderly population. As the extent of each of those pressures will be different in each trust, the HSCB and local commissioning groups will be working with trusts to assess local cost pressures as a basis for allocation.

The trust that represents your area, the Southern Trust, would have indicated at the outset of the year that it thought that the financial climate was particularly challenging. It made a number of efficiencies, and, as a consequence of having made more efficiencies at an earlier point, it was finding it more difficult than some other trusts to meet the demands that were being made of it.

That is an area of concern, so we want to ensure that urgent care is fully supported and that there is no impact on that. However, we also want to maintain a good standard of elective care to ensure that people receive operations at an appropriate time.

Mr Anderson: I thank the Minister for that response. Does he expect 2014-15 to be as challenging financially?

Mr Poots: I think that it will possibly be even more challenging. The scale of the financial pressures in 2014-15 is substantial. My Department is engaging with the HSCB and trusts to fully understand the nature of those challenges and to identify potential savings, measures and efficiency opportunities to address them. Although significant savings opportunities have already been identified, our initial planning work still suggests a significant and as yet unresolved financial pressure in that year. Therefore, the Executive's full engagement will be required to ensure that health and social care services for patients and clients in Northern Ireland do not suffer as a result.

E-cigarettes

4. **Mr Givan** asked the Minister of Health, Social Services and Public Safety what action the Northern Ireland Executive, led by him and the Department of Health, will take to deal with the sale of e-cigarettes to under-18s, given that the Government at Westminster are bringing forward an amendment to the Children and Families Bill that will outlaw such sales. (AQT 614/11-15)

Mr Poots: I am certainly taking note of what is happening in England. Things seem to be moving rapidly, therefore, I think that we will need to be looking at how we can quickly assess the situation and take some movement on it. I was speaking to my teenage daughter the other day, and she was telling me that lots of children in her school are using e-cigarettes. That is something that I would be most unhappy with. I know that smokers are using e-cigarettes as an alternative, and it is probably a better alternative than smoking. However, I do not think that it is any alternative to get youngsters under the age of 18 hooked on nicotine. I think that it is very important that we make a full assessment of this issue and respond quickly to it. I will be looking closely at what Westminster is doing to see how we in Northern Ireland could move this forward with the appropriate knowledge on the subject.

Mr Givan: I thank the Minister for that response. However, given that e-cigarettes contain dangerous toxins and that the amount of nicotine, other chemicals and contaminants varies across products, how concerned is he about e-cigarettes? Although some will say that they are there to reduce the number of people who are engaged in smoking tobacco, they are now seen as a trendy thing, particularly for young people. Therefore, we need to be taking urgent action in Northern Ireland in the way that is being done elsewhere in the United Kingdom.

Mr Poots: I was engaging with my older daughter, who is at university now, and she told me about the sorts of numbers who are smoking. Those are bright, intelligent young people who are doing their third-level education and smoking cigarettes, and smoking will kill at least half of them. When you ask how that happened, the answer is that it is seen to be cool, hip and trendy. A lot of the cool people in films, on our TV screen, and so on, smoke.

The tobacco industry has been very good at making smoking appear cool. I have no doubt that the people selling e-cigarettes will have no problem in making it appear to be a cool thing to do. Nicotine is a more addictive substance than heroin. We really need to challenge the use of nicotine in such a way. We need to discourage people, particularly our young people. Two thirds of smokers start smoking when they are under 18. We need to get the right messages out and take the right actions to ensure that young people do not start smoking in the first place and do not believe that smoking is a cool, hip and trendy thing to be engaged in.

Paediatric Congenital Cardiac Services

5. **Mr Boylan** asked the Minister of Health, Social Services and Public Safety to detail the cooperation between Dublin and Belfast on children's heart services. (AQT 615/11-15)

Mr Poots: A course of work has commenced. We recently appointed the final person to the team. It is someone of eminence from Glasgow, who will assist us in developing what it is possible to do with paediatric congenital cardiac services in Belfast in association with the services at Our Lady's Children's Hospital in Dublin. I committed to that at an early point.

When the first proposal came out that we should stop services in Northern Ireland and use services available in England, I opposed it. I think that that was the right thing to do. I have

always been opposed to that idea. However, a number of children from Northern Ireland will always have to travel to England because of the high complexity involved. Indeed, a number of children from the Republic of Ireland will also have to travel to England to have that more complex surgery. We are delighted to have the team set up and in place to look at the work.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. Would he like to comment on the recent incident of an air ambulance having to make an emergency landing in Liverpool? Given what happened and what the family said about the service, surely that is something that we should be trying to eradicate.

Mr Poots: It was for that very reason that I opposed the notion that we should be reliant on having our paediatric congenital services provided by England. We have a big issue with attracting the appropriate skills base because of the smaller number of surgical procedures that take place here. That is why I have committed to working with Dublin. It is in the best interests of children that we do so, and that is very important.

We have had circumstances in Northern Ireland in which emergency surgery was required, but heavy fog, for example, would have prevented flights from taking off at all. Having use of a facility on the same land mass is something that we desire. My first preference is to ensure that we maintain and support services at the Royal Belfast Hospital for Sick Children in conjunction with services in Dublin, and I need their support to deliver that. I hope that the team will identify a course of work that will show that that can be done in a safe way.

The name of the professor had slipped my mind, but it is Dr Sinclair from Glasgow, who will join the team led by Professor Mayer.

3.30 pm

Executive Committee Business

Public Service Pensions Bill: Further Consideration Stage

Clause 5 (Pension board)

Debate resumed on amendment Nos 1, 2, 13 to 15 and 19, which amendments were:

No 1: In page 3, line 43, at end insert

" , and must include representation from any trade union recognised by the employer".— [Mr Attwood.]

No 2: In clause 9, page 6, line 11, leave out "5" and insert "7".— *[Mr Attwood.]*

No 13: In clause 18, page 11, leave out lines 32 to 34 and insert "31 March 2015".— *[Mr Attwood.]*

No 14: In clause 28, page 16, line 19, leave out "2014" and insert "2015".— *[Mr Attwood.]*

No 15: after clause 29 insert

"Police pensions

29A.—(1) Regulations C9 and C9A of the Royal Ulster Constabulary Pension Regulations (Northern Ireland) 1988 (S.R. 1988 No. 374), as substituted by Schedule 1 to the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations (Northern Ireland) 2006, (S.R. 2006 No. 152) (widow's, etc. pension or gratuity to terminate on re-marriage or other event) shall cease to have effect as from the reinstatement date.

(2) Where any person's entitlement to receive payment on account of a pension or a gratuity under the Regulations of 1988 was terminated by virtue of regulation C9 or C9A, the pension or gratuity shall be reinstated and become payable as from the reinstatement date.

(3) Nothing in this section authorises or requires any payment on account of a pension in respect of any period before the reinstatement date.

(4) For the purposes of this section the reinstatement date is 1 July 2014."— [Mr Allister.]

No 19: In clause 36, page 21, line 13, at end insert

"() section 29A;"— [Mr Allister.]

Mr Allister: I am pleased to speak to amendment Nos 15 and 19, to which a number of Members have already kindly referred. Unaccustomed as I am to having widespread support, I welcome the indications of that for the amendment.

Let us be very clear that the purpose of the amendment is to bring equality of treatment to all police widows. At the moment, we have an inequality in the retention of lifelong benefits by widows because, since the changes made under the new 2009 regulations, a new widow — to put it in those terms — retains her lifelong benefits on remarriage or, indeed, cohabitation. The Member for East Antrim Mr Sammy Wilson gave an interesting description of some people's chosen lifestyle, but let us be clear that, under the regulations, if someone cohabits as husband and wife — equally, if they marry — they are prohibited from retaining their pension under the old regulations. However, under the new regulations, someone who either cohabits or marries is not so prohibited. The essence of the disparity and inequality is that a widow from the 1980s, 1990s or early 2000s who wants to remarry has a very considerable financial price to pay, whereas a widow from more recent years who wants to remarry has no financial price to pay. She retains her pension. That is the essence of the inequality, and the purpose of amendment No 15 is to apply the same rights across the spectrum of police widows.

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

Of course, the amendment does not discriminate on the basis of how one becomes a police widow. It is not just for those who were widowed by virtue of a terrorist act, a road traffic accident or other causes. It applies across the whole arena of how one becomes widowed. It applies to people who were widowed in the early years of the PSNI as much as it applies to people who were widowed during the tenure of the RUC; it makes no distinction. Rather, it seeks to revoke from a specified date — from 1 July, to give the Bill time to have Royal Assent and all that — the original preventative regulations, which would have prevented someone from remarrying and holding their pension.

Mr D Bradley: Will the Member give way?

Mr Allister: Yes.

Mr D Bradley: I thank the Member for his very clear explanation of his amendment and the purpose behind it. During his research, did he discover any similar anomaly in any other pension scheme? Will he agree that amendment No 11 in my name and those of Mr Attwood and Mr Rogers, which proposes that a biennial review be conducted and a report laid before the Assembly, will pick up and rectify such anomalies through that review?

Mr Allister: I have no doubt that there are other concurrent pension schemes that draw a distinction between recently widowed spouses and those widowed in former times. There are such schemes, for example, in parts of the National Health Service and maybe elsewhere. The issue that was drawn to my attention, and for which I have been striving to find a remedy for some time, is specific to police widows.

It was, of course, open to any Member to bring an amendment such as I have brought. However, because pension provision is devolved, it is, in the main, open to the Ministers in charge of those Departments to change the regulations through secondary legislation in order to make the provision to which the Member refers. Indeed, there was some reference earlier to the fact that, in this case, the Minister of Justice could, perhaps, have done that. I will maybe return to that in a moment. Whether it is the Health Department or any other Department, there would be scope for Ministers, with the oversight of pension policies within the ambit of their own Department, to bring policy into line in the same way as I seek to bring it into line in respect of police widows.

On the point that it could have been done by secondary legislation, by amendment of the regulations, I think that it was Mrs Cochrane who asked whether we were satisfied that it could, in fact, be done by the methodology deployed here of using the primary legislation. The first of two things to say about that is that the amendment was accepted by the Speaker for debate because he was satisfied of its competence.

Secondly, of course, the fact that it is primary legislation means, of necessity, that anything that secondary legislation can do, primary legislation can also do. Therefore, the fact that something might normally be dealt with by way of secondary legislation is no bar to dealing with it in primary legislation. That is why the opportunity is taken in this primary legislation to deal with an issue that might have been dealt with by another means but was not.

I should make it clear to the House, since the matter was raised, that I had considerable correspondence with the Justice Minister about this issue. I first raised it with Minister Ford in correspondence back in November 2012. He replied to me on 19 December 2012, indicating that the generality of approach was that pensions provisions for police officers were negotiated nationally and, therefore, the inclination was to follow what was done nationally. Therefore, he had been pressing the Home Secretary about the issue and had, in essence, not obtained any satisfaction.

I forwarded Minister Ford's letter to the then Minister of Finance and Personnel, Mr Wilson, who replied on 9 January 2013. Among the points that he made was that it was already available to the Justice Minister to amend the provision for survivors' benefits in the police pensions scheme in secondary legislation. I sent that response to the Justice Minister on 14 January 2013, a week after I got it. He replied to me on 25 March, again indicating that such schemes are normally negotiated nationally.

He went on to say:

"Agreement of other Executive colleagues would also have to be sought for such a change because of the potential impact on other public sector schemes, and the costs would have to be borne by the resources available to the Executive for the funding of its expenditure programmes. Currently, there is neither the support nor the provision within either the Executive Budget or that of the current UK Government to introduce such a change for existing survivors".

He then tells me again that he had raised the matter with the Home Secretary. So, in essence, the Justice Minister was saying to me that he could not or would not make the changes and that, if he wanted to make them, he would need Executive approval. Maybe that is one of the benefits of a Back-Bencher being able to table an amendment directly to primary legislation, circumventing the risk of not getting something of that nature through the Executive, if that is a risk. So, we are where we are today in that regard.

The fact that the Justice Minister said that he was not minded to move on that matter in his own right was disappointing to me, but I accept that that was the view that he took. Therefore, when this Bill came along, I saw the opportunity to try to deal with the issue. The Justice Minister said that, if further resources were required to activate this change, that would be an issue. Of course, the change, primarily for

existing widows, is cost-neutral because, if someone is on a pension and retains their pension upon remarriage, there is no extra cost to anyone. Where I suppose there is the potential for extra cost is that, picking up on a point that Mr Girvan made, the amendment, to give equality to people who have already remarried, in clause 29A(2) provides that, at the reinstatement date, namely 1 July 2014, anyone who had remarried and whose benefits were terminated by virtue of their remarriage shall from that date, not retrospectively, have their benefits restored.

For the absolute avoidance of doubt, where the second paragraph of my amendment refers to the "Regulations of 1988", it encompasses the changes made thereto by the 2006 changes. It is not referring to the original regulations. Indeed, it could not be because the amendment refers to "C9A" of the 1988 regulations, and, in the original regulations, there was no C9A. C9A was substituted, as indeed the original C9 was substituted, by the 2006 regulations. So that we are absolutely clear, what is in mind in regard to that second paragraph is the regulations as defined in the first paragraph, substituted by the 2006 regulations —

Mr Wells: Will the Member give way?

Mr Allister: Yes.

Mr Wells: The Member was here but, unfortunately, the Justice Minister was not during the exchange between myself and Mrs Cochrane. The Minister has an endearing habit that, if he does not like something that is proposed, he does not tell the Justice Committee that he hates it, but ensures that it is kicked into the long grass, put on the long finger, sent out for further consultation, or that it dies a death very slowly and quietly. You can never accuse the Justice Department of having a can-do attitude when it comes to this issue.

Will he accept from me two points? First, the amount of money that we are dealing with, no matter what scenario is painted by the Justice Minister, is so tiny as to be of absolutely no consequence whatsoever for public expenditure. Secondly, does he agree with me that if the issue had not been raised by means of an amendment by a private Member, it would have died a death and would never have been seen again?

3.45 pm

Mr Allister: I can probably agree with both points. One cannot say if it would have died a

death, because I know that a lot of people were exercised about it, and one of the ladies who talked to me showed me extensive, voluminous correspondence that she had had with other public representatives, and efforts made by them — and Mr Givan referred to some of that — with the Home Secretary and others to try to find a solution, and none was forthcoming. One cannot say if a solution would never have been forthcoming, but this was an opportunity too good to miss to deal with this issue, and, since this dimension is devolved, to deal with it in this Chamber in a manner that brings some respite to a modest number of people, but it is respite that is very significant to them.

I do not want to pry into the personal circumstances of anyone, but I will recite very briefly the sort of individual who will benefit from this: a young woman who was widowed in her late 20s, with three small children. Twenty years later, she is trying to put those children through university, and she meets someone whom she wants to marry, but she cannot do it because the financial circumstances are such that if she forfeits the pension that she has reared those children on and that she is putting them through university, in large measure, on, she sacrifices them — so she sacrifices her own interests, and she does not remarry. That is not fair, and it was worse in that case because, in those circumstances, with the publicity that attended the 2008-09 change, there was a popular conception that the change made was going to apply to all widows. In fact, in good faith, believing that was so, that lady proceeded to make her marriage plans, only to discover that the change did not apply to her, and she was to be treated differently because she was under the 1988 regulations. So, she had the double blow of having to cancel her marriage plans.

The purpose of this legislation is to help people like that. Mr Wells is right: it cannot be, and is not, a large number of people, but to them it is a very significant issue, and one that, if we can, we should address. I believe that, in this amendment, we can address it equitably, and we can bring some sense of fairness and equality to widows past and present in terms of their rights to retain their lifelong benefits.

I recommend the amendments to the House. I am pleased to have been able to bring them. I noted the comments that others have been seeking a solution in this matter, and I know that to be true. If I might be permitted to say this, I am glad that, as in the seeking of a solution on the special advisers issue, it was the TUV that pointed out the way and led the

way, and I am glad that, likewise, we have got a solution, I trust, on this issue.

I welcome the apparently near unanimous support for the proposition, and I believe that all of us can take pride in doing something worthwhile for a deserving class of people, namely police widows, irrespective of when they were widowed.

Mr Agnew: I am pleased to speak on behalf of the Green Party in Northern Ireland on the amendments to the Public Service Pensions Bill. I will start where Mr Allister left off.

I commend him for bringing forward amendment Nos 15 and 19 to take into account a particular section of police widows and to ensure that they get equality in pension provision and do not have to make the difficult choice that others highlighted, which is whether to not marry and receive a pension or to marry and significantly lose out financially. That is an invidious position, but I suspect that it was an unintended consequence of legislation. However, the fact that we have known about it for a number of years and have not put it right is not acceptable, and I think that this opportunity to do so is welcome.

I also hope that we can take that principle of equality from the debate. In other areas, the defence against righting inequalities has been that doing so is not legally required. Saying that something is not legally required is not a sufficient defence, and I am referring specifically to the equal pay settlement that continues to be denied to those who worked for the NIO and the Department of Justice. They face an inequality but are being told, "We are not legally required to give you back pay". There should be a sense of justice and equality. When people look at the background to their claims, they see that it becomes clear that their pay should be brought into line with that of their peers and co-workers and that they should not be in an unequal position. So, I commend Mr Allister for tabling amendment Nos 15 and 19, and on behalf of the Green Party of Northern Ireland, I will be supporting them.

Amendment Nos 13 and 14 relate to the NILGOSC pension scheme. I am pleased that, although there is perhaps not unanimity of support in the Chamber for those amendments, they will not be blocked by those who are not ardently in favour of them. They seem to be sensible amendments, given the timeline of the legislation. To implement the Bill by March 2014 would be difficult, and it is my understanding that there are some practical issues with doing so, not least of which is the

implementation of an IT scheme. There is enough of a precedent in large public sector IT schemes to know that we should not rush them. I think that we are better getting it right than getting it quickly. So, I welcome the fact that, like Mr Allister's amendments, these amendments are likely to go through the House. In that respect, good sense will have prevailed.

Perhaps more controversial is amendment No 1, which is what I intend to spend the majority of my time on. It concerns the place of trade unions on the pension boards. I found some of the claims on that amendment to be quite incredible. It was said that a mere 56% of employees affected are represented by trade unions and that that is somehow an insufficient and insignificant number. Why should trade unions expect to have a special place on the pension boards, given that they represent only 56% of the employees who are affected?

I will refer back to the 2011 Assembly elections. The Democratic Unionist Party, whose Minister put forward the Bill, received 30% of the vote. Of course, the Minister alone cannot pass anything without the support of other parties. Incidentally, Sinn Féin received 26% of the vote. Combined, those two parties can pass legislation in the House and can legislate for every person in Northern Ireland with 56% of the vote. So, when it comes to legislating and governance in this part of the world, 56% is seen as sufficient for representing the people of Northern Ireland, because those two parties have that combined mandate. Yet, somehow when it comes to trade unions, 56% is derided as an insignificant, paltry amount of support. We are not talking about just turning up at a ballot box. We are talking about employees paying their dues to a trade union and mandating the trade unions to act on their behalf in employment matters. To say that we should not give them their place clearly underlines what has already been suggested, which is that this is a purely ideological attack on the trade unions, and therefore an ideological attack on those workers who pay their dues to trade unions and ask them to represent them.

Examples have been given of trade unions acting in a certain manner with maybe not every employee agreeing, yet those employees continue to pay their dues, give their support to their trade union and empower it to act on their behalf. Mr Wilson suggested that workers should represent themselves. That is exactly what the trade union movement is about. The trade unions are not somehow detached organisations that take money and do their own

thing. They represent the workers, are empowered by the workers and, indeed, are made up of the workers. The trade union is a collective group of workers representing the many.

There is nothing in the amendment that restricts representation solely to trade union representatives. Mr McCrea said that it would be discriminatory to have those people on the board who represent only 56% of the workers. I challenge anyone in the Chamber to find me another worker who could sit on the pension board and say that he or she represents more than 56%. Where would that person get that mandate, other than through collective organisation, which is, in effect, what a trade union is? It is clear that the opposition to the amendment is purely and simply ideological. I do not accept that the amendment is simply another attempt to do what was attempted at Consideration Stage. I accept that there was a problem with the earlier amendment, as it sought to require only trade union representation.

Mr Hamilton (The Minister of Finance and Personnel): Which you voted for.

Mr Agnew: I accept that there were problems with it, but, at the time, it was the best thing on the table. I think that this is a better amendment. The debate should be focusing on what is in the amendment, not on what happened at Consideration Stage. There should not be a simple knee-jerk reaction when the term "trade union" is used. Certain parties have problems with trade unions. As we have seen, Mr Poots has ended up in court as a result of his problem over appointing a trade unionist. This is purely an ideological attack. The amendment is good for the employees affected by the public sector pension scheme, as it would ensure that they had the best, most professional and well-trained representatives acting on their behalf on the pension board.

I have yet to hear a single argument as to why it is not in the best interests of employees to have their trade unions, which they pay into, represent them and their interests on the pension board. Not every worker does, I accept that, but a significant proportion of workers pay into trade unions. There is nothing in the amendment that prevents other workers collectively putting forward representatives who represent their interests, if they deem their interests to be different from what the trade unions are advocating.

I ask those Members who intend to oppose amendment No 1 to reconsider their position

and to act in the best interests of those public sector employees who wish trade unions to represent them. There is precedent here. I have sat on North Down Borough Council, where the DUP members absolutely refuse to allow trade unions to represent council staff directly to councillors. This continued attempt to block workers being collectively represented through trade unions, which they choose to do, is absolutely dogmatic and unjustifiable. Workers choose that every time they pay their dues.

I ask that the Assembly act in the best interest of workers and not follow a simple, dogmatic, ideological agenda of opposing trade unions at every approach. There is absolutely nothing wrong with trade unions doing that. In fact, it is entirely right that workers seek to empower themselves through collective organisation. It is absolutely, fundamentally wrong that the Assembly should do anything to try to inhibit those workers from collectivising and ensuring that their rights are met, even when they sometimes feel that their Government are not acting in their best interests.

4.00 pm

I commend amendment No 1 and thank the SDLP for tabling it. I was glad to put my name alongside. It is absolutely right that we set a positive precedent today that workers' views are important and will be considered, and we make legislation not by trampling on them but in consultation with them.

Mr Hamilton: I was going to welcome Further Consideration Stage, but that might be pushing it. I was going to thank Members for their contributions, but that would definitely be going too far. However, I recognise the effort that has been put in by many Members in tabling and moving amendments and contributing today.

If I may, I will take each amendment in turn and try to address some of the issues that have been raised and some that perhaps have not been raised.

I begin with amendment No 1, which is an amendment to clause 5 in respect of union representation on pension boards. As was said by many contributors, it is a similar amendment to that tabled by the SDLP at Consideration Stage. The previous defeated amendment would have had the effect of restricting member representation to the trade unions and would have discriminated — I think that that is a fair use of the word — against employees who may not be members of a trade union. As I said at

Consideration Stage, not all public sector workers are members of trade unions, and not every area of the public sector is as unionised as others. There are many examples, some of which Mr Wilson outlined previously, of trade unions and their members not always agreeing on the best approach to issues. I am glad that that amendment, which would have unfairly discriminated against pension scheme members who were not also trade union members, was defeated at Consideration Stage and its deficiency accepted by Mr Agnew, who voted for that amendment at Consideration Stage. Amendment No 1 would provide that union representatives "must" be members of boards. I remain of the view that the amendment is unnecessary. There is absolutely no reason to make it explicit that unions must be included. The Bill is not about exalting the position of the trade unions. Clause 5 is about creating a pension board to:

"assist the scheme manager in ... securing the effective and efficient governance and administration of the scheme".

The effective and efficient governance and administration of a pension scheme does not necessitate trade union representation on the pension boards. Trade unions are not barred from being members of a pension board, and some trade union representatives may well become members. However, to carve out a special place for trade unions, as though they and they alone are the only people who can represent employee interests on pension boards, is anachronistic and harks back to a bygone era. The secondary legislation process provides scope for Departments with scheme responsibilities and the various scheme member representatives, including the trade unions, to refine further the constitution of the pension boards on the basis of the existing provision in the clause, which is rightly inclusive and sensible.

Mr Attwood outlined the answer to those who may have concerns about it not being explicit in primary legislation, which is — I am at risk of repeating myself several times today — enabling and framework legislation. I may be misquoting him slightly, but I think that the general thrust of what I am going to say accurately reflects what he said previously. He said that, due to regulations, he had to appoint trade union representatives to the NILGOSC scheme when he was the Minister responsible for that scheme. That is absolutely right. A former Minister, probably many, many years ago when the regulations were drafted, ensured that — I am not familiar explicitly with the regulations, but I am guessing from the tenor of

what he said — it was explicit that trade union representatives be put on the pension board. There is nothing to restrict any of the five Ministers who are responsible for pension schemes covered by the Bill to appoint, or indeed make explicit that there should be appointments of, people from trade unions. There is no restriction. People from trade unions are not barred. What is being put forward in the amendment, which, to carry on from what Mr Agnew said, is perhaps slightly better than the previous one, still carves out a special and privileged position for trade unions. I suspect that, in time, there will be trade union membership on the pension board —

Mr D Bradley: Will the Minister give way?

Mr Hamilton: Hold on for one second.

However, the composition and constitution will be a matter for the responsible Minister. I will give way.

Mr D Bradley: I thank the Minister for giving way. He is saying that the amendment carves out a special and privileged position for trade unions. I disagree with him on that. Does he not see that the amendment merely recognises that the vast majority of staff involved — 56% — are represented by the trade unions? It just recognises that fact; it does not carve out any special or privileged position for them.

Mr Hamilton: I disagree. I think that it does carve out a special and privileged position. Given the number that the Member cites, a sizeable minority are not members and have chosen not to be so of their own volition. In the Consideration Stage amendment, their interests would not have been represented at all. Doing what is proposed in this amendment, irrespective of what expertise or interests the trade unions might have, is carving out a special and privileged position for them. I am keen not to labour the point further because I have a sense of déjà vu about all of this. However, I reiterate that there is nothing to prevent the relevant responsible Minister, when putting through regulations in secondary legislation —

Mr Agnew: Will the Minister give way?

Mr Hamilton: Let me finish.

There is nothing to prevent the relevant Minister making provision for or even appointing trade union representatives to the pension board. Therefore, not accepting this amendment or the one put forward at Consideration Stage does

not bar trade union members from being representatives. As I said, I suspect that many of them will be. I will give way.

Mr Agnew: I thank the Minister for giving way. He referred to the responsible Ministers not preventing trade union members being on the pension board. I do not have the exact quote. So is he giving a guarantee that neither he nor one of his party colleagues will seek, as they have done in the past, to prevent trade unionists being on boards?

Mr Hamilton: I give no guarantees except this one: I guarantee that the person whom I appoint to represent employee interests will be the best-placed person to do so. I think that that is a fair and reasonable guarantee and assurance to give the Member. I will not say that the person has to be a member of the trade union because such a person may not best represent employee members of the pension scheme. I cannot speak for colleagues. I am sure that they would not want me to speak for them. The Member may want to have a quiet word with the Member in front of him, who is responsible for one of the schemes. That is the only guarantee that I am prepared to give: I will appoint the best person to represent the interests of employees.

Mr Attwood: Will the Minister give way?

Mr Hamilton: Yes, I will give way, but I want to move on to amendment No 2.

Mr Attwood: The Minister gave the game away when he referred to the law on trade unions and their entitlements being that of a "bygone era". Will he accept that, before any Minister appoints anyone from the employee side to pension structures, it will be done only after consultation with employee groups? Will he further accept that it is not a matter of whether it is a special and privileged position; it is the law that trade unions and their members are accorded certain rights and have certain responsibilities as part of the overarching industrial relations framework? You may call it special and privileged, but it is, in fact, the law. You should recognise that, within the industrial relations framework under the law, trade unions have a particular position and one that should be acknowledged, not diminished.

Mr Hamilton: I can give the assurance that, throughout the passage of the Bill to the point at which it is today, engagement with trade unions has been frequent. In fact, special arrangements were made and bodies created to allow that engagement to be much more

structured across a range of trade unions. When I am bringing forward the regulations that I will be responsible for, I do not envisage that there will be a lack of engagement with trade unions or, to use his terminology, employee groups. It is interesting to take that phrase and apply it to some of the people who are still excluded by the amendment, which are people like the Civil Service Pensioners' Alliance, which is a UK-wide group specifically representing the interests of pensioners. To take Mr Agnew's point, it may well be that somebody from that organisation may be the best person to represent the interests of employees in, say, my scheme, or the scheme that Mr Ford or Mr Attwood's party colleague Mr Durkan is responsible for, or whatever scheme.

I am not against engaging with employee groups. Since my appointment as Minister back in the summer, I would like to think that my engagement with trade unions on a range of issues has been thorough. However, I am not in the business of carving out a special and privileged position in the legislation for anyone, irrespective of what their expertise might be.

Can I move on —

Mr Mitchel McLaughlin: Will the Member give way? I know that you want to move on, but this is important.

Mr Hamilton: I will, yes.

Mr Mitchel McLaughlin: This goes to the core. Across the Chamber, lots of Members have gritted their teeth and got on with the necessary reform process, and I do not want to reopen that issue. However, on the basis of the mandate that the trade unions have by virtue of people voluntarily signing up for membership, surely the Minister must concede that, even on a proportional basis, the trade unions have an absolute right to be there. They have been mandated by the workers we are discussing here.

Mr Hamilton: I do not accept that they have been. I understand the point that the Member makes, but I do not accept that trade unions are specially or separately mandated to have representation on a pension board. In responding to the amendment, I hope that what I have said has not given the impression that it is my view or the Executive's view that trade unions should be barred from membership of the pension board. I am merely saying that they should not have a position as of right on a pension board. There are issues around competence, expertise and other interesting

things that have to be borne in mind. I do not think that we would want to have a special position for anybody on anything, whether they were interested, whether they had expertise or whether they had competence. I am not saying that I do not think that there is anybody in the trade union movement who ticks all those boxes. However, I emphasise again that it is very much up to the Minister responsible at the stage of the secondary legislation that provides scope for Departments with scheme responsibilities to include, if they wish, trade union representation.

If the House will let me, I will move on to amendment No 2, which is a proposed amendment to clause 9 in the names of the SDLP and Mr Agnew to change from five to seven years the break for reckonable service. The SDLP and Mr Agnew's proposed amendment is re-fighting old battles. It seeks to replace the maximum period of up to five years for which any gap in a person's pensionable service will be disregarded for purposes of revaluations with a maximum of up to seven years. Members were unconvinced with a very similar SDLP amendment that was put forward at Consideration Stage, and I remain unconvinced of the need for any change to what is in the Bill.

I do not intend to rehearse all the arguments that I made at Consideration Stage. Suffice it to say that, in my view, the rationale for five years has not changed and is in keeping with the standard length of career breaks across the public service — a point made by Mrs Cochrane in her remarks. As I said previously, five years is an appropriate level. It is in line with the general norm of terms for career breaks permitted in public service employment. The period of five years is considered reasonable and adequate and, indeed, generous. I think that it is considered as a privilege that is not open to many in the private sector. In my view, no argument and no analysis of the cost has been put forward for seven years as opposed to five, or, indeed for 10 years.

It is unfair to expect those who choose to stay in service or who take standard length breaks from service to foot the bill for those who choose extended breaks beyond the established norm and for which the clause makes adequate provision. In my view, the logic for five years prevails and is a fair balance across all the members of a pension scheme, some of whom may never have any breaks in reckonable service. Those variances must be paid for with the costs of the scheme, and if they are permitted, such costs must be

managed and contained by the scheme. As Members will, of course, be well aware, controlling the costs of public service pension schemes is a core issue behind the whole thrust of pension reform. So I urge Members —

4.15 pm

Mr Attwood: Will the Minister give way?

Mr Hamilton: I will. I am very near the end, so he is in just in time.

Mr Attwood: I am curious about the argument now being deployed that no argument was presented about the costs of moving from five years to seven years, which is true. However, if the Minister is minded to accept Mr Allister's amendment, is he saying that he has worked through the costs that would arise from that amendment if passed? If you have not worked through the costs of that amendment if passed, are you not being inconsistent?

Mr Hamilton: It is not for me to consider the costs. The Member has not, in any of the amendments that he has put forward at this stage or at Consideration Stage, made any argument in respect of cost. He certainly offered no analysis. It is not my job to consider the cost, other than to state the obvious that there would be a cost. However, I will hazard a guess that the cost of the Member's proposed amendment would significantly eclipse the cost of Mr Allister's proposed amendment. I do not think that it is sensible for him to muddy the waters of Mr Allister's amendment, which, in my view, is righting an injustice — I will come on to that later on — with this amendment, which is again trying to give members of the public sector an increasingly privileged position. It is wrong to equate the two issues. I do not have the numbers, and it is not my job to provide them, but I suspect that the cost of Mr Allister's amendment is significantly lower than the cost of the Member's amendment, which would not just affect a couple of people. Mr Allister and others will know this better than me, but those likely to be affected by his amendment are small in number, so the cost would be contained. However, everybody in the public service could be affected by the Member's amendment, so the cost would be very sizeable.

Mr Attwood: I thank the Member for giving way. First of all, I rebut this argument that I was trying to muddy the waters. I think that I was the first Member to say publicly today that the SDLP was backing Mr Allister's amendment. That is not muddying the water. That is being

crystal clear about supporting an amendment that I said was well crafted and well argued.

The point, though, is the point of principle. I hope that you do accept Mr Allister's proposed amendment. The cost consequences may be small, but you do not know that. Similarly, in respect of the argument that you deployed about our amendment and the cost consequences of moving from five years to seven years, you said that you do not know. I do not know. I went on various websites and could not find out how many people might take a career break of five years and what the cost consequences might be as a result. I think that it would be very small. If it is very small, which I sense it is, you should not deploy an argument about cost when you do not know what the costs will be.

Mr Hamilton: I will not, then, dwell on the moving of an amendment that you do not know the cost of. I think that that is a fair point to make, as well.

I think that conflating the two amendments is wrong because Mr Allister's amendment deals with an injustice, whereas the Member's amendment does not. That is why I think that it is wrong to try to tie the two together in making a point in this debate. I reiterate this point: I am pretty sure that the cost of Mr Allister's amendment is small in comparison with the potential cost of the Member's amendment, which would be applicable to everyone in the affected schemes. It is, therefore, a cost that could rise and rise and be many, many millions. I am sure that, in comparison, Mr Allister's amendment would cost a mere fraction of that.

I will move on to amendment Nos 13 and 14 to clause 18, again in the names of members of the SDLP and the Green Party, to change the effective date for reform of local government pension schemes from 2014 to 2015. Amendment No 13, if accepted, will put back the date for the implementation of the reform by one year, and amendment No 14 is consequential to that. I was interested to see those amendments emerging at this point in time.

Members may be interested in a bit more background on this issue. Employee contributions have been increasing across public service pension schemes such as police, firefighters, teachers, Health and Social Care and the Civil Service since April 2012 as part of a three-year programme of phased increases.

The last increases are due to be implemented in April this year. This programme of increasing

employee contributions was in line with a decision that our Ministers took late in 2011. Her Majesty's Treasury had made it abundantly clear that, if we did not implement these changes, we would have to make up the shortfall to Her Majesty's Treasury, with the amounts starting at £55 million for 2012 and £110 million for 2013, rising to £140 million a year from April 2014.

In Great Britain, local government schemes were exempt from those increases, and the stance was taken that the overall reform of the local government schemes would be brought forward by one year from the rest to 2014 rather than 2015 to in effect compensate for the delay in increasing contributions. I do, of course, know that local government pension schemes are funded schemes, albeit underfunded, as Mr Wilson pointed out, and, therefore, they operate on a different financial model from the rest of the unfunded public service schemes. Nevertheless, they are part of the overall programme of pension reform, and it is absolutely correct and fair that they should be.

Prior to contributions being increased for all other schemes in Northern Ireland, the then Environment Minister, Mr Attwood, assured his ministerial colleagues that his intention was to address the short-term and longer-term pension reforms in a single reform measure for the Northern Ireland local government scheme, with the intention that the new pension arrangements would be in place for April this year. Therefore, the Minister confirmed that he would not be taking action to increase contribution rates for members of the local government pension scheme for Northern Ireland in line with the three years of increases that were planned for the other public service schemes.

Mr Attwood wrote a number of times to his ministerial colleagues and directly to my predecessor as Minister of Finance and Personnel assuring them that all was in hand and on track to meet the 2014 deadline. In his letter of 6 June, which was his last before leaving ministerial office, there was no indication that the April 2014 target for implementation would not be achievable. Therefore, the reform of the local government pension scheme was on track to be implemented in April 2014 in line with England and Wales.

Minister Durkan, who, as we know, took over as Minister of the Environment in the summer of last year, first wrote to me in November 2013 highlighting concerns about the implementation date of April 2014 for the local government

scheme in Northern Ireland. I found that to be very late in the day, given the previous correspondence from Minister Attwood. In his letter, Minister Durkan concluded that that change in the implementation date would have no implications for the Executive Budget. I make it absolutely clear that that would need to be the case. He stated that, for short-term savings, regulations would be made to allow the actuary to take account of benefit changes when setting the employer contribution rate for the next three years, thus generating a future saving of just over 2%. There is provision in the Bill to allow retrospective implementation, if the deadline could not be met administratively. However, I am aware that the retrospective implementation would be challenging, and Mr Attwood outlined that in his contribution.

In conclusion on these two amendments, I am disappointed at the lack of progress on the reform of the local government pension scheme in Northern Ireland. Let me make it clear that, if these amendments are approved today, I will still expect the reforms that would be delayed to be implemented in 2015 along with every other scheme. That is not least because it is underfunded and progress needs to be made on that front. However, that said, I am minded to support both the amendments, as retrospective implementation of these changes, while legally possible, will be challenging in making sure that all is done properly, so it is not desirable. So, I urge Members to support amendment Nos 13 and 14.

Mr Attwood: Will the Minister give way?

Mr Hamilton: Yes.

Mr Attwood: I am glad that you read into the record the various pieces of correspondence back and forth, because I think that it confirms that there was a firm commitment to try to advance pension reform, even ahead of 2015, but it did not come to pass. However, do you accept that, in June 2013, when the equivalent scheme in England and Wales went out to public consultation about their regulations and the shape of what the scheme might be, it transpired that a lack of detail was emanating? Given that there was going to be some degree of reliance on the scheme in England and Wales to inform this one, do you accept that it was at that moment that the thing began to pivot in such a way that means that today we cannot live up to the initial expectation that NILGOSC and the local government scheme would be in advance of, not behind, the schemes for other pension holders?

Mr Hamilton: I accept the point the Member's point about following what England and Wales have done. I did not go through that potted history to embarrass anyone, not that there is anything in there to embarrass anybody. I think that the Member left office not long after 6 June. The letter of 6 June did not indicate that there was a particular problem. The first correspondence that I received from the Member's successor was not until November. I cannot account for the in-between period, but I think that the Member will accept that that was quite late. However, I accept the reasons for things shifting forward. Although I could have said, "No, we will progress this and implement it. It has to be done on time", I appreciate that that would present challenges for the current Environment Minister because of the timing of getting his regulations through, to the extent that the regulations might pass only after the changes should have been implemented. Retrospectively doing that would get messy and problematic, so the best course of action is to move forward by accepting amendment Nos 13 and 14.

I will conclude my perspective on the group by talking about amendment Nos 15 and 19, which I touched on briefly earlier. They concern proposed new clause 29A, which is on police pensions. I welcome amendment Nos 15 and 19. I understand that the content of the proposed new clause is something that the Minister of Justice has been petitioned about by several local representatives, including Mr Givan — he mentioned Diane Dodds, Jeffrey Donaldson, himself, the Justice Committee and, obviously, Mr Allister — to make a change for police widows and widowers in Northern Ireland. I presume that it is a gender-blind amendment.

I certainly understand and share Mr Allister's concern about the inconsistencies between police pension scheme legislation for pensions paid to police widows and widowers on remarriage. For example, the 2006 police pension regulations made for the new police scheme, although less generous overall, to provide for lifelong benefits to be paid to the surviving spouse or nominated partner of a police officer. Conversely, the existing terms for a pension or gratuity payable to the surviving spouse under the Royal Ulster Constabulary Pensions Regulations 1988 will be stopped if the survivor remarries. In November 2012, the Minister of Justice highlighted the actions that he had taken in petitioning the Home Secretary and the Secretary of State for Northern Ireland on the issue. Unfortunately, he concluded then that there was neither support nor provision in the

UK Government Budget to introduce a change that would resolve the inequity for existing survivors.

I appreciate the issue that Mr Allister raised about the drafting of the second subsection of the proposed new clause. I accept, as he mentioned, that, when he refers to C9 and C9A, it is, of course, referring to those as amended in the 2006 regulations. I realise that what we have before us today is a sensitive issue. We should remember that it is especially emotive for those who have lost a wife, husband or partner who served in the police. It is patently unfair for the survivors of police officers, whether in the Royal Ulster Constabulary or the Police Service of Northern Ireland, to be treated differently in any way.

A few Members asked about the competence of the amendment and whether I thought that it is right. In many respects, it is not my job to judge its competency. The Bill may be a Public Service Pensions Bill put forward by me, but once it comes to this stage, having gone through Committee Stage and Consideration Stage, it belongs much more to the House than it does to me. Judging competency is not a point for me. I think that Mr Allister made that point previously. However, in checking out its competency, as well as whether Mr Allister's intention in making the amendment could be achieved, my advice is that that is certainly the case. Amendment Nos 15 and 19 appear to achieve the ends that Mr Allister desires.

There is probably a broader point to make. I will attempt to raise it, and you can rule me out of order, Mr Deputy Speaker. Whenever such issues arise and amendments come forward quite late in the day, the ability of Departments, in particular, to address some of them in a very short period is not helped by the Standing Orders of the House. It might have been better if we had had a bit more time. Although the amendment has had universal support, there may have been other amendments to this Bill, or may be to future Bills, that require a bit more time. We may even pick up some of the drafting issues that we mentioned previously.

4.30 pm

Mr Ford (The Minister of Justice): I appreciate the Minister giving way. I remind Members on his side of the House that, during the first Justice Bill, we required an Exceptional Further Consideration Stage to deal with problems with an amendment that was produced and supported on that side of the House at the last minute. I agree entirely with the Minister's point.

I also want to confirm that Mr Allister quoted at some length from a letter that I wrote to him as the Minister of Justice on 25 March 2013, which included a reference to the Home Secretary, who:

"while sympathetic to the widows concerned remains unwilling to lend her support."

Mr Allister did not read the continuation of that paragraph, which states:

"Indeed, her position on the matter concurs with that of the Department of Finance and Personnel. Its view remains that to make such a change for existing survivors would run contrary to the normal practice of no retrospection in respect of improvements to the design of pension schemes and that reform can only be considered for future cases."

If the Minister is saying that that is no longer the position of the Department of Finance and Personnel, I welcome it.

Mr Hamilton: The Member quoted from a letter that refers to retrospection. I am happy to give way to the Member who proposed the amendment, but he made it clear previously, and it is certainly my understanding of his amendment, that it does not deal with those individuals in a retrospective way. Rather, should the House pass the amendment today, the reinstatement will, I believe, take place in July. I am happy to give way to the Member to allow him to confirm that.

Mr Allister: Absolutely. Two categories are affected. There are those who have not remarried, who, from 1 July 2014, if the Bill passes and the amendment is passed, would be able to remarry without losing their pension. There are then those who have already remarried and lost their pension. From 1 July 2014, they would regain their pension, but that is prospective not retrospective. Nothing is being paid back to them for the pension loss, but prospectively, from 1 July, they would have reinstatement.

Mr Hamilton: That is certainly my understanding of the amendment.

Mr Ford: Will the Minister give way?

Mr Hamilton: I will, but I have to say that I am not overly happy at being a conduit for a conversation between the Member and Mr Allister. However, I will give way on this one further occasion.

Mr Ford: The Minister said that it is not being retrospective. I agree with Mr Allister's explanation. His amendment is quite clear that it would not result in back pay, so to speak, for those who have previously lost pensions. My understanding is that the term in which DFP referred to retrospection was in changing the rules of a pension scheme after it was already in place. In that sense, this is clearly retrospective.

Mr Hamilton: I am glad that we have cleared up the issue of retrospection in the application to individuals — I hope. I go back to the point that, whether this is competent or not, it is not my judgement call, which is in part why I made my previous point. The Member tabled his amendment, as many other Members tabled their amendments. The amendment went forward, was selected, was put on the Marshalled List and is up for debate and the judgement of the House. In that sense, the view of the Department of Finance and Personnel on the issue per se is neither here nor there. At this minute in time, it belongs to the House, and, as far as I am aware, it is up to the House to decide what it wishes to do.

Mr Wells: Will the Member give way?

Mr Hamilton: Yes, I will.

Mr Wells: The Justice Minister — sorry, I think that he is speaking as the Member for South Antrim on this occasion —

Mr Ford: No, I am speaking as Minister.

Mr Wells: The seating arrangements made me think that you were speaking as a Back-Bencher. The Minister made a point about retrospective application and it not being in order to change the rules and regulations of a pension scheme once it is in operation. The pension trustees of the scheme of which I am a member in the House have had a scheme up and running since 2000. There have been numerous changes to the operation of the scheme in the benefits that accrue and the amounts paid. Indeed, quite a radical change is coming. It is perfectly in order and entirely normal to change a pension scheme that is in operation subsequent to its coming into place, so the argument of retrospective application does not apply in this case. That is all that Mr Allister's amendment is seeking to do.

Mr Hamilton: I thank the Member for his useful contribution. I frequently bow to his superior knowledge of pensions, and I think that he is right in this respect. What I believe or whatever

the Department's position is almost immaterial. The amendment has been tabled in the House, and it is for the House to decide whether it is right to do that. I sense — I am a good enough judge of these things — that the House is minded to make the amendment. In that respect, it does not matter what my or the Department's position is. However, as I made very clear, I am sympathetic to it. We have the opportunity to make that change and, in the interests of fairness, I urge all Members to support Mr Allister's two amendments.

I want to move on and conclude my contribution to this group of amendments. I will recap: I urge Members to oppose amendment Nos 1 and 2. Amendment Nos 13 and 14 are consequential, and I am content for Members to support putting back the implementation of local government pension schemes until 2015 to allow for the reform of local government. I recognise that retrospective implementation would be complex and challenging, and the Minister of the Environment has provided assurances that there will be no financial impact from that delay. As I just said, I am pleased to support amendment Nos 15 and 19, which are consequential, and I am glad that there is evident support across the House for them.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Tá an-áthas orm páirt a ghlacadh sa díospóireacht thábhachtach seo. Thank you very much, Mr Deputy Speaker. I begin by declaring an interest as a member of the teachers' pension scheme, albeit one who is protected by the 10-year transition conditions built into the schemes.

It was a useful and even, at times, a lively debate. When we started with an early reference to the film, 'Life of Brian', I began to wonder whether we were going to go down that road and arrive at the Reduced Shakespeare Company, but, thankfully, it did not get that far out of hand.

Mr Attwood moved the amendments that stand in the name of the SDLP. By way of background, he mentioned that the London Government have said that the changes were designed to last for a generation. He pointed out that a top-up facility over an 18-month period is already mentioned in a new pension Bill coming from London, although I think that he considered that to be more of an election ploy than anything else. He mentioned the move towards a wider European model for pensions but warned that the Treasury has not yet finished with pensions and may come back with more legislation. Mr Attwood also referred to the "thoughtless folly" of those who originally

intended the legislation to be sanctioned by way of a legislative consent motion.

In addressing amendment No 1, Mr Attwood urged trade union representation on the pension board. He said that the Bill was silent on that and that the Minister said very little at Consideration Stage to offer any reassurance. He also said that amendment No 1 does no violence to anyone and pointed out a fact that has been repeated here a number of times, which is that the unions represent quite a sizeable majority, about 56%, of staff. In response to Mr Wilson, Mr Attwood said that those represented by the unions joined them voluntarily and that there was, therefore, good reason why the unions should be named in the Bill.

Mr Wilson, engaging in debate with Mr Attwood by way of intervention, claimed that the trade unions had a conflict of interest in relation to pensions. Mr Attwood very ably responded and pointed out the need for voices to promote ethical investment. He said it was good that there would be people who took an ethical view and that all views should be heard. An ethical view should have a voice. He said that trade unions would represent that voice, as well as speaking on behalf of their members.

Mr Wilson contended that pension fund members would prefer a better financial return, to which Mr Attwood replied that there were certain obligations around pensions to do no harm and, indeed, to do some good, rather than the opposite. He said that the Bill should respect the statutory role of trade unions in acting on behalf of their members and that there was a certain suspicion around the exclusion of any mention of trade unions.

Mr Attwood argued that trade unions should be recognised in the Bill. He outlined the good work that trade unions have done for their members and employees across a wide range of legislation, including employment rights, health and safety improvements, pay and conditions, the minimum wage and the transfer of undertakings scheme. He pointed out that the NILGOSC scheme guaranteed trade unions a place under its regulations.

Moving on to amendment No 2, Mr Attwood proposed that the five-year threshold be raised to seven years. He made the argument that the nature of the workplace is changing and that we should give greater recognition to family life and the work/life balance. He said that we should allow for the small number of people who wish to avail themselves of that.

Moving on to amendment No 13 on the NILGOSC scheme and the proposal to extend the date until 31 March 2015, Mr Attwood made the argument, which was made by others, that it was a fully funded scheme and should be treated differently, given its different nature. He offered five reasons for extending the scheme until 31 March 2015. He talked about the scale and complexity of the process. The original intention was that changes in England and Wales would be followed but, as it turned out, those were delayed, and that delay was reflected here. He warned that we should not rush in. Transitional regulations, he said, had run into difficulties and we should allow those to be resolved. He said that consultation was still ongoing and that we should honour that by taking some time to allow for the updating of payroll computer systems and, of course, the completion of the consultation. He said that large numbers of employees were women, and some worked part-time. He added that we should take the time to get it right. Mr Wilson intervened and implied that a further extension would not be honoured. Mr Attwood reassured him that NILGOSC wanted things to move forward quickly, but that could not happen because of the reasons that he outlined.

Mr Attwood expressed his support for Mr Allister's amendment No 15, a new clause, and his consequent amendment No 19. In doing so, he praised the Bill Office staff for their expertise and effort under severe time restrictions.

Mr Girvan said that amendment No 1 put the trade unions, as he described it, at the top of the tree. However, I pointed out to him that there was nothing in amendment No 1 that created any hierarchy of representation, so that was simply not true. Mr Cree was quite predictable in his response to the amendments put forward by the SDLP, but he expressed support for Mr Allister's amendments.

4.45 pm

I think that Mrs Cochrane misinterpreted amendment No 1. She seemed to suggest that the members of a board must be members of a trade union. I tried to correct this misrepresentation on several occasions, but the lady was not for turning. She accepted three interventions from Mr Wilson but not even one from me, so I have to say that I feel badly done by. However, that does not prevent me from making the point that Mrs Cochrane's interpretation of amendment No 1 is severely flawed and one that she should correct, even if she has to take further advice from Mr Wilson.

Mr Givan argued that new clause 15 and amendment No 19 should have been adopted by the Minister of Justice. He said that it was unusual but entirely understandable to use this Bill for it. I think that that was —

Mr Ford: Will the Member give way?

Mr D Bradley: Sure.

Mr Ford: Did Mr Givan also point out that the previous Minister of Finance and Personnel opposed any such idea?

Mr D Bradley: I thank the Member for his intervention. No; in fact, he did not point that out. Thank you very much for intervening to point it out. That clarifies the situation.

Mr McCrea claimed that naming trade unions as representative of their members on the face of the Bill would be discriminatory against others. However, he was unable to share with Mr Attwood the legal advice that he had received on that issue. Mr Deputy Speaker, I am sure that you will understand that, if our amendment were discriminatory, the Bill Office and the Speaker's Office would have pointed that out to us. That was not the case. Our amendment was deemed to be competent by both the Bill Office and the Speaker's Office. Mr McCrea's contention that amendment No 1 is discriminatory is total nonsense.

Mr Allister proposed new clause 15 and amendment No 19. He underlined the inequality in that, under the present arrangement, new widows may retain the pensions, whereas, under the old regulations, that was not the case. Mr Allister admitted, after my intervention, that such a contradiction may exist in other pension schemes, and that that may be addressed in secondary legislation.

I pointed out that amendment No 11 in the name of myself, Mr Attwood and Mr Rogers in the second group, which proposes a biennial review, could deal with such anomalies that have not come to light. In fact, I think that the anomaly that Mr Allister points up in his new clause and in amendment No 19, and other anomalies which may still be in schemes, underlines once again the good sense of bringing this Bill before the Assembly rather than acquiescing in a legislative consent motion. Mr Allister detailed the case of one widow who was frustrated in her plans to marry because of the anomaly that his amendment seeks to deal with. As I said, the SDLP supports Mr Allister's new clause and amendment No 19.

Mr Agnew spoke strongly in favour of amendment No 1. He considers that the 56% of the workforce who are represented by trade unions is a considerable section of staff. He believes that trade unions represent their members well and that there is nothing in amendment No 1 that restricts membership of boards to trade union members only.

His assessment was that many Members expressed opposition to amendment No 1 purely on ideological grounds. In fact, he went as far as to say that, in some cases, it was a mere knee-jerk reaction. He said that the amendment was good for employees and that no good arguments had been offered by any Member against amendment No 1. He appealed to Members to reconsider their position on that amendment and said that he was glad to add his name to it.

It is difficult to encompass the whole range of the debate, so I will move on to the Minister's contribution. I did not hear anything from the Minister that offered any real argument against amendment No 1. He said, as did Mr Girvan earlier, that it elevated trade unions above other representatives. However, I believe that nothing could be further from the truth. The amendment does not carve out any special or privileged position for trade unions; it simply recognises that trade unions represent a sizeable majority of staff. The amendment does not prevent any non-unionised staff from being represented. The Minister criticised our previous amendment, and he now criticises the current amendment. Minister, you cannot have it both ways.

On amendment No 2, the Minister did not accept the rationale that Mr Attwood put forward about family life and work/life balance. Mr Attwood pointed out the contradiction in the Minister's position, in that he had not costed Mr Allister's amendment but was willing to accept it. The Minister said that it is not his job to provide the figures. That is a strange statement from a Finance Minister.

Mr Hamilton: Will the Member give way?

Mr D Bradley: Of course.

Mr Hamilton: Does the Member accept that neither amendment is my amendment, and that, therefore, the responsibility, if indeed there is a responsibility to bring forward costings, is not mine in those circumstances? I caution the Member that he is once again conflating, as did his colleague, Mr Allister's amendment with his own party's amendment. Is he saying — this is

the logic of his argument — that if Mr Allister has not provided costings, which he has not, I should turn down, refuse or reject his amendment? That is the logic of the Member's argument.

Mr D Bradley: I thank the Minister for his intervention. The Minister — *[Interruption.]*

Mr Deputy Speaker: Order. I have exercised extreme patience with Members who are shouting from a sedentary position. That patience is now exhausted. I remind Members that paragraph 30 of the leaflet that you were recently provided with says that you are not to do that. Continue.

Mr D Bradley: Thank you very much, Mr Deputy Speaker. I point out to the Minister that it was he who introduced the element of cost to the debate and criticised our amendment on that basis. So, I think that what is sauce for the goose is sauce for the gander, as the old saying goes.

Mr Hamilton: Will the Member give way?

Mr D Bradley: Surely, yes.

Mr Hamilton: I will put the same point to the Member again, because he completely glossed over it. Is he saying that the House should reject Mr Allister's amendment — this is the argument that Mr Attwood advanced — because it has no costing attached to it?

Mr D Bradley: I thank the Minister for his intervention. No, I do not recall saying that.

Mr Hamilton: Will the Member give way?

Mr D Bradley: Yes.

Mr Hamilton: I am not accusing the Member of having said that; I am accusing his colleague of having advanced that argument. As he has risen to defend the position that Mr Attwood advanced, is he accepting the argument that the House should reject Mr Allister's amendments because there are no costings attached?

Mr Attwood: Will the Member give way?

Mr Hamilton: He has not even got up.

Mr D Bradley: Yes, of course.

Mr Attwood: I have been mentioned in dispatches, so I will rely on Hansard for this. Hansard will unambiguously confirm that the first time that any issue about cost was mentioned it was neither me nor my colleague but the Minister who did so. He made a very precise argument that one of the many reasons that he is not prepared to accept moving from five years to the seven years proposed in amendment No 2 was because of cost. In reply, I merely said to him that I had not introduced cost, he had, and I asked him what the cost consequences would be. I said that if he was going to rely on costs in one amendment, he should do so in another. That is very different from somehow extrapolating, as this Minister is inclined to do, that on the basis of cost we should reject Mr Allister's amendment. That simply does not add up.

Mr D Bradley: I thank the Member for his intervention. It clarified the situation and was very precise as well. If the Minister questions one amendment on the basis of cost, he should question other amendments on the same basis.

I will move on to amendment Nos 13 and 14, which deal with the NILGOSC extension to 31 March 2015. The Minister eventually said that he accepted the amendments on the basis that Minister Durkan had given him an assurance that there would be no cost to the Executive. He also mentioned the difficulties that any retrospective aspect might cause.

The Minister quite rightly said that the issue in Mr Allister's amendments was a sensitive one and that it was unfair to treat people differently. He mentioned the competency issue and said that it was not his job to make a judgement on that. He did say, however, that the advice that he had received suggested that the amendments could be made and were competent.

Mr Ford intervened and pointed out that, in a letter to him, DFP had agreed with the Secretary of State that changing pension rules retrospectively was not permissible. Mr Allister clarified that his amendment was prospective, not retrospective, and that it would not entail any back payments. Mr Wells also intervened to point out that the rules of the Assembly's scheme had, in fact, been changed. In the end, the Minister expressed his clear support for Mr Allister's proposed new clause under amendment No 15 and for amendment No 19.

That summarises the debate as far as I can do so, wide ranging as it was. I apologise to any Member whose contribution I did not get around to referring to. I appeal to Members to support

all the amendments in the group — amendment Nos 1, 2, 13, 14, 15 and 19 — as they would improve and strengthen the Bill in so many ways. After all, that is what we are here to do.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 41; Noes 54.

AYES

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

Tellers for the Ayes: Mr Eastwood and Mrs McKeivitt

NOES

Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCreagh, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells, Mr Wilson.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Question accordingly negatived.

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

Amendment No 2 proposed: In page 6, line 11, leave out "5" and insert "7". — [Mr Attwood.]

Question, That amendment No 2 be made, put and negatived.

Mr Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 4 to 12, 16, 17, 18 and 20. Members should note that amendment Nos 7, 8 and 9 are all mutually exclusive with one another; amendment No 12 is consequential to amendment Nos 3 and 5; amendment No 17 is consequential to amendment No 12; and amendment Nos 18 and 20 are consequential to amendment No 10. Will Members bear with me for just a few moments, please?

The debate stood suspended.

Assembly Business

Extension of Sitting

Mr Deputy Speaker: Before I call the next Member, I wish to inform the House that the Speaker has received notification from members of the Business Committee of a motion to extend the sitting past 7.00 pm under Standing Order 10(3A).

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 27 January 2014 be extended to no later than 12.00 midnight. — [Mr Weir.]

Executive Committee Business

Public Service Pensions Bill: Further Consideration Stage

Debate resumed.

Clause 10 (Pension age)

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. I beg to move amendment No 3: In page 6, leave out lines 15 and 16 and insert

"specified by the scheme regulations for the scheme; and such regulations may specify any age not exceeding 68, but not less than 65".

The following amendments stood on the Marshalled List:

No 4: In clause 10, page 6, line 22, at end insert

"(b) prison officers; or

(c) paramedics and ambulance care attendants".— [Mr Agnew.]

No 5: In clause 10, page 6, leave out lines 27 and 28 and insert

"specified by the scheme regulations for the scheme; and such regulations may specify any age not exceeding 68, but not less than 65".— [Mr McKay.]

No 6: In clause 10, page 6, line 29, leave out from the beginning to the first "the" on line 33 and insert "Any".— *[Mr McKay.]*

No 7: In clause 10, page 6, line 36, at end insert

"(5A) The Department of Finance and Personnel may by order, made in relation to persons under a scheme under section 1 who are persons of such description as is specified in the order, provide—

(a) that subsections (1) and (4) do not apply in relation to such persons, and

(b) that the normal pension age and the deferred pension age in relation to such persons is such age as the order may provide.

(5B) Before making an order under subsection (5A), the Department must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the order.

(5C) An order under subsection (5A) is subject to the affirmative procedure."— [Mr Attwood.]

No 8: In clause 10, page 6, line 36 at end insert

"(5A) The Department of Finance and Personnel may by order, made in relation to persons under a scheme under section 1 who are persons of such description as is specified in the order, provide—

(a) that subsections (1) and (4) do not apply in relation to such persons, and

(b) that the normal pension age and the deferred pension age in relation to such persons must in the order specify 60.

(5B) Before making an order under subsection (5A), the Department must consult such persons (or representatives of such persons) as

appear to the Department likely to be affected by the order.

(5C) An order under subsection (5A) is subject to the affirmative procedure."— [Mr Attwood.]

No 9: In clause 10, page 6, line 36, at end insert

"(5A) The Department of Finance and Personnel may by order, made in relation to persons under a scheme under section 1 who are persons of such description as is specified in the order, provide—

(a) that subsections (1) and (4) do not apply in relation to such persons, and

(b) that the normal pension age and the deferred pension age in relation to such persons may in the order specify any age not exceeding 60 but not less than 55.

(5B) Before making an order under subsection (5A), the Department must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the order.

(5C) An order under subsection (5A) is subject to the affirmative procedure."— [Mr Attwood.]

No 10: In clause 10, page 6, line 36, at end insert

"(5D) The Department of Finance and Personnel must conduct a review of the provisions of section 10 as to how such provisions may affect the persons set out in section 1(2)(a), (b), (c), (d) and (e) of this Act, shall lay a report of the review before the Assembly and shall do so in advance of commencement of section 10 (apart from this subsection) further to the relevant commencement provisions at section 36 of the Act."— [Mr Attwood.]

No 11: In clause 10, page 6, line 36, at end insert

"(5E) The Department of Finance and Personnel must conduct a review at intervals of not less than every two years following commencement of section 10 of the Act as to how the provisions of the Act affect the persons set out in section 1(2) of the Act and shall lay a report of the review before the Assembly on or before six months following the commencement of the review."— [Mr Attwood.]

No 12: In clause 10, page 7, line 7, leave out paragraph (c).— *[Mr McKay.]*

No 16: In clause 32, page 18, line 18, leave out from "is" to "higher" on line 20 and insert

"does not exceed 68, but is not less than 65".— [Mr McKay.]

No 17: In clause 33, page 20, leave out line 24.— *[Mr McKay.]*

No 18: In clause 36, page 21, line 11, at end insert

"() section 10(5D);"— [Mr Attwood.]

No 20: In clause 36, page 21, line 15, at beginning insert

"Subject to section 10(5D)".— [Mr Attwood.]

This group is focused on clause 10, as was the case at Consideration Stage. I do not think it would be good legislation for the public sector pension age to be automatically made the same as the state pension age. There is much evidence —

Mr Deputy Speaker: Order. There are a number of conversations going on. I ask Members to respect the Member who has the Floor.

Mr McKay: Go raibh maith agat, a LeasCheann Comhairle. Like I said, I do not think it would be good legislation if the public sector pension age was to be automatically made the same as the state pension age. We received a lot of evidence at Committee, and I am sure that Members have received evidence individually as well, that backs up that claim. It should be subject to the same scrutiny as many other devolved areas. Of course, parties will have different views on what age it should be — whether it should remain at 65 or rise to 68 over a period of time in future years, or otherwise. The amendments that we have brought forward introduce flexibility into the scheme regulations to try to meet what Members are looking for in the Bill.

Flexibility really is the key thing. We do have flexibility in the Bill already through a previous Sinn Féin amendment at Consideration Stage, which took into consideration the needs of firefighters. There were also similar amendments at that stage from the SDLP.

So, that is evidence. The reason why we did that was that evidence may still be forthcoming on the effects on service provision of a greater pension age for firefighters. So, it is crucial that we have a devolutionary role and are accountable for pension age. We should not hand that over en masse to Westminster.

Indeed, in the debate on the previous group of amendments, Paul Givan, I believe, made the point that amendment Nos 15 and 19 show the benefit of devolution. That is because, if those issues were in the hands of direct rule Ministers, they would never have been dealt with. I suppose I echo that concern in a different way, in that if we have the power of pension age and the variance of that in response to whatever issues come up as a result of the legislation, we need the flexibility to respond accordingly. We may have instances where evidence points to certain legislative changes having an effect on public service provision. In those cases, we should have flexibility to respond accordingly.

Mr Wilson: Will the Member give way?

Mr McKay: Yes.

Mr Wilson: He is talking in very vague, general terms, saying things such as, "We have to have flexibility"; "There may be cases when we want to exercise some discretion". Could he be quite specific? Under what circumstances would he see the flexibility that he is asking for being exercised?

Mr McKay: I thank the Member for his intervention. The thing about pensions is that it is such a huge issue. The Committee considered the case of the firefighters. We were all sympathetic to the case that they put forward, because we delved into that in detail. We have not considered in full the case of paramedics or prison officers and so on. So, we believe that, by putting those matters at a secondary level, they can be considered. We may arrive at the same decision on the set pension age as is introduced in the Bill, but we think that that flexibility should be there. If the Ministers responsible in each respective area, whether that is education or health, want to make exceptional circumstances because of the effect that it might have on front line service provision, we believe that that flexibility should be put in place.

Mr Wilson: I thank the Member for giving way again. He is now getting down to specific cases. For example, we may wish to put greater flexibility in to allow for earlier retirement

in education. What would the justification to the general public be for saying that, while a manual labourer working on a building site has to work until the age of 66 or 67, which is what happens in the private sector, a teacher should be allowed to retire at the age of 65 because we have built in that flexibility? Where is the logic in that? How does he defend that?

Mr McKay: Where the legislation that is before us is concerned, Westminster could decide that the state pension age is 80. We would not be able to do anything about that. That does not make sense to me. We might take the position that what Westminster is proposing on state pension age may be agreeable, but the whole purpose of devolution is that there should be local accountability for those matters. We may receive more evidence in the Williams report to show that firefighters should not be on the front line at the age of 60 because people's lives would be put at risk. Given that there are cases like that, I think that we should give due consideration to the issues in a more detailed way. The purpose of the Assembly, the Departments and especially the Committees is to ensure that we make the right decisions. If we make the wrong decision on this legislation, there is an opportunity to tinker with the regulations to ensure that any difficulties can be easily ironed out further down the line.

Amendment No 4, which the Green Party tabled, extends the police pension age of 60 to prison officers, paramedics and ambulance care attendants. I suppose that that reflects some of the concerns that were voiced at Committee Stage. In Committee, we heard at length about the firefighters' case, as I outlined. We heard about the Williams review and evidence that firefighters would be unable to maintain the required fitness levels at 55 to 60 years of age. As I have already said, there are other roles that we did not look at in detail. To be fair, the Fire Brigades' Union came before the Committee by itself. It gave detailed evidence and responded to questions. We had an opportunity to follow up on many of the issues with the Health Minister and his Department. We did not receive conclusive answers. I think that the Assembly made the right decision to make an exception for firefighters at Consideration Stage.

If it is the case for firefighters, it certainly might and could be the case for people in other public service roles. The Finance Committee noted from its research and evidence that, apart from firefighters and police officers, certain other physically or emotionally demanding public service roles, such as that of prison officers, or

of teachers, as the Member who spoke previously mentioned —

Mr Wilson: Will the Member give way?

Mr McKay: Yes.

Mr Wilson: The Member is making a distinction. He is somehow saying that public service roles are much more demanding than roles in the private sector. I gave one example in an earlier intervention of how, in the private sector, to which amendment No 4 would not apply, workers may well be required to work in far more physically demanding conditions, yet they would not have that flexibility. How does he make the case that public service jobs are more demanding than jobs in the private sector? He is making that distinction with that particular amendment. Does he not recognise just how divisive that is in the public debate between private sector and public sector workers?

Mr McKay: In the amendments that we are bringing forward, we are setting the range at 65 to 68 years of age. Within that, regulations could still be put in place that reflect what the Westminster Government want. Therefore, as I said, we have deliberately been flexible in that regard so that we will have flexibility at regulation level.

My previous comments about certain roles being physically or emotionally demanding, such as those of prison officers, teachers, paramedics and mental health nurses, come from the Committee report, which was agreed by all parties in the Assembly. The report was based on the evidence that came before us. Therefore, those roles were identified as being potentially problematic when discussing the consequences of an automatic link between normal pension age and future increases in the state pension age. The main issue for my party is the fact that you are almost giving a blank cheque to the Westminster Government by ensuring that any future increases in the state pension age automatically become the norm here, regardless of whether they are right or wrong. The fact of the matter is that we should not give that power of accountability away, regardless of the respective position that each party here holds on what should be the normal pension age for those particular occupations.

The BMA cited the Working Longer review in its argument against setting a link between the normal pension age and the state pension age. That report will consider the evidence of the impact of working beyond 60 years of age. The

BMA argued that the Bill should be amended to enable the review's findings to be taken into account. Similarly, UNISON cited the Working Longer review, which will look at specific groups, such as paramedics, who are named in the Green Party's amendment. UNISON also made the point that public sector employers may find it preferable that some groups have a lower normal pension age. Linking to state pension age means that there is no role for the Executive or the Assembly to consider potential economic and employment impacts as well as service impact. That is a considerable gap.

NASUWT also opposed the state pension age linkage. Interestingly, the cross-party Committee for Education also raised concerns about the impact that increases in the retirement age for teachers may have on employment levels for qualified teachers. Of course, that is a huge issue at the moment. The Executive and the Assembly should therefore have some flexibility in making decisions around that issue, because it impacts on unemployment, and on youth unemployment in particular.

5.30 pm

The Finance Committee sought DFP's view of the merits of an amendment to provide flexibility at secondary legislation stage for individual Departments and Ministers to determine, in the scheme design, the most appropriate normal pension age for schemes falling within their remit. Ultimately, the Committee was unable to agree clause 10.

Mr Wilson: I thank the Member for giving way. He is quite generous in giving way, and it allows for some debate on the issue. He is now making spurious arguments about the economic impact of all this. If the retirement age for teachers went up, he asked about what would happen to young teachers and would we find that there were no vacancies for them. Does he accept that, if we deviate from the legislation and the provisions in the rest of the United Kingdom, we will pay for it out of the public purse and the block grant? If we are paying to allow teachers at one end to retire earlier than they do in the other parts of the United Kingdom, where is the money coming from to recruit teachers as new entrants at the other end?

Mr McKay: We might deviate by adopting the amendments, but we could adopt them, and there could be no cost to the local budget. Indeed, we have already deviated from Westminster on firefighters when we introduced

flexibility, which is quite similar in principle to these amendments. Therefore, there will not necessarily be any additional cost as a result of our amendments, because it has the framework of 65 to 68 years of age. That is an issue for another day. If the Minister of Health or the Minister of Education wish to bear a particular cost because they feel that a certain issue should be addressed, that is entirely down to them. Obviously, there are economic service impacts, which should be taken into consideration by the respective Ministers, Committees and MLAs. That is the responsible way to approach the legislation.

I will quote from the Committee report:

"the Committee believes that there is a need for sufficient flexibility to enable evidence-based decisions to be taken at a scheme level on whether certain public service roles ... should have a lower NPA than is set in the Bill. As such, the Committee recommends that the Minister of Finance and Personnel tables the necessary amendment to clause 10 at Consideration Stage to provide this flexibility, on the basis that any costs arising from future decisions to vary from parity in this area at a scheme level will be met by the responsible departments."

So, yes, there may be a cost if Departments want to go down that route, and they will have to put a case forward to meet those costs.

There has been considerable concern about clause 10 standing without any inbuilt flexibility. The General Teaching Council expressed concern about the number of unemployed teachers over the past four years. Clearly, high unemployment rates among recently qualified teachers could be worsened by putting those powers elsewhere rather than in the hands of Executive Ministers.

Mr Wilson: I thank the Member for giving way. I really cannot allow him to go on with this nonsense about the fact that, if you increase the retirement age, you will create unemployment at the other end. The logic of what the Member is saying is this: let everybody retire at 40, and we will do away with all unemployment because everybody who is unemployed at present can take up the jobs of the people who retire at 40. How do you afford that?

Mr McKay: I will explain to the Member again. We are talking about introducing flexibility, and if a Minister wants to make a change that has a

cost, he or she can put forward a rationale for meeting that cost within his or her own budget or otherwise. We are talking about primary legislation, and we want this to be set at secondary level — regulation level — so that we can make exceptions for those cases, such as firefighters. We have already agreed that there should be an exceptional case for firefighters, and a cost will be associated with that. Evidence may come forward that indicates that firefighters should not retire at 60. I am sure that many Members on both sides of the House might sympathise with that case. That is why we need to look at this in greater detail, rather than just taking a broad-brush approach to all employees. We are talking about over 200,000 employees in the local economy. I think that we owe it to them to consider this in the fullest way, regardless of what conclusion we come to, whether it is to go with the status quo proposed at Westminster or otherwise. That is what we should be doing as legislators.

On the other party amendments, we are quite in favour of the Green Party amendment and look forward to listening to the case for that. We are also in favour of the SDLP amendments, many of which stand exclusive.

In conclusion, we believe that there is an opportunity to introduce flexibility in the Bill through all the many amendments before us. It is irresponsible not to make provision for the Assembly or the Executive to take into account the impact that this will have on employment, youth unemployment, the economy, the public service and, perhaps most crucially for a lot of people, the emergency services. We should not have a dogmatic approach to clause 10, because it is guaranteed to create problems in the future.

Mr Weir: A few minutes ago, I moved a motion to extend the sitting until midnight. Members will be relieved to know that I do not intend to allow my remarks to drift on any later than about 11.30 pm. That is a guide for them. Given that we rehearsed some of these issues at Consideration Stage, I will try to keep my remarks fairly brief.

Broadly speaking, the amendments in this group break into four easily grouped sections. The Committee Chair moved and outlined the lead amendment in the first section, which includes amendment No 3 and a number of consequential amendments, namely amendment Nos 5, 6, 12, 16, and 17. Clearly, you either accept or reject them as a package.

I listened to the Chair speaking about those amendments, and what was there at Consideration Stage has, to a certain level, been rehashed but in a much more subtle form, so I praise him for his subtlety if nothing else. However, the cry that we cannot rely on perfidious Albion across the water or leave ourselves at the mercy of a future Chancellor is one that may not have quite the same resonance on these Benches as it does across the way.

I have to make a couple of points about this group of amendments. First, the Chair consistently said that the idea was simply to have flexibility. I think that, given the level of variation in the schemes within the envelope of cost, that is there already. Consequently, I question the need for them.

Secondly, I think that they point, again in a much more subtle manner, to a break between the normal pension age and the state pension age, which, I think, is fundamentally dangerous. It was, in broad pension reform and the broad central thrust of the Bill, one of the key recommendations of the Hutton report. If we move away from that broad thrust — there can be, in individual circumstances, some examination of that — it will start to cost the Executive tens of millions and then perhaps hundreds of millions as we move on, which we can ill afford. The points made by my colleague Mr Wilson and others about the message that it sends out to the private sector, as opposed to the public sector, are highly significant. These amendments, however well they are dressed up, cannot be afforded.

The second set of amendments, which has one main amendment, No 4, and two consequential amendments, Nos 18 and 20, is an attempt to change the normal pension age in a couple of sectors. Again, although we all admire the work done by the people in those sectors, such as prison officers and paramedics, if we start framing legislation, particularly primary legislation, on the basis of occupations for which we have some sympathy or empathy, we will not make very good law. If you are in, if you like, an unsympathetic job, to be honest, you can stick it there for as long as you can tolerate it. However, if you are in a job that we have more empathy with, perhaps that could be —

Mr Agnew: Will the Member give way?

Mr Weir: I will give way briefly.

Mr Agnew: I would like the Member to clarify something. If he does not think that we should

make, in legislation, exceptions for jobs with which, as he put it, there is sympathy, why are the police in the Bill? Why are they given an exemption?

Mr Weir: I am glad that the Member asked that. Perhaps it shows his level of ignorance of the general thrust of the Hutton recommendations. There were specific recommendations in the Hutton report on the police and, to some extent, firefighters. They were singled out, which was not the case for prison officers or anyone else, be it paramedics, ambulance drivers or whatever. That was a clear distinction. If we are going to say that such and such a profession is good, so we will give it good terms, or that such and such a profession is not quite so good, so it will not get quite so good terms, where do we put teachers, for example, as have been mentioned, or a whole range of occupations? You could pick out almost any profession. On that basis, there may be some of us who want to raise the age of retirement for tax collectors to about 90 because we —

Mr Agnew: I thank the Member for giving way, because, of course, it is about extending the rationale of the Hutton review. He may not have made specific references, but the reference was to do with the physical nature of those jobs. Therefore, it is about extending that to other areas of work for which the same rationale applies. To suggest that it is a matter of good jobs and bad jobs is erroneous. That was never the basis of the review.

Mr Weir: With respect, it seems that the Member opposite wants to put himself in the mind of Lord Hutton. If it is about extending the rationale, why not include some who work in the Forest Service, who have quite a physical job? Why not include those in Roads Service, for instance, who perhaps are out on the ground every day? Let us be honest: the Member opposite is not looking to extend the rationale because he has sympathy for particular professions; it is because he has a profound disagreement with the meaning and thrust of the Bill and is trying to kill it off by the back door. That is what is really behind this.

We have to stick with what is in Hutton and the recommendations that have been put in place. There will be scheme-specific regulations. If there is a desire, within the cost envelope of the overall scheme, for the Minister of Health to look at variations for particular types of employees, for example, there is the scope to do that. This would, essentially, impose that.

I can understand the concerns that people have raised about us being forced into a situation in which the age of retirement is escalating because of demographics and an ageing population. Quite frankly, I think that that is an inevitable evil that we are going to have to face up to in society. I can understand people saying that they entered a profession at such and such a position, with a particular retirement age, but the ground rules, or the goalposts, are shifting. If we were to accept the amendments of Mr Agnew and others, it would actually start to shift the goalposts in the opposite direction, because the normal pension age for these professions has been 65, and has been so for a number of years. At a time when we are asking large numbers of people in the public sector to accept a higher pension age because of changes in demographics, we would be singling out certain groups for whom to push the pension age downwards. That simply does not add up.

The reason why there have been a number of exceptions is the fact that there are jobs that certainly require a high degree of physicality. One of the principal reasons given for an exception when we heard detailed evidence from the firefighters was the sheer lack of any back-room jobs in the structure of the Fire Service for firefighters who had failed a very specific physical test. That number was not large, but there was virtually no opportunity for them to do back-room functions. There is much more flexibility on that with regard to prison officers or within the broad remit of the health service. If the Health Minister or the Minister of Justice feel that there is a strong case, I think they can make those variations. So, I am not supportive of those amendments.

On a more positive note, I turn to the idea of allowing some degree of variation, which gives at least some power to the Department. I refer to amendment Nos 7, 8 and 9, which are, largely, being pushed by the SDLP. There is some degree of merit in them. In the amendments, if we are talking about a greater level of flexibility, all our variations are on the same theme. Because it does not specify a specific age and allows that greater level of flexibility, I and, I think, my party would be minded to support amendment No 7, which is the one that allows the maximum flexibility. It does not have the same level of prescriptive quality of amendment Nos 8 and 9, so we would certainly be happy to support amendment No 7.

5.45 pm

Finally, the general idea behind amendment Nos 10 and 11 is a reasonable and sound one. It says, "This is obviously a very major change. We need to ensure that proper reviews are carried out by the Department". The essential difference between amendment Nos 10 and 11 is an issue around timing. From that perspective, the weakness of amendment No 10 is that it comes in so early. Indeed, it really comes in before the changes are, in effect, put into place. There is an argument that, even if that were able to be carried out, the level of information generated from that would be very limited. I think that it is due to kick in six months into the process. From that point of view, amendment No 11 is certainly the one that we on these Benches prefer. That seems to be quite a sensible approach. There is rationale behind it, and it has the most appropriate timescale. From that point of view, we are not willing to accept amendment No 10, but we are willing to support amendment No 11.

Mr Attwood: I confirm that we will support the Sinn Féin amendments, which add a little bit to the Bill, mindful that some of what is in the Bill will be in place only in the early 2030s. It will probably be 2034 before the pension age of 68 kicks in. Subject to what Mr Agnew has to say, we will support the Green Party amendments. Obviously, we urge everybody to support the SDLP amendments, which revolve around a concept that is already in the Bill and which, one way or the other, people might argue to introduce further into the Bill: how to scope out flexibility, and what flexibilities there may or not be on the far side of flexibility being scoped out. The essential discussion that Mr Weir touched on in his final comments is about how you scope out flexibility, and what, if any, flexibility might arise on the far side of scoping. That is the essence of the amendments that the SDLP is proposing.

If you were to go through various contributions from Consideration Stage, which I relied on earlier and I am going to rely on again, the proper conclusion that has to be drawn from that which has already been conceded here this afternoon and in the Consideration Stage, and the argument behind our amendments, is that you put as much as possible into primary legislation and that you have as much review as possible around what is in primary legislation. That is the only sustainable and proper place to be when it comes to the issue of flexibility. Unless you are going to create confusion and a bit of a muddle, the best way to proceed is to gather in the Bill now the various options of flexibility and methods of reviewing things to identify how flexibility might or might not prevail.

What do I rely on in argument to advance that position? At the risk of being kicked under the table, I will correct one point made by my colleague Mr Bradley. It was not a failure of his hearing; it was a failure of my explanation.

It was our own Finance Minister, not a Finance Minister in London, who said in Consideration Stage that the Bill was:

"designed to last for a generation at least."
— [Official Report, Vol 90, No 6, p19, col 2].

Recognising that sense of things, his colleague Mr Girvan, who is not here at the moment, said at Consideration Stage about why it was worthwhile to have a Committee Stage, even though he said that the Bill could have been dealt with through a legislative consent motion. He said in Consideration Stage that the Committee had:

"given us an opportunity to see what flexibility could be worked into the scheme. There are probably those on the other side of the Irish Sea at Westminster who feel that some accommodation and further negotiation would have helped". — [Official Report, Vol 90, No 6, p58, col 2.]

He made the argument in Consideration Stage, when he rejected the argument for a legislative consent motion, that you should build flexibility in to this Bill. That is something that he indicated that people at Westminster might wish that they had done when discussing their pensions Bill. In that regard, he was probably thinking about the Fire Brigades' Union, which has gone on strike four times in recent months about accommodation and flexibility.

That is what is at the heart of amendment Nos 7, 8, 9, 10, and 11. Amendment Nos 10 and 11 are, in my view, the mummy and daddy of amendments, and amendments Nos 7, 8 and 9 are the children of the mummy and daddy amendments. That is how I think we should look at them. I am sure that that will produce some commentary later from somebody or other, but that is how they are.

Why do I think that we should have amendment Nos 7, 8, 9, 10 and 11 as the parents and the children? Mr McKay again read into the record what he read into the record at Consideration Stage about the Committee's view. This is what the Committee said, and he stressed that this was what the Committee said. It was not what he thought or anybody else thought; he said that this was the Committee's view. Indeed, if you check Hansard, you will see that he says

those words at or around 5.40 pm on the day of the Consideration Stage debate. He said:

"The Committee believes that there is a need for sufficient flexibility to enable evidence-based decisions to be taken at a scheme level". — [Official Report, Vol 90, No 6, p56, col 2.]

He said that that was to determine whether public sector roles have a lower normal pension age than set out in clause 10. He then added, and again said that it was the Committee's view, that, if you leave it until the secondary legislation, why stipulate a normal pension age in the primary legislation in a rigid way? He was making the point that, if people rely on secondary legislation to scope out what should or should not be the flexibility, why should clause 10 contain a rigid description of what the normal pension age should or should not be?

I think that the argument about flexibility is added to by the Finance Minister's comments at Consideration Stage, when he berated the SDLP in the following way and then, in my view, added usefully to the debate once he showed a bit more wisdom. What he said about our amendments at that stage was that we, the SDLP:

"do not understand, comprehend or appreciate what this Bill seeks to do." — [Official Report, Vol 90, No 6, p49, col 1.]

He went on to say that the Bill:

"is enabling framework legislation that provides flexibilities, where necessary ... It is important that the Ministers who are responsible for each of the pension schemes have such flexibilities." — [Official Report, Vol 90, No 6, p49, col 2.]

So, the point that I am making is that the Committee is explicit and unanimous about flexibility. Mr Girvan now argues that it is good that we have flexibility, because those who passed the legislation may wish that they had shown more flexibility, and the Minister himself has now accepted that it is important to have flexibility in the legislation. The point behind all that is that there is no dispute about a need for flexibility, only about where it is placed and how it is shaped. That is what our three amendments — amendment Nos 7, 8 and 9 — do. They would put into the legislation more comprehensively that which has already been conceded in the legislation specifically. That is the value of the three amendments. They would put into legislation not just that the

Finance Minister can bring about a situation of flexibility by way of order — a proposal in amendment No 7 that Mr Weir indicated the DUP might vote in favour of — but what the other options might be beyond that; other options that are in the Bill because of the amendments that govern the issue of firefighters and police officers.

We argue that it is better to create certainty in the legislation around what the flexibility options might be. Just as we have done for firefighters and police officers, it is better to put flexibility into the legislation without anticipating whether any one or other of the options might be taken up by the Finance Minister in future. We argue that the sum of the parts of amendments Nos 7, 8 and 9 is necessary to ensure that, as we go forward and in the event that any flexibility is required, people might have some sense of what the flexibilities are.

In short, there are five reasons why it is important to put the flexibility options that are outlined in amendment Nos 7, 8 and 9 into the Bill. The first is that, for political reasons, we should say to ourselves and to those workers who may be affected by any one of the flexibility options that we acknowledge that the options, by way of order or whatever the Minister decides — be it 55 to 65, 55 to 60, or 65 — are the broad pitch on which we might or might not decide to play in the future.

Secondly, we would say to categories of workers that the options are not prescriptive or restrictive to two categories of workers only; namely, firefighters and police officers. Thirdly, if they were put into law, it would be saying that there is not one law for one and a different law for others and that the flexibility options might be available to all categories of workers if there is evidence to back it up, and I will deal with that point shortly.

Fourthly, it would recognise that, in putting forward the options and putting them in the Bill, we will not tie the hands of any Minister in bringing forward proposals, be it the Minister who is responsible for any one pension scheme or the Finance Minister. Fifthly, it would recognise that, as things stand, there are significant gaps in the data and evidence needed to interrogate what might be flexible options for the categories of workers that are named in clause 1. When you gather all of that together, it seems to me that to create certainty and avoid doubt, to show solidarity with workers, to recognise that there are gaps in data and evidence, and to demonstrate that there is not one law for one category of worker and a different law for another category of

worker, it is best to put amendment Nos 7, 8 and 9 into the Bill. That will ensure that all bases are covered as we move forward.

The parent amendments are amendment Nos 10 and 11. If made, they will provide the mechanisms that would be undertaken to identify whether any category or subcategory of worker should enjoy any of the flexibilities that are outlined in the previous amendments. In that regard, I want to rely on the contributions of Mr Weir — he has gone now, but he may return shortly — in the Consideration Stage debate. Whether he knew it or not, it was his contributions at Consideration Stage that got the SDLP thinking about what amendment Nos 10 and 11 might look like.

Mr Hamilton (The Minister of Finance and Personnel): He had better not come back.

6.00 pm

Mr Attwood: I wish he was here because I would be interested in how he would respond to what he said at that stage. Why do we believe that it is necessary to have a short-term review in advance of clause 10 being commenced and an ongoing review into the impact of clause 10 on all the categories of workers named in clause 1?

I do not think that I have ever relied so much on the words of the DUP to try to validate my arguments. However, putting that aside, this is what Mr Weir said of firefighters and police officers at Consideration Stage:

"Rightly, society needs them to have a particular level of fitness and physical ability. That is a clear issue that goes to the heart of health and safety concerns and saving people's lives."

In justifying the flexibility that is shown to two categories of workers in clause 1, he says that it goes to the heart of health and safety concerns and saving people's lives. To qualify that assertion, he said:

"there is a requirement on firefighters that is simply not there in most other public sector realms. Consequently, theirs is a unique case."

He added:

"A unique, cogent and impressive case has been made for the firefighters". — [Official Report, Vol 90, No 6, p60, col 2].

Let me be clear: I agree with Mr Weir's contention that clear issues go to the heart of health and safety concerns and saving people's lives that may justify flexibility. What I cannot accept — this is where there is a contradiction in the DUP position — is that, when it comes to firefighters, given the limits of evidence and data that were recorded by Mr McKay on behalf of the Committee through questions that were asked of one or two other Ministers, is the argument that there is not a "unique, cogent and impressive case" to be made for categories other than firefighters in the way that Mr Weir relied on.

Therefore, at this stage of the legislation, being mindful of how it will impact on categories of workers named in clause 1 other than firefighters and police officers, we have an obligation to identify in real time over the next short period whether there is a unique, cogent and impressive case to be made for other categories of workers.

To develop the point, I will go back to what the Finance Minister said during the Consideration Stage debate on this general theme:

"Where there might be age-related factors or concerns about possible correlations between pension age and fitness, it is right that they should be investigated and subject to regular review." — [Official Report, Vol 90, No 6, p69, col 2].

So the Minister has accepted that there may be some correlation between pension age and fitness and that it is right that they should be investigated and subject to regular review. If that is the view of the Finance Minister, it falls to him and the House to pass legislation in this Bill that interrogates the potential of a correlation between pension age and fitness, and has that investigated now and made subject to regular review. Otherwise, we are saying what Mr Weir said was his contention, namely that, when it comes to firefighters and police officers, there is a unique, cogent and impressive case. We need to know whether there is such a case for others, and we need to rely on the Minister's words when he said that there may be a possible correlation between pension age and fitness, and that it should be investigated and subject to regular review.

If the Minister is minded to accept the general review clause whereby there would be a review every two years, on the basis of what he and the DUP have said, is it not also the case that there should be, as outlined in amendment No 10, an investigation or review now to draw a conclusion on whether there is a cogent and

impressive case for flexibility? Why do I say that? I say it because, if anything, evidence is beginning to emerge that suggests to me that there is a unique and cogent case for other categories of workers.

Mr Weir, in his earlier contribution, said that Hutton identified firefighters and police officers and that that is the basis on which the flexibility might be granted in amendments to clause 10. Potentially, is there now, in real time, the same argument for other categories of workers? I will rely on just two pieces of evidence. The first is the evidence of the British Medical Association (BMA), not just to the Committee but to the ongoing Working Longer review, to which it said:

"there is a strong case that frontline medical staff have roles that are particularly physically, mentally and/or emotionally demanding and so should have their normal pension age capped".

The BMA went on to make a point that seems to me to be compelling and conclusive. It said about front line medical staff that there will be individuals who have:

"Tasks that require physical exertion, good vision, dexterity, eye-hand coordination skills, rapid responses to events (including decisions in the middle of the night)".

Many a long hour and day in the Chamber are spent discussing health service issues. As we speak, various reviews and inquiries are ongoing into the past conduct of health authorities and individuals in their employment. A lot of that comes down to whether the right call was made at any one time in individual cases and critical incidents. The BMA told the Working Longer review what seems to be self-evident, even though none of us is a doctor, namely that there are tasks that require physical exertion, good vision, dexterity, eye-hand coordination and rapid response to events, including at night. Does that not fulfil the Weir test?

What is the Weir test? Let me remind you. The Weir test is:

"a clear issue that goes to the heart of health and safety concerns and saving people's lives." — [Official Report, Vol 90, No 6, Part 1, p60, col 2].

Those were Mr Weir's words at Consideration Stage, which, in his view, justified the flexibility for police officers and firefighters — issues of

health and safety and saving people's lives. On the face of it, does the same not apply to doctors and other front line medical staff whose daily business is at the heart of health and safety concerns and saving people's lives? Their capacity or otherwise for physical exertion, good vision, dexterity, eye-hand coordination and rapid response to events is very challenging.

What I am saying to the Minister is that, beyond the ongoing review on the far side of the legislation being commenced, there is a need for an immediate review to interrogate evidence of that nature to see whether it does or does not justify the flexibilities that we propose might be visited upon any category of worker through amendment Nos 7, 8 and 9.

When looking at front line medical staff, we should also look at NIPSA's evidence to the Working Longer review. NIPSA, as touched on in Mr Agnew's amendment, made a particular comment on paramedics and what it refers to as "hospital property and estate staff", whom we often view as porters and people fulfilling that sort of function in the hospital estate.

They point to the fact that ambulance men and women have high sickness absence rates, but that there is an even higher sickness absence rate among paramedics. Given that, when they respond to an incident, they have to carry a responder, a portable defibrillator, oxygen cylinders and drugs bags, never mind all the other requirements of their job, it suggests to me that they, too, have issues with not only physical ability, but with good vision, dexterity, eye-hand coordination and the other categories of function required by doctors and other front line staff.

In conclusion, our argument is that you should put all the potential models of flexibility into the Bill to show support and solidarity, not least because they are already in the Bill for firefighters and police officers. That does no violence to any Minister responsible for any scheme or to the Minister of Finance and Personnel in bringing forward any proposals by way of order to the House. It does no violence to what it might or might not look like to have in the Bill the fact that it may be one of three options or it may be any other model within option number one in terms of the amendments when it comes to an order being laid by the Minister.

In the run-down period between now and when the Bill becomes live and commenced, we should undertake a review to determine whether the Weir test is or is not satisfied by

other categories of workers. It may be that that review will not conclude in good time for the Bill being commenced, or it may give us a further evidence base upon which to say that an order might or might not be laid before the House by the Finance Minister. However, we owe that to other categories of workers beyond those who have already been identified, given the evidence that has been submitted in various places, including in the House and to the Working Longer review. We owe it to them to interrogate whether any flexibility, as outlined in the amendments tabled by the SDLP, should or should not be visited upon any other category of worker beyond firefighter and police officer. That is the common-sense position, the good-practice position and the position that safeguards the interest of the workers and those whom they come into contact with. For all those reasons, I commend the amendments.

Mr Cree: We are now on group 2, which has 14 amendments. In the main, these amendments have been considered before. Indeed, some of them have been voted on. I see no reason to change my opinion and will vote against most of them on behalf of the Ulster Unionist Party. The exception, though, is amendment No 4, which has been discussed. That amendment wishes to extend the special age and fitness exception to prison officers, paramedics and ambulance care attendants. That does tend to open a Pandora's box and, so far, the case has not been made, because there are many other worthy professions similar to the groups being promoted by the proposer. Surely the criteria must be sufficient fitness levels to do the job. There will be scope in the regulations to consider changes in the future should they be necessary.

I hate being predictable, as Mr Bradley referred to. The trouble is, if you take a straight line, you tend to become predictable. I will remain predictable and say that I see merit in amendment Nos 7 and 11 and will, therefore, support them. That is the second time I have supported two SDLP amendments, and I did not get credit the first time either. However, to be serious, we must not lose sight of the cost of pensions in the future and the ability of pension funds to meet their liabilities. We have to be realistic.

6.15 pm

Mrs Cochrane: I will turn first to the 10 amendments to clause 10. Clause 10 as drafted sets the normal pension scheme ages at the same level as they are for other public service workers in the UK. Amendment Nos 3,

5, 6 and 12, and amendment Nos 16 and 17 in relation to clauses 32 and 33 respectively, would essentially delete the link between scheme pension age and state pension age. To do that moves the Bill away from its intended outcome, which is to make public service pensions more sustainable by addressing the increased financial liability due to the increased proportion of adult life being spent in retirement. We already know that the cost of public service pensions has increased by a third in the past 10 years to £32 billion. Those spiralling costs are simply unsustainable, and we should not have to fund the additional costs at the expense of the provision of public services.

Amendment No 4, which was tabled by Mr Agnew, seeks to make changes to the schemes for prison officers, paramedics and ambulance care attendants. The independent Public Service Pensions Commission did not recommend any exception from the general policy link between scheme pension age and state pension age for any groups other than firefighters and police officers and the armed forces, but subject to regular review. Also, it is my understanding that the normal scheme pension age for newly recruited prison officers, paramedics and ambulance care attendants is already set at 65. Therefore, I do not see why we should take a step back from that change.

Amendment Nos 7, 8 and 9 are all variations of each other and would provide an option for the Department of Finance and Personnel to specify by order that pension age can be set at something different from the state pension age. If we are to support any of these amendments, it would mostly likely be amendment No 7, as it is more flexible and does not tie us to any specific age.

Finally, amendment Nos 10 and 11 seek to ensure that the Department of Finance and Personnel conducts reviews on how the provisions of the Bill affect members of the various public sector schemes. We support that concept, as it is in line with the Hutton recommendations, although I seek clarification from the Minister as to whether a review prior to the commencement of section 10 could delay the implementation of the Bill and whether, therefore, there would be associated costs. That information will help to clarify whether we can support amendment No 10 and, therefore, amendment Nos 18 and 20 and amendment No 11, or just amendment No 11.

Mr Agnew: On behalf of the Green Party NI, I support a number of amendments in this group, namely amendment Nos 3, 4, 5 and 6. It

seems like the House is going to go with amendment No 7 out of amendment Nos 7, 8 and 9, which are mutually exclusive, and I am certainly happy to support that, and the mother and father of all amendments, amendment Nos 10 and 11. I cannot help but reference that comment.

Mr Attwood: Mummy and daddy.

Mr Agnew: Mummy and daddy; apologies. We are happy to support those amendments, along with amendment Nos 16, 18 and 20. I am left unsure as to the rationale for amendment Nos 12 and 17, and I will listen to the winding-up speech and decide from there, but at this point I am still open-minded on those amendments.

I will address the amendments under review before I address my own amendment. It is right that we should base legislation on evidence, and we need to give ourselves the room to look at evidence. At the Bill's Consideration Stage I said that it was an accountant's Bill that was designed simply to balance the books. Whilst that should always be an important and key consideration in any piece of legislation, it is not the sole important factor, and we have to take into account the reality on the ground.

Whilst we may not want to make special exceptions for certain categories of workers, we have to consider it. The reality is that whilst we may want to extend the pension age for some professions so that the numbers add up, we contradict ourselves if those people are then unable to reach their pension age because of ill health. Although we can talk about life expectancy increasing, we have to look at health expectancy. That is where we must look at the evidence of the health expectancy of those workers and what they can be expected to do in the later years of their working lives.

Is it reasonable, fair and right that we should extend the working life of workers who are in particularly difficult physical areas of work?

It is not purely about the physical aspect, and that is why I welcome and put my name to the SDLP amendments to initiate the review process and to give order to exclude different areas of workers. I think that we need to gather more evidence on the impact on teachers of working late in life. The Working Longer review, which is ongoing, has been cited. So, we need to hear back on that evidence, and we need to give ourselves the flexibility to ensure that our policy and our regulations are based on the best available evidence and take into account the well-being of workers, not just the

maximum that we can draw out of people. We should seek to ensure that, when we do increase health outcomes for people, we do not simply use that as an excuse to force people to work longer.

I welcome the fact that, because of an increase in the numbers of female workers, we have an increased workforce and increased contributions towards pensions. That financial element is rarely referenced in these debates. We have had a significant shift in the level of female workers over recent decades, and at no point did we say that we should bring down the pension age because that meant that we were contributing more. Instead, we sought to produce more and to consume more to further fuel a consumption-driven economy. So, the economic arguments are presented almost as fact, but it is important to remember that they are very much a political take on facts and are not completely objective.

My amendment looks at paramedics and prison officers, and I will explain why I included them. Mr Attwood has stolen my thunder by pulling out a few quotes that I picked out from the Bill's previous stage. I will repeat some of what Mr Attwood quoted on firefighters. Mr Hamilton said:

"firefighters perform a vital role in the emergency services"

I agree with that. So do paramedics. He continued:

"There are obvious public safety issues that mean that standards of fitness for the role for those in the Fire and Rescue Service should be in place and should be met."

I agree with that. The same is true of paramedics. He also said:

"Where there might be age-related factors or concerns about possible correlations between pension age and fitness, it is right that they should be investigated and subject to regular review."

That is true of firefighters and true of paramedics. He went on to say:

"for the future regime for firefighters, fitness assessment and maintenance must be the fundamental guiding principle, not age." — [Official Report, Vol 90, No 6, p69, col 2].

Again, I apply that to paramedics.

Coming back to Mr Weir's point about what was in the Hutton review, we can look at what Hutton said and interpret it in the way that we so choose. I cannot speak for Lord Hutton, but nor can Mr Weir. The rationale that he outlined for why there should be exceptions for firefighters and police officers applies to other professions, and I think that there is no doubt that paramedics and prison officers are among those. I am certainly not saying that they are exclusive to those professions. There may be others that we should be considering, which is why I welcome the SDLP amendments. I put those forward to highlight that we cannot simply single out members of the Police Service and firefighters and not look at other areas of work and other professions that, for reasons unknown to me, had, before this stage of debate, been ignored to a large extent.

Paramedics carry heavy equipment. In the unfortunate cases, where need be, we charge them with carrying our loved ones on a stretcher. There is a vital, physical element to their job. The nature of their work, among other factors, has led to the unenviable position of paramedics holding the record for the worst retirement rates for ill health in the NHS.

I did not pluck those two professions out of the air. There is clear evidence that paramedics already have difficulty meeting the current retirement age. We should acknowledge that, see how we can mitigate that aspect of their work and give people a realistic chance of working until their retirement age and being able to carry out their job to the level expected until then.

Prison officers must undertake five tests of fitness, and all must be passed in order for them to remain in their jobs. Test one is grip strength; test two is endurance fitness; test three is dynamic strength; test four is agility; and test five is static shield hold. Those are all aptitudes that will reduce with age, particularly towards the later stages of life and after possibly decades of working in a physically demanding environment. Indeed, when the retirement age of prison officers was looked at in the Fresh Start negotiations of 1987, front line prison staff had a life expectancy of 18 months above their retirement age. That is the type of evidence that we need to gather. Are we seriously suggesting that we expect people to work for the vast majority of their life, with no real expectation of a fulfilling and valuable retirement? I do not think that that is fair.

The issue of cost rightly comes up. We have to weigh up the cost, and, under devolution, we have to make our own choices in Northern

Ireland. The Finance Minister may say that it is for those who table amendments to outline the costs, but I think that it is remiss of him if he has not assessed in his accounting what the cost would be of including different professions with similarly demanding roles to those of Fire Service and Prison Service personnel. I fail to understand the rationale for why police officers are included in the Bill but those other professions are not.

Mr Weir made the point that I introduced the amendment because I am not entirely happy with the Bill. I make no apology for that: I am not. I am not wedded to the state pension age set by the UK Government, none of whose parties' MPs was elected in Northern Ireland. That is why we have devolution — so that we can legislate in a way that we believe to be correct, without slavishly following the UK Government of whatever colour and hue it might be at any given time.

I suspect that when you pick away at the Bill and look at the reality for many professions, increasing the pension age beyond 65 — indeed, for many professions, beyond 60 — is not realistic or feasible. It might make the numbers add up, but you cannot force people to work beyond their physical capability, no matter how much you might want them to and how much it might suit the accountants.

I ask Members to support amendment No 4, and I thank those who spoke in favour of it. The Green Party NI supports the majority of amendments in the group.

6.30 pm

Mr Hamilton: In the middle of his comments, I think that Mr Attwood mentioned BMA evidence about the ability to respond rapidly to events, particularly at night. As I listened to him in full flow, having had much evidence down through the years in his role as Minister of the Environment and Minister for Social Development, and given the pleasure I had in shadowing him in Committee Chair and Deputy Chair positions over that time, I feared for my ability to respond at all had events extended much further into the evening, but we have picked up the pace somewhat.

I welcome the opportunity to comment on the amendments included in group 2 on clause 10. I remind Members, if I may, what clause 10 is all about. It has provisions that are fundamental to the reform of public service pensions in Northern Ireland. The clause contains the vital link with normal scheme pension age and state pension age, with

exceptions for police and firefighters, as has been mentioned by many. It also contains provisions to regularise normal scheme pension ages to 65 for all members of the workforce, with the exception of police and firefighters.

Amendment No 3, if adopted, would remove a fundamental plank of the reform of public service pensions, which is the linking of normal scheme pension age with state pension age for the majority of public service workers, with the exceptions that the Bill has made for police and firefighters. The amendments, if adopted, will delete all references to the link with normal scheme pension age and state pension age. The amendments provide for scheme regulations to specify normal and deferred pension age somewhere between 65 and 68. Amendment Nos 5, 6, 12, 16 and 17 are entirely consequential to amendment No 3.

The amendments go against the whole thrust of the reforms proposed by Lord Hutton and the Executive decision of 8 March 2012, which stated that the Executive would commit to the policy for a new career average revalued earnings model with pension age linked to state pension age to be adopted for general use in the public services schemes and would adopt that approach consistently for each of the public sector pension schemes, in line with their equivalent scheme in Great Britain, and not adopt different approaches for Northern Ireland.

The policy for the reform of public service pensions is formulated on recommendations made by the Independent Public Service Pensions Commission, sometimes referred to as the Hutton commission. The commission reported that the public service pension structure in the United Kingdom has not responded flexibly to rising pension costs and increases in longevity in the past few decades, and it is not tenable in the long term.

The Independent Public Service Pensions Commission, chaired by Lord Hutton, concluded in its final report, published on 10 March 2011:

"The introduction of the link to the State Pension Age, which will initially move Normal Pension Ages to 65, will move the proportion of adult life in retirement for public service pension scheme members back to about a third: roughly where it was in the 1980s. The current State Pension Age of 65 is already the Normal Pension Age for most new entrants to public service pension schemes. Moving to this for future accrual will more fairly distribute the benefits between scheme members. In the long

term, the timetabled increases in State Pension Age should help to keep the proportion of adult life in retirement for members around this level, on current life expectancy projections."

On the issue of affordability, we have two strands of legislative control. First is the primary enabling framework that the Bill will provide. If the Public Service Pensions Act in Northern Ireland differs significantly on key provisions from the Public Service Pensions Act in Great Britain, Her Majesty's Treasury will demand to be recouped for our more generous public service pension schemes in Northern Ireland. It is important that we get this primary framework enabling legislation through the legislative passage successfully and retain, in particular, the link with normal scheme pension age and state pension age.

Secondly, each scheme will have to produce its own secondary legislation, setting out the detail of scheme design. I will provide more details on that. There is scope at the secondary legislation stage to introduce variations to meet the needs of particular workforces. Again, those must be contained in the overall costs of the scheme. Such costs would have to be met by some form of adjustment to employer contributions and to members' contributions and benefits.

The essence of the reforms of public service pensions is to make them sustainable by addressing the ever-increasing pensions liability. We are all aware that the intention is that state pension age will increase to 66 by 2020, 67 by 2028 and 68 by the mid-2030s.

Why is that happening? It is a perfectly sensible and logical response that aims to control costs to the taxpayer and the public purse at a time when we are all living longer. The consequence of an ageing population is that we must align state and public pension schemes accordingly.

I consider it to be an issue of fairness. I have yet to hear a cogent rationale for treating public sector workers significantly differently from those in the private sector. Many in the private sector depend on their state pension and do not have an occupational pension.

Mr Agnew: I thank the Minister for giving way. The rationale can work two ways. We could seek not to change the state pension age to recognise all workers and accept that the arguments made for firefighters, the Police Service and, by some of us, for other professions should ensure that those in

physically demanding jobs do not have their pension age extended. It does not have to be that, because one group is being disadvantaged, we should disadvantage everyone equally.

Mr Hamilton: That is not particularly an argument for fairness, I have to say. I advanced the argument at Consideration Stage and have heard nobody who suggests flexibility, including the Member, give any argument for how any of us could tell a fisherman, farmer or someone who works in a heavy engineering business that they should continue working to the age of 66, 67 or 68 — most likely beyond that in the future — so that somebody working in the Civil Service can retire at the age of 65. I do not think that that is fair. Are they suggesting some sort of two-tier system in which some in the private sector work to an age well beyond 65 so that some public sector workers can retire at 65? To me, that does not seem fair. I have listened to the arguments put forward by Members and have yet to hear any strong argument for why particular employees should be treated more generously.

When the Bill was introduced, the House was advised about the potential cost of failing to meet the April 2015 deadline set by Her Majesty's Treasury for the main schemes: health, teachers, firefighters, police and the Civil Service. That is now estimated to be in the region of £300 million for the first year, 2015-16. The key issue to consider, should these amendments be accepted, is cost. Specifying a normal or deferred pension age below state pension age has the potential to increase costs. I instructed my officials to get some indicative costs on what the change would mean. I know from Consideration Stage that there is some scepticism about the estimates provided by the Government Actuary's Department. However, I point out that we went to the Government Actuary's Department for the second estimate of the overall costs of non-compliance with pension reform at the request of the Committee for Finance and Personnel. The amounts involved are significant, as we knew that they would be because the provision of public service pensions is a huge pressure on public expenditure. The Government Actuary estimated the costs of breaking the link with normal scheme pension age and state pension age and moving to a normal scheme pension age of 65 to be in the region of £30 million to £40 million in year 1, which is 2015-16, and rising in the longer term to £70 million to £90 million a year. Some might be wondering why the cost would arise in 2015-16. It is quite simple: the change would give rise to a future

liability for the pension scheme, and the thrust of the reform is to have regular valuations and to effectively manage and anticipate costs that may materialise.

Cost is a critical issue. I made clear that there will be scope for variances by each responsible Minister at secondary legislation stage. However, the variances must be contained within the overall cost envelope of the pension scheme. If we were to break from and exceed the cost envelope of the equivalent scheme in Great Britain, Her Majesty's Treasury would undoubtedly seek to recoup the difference. Her Majesty's Treasury will not foot the bill for more generous public service pension provision in Northern Ireland than in the rest of the United Kingdom — why should it? I want Members to be under no illusion. I want to make it abundantly clear, yet again, that the Department of Finance and Personnel will not make up any shortfall to Treasury. Her Majesty's Treasury funding projections are formulated on the presumption that the policy intention contained in the Westminster Public Service Pensions Act will be applied in Northern Ireland. On that basis, any divergence from the policy contained in the Westminster Act has the potential to have a financial impact. This approach across devolved administrations was also recommended by Lord Hutton in his review.

We already have an estimate for the cost of delay from the Government Actuary's Department of £300 million a year. Therefore, we need to keep the impetus up and move forward on this important framework Bill, with enabling powers for secondary legislation. There is extensive scope for variance in scheme design at secondary legislation stage. Secondary legislation would be required to amend the rules of each devolved public service pension scheme to give effect to the reform measures in the Public Service Pensions Bill. That work would be taken forward by each of the Departments that have individual responsibility for pension schemes. The secondary legislation will provide scope for each relevant Minister to consider which variations may be possible and appropriate for each of their schemes. Ministers are likely to give consideration to the approach taken to date in mirroring the comparable scheme in Great Britain when designing their Northern Ireland scheme and its regulations.

Scope exists to vary the scheme design and regulations to suit the requirements of their individual workforces. In my view, those variations will provide scope to address emerging concerns such as the consequences

of an older workforce and job capabilities. We need to be careful, however, about equating inability to perform work with older people. This will, of course, require consultation with scheme representatives and trade unions. Following such consultation, scheme-specific designs will be developed for each public service pension scheme in Northern Ireland. Ministers in Northern Ireland with responsibility for public service pension schemes will need to take account of keeping within the parameters of the cost of the overall core provisions set out in the primary legislation. Ministers will also need to take account of their counterpart schemes in Great Britain.

Ministers will also want to take account of the cost of changing their own IT systems. It should be noted that the IT systems that are used by main schemes here are modelled on the IT systems for the Great Britain scheme. Therefore, there will be a cost to amend systems if Ministers depart too far from their equivalent scheme in Great Britain. Variations to Northern Ireland scheme designs from their comparable schemes in Great Britain would have to be considered in the context of the overall scheme valuation, which will be subject to provisions for the valuation and cost controls as set out in GB.

A wide range of variations could be made in the secondary legislation. They include the level at which the accrual rate is set, the uprating factor for the annual revaluation of pension benefits while in service, the employee contribution rate, lump-sum payments, actuarial reduction, and the range of ancillary benefits.

In summary, it should be clear from the points I have made that schemes will have considerable scope to vary a number of factors at secondary legislation stage. In doing so, a key constraint will, of course, be any financial consequence. Such variances, which may be applied to firefighters, for example, as agreed at Consideration Stage, must be met in the costs of the scheme. That will mean a reduction in employee benefits and/or an increase in employee contributions. It is entirely appropriate to have some flexibility at secondary legislation stage. However, fundamental aspects of the reform must be adhered to, which is exactly the purpose of the framework-enabling legislation that we are debating today. Should that not happen, the money will need to be provided by the sector in question to make up any shortfall that HM Treasury will require.

I will certainly ensure that the principal Civil Service pension scheme in Northern Ireland, for

which I have ministerial responsibility, will stay within its cost envelope. I will ensure that I will not have to explain to the electorate in Northern Ireland why I spend more on Civil Service pensions here than Great Britain does and, as a consequence, have to reduce the money that I have to spend on the provision of public services.

I urge Members to oppose amendment No 3 and the consequential amendment Nos 5, 6, 12, 16 and 17. The link with normal scheme pension age and state pension age must be adhered to in clause 10.

I move to amendment No 4, tabled by Mr Agnew, in respect of prison officers, paramedics and ambulance care attendants. He tabled amendment No 4 to clause 10 to enable prison officers or paramedics and ambulance care attendants to avail themselves of the normal pension age specified by the scheme regulations for the scheme. Such regulations may specify any age not exceeding 60, but not less than 55. The provision to link the public service normal scheme pension age with state pension age contained in clause 10 is, as I have already explained today and a fortnight ago, one of the core provisions of the Public Service Pensions Bill. Although I certainly value the service that is provided by our public servants across a range of diverse areas, I simply cannot agree with or endorse the points made by Mr Agnew and others who support that exceptions be made in this framework-enabling legislation for those groups of workers.

Mr Agnew, in his interventions with Mr Weir and his own comments, relied quite heavily on the physical nature of the employment. Mr Weir — now the elusive Mr Weir — made a point about physicality. We accept that there is physicality in jobs right across the public service. He mentioned Roads Service and Forest Service, and he could mention the Housing Executive. I might even want to have an exception for anybody who has the misfortune to work directly with me in the public service. With regard to physicality, the argument that Mr Weir advanced that there are other areas of the public service that are equally if not more physical than some of those that the Member put forward has been completely ignored in the Member's argument.

6.45 pm

Mr Agnew: Will the Minister give way?

Mr Hamilton: Yes, I will.

Mr Agnew: I have not ignored them at all. Indeed, I acknowledged them in speaking to my amendment and to the amendments put forward by the SDLP. There should be a mechanism to look at other professions, and that is provided when you take my amendment and the SDLP's amendments together.

Mr Hamilton: The Member has ignored them in this sense: he has not brought forward a specific amendment giving the sort of flexibility that he wants for prison officers, paramedics and ambulance care attendants. In that respect, he has ignored them, and he has ignored the arguments that Mr Weir advanced in respect of the physicality of other members of staff. I put it to the Member that his amendment has more to do with those who may have lobbied him than with any consideration of the evidence that may or may not be there. I do not want to jump ahead too much but, in many respects, amendment No 11 proposed by the SDLP is a far better amendment to deal with those problems on a range of physical jobs that might be out there and the effects that that might have on retirement age, rather than jumping to a conclusion here and now tonight. The difference with firefighters and police officers — certainly firefighters, which we addressed at Consideration Stage — was that the Bill and Hutton recognised that an argument was put forward that was evidence based. I have not heard a convincing argument that the members of staff that Mr Agnew wants to create flexibility for have an above-and-beyond physicality in their job that justifies the sort of exemptions that he is seeking.

I also listened to Mr McKay talk a lot about the representations that he had from teachers. Again, no amendment has been put forward tonight. I suspect that that is as much to do with the fact the Mr O'Dowd, the Education Minister, does not want him to advance such an amendment and tie his hands in respect of the cost that such flexibilities would incur.

The independent Public Service Pensions Commission did not recommend any exception from the general policy to link scheme pension age with state pension age for any employment apart from firefighters, police officers and members of the armed forces. I accept the point that Mr Agnew made about making any changes on an evidential basis. He will forgive me if I do not accept the evidence, such as it was, that he advanced during his contribution. Rather, I would like to have a more considered approach to it, and that is why I have sympathy for amendment No 11, and why I rely, at this point, on the work that was done by the

independent Public Service Pensions Commission headed by Lord Hutton.

Members may not be aware of some changes that have already been made over the years to normal scheme pension ages, and I am now keen to enlighten them. Normal scheme pension age for newly recruited prison officers, paramedics and ambulance care workers is already set at 65, and has been for some years. The proposal to make provision in the Bill for a pension age of 60 for those employments would represent a regressive provision from the current position — a point that was advanced by Mrs Cochrane.

On 8 March 2012, the Northern Ireland Executive came to a decision about moving to a career average revalued earnings model and to adopt that approach consistently across all schemes, consistent with GB. The policy to link public service normal scheme pension ages to state pension age for prison officers, paramedics and ambulance care attendants is already established in the remainder of the UK — so that is the point about consistency with GB — in the Westminster Public Service Pensions Act 2013.

I will turn to the specific sectors mentioned. Further thought should have been put into this amendment, as there are varying inconsistencies. First, paramedics who joined the Health and Social Care scheme from 1 April 2008 onwards have a normal pension age of 65, which was introduced following a partnership review of NHS pensions by employers and trade unions. This amendment would mean that those staff would have a protected pension age of 65 up to 31 March 2015, then a normal pension age of 60 going forward if this amendment were carried.

Secondly, nurses and mental health officers who joined before 1 April 1995 have special rights to retire at 55. That will cease from April 2015 onwards. Again, if that amendment were carried, A&E nurses, for example, would have a higher normal pension age than paramedics.

Finally, the role of an ambulance care attendant involves the management and transportation of patients to and from healthcare facilities in non-emergency situations only. Therefore, they cannot in any way, shape or form be set in the same category as even paramedics and prison officers.

Northern Ireland Prison Service officials have made it clear that they do not support an earlier pension age for operational prison grade staff for the following reasons: first, prison officers

are within the scope of the principal Civil Service pension scheme for Northern Ireland, and agreement was reached to introduce a new normal retirement age of 65 when the new pension scheme was introduced. That means that staff appointed to that scheme already have a higher pension age than 60. Secondly, the Cabinet Office has moved to link normal scheme pension age for prison officers in Great Britain in the principal Civil Service pension scheme to state pension age, and parity should be maintained.

For paramedics and ambulance care workers, new entrants to the Health and Social Care pension scheme since 2008 have, as I mentioned, a normal pension age of 65. That includes paramedics and ambulance care attendants.

A tripartite review between NHS employers, NHS trade unions and the Department of Health in Great Britain has been established to address the impact of working longer in the NHS. The NHS has a diverse workforce, and the review has identified a range of groups of staff in the health and social care sector and the NHS for whom working longer is a particular issue.

I accept that there are areas of work where working longer creates physical issues. However, I want to go back to Mr Agnew's point, which he also made at Consideration Stage, about forcing people to work beyond their physical capability. If people are not able to work for a physical reason, such as a disability, it will not be the case that they will be forced to work until the new pension age, whether that is 66, 67, or 68. People will be medically retired as appropriate.

The review also identified a range of areas that could make it easier for people to remain in work for longer; for example, improving awareness of pension scheme flexibilities and developing more appropriate health and well-being policies.

The Public Service Pensions Bill provides for scope at secondary legislation to incorporate variances in scheme design in the case of each sector to suit the requirements of the workforces and to provide options for those who may not wish to or are unable to remain in service until normal scheme pension age.

Each Minister who is responsible for one of the five pension schemes that are covered by the Bill are perfectly free to create such differences as they see appropriate when they bring forward the scheme regulations. The only

condition is that the cost of any variances is dealt with within the scheme's overall cost envelope.

In summary, I urge Members to oppose amendment No 4.

I will now turn to the SDLP amendments, which the Green Party also supported, on clause 10 provisions. Amendment Nos 7, 8 and 9 would provide a new power to my Department to give effect to any review of the link with normal scheme pension age and state pension age. Amendment Nos 18 and 20 are consequential to those. Amendments Nos 10 and 11 would create a new requirement for my Department to conduct a review.

To understand all those amendments, it is logical to deal with amendment Nos 10 and 11 first. I want to ensure that Members fully understand what those amendments are about.

Amendment Nos 10 and 11 would require the Department of Finance and Personnel to conduct a review of the provisions of clause 10 and their effect on members of public service pension schemes.

Amendment No 10 proposes that the Department should lay a report on the review in the Assembly before the clause takes effect, and that review would exclude police and firefighters.

In his concluding remarks, Mr Attwood said that the amendment No 10 review might not conclude before the Bill becomes operative. That is exactly my concern. It may be his closet desire, but it is very much my concern. The review must be done, which he will know, given that this is his amendment. It is his amendment, so he knows that it must be done in advance of clause 10 becoming operative.

Mr Attwood: Will the Member give way?

Mr Hamilton: Yes.

Mr Attwood: Given the potential scale of the review and the fact that it is to be conducted in a short period of time, it seems to me that it may be able to conclude its view on only one or more than one category of worker as identified in clause 1. Therefore, I recognise that it is a short window and that it would be intense. It may not conclude at all its work, but it may conclude some of it.

Mr Hamilton: I am afraid that that is a risk that I am not prepared to take, because, if the

amendment passes, my Department is required to lay the report before the Assembly in advance of clause 10 becoming operative. The Member will appreciate and, I think, accept that, given how extensive the piece of work would be, that would take some time. I cannot imagine that any Minister responsible for bringing forward regulations would start work on those regulations until the review was concluded. Therefore, if the review is not concluded until after April 2015, when the clause is to become operative, we have a serious problem.

Mr Attwood: Will the Minister give way?

Mr Hamilton: Yes.

Mr Attwood: I think that he is misunderstanding the amendments, so let us go to the words. Amendment No 10 proposes that the Department:

"must conduct a review of the provisions of section 10"

and

"shall lay a report of the review before the Assembly ... in advance of commencement of section 10".

I would like to think that the review would be completed and concluded at the time when a report is laid before the Assembly, but it may not be. Therefore, the review report may be complete in one or other matter but may not be completed across the full range of the contents of the review. If that is the case, that is the case, but at least you could have a situation in which a review in part might be concluded for some categories of workers, a report could be tabled and, further to the report being tabled, some action taken by the relevant Minister in consultation with you. I think that that is a perfectly reasonable situation, given the time frames to which we are working.

Mr Hamilton: That may be the Member's view on how it works in operation. It does not sound as robust as perhaps he wants it to be, if it is simply a case of, "We'll review one category of workers and put a report forward, and sure it doesn't matter". My concern is that if we allow amendment No 10 to pass, we are required to complete a comprehensive review in advance of the clause becoming operative. If we do not get the clause operating when it is meant to operate, which is April of next year, we will have serious financial consequences to deal with from Treasury.

May I also familiarise Mr Bradley with his amendment? When he was dealing with the issue of police widows and widowers' pensions, Mr Bradley said to Mr Allister, who is no longer in his place, that the reviews mentioned in amendment Nos 10 and 11 would deal with that sort of issue. They would not. The reviews that would be carried out as a result of amendment Nos 10 and 11, were those amendments to pass, would be to do only with the operation of clause 10, not any other issues that would be floating around.

Amendment No 11 would provide that the Department conduct its review every two years following the commencement of clause 10 and lay a report within six months of the review having started. The review would be more comprehensive, in that it will include police and firefighters, as well as other public servants listed in clause 1. The key difference between the amendments is that amendment No 10 proposes that the Department lay a report on the review in the Assembly before the clause takes effect, while amendment No 11, as I said, would provide that the Department conduct its review every two years following the commencement of section 10 and lay a report within six months of the review having started.

Although do not consider it necessary, given the scope that exists in secondary legislation, my Department would not be averse, in principle, to reviewing the link from normal scheme pension age to state pension age. In Lord Hutton's report on public service pensions reform, he recommended that the link between the state pension age and normal pension age be regularly reviewed, something which Mr Attwood pointed out earlier. Indeed, I agree: it should be reviewed. I understand that there is a review pencilled in for firefighters, for example — I remember that from Consideration Stage — after all the various legislation, including our own, is passed. I ask the Member to bear in mind that any review could recommend increasing pension age as fitness levels improve over time. In fact, the latest review of firefighters — the Williams review — concluded that, because of increasing and improving fitness standards, the pension age for new entrants should remain at 60 and not change. Let us bear in mind that any review could see the pension age go up for firefighters, or even for police officers, in future. Therefore, it is a two-way process. It is not something that will necessarily or automatically a reduction in age for everybody. In the longer term, if you take a very, very long-term view, I would expect most pension ages to go up. That is, in part, what the Bill is doing.

7.00 pm

Once again, I make it abundantly clear that, although there is scope for secondary legislation to have variances that take account of the particular needs of a workforce, they must be paid for by the pension scheme for that sector. The case has already been made for the link between normal scheme pension age and state pension age following the extensive review by Lord Hutton, who was appointed by the previous Labour Government. There is, therefore, no need to conduct such a review at this stage before the commencement of the Bill. Members also need to consider what such a review would achieve if done now. As for the practical consequences of these reforms when implemented in April 2015, a number of key facts must be considered. Many existing members will have full transitional protection and will retire at the normal scheme pension age that was specified when they joined. For the Civil Service pension scheme in Northern Ireland, for example, over one third can retire at 60. The increase to state pension age is some time off. I have already provided Members with the timeline: it will increase to 66 by 2020, 67 by 2028 and probably 68 by the mid-2030s. The normal scheme pension age changed from 60 to 65 for those joining public service pension schemes around 2006. I ask Members to consider those facts.

The obvious outworking is that few in our public service workforce will retire at 65 over the next few years. No one will work until 66 until 2020. Even in 2020, most will not have to work until 66 as they have benefited from the full 10 years of transition protection provided in the Bill. Therefore, there is no urgency to conduct a review of the actual impact on the workforce and those working in the public services in Northern Ireland. I also have a concern about the potential for such a review to be done, as I mentioned, before the commencement of clause 10. Any review will take time. I note that amendment No 11 requires a report to be laid in the Assembly on or before six months of the commencement of any such review. It is reasonable to expect such a review to take that time to complete, certainly if it is to be done comprehensively.

I remind Members that the matter we are debating today is the primary legislation to give effect to the reform of public service pension schemes in Northern Ireland. This will provide a framework of enabling legislation only. Work will then need to be completed by each sector on the secondary scheme-specific legislation and also on the logistics of changing IT systems. The House has also been advised —

Mr Attwood: I thank the Minister for giving way. I acknowledge — I do not necessarily welcome it, but I suppose that I should use the word "welcome" — that he indicated that he and others are minded to support amendment No 11. However, I cannot welcome the comments that he has just made about there being no urgency in a clause 11 review. Given that you are not minded to support an immediate review, as under clause 10, it would narrow some of the differences in the Chamber if you indicated that there might be some urgency around a review in clause 11. It would be useful if you indicated that there might be an earlier rather than a later review, which seems to be what you are hinting at. Given all the work that will be carried out in various pension schemes for the workers identified in clause 1, and given that a lot of work undertaken by your fellow Ministers, including the Minister of the Environment, might create some data and further evidence that could inform the wider review referred to in clause 11, it seems that that new source data might help you to conduct a clause 11 review, independent of and in addition to the fact that there are good reasons to undertake further interrogation of the potential categories of workers who could have flexibility further to the legislation generally. Is there not a requirement to do something earlier than you imply, which is a later clause 11 review?

(Mr Speaker in the Chair)

Mr Hamilton: I am not ill-disposed to an earlier rather than a later review. Perhaps, in drafting the amendment, the Member might have considered how early the first review should be. In inheriting it as it is, I repeat that I am not ill-disposed to doing it earlier rather than later. Certainly, if a raft of evidence comes forward, it would be necessary to do the review earlier rather than later. However, I reiterate that I do not think that the urgency is as steep as the Member thinks it is.

The amendment that, if he is right, I am prepared to accept, requires that to be done within two years. I do not think that there will be the sort of fundamental change that he thinks there will be inside two years, but all practical considerations taken into account, I am happy to do it significantly earlier than two years if required.

Mr Attwood: That is useful, because the clause was, with the assistance of the Bill Office, carefully drafted so that, technically, a review could commence as soon as clause 10 commenced. I am not sure when clause 10 will commence, but it certainly will not be any later

than March of next year and, presumably, earlier. So, technically, a review could commence as soon as clause 10 was commenced. Although I would like that to happen, I welcome the fact that the Minister has now said that it could be earlier — indeed, I think that he used the phrase "significantly earlier" — than two years after the clause has commenced. That is some progress.

Mr Hamilton: I will not commit myself to a particular start date. The Member will know from ministerial experience that that is not a good idea. I accept the requirement placed upon me and my office by the clause and will adhere to that. However, I reiterate that I do not think that there is the same urgency because I do not think that it affects the volume of people that the Member thinks that it does, never mind the practical problems of doing a review as outlined in amendment No 10.

Amendment No 11 specifies that a review would take place at a later stage. I still do not think that it affects as many people as the Member thinks, but I will be bound by that amendment and we will advance said review. However, you have to consider the practical issues, timing issues and the gathering of evidence that would allow us to do that. It would be churlish to have it one year and 364 days after commencement of the clause, and that is not my intention.

When the Bill was introduced, the House was also advised of the potential cost of failing to meet the April 2015 guideline set by Her Majesty's Treasury for the main schemes. This is now estimated to be in the region of £300 million, as I said before. A review led by my Department — let me make this perfectly clear — will not mean that I, as Finance Minister, will provide any funding for changes. The thrust of the reform is to contain the costs to the taxpayer and the public purse. Any variances, therefore, must be contained within the cost envelope. Any sector that exceeds this will need to make up the shortfall to Her Majesty's Treasury. In summary, I ask Members to oppose amendment No 10 but support amendment No 11.

I will now deal with amendment Nos 7, 8, and 9. These are all variations of one amendment: the power to exempt certain persons from the link with state pension age and to specify a pension age. Each amendment would confer on the Department of Finance and Personnel a power to specify, by order, that the link for normal scheme pension age to state pension age should not apply for certain persons of such description also specified in that order. They

would provide options for the Department of Finance and Personnel to specify that pension age be set at either that specified in amendment No 7, which would be such an age as specified in the order; that specified in amendment No 8, which is 60; or that specified in amendment No 9, which is not exceeding 60 but not less than 55.

Although I do not consider such a provision to be necessary, I realise that the issue of linking normal scheme pension age to state pension age is a key concern of a number of Members here today. I want to be clear that this link is necessary to control costs for the reasons that I stated earlier in the debate. At the risk of sounding like a stuck record, any variations must be contained within the costs of the scheme. If that does not happen, the sector in Northern Ireland will have to take money from the services that they provide, whether it is fire, education, health or police, to make up any shortfall that Her Majesty's Treasury will seek to recoup. Do not be under any illusion that I, as Finance Minister, will meet these costs. However, I am not opposed to ensuring fairness as the reforms roll out and am therefore content for my officials to review the issue.

We debated the issue of affirmative resolution last week. I remain of the view that negative resolution is the appropriate route and that affirmative resolution is a more elongated process that has the potential to delay any order coming into effect. That is all the more reason for Members to oppose amendment No 10 and have a review before the commencement date of the order. I do not want to risk not achieving the date of April 2015 that has been set by Her Majesty's Treasury for implementation of the reforms. I am also reluctant to exercise retrospective implementation powers. I wish to have flexibility on this matter across the public sector pension schemes and, for that reason, I can support amendment No 7, which does not specify any ages, but I oppose amendments No 8 and 9. Thank you.

Mr Attwood: Will the Minister give way?

Mr Hamilton: Had I not concluded? Can I allow the intervention?

Mr Speaker: Yes.

Mr Hamilton: If I can, I will. Sure, we are out for the night anyway.

Mr Attwood: You are just too keen to get out the door. I understand that you are now saying

that you support amendment No 7 but not amendment Nos 8 and 9. However, you did not give any reason why you would not put an example of what a ministerial order might look in the Bill, save a general one in clause 7. Why not have options in the Bill for an order that you might want to table, as outlined in amendment Nos 8 and 9?

Mr Hamilton: He has certainly elongated proceedings. Those are options that the Member tabled in his amendments. They are mutually exclusive, so if amendment No 7 is made, amendment Nos 8 and 9 cannot be moved.

Mr Attwood: Is that the case?

Mr Hamilton: That is my understanding.

Mr Speaker: To clarify the position, the Minister is correct. If amendment No 7 is made, amendment Nos 8 and 9 will not be moved.

Mr Attwood: I have to withdraw my intervention. *[Laughter.]* I wish now that I had let you get out the door. In the very elaborate drafting of the amendments, there was probing in amendment Nos 8 and 9, but I felt that there was also some opportunity to make amendment Nos 7, 8 and 9. I will take the ruling of the Speaker and sit down quickly.

Mr Hamilton: I do not wish to elongate the Member's embarrassment, but amendment Nos 7, 8 and 9 all refer to "(5A)", "(5B)" and "(5C)". Therefore, they are self-evidently mutually exclusive.

Mr Weir: Will the Minister give way?

Mr Hamilton: Here is someone who may wish to elongate your embarrassment.

Mr Weir: I would be happy to elongate the Member's embarrassment. I may have this the wrong way round, but I think that the Member referred to amendment Nos 7, 8 and 9 as parent amendments, with amendment Nos 10 and 11 being the children. I suppose that it is really a question of which of your parents you are choosing. Indeed, in a slightly bizarre arrangement, they seem to be like step-parents.

Mr Hamilton: I am not getting into that.

I touched on the reason why I prefer amendment No 7. Although I do not think that amendment No 7 is necessary, in a spirit of conviviality, and recognising that there are

concerns, I think that amendment No 7 gives the Department of Finance and Personnel much more flexibility to make an order on an age that will, perhaps, be prescribed as a result of the review that we have just been talking about. Amendment Nos 8 and 9 are much more prescriptive and tight. On reflection, I am sure that the Member will recognise that, in those circumstances, amendment No 7 is a better amendment for me to accept. With that, I rest my case.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. At Consideration Stage, I argued that we needed to give ourselves some flexibility to deal with these complex and difficult issues while, at the same time, supporting and accepting the case for reform. I also argued that we needed to consider how we could future-proof the legislation.

We should bear in mind that, when the legislation was first mooted, the option that was argued for was a legislative consent motion, and for us simply to go for parity. However, we have added value to the original proposal. This is not the first time that has happened in the Assembly. For instance, the Welfare Reform Bill has been affected by involving the Assembly and allowing Members from the various parties to scrutinise the legislation and involve themselves in researching the options. I think that the general intention behind that was not only to forge a good working relationship between the Executive and the Assembly, but to add value and reflect the particular circumstances and character of the social and economic reality in this region, which is not necessarily contemporaneous with all that applies in Britain.

7.15 pm

There was an attempt by one Member on the opposite Benches — a former Finance Minister — to create a diversion around costing out the arguments for each of the flexibilities that might be considered. We had an amendment to clause 10 accepted at Consideration Stage. In a sense, I regret having had to argue that case, because we were into the whole idea of a self-denying ordinance — that we could not have flexibility or depart, otherwise there would be a cost and an impact on the block grant. Well, there may be circumstances when we consider all that and decide that this is what we are going to do. This idea of putting a price on everything and perhaps not discussing the value of it is really only damaging our own case.

Think about the air passenger duty argument. I saw Members getting excited here about the overall cost if we simply wiped out air passenger duty unilaterally in this region, yet I did not hear one single Member arguing for that. However, there were arguments about taking a look at the possibility of developing individual routes and costing out that type of intervention if it would help us to achieve the objective of growing the economy. In other words, giving ourselves the tools to do the job and the flexibility to approach these issues.

What is reflected in the Bill as a result of the work done already is the fact that the unique circumstances applying to firefighters are recognised. That was not in the first draft, and in a sense I am sorry that it was necessary to demonstrate that there were special circumstances. It would have been better to have given ourselves the flexibility and then to examine the individual circumstances in the light of experience, as it would appear that they are doing at Westminster in any event.

Special circumstances do arise, and in the amendment from Mr Allister that was passed earlier, another special circumstance was identified and the opportunity taken for the Assembly, operating in local circumstances, to take a decision. That is what informs our approach today. The amendments that we offered — Nos 3, 5, 6 and 12 — give expression to the support that the Assembly gave to our amendment to clause 10. With that done, we are simply in a good-grace way examining how we can add sinew and muscle to that.

It is a matter for individual Ministers and the Minister of Finance to negotiate this out. It is a matter of ensuring, to the best of our ability, that what we do passes the test of affordability as well as the possible impacts on the wider block grant. We may decide or we may not decide to use the power. Having the power and the flexibility does not cost anything. It is when applying that flexibility and power that we have to deal with the holistic argument.

I do not intend to drag this out. All the arguments have been rehearsed. Daithí McKay made our case for the amendments. The amendments add value and reflect the flexibility that we voted for at Consideration Stage, and I hope that Members will find it possible to support those amendments.

Question put, That amendment No 3 be made.

The Assembly divided:

Ayes 40; Noes 48.

AYES

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

Tellers for the Ayes: Mr McKay and Mr Mitchel McLaughlin

NOES

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Question accordingly negated.

Amendment No 4 proposed: In page 6, line 22, at end insert

"(b) prison officers; or

(c) paramedics and ambulance care attendants".— [Mr Agnew.]

Question put, That amendment No 4 be made.

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Order 27(1A)(b), there is agreement that we can dispense with the three minutes and move straight to a Division.

The Assembly divided:

Ayes 41; Noes 47.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr Hussey, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Mr Sheehan.

Tellers for the Ayes: Mr Agnew and Mr McKinney

NOES

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Question accordingly negated.

Amendment No 5 proposed: In clause 10, page 6, leave out lines 27 and 28 and insert

"specified by the scheme regulations for the scheme; and such regulations may specify any age not exceeding 68, but not less than 65".— [Mr McKay (The Chairperson of the Committee for Finance and Personnel).]

Question put, That amendment No 5 be made.

The Assembly divided:

Ayes 40; Noes 48.

AYES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Brady, Mr Byrne, Mr Durkan,

Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Mr Rogers, Mr Sheehan.

Tellers for the Ayes: Mr McKay and Mr Mitchel McLaughlin

NOES

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Question accordingly negatived.

Amendment No 6 not moved.

Amendment No 7 proposed: In clause 10, page 6, line 36, at end insert

"(5A) The Department of Finance and Personnel may by order, made in relation to persons under a scheme under section 1 who are persons of such description as is specified in the order, provide—

(a) that subsections (1) and (4) do not apply in relation to such persons, and

(b) that the normal pension age and the deferred pension age in relation to such persons is such age as the order may provide.

(5B) Before making an order under subsection (5A), the Department must consult such persons (or representatives of such persons) as appear to the Department likely to be affected by the order.

(5C) An order under subsection (5A) is subject to the affirmative procedure."— [Mr Attwood.]

Question, That amendment No 7 be made, put and agreed to.

Mr Speaker: I will not call amendment Nos 8 and 9 as they are mutually exclusive to amendment No 7, which was made.

Amendment No 10 proposed: In clause 10, page 6, line 36, at end insert

"(5D) The Department of Finance and Personnel must conduct a review of the provisions of section 10 as to how such provisions may affect the persons set out in section 1(2)(a), (b), (c), (d) and (e) of this Act, shall lay a report of the review before the Assembly and shall do so in advance of commencement of section 10 (apart from this subsection) further to the relevant commencement provisions at section 36 of the Act."— [Mr Attwood.]

Question put, That amendment No 10 be made.

The Assembly divided:

Ayes 40; Noes 48.

AYES

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

Tellers for the Ayes: Mr McKinney and Mr Rogers

NOES

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lo, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr

I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Clarke and Mr G Robinson

Question accordingly negated.

Amendment No 11 made: In page 6, line 36, at end insert

"(5E) The Department of Finance and Personnel must conduct a review at intervals of not less than every two years following commencement of section 10 of the Act as to how the provisions of the Act affect the persons set out in section 1(2) of the Act and shall lay a report of the review before the Assembly on or before six months following the commencement of the review."— [Mr Attwood.]

Mr Speaker: I will not call amendment No 12 as neither amendment No 3 nor amendment No 5 was made.

Clause 18 (Restriction of existing pension schemes)

Amendment No 13 made: In page 11, leave out lines 32 to 34 and insert "31 March 2015".— [Mr Attwood.]

Clause 28 (Existing local government scheme)

Mr Speaker: Amendment No 14 has already been debated and is consequential to amendment No 13.

Amendment No 14 made: In page 16, line 19, leave out "2014" and insert "2015".— [Mr Attwood.]

New Clause

Amendment No 15 made: After clause 29 insert

"Police pensions

29A.—(1) Regulations C9 and C9A of the Royal Ulster Constabulary Pension Regulations (Northern Ireland) 1988 (S.R. 1988 No. 374), as substituted by Schedule 1 to the Police Service of Northern Ireland Pensions (Amendment No. 2) Regulations (Northern Ireland) 2006, (S.R. 2006 No. 152) (widow's, etc. pension or gratuity

to terminate on re-marriage or other event) shall cease to have effect as from the reinstatement date.

(2) Where any person's entitlement to receive payment on account of a pension or a gratuity under the Regulations of 1988 was terminated by virtue of regulation C9 or C9A, the pension or gratuity shall be reinstated and become payable as from the reinstatement date.

(3) Nothing in this section authorises or requires any payment on account of a pension in respect of any period before the reinstatement date.

(4) For the purposes of this section the reinstatement date is 1 July 2014."— [Mr Allister.]

New clause ordered to stand part of the Bill.

Amendment No 16 not moved.

Mr Speaker: I will not call amendment No 17 as it is consequential to amendment No 12, which was not made.

Clause 36 (Commencement)

Mr Speaker: I will not call amendment No 18 as it was consequential to amendment No 10, which was not made.

Amendment No 19 has already been debated and is consequential to amendment No 15.

Amendment No 19 made: In page 21, line 13, at end insert

"() section 29A;"— [Mr Allister.]

Mr Speaker: I will not call amendment No 20 as it is consequential to amendment No 10, which was not made.

That concludes the Further Consideration Stage of the Public Service Pensions Bill. The Bill stands referred to the Speaker.

(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)

Private Members' Business

Hospital Wards: Nursing Staff Levels

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

Mr Spratt: I beg to move

That this Assembly recognises the important role that nurses play across the health service; notes with concern the pressures faced by hospitals and the importance of the health and social care trusts in providing sufficient numbers of nurses on key wards such as critical care; and calls on the Minister of Health, Social Services and Public Safety to ensure that appropriate staffing levels are in place.

I am pleased to move the motion in the House this evening, and I thank the Minister for attending.

I begin by highly commending the very difficult and sterling work carried out by our nurses in the health service. I know only too well of the pressures faced by nurses in our hospitals, particularly in critical care and acute wards, because, on three occasions in the past 22 months, I have had major surgery. Indeed, it is on the back of that care that I bring the motion to the House tonight. On three occasions, I saw the pressure faced at the coalface and made a commitment to a number of our very caring nursing staff, who, on many occasions, were under very extreme pressure in carrying out their caring and record-keeping duties, given how sick many of the patients were.

On at least two of those occasions, after coming back to the ward after days of high-dependency care, I was extremely sick for a number of days. Certainly, no one could question the care, dedication and desire of the nurses in the Belfast City Hospital and, indeed, the Mater Hospital to help patients who are sick. They want to spend time with patients who are extremely sick, but, regrettably, they are unable to do so.

It is highly regrettable that other parties sought to take the focus of the debate away from the

provision of a sufficient number of nurses on critical care wards and tried instead to turn it into a debate on the reform of the health service. That certainly was not and is not my intention. I am pleased that the amendments put down initially were not accepted.

I welcome the Minister's comments in his reply to a question for oral answer last month. He stated that the health service has appointed around 500 more nurses. I also welcome his assurances in response to a question for written answer:

"At strategic level, my Department regularly reviews workforce requirements in order to plan for the future, and there is an annual significant investment in the postgraduate education and training of HSC staff." — [Official Report, Bound Volume 66, pWA123].

Nursing staff levels are one of the most important issues in the health service. It is vital that nurses are not put in the impossible position of being responsible for the care of more patients than they can reasonably be expected to manage. Not only does that demoralise nurses but it can put patients' lives at risk. Although it is extremely important to get the nurse:patient ratio correct, it is important to ensure that the skill mix — the ratio of registered nurses to nursing support workers — is right, too. Indeed, given that the City Hospital, for instance, is a training hospital, the nursing staff on training from Queen's University etc can carry out a variety of duties, such as changing dressings and monitoring patients' vital signs.

The Royal College of Nursing (RCN) recommends a skill mix of a minimum of 65% registered nurses on acute wards.

In May last year, the Safe Staffing Alliance of nurse leaders stated that there should be no more than eight patients per registered nurse during the day on general acute wards and emphasised that eight patients should be the absolute limit, and certainly not a target.

Last year, the RCN carried out a survey of nursing staff. Some 90% said that staffing levels were not always adequate to provide safe patient care. The RCN outlined three major benefits of having higher levels of nursing staff: improved patient outcomes; improved recruitment and retention of nursing staff; and economic benefits for employers and communities.

We all saw the scandal at the Mid Staffordshire National Health Service Foundation Trust. That illustrated an extreme case of what can happen when standards of care fall due to a lack of nursing provision. I do not want to repeat many of the things that happened in that hospital except to say that some of the circumstances were extremely tragic. The 2009 inquiry found that hundreds more people died at Staffordshire hospital between 2005 and 2008 than would normally be expected. That is definitely not something we ever wish to see in any of our hospitals. I am pleased to say that it is not the type of care that exists at any of our hospitals in Northern Ireland.

Inadequate staffing levels are often identified by coroners' reports and inquiries as a key factor. The National Patient Safety Agency recorded more than 30,000 patient safety incidents related to staffing problems in one year. That is a shocking statistic, to say the least. Inadequate staffing levels also impact on the staff themselves. Very often, it can cause stress and other health problems. That, in turn, leads to nurses having to take sick leave, which inevitably means a requirement for more bank and agency staff, and, in the longer term, more nurses are likely to leave the profession.

According to the Royal College of Nursing, on average, wards that have a ratio of no more than six patients per registered nurse on duty rarely or never report that care is compromised due to short-staffing. On the other hand, wards with eight or more patients per registered nurse report that the patient care can be compromised from once or twice a week to every shift. That is extremely worrying and brings the issue into sharper focus for us all.

There is an onus on management to ensure that budgeted posts are filled and that staff are deployed appropriately to ensure that there are safe staffing levels. That can be achieved only through an evidence-based system that takes into account a number of factors such as patient mix, service demand, current staffing, absences, vacancies, turnover of staff, and evidence of the effectiveness of staffing through the likes of quality patient outcomes and nurse-sensitive indicators.

There is no doubt that having the right number of nurses is critical. However, the ultimate question is this: how many is enough? Not only that, but how many nurses do we need to provide optimum care for patients? My constituency office regularly receives telephone calls and emails from people who believe that the number one health priority is the protection of front line staff, particularly nurses. Health

issues affect us all, and, sadly, all of us will require care from the health service at some time during our lives.

8.15 pm

In closing, I will return to my earlier comments about my experience of critical care wards. I reiterate the point that, frequently, nurses were unable to provide the level of care that they, as nurses and health professionals, felt was necessary and appropriate because they had so many patients to look after. Once again, I pay tribute to the staff who cared for me in Belfast City Hospital and, on two occasions, the Belfast Mater Hospital. Our nursing staff, front line staff and critical acute care nurses are professionals who are really dedicated to their jobs. For those of us who have had critical care, they have been and are an extremely great asset for this Province.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. I welcome and support the motion. It is important that the Assembly sends out a very clear message to the nursing community and wider health providers that the recent criticisms of our service are certainly not directed at the very valuable work they do daily, often in very difficult and trying circumstances. Their work is vital to the health of all our communities.

Equally, it is important that the Assembly sends the message that we want to fix the pressures that they experience. Tonight, as we speak in this debate, we are aware of backup in the A&E department in the Royal. Over an hour ago, 36 people were on trolleys, and staff were trying to remedy the situation. That gives a very clear and stark example of how medical professionals and nursing staff are stretched and under pressure daily.

The Minister announced on 8 July 2013 that he would develop a new workforce plan for nurses and midwives, and that he would lead a review of nursing staff deployed through bands and agencies. Today will tell a tale of what progress has been made on those fronts. The qualified nursing and midwife workforce grew from 13,023 in 2004 to 14,139 in March 2013, which is an increase of 8.6%. Equally and interestingly, the percentage of qualified nurses working full time remained relatively static over that time period, at around 55% or 56%. As at 31 March 2013, there were 390 current qualified nursing vacancies and 155 current nurse support vacancies. It is also worth noting that there are quite stark differences in the

numbers of nurses for people with learning disabilities when we look at them per trust, with some 196 in the Belfast Trust, 72 in the Western Trust, 33 in the South Eastern Trust and 26 in the Northern Trust.

On 3 July, as has been commented on, the Regulation and Quality Improvement Authority (RQIA) produced proposals for hospitals at night and weekends. It said that standards should be agreed for the frequency and timing of drills and major incident plans. It made 29 recommendations. It found that there were differences among hospitals in the availability of services, in staff policies and procedures, in communication arrangements, and in access to information for patients.

Trusts also reported vacancies of doctors. In general medicine, at the time of the review, the Belfast Trust was the only trust to have gaps in the F1 medical role at the Royal, the City and the Mater hospitals. RQIA found that the hospitals were experiencing vacancies in medical staffing at different levels and in different specialities, and that they were, and are, being filled by employing internal and external locums or staff. We know that, this year alone, in the Western Trust the appointment of locums and the replacement of junior doctors has cost a total of £5 million.

Seventy per cent of patient responses to a patient and client survey stated that they did not get enough sleep at night, mainly due to noise. In response to my colleague Sue Ramsey, the Minister stated that, to support doctors and consultants, nursing staff would be allowed to discharge patients. Is this working? Where is it working? What impact is it having?

Reference has been made to the calls from the Royal College of Nursing. I will conclude with a quote from Janice Smyth from the Royal College of Nursing who said in 2012 that:

"Struggling with unmanageable caseloads and staff shortages — nurses are either not being heard or are being ignored, as they are left to apologise for a system that is 'not working'."

That simply needs to change.

Mr McKinney: I echo the appreciation that was expressed in the House today for nurses. I think that that is important. They are an invaluable component of our healthcare system, and their role as primary caregivers cannot be underestimated. I welcome the opportunity to contribute to this debate.

Our nurses do not need just praise, they need answers. Given that their work is so closely linked to the population's wider health, we need those answers too, especially when we hear their representative organisation, the RCN, say that the pressures on the system are unbearable. In its judgement, they render the service as on the brink of being unsustainable. That is not a political debate on the reform of the health service; it is a debate about the health service and what it sees and what we see as a crisis at the heart of it. That is the RCN's view, and that, in our view, reflects a real crisis.

Let us look at what the DHSSPS understands the feelings of nurses and others to be. In its staff survey of last year, in answer to a question that asked whether there are enough staff at the organisation for them to do their job properly, only 27% of nurses were able to reply positively. This is a £4 billion a year business and that level of dissatisfaction among staff is entirely intolerable.

The system is not there to address nurses' concerns solely; it is there to promote good patient outcomes. We know from the National Patient Safety Agency that, where there are pressures on staff and staff numbers, there are poor outcomes for patients. We must listen to nurses when they tell us of the challenges that they face as a result of understaffing. The first of these is the prevalence of stress and work-related mental anxiety.

A survey of 2,000 nurses from across all sectors of health provision here that was released in September demonstrated that the level of palpable strain on our nurses was alarmingly high. The survey found that 55% of them had been made unwell by stress. It was not that they had experienced stress at the coalface, but they had been made unwell by the levels of stress that they have endured. Eighty-two per cent of them indicated that they had gone into work, despite feeling too ill to do so. So, the combination of those stress levels and an obligation to attend due to staff being overstretched is certainly not a fitting environment for any caregiver. In fact, nurses are telling us that this environment compromises the level of care that they can give.

Nurses are coming off a 12-hour shift so stressed and disorientated that they begin to question their own professional performance, further compounding any mental anxiety that they may suffer and worrying because of something that they may have done or not

done. That could risk their registration, and that is a real worry for them.

During the crisis at the Royal Victoria Hospital, onlookers described nurses who were so stressed that they were crying. They had reached breaking point. In our view, that was not a one-off. We have heard the burgeoning statistics in answers last week and the week before about how this crisis had been building up in October, November and December.

What strategic measures have been taken to provide extra care? It is clear that decision-making is once again a concern. Why is it that there is a differential in the number of acute nurses employed across different trusts? How is it that the one with the most demand, the Belfast Trust, has seen the greatest decrease in the number of acute nurses? These are questions that we and nurses need answers to. It is our patient outcome that is at risk.

Our nurses are overworked and have worryingly high levels of stress. They often come into work when they feel unable to do so and feel that their ability to work is being compromised as a result. As I said, we also have fewer acute nurses in Belfast than we did in the past.

It is our view that nurses are suffering because of the inconsistent decision-making of the trusts and the Health and Social Care Board. Nurses have articulated their concerns, and the response has been to allow the number of acute nurses to decline. The pressures continue — in our view, to crisis levels — as do the high levels of stress-related absence, and I hope that the discontent expressed by our nurses is not being ignored. However, I am worried that they are being ignored, and that is being compounded by the bank system, which we hear is not being used as a flexibility tool in the system but as the mainstream recruiting mechanism. I also heard recently how nurses who are called in are doing extra administrative tasks.

We need to know that the Department and the Minister understand that there is a crisis at the centre of the system. If you ignore the problem, it will not be resolved.

Mr Beggs: I also begin by showing my appreciation of the nursing care that I and members of my family have received in recent months and years. Without it, we would certainly have been open to a great deal of suffering. I visited a minor injuries unit and saw not a consultant or a doctor but a nurse who had been upgraded and was capable of

carrying out the overall assessment. I had a very positive engagement on that occasion and was very pleased with the treatment that I received. We have to value all our nurses, particularly those who care for the most vulnerable and those who have taken on extra responsibilities and are specialist nurses of one type or another.

The Francis report on the Mid Staffordshire NHS Foundation Trust public inquiry created a watershed in caring in our hospitals. Why do I say that? For too long, hospital trust managers managed their hospitals by statistics and numbers, and little regard was given to care and how staff felt about the circumstances in which they had to work. As a result of remote governance, patients were not being cared for properly and staff were put in intolerable conditions. Mortality rates also increased, and that is a very important factor that we must not overlook. It is important that we listen to our nurses, the caring profession and other medical staff.

The Secretary of State for Health in England recently indicated that he would require staffing levels in hospitals to be published at ward level. That is a good thing; it is transparency. Let everybody know how our wards are being manned and whether staff are not being replaced because the budget is tight. Let us have transparency about what is happening.

I also noticed that there is talk in England of assessment tools being used to determine staffing levels and that Scotland and Wales have indicated that they are adopting such tools. I have not heard that discussion in Northern Ireland, so it would be helpful if the Minister could make us aware of whether such tools will be used as guidance here.

The Patient and Client Council survey of November 2010, 'The People's Priorities', highlighted that the number one health priority was protecting front line services, particularly nurses. In 2011, a report highlighted the importance of health and social care staffing levels and advocated a greater focus on strengthening the numbers of nurses and medical staff. We must not ignore the public, who can see the level of care provided and the conditions that our health staff have to work under on occasion.

I understand that, between March 2011 and March 2013, there has been an overall increase in the number of nurses in Northern Ireland, and that has to be welcomed. However, let us not forget that there has also been a growing workload during that period — in the order of

around 3%, I think. However, as others indicated, there are peculiarities. Although the Belfast Trust had a 4% drop, the other trusts had a slight increase.

8.30 pm

I understand that there has also been a significant decline in community-based nursing such as school nurses, district nurses and health visitors. We need to make sure that we do not create problems and reach a situation where more and more are pushed towards accident and emergency units and the pressures there. As others indicated, when staff levels go down, there tends to be less time to care, and more difficulties arise in hospitals.

I understand that £12 million may be required to get our nursing levels up to the required standards as indicated. I hope that the Minister will confirm that we will be using an assessment tool in Northern Ireland to get staffing levels right. Will he also assure us that he will use the Royal College of Nursing's warning indicators, such as absence levels, staff turnover, the ratio of nurses to patients, the proportion of registered nurses and nursing staff in post —

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

Mr Beggs: — as opposed to those simply indicated as having to be employed?

Mr McCarthy: I welcome the motion and thank Mr Spratt and Paula Bradley for getting it to the Floor of the Assembly. We all well know the pressures that staff throughout the health service consistently fall under. These pressures can be acute from time to time, particularly during the winter months, and we have seen them over recent weeks.

We should always do whatever we can to ease these pressures, and that includes supporting front line staff by whatever measures are at our disposal. You cannot get much more front line than our nurses, and we commend them all for their dedication and devotion to duty over the years. At a time when there is once again a lot of scaremongering around immigration, it is worth emphasising the vital contribution that is made to our health service by nurses from overseas. All are extremely welcome to Northern Ireland, and we appreciate their work at all times.

Nurses serve in a diversity of roles, including many outside a hospital setting. The question is whether we have the appropriate level of staff

to do the job. The range and breadth of service is only likely to be extended under the implementation of Transforming Your Care (TYC), and we must respond accordingly.

Returning to hospital provision, there are real concerns at the level of staffing and the deployment of resources. Nursing levels are directly related to perceptions and realities around patient safety and the level and quality of service that can be provided to patients. There is concern at the lack of transparency about numbers on wards at particular times. In responding to that, it is not sufficient merely to make the general point that there are adequate measures to deal with staffing levels; we are talking here about specific moments of pressure or crisis in our health provision.

We also need to have an open debate on whether we need minimum staff:patient ratios for certain critical wards or, indeed, all wards. Looking to the future and the need for proper workforce planning, it is important that we consider how we can best invest in nursing and other front line staff, but this is a much bigger and wider debate than simply investing in additional numbers, although that may in itself play a role.

First, we need to see what we can do to ease pressures on the hospitals. At one level, that means greater focus on better public health prevention and early intervention and patients being directed to the right service in the first place. It also means properly investing in community alternatives to what have been traditionally viewed as hospital-delivered services. That is the broad thrust of Transforming Your Care, but there is increased scepticism about whether community-based alternatives will be properly resourced and are not just a means of quietly running down services. That must not be allowed to happen.

Secondly, we should further explore the options for nurses to deliver more services and to become decision-makers in a greater number of scenarios. At first glance, this could be regarded as passing even more duties onto already overstretched professionals. We need appropriate incentives and rewards to come into the equation. If this could be viewed as a means of addressing pressures elsewhere in the system alongside efforts to better invest in nurses, it could help transform the situation.

Our health service is of paramount importance. We are all very proud of that health service. It is the Assembly's duty to ensure that all activities in that service are adequately funded. We salute all who help to provide such a good

health service to all the people in Northern Ireland. I support the motion.

Mr Wells: I join all the other MLAs in paying tribute to the work of the excellent team of nurses that we have throughout Northern Ireland. I was wondering before the debate why it is that we seem to produce such top-level staff. I will suggest a couple of reasons. Many of the nurses who work in our hospitals are local. They are mostly women — of course, there is a sprinkling of men as well — who are from the community and often know the patients whom they are treating. That has to be an important factor that separates us from other parts of the United Kingdom.

I also pay tribute to the talented team of nurses that we have attracted from countries such as the Philippines and India. A few years ago, I visited the Ulster Hospital and was in the personnel department. I noticed that the lady who ran that department very efficiently had on the wall a map of the Philippines and not a map of Northern Ireland. I asked why and she said, "Frankly, I do more recruiting from Manila than from Northern Ireland". She also made the point that, if it had not been for the presence of Filipino nurses in the Ulster Hospital, the hospital would have closed the previous Christmas. It was dependent on the flexibility, hard work and skills of those who had come from afar. We have to be grateful for them.

I have been involved in health for five years now. I remember very clearly the comments of the previous Minister, Mr McGimpsey, who used to sit over on that chair. It always reminded me of the film 'Up Pompeii' in which a soothsayer comes in and says:

"Woe, woe and thrice woe."

The message was that we are doomed. Mr McGimpsey was saying that, under the comprehensive spending review (CSR) announced by the then Finance Minister, Mr Wilson, there would be 4,000 compulsory redundancies among health service staff in Northern Ireland. I am glad to say that the facts do not bear out that prediction of doom. Indeed, the stats for nursing are extremely encouraging. Since the Minister took control, over 500 new nurses have been appointed in Northern Ireland. In the last calendar year alone, 316 extra nurses have been appointed. That is against the backdrop of what anyone would believe to be a very challenging fiscal situation.

It is an indication of the skill with which the Department has used its budget that it has

been able to stretch finite resources further and further. You have to remember that, in this CSR period, the Minister had only 1.9% of real-terms growth in his budget, while demand increased by between 5% and 6%. The money had to stretch an awful lot further, but more staffing has been delivered in many aspects of health service provision. I have yet to hear an apology or retraction from Mr McGimpsey, who, I am delighted to say, got it completely wrong.

I will make a couple of other comments about what has been said. I worry when people refer to bank nursing and locums as almost second best provision. Remember that the vast majority of bank nurses in Northern Ireland are nurses who have trained and have many years' experience in the nursing profession, often in the hospital where they work on a part-time, agency basis. In fact, many of them still work in that hospital, maybe on a part-time basis and then —

Mr McKinney: Thank you, Mr Wells. Does the Member accept the RCN's concerns about the additional stresses that are being put on nurses by employment through the bank system and that, while it might give flexibility to the health service, it imposes extra pressures on nursing staff?

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

Mr Wells: I accept entirely that, because of the growth in demand, there will always be limited resources and life will be difficult for nurses. We, as an Assembly, have to have great sympathy for the pressures that they are put under. However, if it were not for the presence and availability of bank nurses and locums, the system would grind to a halt. We have to have flexibility, when there is pregnancy, illness or holidays, to bring in staff, many of whom are aware of the nature of the hospital and, indeed, have worked or maybe still work there. Do not regard locums as second best; regard them as giving the flexibility that is necessary in any system that employs 70,000 people. We are dealing with locals who have a knowledge of their community, unlike other parts of the United Kingdom, where people are perhaps being brought in completely fresh to a hospital.

We sympathise with nurses, but, frankly, society is responsible for putting a lot of pressure on them. I have sat in A&E departments at weekends in hospitals in Northern Ireland, and what I saw and what our staff had to endure was absolutely appalling. I have told this story before, and I will tell it again.

I was sitting in Craigavon Area Hospital one Saturday night/Sunday morning at 3.00 am. The A&E was packed to the rafters, and the only two sober people in that room were me and the triage nurse, and both of us were nearly driven to drink by what we saw. It was bedlam. There were people who were intoxicated by drugs and drink, and policemen were sitting on people to restrain them. Is it any wonder, if society treats its medical staff like that, that nurses feel under pressure? That is a disgrace. Some 40% of people in Northern Ireland who are admitted to hospital are there because of lifestyle choices that they, not the nurses, have made, and, until we start to treat those staff with respect, we will continue to be in difficulties.

Finally, we are absolutely nowhere near the Mid Staffordshire situation in Northern Ireland. Please do not compare us with that disastrous scenario in England.

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

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will avoid the A&E that Mr Wells goes to. I, too, commend the motion and pay tribute to all our medical staff, particularly nurses, who are often overworked and underpaid for the tremendous work that they do. I agree with Mr Spratt that the protection of front line staff is essential.

In the summer of 2013, the Minister asked officials, with the Chief Nursing Officer providing expert opinion, to develop a new workforce plan for nurses and midwives to ensure that those key professionals were best placed to support the delivery of safe and effective care as change takes place into the future. People live longer but not necessarily more healthily, and we need to have the right number of nurses in the right place. It is important that the role of specialist nurses, particularly those working in the community, is maximised. That fits in with the aspirations of TYC. The Minister also announced additional in-year support of £300,000 for post-registration education, and it is important that nurses are given the opportunity to upskill.

RQIA published an independent review of hospitals at nights and weekends. In that review, RQIA found that there were differences between acute hospitals in the availability of services and staffing at nights and weekends. RQIA commended innovative practice in a number of areas, including an emergency nursing team to cover potential gaps in service at night and weekends. It is at weekends that hospitals are extremely busy, particularly A&Es.

RQIA also found that there were differences between hospitals in the availability of services, staffing policies and procedures, communication arrangements and access to information for patients. Obviously, there is a need for uniformity to ensure continuing standards of services.

In 2010, Imperial College London reported that there was a higher mortality rate for patients admitted as an emergency at weekends to hospitals in England. There was, on average, a 7% higher mortality rate for those patients than for those admitted between Monday and Friday. That is a worrying statistic. Obviously, people cannot choose when they become ill and require emergency admission to hospital. There has been research examining the relationships between nurse staffing levels and patient outcomes. One study of a large hospital concluded that, when staffing levels of registered nurses fell below target levels, it was associated with increased mortality of patients.

I will now be a wee bit parochial and mention Daisy Hill Hospital. RQIA observers attended a weekend handover at that hospital. The weekend handover was developed as part of a local initiative to plan for the care of medical patients. The handover includes medical staff from across the hospital and is led by a consultant physician. The handover was well attended by consultants and junior doctors. It was very well structured and followed a clear format. It enabled information to be shared on medical patients across the hospital where intervention was required or anticipated at the weekend.

This type of handover is very much an example of good practice and should be followed by other hospitals.

8.45 pm

All trusts have a nurse bank arrangement to enable nurses to be contacted and invited to cover shifts when required. However, bank offices only operate Monday to Friday, usually between 9.00 am and 5.00 pm or 6.00 pm, so if extra staff are required at weekends, there is a problem, and it is often at weekends that hospitals are busiest. The use of bank staff is restricted to situations where a need for cover is known during the weekday period. Also, the training and expertise of bank staff may well restrict the areas that they cover, and the requirement for agency staff at short notice means that they may not have sufficient training or experience to cover a specific hospital or a particular service area.

The RQIA recommended that trusts should explore the costs and benefits of opening nursing bank offices for a period at weekends. The potential for establishing a regional nurse bank for weekends should also be explored. Trusts should consider the establishment of an emergency nursing team that would be available at nights and weekends to facilitate the response to short-term requirements for additional cover.

In June 2012, in an answer to a written question from my colleague, Oliver McMullan, the Health Minister said:

"There are no legally imposed staffing levels". — [Official Report, Bound Volume 76, pWA104].

Perhaps that is something that the Minister could look at. It could be explored and addressed to ensure that nursing staffing levels are maintained in these wards.

Mr Dunne: I, too, welcome the opportunity to speak on what is a very important matter right across Northern Ireland. I commend my colleagues who brought the motion forward. I will begin by commending the work of nurses across our health service, who play a very important role in ensuring that patient care is of the highest possible level and who work professionally in difficult circumstances, often in a pressurised environment.

I know that the Minister continues to take an active interest in this matter, and I commend him on his work to date in what are very challenging conditions. At present, health and social care costs £4.7 billion a year. That shows that it is not all about money, but about the need for more effective and efficient use of resources. Our staff are the most valuable resource that we have. Staff must feel valued and recognised for the skilled care that they provide. There is clear evidence to show that nurse staffing levels make a difference to patient outcomes, patient experience, quality of care and efficiency and effectiveness of care delivery. This, therefore, highlights the importance of having the right staff levels and structure in place right across our health service.

This is an issue that we as MLAs hear about on a regular basis as we work in our constituency offices. We have also gained the evidence through sessions in the Health Committee. We raised the issue during our recent sessions with John Compton on the Transforming Your Care plan, and we have been assured that these

matters will be addressed during the implementation of and changes brought about by TYC.

I am aware of a hospital ward in the Belfast Trust area with a maximum of 18 patients, many of whom have complex needs. This ward operates with reduced staff levels at night, with only four staff, comprising two nurses and two auxiliary staff. Staff tell of having very little time for breaks and of working under stress with a ratio of one nurse to nine patients. In this case, there are not enough staff, as a lot of the work requires one-to-one care with drugs and other support required.

The role of nursing has changed over the years and a one-size-fits-all approach does not always work, particularly in relation to nurse:patient ratios. The demand on nurses is greater than ever, with a larger number of older patients in our wards as people are living longer, many of whom are very sick and require care in a hospital environment. These types of patients are often discharged into a care in the community environment, where medical treatment is limited, and, in many cases, they are soon readmitted to hospital care.

The workload on nurses has also increased, with more use of IV antibiotics. This type of work used to be carried out by doctors and is now being done by nurses, putting additional strain on already overstretched resources. Another factor that is putting stress and increased workload on nurses is the decision to take junior doctors off some wards during the day. Work that would normally have been carried out during the day, such as medical treatments and tests, is now being left to be carried out by others in the hospital at night team.

There have been some positive developments, such as the introduction of hospital at night teams in Northern Ireland. Those provide some support to nurses and doctors on request with very ill patients. We need to ensure that the appropriate staffing levels are in place to ensure that our healthcare service is fit for purpose and that patient outcomes are to the fore. Unfortunately, morale in the nursing workforce across Northern Ireland is low, and many feel that understaffing affects their ability to do their job. They feel that they do not have enough time to deliver quality care to their patients. In closing, I urge the Minister to ensure that we have a modern health service that is able to meet the demands of our population and to ensure that the appropriate staffing levels are in place across the various trusts in Northern Ireland.

Mr Rogers: Thanks to Mr Spratt and Ms Bradley for bringing this very important motion to the House. Effective staffing will play a central role if the health service is to have the ability to care for our population. Like me, the proposer of the motion has plenty of experience of the dedication and hard work of our nursing staff. They go well beyond their contractual duties to make a patient's stay in hospital as comfortable as possible. However, there is a mounting anxiety among our nursing staff. Some are feeling swamped even before they start their shifts. They are increasingly worried about the challenge that they face to provide adequate care for an increasing number of patients. Nurses are working longer and are taking fewer breaks to maintain the required level of care. Morale is low and there is little job satisfaction.

The media are very quick to expose any medical or nursing shortfall, but the focus is always on the nursing staff. It is always an individual nurse who is called to account. It is the nurse who gets disciplined or reported to management, not the person who wrote the off-duty list, not the person who took one nurse off the ward to work on an even worse-staffed ward and certainly not the employer. When we have the Royal College of Nursing saying that not enough hospitals are adequately staffed and they have the wrong mix of skills, we have a problem. Management needs to walk in the nurses' shoes. Unfortunately, like other public services, these savings delivery plans are having a negative effect on the delivery of services. As I know only too well, when we talk about health, we are talking about life and death.

I will now give the ward perspective. The proposer talked about the skill mix. When I talked to a senior nurse, she said that, when there is only one senior nurse on a shift, in addition to caring for his or her patients and having responsibility for the management of the ward, the senior has to oversee the work of the junior nurses. She said, "As you can imagine, the responsibility and pressure for the senior nurse is immense". They feel that there is a lack of support from management and the head of service. When wards need to be closed down due to a high number of patients and shortage of staff, they feel that they do not receive the necessary support. These are serious concerns for the nursing staff, who know that patients can be at risk. Managers are interested in meeting targets for emptying beds. For example, in maternity wards, nurses are instructed to provide mothers with discharge information as soon as they return

from the delivery suite. Mothers who are still under the influence of drugs after labour and exhausted after childbirth should not have to endure that. Beds have been reduced, which means that nurses are constantly under pressure to ask patients to go home early. As a result, babies are readmitted with jaundice and poor feeding, and mothers are readmitted with infections.

I will now turn to the sickness policy. If a nurse is sick on three occasions exceeding seven days within one year, that is deemed an unacceptable level of absence. Nurses are held accountable, even when they are unwell. They are conscious that, when unwell, they are a source of infection to patients who are in their care. The sickness policy as implemented puts nurses under severe stress. In a recent survey, 82% of nurses said that they went to work even when they felt unwell. Management are experts at carrying out audits, but the audits are very selective. Where are the audits of the non-existent nursing breaks or of the hours worked above contractual hours? Where are the audits of the non-nursing duties that nurses are expected to carry out? Where are the audits of wards operating with skeleton staff? Where are the audits of the health and well-being of our nursing staff?

I will finish with the words of a quiet, unrepresented nurse:

"We used to have a sense of support on the ward from management. That has been replaced by fear and a sense of being alone."

I, like Mr Spratt, commend the doctors and nurses that my family and I have had occasion to use in the hospitals of Daisy Hill, Craigavon and Belfast. Minister, you must ensure that these concerns are addressed. We have a superb nursing force. Let us begin treating them as professionals.

Mrs Cameron: I support the motion and thank my colleagues Jimmy Spratt and Paula Bradley for bringing the issue to the House this evening. I also thank Jimmy for sharing, yet again, his personal experience with us.

I wish to add my support and thanks to the nurses who work in the health service, and I recognise the dedication, commitment and care that they offer to all those who depend on them when they are at their most vulnerable. There is no doubt that nurses, like others in the health service, are faced with increased pressures due to the demands placed on them by an ageing population and the fact that more people are in

need of inpatient care. To that end, I believe that we owe our nurses not just our words of gratitude but our commitment and dedication in ensuring that the decisions that we make as public representatives and as Health Committee members will benefit them as front line workers and will not make life more difficult for them.

I know that there is a temptation to generalise about hospitals. There is talk of Third World scenes in some cases and of world-class treatment in others. Of course, that is true. We have all witnessed the varying degrees of service for ourselves. However, I would prefer that we stop generalising and instead focus our energy on fixing the bits of our health service that, for one reason or another, are not delivering the levels of service that the public are entitled to.

Nurses are an essential part of that solution, and, perhaps, therein lies the recognition that we need to ensure that good nurses are rewarded and recognised, and we need to listen to what they say. I know that the Minister met the Royal College of Nursing last year and is developing a new workforce plan to include future planning, among other commitments. I trust that whatever views the Minister has heard will be reflected in the RCN report and that ongoing dialogue will continue to help to inform policy.

I also know that, along with the Chief Nursing Officer, the Minister has been monitoring staffing levels to ensure patient safety, and, on the whole, we have seen more nurses in Northern Ireland recruited than ever before. In the past nine years, we have seen the nursing workforce grow by 8.6%, with the number of full-time nurses remaining static at 55% or 56% of the total nursing workforce. Just over half — 8,500 — of the total nursing workforce is based in acute services. So, although numbers of nursing staff appear to be consistent, it would appear that pressure has continued to grow.

A report by the RCN in July 2013 found that the pressures were most apparent at weekends and evenings in acute hospitals, especially when accommodating patients in accident and emergency departments and transferring patients. That perhaps raises questions about how staffing levels are managed to meet the most critical periods of demand. If mandatory staffing levels are a proposed answer, it is essential that levels of staff are targeted to the areas of most need and that managers need to be as flexible and creative as possible.

From my experience, I know nurses who are expected to work a complete night shift with just one other colleague on duty on their ward, with no opportunity for a rest or break. That cannot be good for staff or patients, and it is simply not good enough management in this day and age.

I believe that in progressing the Transforming Your Care policy as a top priority, the Minister is attempting to take difficult decisions and not just accept the status quo, which, clearly, is not working to the satisfaction of everyone. I hope that this will go some way to transforming our health system and bring us into the 21st century, providing better and more efficient care in the community. I hope that, in turn, that will go some way to ease the pressures on our nurses in acute hospitals as well as pressure overall, which is experienced by patients and their families.

We need to give nurses the opportunity to do what they do best, namely take care of us and our families. For that, we are all in their debt.

I support the motion and join my colleagues in asking the Minister to ensure that appropriate staffing levels are secured and recognition is given to those who deliver front line care.

9.00 pm

Mr G Robinson: I know that the hour is late, so I will be very brief. I give my full support to this worthwhile and timely debate, and congratulate my DUP colleagues Jimmy Spratt and Paula Bradley for bringing it to the Chamber. I am sure that most of us, at some time or other, have had to enter hospital or had nursing care in the community, where our nurses give such excellent care, which we should never take for granted. I sometimes cringe with anger when I hear from time to time that our nurses have been assaulted, particularly in A&E departments. Such treatment is totally disgraceful.

Nowadays, the role of a nurse is challenging and demanding, and nursing administrators throughout our hospitals in Northern Ireland need to make sure that hospitals are fully staffed so that all nurses can do their jobs efficiently and effectively, minimising the risk of undue work overload and stress to a very professional nursing staff.

I commend all our healthcare staff. I also commend the Health Minister for his listening ear and for all the everyday health challenges that he encounters.

Mr Poots (The Minister of Health, Social Services and Public Safety): I welcome the opportunity to respond to this important debate. I pay tribute to our nursing staff for their excellent work across the Province. Having listened to some Members' comments, I think that some circumstances may be difficult, but it would be wrong to paint that as the whole picture of general nursing. It is important that we seek to improve the areas in which people are under undue stress and pressure, but it is also important that we recognise that many nurses are working in good conditions with which they are very happy. I believe that that is indisputable.

A number of issues were raised, which I will deal with at the outset before I get into the main body of my speech. The Chair of the Health Committee raised the issue of nurse-led discharge. That policy is in place in each trust. Nurses facilitate discharge when there is a clear plan from the medical team, which is mainly at weekends. That enhances patient care and ensures timely discharges.

We also recognise that nursing is a stressful career. Dealing with patients who are ill and vulnerable, and often having to give them bad news, is emotionally intensive. All trusts have mechanisms in place through occupational health and care. The RCN also provides support for nurses and is trained to deal with such situations.

I will deal with nursing numbers in the main body of my speech, but ratios were mentioned by Members. As of 31 March 2013, we had a 78:22 ratio of registered and unregistered nurses, and the vacancy rate was 2.6%. Twenty-two per cent of nurses were employed in pay bands 1 to 4, 65% were employed in pay bands 5 to 6, and 13% were employed in pay bands 7 to 9.

I will deal with bank nursing briefly. There is a sense that vacancies are filled promptly, ensuring that staffing levels to support safe and effective person-centred care are maintained. Banking agency usage will always be monitored to ensure reduction as wards improve staffing to meet the appropriate normative staffing range. That will continue to be monitored. Mr Wells quite rightly pointed out that bank nurses are very often nurses who are working in the hospital and are prepared to take on an extra shift or two. That is something that they have the option to do or, indeed, refuse to do if it is not what they wish. They are very well skilled in the jobs that they do and can step into the breach if a nurse is off sick, for example, or

another problem arises where a ward is particularly busy.

There is one thing that I wish to clarify with Mr Wells. When he was describing being in hospital, he indicated that he and the triage nurse were the only sober ones. I know that my Policing Board colleagues would be concerned to know whether the officers sitting with the patients at the time were also sober.

Mr Wells: They were, yes.

Mr Poots: I am glad to be able to confirm that with Mr Wells and that a rumour will not start from tonight's events.

I turn to the motion itself. I indicated that nurses play such an important role and are, I believe, the backbone of the service. They are there 24/7. They are there for many joyous and beautiful occasions, such as when people give birth or make good recoveries. However, they are also there when people are at their most vulnerable and, very often, in very difficult circumstances. That commitment needs nurses with real compassion who are committed to delivering safe, effective and person-centred care. That brings a huge responsibility on the profession to continue to transform by taking on new roles, continuously learning new skills and working across new settings.

In March 2013, over 14,000 whole-time equivalent qualified nurses were employed in the HSC. That represents an increase of more than 300 nurses in the previous year and over 1,600 whole-time equivalent nurses in the five years to March 2013. We all know only too well how important it is that we have the right staff to provide care, as we have heard in local news and from across the UK; the example has been quoted of Sir Robert Francis QC's independent inquiry into the failings of the Mid Staffordshire NHS Foundation Trust. That highlights the need to have appropriate staffing levels to support effective, person-centred care.

The issue is not just about England. Here in Northern Ireland, the public inquiry into the outbreak of clostridium difficile raised a number of issues in relation to infection prevention and staffing levels. There is an abundance of evidence on the need for appropriate nurse staffing levels and skills mix to appropriately meet patients' needs relating to the severity of the illness of the patient.

As I lead the transformation of change, it is no mistake that my policies, such as Transforming Your Care, are underpinned by the overriding concern for safety and quality. My Quality 2020

policy focuses on safety and effectiveness and is patient/client focused. It specifically details the need to strengthen the workforce through continuous development of their knowledge and skills, demonstrated through improved outcomes for patients and clients. The Patient and Client Council report, 'The People's Priorities', identifies and reinforces the public view of the need to protect front line staff, particularly nurses, as a top priority.

Significant research has been undertaken into the issue of nurse staff levels and skills mix, so there is a wide literature base to inform us on the number of registered nurses and the quality of patient outcomes. For example, fewer registered nurses with increased workloads can be linked to negative patient outcomes, including increased length of stay and associated cost; falls in hospital; and medication errors on medical-surgical units. A better staffing ratio of patients to nurses is associated with improved patient outcomes, including mortality and patient satisfaction.

As the profile of care changes, staffing levels must not be based on traditional and/or cost constraints rather than patient need and outcomes. We need to be steps ahead of this. For example, in 2013, a local audit in a HSC trust demonstrated that 73% of people in an acute medical ward require intravenous medications (IVs). That means that, in one ward alone, in a 24-hour period, 29 hours of registered nurses' time is now spent in the management and administration of IV drugs. That is a positive indication of nurses taking on roles that previously lay with doctors. It is also a good example of how staffing and workforce planning need to anticipate and meet the changing needs of care provision.

At the Chief Nursing Officer conference in November 2012, I announced a programme of work to develop a framework that would include a suite of tools to support commissioners and trusts to assure the public about nurse staffing across all settings. The rationale for that work lies in the need for consistent, robust workforce planning and decision-making to support the reform and modernisation agenda. The framework, which continues to be developed, is essential to the transformation of services. It will also consider what we need to have in place as more care moves to the community, recognising that those who are in hospital often require more complex care than ever before to be delivered by nursing staff.

It gives me great pleasure to again refer to the framework entitled 'Delivering Care: A Framework for Nursing and Midwifery

Workforce Planning to Support Person Centred Care', and update you on progress on that important piece of work. I have just approved the tool that will be used from April 2014 on adult medical and surgical units. As part of that, I have taken the decision to make the ward sister/charge nurse role one that recognises their supervisory duties and provides time to fulfil their ward leadership responsibilities, which are to supervise clinical care; oversee and maintain nursing care standards; teach clinical practice and procedures; oversee the ward environment; and assume high visibility as nurse leader for the ward, patients and relatives.

As the framework continues to be developed across a range of settings, we will monitor its effect on patient experience and outcomes to ensure that quality continues to improve and that care places patients at the centre of delivery. I have also taken the decision not to prescribe staff numbers on every ward at every point in time. The framework will be based on normative ranges that consider the unique and different settings across the system and where professional experience and input is heard to best meet the needs of patients. The role of executive directors of nursing is vital in the framework. It will support them in their responsibility to provide assurance about the quality of nursing care to patients.

Further work is now being progressed in a phased approach to address all areas of clinical practice; for example, district nursing, health visiting and in mental health and learning disability care settings. HSC trusts will take account of the recommended staffing ranges that are contained in the framework in developing proposals to meet the objectives of Transforming Your Care in supporting new proposals for additional resources and when developing efficiency and productivity plans.

Commissioners will be able to use the framework to agree and set consistent ranges for nursing workforce requirements for providers of health and social care in Northern Ireland. I believe that the framework publicly demonstrates my commitment to ensuring that sufficient numbers of nurses with the right skills are in the right place, not only in key areas such as critical care wards, but all areas where nursing care is delivered to patients.

I can assure the Chamber that critical care nurse staffing is based on the British Association of Critical Care Nurses guidelines, which recommend a number of key standards relating to staffing levels for patients in those settings and on infection control, team working,

education and use of healthcare assistants. In November 2013, the Faculty of Intensive Care Medicine and the Intensive Care Society published new core standards for intensive care units. For example, we now require a higher nurse:patient ratio to support patients with multiple organ failure and for some patients cared for in single rooms. Trusts are now working towards implementation of the new standards and are considering the challenges; for example, during times of absence and maternity leave.

Finally, I turn to concerns about the pressures faced by hospitals. Recently, there has been a particular focus on emergency departments (ED). Nurse staffing in EDs is informed by the Royal College of Nursing faculty of emergency nursing, which, over the past few years, has developed tools to enhance the understanding of the dependency and care demands of patients, such as the Jones dependency tool and the Manchester triage tool. Recently, the faculty has revised its work, and a new tool is being piloted in a number of our trusts.

Emergency care departments are experiencing challenges in maintaining appropriate staffing levels, particularly during the winter months. That is a challenge across the UK. It can be due to seasonal increases, for which non-recurring funding is provided to enable trusts to employ additional staff during winter months. Although this gives the trusts an element of flexibility it is, nevertheless, a challenge, which is the reason why Transforming Your Care is so important; it recognises that difficulties in one area can be symptoms from other area.

9.15 pm

In other words, we need to have the whole system of care right to meet patients' needs, not just one area. For example, we need to ensure that patients attend ED appropriately; that out-of-hours general practice is responsive; and that those who need to be admitted can be cared for in the right setting and discharged quickly when they are ready into a setting that best meets their needs in the community, be that at home or in supported living for a period of rehabilitation.

It is crucial that we have the right nurses and other professions and services with the right skills across the system to meet the needs. Individual work to transform Health and Social Care cannot sit alone in one area: it would not be effective. We also need to have the right number of nurses across the workforce who can work across the diverse range of settings. In support of that, my Department is reviewing

the nursing and midwifery workforce and will provide a workforce plan to ensure that the workforce is fit for purpose over the next five years. That workforce review will provide a detailed profile of the workforce, identify current issues impacting on the profession and make projections on the supply and demand for nurses and midwives for the next five years. I have asked my Chief Nursing Officer to lead that work to ensure that the nursing profession is fully engaged in this vital work. As part of that, she will also examine the use of bank and agency staff to ensure that they are used appropriately in the planning process to ensure that vacancies are filled quickly with the right staff.

Health and Social Care is going through unprecedented change and will continue to do so over the next few years. We will see increasing use of technology and care in the community as the needs of patients change as we move forward. Although there can be times of uncertainty, one thing remains unchanged: we need a nursing workforce in which the public has confidence and one that not only delivers complex care but, most importantly, is a profession that places the patient at the centre.

Small gestures can be powerful, and we need nurses who can realise that in a high-volume setting. The high-pressure atmosphere can stifle compassion and humanity, and that is when patients are at their most vulnerable. The briefest pause can bring out the best in a nurse and do much for a terrified patient.

Ms P Bradley: I thank my colleague Mr Spratt for proposing the motion and join others around the Chamber in commending all of our nurses in all of our hospitals.

For many of us, when we discuss issues around nursing, our immediate thoughts are of hospital care, but their role in providing community care is also invaluable. It allows people who would otherwise be removed from their home surroundings to receive the highest care, which we know maximises the potential for positive outcomes and lowers the cost to the NHS. Nurses in the community also provide a high level of palliative care to those patients who are at end-of-life stage.

Like my colleague Mr Spratt, I have personal reasons for bringing the motion forward today. In the past three months, a member of my household has had reason to receive acute care. I cannot commend highly enough the staff in the Royal Victoria Hospital — I am not embarrassed to say this — for their life-saving work, which is what they truly did. They save

lives, and they saved the life of a member of my household. I commend ward 5E orthopaedics, ward 7A infectious diseases and the acute care at hospital team from Whiteabbey Hospital for what they did. In both of those wards and at home, I witnessed the very highest level of care from true professionals.

At the beginning of my speech, I spoke about nursing in the community. Without that specialised acute care, many patients would continue for weeks or even months to be inpatients in the acute wards in our hospitals. I know that acute care at home has many facets, and often depends on forward-thinking hospital consultants using innovative methods and complex drug regimes to facilitate early discharge. That early discharge allows those nurses in key hospital wards to focus on the patients who really need to be hospitalised, so that they receive the best treatment. I know from experience that that is true.

When we talk about nurses, we focus on the impact that they have on patient outcomes. Indeed, research provides us with a positive correlation between nurse staffing levels and patient outcomes. For many patients, a nurse can be a caregiver, a confidante and a link between all the other disciplines in the ward. More importantly, a nurse is a professional doing some of the most intricate and specialised tasks on a ward. It is important for patients, therefore, that the Minister and the Department ensure that appropriate levels of staff are maintained.

I would like to look, as others did, at the impact of nursing on individual nurses. As an Assembly, we often talk about a duty of care to the users of our health service, but we also have a duty of care to look after our staff and ensure that they are valued, supported and are not unnecessarily stressed. For example, nurses working on night shift are at risk of increased fatigue, sleep disturbance and reduced well-being compared with their day-shift counterparts. That has serious consequences for individual nurses and their families, and for patient outcomes. We must, therefore, find ways to minimise those effects.

I believe that having enough nurses is central to addressing these issues. Alongside that, I support measures such as increased training for nurses. I am pleased to note that, in July 2013, the Minister announced an additional £300,000 for post-registration training.

I will not go into detail about everything that everyone said, but I will pick out a few key words. These are some of the key words said

here this evening: faults; dissatisfaction; sickness levels; stress; unsafe working; pressurised environment; increased workload; anxiety; low mood; Third World scenes; and emotionally intensive. I think that it was Mr McKinney who said that we cannot ignore those problems, and I agree. We absolutely cannot ignore them. However, I also heard the following words: commend; pay tribute; specialised; selfless; professional; skilled; superb working from nursing force; world class; and we owe them a debt.

Mr Spratt and I got together about this because we know that there are concerns. We all have concerns, and those have been expressed here. We felt that we needed to bring this motion to the House to assure Members that we are not ignoring the concerns.

We, as a society, owe all our NHS staff a high level of gratitude. As most know, I worked for the Northern Trust in a former life, and I have great admiration for those who continue to do so daily. For me, appropriate nursing levels are important for three key reasons. First, to ensure that patients are given the very best quality of care possible when they are at their most vulnerable. Secondly, for nurses and their families, it is important to prevent burnout and high levels of stress and to promote their own positive mental health. Finally, to reduce the cost on the NHS. If we have enough specialised acute community nurse teams, we can discharge patients as soon as it is safe to do so.

As Mr Spratt said in proposing the motion, by having appropriate staffing levels in key wards and, I add, care in the community, we provide not only a better service for the patient but a better working environment, which, in turn, reduces sickness, and that not only benefits our economy but all our communities.

Question put and agreed to.

Resolved:

That this Assembly recognises the important role that nurses play across the health service; notes with concern the pressures faced by hospitals and the importance of the health and social care trusts in providing sufficient numbers of nurses on key wards such as critical care; and calls on the Minister of Health, Social Services and Public Safety to ensure that appropriate staffing levels are in place.

Adjourned at 9.23 pm.

WRITTEN MINISTERIAL STATEMENT

The content of this ministerial statement is as received at the time from the Minister. It has not been subject to the Official Report (Hansard) process.

Health, Social Services and Public Safety

NORTHERN HEALTH AND SOCIAL CARE TRUST PROCUREMENT ISSUES

Published at 2.00 pm on Friday 24 January 2014.

Mr Poots (The Minister of Health, Social Services and Public Safety): This Statement draws to the Assembly's attention a report of audit investigations arising from information reported by whistle-blowers about potential malpractice in the procurement and management of building maintenance in the Northern Health and Social Care Trust.

I first brought this issue to the attention of the Assembly on 2nd July 2013, when investigations were ongoing into allegations received by the Trust in February 2012 and by my Department in August 2012. The ongoing investigation was also raised in the annual accounts of the NHSCT for 2012/13.

Investigations have been carried out by BSO Internal Audit, BSO Counter Fraud Unit and the Procurement Policy and Compliance Unit in my Department, under the oversight of officials in my Department. They have recently concluded and the completed report is now available on the DHSSPS website.

I am very concerned that the report highlights a serious lack of control within the Estates Management function in the Northern Health and Social Care Trust, and indeed relevant legacy organisations. Examples of weaknesses in the implementation of procurement controls and guidance include:

- Single Tender Actions awarded without formal approval;
- A contractor working without a contract for several years;
- Contractors used outside of their contracted areas;
- Documentation missing from files to verify expenditure;

- Lack of checks on work carried out and invoices presented for payment;

- Contracts being completed in excess of tender quotation due to additional work undertaken.

The BSO Counter Fraud and Probity Unit has analysed findings from the report and has concluded there is no clear evidence of fraudulent activity. However, whilst the investigations found no incidence where services were paid for which were not provided, it was not possible to verify if this expenditure represented value for money in all cases.

The total value of work that has not been subject to appropriate control or procurement is estimated as £5.7m over the past 14 years. This is a matter of serious concern.

There are a total of 72 recommendations in the report. I am assured that the NHSCT management have accepted all of the recommendations and are taking steps to implement them to ensure that these failures will not be experienced again. The Trust has made significant progress in implementing the recommendations to date. My Department is ensuring that all recommendations are implemented so that the public can have full confidence in NHSCT Estates procurement practices

In addition, both BSO Internal Audit and Procurement Policy and Compliance Unit within my Department are undertaking a series of procurement audits and compliance checks across all Trusts to ensure that similar practices are not occurring elsewhere.

The mismanagement of procurement and contract management at NHSCT was brought to the attention of NHSCT and my Department through the Whistleblowing process and, once again I want to say that it is appropriate and important that where anyone has information about the potential abuse of public money they inform their organisation or my Department so that the specific issues can be resolved, appropriate lessons learned, and public confidence restored.

Where wrongdoing has occurred it must be addressed, with a proportionate and appropriate response. NHSCT management are assessing the reasons behind the failures identified in the report and an independent

review will consider whether any further action is appropriate.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone 0870 240 3701

TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
© Copyright Northern Ireland Assembly Commission 2014

