

# Official Report (Hansard)

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Suggested amendments or corrections will be considered by the Editor.

They should be sent to:  
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Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Monday 16 September 2013

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

*Members observed two minutes' silence.*

## Assembly Business

### New Assembly Member: Mr Fearghal McKinney

**Mr Speaker:** There are a couple of announcements that I wish to make to the House this morning. I have been informed by the Chief Electoral Officer that Mr Fearghal McKinney has been returned as a Member for the South Belfast constituency to fill the vacancy resulting from the resignation of Mr McDevitt. This morning, Mr McKinney signed the Roll of Membership in my presence and that of the Director of Clerking and Reporting, Dr Gareth McGrath, and entered his designation. Mr McKinney has now taken his seat. I offer him my congratulations and wish him well.

### Committee for the Environment

**Mr Speaker:** I wish to inform the House that I have received the resignation of Mr Simon Hamilton — *[Laughter.]* — as Deputy Chairperson of the Committee for the Environment. The nominating officer of the Democratic Unionist Party, the Rt Hon Peter Robinson, has nominated Ms Pam Brown to fill the vacancy with effect from 10 September 2013. Ms Brown has accepted the nomination. I am satisfied that the requirements of Standing Orders have been met and I confirm that Ms Pam Brown took up the office of Deputy Chairperson of the Committee for the Environment with effect from 10 September 2013.

### Public Petition: Hazelwood Integrated College

**Mr Speaker:** Mr Alban Maginness has sought leave to present a public petition in accordance with Standing Order 22. However, matters relating to Hazelwood Integrated College are currently before the courts. Standing Order 73 does not allow matters in respect of which legal proceedings are active to be referred to in any

proceedings of the Assembly. I know that Mr Maginness is a learned barrister and that he will understand what I am saying. I do not consider that there is any extent to which I can allow the normal opportunity to speak about the petition under the discretion allowed to me under Standing Order 73(1). I therefore call Mr Alban Maginness to bring the petition forward to the Table.

**Mr A Maginness:** Thank you very much, Mr Speaker.

*Mr A Maginness moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Education and, of course, I will also send a copy to the Chair of the Committee.

### Committee Membership

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

*Resolved:*

*That Miss Michelle McIlveen replace Mr Trevor Clarke as a member of the Committee for Agriculture and Rural Development; that Mr Stephen Moutray and Mr Robin Newton replace Mrs Brenda Hale and Miss Michelle McIlveen as members of the Committee for Education; that Mr Sydney Anderson and Mr Sammy Douglas replace Mr Stephen Moutray and Mr Robin Newton as members of the Committee for Enterprise, Trade and Investment; that Mr Ian McCrea replace Mr Sydney Anderson as a member of the Committee for the Environment; that Mr Ian McCrea replace Mr David McIlveen as a member of the Committee for Finance and Personnel; that Mr David McIlveen replace Ms Paula Bradley as a member of the Committee for Health, Social Services and Public Safety; that Mr Sydney Anderson replace Mr Alex Easton as a member of the Committee for Justice; that Mrs Brenda Hale replace Mr Ian McCrea as a member of the Committee for*

*Regional Development; that Mr Trevor Clarke and Mr Sammy Wilson replace Ms Pam Brown and Mr Sammy Douglas as members of the Committee for Social Development; that Ms Paula Bradley replace Mr Mervyn Storey as a member of the Committee on Procedures; that Mr Alex Easton replace Mr David McIlveen as a member of the Public Accounts Committee; that Mr Mervyn Storey replace Mr Sydney Anderson as a member of the Committee for Standards and Privileges. — [Mr Weir.]*

## Ministerial Statement

### North/South Ministerial Council: Agriculture

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. With your permission, I wish to make a statement in compliance with section 52 of the 1998 Act regarding the twentieth meeting of the North/South Ministerial Council (NSMC) in the agriculture sector, which was held in Armagh on Wednesday 10 July. The Executive were represented by me and junior Minister Jonathan Bell. The Dublin Government were represented by Simon Coveney TD, Minister for Agriculture, Food and the Marine; and Fergus O'Dowd TD, Minister of State at the Department of the Environment, Community and Local Government. Minister Coveney chaired the meeting. This statement has been agreed with junior Minister Bell, and I am making the statement on behalf of us both.

Ministers discussed recent developments in international trade, including trade with China. We discussed the most recent developments with regard to negotiations on CAP reform, including political agreement between the European Council and the European Parliament on the multi-annual financial framework and political agreement between the EU Council of Ministers and the European Parliament on CAP reform. We also noted the continued close contact between officials on CAP issues.

Ministers welcomed an update on the delivery of the all-island animal health and welfare strategy action plan, and agreed that officials investigate the possibility of an all-island approach to the issue of wild animals in travelling circuses, with the findings to be reported at a future NSMC agriculture meeting. We noted the progress report provided by the plant health and pesticides steering group on the implementation of the work programme. The Council also welcomed the significant and continued ongoing cross-border cooperation in dealing with the ash dieback outbreak, and noted the all-Ireland Chalara control strategy and the updated pest risk analysis for Chalara across England, Scotland, Wales, here and also in the Twenty-Six Counties. The Council also discussed horse registration and noted that officials will meet to explore the possibility of having an all-island horse passport centralised database and to enhance the security of the equine identification system.

With regard to cross-border rural development, Ministers welcomed the progress of the

INTERREG IVa funding for strategic projects, and noted the completion of the PEACE III-funded rural enablers project, which met all its targets in addressing issues of division in rural communities. Ministers also acknowledged the progress made by Departments and their respective rural networks in organising a conference in October 2013 to specifically encourage and promote the benefits of active local action groups' member participation. Ministers noted the intention to create a distinct theme to support all-island cooperation in each jurisdiction's new rural development programmes. Ministers considered a paper on environmental protection and agreed the terms of reference for an all-island study to examine the issue of airborne pollution from residential smoky coal combustion and the economic and social implications of potential policy options.

The meeting concluded with Ministers noting that the date of the next meeting will be in November 2013.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her statement. Given the discussions with the Irish Minister Coveney around CAP and given the revelations at the weekend regarding advance payments, will the Minister now admit that Sinn Féin, since May 2007, when it took that post, has failed the people of Northern Ireland, has failed the agriculture and agrifood industries, and has been found sleeping at the wheel and found wanting? Will she tell us how she will recover this position so that Northern Ireland farmers will be able to receive advance payments, as the rest of Europe does?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I assure the Member that no one is sleeping behind the wheel on this side of the House. We all recognise that we want to be in a position at which we can offer part payments, and we are actively working towards that. The Member is aware that we have had a problem with our maps. The European Commission was not satisfied with the maps that we were using, so we embarked on a massive process to get those corrected. We have made a lot of progress, which has been ongoing for quite some time. My focus this year will be to make as many single farm payments as early as possible, when the payment window opens on 1 December. I intend to publish the timetable that I will be working towards in November. I most certainly know that faster payments will be welcomed by the farming community, which, for various reasons, is often under a lot of pressure, particularly given the weather and all

the other negative experiences that it has had over the past number of years.

Since I came into the Department, the focus has very much been on how we get to a position at which we are able to have part payments in place. As I said, I am actively working towards that. That involves making sure that our maps are up to standard and that we are making better use of online technologies. Key to the success of being able to roll out part payments is making sure that we take forward more remote sensing inspections because you cannot make a payment until you have started all the inspections. We have made significant improvements on that. We have more than doubled the numbers that will be taken forward by remote sensing. A lot of positive work has been done. As soon as I can get to a position of being able to make part payments, I will be happy to stand on the Floor and announce that. I hope that that will be the case with our new system from 2015.

**Mr McAleer:** Go raibh maith agat, a Cheann Comhairle. The Minister will be aware that there is an ongoing issue with unwanted horses. Has she had any correspondence or conversation with her counterpart, Minister Coveney, on how to deal with that issue?

**Mrs O'Neill:** It is a growing area of concern, particularly on the back of the recent horse meat scandal. Minister Coveney and I intend to introduce a collection-and-disposal scheme for unwanted horses because, in a difficult economic climate, people sometimes cannot afford to feed their horses. As we move into the winter, there will be a growing issue around horse welfare. We are very keen to move forward on an all-island basis. In fact, we had a discussion on Friday, and we want to be able to introduce a scheme to deal with unwanted horses, given the economic climate that we are in. We need to get involved purely from a welfare point of view. We hope to be in a position to make an announcement over the next number of weeks.

**Mr Byrne:** I thank the Minister for her statement. Will she state whether she is happy with the way in which the Department of Agriculture and Rural Development (DARD) is performing on the administration of the CAP negotiations here? The disappointment of farmers is unbelievable. What reassurance can she give to the farming community here that it will not be deprived of a cash flow cheque in October?

**Mrs O'Neill:** I did not quite pick up the very end of the question, but I am very pleased with the way in which officials have worked with me on the negotiations in Brussels. In the past two years, we have put in a lot of hard work to make sure that we have made our voice heard and that Brussels was listening to us at every opportunity. We did that individually when we secured meetings with Council officials in Brussels and also through the Department of Environment, Food and Rural Affairs (DEFRA) and when working with MEPs on a team Ireland approach. We now have broad agreement, and, as I said, that is the easy part, in a sense. We will now have the difficult decisions.

Over the autumn and winter, I will consult on how we shape our new programme, which is when the difficult decisions will have to be taken. Obviously, there will be competing interests and views on how we should best spend the money in pillar 2 on the way forward. I am open to listening to people's views. A number of roadshows are ongoing, and people have been invited to make written submissions. So there is a lot of hard work in the time ahead in making sure that we have a new programme that is fit for purpose, suits the needs of our industry and looks towards the work that we have done on Going for Growth, looking at the agrifood industry as a whole and how we can help it to grow. Now we have a real opportunity, with the CAP reform and the new rural development programme, to target moneys towards areas where we feel that support is needed and growth can be achieved.

**12.15 pm**

**Mr Elliott:** I thank the Minister for what was a fairly brief statement. I refer to the all-island study on pollution from residential smoky coal. I look forward to seeing the terms of reference for that. Can the Minister give me a definition and explanation of what smoky coal is because I cannot find that information in any government policy document?

**Mrs O'Neill:** I am glad that the Member wants a lot more North/South cooperation. It is very positive that he wants me to come to the House more often to talk about the North/South Ministerial Council and the work that is ongoing. I am very happy to do that.

That was a Department of the Environment (DOE) paper that went forward. For timing reasons, it needed to come before our North/South Ministerial Council meeting for clearance. I am happy to pass on to the Minister of the Environment the fact that the

Member has some enquiries, and, hopefully, he will pick those up.

**Mr McCarthy:** The Minister said that she and her counterpart:

*"noted the intention to create a distinct theme to support all-island cooperation in each jurisdiction".*

Will the Minister elaborate on what the distinct theme might look like? How soon will the "intention" turn into positive action?

**Mrs O'Neill:** We are looking at cross-border cooperation, and there have been some very successful projects in the current programme, but I think that we need to build on them. There is a lot more potential and a lot more scope there. Our discussion was about how, while we are both engaged in shaping our new rural development programme, we can look towards our respective programmes and put in place cooperation working. The new rural development programme is out to consultation, and all-island cooperation is being discussed as part of that. The distinct area is that we separate out a pot of money across the island that can be used for really good cooperation projects. As I said, there have been quite a number of those in the current programme, and we want to build on those in the time ahead.

**Mr Irwin:** On all-island animal health and welfare, given that our neighbours in the Irish Republic have a reduced incidence of TB, has the Minister discussed that with her counterpart in the Irish Republic? What lessons can she and her Department learn from the Irish Republic?

**Mrs O'Neill:** Yes, we have an ongoing discussion on that. The purpose of working in cooperation across the island on animal health is that we have a similar disease status right across the island. That will improve the trade and movement of animals, so it is to everybody's advantage that we come to that position. TB, as the Member is aware, is a very complex disease, and there is no simple solution or quick fix. The Twenty-six Counties are in a better position with incidence. I am pleased that, over the past couple of months, our levels have come down. That is positive, although we cannot be complacent. We need to do a lot more and continue to drive forward with the eradication plan that we have in place.

The Member will also be aware of the test, vaccinate or remove (TVR) approach, which I announced to the House previously. We are

looking at the study and gathering evidence. All that work is ongoing. It is encouraging, although I totally accept that it is a very complex disease and there is no simple solution. However, the Member can rest assured that, if there are lessons to be learned from anywhere on how to do something, and, if we can improve the incidence and bring our disease levels down, I will not be shy of looking towards them.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle, Ba mhaith liom mo bhúiochas a thabhairt don Aire go dtí seo. Minister, you referred to discussions on banning wild animals in travelling circuses. Will you elaborate on that?

**Mrs O'Neill:** Absolutely. I raised the issue of a possible ban with Minister Coveney. We agreed that our officials would investigate the possibility of an all-island approach to the issue and come back to us at a future NSMC meeting. That work is being undertaken by officials in both Departments. They had a meeting quite recently, at the start of September, to discuss that. I know that it was discussed at length and that a number of key issues were identified for investigation. So, I look forward to that report coming back. We do not actually have any circuses registered in the North, but a number are registered in the Twenty-six Counties. Therefore, any approach that we take to bringing in a possible ban has to be taken forward on an all-island basis. That is because it is obviously logical, and it makes sense that we would do so on that basis.

**Mr Buchanan:** I am going to be somewhat critical of the statement. What we have is a statement with 12 points that tell us absolutely nothing. It says we "noted" this, "welcomed" that and "agreed" something else, but it tells the House absolutely nothing at all.

Turning to that statement, the Minister will know that, in recent times, the horse meat scandal highlighted just how inadequate the current regime is. Will she, therefore, expand on that problem, giving an indication of the scope of the work that is likely and the timescale and cost that are associated with bringing forward a centralised database for horses?

**Mrs O'Neill:** I am very happy to update the Member on what has happened on the back of the horse meat scandal and on our work towards improving horse passports. Again, I welcome that you want to see more North/South cooperation. That is music to my ears. I am very happy to talk to the House any

time that the Member wishes to discuss more North/South cooperation.

We discussed horse passports in some detail. I think that it is important for me to point out from the start that we are disappointed, to say the least, that there have been no prosecutions on the back of the horse meat scandal. So, I think that it is incumbent upon us as Ministers to make sure that we can stand over the systems that we have in place. One area that we need to look at seriously is improving the horse passport scheme. Given that they are mandatory, horse passports should be in place. It is a legal requirement for all horses and ponies across the EU to have a horse passport in place. That passport will record the horse's identity and veterinary history and is intended to ensure that, if horses have been injected with certain medicines that could be harmful to human health, they do not enter the food chain. A horse must be accompanied by its passport when it is moved out of the North or to a new keeper's premises.

So, those are all areas that we are looking at. The Department enforces the regulations at point of slaughter and at import and export at ports across the North. For me, it is about making sure that all those systems and practices are adequate and in place and that we really enforce the passport issue. We are working with colleagues in DEFRA on how we can work together and with colleagues in the Department of Agriculture, Food and the Marine (DAFM) in the South to see how we can work closely in line with the work that the Equine Council is doing on how to improve the passport system. You will be very aware that there are maybe up to seven passport issuers in the North, which is a concern. We want to be able to get a system where one legitimate passport is issued that is traceable and can be easily verified. That is all part of the work that we are taking forward.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. Gabhaim búiochas leis an Aire as ucht a ráitis. I thank the Minister for her statement.

Further to advance payments, which the Chair of the Committee raised, I know that very many farmers look enviously across the border at that. Will the Minister elaborate on what further improvements are required in the current system before advance payments can be made and provide us with an outline of the planned timetable for this matter?

**Mrs O'Neill:** As I said in an earlier answer, we are working towards improving our map system

and the online technology, and we are encouraging more people to come forward with online applications so that they can be easily verified and checked. As I said, to me the key is making sure that we get to a stage where we can carry out as many inspections as possible by remote sensing. This year, we have more than doubled the numbers taken forward that way compared with last year. That is my focus. We need a system where we get those things up to speed, which will then allow us to be in a position to bring forward part payments.

It is my intention to bring forward part payments as soon as possible. Certainly, over the past two years, the focus has been on making sure that we improve the maps and that they are up to standard. We will then be in a position in the near future to be able to bring forward part payments. In the meantime, I will announce a payment timetable in November. That will outline very clearly for farmers when they are going to receive their payment and what our targets are. As I said, it is my intention to ensure that we pay as many people as possible as early as possible.

**Mr Rogers:** Thanks to the Minister for her statement. The statement deals with CAP reform and the EU budget. Considering how much our fishing industry contributes to our economy, were there any discussions on a common fishing policy?

**Mrs O'Neill:** The discussions that we had at the NSMC meeting were on the back of the financial agreement that we had, which was the broad framework. Then we discussed some areas where we may work together. The common fisheries policy was not on that agenda, but we have made progress there as well, particularly in respect of the fact that one of the key asks that we had was around regional flexibility, and we have now secured that. To me, that is a win in moving forward, and we will continue to consult with the fishing industry around what we need to suit the needs of the local fishing industry.

**Mrs Overend:** I thank the Minister for her statement. I suggest to the Minister that the current horse passport system is not fit for purpose, as was demonstrated during the consultation for my private Member's Bill and as became blatantly apparent during the recent horse meat scandal. Setting aside the Minister's notion for an all-Ireland database, which the DUP also seems to be supporting this morning, can she detail whether she believes that she would be better off dedicating her time and efforts to seeking a root-and-branch review

at the European Commission instead of spending her time on a database that is only looking inwards?

**Mrs O'Neill:** There are lessons to be learned across the EU in respect of how everything panned out with the horse meat scandal. It is an issue that we raise when we go to Brussels, and I raise it individually and through DEFRA. There is an ongoing review by Professor Chris Elliott from Queen's University, which is looking at the systems that are in place and where lessons can be learned. We are engaged with that, and I look forward to seeing the outcome of that review towards the end of this year.

I am aware of the Member's private Member's Bill, which she was going to bring forward, particularly around designating the horse as an agricultural animal, and you will be aware of stakeholder views on that. There are very mixed views on that. This is not about looking inwards; it is about a common-sense approach, and it makes a lot of sense to cooperate across this island when it comes to passports. However, as I said earlier, I am working with DEFRA in England and DAFM in the South to see how we can all work together to coordinate it, because the movement of horses right across Europe is an issue. One central passport database would make sense and would lead to improvements so that we will not find ourselves in the same situation that we were in with the recent horse meat scandal.

**Mr Dallat:** The Minister has heard widespread criticism this morning about the lack of content in this statement. Can the Minister give this House an assurance that, following the next meeting in November, she will come back with a statement that has content and recommendations that are meaningful to farmers on both sides of the border rather than a statement about retrospective wisdom, which really has no content?

**Mrs O'Neill:** I do not agree with the Member's assumption that that is all that is in the statement. I am standing here before you, and I am happy to take questions on any area that I have outlined in the statement. We had some very useful discussions around animals in circuses and CAP reform. These are very real issues for the farming community, especially the CAP reform. These are the things that concern the farming community, so these are the things that we shall be discussing. Horses across the island is another key issue that we need to have addressed. So, I do not agree that there is nothing in the statement. I think that there are some very positive areas of work,

particularly around animal and plant health. Instead of just standing up on your feet and making a complaint, it would have been better if you had asked a question, and I could have given you more detail.

**Mr Allister:** The Minister likes to boast from time to time about how focused she and her Department are on EU negotiations and advancements and all of that. To return to Mr Frew's point, why is it that the farmers in Northern Ireland appear to be the only farmers in the EU, quite possibly, who will be unable to avail themselves of the October drawdown of advances in respect of single farm payments. Has her Department not lamentably failed the farming community in Northern Ireland in that regard, because the deficiencies in her system, on her watch, have produced that unacceptable situation?

**12.30 pm**

**Mrs O'Neill:** I answered the question earlier. I have spoken about what we are doing to try to get to a position where we have part payments; that is something that I am committed to. The areas of work that I outlined previously are very clear around ramping up the number of remote sensing inspections and online registration and application. It is about making sure that we get all those things up to speed so that we are in a position to make part payments. I do not agree that we are the only area across Europe that does not make part payments. However, I can assure the House that I want to be in a position where we can make part payments. I am working towards that, and I hope to be in a position to do it in the short term.

## **Executive Committee Business**

### **Health and Social Care (Amendment) Bill: First Stage**

**Mr Poots (The Minister of Health, Social Services and Public Safety):** I beg to introduce the Health and Social Care (Amendment) Bill [NIA 27/11-15], which is a Bill to amend the Health and Social Care (Reform) Act (Northern Ireland) 2009 and to make amendments consequential on that Act.

*Bill passed First Stage and ordered to be printed.*

## Committee Business

### Standing Order 30

**Mr G Kelly (The Chairperson of the Committee on Procedures):** Go raibh maith agat, a Cheann Comhairle. I beg to move

*In Standing Order 30, after paragraph (6), insert –*

*“(7) Subject to paragraph 8, a Bill which is in the same or similar terms to a Bill which has fallen or been rejected by the Assembly –*

*(a) must not be introduced in the Assembly within a period of 6 months from the date of that fall or rejection; but*

*(b) may be introduced at any time following the dissolution of the Assembly in which the fallen or rejected Bill was introduced.*

*(8) In exceptional circumstances, the Assembly may, on a motion by the appropriate person, allow the introduction of a Bill to which paragraph 7 applies. The ‘appropriate person’ is –*

*(a) where the Bill is proposed to be introduced by a Minister, that Minister;*

*(b) where the Bill is proposed to be introduced by a member of the Assembly, that member.”*

On behalf of the Committee on Procedures, I am pleased to bring this motion to amend Standing Orders to the House today. It is common practice in other legislatures for Standing Orders to specify a time frame prohibiting the reintroduction of a Bill that has fallen or been rejected by the Parliament or Assembly. While there is a long-standing convention that a motion that is substantially the same as one that has already been decided by the House may not be considered again within six months, our Standing Orders are silent on this issue. This motion aims to rectify that and will bring clarity to the procedures. The motion will add two paragraphs at the end of Standing Order 30. I wish to comment briefly on those.

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

Paragraph (7) will prohibit a Bill that is in the same or similar terms to a Bill that has fallen or been rejected by the Assembly from being reintroduced within a period of six months from

the date that it fell or was rejected. Paragraph (7) does, however, permit a Bill to be introduced at any time following the dissolution of the Assembly in which the fallen or rejected Bill was introduced.

The Committee has been mindful of the fact that there could be an occasion when the Minister or Member in charge of a Bill believes that, due to exceptional circumstances, the six-month exclusion period should not apply to a particular Bill that he or she wishes to reintroduce. Paragraph (8), therefore, includes a provision whereby, in exceptional circumstances, the Minister or Member in charge of the Bill may submit a motion proposing that the six-month exclusion period should not apply to a particular Bill. The motion would set out what the Minister or Member believes are the exceptional circumstances, and the Assembly would then vote on the motion.

Today's motion will bring clarity to the procedures in this area. I commend it to the House.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*In Standing Order 30, after paragraph (6), insert –*

*“(7) Subject to paragraph 8, a Bill which is in the same or similar terms to a Bill which has fallen or been rejected by the Assembly –*

*(a) must not be introduced in the Assembly within a period of 6 months from the date of that fall or rejection; but*

*(b) may be introduced at any time following the dissolution of the Assembly in which the fallen or rejected Bill was introduced.*

*(8) In exceptional circumstances, the Assembly may, on a motion by the appropriate person, allow the introduction of a Bill to which paragraph 7 applies. The ‘appropriate person’ is –*

*(a) where the Bill is proposed to be introduced by a Minister, that Minister;*

*(b) where the Bill is proposed to be introduced by a member of the Assembly, that member.”*

## Northern Ireland Public Services Ombudsman Bill

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 15 minutes to propose the motion and 15 minutes to wind. All other Members who wish to speak will have five minutes.

**Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I beg to move

*That this Assembly approves the report of the Committee for the Office of the First Minister and deputy First Minister on its proposals for a Northern Ireland public services ombudsman Bill.*

The Committee for the Office of the First Minister and deputy First Minister sought today's debate to highlight to the Assembly the Committee's proposals for a Northern Ireland public services ombudsman Bill and to seek the Assembly's support for our proposals. We also stand ready to consider Members' comments and suggestions for improvement.

The Committee's proposals are set out in some detail in our report and, with only a couple of exceptions, they have secured consensus across the five parties represented on the Committee. In essence, the Committee proposes that the current offices of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints be merged into a single new office to be known as the Northern Ireland public services ombudsman (NIPSO), subject to a number of changes that I shall come to shortly. Our aim, in brief, is to allow the public access to one of Europe's most up-to-date and effective ombudsman regimes.

The Committee's report sets out the history of the policy development, beginning with a report from Deloitte in 2004, which was commissioned by the Office of the First Minister and deputy First Minister (OFMDFM); our engagement with the current ombudsman, Dr Tom Frawley; the Committee's public consultation in 2010; and the key stakeholder consultation in July 2012. All of that contributed to the Committee's policy proposals as set out in our report.

The Committee accepted Deloitte's recommendation for a combined office to address confusion about the remits of the two different offices, their respective status and powers. At the outset, OFMDFM indicated its

support for the Committee taking this initiative and promised its cooperation. OFMDFM was unable to progress this work itself due to competing priorities and resource limitations. The Committee appreciates OFMDFM's cooperation and the substantive consultation responses that OFMDFM and others have provided. I thank all concerned, in particular Dr Frawley and his colleagues.

Time does not permit me to describe our proposals in great detail, but I shall try to cover the key points. The Committee proposes to enhance the NIPSO's relationship with the Assembly, reinforcing the independence of the ombudsman while providing accountability through the Assembly and its Committees. The Assembly Commission, rather than OFMDFM, would organise the recruitment and selection process to identify the best candidate, as well as determining the NIPSO's salary. The Assembly would nominate a candidate for formal appointment as NIPSO by Her Majesty, as the Assembly currently does in the case of the Comptroller and Auditor General. That change, and a few others, would require legislation at Westminster to provide competence for the Assembly to legislate. Where the current legislation refers to approval from or accountability to OFMDFM, that would be replaced by reference to the Assembly. The NIPSO would be accountable to an Assembly Committee for his or her budget, as is the Comptroller and Auditor General, and existing reporting arrangements could be enhanced by Standing Orders.

The Committee proposes that the NIPSO be appointed for a fixed term of seven years. The Committee noted that the Scottish and Welsh legislation contained provisions to address the potential for conflicts of interest, and we propose that similar provisions should apply here. The Committee is proposing an extension to the range of bodies that come within the remit of the NIPSO in order to widen access to administrative justice. The Committee proposes that schools, institutes of further and higher education, the Northern Ireland Assembly Commission, and the Comptroller and Auditor General should come within the NIPSO's remit. The Committee noted the proposal of the Minister for Employment and Learning to standardise complaints procedures in higher education before bringing them within remit of the NIPSO. However, the Committee does not agree that that should preclude them from coming within the NIPSO's remit.

I turn to categories of complaint. All complaints about public procurement would be dealt with

by the NIPSO on the same basis on which the Commissioner for Complaints deals with them at present. In other words, the NIPSO will be able to consider the procedure up to and including the decision to award the contract. The Assembly Ombudsman's remit is currently limited to the process up to the award stage. The Department of Finance and Personnel (DFP) objected to that change on a number of grounds, but the Committee noted that DFP did not mention any problem with the commissioner's current remit or handling of complaints. The Committee for Finance and Personnel supported the Commissioner for Complaints approach, and that remains the Committee for the Office of the First Minister and deputy First Minister's proposal.

The Committee proposes that public sector employment complaints would no longer be within the NIPSO remit. The Committee considered that the alternative employee protections and enforcement mechanisms now available were sufficient.

The Committee proposes that in dealing with complaints about social care, the NIPSO would be able to consider issues of professional judgement without any need to make a finding of maladministration first. That is the commissioner's current approach in dealing with healthcare complaints involving clinical judgement. The NIPSO would form a view, with the assistance of relevant expert opinion, in social care and healthcare cases.

Arrangements for lodging a complaint with the NIPSO will be made more accessible, with provision for oral complaints and the removal of the requirement for MLA sponsorship. MLAs and other representatives will be able to assist complainants.

The time limit for the submission of complaints would be six months from the conclusion of the public body's own complaints procedure, and there would be a new signposting duty on public bodies to direct complainants towards the NIPSO.

The Committee proposes that the NIPSO would have a power to take action to resolve a complaint, short of carrying out a full investigation. The evidence to the Committee suggested that that power enabled the Welsh ombudsman to resolve a significant number of complaints at an early stage.

The NIPSO would also have a power to undertake own-initiative investigations when there is evidence of systemic maladministration. The Committee also proposes enhanced

information sharing and cooperation arrangements with bodies, such as the Information Commissioner, to avoid duplication and overlap.

The NIPSO would have discretion to accept a complaint referred by a public body when it had been unsuccessful in resolving the matter. The Committee also proposes that the NIPSO would have a power to publish a report on an investigation when it is in the public interest to do so.

With regard to enforcement, the ombudsman's recommendations for apologies and payments are normally complied with by public bodies, without any issues. However, the NIPSO would retain the current ombudsman's power to make a special report to the Assembly on a case in which injustice arising from maladministration is not remedied. The NIPSO would also have Commissioner for Complaints power to request the Attorney General for Northern Ireland to seek a High Court order when a body persists in maladministration. Complainants could also apply to the County Court for an order requiring a public body to pay damages on foot of a finding by the NIPSO.

The Commissioner for Complaints (Northern Ireland) Order 1996 also includes some rights for public bodies within the commissioner's remit, which, subject to further advice, the Committee does not propose to replicate. Currently, a public body facing an adverse finding by the NIPSO must be offered the opportunity of a formal hearing with legal representation and cross-examination of witnesses. Public bodies can also rely on legal privilege in not disclosing to the commissioner legal advice that they have received. Public bodies within the Assembly Ombudsman's remit cannot rely on that privilege. The Committee's preference is that the NIPSO would have as much information as possible and that public bodies would disclose their legal advice to the NIPSO.

The Committee will keep its approach to enforcement mechanisms and public bodies' rights under review, in light of drafting options, such as a right to make written representations instead of a formal hearing, and further advice on compliance with article 6 of the European Convention on Human Rights.

The Committee also proposes to retain the current wide powers to require the production by public bodies of relevant information and documents and to retain the provision disapplying obligations of secrecy or confidentiality on public sector employees. Re-

enacting those provisions may require legislation at Westminster or the consent of the Secretary of State. The current legislation allows the Secretary of State or the head of a Northern Ireland Department to serve a notice on the ombudsman effectively prohibiting the disclosure of information where that would be prejudicial to public safety or otherwise contrary to the public interest, so the information is available to the ombudsman in reaching a decision but cannot be disclosed. Although some Committee members were opposed to that type of power in principle, the Committee agreed that retaining such a power — exercisable by the Secretary of State and Executive Ministers — is not unreasonable.

### 12.45 pm

I also wish to highlight proposals from Ministers that affect the current and proposed legislation. The Committee has been approached by the Department of Justice about the office of the Northern Ireland Judicial Appointments Ombudsman (NIJAO) being held by the person appointed as the NIPSO. That would be a part of the Department of Justice's review of arm's-length bodies. Given that there has been only one complaint a year on average to the NIJAO, the Committee could see merit in that proposal subject to the necessary resources being transferred from the Department of Justice to the NIPSO, but we have still to finalise a view.

As part of the reform of local government, the Minister of the Environment proposes that the Commissioner for Complaints (Northern Ireland) Order 1996 be amended so that the commissioner will investigate and adjudicate on complaints about breaches of the local government code of conduct. Evidence from Dr Frawley indicated that the proposal would cost considerably less than other options. The Committee will keep the proposal under review and liaise with the Committee for the Environment when more detail is available.

The Committee's report sets out its consideration of possible equality implications. The Committee does not foresee any negative equality impacts and considers that access should be improved. We will, of course, keep that under review.

The Committee has commissioned a preliminary assessment from the Assembly's Research and Information Service, working with Dr Frawley's office, of the financial implications of our proposals. Although that work is ongoing, the major area of savings identified was the removal of the public sector employment remit. Where the remit is

extended to include schools and further education and higher education institutions, this will result in additional complaints and investigations. Own-initiative investigations will require resources, but, if they are effective in addressing systemic maladministration, they may reduce the number of individual complaints. As Members would expect, the Bill would make any necessary provision for the transition between the two legislative regimes, whether that relates to staffing or to ongoing investigations.

I commend the Committee's report to the House and seek Members' support for our proposals, as well as their comments and suggestions. The Committee will carefully consider contributions to the debate.

**Mr Moutray:** As someone whose appointment to the Committee for the Office of the First Minister and deputy First Minister is relatively recent, I know that some of the report predates my attendance. However, I know that much work and time have been dedicated to progressing this matter, and I commend all those involved in compiling the report.

The report, as the Chairperson of the Committee outlined, provides an in-depth look at the current situation and the possibilities and advantages of combining the offices of the Assembly Ombudsman for Northern Ireland and the Northern Ireland Commissioner for Complaints. The Bill for such an amalgamation would, if progressed, reform the current jurisdiction and powers. It would also provide for the appointment of the Northern Ireland public services ombudsman by Her Majesty on the nomination of the Assembly and for the NIPSO to report to the Assembly and its Committees on a basis to be laid down in Standing Orders.

I am sure that we all, throughout our political career, have referred constituents to the ombudsman's service. I am complimentary about the current services and the excellent way in which they have assisted me in constituency issues. In today's society, an ombudsman is of the utmost importance in dealing with maladministration and complaints, particularly against public authorities. Although I would love to say that there is no need for such an office, we all know that that is not the case. Indeed, that would do a disservice to our constituents who, in some instances, depend on this independent voice.

The Committee has worked hard to bring forward a report that seeks to streamline and combine the services that already exist. I

welcome the introduction of such a new service. Much time and effort have been put into consulting with the current services and other interested bodies, and there has been much consideration of the issues. The development of such a role enjoys cross-community support.

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

**Mr Moutray:** I will; yes.

**Mr Wilson:** I note the Member's point about the existing ombudsman service. Does he not agree that, in many instances, even when the ombudsman finds in favour of a complainant, the remedies that are undertaken and recommended very often seem to be very weak in relation to the complaint and sometimes in relation to the findings of the ombudsman? What does he see in this report that would strengthen the ombudsman's role in remedying a situation in which it is deemed that there has been maladministration?

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

**Mr Moutray:** I thank you for that, and I thank my colleague for the question. As we go ahead and look at this in depth in the days ahead, there will be an opportunity to see whether we can prompt stronger measures that would help those who complain.

If implemented, the new office would possess the independence that the current offices enjoy. In addition to the bodies that are currently within the remits of the Assembly Ombudsman and the Commissioner for Complaints, its remit would extend to schools, the Northern Ireland Audit Office and higher and further education institutions. I also welcome the suggestion that complaints could by extension be made directly by an aggrieved person, their MLAs or representatives. I believe that that will help to ensure that the service is more easily accessible.

The development of the new office would, I believe, be of great benefit to society in that it will ensure that there is an easily accessible independent service that is under one title and that has a remit that can investigate maladministration and complaints. I commend the report to the House and trust that the Bill's proceedings will commence in the near future.

**Ms McGahan:** Go raibh maith agat. I support the motion to approve the report of the Committee for the Office of the First Minister

and deputy First Minister on its proposals for a public services ombudsman Bill.

Currently, there are two statutory offices: the Assembly Ombudsman and the Commissioner for Complaints. The proposal is to merge the two offices into a single office that will be called the public services ombudsman. The Deloitte review recommended the merger of the two statutory offices. Such a model currently exists in Scotland. The proposals also involved merging the Office of the Judicial Appointments Ombudsman with the new Office of the public services ombudsman. That work is ongoing.

The Committee's work began during the previous two mandates, when the current ombudsman, Dr Tom Frawley, asked the Committee to consider taking forward the recommendations of a 2004 Deloitte review on the role of the two offices, which the Office of the First Minister and deputy First Minister commissioned. The Committee considered the Deloitte review and its recommendations and carried out a public consultation in September 2010 on a number of policy proposals. In this mandate, the Committee took further evidence and carried out a further consultation with key stakeholders in July 2012. It then finalised its proposals during a series of meetings this year.

In the Committee, Sinn Féin opposed the option of having the British Queen appointing an ombudsman to a vacancy and removing them from the office after nomination by the Assembly. As a party, we argued for option three, whereby the appointment of the ombudsman would be by the Assembly only. However, we did not get agreement on that.

The salary of any new appointee will be determined by the Assembly Commission. The Committee also agreed that the relationship between NIPSO and the Assembly would be on the same basis as it is between the Assembly and the Comptroller and Auditor General. The remit of NIPSO will be extended to include schools, universities and colleges of further education. Appeals against decisions made by boards of governors of schools will be examined only if the ombudsman finds substantial evidence of maladministration in decision-making processes.

The Committee agreed that the Bill should provide for the investigation of public procurement maladministration complaints against all bodies, including the North of Ireland's Departments. That would include decisions to award contracts to tender. Officials from the Department of Finance and Personnel expressed concerns, saying that public

procurement is already highly regulated by EU direction. However, the Committee felt that, due to the high legal costs involved, small and medium-sized businesses would not have the finances to deal with public procurement complaints against Departments. The Committee also agreed to remove the public sector employment remit from NIPSO, given the remedies already available to deal with public sector employment issues: for example, the industrial and fair employment tribunals and the Equality Commission already exist. NIPSO's remit will also include the exercise of professional judgement in the field of social care, and the Equality Commission's view is that that will have a positive equality impact for vulnerable citizens who are more likely to use social care services.

There is also the proposal that complaints can be made to NIPSO, either directly by the aggrieved individual or an MLA, or a person who appears to the ombudsman to be suitable. The Committee was also content to agree the removal of the residency requirement. That means that safeguards are in place for someone visiting the country and, hopefully, gives more confidence to visitors.

The time limit for making a complaint will be reduced from 12 months to six months. However, discretion will be exercised by NIPSO where a complaint falls outside the six-month timescale, and that will mitigate any risk of vulnerable people in our society being disadvantaged.

Retaining the County Court enforcement mechanism and removing the right to a formal hearing with legal representation is still to be explored with the drafters of the Bill. There are other policies such as notices prohibiting the disclosure of information. Again, Sinn Féin opposed that policy at the Committee. In light of the Minister of Culture, Arts and Leisure's decision on the disclosure of files, it may be worth exploring whether there are any similarities in those two policies.

Finally, the proposal is about safeguarding the public from maladministration from public sector services. There has been a lot of debate and discussion on this over the past couple of years, and I welcome the modernisation of the office.

**Mr Eastwood:** I do not intend to speak too extensively on this. The Chair and other Members have already outlined, in quite a bit of detail, where we have got to. It is good to note that the Committee is doing this work. It is important for Committees to play an active role

not only in the scrutiny of legislation but, in this case, in the development of legislation, and that is a good development.

I pay tribute to all the Committee staff and to the previous clerk, Mr Alyn Hicks, who is still working on this legislation. The Committee has been going through this for quite a while, although this is the first time that it has been to the Floor of the Assembly. No doubt, there is much more discussion to be had. Mr Frawley has also been very supportive of the Committee's work and gave us an insight that only he could provide, and that helped us to develop some of the ideas.

I listened to Mr Wilson, and it is good to hear that perspective, because there are things that we need to continue to discuss, such as the County Court judgements issue and how we hold all the bodies to account and make sure that, if a complaint against them is upheld, changes will be made as a result of that piece of work. It is something that we all need to be mindful of.

I have had very good experiences with the office to date; I know that other Members have, and Mr Moutray said that. This is about increasing the public's access to the new ombudsman. It is also about ensuring that more public bodies feel that they will be held to account for maladministration, and that can only be a good thing for our democracy and for the public who will have access to the system.

The legislation will update what we already have and ensure closer cooperation with and accountability to the Assembly. This will be a very good piece of legislation. I hope that all Members will engage with the Committee as we move forward and draw up the legislation as we go. With that, Mr Deputy Speaker, I will sit down. Thank you.

**Mr G Robinson:** I support the motion. I believe that this will be an independent body that will hold public services to account, and I hope that it will have the teeth required to do the job properly. I commend all the Committee staff who worked so diligently in helping to craft the Bill and, of course, the present ombudsman, Mr Frawley, and his staff for the input and help that they have given.

**1.00 pm**

Although I can already hear complaints about the cost of the ombudsman, I speak from experience when I say that public services are occasionally difficult to tie down or to hold to

account. The ombudsman would provide the mechanism to ensure that that would not happen. The cost of the office would be accountable to the Assembly, meaning that full scrutiny and value for money could be established.

I welcome the inclusion of a provision for an ombudsman's discretionary release of any report into the public arena, provided that there is sufficient proof of public interest. I further welcome the requirement for anybody who is under investigation to make full disclosure to the ombudsman of any advice received so that the context of a decision can be examined. That provides greater insight into any decision. The recommendation for cooperation with other ombudsmen to avoid overlaps or duplication makes great sense to avoid wasting the precious resources that this Assembly has. For those reasons, I support the motion.

**Mr Maskey:** Go raibh maith agat, a Príomh-LeasCheann Comhairle. I want to add a couple of points on behalf of my party. I also add my appreciation for the work of the Chairperson over quite a period of months, as well as all the officials, who were very supportive of the Committee's deliberations. It was a lengthy enough process, as other Members mentioned, and the Chair steered the discussion quite well and positively throughout.

My colleague Bronwyn McGahan indicated a number of positive aspects of the proposed legislation as well as some of the objections that our party raised during the deliberations. We very much welcome this development and look forward to the legislation. In the proposed merger of the offices, the Committee sought to make sure that we maximised the best and most effective aspects of both. In other words, we did not agree to any dumbing down of the best provisions that both posts had to offer because, as has been stated, this is all about giving maximum confidence to members of the public who are dealing with the agencies against which they may have a complaint. Some of those complaints might not be legitimate, but that will have to be measured in each case.

We think that the new post will be effective, modernised and provide best use for the public of the provisions of both the current posts. In fact, there are more than two now.

**Mr Wilson:** I thank the Member for giving way. There is no point in having a public body such as this without it being effective. Does the Member share my surprise that there has not been, at least so far in the discussion, any

indication of what examination there has been of how costs could be cut if two offices are merged, whether by better sifting of cases, quicker decisions on whether a case should be progressed or economies of scale? It just seems to be accepted that this will cost us more.

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

**Mr Maskey:** I thank the Member for that intervention. Those are important questions. I do not have all the answers at my fingertips but I remember in the discussions that the current post-holder, Tom Frawley, was clear that the costs associated with this merger were not major. We do not have any evidence at all that this will be very costly. In fact, the number of complaints is quite small, so we hope that it will not be costly. Obviously, that will be monitored continually. One of the most pertinent aspects of this, because it will come within the bailiwick of the Assembly, is that the Assembly will now be well placed to monitor the office and hold it to account precisely on administration and costs.

That brings me to one of the reasons why we were against the notion of having the appointment made on the recommendation of the Assembly of one person, and that appointment being made by what was described as "Her Majesty". We feel that that is unnecessary and archaic because it is up to this Assembly to stand on its own two feet to take decisions and hold office-holders to account. As the Member pointed out, it is important that we do not let these things run away with themselves. We want them to be effective, efficient and timely in any remedies that are due to a complainant. We do not want them to be unnecessarily bureaucratic or cumbersome, and I am confident that the Assembly will continue to keep a close eye on that.

We propose to reduce the time period after which a person will have exhausted the process for making complaints against a public body from 12 months to six months. As my colleague pointed out, the Committee agreed that on the proviso that the ombudsman's office would still have the discretion to allow a complaint outside that time period if it felt that there was a particular reason why a complainant was not able to bring it forward. Importantly, it is recommended that a statutory obligation be placed on a public body that has been dealing with a complaint, or is subject to a complaint, to advise complainants that, at the end of the process, they will have no more than

six months to go to the ombudsman. So, there is a statutory obligation on those bodies to advise the complainant.

The Committee took a belt-and-braces approach to that. We recommend reducing the time period from 12 months to six months, but there will be a statutory obligation on the public body in question, and the ombudsman will ultimately have the discretion to extend the period beyond six months.

Sinn Féin disagreed with other Committee members on disclosure. That is an important element, because at no time was anyone able to give us an example of when that had been used in previous complaints to an ombudsman's post. In principle, we do not believe that it is appropriate for that provision to be there. We were not even given an example of when it had been used, so we were opposed to it. As a party, we have the right, as does anyone else, to table amendments to any aspect of the legislation when it comes to fruition.

Our party welcomes this development and looks forward to the legislation being introduced and there being a better service for the public whom we represent.

**Mr Lyttle (The Deputy Chairperson of the Committee for the Office of the First Minister and deputy First Minister):** I thank all those who contributed to the debate. The Committee has worked long and hard on the issue, and we welcome today's comments, which will help us to conclude these proposals and to bring forward a draft Bill that will hopefully be introduced in the House next year.

There is wide agreement that we must have the highest standard of public services possible for the public in Northern Ireland. That can be achieved through a coordinated, easy-to-access and independent office that can hold public administration to account successfully.

The proposals are to bring together the ombudsman and the Commissioner for Complaints. I also put on record my thanks for the evidence and support from the ombudsman's office on this work and for the excellent work that that office has done to help members of the public to get access to the accountability that they deserve.

Given Members' comments, the Committee will take on board Mr Wilson's comments on the need for the most robust remedies possible on the issues of conclusions to cases, costs and the time taken for cases to improve the service

that the public receive. I also welcome the comments that the Committee is not only scrutinising legislation but proactively working with bodies to bring forward legislation.

We will take the comments away and consider them closely to ensure that we can bring forward the best legislation possible for ombudsman reform.

*Question put and agreed to.*

*Resolved:*

*That this Assembly approves the report of the Committee for the Office of the First Minister and deputy First Minister on its proposals for a Northern Ireland public services ombudsman Bill.*

## Private Members' Business

### Free School Meals Entitlement

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

**Mr Hazzard:** I beg to move

*That this Assembly recognises the importance of free school meals entitlement; welcomes the increase in children who are accessing free school meals; and calls on the Minister of Education to explore ways in which the uptake of free school meals can be improved.*

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Business Office for including the motion on today's Order Paper. The motion calls on the Assembly to recognise the importance of free school meals entitlement; welcomes the fact that the current Minister of Education has, again, extended eligibility for free school meals, and, perhaps most importantly, calls on the Minister to explore ways in which the uptake of free school meals can be improved. I am pleased to support the amendment that appears on the Marshalled List. Like many, I support the principle of universality and believe that, as an Assembly, we should join today to ask the Minister to engage with his Executive colleagues on the benefits of universal free school meals in the years ahead.

It is fair to state that most of us in the Chamber this afternoon would accept that the catalyst for improving educational outcomes is the high-quality teaching and learning in schools. However, increasingly, there is a realisation that improved outcomes, especially for children from socio-disadvantaged backgrounds, are largely dependent on a range of socio-economic factors. Indeed, when we bear in mind that as little as 9% of learning between the ages of four and 18 takes place inside the classroom, the strategic importance of tackling socio-economic disadvantage in tandem with wider societal anti-poverty schemes becomes all the more apparent. It is, therefore, hugely significant that

educational programmes are central to the Executive's recently announced Delivering Social Change framework. Indeed, given the social importance of education, it is impossible to separate educational opportunity from the wider need for social justice, including the urgent need to address the legacy and enduring nature of poverty in our society. In a world where the socio-economic context too often determines the educational outcomes of pupils, there can be no doubt that the successful eradication of the poverty flaw in the system will help to propel large swathes of children out of deprivation, disadvantage and underachievement.

With that in mind, it is encouraging that measures designed to mitigate the effects of social disadvantage in our education system are working, as we continue to observe an increase in educational outcomes, culminating most emphatically this year with primary school pupils here being ranked among the very best in the world in literacy and numeracy. Undoubtedly, the growing success of our pupils is multi-causal, but there can be no doubt that anti-poverty measures, such as free school meals, are having a huge impact on educational and health prospects for a growing number of young people. However, although there has, undoubtedly, been continued improvement in educational outcomes, there remains a gulf in performance between pupils from socially disadvantaged backgrounds and those from more affluent backgrounds. Indeed, the figures are quite stark. Last year, only 34% of pupils who receive free school meals achieved five or more good GCSEs compared with 68% of those who are not entitled to free school meals. To put it bluntly, a pupil is twice as likely to achieve good GCSEs if he or she is not from a socially disadvantaged background.

That situation speaks volumes about the ever-present need to support disadvantaged pupils in an effort to ensure that they achieve their full potential. To that end, I am encouraged by the Minister's record of putting such a task at the very heart of many of his policies, such as the recent extension of free school meal entitlement to post-primary pupils and independent schools. The £40 million investment will entitle some 80,000 pupils to receive free school meals, which represents an impressive increase of 42% in the past five years. Bearing in mind the stringent economic climate of the past few years, I consider that the Minister's ongoing dedication to help those pupils from socially deprived backgrounds is invaluable. There is no doubt that thousands of young people will be much better off for his choices. The issue, inevitably, boils down to choices. John O'Dowd

could follow the example set by conservative coalitions in London and Dublin and wield the axe against vital measures, such as free school meals. Indeed, the comparison with Britain reinforces the importance of having a Minister with a sense of social responsibility and social justice. Not only have the Westminster Government scrapped various universal free school meal pilots throughout Britain, they have failed to expand eligibility for free school meals despite austerity causing a huge rise in the need for support. That, combined with the previous decisions to abolish the education maintenance allowance (EMA) and to hike up third-level tuition fees through the roof, means that it is no surprise that hundreds of thousands of young people across Britain are cursing the choices of their Education Minister. Meanwhile, a series of socially responsible and vital choices have been taken here at home to support those who are most in need. Not only has free school meal eligibility and, subsequently, school uniform support been extended but the Minister has argued for the retention of the vital EMA, contributing some £4 million to the scheme, and he has joined his Executive colleagues in freezing university fees. With that in mind, it is little surprise that observers identify our Minister of Education and his socially responsible policy choices as the most acute demonstrations of the benefit of devolved government here in Ireland.

### 1.15 pm

Despite the narrow political rhetoric that opponents of such social measures half-heartedly offer, there really can be no doubt about the huge benefits that free school meals bring for those pupils who are in greatest need. At the very basic financial level, the value of free school meals is estimated at around £450 a year, based on the charge for a school meal. Consequently, free school meals provide substantial support for low-income families, especially those families with more than one child at school. That vital support, therefore, helps low-income families to face the financial barriers that are inherent in our education system and, indeed, ensures that their children have access to and can benefit from all the opportunities that may be open to them. Succinctly put, school meals act as a safety net for the low-income household, helping families to educate their children and to protect their food security in times of greatest need.

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

**Mr Hazzard:** Yes; go ahead.

**Mr Storey:** From listening to the Member, I thought that the election campaign had started, given his many eulogies about the Minister. In light of all that the Member said, can he maybe get to one of the cruxes of the issue? As a result of spending that money, what has been the benefit to pupils in their educational journey through school?

**Mr Hazzard:** I thank the Member for his comment. I am just about to come on to the long list of benefits.

To see the health benefits of free school meals, we need only read the comments of nutritionists and medical experts, who quite literally marvelled at the results of free school meal pilots in Britain under the last Labour Government. It has been stated:

*"In 30% of cases studied by the Eat Well Do Well report, children had taken their better dietary habits back into the home, improving diets there too."*

The report showed that fewer children avoided breakfast in the mornings, fewer felt hungry throughout the day or after school and a considerably larger number of children had an evening meal. Eating on the way to school showed a decline to just 4% of participants, while the number of pupils who went without breakfast dramatically reduced to just 3%.

Given that more than a third of our young people are considered obese, you can see the important contribution that a healthy, balanced free school meal can make to a child's overall health. Moreover, bearing in mind that low-income families are more likely to rely on unhealthy food due to the pressure in keeping food costs within budget, it is little wonder that free school meals contribute greatly to the overall health of those affected.

Such a positive impact on the financial and physical well-being of our young people and their families, unsurprisingly, plays a critical role in the educational development, performance and outcomes of those young pupils. To appreciate the educational benefits of free school meals, I think that it is best to acknowledge the opinions of teachers who see, at first hand, the impact that those measures had on their pupils.

Again, in the wake of the Eat Well Do Well pilot, more than 80% of teachers were not only in favour of free school meals but went as far as to suggest that they should be universally available for our young people. It has been stated:

*"if a child has a hot meal during the day, or at the beginning of the day, it improves exponentially that child's ability to learn. It improves the behaviour, concentration and ability to settle and listen of all children. Children are less tired and irritable when they have a meal in them. That, in turn, makes teaching easier, and more enjoyable. And these experiences are shown to benefit the most disadvantaged the most, by virtue of their value added."*

It has also been said:

*"The social case for children eating together, learning together, conversing together and understanding that mealtimes can be a time for thinking and learning is powerful."*

That is how it should be.

A second teacher quoted in 'The Guardian' newspaper just last week talked about the importance of free school meals. That teacher said:

*"Children are more attentive and less lethargic in the afternoons, behaviour is much improved and standards are going up because they are concentrating more."*

Absence was down, too, and according to the teacher:

*"There's less illness now. And there's less obesity."*

According to 'The Guardian', the teacher:

*"points proudly to ... similar pupils in areas that did not have free lunches, pupils in both places 'made between four and eight weeks' more progress over the two-year pilot period than pupils in other areas at key stages 1 and 2', but also that, as he puts it, 'the pupils who benefited most were those who were doing the worst and who came from poorer backgrounds'."*

Bearing in mind the extensive benefits to our young people's education and development, especially for those pupils from socially deprived areas, it not only befits us, as representatives, to protect and secure free school meals going forward but it is vital that we look to improve the uptake.

**Mr Principal Deputy Speaker:** The Member will bring his remarks to a close.

**Mr Hazzard:** Initiatives such as inviting parents to tasting sessions, holding theme days to highlight different cuisines and giving pupils a say in the dishes they are offered —

**Mr Principal Deputy Speaker:** The Member's time is up, I am afraid. Ten minutes.

**Mr Hazzard:** One more minute, no?

**Mr Principal Deputy Speaker:** No. No extra minute, sorry. Good effort.

**Mr Rogers:** I beg to move the following amendment:

*Leave out all after "recognises" and insert:*

*"the important role of nutrition in the educational attainment of children; and, in light of increased financial pressures on working families, calls on the Minister of Education to explore ways in which to extend access to free school meals to more children."*

I welcome the opportunity to discuss the importance of free school meals entitlement, and I hope that the Department of Education can ensure that uptake is maximised. I also welcome recent extensions to the availability of free school meals. It is vital that we recognise the need to improve our children's nutrition, particularly in light of increased financial pressures on working families. We must accept that if our children are to achieve their full potential during the school day, they must be fuelled with nutritious food. Research suggests that there is a strong link between a healthy diet and a child's behaviour and performance in school. Healthy school meals play an important role in raising educational achievement and addressing barriers in low-income backgrounds, including those of working families.

In recent years, many families have fallen into the poverty trap. They hold down jobs and work hard, yet they struggle to meet many of their bills. The working poor make a tremendous contribution to our society and deserve to be supported; in this case, when it comes to their children. I see the breadwinner very often. I see him every morning standing along the road at 6.30 am, going to work to provide for his family. Many hard-working families on relatively low incomes give their children packed lunches because they do not qualify for free school meals and the cost of a school dinner is prohibitive. If you are in that category and have three children attending primary school, over £1,200 per annum is just not affordable, and so they provide them with a

packed lunch. Bear in mind that many packed lunches fall well below nutritional standards and are frequently supplemented with crisps, sweets or fizzy drinks.

It will be extremely difficult to counter the facts of welfare reform with respect to free school meals, and we need to be proactive as universal credit bites in England. That alone could mean that thousands of children from poorer backgrounds go without a school dinner, but many low-income working families will be caught in a trap where it does not pay to work. Many parents will admit that they would love to go back to work but that it is financially not viable. Losing a free school meal entitlement could make the difference between whether people return to work or not. We need to support people who want to work and who greatly enhance our society by the contribution that they make in the workplace.

Eligibility for free school meals is also the basis on which schools are awarded extra resources to deal with the effects of disadvantage. If that funding was to be reduced, it would call into question the financial viability of many of our smaller schools, especially those in rural areas. Poor achievement at school defines a substantial group of today's parents. Many of those who have failed have poor diets that are simply not the result of a level of deprivation in the neighbourhood or living at a level of poverty that entitles them to benefits. A mother's poor diet has an adverse effect on foetal development. In fact, life in the womb and the first three years of life are the most important periods for mental, physical and emotional development, and that is when education capabilities are formed. Life in preschool and primary school is built on that. Just like breakfast, the provision of a highly nutritious meal at primary school is essential during those formative years to ensure that children can concentrate and achieve their true potential, even if there are deficits in the nutritional supply in their earlier years. We really should aim for free school meals for all Key Stage 1 pupils. In Scotland, they enacted legislation to that effect in 2008, but due to a strain on the public purse, they are now targeting it at 20% of the most deprived wards. I do not believe that targeting wards is necessarily the right approach. It needs to be targeted at those who need it most: the poor, those on benefits and the working poor.

In conclusion, there needs to be a cross-departmental and collaborative approach between schools and the home to improve diets and to improve healthy eating for parents, especially mothers, and their children. Article

25 of the United Nations Universal Declaration of Human Rights states that everyone has the right to a standard of living for health and well-being. All our children deserve that.

A free school meal can help children to stay attentive and thus achieve their potential. Early childhood is the most effective period for investment in education. Investing in child nutrition is a necessity and even has the potential to boost our agrifood industry. The greatest resource we have is the intellectual power of our people. Our children are our future generations and we must invest in them. We need to ensure that we give them all the support they need to get through the school day, happy, healthy and ready to learn.

I call on the Minister to explore ways in which he can extend access to free school meals to more children, especially those from low-income families.

**Mr Storey:** I will, first, make comments as the Chairperson of the Committee for Education. The Committee has spent some time considering the entitlement to and the level of uptake of free school meals. It welcomed the extension of the entitlement to free school meals to more post-primary schoolchildren from September 2014. It is understood that this change will benefit in the region of 15,000 young people. More recently, the Committee welcomed the extension of the entitlement to free school meals to children at the 15 independent Christian schools and other non-grant-aided schools in Northern Ireland. I declare an interest as a member of the board of governors of Ballymoney Independent Christian School.

The Committee previously noted the evidence put forward by the Department on the benefit of free school meals. I think that I might fairly summarise the Department's view that the current free school meals system has educational and health benefits in improved pupil concentration and alertness and, perhaps, also in attainment. A good suggestion might be to introduce free school meals in the Department of Education canteen. We might see some good outcomes as a result of that. The Department also contends that free school meals go some way towards improving access and reducing barriers to participation in education.

The Audit Office report of 2011 estimated the uptake of free school meals to be around 78% of those registered, with perhaps around 8,000 children in Northern Ireland being entitled but not registered. The Audit Office also

recommended that the Western Education and Library Board's practice of actively targeting low-income parents whose children might be entitled to free school meals should be copied and that more work should be done on improving anonymity for pupils who receive free school meals. I trust that the Minister, when he responds to the debate, might provide us with an update on the issue of uptake and registration levels, and whether any progress has been made in implementing the Audit Office recommendations.

The motion also refers to the importance of the entitlement. Free school meals entitlement is important in a number of ways, and the House is aware that the level of entitlement to free school meals is used as a proxy measurement for poverty in our schools. The Committee recently noted proposals in the revised common funding formula to make more use of this measure and to allocate more funding accordingly. I think that the majority of Committee members believe that free school meals entitlement should not be the one and only measure of poverty in our schools. In fact, the Committee supports consideration of other measures, as suggested in recommendation 21 of the Salisbury report. We still wait to see what the Department will bring forward in relation to that matter.

I will conclude as a Member of the House and as the DUP's education spokesperson. I will make a few comments in relation to how we got to this point. As someone who, as I said, is a member of the board of governors of an independent Christian school, I always welcome conversions, but I just wonder when the Minister had his road-to-Damascus conversion on the issue of changes to the criteria. In a question for written answer, in November 2012, I asked the Minister:

*"when he will review the criteria for free school meals and extend the working tax credit entitlements to pupils in the post-primary sector."*

His answer was:

*"I have no plans to at present to extend the free school meal Working Tax Credit criterion."*

He then went on to give us the reasons why:

*"The reason why the criterion is not being extended to postprimary schools is that by targeting younger children it is considered*

*that the greatest impact will be achieved with the available budget."*

**1.30 pm**

What has changed since the Minister's officials wrote that answer in November that brings us to a point at which we support the motion? We will support the motion reluctantly, but we will also support the SDLP amendment because we do not want to give the impression that we are opposed to those who have access to an entitlement that will be a benefit. However, we have serious reservations about linking entitlement to attainment. Neither the Council for the Curriculum, Examinations and Assessment (CCEA) nor the Department of Education has produced any evidence for doing so. I notice there are no officials available to be with the Minister today. Perhaps that is why: the Department of Education has produced no evidence. We have to depend on studies that have been carried out —

**Mrs D Kelly:** Will the Member give way?

**Mr Storey:** Yes, I will.

**Mrs D Kelly:** Does the Member share the concern that has been raised with me that some parents do not claim free school meals because they are embarrassed, but they claim for free school uniforms? Does he agree that that should be examined?

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

**Mr Storey:** I thank the Member for her intervention. I also thank her colleague Mr Rogers for his comments about the working poor. If we want to address educational underachievement and inequalities in outcome and provisions, particularly, as has been highlighted repeatedly, among working-class Protestant boys, we need to ensure that we do so in a way that is fair and equitable across the piece.

Bristol University carried out work on the use of free school meals and said that it found it to be:

*"a coarse and unreliable indicator by which school performance is judged and leads to biased estimates of the effect of poverty on pupils' academic progress."*

Yet again, the Department of Education sees a means of putting all its eggs in one basket, closing its eyes and ears and thinking that all will be well. The Minister has learned a lesson

over the weekend from the survey that was released by the General Teaching Council.

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

**Mr Storey:** The Minister closed his ears and eyes for 18 months about assessment, and teachers are today saying that it is time to scrap them.

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

**Mr Storey:** The Minister needs to revisit the issue of free school meals and come up with fair indicators that can deliver the goods.

**Mr Kinahan:** It is good to have an education debate early in the session. With everything else that is going on, that is important.

We support the motion and the amendment, but with reservations. We wish that the House had taken up the Ulster Unionist motion, because that would have allowed us to expand on and challenge the seemingly accepted correlation between free school meals entitlement and educational attainment. In many ways, as we have just heard, that argument is flawed, which we must keep in mind during the debate.

I welcome the announcement today that free school meals will be extended in 2014, but we need to look at how we can improve that. We must also acknowledge the fact that funds are scarce for any Department in implementing the result of the motion. Departments should work together better to find more budget efficiencies. I produced a more efficient scheme that has better economic results and is a more effective and dynamic solution. With this Minister and this Department, we see little effort being made to work with anyone else. We see no effort on consensus or savings delivery plans, and consultation is seen as a nuisance. That all builds into an attitude typified by the "So what?" comment.

I remind everyone that we have an unspent social investment fund of £80 million in the Office of the First Minister and deputy First Minister (OFMDFM). Some £14 million has been wasted on the Education and Skills Authority (ESA), and there are many other examples of inefficient spending throughout the Assembly. If we all worked together, as was originally envisaged in the Belfast Agreement, rather than taking the "deal or no deal" approach of the two main parties, we might be able to afford to get more from free school

meals. We can achieve that through the efficient use of departmental budgets or by working together rather than taking more money from successful schools, which seems to be the present plan. It seems to punish the achievers and has started a virtual class war. That is really what is behind the debate.

I see no difficulty in supporting the amendment because health, welfare and so many community matters are all part of the same equation. That is why I call today for departmental measures to ensure that all Departments work together and end the silo approach. This new approach need not be just at Assembly level; it should embrace and include councils. It should also include Westminster and the present shake-up of the welfare system. Many are doing that, but we need to do more to manipulate and amend it so that it benefits Northern Ireland. That is how we should be exploring ways of reviewing free school meals. I welcome the Minister's intention to review the matter, if that is still the case, and I really hope that he does. It should be reviewed and reviewed as the Assembly goes on and on.

There are, as we heard from other Members, many working poor and many struggling to keep their head above the water financially, and we must never forget them. If you read the documents that we have received, you will see that the Australians ask deeper questions than we do. Maybe we should look at that. We also see an American system based on a measurement of the poverty line. Maybe we should look at that. If we could adopt a similar measurement, we might be able to get free school meals and help to everyone who needs it. I also welcome the extension to tax credit.

We hear continually that many do not claim free school meals, whether in rural communities or Protestant communities. We continually put that to the Department, and, many times, it seems to ignore it by using its own statistics for its own means. Maybe we should change the name of free school meals. Maybe, as we have heard today about healthy eating, we should call them "healthy eating vouchers" or look at some other way of changing them so that everyone is attracted to and wants them. We need to get that money to disadvantaged areas and schools. We, as a party, have called for a pupil premium, and we still want that to happen.

Going back to where I started, I repeat that we need to find more funds. I have not had time in the debate to push for the need for accountability and monitoring to make sure that the money that we give through free school

meals works. We need better efficiency. We need to be working better together: councils, the Assembly and Westminster. We need to avoid the politics of "Ourselves Alone".

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

**Mr Kinahan:** We support the motion.

**Mr Lunn:** I think that what we heard in the previous two contributions was a bit of a preview of next week's debate on the common funding formula. I will not go there on this occasion.

The motion and amendment are so similar that you could hardly support one and not the other. In fact, you could not put a proverbial cigarette paper between them. The motion recognises the importance of free school meals entitlement; the amendment recognises the important role of nutrition in the educational attainment of children. Who could argue? I think that Mr Storey at least asked about the beneficial effects of nutrition to pupils. I hope that, by now, he is reconciled to the fact that it is very beneficial. A hungry child is not a happy child and will not learn or develop physically, emotionally or educationally as well as a child who is not hungry.

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

**Mr Lunn:** Yes. Go ahead.

**Mr Storey:** We are not disputing that per se. We are disputing the notion that using free school meals as the only tool in the toolbox — given all the stuff that we get from the Department, I would say that there are more tools than needed in Rathgael — is the best way to proceed. Using them as a stand-alone measure is not the best way to proceed.

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

**Mr Lunn:** I do think that I will need it. The Member is again straying into next week's debate.

I would like all children who are entitled to free school meals to take up the offer. From the various stats, it appears that perhaps at least a quarter of those so entitled do not. There are different theories about the reason for that. I would have thought that, in a lot of cases, it is because mummy thinks that she can prepare a better meal than the school, and that is

perfectly valid. When it comes to healthy eating and so on, perhaps parents think that they can do better.

There is also a feeling that we heard expressed when we touched on this matter previously. I do not like to use the word, but Protestant — it is in the statistics — parents of pupils in controlled schools are slightly less inclined to take up the offer. I do not have an answer to that. Is it a pride thing, or is it a preference? I really do not know, but, given that everybody is agreed about the need to try to improve —

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

**Mr Lunn:** No. Given that everybody is agreed about the need to try to improve the performance of schools that cater for the Protestant working class, particularly Protestant working-class boys, I would have thought that we are all on the same page here. I will give way to Mr Beggs.

**Mr Beggs:** The Member indicated that there is evidence of a lack of uptake, particularly in controlled schools. Therefore, does he, as I do, have concerns from the point of view of an equality impact assessment if that single criteria is to be used for determining funding?

**Mr Lunn:** He is drifting into next week's debate as well. I am sticking to what is on the Order Paper. I will have more to say about it next week, believe me. That is a different issue.

I am glad to see the Minister's recent initiatives, particularly the one that extends into secondary school provision. It gives some more allowance for pupils to have free school meals. I know that they are small in number, but the independent schools are now to be included, which is good.

Mr Hazzard hinted at wondering how it would be if free school meals were universally available without any criteria or test. He wondered what the uptake would be and how much it would cost. It is an interesting notion, because I believe that, in Finland, which is the place in the world that is constantly held up as having the ultimate in education systems and in educational achievement and balance, everybody gets a free school meal if they want it, without any need to qualify for it. Mr Rogers mentioned that working on Key Stage 1 might be the way to go.

Everybody else did this, so I will touch on the question of free school meals as an indicator to be used for other matters. I know that Bristol

University and other expert opinion have said that it is not a perfect system and that it is slightly imperfect. When someone comes up with a better system, perhaps we can graduate towards that, but, at the moment, the current system is recognised as being the best that there is. I will leave it at that, Mr Deputy Speaker. We will support the amendment or the motion or both.

**Mr Craig:** I will make the party's position very clear, because there seems to be a wee bit of confusion. We are supporting not only the motion but the amendment. Because we have questions and are critical of some aspects of free school meals, that does not mean that we are against the motion or the fact that people who are entitled to the provision should take it up. I have with listened with interest to what everybody said about the point that you will not listen as well on an empty stomach. The reverse of that is that, if you eat far too much in your free school meal, you might be a bit sleepy by the time that you get to the teacher, so we need to watch out for that one.

I was looking at the figures on free school meals, and they seem to show some variance. I am afraid that that is the engineer in me coming out — I am going into the dull figures. There are some startling differences. Last year, there was a discrepancy of almost 14% between the number of people who claimed free school meals in the primary sector and those who claimed in the secondary sector. In secondary schools, the number claiming was 14% down from primary schools. Huge questions need to be asked about that. How come people who will claim it in a primary school will not claim it in a secondary school? That is a strange figure, and I do not have an answer for why it is there.

I will ask the Minister to get the Department to look at this year's figure, because the quoted figures are startling. There is a 44% discrepancy between the two figures. I assume that that is not correct, and I would not like to think that it is. It comes back to whether there is a stigma attached to claiming free school meals. No matter what way you look at the figures, it certainly looks as though there is some form of stigma once a child goes to a secondary school, and, for some reason, they are not claiming. That is something that, hopefully, the Department and the boards could have a look at. It should not be the case, but, going back to my school days, there was a stigma there, and a lot of people just did not bother claiming it because of the stigma attached to it. Maybe that was more prevalent in the controlled school sector than it was in the

maintained sector. I do not have the answer to that one at all, but there are certainly issues there that need to be looked at.

#### 1.45 pm

We have been accused of straying into next week's debate. I am going to use terminology that we are all very well aware of here — the two are inextricably linked, whether we like it or not. That comes down to the fact that, time and time again, the Minister says that we should target the needs via free school meals. That is an issue that I decided to have a closer look at. I have a list of the 20 worst-performing schools in Northern Ireland. They are the Department's figures, not mine. I am not going to name any school, because I do not believe that it would be correct to do that. When I compare the bottom 20 schools in Northern Ireland to their free school meal entitlement or take-up — the same percentages and the same Department giving us all of those figures — the remarkable thing is that, in 10 of those 20 schools, less than one third of pupils claim free school meals. The other 10, quite correctly, have very high percentages claiming free school meals, so there is an issue of deprivation versus low performance.

The further you go down that list — I have not gone beyond 20, but it contains the 35 worst-performing schools — the fascinating thing for me is that free school meal entitlement does not necessarily correspond to underperformance in a school. That is why, as a party, we are against using free school meals to skew where finances or support will go to a school. That list of the bottom 35 performing schools is what I hope that the Department and the Minister will target to try to improve, not some artificial measurement that does not get us to where we want to be.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. I would first like to welcome the recent announcement from the Minister that those attending independent schools are now eligible to claim free school meals. That move, as previously said, will see pupils from around 15 independent schools, right across the boards, getting the same entitlement as those pupils who attend grant-aided schools. I would also like to acknowledge the Minister's announcement back in June that he would give £30 million to help low-income families. From next year, that will also allow more than 15,000 secondary- and grammar-school children to claim free school meals, extending the criteria to those parents who are on low incomes.

We are all aware of the benefits of receiving a free school meal and a lot has been said about the nutritional value that enables pupils to concentrate, learn and play at school. It has already been stated that there is a slight increase in the numbers receiving free school meals, but there is still a large proportion of parents not taking up their entitlements, leaving their children at a disadvantage. Having spoken to parents and pupils prior to this debate, I believe, and it has been said, that there is still a stigma attached to claiming free school meals. Schools and boards should work more closely with parents, working in tandem to confirm eligibility. It is my view that the Department needs to address that by way of an advertising campaign to raise awareness, particularly with the proposed welfare reform and the new changes that are coming on board to the extension of free school meals in 2014.

I believe that schools should also do more within the school to implement ways of distributing free school meal tickets so that pupils do not feel stigmatised or stereotyped. A lot has been said about that in the debate.

I want to talk about school policies for allowing children to leave the school environs during midday mealtime. A lot of us know from passing by schools in our constituencies that there are a lot of chip shops and chip vans on many school routes. When you drive along the road at midday, you see a lot of children coming out of schools to go to those chip vans. I believe that there should be a stricter policy in schools so that children stay and avail themselves of the nutritional, balanced meal that is provided.

I commend principals, boards of governors, canteen staff and chefs for providing nutritional, healthy, balanced food and drink throughout the school day for children. However, I believe that schools can do a lot more to promote the health of our children and improve the quality of food in our schools. The Education Committee has discussed and debated access to food that we believe should not be on school menus, such as fatty foods and ice pops. Parents of schoolchildren should know whether the school that their child attends is applying nutrient-based standards so they can be sure that their child is getting a well-balanced midday meal. I support the amendment in that respect.

Families with one or more parent working and receiving a low income struggle when it comes to paying for school meals and, indeed, school uniforms. The disparity in claiming for meals and uniforms has been talked about. That is also something that the Department can

address. I will be interested to hear its findings on that.

I am aware of low-income families who are paid monthly and, in certain cases, do not have the same access to finances towards the end of the month. I know that most families are scrimping by to pay for school meals and maybe give a child an extra pound towards the price. I am not aware of the actual cost of a school meal ticket and do not know whether that differs among schools. I do not know whether you get it free or have to pay. However, I hear young people say that, if they want to get something of nutritional value and a drink in school, it can be costly —

**Mr Principal Deputy Speaker:** Will the Member bring her remarks to a close? Her time is up.

**Ms Boyle:** Schools need to look at that. I will just quote —

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

**Mr Newton:** I support the amendment and, hopefully, therefore, the motion as amended. Some remarks were made by Mr Lunn that there is really no difference between the amendment and the motion. I beg to differ. Through the amendment, Mr Rogers has brought to the motion a wider view of the problem, and brought other issues into play. There is no doubt that, in his speech, his experience before coming to the Assembly was brought to bear on the matter. His professional background came through in his remarks.

I have, at this stage, been a member of the Education Committee for only a couple of hours. What has been said on what is a relatively narrow motion has all been very sane and sensible. However, there is a need, as came through from a couple of Members who spoke, to ensure that those who are eligible for free school meals get the support to which they are entitled. Whatever the reason for an embargo and the feeling that those children should not apply, and whether, as perceived by some, there is a stigma, we must find ways around that. For the sake of our children's education, we must be assured that, when the entitlement is there, it is taken up.

We talk about school meals being a cost, but we need to ask whether school meals make a difference to pupils' learning ability. If that is the case — there is evidence to suggest that it is — rather than seeing school meals as a cost, we

should look at them as an investment in our schoolchildren's education to help them to be the best that they can possibly be. That reflects the need for a change in attitude from our perspective so that cost is looked at as an investment that prepares our children and gives them the best possible chance. To do that, we need to make sure that we can measure the outcomes, that those who are entitled to free school meals continue to get them and that those who are not receiving the free school meals to which they are entitled actually do so.

School meals play their part, but we also need to ensure that we have the best possible base for learning in the school environment. All the indicators suggest that when you build a positive relationship between schools and parents, and when parents become part of the learning situation, together with pupils and schools, there is better achievement. Whatever way we do that, we need to support parents in their involvement in schools and ensure that all entitlements are taken up, parents are involved and there is a rounded approach in building the right base for children. I support the motion and the amendment.

**Mr Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will resume after Question Time, when the next Member to speak will be Mr Roy Beggs.

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

**2.00 pm**

## Oral Answers to Questions

### Finance and Personnel

**Mr Speaker:** Once again, I remind Members that we will have topical questions first. Those will last for 15 minutes. We will then move to deal with the questions that appear on the Order Paper. I take this opportunity to welcome the new Minister of Finance and Personnel to his first Question Time as Minister. I wish him well.

### Economic Recovery

1. **Mr G Robinson** asked the Minister of Finance and Personnel on what he is basing his publicly expressed belief that Northern Ireland is in the foothills of economic recovery. (AQT 41/11-15)

I wish my colleague the new Finance Minister well. I feel privileged to be the first Member to ask him a question in his new post.

**Mr Hamilton (The Minister of Finance and Personnel):** Mr Speaker, I begin by thanking you for your words of welcome. I also thank my good friend Mr Robinson for his kind words. I have to say that I have received a lot of kind words in the past six weeks. I seem to be everybody's best friend suddenly.

**Mr Campbell:** It will not last.

**Mr Hamilton:** It will not last. It is early days — still the honeymoon period.

I thank the Member for his question. I do not think that any of us should be unduly optimistic too early. In the past, we have heard politicians express too early the end of economic downturns, recessions, and so forth, so we need to be somewhat cautious. However, when we start to see a body of evidence develop, as we have over the past number of weeks, we can say that there are encouraging signs economically in Northern Ireland. At least five indicators are starting to show that we are moving into the foothills of economic recovery in Northern Ireland.

The first is the Northern Ireland composite index, which is produced by the Northern Ireland Statistics and Research Agency (NISRA) in my Department and has shown positive growth in the economy during two of the past four quarters. The unemployment rate in Northern Ireland now seems to have

stabilised and turned a corner. It now stands at 6.9%, which places it nearly a whole percentage point below the UK average. Our employment level is also heading in the right direction. Employment rose by 3,240 over the past quarter and by 5,230 over the past year. In July and August, the Ulster Bank's purchasing managers' index was extremely encouraging. Anybody who knows the history of that will know that the figures have been "littered with positives", which is a direct quote from commentators. Business activity, new orders, exports and employment have all increased. The business activity increase is now at its fastest rate in 70 months.

The final indicator is the residential property price index report, which shows that prices increased by 2% between the first and second quarters of 2013. In many respects, these are the best figures since 2007, which is significant because that was the start of the downturn. All previous indications were that these things were moving in the wrong direction. They are now moving in the right direction, and that is, rightly, cause for optimism.

**Mr Speaker:** I should announce that question 6 has been withdrawn.

**Mr G Robinson:** I thank the Minister for his answer. What evidence does the Minister have that these improvements will be sustained to help to minimise situations such as that pertaining to the possible closure of Hanna and Browne stores in Limavady, Bangor and Lisburn?

**Mr Hamilton:** I thank the Member for his supplementary. He is right to highlight the case of Hanna and Browne, which is in his constituency and has a presence on High Street in Newtownards in my constituency. It shows the extent of the problem that we have. I do not think that we should be overly or unnecessarily optimistic. There will be bumps along the road to recovery. It will not be a very sudden switch from all negative news to positive news. There may be two steps forward and one back economically in Northern Ireland. Unfortunately, I suspect that some well-known names, such as Hanna and Browne, will fall away and not survive. However, what we, as an Executive, have done, particularly on rates — work taken forward by my predecessors in this role — has ensured that many shops and retailers are still there, have fought through the downturn and are in a position in which they can survive it. The job for me and Executive colleagues is to find a way to encourage such companies and firms to thrive moving forward.

I am optimistic, because all the evidence is moving in the right direction. It is starting to show trends over a period of a couple of months or a couple of quarters, which is always good. We are seeing growth in some of our key markets: the UK economy as a whole, the Irish economy and the euro zone economy. Given how dependent we have been in the past on exporting goods from Northern Ireland to those markets, the fact that they are all showing positive signs is an encouragement that the indicators that we have seen over the past number of weeks are here to stay. That gives me the optimism that I have expressed previously.

## Equal Pay Settlement

2. **Mr Girvan** asked the Minister of Finance and Personnel whether he has given any consideration to the sense of injustice felt by the staff of the PSNI and the Department of Justice who have been denied access to the equal pay settlement. (AQT 42/11-15)

I, too, congratulate the Minister on his new post and hope that it is not a bumpy road for him.

**Mr Hamilton:** I thank the Member for his question. I think that it is important for me to clarify at the outset that the judgement that Justice Babington made back in March made clear that there was no legal liability for my Department in settling any equal pay issue for the staff that the Member referred to in the PSNI and the former NIO. Some argue, and I have incredible sympathy for their view, that there is a strong moral case and a strength of feeling across many who are literally sitting beside, and doing essentially the same work, as some of those who were able to access the equal pay settlement while they themselves were not.

I have spoken to many colleagues over the past couple of weeks, notably the First Minister, the Member himself, Mr McCrea, who is sitting on his left, and, indeed, many others in the Assembly, who have expressed their concerns and the strong feeling that they have that there is a moral case for us to address. However, I am conscious of the danger of raising expectations unnecessarily. A lot of people were let down in the past, and I do not want in any way to raise their expectations that this can be resolved. However, I make it clear that I am carefully considering options on the issue. I have asked officials to prepare a paper on how a payment could be made, how much of such a payment could be made and what the ramifications might be.

To make that a reality, I am mindful that I might require broader political support in the Executive and, indeed, the Assembly. There are issues and challenges with this matter, but I am carefully considering it, and I hope that what I have said today might give some comfort to those in the PSNI and the NIO that their case is being taken seriously.

**Mr Girvan:** I thank the Minister for his answer. I appreciate that there is a moral issue to consider and I believe that we should address it. The Minister mentioned the possible need for broader political support. Does he envisage that as a problem? Are there those who have tried to stymie a solution to the matter?

**Mr Hamilton:** I thank the Member for his supplementary question. I hope that there will not be difficulties if broader political support is required, as I think it will be. The reason why I do not think that there will be difficulties is because of the sheer volume of representations that I have received not just from members of the public service who are directly affected but from political representatives from this Chamber and other democratic institutions. The Committee for Finance and Personnel has taken a keen interest in the issue, and, in the past, it has made it clear that some way should be found to resolve it. Obviously, the Committee has broad political representation in this House, and there was Assembly support, in broad principles, for a resolution of it in a motion that Mr McCrea tabled in June this year. Members from all sides roundly endorsed that motion. So, I hope that that is followed through at a later stage. If I am able to do this, if there is money to do it and if I require political support, I hope that that will stand us in good stead.

However, let me reiterate that I do not want to raise expectations unnecessarily, other than to say that the issue is being carefully considered. If I can come to a view that this can be done, that it is affordable and that the ramifications are not so bad that they would rule it out, I will be seeking that broader support to resolve this issue and to dispense with the sense of injustice that many in our public service feel.

## Public Sector Reform

3. **Mr McQuillan** asked the Minister of Finance and Personnel to update the Assembly on his public sector reform agenda and the creation of a new division in the Department of Finance and Personnel. (AQT 43/11-15)

I offer my best wishes to the Minister — *[Laughter.]* — and to his predecessor.

**Mr Hamilton:** I thank the Member for his congratulations and his question. I will have a fairly big Christmas card list this year.

I have a lot of priorities in DFP, and I think that you would expect that in a Department that is so central and so pivotal, and which has such a broad remit across our government. I think that you would expect me, as you would expect any Finance Minister or person occupying this role, to be concerned, first and foremost, with ensuring that our public finances are sound and secure and that we are able to do our first priority as a government, which is to deliver services to achieve better outcomes for our citizens. However, I obviously have priorities in respect of procurement and making sure that we spend wisely the £3 billion that we spend every year, and that, in so doing, we do what we can to assist local companies. You would expect me to have priorities in respect of rates as well.

To that list, I have added public sector reform. I have done that because I believe that the public expenditure situation in Northern Ireland is challenging, and remains challenging. Perhaps, it has not been as challenging as it has been for some across the water, principally in local government, but, moving forward, there is less spending overall, and there will be less resource expenditure, which will put pressure on some of our key services. If you add into that the rising public expectations of what we in government, in Stormont, can do and should deliver for them, it poses an immense challenge for all of us moving forward.

I have come to the conclusion that government needs to transform, change and be innovative. To assist me in achieving that objective, I have created a new public sector reform division within the Department, as the Member alluded to. It will be headed up by Colin Sullivan, who has been appointed in the past week or so. In the weeks ahead, he and I will start to work up a work programme, which will look at how we can drive innovation across the public sector, how we can make better use of technology, how we can collaborate across Departments to resolve outstanding problems, how we can spend a lot more on prevention and how we can ensure excellence across the board. It is a big task, Mr Speaker, but, given the circumstances that we are in, it is one that has to be embraced.

**Mr McQuillan:** I thank the Minister for his answer. In his answer, he mentioned a new

division within DFP. Who does he see as being the main players in that, along with himself and the gentleman he mentioned?

**Mr Hamilton:** I thank the Member for his supplementary question. It is a priority that I have made, and I will take a very close, personal interest in the matter. I think that the significance of this issue for the Northern Ireland Government has been highlighted by the fact that we have created a division and put a senior civil servant in charge of it. He will have a small team that will work around him. In many respects, I cannot do the job with public sector reform that I want to do unless I get engagement from right across the public sector; and I mean right across the public sector. It is not just the other 11 Departments here at Stormont, although, obviously, they will be critical. I want to see DFP as a proactive partner alongside those Departments, because all Departments understand that they are under pressure, that public expenditure is tight and that if they are to meet the expectations that the public have for them individually as Departments, they are going to have to reform, change and be much more innovative in how they deliver public services.

I do not see it as DFP stepping in and telling those Departments, and others within the public service beyond our core Departments, what they should be doing, when they should be doing it and how they should be doing it. I would like to do that. I might have my own ideas on how that could be done, but I see it very much as working in partnership with others within the public sector to tackle the reality that we have of less public expenditure, different public expenditure moving forward and the expectations that people have about what we should be doing.

I am sure that the Member will sympathise with the fact that public expectations are not diminishing, even in the circumstances we are in with public expenditure; in fact, if anything, they are rising all the time. That poses a real difficulty for Departments. Sometimes, they are not used to thinking about reform and innovation and to collaborating across Departments. I see DFP as an enabler — as a Department that can facilitate that sort of reform and be a catalyst for the sort of change that, I think, the whole of government in Northern Ireland so desperately needs.

2.15 pm

**Mr Speaker:** That ends the period for topical questions. We now move to oral questions to the Minister of Finance and Personnel.

## Well-being

1. **Ms McCorley** asked the Minister of Finance and Personnel how his Department will prioritise and encourage the measurement of well-being at departmental and Executive level. (AQO 4531/11-15)

**Mr Hamilton:** As the Member may be aware, the Office for National Statistics has been leading a programme for the United Kingdom that aims to develop an accepted and trusted set of national statistics to help people understand and monitor national well-being. That work has been undertaken for the UK as a whole, and officials in NISRA have been involved at all stages in seeking to ensure that Northern Ireland interests are represented and that Northern Ireland data is included where available.

The area of well-being measurement has grown internationally in recent years in response to a general understanding that traditional economic measures, particularly a focus on GDP, are and remain very valuable but do not provide a complete picture of social, economic and environmental progress. Along with the Member's party colleague the Chairperson of the Committee for Finance and Personnel, Daithí McKay, I opened a Belfast conference on this subject just last week, which was organised by the Carnegie UK Trust. That conference was very well attended, with participants from a broad spectrum of public life in Northern Ireland. Following that conference, I have asked NISRA officials to draw together the Northern Ireland data that has been input to the UK national well-being wheel of measures so that we can have our own Northern Ireland index and a comparator with the UK as a whole.

**Mr Speaker:** Questions 5, 7 and 14 have been withdrawn.

**Ms McCorley:** Go raibh maith agat, a Cheann Comhairle. An dtig liom an seans a ghlacadh comhghairdeas a ghabháil leis an Aire as a phost nua. Guím gach rath air san am atá le teacht. I congratulate the Minister on his appointment and wish him well in the future.

**Mr McQuillan:** You are finished now.

**Ms McCorley:** OK. As the Minister said, GDP and GVA provide statistics that are used as

indicators, but they can sometimes be crude indicators of how well a society is performing. Does he agree that the narrative needs to be widened? Will that debate be brought to the Executive? Will he consider reflecting on the experience of Scotland in particular and how well it has done in addressing well-being?

**Mr Hamilton:** I thank the Member for her supplementary question and for her congratulations, which are coming from all sides. I am now deeply worried about that.

The Member is right. This is a fascinating subject, although it is probably not what people think of as a core area of business for the Department of Finance and Personnel. We have, down the years, been conditioned to think exclusively about measuring the success of one country or region against another on the basis of economic outputs, such as GDP. In our case, given the difficulties in accurately providing that for Northern Ireland, GVA is frequently used. The school of thought is that although those measurements are very useful — we should continue to produce them — and those statistics still have merit because they are an easier comparator sometimes than using well-being or happiness, or whatever is the preferred approach, there is merit in us examining the potential of broadening how we measure our success or otherwise as a Government by examining well-being.

I will continue the commitment that was made by my predecessor and we will work with the United Kingdom Office for National Statistics to ensure that we input whatever data we have and that we will produce that data ourselves for Northern Ireland. That is a significant step forward that means that, for the first time, we will have well-being data published for Northern Ireland.

I will have to consider carefully what we do with that data. This area is still in its infancy but it has huge potential and, in some respects, what is going on is quite exciting. Nevertheless, I am conscious that I should not go too far ahead of international best practice in this regard. I am open to looking at this area of work while acknowledging that it is complementary to the fact that GDP and GVA are still important measures of where we are as a country.

**Mr Clarke:** I join the rest of the choir in congratulating the Minister today. I see that there is enthusiasm for the well-being measurement but, further to that, does he have any plans to bring a proposal to the Executive to make it a part of the Programme for Government?

**Mr Hamilton:** I also thank the Member for his congratulations. If any Members now rise to their feet and do not congratulate me, they will be singled out for special treatment.

**Mr Storey:** There will always be one —  
[*Interruption.*] John McCallister [*Laughter.*]

**Mr Hamilton:** Our very own indicators of national well-being and happiness sitting over there in the corner. [*Interruption.*] I will touch on the Member's point. I did not address it in my response to the supplementary question from the Member opposite about what I propose to do in Northern Ireland and what lessons I might learn from elsewhere.

At last week's conference on well-being in Belfast, I had the opportunity of meeting Sir John Elvidge, a former permanent secretary in the Scottish Government. We had a very interesting discussion about how their framework, Scotland Performs, has been incorporated as a strategic measurement framework throughout the Scottish public sector.

There is considerable merit in at least examining how such an approach could be used to help us to assess and measure how we are making Northern Ireland a more successful country. Places such as Finland and Sweden are already learning from Scotland. I look forward to meeting Sir John again, although he is retired now, and others in the Senior Civil Service in Scotland. I am due to visit Scotland and meet my counterpart, John Swinney, in the next number of weeks. I also hope to be able to meet those in the Scottish Government who operate Scotland Performs to see how they incorporate it into their measurement of the success of their Programme for Government and how we might be able to do the same.

**Mrs Cochrane:** I thank the Minister for his answers thus far. I suppose that I should congratulate the Minister as well. Maybe that did not sound very sincere, but I obviously mean it.

The Minister may be aware that the UN global report on happiness was published last week. Given how miserable many of us up here are a lot of the time, is there anything that we can learn from countries such as Denmark that ranked in the top 10?

**Mr Hamilton:** I thank the Member for her question and her congratulations.

Some purists would debate whether well-being and happiness are exactly the same thing. There are slight and distinct differences. I will not get into that academic debate, but the fact that the United Nations produces an annual happiness index shows that, globally, a lot of countries are not simply making assessments on purely economic figures but on the basis of wider social, environmental and economic well-being and happiness.

I saw the report and was interested in the countries that ranked in the top five. Denmark was at the top, Sweden was fifth, or something like that, and Norway was second. When you look at that superficially, those are cold countries that are dark for half the year and whose people pay half their income in taxes. You would not think that that is a natural recipe for a happy country. Mr Campbell reminds me that Norway is outside the European Union. That may be one reason for its happiness, together with the oil and gas surpluses that it does not know what to do with. That might be a slightly different case altogether.

The ranking of those countries shows that big government, as there is in Northern Ireland, Denmark and Sweden, is not necessarily always a bad thing if that big government is focused on being efficient and effective. I am keen to look at that for public sector reform, and I have expressed my desire to look at and learn lessons from countries such as Denmark, Sweden and Finland. They all ranked very highly in that report, compared with Ireland, which ranked seventeenth, and the United Kingdom, which was twenty-second. I am keen to learn lessons on how we can get a competitive economy, a more efficient public sector and make our people happier in the process.

## **Narrow Water Bridge**

**2. Mrs McKeivitt** asked the Minister of Finance and Personnel whether he would consider providing further funding to the Narrow Water Bridge project, given that three councils, the Irish Government and a private investor are either considering, or have already provided, a commitment to fill the shortfall in funding for the project. (AQO 4532/11-15)

**Mr Hamilton:** I thank the Member for her question. On 28 May 2013, my predecessor, Minister Wilson, announced DFP approval for considerable financial support for the INTERREG IVa Narrow Water Bridge project. In this announcement, in the letter of offer issued to the project lead partner and in all

subsequent correspondence to those involved with or lobbying for the project, it was made clear that the Department has a fixed funding position for the Narrow Water Bridge. The substantial INTERREG IVa funding package, which is some £11.7 million, is the DFP contribution to the project. My Department has no additional funding that can be made available for the Narrow Water Bridge.

**Mrs McKeivitt:** The Minister is probably aware that discussions are ongoing to put together a cocktail of funding to deliver the project. Many in south Down see the project as a means of underpinning the local economy. Will the Minister make a positive contribution by exploring the possibility of the Northern Ireland Executive making a financial contribution to make this very important project happen?

**Mr Hamilton:** I thank the Member for her supplementary. As I pointed out in my response to her first question, we have already committed a substantial amount — nearly £12 million — to the project, which is a considerable volume of money in the grand scheme of the project. It would have been a very significant amount but for the huge cost overrun. I recognise, and the business case recognised, that there were myriad potential benefits for the greater Carlingford lough area, particularly in tourism, ease of access and quicker transportation times. Although those are important things to secure for that area, and I know the area very well, we cannot lose sight of the fact that there has been a significant cost overrun, which is proving challenging to realising the project.

At this stage, DFP has received no formal proposals to confirm that the additional sources of funding, such as those that the Member highlighted in her initial question, are in place. The project must present satisfactory evidence of funding to the Special EU Programmes Body for its consideration, and that will be transmitted onward to DFP for review. Given the considerable increase in project costs, DFP will need to fully assess the implications of that, and approval will be required. As always, on everything, I am more than prepared to listen to anybody who comes forward with any proposals for how to get us out of this or any other problem. However, to date, we have not received anything formal from anybody.

**Mr McCallister:** Not to be outdone, I, too, congratulate the Minister.

**A Member:** Hypocrite.

**Mr McCallister:** It is only fair that I congratulate him today. I will not feel as bad having to shout "resign" at him in the future.

There is huge concern about the bridge. The Minister, quite rightly, highlighted how right up against the wire the project is. Will he undertake at least to facilitate putting pressure on other Governments? I know that the Irish Government will contribute something, as will Newry and Mourne District Council. Will he use his office to try to consolidate the cocktail of funding that has been put in place to make sure that it falls within all the necessary European funding regulations?

**Mr Hamilton:** I thank the Member for his question. I am glad to see him without his partner in crime: it seems that he has been let out on his own now after the summer.

On the financial contribution from Northern Ireland, the £12 million that we are committed to giving to the project is a significant tranche. The Member mentioned the commitment of others. I am aware that the local council in that part of the world is committed to making money available, although we have not had any formal discussions with it about that. He also mentioned the Irish Government. Although we have had some discussions with the Irish Government, I am not aware that we have had any formal approach from them suggesting that they will input additional money.

The Member asked what DFP does to consolidate — to use his term. Ultimately, the Department will assess a new business case for this because of the significant cost overrun. Therefore, I suppose that we are consolidating. Nevertheless, my position on this is the same as my predecessor's: as far as Northern Ireland is concerned, the £12 million that we are putting forward is enough — no more.

**Mr Campbell:** I congratulate the Minister on lasting for 28 minutes before the first use of the word "resign" in his career. On a slightly longer timescale, the Minister indicated that his predecessor made the announcement on the project four months ago. If the project were not to proceed, will the Minister outline what the outcome would be for the INTERREG funding already set aside for it?

**Mr Hamilton:** I thank the Member for his question. Given the amount that we have said that we would outlay on the project, my biggest concern is that we have committed £12 million. If the project does not go forward, we will have to find other projects on which to spend the £12

million so that that European money, which is, of course, our money coming back to us, is not lost, and Northern Ireland is not the loser as a result. The substantial INTERREG IVa funding allocated to the project means that a decision needs to be taken in the coming weeks to ensure that, if the project does not progress, a contingency may be put in place that is deliverable and will achieve full drawdown in the remaining time frame, which ends in December 2015.

## 2.30 pm

I think that that highlights the urgency of coming forward with this. We cannot mess about trying to get a cocktail of funding that is loose and, perhaps, ultimately very difficult to realise. DFP is working with the SEUPB, other Departments and the Department of Public Expenditure and Reform in the Republic of Ireland to identify contingency projects to meet the potential shortfall in the INTERREG IVa programme allocation.

The apportionment of departmental budgets in the Irish Republic means that any such projects must align with those priorities that are suitable for funding by the Department of Transport, Tourism and Sport in the Republic of Ireland. That also somewhat narrows our ability to spend that money and makes it even more of a concern for me.

## Finance for Small Businesses

3. **Mr McCarthy** asked the Minister of Finance and Personnel what discussions he has had with the banking sector about additional funding being made available for small businesses. (AQO 4533/11-15)

**Mr Hamilton:** I thank Mr McCarthy for his question. I recently began a series of meetings to renew the focus on access to finance and banking issues. Last week, I met the chief executive of the British Bankers' Association to discuss what more the banks can do to improve access to finance locally. I also met the Secretary of State to discuss what action the Government will take to deliver on their commitments in this regard in the economic pact. In particular, I called on her to ensure that the first meeting of the joint ministerial working group on banking issues takes place as soon as possible.

In the week prior to that, I met the Irish Finance Minister to discuss the approach that is being taken to address the problems in the Irish banks and how that is being applied to their

operations in Northern Ireland. As part of our ongoing engagement with them, I will also be looking to meet senior management of our individual banks with my party and ministerial colleague the Minister of Enterprise, Trade and Investment.

**Mr McCarthy:** I thank the Minister for his answer. Could I, as a Strangford Assembly colleague, proudly congratulate the Minister on his appointment? Only somebody from Strangford could reach this point in their career and so early, and I wish you every success. I hope that you will continue to make sensible and prudent decisions on behalf of us all.

Do you share my concerns that the Government's funding for lending programme lets Northern Ireland down somewhat in that very few UK-domiciled banks trade here? What approach will you take with the Treasury to rectify that anomaly?

**Mr Hamilton:** I would let the Member talk all day if that is the sort of effusive praise that he will hurl in my direction. Similar to Mr McCallister's congratulations, I am sure that it will be short-lived in the future. However, I thank him for his kind words.

He is right in identifying the failure of many of the national lending initiatives that Treasury brought forward to function and operate properly here in Northern Ireland. I think that the primary reason for that is our unique banking structure in Northern Ireland, where we have only one bank in British hands, that being RBS/Ulster Bank, which is in our national Government's ownership. Because of that, that has habitually been the only bank to embrace those national lending initiatives. The others are not compelled to and opted out.

Sometimes they opted out for very good reasons. Some of the schemes have not been tailored for Northern Ireland problems. They have been administratively bureaucratic and quite costly. I spoke to some of them, and they said that it is simply not worth them spending the time, effort or money in some cases in getting into those schemes, because they will not work in Northern Ireland.

The Member mentioned funding for lending specifically. I am glad that Ulster Bank has embraced and become involved in that. The Bank of Ireland got on board in recent weeks. Banks that are not small in a British sense, such as Barclays and HSBC, are involved as part of their national banks, so their very small operations in Northern Ireland are at least availing themselves of funding for lending.

In some ways, funding for lending is not where our problem is. Our problem is a property overhang problem and is a bit more like the Irish Republic's problem than mainland UK's. In working with the Treasury and our government in Westminster, the joint ministerial working group on banking, which I mentioned, will, as one of its pieces of work, look at how we can tailor those funds, initiatives and schemes so that they can work in Northern Ireland. I welcome that engagement from government and, at last, the recognition that we need a different solution in Northern Ireland.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Tréaslaím a cheapachán leis an Aire, agus guím gach rath air san am atá romhainn. I also congratulate the Minister on his appointment and wish him well in the future. Can he give us an update on the enterprise finance guarantee?

**Mr Hamilton:** I thank the Member for his comments. I am being praised in every language going in this place; if only Jim Shannon was here, I could get it in Ulster Scots as well.

The enterprise finance guarantee scheme is another one of those initiatives that Mr McCarthy was alluding to that has not, initially anyway, worked in Northern Ireland. There is, as part of the economic pact, an agreement to bring forward a pilot for that scheme.

All of these schemes, whether or not they have worked in Northern Ireland and whether or not they have directly addressed the problems that we have in respect of banking and access to finance, have some merit and will help some companies in Northern Ireland to get access to the finance that they need. I have been on public record as saying that what threatens the recovery that I was talking about in response to Mr Robinson is the failure of very good companies that have good ideas to get access to finance. If things like the enterprise finance guarantee scheme can help them, we should support and encourage that and work with our counterparts across the water to ensure that that pilot works and is effective in Northern Ireland.

**Ms Fearon:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. I also congratulate the Minister on his appointment. Will he have discussions with the banking sector about the difficulties that businesses and local people face with cross-border banking?

**Mr Hamilton:** I have met some of the main banks that are operating in Northern Ireland. I imagine that, in the weeks and months ahead, that process will only accelerate. I and my colleague the Enterprise Minister intend to continue what my predecessor and she did, namely meeting on a quarterly basis all of the main banks that operate in Northern Ireland.

Clearly, there is a cross-border element to banking, given that Bank of Ireland and Allied Irish Bank/First Trust have a significant presence in Northern Ireland. That means that I have to engage not only directly with them but with my counterpart Michael Noonan, the Minister for Finance in the Irish Republic. Also, the National Asset Management Agency (NAMA) has a huge cross-border element and significance.

So, I am very keen to do whatever I can, no matter who it is with, whether it is our Government in Westminster or the Government in Dublin, to ensure that this very important issue, which is something on which there are huge symmetries across the border, is addressed. Whether it is London or Dublin, we need answers to problems that help us and help companies in Northern Ireland to grow.

## Residential Property Price Index

4. **Mr Moutray** asked the Minister of Finance and Personnel for his assessment of the findings of the latest residential property price index. (AQO 4534/11-15)

**Mr Hamilton:** First of all, I welcome this further quarterly report from Land and Property Services (LPS) in conjunction with the Northern Ireland Statistics and Research Agency (NISRA), which economic commentators are referring to as the most authoritative index for Northern Ireland. It is promising to note that this is the first quarter since 2007 in which an increase in house prices across all property types has occurred. That confirms the views of local commentators that the residential property market here is beginning to stabilise. The index shows that the local market has rebalanced, with prices at pre-2005 levels.

The latest statistics include analysis of the three-month period up to June 2013. The report shows that overall prices increased by 2% between the first and second quarters of this year. However, looking back over the last year, prices are still down by some 3% compared to the second quarter of 2012. The increased number of sales is another welcome sign of the market beginning to stabilise.

**Mr Moutray:** Like everyone else here today, I congratulate the Minister. I thank him for the response that he has just given.

The Minister will be aware that a number of residential property price indices exist, so why has DFP produced another set?

**Mr Hamilton:** With all this praise, I am worried that my head will get so big that I will not be able to get through the door. I am sure that somebody will bring me down to earth very quickly.

First and foremost, a reliable residential property price index is a very useful indicator of the state of the property market. The other indices that produce results for Northern Ireland are, by their nature, limited, in that they are based only on certain parts of the property market. For example, they are based on things like sales purchased through a mortgage or on averages or samples. The index produced by my Department is based on the full range of sales of residential property in Northern Ireland using transactions reported to Her Majesty's Revenue and Customs for stamp duty and land tax purposes. Therefore, you get a complete picture that covers all sales, irrespective of how the purchases were made, which is unlike some of the other indices. That has allowed LPS, in conjunction with NISRA, to produce what economic commentators have referred to as the most authoritative index for Northern Ireland, and one that uses internationally recognised methodology.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. I know that I am at risk of making the Assembly sound like a broken Cliff Richard record. However, I also add my congratulations to the Minister. I will congratulate him further when he gets through his first session with the Committee for Finance and Personnel in a couple of weeks.

On property sales and the construction industry, we still have a long way to go. Will the Minister commit to doing what his predecessor failed to do, which is to deal with the overly bureaucratic payments process between centres of procurement expertise (COPEs) and main contractors? Will he also introduce adequate protection for our subcontractors?

**Mr Hamilton:** I thank the Member for comments. I very much look forward to my first session with the Committee, which I think is scheduled for 25 September. I am sure that the Committee members will be as gentle with me as they have been today.

The Member has conflated a couple of issues so I will try to untangle them. On where we are with house prices, I think that we sometimes get a little bit obsessed with the prices themselves. Obviously, price is significant, particularly for people who have seen huge falls and are perhaps in negative equity. I am probably more interested in activity, particularly given the Member's line about getting the construction sector going. As the index shows, that activity is generally at a lower level in the market. However, it has shown, between quarter 1 and quarter 2 of this year, a 10% increase. That is a fairly significant increase: the highest since quarter 2 of 2007, which was, of course, at the start of the economic problems that we have had. Therefore, I think that that is a good indicator that we are heading in the right direction and that there are significant numbers of sales. I think that there were around 3,400 sales in quarter 2 of this year, although that is not up to 2005 levels.

In respect of COPEs, which is a more general procurement issue right across the public sector, the Member will know from his experience in Committee that we have put in place prompt payment criteria for all our contracts. Most COPEs and Departments are hitting well above their targets. There is still room for improvement; we should always strive to get as close to 100% as we can. However, we have seen significant increases over the past number of years. The Member will also know that, with regard to getting payments to subcontractors, we have introduced project bank accounts for any procurement contract that is worth over £1 million and has a significant number of subcontractors involved in it. Their payments will go through a project bank account, and officials from my Department will have a say over that. Hopefully, that should resolve the sort of situations that the Member will have seen in his constituency with the collapse of the Patton Group and the failure to pay a significant number of subcontractors what they were owed.

**Mr Copeland:** I begin by offering the Minister a degree of sympathy for the onerous duties that he now confronts. To a lesser degree, I echo the congratulations that he has had from other quarters.

I seek the Minister's views as to how property prices are affected by geographical area and the degree to which he believes rating valuations play a part in influencing house prices.

**Mr Hamilton:** Clearly, where you live affects your property's price. We see that reflected in

the latest index that has been produced by Land and Property Services, which is split into four areas across Northern Ireland. In that index, the north of Northern Ireland stretches from Londonderry right across through Limavady, Coleraine and the lovely north coast, which my colleague here represents. It showed a fairly significant increase of, I think, around 6%. In other parts, however, such as Craigavon in Mr Moutray's constituency, which is in the south of Northern Ireland, there was a decrease. So, parts of Northern Ireland are doing better with regard to property prices than others. That tends to reflect the data that comes from some of the other reports and indexes. It is also reflective of historical trends.

As for the impact of rates on house prices, I suspect that, for some, rates may be a factor that they consider when they look at the totality of the budget that they have to pay for their new properties.

However, I have not seen any documentary evidence to suggest that the level of rates that people pay is dissuading them from purchasing houses or is itself a factor in increasing or decreasing property prices.

2.45 pm

## Education

### St Mary's High School, Brollagh

1. **Mr Flanagan** asked the Minister of Education, given the challenges facing St Mary's High School, Brollagh and its threatened closure, with a public meeting to take place this Wednesday evening to further inform the local community about the alternative and innovative cross-border proposal from the local action group, to give an assurance that his Department will do everything possible to ensure that this alternative proposal is fully assessed by CCMS as part of its ongoing work. (AQT 51/11-15)

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a Cheann Comhairle. First, I congratulate the Finance Minister on being elevated to his new post. The previous Finance Minister and I got on like a house on fire, and I am sure that that relationship will continue with Mr Hamilton.

On the Member's question, one of the issues that has arisen as part of the area-planning proposals is the involvement of local communities in discussing the future of their

schools, whether in rural or urban communities. I have urged all relevant managing authorities, whether it is the education boards or the Council for Catholic Maintained Schools (CCMS), to take heed of what local communities are saying to them. If alternative plans come forward, those need to be critiqued by the managing authorities to assess their value and, perhaps, their limitations. They certainly deserve to be critiqued and evaluated by the relevant managing authority, and that is the case in Brollagh.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer. One of the difficulties that groups face is that they are not really made up of educationalists or academic experts who can produce well-written and detailed reports. Would the Minister's Department be willing to look at providing funding or staff resources to help groups such as this one to develop further this exciting and innovative alternative proposal to closing a rural post-primary school?

**Mr O'Dowd:** The Member missed the right Minister for that question — the Finance Minister has just left the Chamber. There is no funding available in my Department to finance the programme of work that the Member sets out. A proposal does not have to be as detailed as one produced by a consultant or someone else to whom large sums of money would be paid for such work. Local communities know their communities. They will be able to access information from their schools, through Freedom of Information requests and other resources on travel distances etc for these reports. The people you have to convince about the survival of a rural school is not the Minister or CCMS but the parents in the area. You have to convince them to send their children to the school, because time and time again, parents, for whatever reason, decide to send their children past their local school to another school. If you start to convince parents in the locality of the viability of the school, you will have won the battle.

## Secondary Education: East Belfast

2. **Mr Douglas** asked the Minister of Education for an update on the review of secondary education in east Belfast and its impact on secondary education in south Belfast. (AQT 52/11-15)

**Mr O'Dowd:** I am reaching the stage at which I will be able to make a final decision on the development proposals in east Belfast, which also affect south Belfast. I have asked my

officials to speak, once again, to the relevant boards about a number of matters that came to my attention as a result of my discussions with elected representatives, community representatives and the schools. As I said to Mr Flanagan, one of the positive issues to arise from area planning is that communities have started to take ownership of their schools. I have to decide whether that ownership has come in time to save a school.

**Mr Douglas:** I thank the Minister for his answer. I know that he met all the MLAs for East Belfast. Will he let us know when that process will finish? Will he agree to meet us again to give us an update?

**Mr O'Dowd:** I cannot give the Member a definitive date for my decision, but it is imminent. I will certainly accommodate any discussions with officials following my decision. I am still involved in a statutory consultation process. That is now closed, and I have to make my decision. Once I have made my decision, I am more than happy to engage with elected representatives.

## Levels of Progression

3. **Mr Girvan** asked the Minister of Education, in light of the recent GTC NI survey of teachers on levels of progression, when this fiasco will be brought to an end. (AQT 53/11-15)

**Mr O'Dowd:** I read with interest the GTC's report on levels of progression. Indeed, I already had in my possession consultation responses from schools in programmes of work that the Department of Education and the Council for the Curriculum, Examinations and Assessment (CCEA) have taken out. They reflect the failings that are expressed in the GTC report, but I do not accept that we are in a mess. We are in a programme of change to assessment in education and in schools. I had committed to the unions and to the Education Committee, which, by the way, also agreed to the levels of progression proceeding. So it was not only the Minister who was not hearing, not seeing and not listening at that stage, as was pointed out to me this morning. They agreed that the changes that I had made at that stage were sufficient to allow it to go into a trial year. I assured the unions that, during that trial year, I would re-evaluate it, have meetings and discuss and learn what had to be done. I have done that. The GTC report confirms many of the things that I had already found out, and I will go back to the unions and put on the table proposals on the way forward. I believe that there is a requirement for assessment in our

system, but I accept that that assessment has to be worthwhile and add value to education.

**Mr Girvan:** I thank the Minister for his answer. What is the time frame for making those changes? The report bears it out, everything else is saying it, and we have known it for quite some time.

**Mr O'Dowd:** It will be within a matter of weeks, possibly stretching into months, but not a significant period after that, because the schools need to know what changes I am making. Hindsight is a great benefit to Members who, during Question Time, take an opposition position to that which we have adopted, and I have no difficulty with that. However, this was debated at length in the Education Committee, which, quite rightly, asked for changes to it. I delivered those changes, and no one blocked them. Everyone was prepared to give it a chance over the year because it was being evaluated by me and my Department. We have evaluated it, and I did not need the GTC to report to me on its findings. I already had that information in my possession because I sought it. I will deliver changes to the programme, but I believe that assessment is a necessary part of improving our education system. I also agree that we have to get it right.

## Pensions: Teachers

4. **Mr Brady** asked the Minister of Education whether he has given any consideration to breaking parity with the UK in relation to the Public Sector Pensions Bill perhaps to establish a local pensions scheme for local teachers. (AQT 54/11-15)

**Mr O'Dowd:** The Department of Education is committed to whatever decisions the Executive and the Assembly make on public sector pensions. A Bill is making its way through the Assembly structures, and I await the outcome of that. However, with teachers' pensions, during an earlier phase when changes were made by the Westminster Government, I produced alternatives to what Westminster suggested. I published those ideas for consultation and engaged with the trade unions, and I thought it a fair way forward that teachers on higher earnings should pay a greater amount than those on low earnings, given the direct financial consequences that we faced because of economic decisions elsewhere. The unions rejected that, and, therefore, I could not move ahead with it. I await the outcome of the Bill, and we will see what policies that brings.

**Mr Brady:** I thank the Minister for his answer. Has he had any more recent meetings with stakeholders and teachers' unions, and, if so, will he update us on those?

**Mr O'Dowd:** I regularly meet unions and stakeholders across the education family, and we have discussed many issues, including pensions. I have authorised my officials to engage with the unions on pensions as well. It is an ongoing discussion, but we are continually hampered on the way forward by decisions taken elsewhere. Our economic policy is not driven by the Assembly; it is driven by Westminster according to the needs of England, largely, in terms of its economic policy. I do not believe that our economic crisis will be resolved by attacking people's pensions; that is not the way forward. However, if we do not do something, the economic constraints placed on us by the Westminster Government will have consequences.

## Special Educational Needs Strategy

5. **Mr Craig** asked the Minister of Education what impact Lord Justice Coghlin's overturning the High Court ruling on direct teaching support will have on the policy and delivery of a special educational needs strategy. (AQT 55/11-15)

**Mr O'Dowd:** We will have to study the court's findings. It found in favour of the education board, which is delivering education policy as directed by the Department. The judge found that the policy in place was right and proper for the delivery of teaching needs for that child. Let us study the judgement, and if improvements need to be made or lessons learned from that, the Department will do so.

**Mr Craig:** I thank the Minister for that answer. Does he concur that there is an urgency in getting a special needs strategy out there? It has raised concerns with parents of children with special educational needs that there is an uncertainty about the legal protection that they have at present. They want that sorted out, dealt with, but, more importantly, they want the legal protection to be kept for the children.

**Mr O'Dowd:** I accept that there has been widespread concern among parents about the special educational needs review. It has been debated at length in both the Chamber and Committee. I have to say that I found those engagements positive and beneficial to moving the legislation forward.

I hope to have draft legislation with the Executive by December. I am acutely

conscious that the only way that we will convince parents of the merits of the changes will be when they see the legislation and are able to work their way through it. I will work with the Assembly on that legislation to ensure that the outcome is something that we can all agree to.

## Sure Start

6. **Mr McAleer** asked the Minister of Education to provide an update of the Sure Start review and to state when it is likely to be published. (AQT 56/11-15)

**Mr O'Dowd:** I have signed off the papers that will commission a review of Sure Start in the Department. So, the review has yet to kick off, but I would like to see it do so within a short period of time. We are spending in the region of £25 million per annum on Sure Start, and although there is anecdotal evidence of its benefits to children, families and local communities, I think that it is only right and prudent, given the time that it has been in place, that we review how it is being delivered on the ground, what the actual benefits are and what we should be doing in Sure Start in the twenty-first century.

A programme of work has yet to be taken on board, and I think that, when we have the report of the review published, it will be very beneficial to map the way forward for the quite significant amount of money that we are investing in Sure Start.

**Mr McAleer:** Go raibh maith agat. Will the Minister outline the role of Sure Start and how effective it is in tackling poverty in rural areas?

**Mr O'Dowd:** Over the past number of years, we have expanded Sure Start from the 20 most deprived wards to the 25 most deprived, a significant number of which will be in rural communities. I have been engaged in discussions with the Department of Agriculture and Rural Development (DARD) at official level regarding whether we should specifically target a number of rural wards in which to provide further Sure Start initiatives to ensure that we identify whether the Department of Education can work with DARD on issues that affect rural communities, particularly childcare, etc. Those discussions will continue.

## Loreto Grammar School

7. **Mr Clarke** asked the Minister of Education why Loreto Grammar School changed its mind

about the Lisanelly site given that it was locked into a legal battle about that site. (AQT 57/11-15)

**Mr O'Dowd:** That is really a question that you will have to put to the board of governors of Loreto. The legal hearings came to an end quite a while ago. Area planning moved on. As far as my investment strategy was concerned, I made it clear that the only show in town for area planning was going to be the Lisanelly site. The shared education debate moved forward. I hope that it was a case that everyone in the Omagh area wanted to play their part in ensuring that shared education and the potential of the Lisanelly site were fulfilled.

**Mr Clarke:** Further to that, Minister, can you give the House any assurance that your Department was not in any conversation regarding this being some way of encouraging the school to move away from academic selection?

**Mr O'Dowd:** No. I do encourage them to move away from academic selection, but that was not part of the discussions nor, I believe, their decision to move on to the Lisanelly site.

## Cycling

8. **Mr McKay** asked the Minister of Education whether, like the Minister for Regional Development, he wants to be a revolutionary in cycling, and, to that end, will he look at the promotion and facilitation of cycling in places such as Denmark and Holland and at the lessons we can learn here from that. (AQT 58/11-15)

**Mr O'Dowd:** First, can I congratulate the Member — since that is what we are doing today — on getting engaged? I understand that it was a very romantic moment, which put the rest of us to shame — or at least my wife told me that you put me to shame.

## 3.00 pm

As to the revolution, I think that it is a great idea, in general. On the specific issue of cycling, I think that the Regional Development Minister has come forward with quite a good idea. I understand that the Member has recently taken up the sport of cycling, or in other words, holding up motorists along the road. All Departments have a duty to encourage healthy lifestyles and healthy living etc, and the Regional Development Minister has brought forward a proposal wherein there is

potentially significant capital investment from my Department, which is money that I do not have at this time. However, I have asked my officials to further engage with Department for Regional Development officials on the matter.

**Mr Speaker:** That concludes the topical questions. We now move to oral questions to the Minister of Education. I advise Members that questions 3, 9 and 13 have been withdrawn and require written answers.

## School Transport

1. **Mr Frew** asked the Minister of Education whether he will consider changing the policy on transport provision for children attending a school, other than the school which is closest to their home, where the school which is closest to the children's home is subject to a development proposal to close in the following year. (AQO 4546/11-15)

**Mr O'Dowd:** Although the question asks about a possible change in eligibility for transport assistance, the issue is more about the timely publication of development proposals and a clear articulation in the area plans about the future shape of school provision. There is a statutory duty for a development proposal to be published when a proposal is made for a school to be closed or it is undergoing any significant change. The development proposal process facilitates extensive consultation to ensure that anyone can raise views or concerns before I take a final decision on a proposal.

To allow for an objective assessment of a school's future in the development proposal process and in the wider context of area planning, a school must be considered as a functioning school that is open to accept pupils until such time as a decision is taken on its future. Altering transport assistance in advance of a final decision on the future of a school may be considered in the context of area planning when a definitive plan is in place.

I agree that it is incumbent on the planning authorities to make sure that proposals are brought forward in a timely and orderly manner, taking account of the potential impact of school closures on current and future pupils. They must be sequenced to ensure that pupils are not expected to sign up for schools that are earmarked for closure in the future.

**Mr Frew:** I thank the Minister for his answer, but the point is that we are putting children at a disadvantage because they then have to drive by a school that is earmarked for or is under

threat of closure. It is every parent and child's wish not to go to a school that is under threat. Will the Minister give a commitment that, once a development proposal is put in place for closure, it would override the nearest-school policy and allow children to get free transport to their next nearest school or another school within the distance range?

**Mr O'Dowd:** I accept the principle of what the Member is saying, but the definition of "earmarked for closure" or, to use his other term, "threat" refers to a school that has been earmarked for closure and has had a development proposal published. I am, therefore, in a difficult situation because I am the decision-maker for that development proposal. If I were to turn around and say that children should be allowed to pass that school because it may close, I could be accused of making the final decision around that closure. It is an issue that has been raised with me by a number of the chief executives of the boards etc and we have tried to facilitate those children where possible. I will continue to keep the issue under review, and I will examine each case on its own merits to ensure that we are acting within the legislation and that we are reacting to the reality on the ground for some parents.

**Mr Hazzard:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Does the Minister have any plans to review the home-to-school transport policy? What benefits could such a review bring to the education system?

**Mr O'Dowd:** I have plans to review the education policy. I have identified a number of individuals to whom the Department will speak about their availability and willingness to take on that review. We spend somewhere in the region of £70 million per annum on transport. It is always a tested and contentious issue in localities where parents find themselves left out of the system or believe that the support they are getting is inadequate. I want to ensure that our transport system meets the needs of our schools estate and education through the 21st century. The review will be forwarded, and I hope that the three individuals identified will agree to carry it out. They have a mix of skills that, I think, will bring benefit to the review.

A financial benefit can be identified, as savings from that £70 million budget can be reinvested in education. The transport review will look at whether we can use that £70 million budget in a different way to deliver transport and how our

transport system relates to others in our current system.

**Mrs D Kelly:** The Minister will be aware of the interdepartmental review across education and health in relation to transport. Will he tell us how that squares with his own review? When will we hear of the outcome of those deliberations?

**Mr O'Dowd:** The discussions on the interdepartmental review are ongoing. My review will utilise the lessons that have been learned from that review to date on how we use the available transport, whether that be in the Health Department or the Department for Regional Development (DRD). The key discussions in my review will be with DRD and the Minister for Regional Development around how we move forward with transport etc. They will not take place in isolation from any other Department; we want to learn how we can cooperate more closely with other Departments and how we use or share their resources etc. DRD will clearly play a key role in discussions around the future delivery of home-to-school transport.

**Mrs Overend:** The Minister said that transport is a contentious issue, as is distance from school, particularly in relation to admission criteria for schools. Will the Minister give his assessment of the current arrangements for governors to carry out the very difficult task of verifying applicants' addresses? Does he accept that, on occasions, without appropriate support, that can become a huge administrative task?

**Mr O'Dowd:** I accept that it is a very busy time of year for boards of governors when it comes to examining admissions criteria. However, boards of governors are responsible for their admissions criteria, ensuring that the process is carried out properly, and that all the evidence that they have before them is tested and validated. I cannot think of any other way of doing it at this time. There are, occasionally, areas of contention around the evidence that is provided. At the moment, I am not aware of any cases in which boards of governors have acted irresponsibly in those matters or have failed to carry out their duties because of the pressures involved. That does not rule out there being pressure on boards of governors; I accept that they carry out a voluntary task and that the vast majority of them carry it out very well. I am not aware of nor do I believe that there is another suitable method at this time of carrying out that task.

## A-level Software Development

2. **Mrs Cochrane** asked the Minister of Education what the uptake has been for the new software development A level. (AQO 4547/11-15)

**Mr O'Dowd:** The Council for Curriculum, Examinations and Assessment has worked closely with a range of stakeholders, including the Confederation of British Industry (CBI), the Department of Enterprise, Trade and Investment (DETI), the Department for Employment and Learning (DEL), Invest NI and the sector skills councils, to develop a qualification in software development. The specification or syllabus for the qualification is linked to the current Invest NI priorities for the development and promotion of software and programming skills. This is the first year that the qualification will be available to pupils who are commencing A levels. CCEA requires schools to submit entries for its summer 2014 A-level examinations during next March. It is unable, therefore, to provide details of the uptake in advance of those entries being made.

**Mrs Cochrane:** I thank the Minister for his answer, although, obviously, I did not get the figures. It appears from early indications, having spoken to some of the schools, that the uptake has not been great as yet. Will the Minister tell us, given the importance of computer science skills, what else he is doing to further promote that among primary and secondary level pupils, especially girls?

**Mr O'Dowd:** Information and communication technology (ICT) is an important part of the curriculum and those skills flow through a variety of aspects of the curriculum. I accept that the computer skills qualification is new, but we worked closely with all the sectors to ensure that the qualification being brought forward met the needs of our economy and of delivery in schools. Information has been sent around the schools and pupils about the course. I have no reason to believe that there will be a lower than expected uptake, but if we reach March and find that that is the case, we will take measures to ensure that schools are informed and that we promote the qualification among pupils. Indeed, I will talk to my officials ahead of that to see whether we can promote it further among pupils. The examination was brought forward at the request of schools and, indeed, industry. I want to ensure that it is widely used in our schools estate. I will talk to officials to see whether there is another way in which we can promote it among our schools ahead of March.

**Mr Campbell:** Whatever the scale of the lack of uptake transpires to be, will the Minister outline the nature of the investigative work that he will do to ensure that, where schools are not participating, they do so next year?

**Mr O'Dowd:** We, quite rightly, introduced a new qualification after quite a good piece of work that included the CBI, DETI, DEL and Invest NI. I want schools to use it, and I believe that our young people's career options will be vastly enhanced if they achieve this qualification. If there is a downturn or a lower than expected number of pupils take it up, we will work with schools to see how we can encourage young people to take up the qualification. Let us investigate what measures we can take to ensure that young people take it up. We will not know until March next year how many young people have taken it up, so there are a number of time frames that we have to work to. A lot of work has been invested into introducing the qualification, and I want to ensure that young people across all sectors have the opportunity to sit this qualification.

**Ms Boyle:** Go raibh maith agat, a Cheann Comhairle. What plans does the Minister have to increase the uptake of computer science choices in schools?

**Mr O'Dowd:** Computer science choices cover a wide area of the curriculum. Many of the subjects that young people now sit involve work through ICT, and so on, which is also about improving their ICT skills. With our investment in the C2k network, despite the fact that there were teething problems in introducing the new system, our schools are the envy of many jurisdictions for the investment that we have made in the availability of ICT. A number of private providers from the computer industry are working closely with many schools, promoting ICT and the use of IT throughout schools. All that work is going on. It has now become second nature in many schools for ICT qualifications. The new qualification is focused on developing our stakeholding in ICT in the future. I want to make sure that young people are also doing that. Many different aspects are at play in ensuring that our young people have access to ICT qualifications and ICT during preparations for other qualifications to ensure that we have a more ICT-literate workforce in the future.

**Mr P Ramsey:** The Minister has acknowledged the importance of IT and ICT in the future for job opportunities for young people. During the Committee for Employment and Learning's inquiry into careers guidance, one key theme

that came through from primary-school principals was the fact that they are working with computers and infrastructure that are so out of date that they play no meaningful part in helping those same young people to develop the required computer science skills. Is there a likelihood of any future investment in computers across the primary-school sector?

**Mr O'Dowd:** Primary schools are involved in the same project as post-primary schools, in the form of the old C2k system, which has been updated. We made a significant investment in it only last year, and that is being rolled out across our primary and post-primary schools. So, access to networks and facilities will be the same in our primary schools. Given that IT and ICT move ahead so rapidly, there may be cases of schools having outdated equipment. I accept that budgets are limited, but it is the responsibility of schools to continue to update the resources that are available to pupils. However, many schools have now approached me about the use of tablet devices and their benefits for learning for young people, especially young people with additional learning needs. I am talking to the Department and examining whether there is a way in which we can support schools, particularly primary schools, in rolling out tablet devices to all pupils more rapidly. Those discussions are ongoing. I will have to match that against budgets, but we are looking at those matters.

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

## Sport: Pupil Safety

4. **Mr Anderson** asked the Minister of Education what action he is taking to improve the safety and welfare of pupils who participate in school sporting events. (AQO 4549/11-15)

**Mr O'Dowd:** I believe that this question has been raised following the recent publicity about the coroner's report into the tragic death of Ben Robinson following injuries sustained during a school rugby match in 2011. I have received a copy of the coroner's report into the death of young Ben Robinson, and I will review it to determine what, if any, guidance the Department should provide for schools. The specific reason or reasons for Ben's death will necessitate the issue of very specific guidance, so in considering the report, I intend to seek professional advice. I will also liaise with my colleague the Minister of Culture, Arts and Leisure, who has responsibility for sports here.

3.15 pm

Although the health and safety of pupils is the statutory responsibility of schools' boards of governors, you may be interested to know that the Department of Education provides schools with a copy of the Association for Physical Education's 'Safe Practice in Physical Education and Sport' publication. Schools are guided by and should adhere to that guidance when their pupils are involved in curricular PE or extra-curricular provision. I intend to meet Ben's father after considering the coroner's report. I am very grateful to Mr Robinson for already having been in touch with my office to make those arrangements.

**Mr Anderson:** I thank the Minister for his answer. First, I would like to extend my sympathies to the family of young Ben Robinson, who lost his life to second-impact syndrome while playing school rugby. They have lost a precious 14-year-old son, and I know that the recent inquest will have been a very painful experience for them. Does the Minister agree with the assertion of the medical director of Ulster Rugby, Dr Michael Webb, that the United Kingdom and Ireland lag behind other countries in their understanding of the risks posed to players by concussion?

**Mr O'Dowd:** Clearly, what happened to young Ben is every parent's worst nightmare. It is the phone call that no parent wants to receive when they send their children off to school in the morning. I want to ensure that we do not lag behind anyone. That is why I have agreed to meet Ben's father, and I have asked the Culture Minister to tie in with me on that because she will then link into the sponsoring bodies, whether for rugby, GAA, soccer or whatever. I have no doubt that PE teachers and sports enthusiasts want to know the consequences of head injuries and second injuries. They want to be in a position to ensure that they look after the young people in their charge to the highest degree. I am not a medical expert, so we have to call in expert evidence on this. The coroner's report will be closely studied, as will the comments of Ben's father, and, indeed, the views of the sporting organisations will be taken into account before we issue any further guidance.

**Mrs McKevitt:** My thoughts, too, are with the family of Ben Robinson at this sad time. I come from an area where I have seen three people die on a football field when playing sports. Will the Minister tell me whether all schools have access to a defibrillator and regular training, and, if not, will the Minister consider making representation to the World Police and Fire

Games body, which will be distributing defibrillators that were used in the games?

**Mr O'Dowd:** The purchase of defibrillators etc will be a matter for the schools, but I will certainly take on board that comment from the Member about whether there is an opportunity for schools that do not have them on their premises to get those being distributed by the World Police and Fire Games body. That is a very good proposal, and I thank the Member for that.

We issue guidance to our schools. Our PE teachers are highly professional people who are there for the benefit of young people, and they do not want to see anyone coming off a football pitch, or any other sporting pitch, injured. Given the consequences surrounding Ben's death, I want to ensure that teachers have in place the most up-to-date guidance and that they are fully informed, working along with the different sporting codes, to ensure that they have all the knowledge available to them to minimise, as much as we can, the possibility of any repetition of what happened to young Ben.

**Mr Milne:** Go raibh maith agat, a Cheann Comhairle. What training is provided to PE staff to ensure that they coach sport safely?

**Mr O'Dowd:** As I said, PE staff are responsible to the Department of Education. When schools participate in governing body sports activities, they should strictly adhere to the health and safety guidelines determined by the relevant governing body. That is why we will engage with rugby, GAA and soccer on those matters. It is worth noting that governing bodies also offer coaching awards or qualifications for teachers. The content of those qualifications normally includes the technical and/or tactical elements of the sport, coaching methods and how to coach the sport safely. Following the inquest findings of young Ben's death, I have no doubt that the governing bodies will review their safety measures as well.

## Common Funding Scheme

5. **Mr Storey** asked the Minister of Education how he will ensure that all relevant stakeholders are consulted about the revised common funding scheme. (AQO 4550/11-15)

**Mr O'Dowd:** In my statement to the Assembly on 11 June, I undertook to seek the views of schools and other interested individuals and organisations on the proposed changes to the common funding scheme. My Department launched a public consultation on those

proposed changes, and the consultation document has been published on the DE website. A letter that was issued to all grant-aided schools on 26 June encouraged schools to take the opportunity to participate in that consultation exercise by submitting views and comments. In early July, my officials briefed the Education Committee on the proposed changes. An online response form to the consultation is also available on my Department's website.

My focus is putting pupils first. Child-friendly versions of the consultation documentation have been produced, one for children at primary-school age and one for young people at post-primary-school age. Those were issued to all schools on 9 September, and they specifically asked the schools to encourage their children and school councils to discuss the proposed changes to the common funding scheme and to submit responses. I hope that the availability of the child-friendly documents will encourage a wide range of pupils to complete the age-appropriate questionnaire, which is also available online.

I have employed the services of external providers to consult and engage with parents and children, as well as young people. To ensure that there is as wide a spectrum of views as possible, two public forum sessions have been arranged for early October. Those will be held in the greater Belfast area and in the west. Anyone who is interested in responding to the consultation should make their views known by 5.00 pm on 18 October.

**Mr Storey:** I thank the Minister for his answer. Given that his Department is very keen to consult — this is an example that has raised serious concerns — why then, in the document that is out for consultation, is there a proposal to amend paragraph 1.12 of the current scheme? That would basically mean that, in the future, the Department would be able to take decisions about additional delegated funding to schools without actually consulting those schools. Is that simply a power grab by the Department to be able to manipulate the distribution of funds to the school system?

**Mr O'Dowd:** No. It is an attempt to make the Department more efficient and effective in the delivery of services to schools. As you say, it is out to consultation. I await the views of schools and others on that and other questions in the consultation document.

The Department of Education is probably one of the most legislated-for Departments in this jurisdiction. The day-to-day operation of

schools is almost down to the minutiae in legislation, as is the Department. We are trying to free up the Department to deliver services, rather than it having to go through exercises that, sometimes, at the end, produce no different results. So, I await the consultation responses to that and to other issues and will then make a final decision.

**Mr Kinahan:** I thank the Minister for his answers so far. Will the Minister ensure that, before actually making those decisions, the Department does a thorough working through of cuts to those schools that are going to have cuts to make sure that we have a full understanding of the number of jobs that may be lost on the back of that and the class sizes that may have to increase?

**Mr O'Dowd:** I have made an extra £30 million available over the next number of years for education through the common funding formula. So, I do not agree that the cuts and job losses that the Member referred to will be a consequence of my review. My review is a follow-on from Sir Bob Salisbury's report on how we effectively use our common funding formula, or how we fund our schools, and how and why we give money to individual schools. I have specifically targeted those schools with the most social need, because the evidence points to the fact that a school with a high concentration of social need faces greater barriers than a school without that higher proportion. So, it is about using our resources as effectively and efficiently as possible. I have put the consultation document out to the public. I am aware that schools, particularly during parents' nights, are giving evidence sessions or briefings on this. I welcome that; I think that that is a very good initiative by a number of schools. I expect a healthy response to the consultation.

The figures that schools are working on represent what would happen if we made the changes this financial year. In the next financial year, the aggregated schools budget will go up. So, the figures do not necessarily reflect what will happen next year, because there will be quite a significant jump in the aggregated schools budget. To be accurate to each school, we would have to know how many pupils are going to be in a school next year, how many TSN pupils, how many special educational needs pupils etc. So, we cannot give the schools the figures for next year, but, in general, investment in schools is on the way up rather than on the way down.

**Mr Allister:** Is it a fact that when you assess the likely impact on each school in each sector, the big winner in all this is the maintained sector and the big loser is the controlled sector? Is that generally true of your proposals?

**Mr O'Dowd:** I have not approached my proposals in that manner. I have approached my proposals on targeting need, regardless of where that need exists. I will continue to work with my Executive colleagues to seek further funding for education. If we can balance those schools that are losing funds, I will do that, but I want to ensure that those schools that face the greatest challenges through social deprivation are those schools that receive the most funding to challenge that social deprivation. Moving forward, I would like to see this method as an early intervention in creating and saving money long term for this society, because a well-educated population will not end up in prison, and its people will not end up with the same levels of poor health and reliance on welfare as those in a population that is not well educated. So, I am making an investment for the future, and I hope that the Assembly will back me up on that.

## Free School Meals

6. **Mr Brady** asked the Minister of Education to detail the recent changes he has made to the free school meals entitlement, including the number of pupils who will benefit. (AQO 4551/11-15)

**Mr O'Dowd:** On 11 June 2013, I announced how I intend to take forward the recommendations from the independent review of the common funding formula. The review includes a recommendation to adjust the eligibility criteria for free school meals, which I have accepted. That will mean that, from September 2014, the same eligibility criteria for free school meals for primary and post-primary pupils will apply. I am pleased to advise that that will benefit an estimated additional 15,000 children from lower-income families.

**Mr Brady:** I thank the Minister for his answer. Will the Minister outline the expected benefits to schools from his recent decision to extend the criteria for free school meals entitlement?

**Mr O'Dowd:** The Member may be aware that we are having a debate in the Assembly about free school meals and the expansion of free school meals. The proposal is that we expand it further to include more low-income families. In principle, I have to say that I am very supportive of that. My policy direction is not

how it benefits schools; it is how it benefits the individual pupil. However, to go back to the previous question, evidence shows that those schools with the highest concentration of social deprivation need the most financial support and financial interventions. Those are my proposals on the way forward. I will await the outcome of the common funding formula review before any decisions are made in that regard.

**Mr Cree:** Given that the Salisbury report appeared to indicate a failure in the Department's policies at targeting social need, will the Minister detail whether he will now advance my party's proposal for a pupil bonus scheme, similar to the one proposed by Salisbury, which is in operation in England?

**Mr O'Dowd:** I am not sure that Sir Bob Salisbury's report indicated that the Department had failed, though Sir Bob Salisbury is a very intelligent and articulate individual, and he will be able to speak on that matter himself.

In relation to the bonus scheme proposed by the report, the money has to come from somewhere, and if one pupil gains, another school may lose. I am proposing an open and transparent formula, which everyone can look at and can understand why a school or pupil receives the funding that they have received. You can refer to it as a TSN bonus or a targeting social need bonus; they are the same thing. I am not as interested in the title as the mechanisms and the effectiveness of the policy to help eradicate social deprivation.

**Mr Eastwood:** Will the Minister give any consideration to the provision of free school meals for all Key Stage 1 pupils?

**Mr O'Dowd:** I am happy to consider it. As with all these things, costs always come into play, and we would have to look at the educational benefits to the individuals, but it is something that should be considered.

## Post-primary Education: Craigavon

7. **Mr Moutray** asked the Minister of Education whether option A of the proposals set out by the Southern Education and Library Board concerning the provision of post-primary education in the Craigavon area, will lead to the closure of Lurgan and Portadown Colleges. (AQO 4552/11-15)

**Mr O'Dowd:** At the outset, I want to make clear that it is the responsibility of the relevant managing authorities to determine the most

appropriate structure of education provision for children living in their area.

I am aware that, following the completion of a public consultation on its post-primary area plan, the Southern Education and Library Board supported the recommendation of its advisory subcommittee for controlled schools by backing option A. I understand that, under that option, the SELB envisages Clounagh, Killicomaine and Tandragee junior high schools being brought together as one junior college and both Portadown College and Lurgan College becoming bilateral schools, with their existing selective, grammar element continuing alongside the non-selective element. I am not aware of any proposal to close either Lurgan College or Portadown College.

**3.30 pm**

**Mr Moutray:** The Minister said a lot but told us little there. Minister, at the end of the day, the question is this: if option A is adopted, will Lurgan College and Portadown College continue to exist as free-standing grammar schools, or will they, in effect, close?

**Mr O'Dowd:** I will await the publication of a development proposal from the Southern Education and Library Board, but my understanding of option A is that neither Lurgan College nor Portadown College will close. They will continue to provide excellent education to the young people of that area.

## Private Members' Business

### Free School Meals Entitlement

*Debate resumed on amendment to motion:*

*That this Assembly recognises the importance of free school meals entitlement; welcomes the increase in children who are accessing free school meals; and calls on the Minister of Education to explore ways in which the uptake of free school meals can be improved. — [Mr Hazzard.]*

*Which amendment was:*

*Leave out all after "recognises" and insert:*

*"the important role of nutrition in the educational attainment of children; and, in light of increased financial pressures on working families, calls on the Minister of Education to explore ways in which to extend access to free school meals to more children." — [Mr Rogers.]*

**Mr Speaker:** Roy Beggs is not in his place. Once again, I tell parties — *[Interruption.]* Order. It is up to Chief Whips of parties to make sure that Members are in their place to take part in debates. Once again, I have to scold Chief Whips and warn the whole House.

**Mr B McCrea:** We had an interesting debate before Question Time, largely along the lines that the real debate will take place next week, which is rather disappointing. Surely we should try to deal with the efficacy of free school meals. I heard a number of Members, Mervyn Storey in particular, ask whether there was evidence that free school meals actually made a fundamental difference and whether there was something that we could do to be able to say that spending more on school meals would improve educational achievement. We then got into the issue that it is a really coarse — *[Interruption.]* Sorry, Mr Speaker, I was momentarily distracted there. We then got into the issue of it being such a coarse measure for other, more important things.

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

One of the key questions missing from the debate is this: what is the Minister of Education going to do about welfare reform? If you get into a situation of universal benefits and many of the criteria that make you eligible for free school meals become part of passported benefits, you may find that many of our citizens

end up facing the question of whether or not it is worth going to work because all the benefits are rolled together. I have a specific question for the Minister, because I know that he is going to review the criteria: will he consult on the criteria? Will he go out and ask us why we want to have free school meals and what is the right way to bring things through?

Some Members have suggested that free school meals should be extended. Mr Hazzard said that we should extend them to everybody, but surely that cannot be the right way to deal with the matter. Surely this is about targeted intervention for things that will really make an individual difference. That is what I would really like to have heard in the debate. That is what I really wanted people to come along and talk about. If we are going to spend significant sums on free school meals, let us work out what it is that we are trying to achieve, how much it would cost and what the incremental benefit would be. Let us do all that in a proper and coordinated manner. I am sure that, when the Minister comes back with these issues after a proper consultation, we will then have the time to discuss them.

There is an issue about what we, as an Assembly, plan to do. It struck me that, last week, we spent an awful lot of time talking about the past. We seem to be spending an awful lot of time today talking about something that we all agree on. I have heard Members ask what is the difference between the amendment and the motion. I cannot see much difference. Mr Lunn made the point that you could not put a cigarette paper between them. I do not see the benefit in tabling an amendment that does not really add anything to the motion.

I conclude by saying that the motion and the amendment, as far as they go, are both fine, but we are really ducking the issue. We are not really talking about free school meals, what they should be for, how we should fund them and how to go forward. I hope that the Minister will address my specific questions about how he will come forward in the future with a review of the criteria. When the review comes out, particularly if there is a public consultation, which I urge him to consider, we can have a proper debate about what we are trying to do with this policy issue.

**Mr Beggs:** I declare an interest as a governor of Glynn Primary School.

I am content with the wording of the motion but not with the limit to which it goes, so I will support the amendment. The issue is not only about maximising the current uptake but about

extending it and ensuring that as many vulnerable young people as possible are assisted by it.

For some time, academics have recognised the importance of nutrition to a child's development. Everyone accepts that, if too many sweets with E-numbers are consumed, a child becomes moody and difficult to settle in the classroom. Equally, if a child is hungry, he or she cannot concentrate. The provision of a nutritional diet is very important. It is also important that we talk about breakfast clubs because some young children come to school without breakfast, which is the most important meal of the day.

The issue of nutritional meals for children was raised in 2005 by Jamie Oliver's campaign. Indeed, my dad was involved in that at Westminster. The campaign highlighted that, at that time, the money spent on a school meal was about one quarter of that spent on a prisoner's meal. We must invest in our young people to ensure that they get quality food that will sustain them during the day and enable their development in school.

We must encourage the uptake of free school meals. I commend the work of the Western Education and Library Board, which has mounted a campaign to try to ensure a better uptake of this service and to support parents. However, I notice that, in the 2011 Northern Ireland Audit Office report, it is estimated that only 78% of those registered for free school meals take them. Some 22% of those who are clearly entitled to such meals do not take them, which amounts to 12,700 young people. The Audit Office also indicates that some 8,000 entitled pupils have not registered for free school meals. Therefore, some 20,000 young people do not take advantage of their entitlement.

**Mr Storey:** I thank the Member for giving way. Given that eligible pupils are not taking up school meals and others have not applied for them, is that not a reason why the Department must understand what that money is used for in schools and where it goes in the system? Clearly, there is an issue of accountability.

**Mr Beggs:** I concur with the Member, and I am concerned that the young people who are entitled to nutritional meals are not getting them — never mind the funding implications of that.

On reading the Research and Information Service's information pack, it struck me that there is a funding cliff that affects the working poor. There comes a point at which you are no longer entitled to free school meals for your

children. Guess what? If you earn just a little bit more, you and your family are suddenly worse off. That should concern us all, particularly in view of the review of benefits. That cliff should not exist. No one should be worse off, whether through their benefits or the cumulative effect of their access to free school meals, as they gain employment and slowly, perhaps, increase their hours of employment.

The way in which we increase the uptake of free school meals among those who are entitled to them is important. There should be an aspiration that, at some point in the future, every child should simply be given a free school meal, and then there would be no stigma associated with it. There have been such pilots in England, and we should aspire to it. Perhaps, there could be free fruit for every child at school. That is doable and practical. We need to think outside the box; it is not a question of just more of the same. We need to remove the stigma to ensure that everyone has a nutritional diet and can progress.

To achieve an effective uptake campaign, the lessons seem to be to have a very simple application form, perhaps online, ensure that it is easily understood and, when people ultimately get their money, do everything that can be done to avoid any stigma being attached to it, where possible. The electronic card is one mechanism for doing that, but that is not viable in every case, particularly in smaller schools, because of the sheer cost of the system. However, we must do everything that we can to ensure that those who are entitled take up their entitlement. We should also look at how we can extend it to those who are worse off because they are working — I am talking about the working poor — and those who, perhaps, do not access free school meals because of family pride. We must ensure that children do not go hungry and that they have a nutritional diet to enable them to progress in school, academically and on the sports field.

**Mr Deputy Speaker:** I call the Minister of Education, Mr John O'Dowd, to respond. Minister, you have 15 minutes.

**Mr O'Dowd (The Minister of Education):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas le Chris Hazzard as an ábhar tábhachtach seo a ardú le haghaidh díospóireachta. I thank Chris Hazzard for tabling this important topic for debate. Free school meals are a key passported benefit that addresses the material needs of children from lower-income households. They support their health and well-being and improve their learning and educational attainment. For those

reasons, the significance of free school meals must be seen in the context of the Programme for Government commitment to tackle disadvantage and close the gap in educational attainment between the least and most deprived communities — a commitment from not only my Department but all Departments. In that regard, the provision of school meals is not an end in itself. If we are to eradicate child poverty here, it is a critical enabler.

The particular challenges faced by pupils from lower-income backgrounds in accessing, participating in and benefiting from formal education are well documented. We should not underestimate the impact that that can have on their educational attainment and, ultimately, lifetime opportunities.

I draw Members' attention to some of the key statistics on educational attainment levels for those who are eligible for free school meals. In 2011-12, only 34.1% of young people who were eligible for free school meals achieved five-plus GCSEs at grades A to C, including English and maths. That compares with a figure of 67.9% for those not entitled to free school meals.

I will touch on some of the comments by Members. The Chair referred to the Bristol University report on free school meals in England. The criteria in England are much narrower than the criteria that we have here, so they do not go across as broad a range of low-income families to identify social deprivation. Therefore, I do not think that the report is a fair analysis of our current free school meals entitlement, which is much broader than that in England. As I said, we take in a much wider range, from families on benefits through to the introduction of family tax credit. So we have wider criteria for identifying those on a low income. I think, therefore, that, in that sense, our measure is more robust. The other important thing to remember about free school meals is that the individual child is identified. To the best of my knowledge, no other measure that has been suggested to the Department identifies the individual child entitled to the benefit. That is where the report's analysis is worthy.

Although there has been continued improvement in performance over recent years, there remains too large a gap in performance between pupils from socially disadvantaged areas and those from more affluent areas. I think that it was Jonathan Craig who gave an example, but, in fairness, he did not mention any of the schools. He said that there was a list of 20 schools, with 10 at the top and 10 at the bottom. Some of those at the bottom of the list

for attainment did not have as many children receiving free school meals as those at the top. He is right. Free school meals entitlement is an indication of low income and the barriers that a child may face, but it should not be an excuse for any school not to ensure that all its children achieve everything that they can. We have many schools operating in highly socially deprived areas and doing a fantastic job, with limited resources, to ensure that their young people reach the heights that they deserve.

### 3.45 pm

It is clear from all the research and evidence that socio-economic background remains the strongest factor that has an impact on pupils' attainment. I believe that that is totally unacceptable. Life opportunities must not be determined by social background. As I said, we have many schools that challenge that as well. I have made it clear that I will take action to break that link wherever it exists.

A good education that leads to recognised qualifications is the most effective means to break the cycle of poverty and disadvantage. It is right and fitting, therefore, that my Department has a particular focus on ensuring that children and young people from low-income and deprived backgrounds receive the support that they need to fulfil their potential. That approach is at the very core of many of my Department's policies, programmes and initiatives. It is reflected in the distribution of funding under the common funding formula, which uses free school meals entitlement as a proxy measure for deprivation.

Let me also say to Members that there is no research evidence to suggest that members of the Protestant community are less likely to claim free school meals entitlement than those from the Catholic community. There is no research evidence to back up that claim. I hope that Members are not suggesting, whenever they make such assertions without the relevant research, that Catholics are more likely to claim for whatever is going. I suspect that that is not the case for many Members.

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

**Mr O'Dowd:** Yes.

**Mr Storey:** The Minister's remarks clearly contradict his answers to a question that I asked in the House some time ago. Clearly, when you look at the figures, you see that there are more pupils in maintained schools who apply for and are eligible for free school meals.

Surely the Minister is not trying to paper over the truth and reality of what is happening in schools.

**Mr O'Dowd:** There are higher levels of social deprivation —

**Mrs D Kelly:** Will the Minister give way?

**Mr O'Dowd:** Just give me a second and I will let you in.

There are higher levels of social deprivation in the Catholic community. That is the reality of the situation. There is no evidence to suggest that there are significantly fewer applications from the Protestant community than from the Catholic community. I have no evidence or research available to me that would support that. If there is more deprivation in the Catholic community, schools in the maintained sector, which largely serve the Catholic community, will of course have higher levels of take-up of free school meals.

I will give way to Mrs Kelly.

**Mrs D Kelly:** I wanted to comment on that particular point. Will the Minister confirm that the evidence that is widely available and researched is that there is a greater level of poverty in the Catholic nationalist community than in any other community in the North of Ireland?

**Mr O'Dowd:** Yes. Those are the facts that are indicated by all research and, indeed, government indices on the matter.

I want to talk about a stigma that is attached to free school meals. I accept that there is a stigma across the board, but there is also a stigma attached to people who are on benefits. If you accuse people on benefits almost to the point of criminalisation and say that they should not be claiming them, it is hardly surprising that there may be a reluctance among some people to claim the benefits to which they are entitled.

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

**Mr O'Dowd:** I will give way in a second.

Anyone who is entitled to free school meals should not only claim that entitlement but use it for the benefit of their children. We have vastly improved the information flow on free school meals to parents and schools. Schools have taken the stigma issue on board, and the vast majority of schools that I have visited have always been keen to show me how they ensure

that children are not stigmatised in any way about free school meals. Different coloured tickets are no longer used; the tickets are all the same colour, and where electronic means are used that require a handprint or a thumbprint or whatever it may be, nobody knows who is on free school meals in our schools estate now.

If you are entitled to benefits, you should claim them, and if you are entitled to free school meals, you should claim them also. I will give way to Mr Kinahan.

**Mr Kinahan:** Does the Minister not feel that we should have an opt-out rather than an opt-in system so that everyone who wants the provision takes it rather than including those who do not want to take it up?

**Mr O'Dowd:** The Member's point is valid. We might need to get our computer systems to the point where we can trust them. I suspect that that would involve a major data project. As we move towards more use of computers and centralised data, we may have such a system at some stage, but, at the moment, we are not there. It is down to each individual to claim.

Free school meals entitlement leads on to the introduction of grants for school uniforms. I accept that the grant does not cover the full cost of a uniform.

It is there to assist parents who are under pressure when their children go back to school etc. We have increased that; we have increased the range. It is a reflection of the broadening of the criteria, but it is also a reflection of the economic situation that we are in. In 2007-08, around 25,000 pupils were entitled to receive the uniform grant. By 2012-13, that had increased by almost 53,000 to around 78,000. That demonstrates just how important that support to families can be. Broadening the criteria and the economic situation have brought us there, but we have backed that up with finances to help families the best that we can.

My colleague Mr Hazzard outlined the benefits of free school meals to the health of the child, and I do not think that there is any argument over the educational benefits of free school meals to individual children. It is a wee bit like the old smoking debate in which the pro-smoking lobby said, "Cigarettes will not do you any harm. It will be all right. Go out and carry on smoking." There was no evidence to support that, but there is evidence to support free school meals entitlement and the health benefits to children. It is shocking to realise —

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

**Mr O'Dowd:** Yes.

**Mr B McCrea:** I want to drill down into comments about the evidence. Is it an absolute that free school meals will make a difference for every child? In other words, should it be a universal entitlement? Should every child have free school meals?

**Mr O'Dowd:** I am not talking about the universal element at this time. I will come on to the consultation issue in just a moment.

Free school meals are vital to children from low-income families. It is shocking to realise that that meal may be the only hot meal those children get that day. That is shocking in the 21st century. Those hot meals give those children a nutritious benefit; they allow them to partake in school activities and to be able to concentrate. Over the past number of years, many of our schools have provided water in the classroom to ensure that children are hydrated. A child also needs nutrition to learn. That pays benefits for those children.

I want to deal with welfare reform and where it may take us. If the Executive and the Assembly decide to move forward with welfare reform — it is an "if" — I will go out to consultation on free school meals. It would be only right and proper for us to do so. However, I have to say that I will not go out and ask whether we should continue with free school meals. We will continue with free school meals. I want to protect as many families who are currently entitled to free school meals as possible into the future. That may well spark the debate that Mr McCrea referred to about whether it should be a universal benefit, in respect of the cliff edge and encouraging people to go back to work — although there has to be work to go back to. However, my duty is to ensure that children from low-income families receive free school meals entitlement, a nutritious meal during the day and the educational benefits that flow from that.

I think that I have covered most comments —

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

**Mr O'Dowd:** Just give me one second. I think that I have covered most of the comments from Members about how we move forward.

In principle, I have no difficulty with the amendment that was tabled by the SDLP. As I

said earlier in relation to the Bristol school report, we have expanded our entitlement criteria for free school meals beyond simply benefits to family tax credits etc. There has been some uncertainty in the system about the direction of travel of welfare. If I knew one way or the other what was going to happen with welfare, I would be able to make a decision on what other measures we could take and spread that criteria out to more low-income families. However, I do not think that that decision can be made ahead of a decision on welfare reform. Mr Newton.

**Mr Newton:** OK, Minister. I want to continue that theme. You said that free school meals make a difference, and you talked about the need for children to be hydrated in the classroom and to have wholesome food in free school meals. If it does make a difference and there is evidence of that, why do we talk about "free school meals"? Why do we not talk about this as an investment in our children for the future? That would be a positive response rather than a negative response.

**Mr O'Dowd:** I think that it was you who, during the debate, said that the title of the meal bars people from taking it or puts a stigma around it. You are right: this is an educational investment. We provide those meals to those children to ensure that they have a chance in education and can benefit from it, receive qualifications and go out into life to be a valuable member of society. Perhaps we should look at the name, how we promote it, and explain better to communities and families the benefits of free school meals, and move on from there. There is validity in what you say.

I thank the school catering services that provide a wide range of nutritious meals to our schools. Our memory of schools meals is in the distant past. I assure Members that today's school meals are healthy, nutritious and delicious. I am sure that the comparison with prison food is no longer justifiable. I assure you that our school catering staff provide an excellent service to all young people. Indeed, we have worked with the Health Department on how we encourage nutritious diets and menus in schools. My Department has invested an additional £4.5 million in our schools to ensure that teaching staff, pupils and catering staff are aware of the need for a nutritious meal during the day, and we continue to work at that. That collaboration with the Health Department has been successful.

I support the motion. I believe that free school meals are educationally beneficial to the young people who require them. I believe that they

are targeted at the right people. I accept that, across all communities, there are people who do not claim free schools meals, and I encourage them to do so. I will look at how we brand and promote these things, and I will also look at how we can broaden the criteria to bring more people under the safety net of the free school meal entitlement.

**Mrs D Kelly:** I thank all Members who participated in the debate. For those who were unsure about what the amendment added to the motion, the Minister covered some of that in his summing up: it widens out the catchment over and beyond people on benefits, particularly the working poor. As the Minister and others know, the means test figure of just over £16,000 is quite a low wage. As Mr Rogers said, it is very difficult for a family with three children to save £1,200 a year to spend on school meals. That is a substantial investment for any family. Therefore, the amendment seeks to include more people who would be designated as working poor.

All Members who spoke recognised the educational attainment improvements in children who had good nutritional lunches. Those are fairly indisputable facts. The question around stigma was a common theme in many Members' contributions. It would be interesting if the Minister, along with the Minister for Social Development, were to look at some stage at whether there is a way in which school meals could be applied for at the outset. For example, when people apply for benefits and submit their claims to the Social Security Agency, surely the agency could carry out a health benefits check to see whether all the benefits to which they are entitled could be settled at that stage, rather than them having to fill out individual and repeat claim forms.

The issue around school meal entitlement cannot be divorced from the eradication of poverty and the promotion of social inclusion. It strikes me that most of today's debate has focused on the symptoms of poverty and not its cause, such as the low wage environment in which many people have to operate here in Northern Ireland. Therefore, the Executive need to place a greater emphasis on cross-departmental work on the eradication of poverty and the promotion of social inclusion. For example, some Members talked about the importance of exercise, as well as a good balanced diet. However, some of the programmes that were a legacy of the Olympics and were to be funded by the Minister of Culture, Arts and Leisure have yet to be decided. Those programmes were to have been funded last year and given out to the

schools. Perhaps the Education Minister might follow that up with his counterpart in the Department of Culture, Arts and Leisure.

Some Members and, indeed, the Minister, talked about working jointly with the Health Department. That is critical.

#### 4.00 pm

I recently spoke to some school principals who told me that some of their truancy levels are quite high because when an education welfare officer visits a parent to find out what is happening, the parent is often inebriated or suffering the morning-after effects of alcohol. There is a much wider attack on the causes of poverty and poor educational attainment other than the provision of free school meals would suggest.

This debate has widened the discussion beyond the provision of free school meals. I very much welcome the Minister's recognition of the possible impact of welfare reform on the provision of free school meals. I am pleased that he gave his commitment that should that arise, he will look at the baselines for entitlement and extend those where possible.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. It is slightly disappointing that the debate did not focus entirely on the increased uptake of free school meals. Few enough good news stories come out of this Building, and when we get one such as this, it would be good if everyone could focus on it.

Trevor Lunn said that we were having a review of the debate next week. I tend to think that it was more of a dress rehearsal. Some Members believe that using free school meals as an indicator of social and economic disadvantage is not the best tool to direct funding to schools, but neither are any of the alternatives. I predict here and now that no knockout blows will be landed next week. So, let us stick to the point: free school meals —

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

**Mr Sheehan:** Go ahead.

**Mr Storey:** I am quite happy to throw the first punch if there is going to be a contest on the issue. The issue is — we want the Member to explain because the Minister has not been able to explain it adequately — that as a result of spending that money and putting it into schools, where is the educational out-turn? That is what

this is about. I accept the arguments about nutritional benefit and all those things. Where is the evidence? We have not seen one paper that gives us the evidence in Northern Ireland.

**Mr Sheehan:** It is not about schools; it is about individuals. Every individual needs proper nutrition for brain, intellectual and physical development. They need vitamins, minerals and all the types of nourishment that we are talking about. If kids are coming into school malnourished or undernourished, are you going to tell me that their educational outcomes will not be affected? That flies in the face of all the evidence.

The Member, as Chair of the Education Committee, well knows that the funding follows the child. It does not go to the school, so schools that have more pupils from disadvantaged backgrounds will get the funding. It is straightforward.

We also need to educate children's palates, which was not mentioned in the debate. I am not a great fan of school meals. My own children do not take them. I heard Roy Beggs say that school meals were only half as nutritious as prison meals. That is definitely a good reason for everyone not to send their kids to school dinners because I have had plenty of experience of prison dinners.

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

**Mr Sheehan:** Go ahead.

**Mr Swann:** To clarify: if we check the Hansard report, I think we will see that Roy referred to the difference in costs in producing school and prison meals. He did not refer to their nutrition.

**Mr Sheehan:** I stand corrected on that, but if school meals are costing less than prison dinners, there is definitely something wrong somewhere.

I have a story about educating children's palates, and I beg the indulgence of Committee members because I told it at Committee. I have a 14-year-old son who will eat whatever is put in front of him. He will eat any vegetable, any fish — cod, haddock, squid, octopus, oysters — and if you put a big salad in front of him for his dinner, he would be happy to eat it. However, he was not always like that; he had to be educated. It was hard to get him off chicken nuggets, but he was educated and will now eat whatever is put in front of him and not complain. He will try practically any food going. In his first year in post-primary school, what was the first

thing that he was taught to cook in his home economics class? A fry. So there has to be some sort of joined-up thinking about the dinners being provided in schools and what they teach kids in home economics classes. I am sure that the Minister will take that thought on board.

**Mr Storey:** As a former chef.

**Mr Sheehan:** Absolutely.

The issue is not just that kids are going into school without having had a meal or anything to eat. We also face the problem of obesity. That is an explosion waiting to happen over the next 10, 15 and 20 years. Kids are going into school eating the wrong food. They are being given money to stop at the corner shop and get a sausage roll, a bag of crisps or whatever, and that is a problem. Parents who do not send their kids to eat school dinners often give their kids lunch boxes that do not have nutritious contents. The kids get crisps, a fizzy drink or whatever, and that is a problem as well.

Obesity is a problem, so how do we tackle it? As I said, we must educate children's palates, and that can start in school. We educate them in English, maths and science, so why do we not educate them in what they should be eating and give them a chance to experience different foods? The plain fact is that if kids are not educated, they will eat the same foods as their parents. If their parents are obese, they will be obese and their children will be obese. Those issues need to be tackled.

The take-up of entitlement was raised and a number of reasons advanced for why some parents did not take up their entitlement to free school meals for their children. The issue of pride was raised, and it might well be the case that there is a stigma attached to free school meals, and that has to be overcome. Also, we all need to be careful, as public representatives, to not, in any way, be disparaging or denigrating about people who are on benefits or low incomes. There is a responsibility on all of us in the House and those in other institutions to be careful about that.

Some parents believe that they can provide a healthier lunch-box option for their kids, and I agree that that can be the case.

The option of providing universal free school meals also came up, and I am in favour of that. It would do away with the argument about stigma. If children or their parents wanted to opt out, I am sure that that could be easily arranged. We could fund universal free school

meals. I understand that it would probably cost nearly £100 million a year to provide them. Where would we get the money? We introduced a tax on plastic bags recently, so why could we not introduce a progressive tax on, for example, fizzy drinks that could be used to fund universal free school meals? There is no reason why that cannot be done.

The Finnish system is the education system that is regularly held up to us as being the best in the world. As mentioned, free school meals are provided to all children in Finland.

Free school meals are educationally beneficial to kids in school, and the scientific evidence for that is there. For that reason, and for the reason that it is a good-news story, next year there will be upwards of an extra 15,000 pupils on free school meals.

I commend the motion to the Assembly. I also support the amendment. Go raibh míle maith agat.

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

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

*Resolved:*

*That this Assembly recognises the important role of nutrition in the educational attainment of children; and, in light of increased financial pressures on working families, calls on the Minister of Education to explore ways in which to extend access to free school meals to more children.*

*Adjourned at 4.11 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*

## Justice

### **Appointment of a Speech and Language Therapist to the Youth Justice Agency**

*Published at 12:00 noon on Thursday 12 September 2013*

**Mr Ford (The Minister of Justice):** The Youth Justice Agency has been involved in an ongoing programme of work with the Royal College of Speech and Language Therapists (RCSLT) to develop support mechanisms for young people with speech, language and communication issues within the youth justice system.

A key element of this programme has been the successful piloting within the Agency's Lisburn Area Office and Woodlands Juvenile Justice Centre of an e-learning tool which had been developed by the RCSLT. An evaluation of the six month pilot published by the RCSLT in April 2013 found that 79 of the 147 (54%) young people who were assessed were identified as having communication needs. The RCSLT and the Youth Justice Agency have recognised the need for this to be addressed through the provision of speech and language therapy.

In response to this clearly identified need, I have authorised the appointment of a dedicated Speech & Language Therapist resource for the Youth Justice Agency based at Woodlands Juvenile Justice Centre. This temporary post will be funded by the Youth Justice Agency although the appointee will be recruited and managed via a secondment arrangement with the South Eastern Health & Social Care Trust. It is hoped to have this service up and running by the end of this calendar year.

This appointment will help to ensure that young people within the youth justice system who have speech, language and communication issues will have those needs identified at an early stage and will be offered specialised support to help them better understand their surroundings and engage more effectively in programmes to address their offending behaviour.





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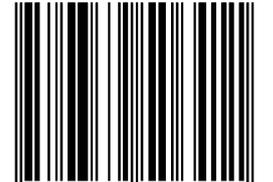
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