

# Official Report (Hansard)

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# Northern Ireland Assembly

Monday 23 June 2014

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

*Members observed two minutes' silence.*

## Assembly Business

**Mr D McIlveen:** On a point of order, Mr Speaker. I want to raise an issue that arose at Question Time with the Minister of Culture, Arts and Leisure last Tuesday. I asked a question that is of considerable import to all communities, but particularly the Protestant unionist community. The question was asked in a respectful way, whilst I fully accept that the content might have been uncomfortable for the Minister. I was given an answer that ended with this tirade:

*"You are belligerent and begrudging. You will not acknowledge and recognise equality across the board." — [Official Report, Vol 96, No 4, p36, col 2].*

Mr Speaker, I would appreciate your ruling as to whether that language is parliamentary. It is also entirely untrue. Anybody who knows me knows that I am none of the three things that I was accused of being. Perhaps, Mr Speaker, you would be so good as to rule on that and suggest appropriate actions.

**Mr Speaker:** As the Member will know, it is a longstanding ruling that it is not up to the Speaker or Deputy Speakers to make a judgement about how a Minister might answer a question. That has been a longstanding convention in the Chamber, because it would be difficult for the Chair to sit in judgement on how Ministers answer questions.

I know that, from time to time, Members are not happy with the way that Ministers answer questions. I know that even from looking at Members, and their body language, in the Chamber. In saying that, I also know that the original question was about tourism, and it ended up as a political question. I suppose that the Minister felt that she needed to give a political answer to a political question. Sometimes Ministers are put in a very awkward position because they are asked political questions that are not part of their official ministerial responsibilities and are left with no

choice but to answer those in a very political way. However, I agree with what the Member has said. I know that, on many occasions, Members, especially Back-Benchers, are not happy with how Ministers answer questions. That is for all Members of the Chamber, but let us leave it there and move on.

**Mr McNarry:** Further to that point of order, Mr Speaker. I appreciate the summary that you have given in response to Member McIlveen. I will introduce what I need to say, but, on the same issue, as a Member, I was astounded and shocked to hear the manner in which the Minister addressed the Member. I think that many Members will have shared that view.

The point that I wish to raise — and I understand the convention and the manner in which you have addressed the question, but is there a time when the Chair or the person in the Chair would have the capability of addressing the issue when it arises? Should the Minister perhaps have been reminded of her status, her conscience and her role as part of this Assembly, albeit not as part of a role in which you would have to have any demonstrable access to her? Is there a role that you might consider with your Deputy Speakers so that issues such as this could be dealt with at the time so that the matter is dealt with there and then, and perhaps the Minister would understand that such language was quite intolerable and was certainly shocking for me to hear?

**Mr Speaker:** The Member will know that, from time to time, I have had to check not only Ministers but Members. Encouraging good temper and moderation of language is very important, not only for Members but for Ministers, so I take the Member's point. On occasions, I have done it, because I believe that, although a Minister or Member can make a point, it does not have to be offensive. I have to say to the Member that I try to avoid interrupting Ministers if possible, and I would only intervene in extreme circumstances. I say that to the whole House.

## Ministerial Statement

### Zero-hours Contracts

**Mr Speaker:** The Minister of Enterprise — the Minister of Employment and Learning wishes to make a statement to the House this afternoon. Minister, I apologise.

**Dr Farry (The Minister for Employment and Learning):** Not at all. With your permission, Mr Speaker, I wish to make a statement to the Assembly on my Department's planned consultation on zero-hours contracts, which will be launched today in conjunction with this statement.

The use of zero-hours contracts has generated significant public, political and media interest in recent months, both in Great Britain and here in Northern Ireland. Indeed, a number of MLAs have raised the matter in this House and elsewhere. As Members will know, Northern Ireland is the only part of the UK to which employment law is devolved. Given the general concerns that have been raised, and my own commitment to ensuring the operation of a fair and equitable employment relations environment in Northern Ireland, I have decided to review the use of these types of contracts, initially through a public consultation. The purpose of today's statement is to give the House an understanding of the current extent of the use of zero-hours contracts and their legal status, and how we intend to examine that further; and to outline the key issues that will be explored through the public consultation.

Zero-hours contracts have been used responsibly, in many cases, for years. They can support business flexibility, making it easier to hire new staff and provide pathways to employment for young people and other jobseekers. These contracts and other flexible arrangements can also give individuals more choice in managing work and other non-work commitments. However, for others, zero-hours contracts, in particular when restrictions are applied, are associated with problems such as the ability to negotiate credit and eligibility for benefits payments, because of the uncertainty about working patterns and income. Also, some people on these contracts feel that they are penalised by their employer if they are not available for work when required. Furthermore, zero-hours contracts can be disruptive to family life and create challenges in childcare planning. Accordingly, I recognise that there have been significant concerns expressed with regard to their potential misuse, and I therefore want to ensure that zero-hours contracts, in their many

guises, do not compromise the integrity of the employment relationship. This consultation will help to determine the extent of their use in Northern Ireland and to provide a clearer picture of their benefit to our economy. It will also seek views on key elements such as exclusivity clauses and whether there is sufficient transparency for employees around the detailed conditions that apply to these contracts.

As with any contractual arrangement, people on zero-hours contracts must understand the basis of their relationship with an employer. It is important to bear in mind that the labour market continues to evolve. As a consequence, zero-hours contracts are an increasingly common aspect of the modern approach to work. Given that reality, if people are to have confidence in the use of zero-hours contracts, then we need to consider how best to regulate them in ways that promote the interests of employers and employees.

During the summer of 2013, the UK Government conducted an informal information-gathering exercise on the use of zero-hours contracts. That was followed in December 2013 with a full public consultation, which closed in March this year. The response to the consultation is not yet in the public domain but we know that the intention is to use the Small Business, Enterprise and Employment Bill to address exclusivity clauses in zero-hours contracts.

I want to assure the House that our own Northern Ireland review will be conducted in line with better regulation principles in seeking to establish arrangements that provide businesses with the necessary flexibility to compete effectively whilst ensuring that the rights of individual employees are protected.

There is no legal definition of a zero-hours contract in Northern Ireland or Great Britain employment law. It is a legitimate form of employment contract drawn up between the employer and individual, providing both parties freely agree to it. In general terms, a zero-hours contract is an employment contract in which the employer does not guarantee the individual any work and the individual is not obliged to accept any work offered. Such contracts may also be described as non-guaranteed-hours contracts.

In its November 2013 guide, the Chartered Institute of Personnel and Development described a zero-hours contract as:

*"an agreement between two parties that one may be asked to perform work for another but there is no minimum set contracted hours. The contract will provide what pay the individual will get if he or she does work and will deal with circumstances in which work may be offered and possibly turned down".*

There are concerns that individuals who work under zero-hours contracts have no protection under domestic employment law or that they cannot be an employee. This is not a correct assumption. As in any employment relationship, the employment rights that an individual is entitled to will depend on their employment status. Most people on those types of contracts will have certain core employment rights, for example: national minimum wage; protection from unlawful deduction of wages; paid annual leave; entitlement to rest breaks, and protection from discrimination.

There has been a lot of anecdotal commentary about the use of zero-hours contracts, but only limited analysis about the extent of their use in the labour market. The existing research and evidence base on the use of zero-hours contracts clearly demonstrates that there is no precise understanding about the numbers of workers on zero-hours contracts across the United Kingdom.

The Office for National Statistics UK-wide labour force survey for the period October to December 2013 found that 583,000 people categorised themselves as being on a zero-hours contract. That was an increase on the 250,000 reported for the same period in 2012. Most recently, the Office for National Statistics published the results of its survey of 5,000 employers, which indicated that employers in Great Britain are using around 1.4 million employee contracts that do not guarantee a minimum number of hours. We can make some extrapolations from these figures to give a general estimate of the prevalence of zero-hours contracts in Northern Ireland.

The Chartered Institute of Personnel and Development also completed earlier research, which suggested that there could be around one million employee contracts of this nature. The preliminary information-gathering exercise conducted by the Department for Business, Innovation and Skills indicated that zero-hours contracts can be useful and valuable for employers and individuals in specific circumstances, providing flexibility for both parties. Some regarded zero-hours contracts as a vital element of a modern, flexible and

responsive labour market and an important reason why unemployment has been lower and the levels of employment higher than might have been expected during the recent economic downturn.

However, the analysis also identified certain concerns around the use of exclusivity clauses as well as a lack of awareness amongst workers about the consequences of being on such contracts. An analysis of that research and a further literature review conducted by my officials leads to a number of observations.

There is a need for further research to gain a better understanding of the exact number of zero-hours contracts and where they are most prevalent.

Zero-hours contracts are more prevalent in the private sector than in the public sector. Larger companies are more likely to use zero-hours contracts, while workplaces in the hotel and restaurant sector and the health and care sector are more likely to employ staff on zero-hours contracts. Those employed on zero-hours contracts tend to work fewer hours — on average, 21 hours a week — than those who are not, who work 31 hours a week. Those who are employed on zero-hours contracts tend to receive lower gross weekly pay on average, of £236 a week, than those who are not, who receive £482 a week.

## 12.15 pm

I am conscious that most of the current research does not provide a separate analysis for Northern Ireland and, in particular, of how zero-hours contracts may impact on our local economy. I have therefore decided to initiate Northern Ireland-specific research on the use of zero-hours contracts. That further qualitative and quantitative research will be taken forward in parallel with the public consultation.

A survey of 500 Northern Ireland employers is under way using a suite of questions that are based on the employer survey by the Office for National Statistics that I referenced earlier. That will give a better sense of the number of zero-hours contracts in Northern Ireland, and figures should be available later in the summer. My Department is also arranging a number of engagements with expert research organisations that have published papers on the use of zero-hours contracts. As part of the public consultation process, a series of stakeholder events will be held to gather more intelligence on the current use of zero-hours contracts and to identify those elements that

may require remedial action for the mutual benefit of employers and employees.

The public consultation will seek views on the following options: banning exclusivity clauses in zero-hours contracts or prohibiting the exclusivity clauses in zero-hours contracts that guarantee less than a given weekly level of gross pay or hours; introducing a right to request guaranteed hours or fixed-term working on the part of a worker on a zero-hours contract following a period of continuous employment; introducing minimum payment in lieu of work, where no work is provided but where there existed an expectation that there would be work; the provision of annualised hours instead of zero-hours contracts in some circumstances; encouraging the production of an employer-led code of practice on the fair use of exclusivity clauses; and continuing to rely on existing common law redress that enables individuals to challenge exclusivity clauses.

To improve the transparency of zero-hours contracts, I am also seeking views on improving the content and accessibility of information, advice and guidance; encouraging a broader, employer-led code of practice that covers the fair use of zero-hours contracts generally; and the value of producing model clauses for zero-hours contracts.

The consultation also includes a number of questions that are aimed specifically at employers and employees. I thought it important not just to target the key stakeholder organisations but to offer individual employees and employers the opportunity to offer their personal perspective on how zero-hours contracts are being used and whether any change is required.

I want to thank the Employment and Learning Committee for its thoughtful consideration of the issues relating to zero-hours contracts to date. My officials recently briefed the Committee on the areas to be covered by the public consultation. The Committee raised important points about the equality and regulatory impact of the proposals, and those have been reflected in the consultation document.

The findings from the research and the public consultation will provide a more informed basis on which to determine whether there is a need to bring legislative proposals to the Assembly or whether the development of user-friendly guidance for employees and employers is a more proportionate response. Following the close of the consultation, I will publish a summary of the responses and seek Executive

and Assembly approval of any changes that require legislation.

**Mr Swann (The Chairperson of the Committee for Employment and Learning):** I thank the Minister for his statement and for the inclusion of the recommendations and some comments made by the Committee in the consultation. I also thank his officials for their engagement with the Committee.

Minister, I want to ask you about a couple of points in your statement. You said that zero-hours contracts are used more in the private sector than in the public sector. It has been documented in Committee that 19,600 zero-hours contracts are used in the Northern Ireland health service. Has the Minister had any negotiations or contact with his ministerial colleagues on that issue?

He also referred to the:

*"provision of annualised hours instead of zero-hours contracts in some circumstances".*

He is doing a piece of work that will look at the problems associated with zero-hours contracts, but will he also look at the associated problems that come into play with annualised-hours contracts?

The Minister mentioned exclusivity clauses a number of times. Does he feel that exclusivity clauses are compatible with zero-hours contracts?

**Dr Farry:** I thank the Chair of the Committee for his questions and for his comments on the nature of the engagement with my officials. I reassure him that we very much want to continue that work with the Committee over the coming months. I stress that, as this may well involve legislation, the views, first, of the Executive and, in due course, of the Assembly will be vital in ensuring that we find the right level and the right balance of any regulation, if, indeed, regulation is appropriate for the particular circumstances in Northern Ireland.

On the health service, we know that zero-hours contracts will be used in different aspects of the public sector in Northern Ireland. I am somewhat loath to go into any particular sectors at this stage and make comments because any comments would be largely speculative, but I will be seeking to have engagement with ministerial colleagues around all this. We are very mindful of unintended consequences. There clearly is concern around the use of



these contracts, but, equally, they may well provide benefits to a number of different sectors, whether that is in the public or private sector. In seeking to provide a better footing in regulation, we need to be careful that we avoid unintended consequences that disrupt how particular sectors operate, provided that those behaviours are indeed reasonable. So, there will be debates that we will have to have in that regard.

The point about unintended consequences also applies to any move in the direction of annualised hours. There may well be some superficial attractions in that regard; equally, there may well be consequences that we need to factor in. Again, the consultation is so important for us to try to bottom out those issues. In particular, I recognise that the Committee was very keen to have that point included in the consultation.

I regard exclusivity clauses as perhaps being the crux of the issue. Our consultation is somewhat broader than that in Great Britain, but that was the central issue of the discussions in Great Britain, where they are planning to legislate at this stage. It is one that we will need to give proper consideration to. There may well be, in some limited circumstances, due cause as to why an exclusivity clause is merited, but, at face value, that seems to be the area where most concern may well be justified in terms of the comment to date.

**Mr Buchanan:** I thank the Minister for his statement. Minister, if you choose to go down the road of introducing a code of practice for employers rather than a statutory duty, what teeth would this have and how would it be policed? Also, in your statement, you talked about initiating Northern Ireland-specific research. Will that be done in-house?

**Dr Farry:** I thank the Member for his comments, and I will respond to the two issues that he raised. A code of practice is one option of many that potentially are available to us. Of course, we have the option of putting that on a statutory basis or seeing it evolve on a voluntary basis. Obviously, there is a trade-off to be had in terms of the level of teeth for the enforcement of any code, and that is subject to the basis on which any code is introduced and copper-fastened into our employment relations system. That will be a discussion where the Committee and the Assembly will very much have a role to play in shaping the future direction of travel.

In terms of the research, we have some figures emerging from Great Britain, and Members will

note from the comments that I made that the estimates on the numbers of contracts vary significantly. We have two different estimates: one of 1.4 million and another of almost 600,000. So, there is a huge variance between those two figures. That reflects probably two things. One is a lack of understanding of exactly what a zero-hours contract is. There is also the fact that, because there has been so much more publicity around the issue in recent months, people are now more aware of the situation and are speaking up and saying that they believe that they are on such a contract. We can extrapolate those figures to Northern Ireland, and that tends to give us a figure of between about 20,000 and 30,000 zero-hours contracts locally.

In parallel with this consultation and as well seeking views from individual employers and employees, we are conducting our own survey to try to get an estimate for Northern Ireland, subject to the health warnings that I mentioned. I think that there is sufficient public concern to justify us moving ahead with scoping out the policy, but it is important that, before we take any decisions, we have a clear understanding of their prevalence in Northern Ireland. We will have that by the end of the summer.

**Ms McGahan:** Go raibh maith agat. I welcome the statement. Minister, will you accept that zero-hours contracts create a hierarchy of workers within which you have secure and insecure contracts and workers with rights and entitlements and other workers with none?

**Dr Farry:** I thank the Member for her question and for welcoming the statement. It is important to recognise that there is a spectrum of opinion on zero-hours contracts. There is evidence that some people welcome zero-hours contracts, given the flexibility that it provides to them. Equally, others expressed concern around their application and the implications that may arise. Indeed, I have received a lot of correspondence over the past number of months from people in Northern Ireland who have expressed concern around that situation and have given me testimonials of their experiences so far.

It is also worth stressing that people on zero-hours contracts benefit from a large number of employment rights already, so, in that sense, there is not a hierarchy of the protections available, but there is a difference in the nature of the contractual relationship with the employer. As I have highlighted, a number of consequences flow from that, including the ability to plan for the week, the uncertainty over earnings and the implications that that has for

access to credit, and the interface with the benefits system. A whole host of consequences flow, particularly for those in low-earning situations around zero-hours contracts. Again, it is worth stressing that, while we do overly associate zero-hours contracts with people who tend to be on the lower income end of the spectrum, they are used in a whole range of different walks of life, and people on quite high earnings can be in that situation for some particular reason. Obviously, we want to focus our attention to ensure that we do all that we can, where appropriate, to protect those workers who find themselves in a vulnerable situation.

**Mr P Ramsey:** I welcome very strongly the statement to the House and the Department's intention going forward. In his response to Bronwyn, the Minister referred to those on the very low end accessing benefits. Will the Minister assure the House that, if it is shown to be the case during the consultation — I suspect that it will be — that there is huge difficulty with people at the very low end of zero-hours contracts, he will have discussions with the Minister for Social Development to bring through a variety of issues that will resolve those complications for those on low benefits?

**Dr Farry:** I thank the Member for his comments and his welcome for this. I am happy to speak with the Minister for Social Development. Obviously, the evolving situation with universal credit will have an impact. It is perhaps one of the more desirable aspects, or the only desirable aspect, of welfare reform. As we speak, there is uncertainty on the fate of that, given developments in Great Britain and the knock-on consequences for us, notwithstanding our own local difficulties around agreeing welfare reform.

The Member is right to highlight the fact that, in many respects, the core issue where people are feeling vulnerable on zero-hours contracts is around uncertainty of income and the difficulty of how that interacts with the benefits system. To turn that on its head: the Member knows that we want to encourage people to move on from being unemployed or economically inactive. Although, in some ways, a zero-hours contract can offer people a pathway into employment and, hopefully, a progression route into more secure and sustained employment, equally, for some, what is on offer may not be sufficient to encourage them to make the leap from benefits. This may be an opportunity to take people off benefits, but equally it may act as a benefits trap. So, we need to be mindful of both those dynamics, and

those need to be bottomed out as part of the consultation.

**Mr Lyttle:** I thank the Minister for bringing the statement to the House. I welcome the Northern Ireland-specific consultation and research that will be carried out. I hope that that shows devolution in action. Does the Minister agree that public confidence in the use of zero-hours contracts will require regulation that balances flexibility with workers' rights? Is there any timescale for potential legislation to achieve that?

**Dr Farry:** I thank the Member for his comments. He is right to stress that this is all about finding a balance that is appropriate to the particular circumstances of Northern Ireland. While the issue of banning can be considered as part of the consultation, in practical terms we are talking about regulation.

### 12.30 pm

It is important that we note that the world of work is evolving here in Northern Ireland, elsewhere in these islands and around the world, as is the nature of the employer/employee relationship. Different forms of employment contracts are emerging. It is important that we have confidence in those types of contracts if they are to become an established part of our employment landscape over years to come.

I agree that finding the appropriate balance is very much in the interests of the employer and employee because, if we have confidence in the robustness of the systems that we have in place and are satisfied that vulnerable people are protected and that the risk of abuse or misuse is checked, we can move forward with that flexibility with great confidence. That is the objective that we have to hold out for.

On the timescale for legislation, the Member will be aware that Great Britain has, in principle, decided to legislate. Indeed, a Bill announced in the recent Queen's speech may well be through before Parliament rises for the general election, presumably next March or early April. However, that timing may be tight, and that Bill could fall. We in Northern Ireland have the opportunity to legislate, notwithstanding what happens in Great Britain. Early in September, I intend to bring a paper to the Executive on the wider review of employment law. We will look for an employment law Bill, and it is my intention that any particular aspects of this that require legislation will be added to that.

**Mr Ross:** Of course, the Minister's statement acknowledges the fact that we do not have a lot of information about the situation in Northern Ireland — whether there is huge usage of zero-hours contracts and whether there is, indeed, a problem. So it is, perhaps, premature to be talking about policy options until we have that picture. I am sure that the Minister will agree with me that, for small businesses, which make up the majority of companies in Northern Ireland, zero-hours contracts are hugely important, particularly for those in the catering industry who, perhaps, cannot judge how much their workload will be from week to week. Any move to ban the use of zero-hours contracts, particularly for those small companies, —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr Ross:** — could put them out of business. I am sure that the Minister will want to make sure that we do not do that.

**Dr Farry:** I am grateful to the Member for his comments. My personal view, at this stage, is that we are unlikely to move to a situation in which we seek to ban this type of contract. That is for several reasons, the first of which is that we have to recognise that it provides flexibility for some employers and employees.

Secondly, if we go down the road of a ban, people will probably invent something different to get round our efforts to ban it. So there are two practical factors that we have to take into account. That said, that is my personal view at this stage. If the consultation and the Assembly as a whole take a contrary view on the matter, we can have that discussion, and a decision to the contrary can be made.

I also say to the Member that the limited evidence that we have, to date, suggests that larger companies probably use these contracts slightly more than small and medium-sized enterprises (SMEs), although they feature in a range of businesses. The research to date shows that they tend to be more prevalent in certain sectors than in others.

The key point to stress is that they may well provide SMEs with a lot of business flexibility and may, indeed, be essential in that regard. The key reform that we may need to focus on is the issue of exclusivity. A business may, in reflecting the uncertain nature of business, have the ability to call on staff, but, in turn, those staff would not be penalised by being restricted, if that is the case at present, in

seeking other employment to ensure that they have a balanced income going forward.

**Mr F McCann:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement. It contains quite a lot of good stuff and made good reading, but I have become fairly cynical about consultations and people abiding by the contents of their outcome. Can the Minister assure us that, if the vast majority of people consulted come back and ask for zero-hours contracts to be banned, he will move to ensure that that is legislated for?

**Dr Farry:** I thank the Member for his comments. I do not share his cynicism about consultations. Certainly, I have found them hugely valuable. During my term of office, I can reflect on having made changes to initial policy assumptions on the basis of feedback that we received from formal public consultations and wider stakeholder engagement. I have no doubt that that will be the case with this as well.

I have given my personal view on an outright ban, and I am sceptical about it. However, given that any ban would be a matter of legislation in the House, I am very much a servant of the Assembly in that regard, and any Member could put forward that view. I suspect that we will receive a range of views in the consultation, and I have no doubt that a considerable number of people will suggest that we go for an outright ban. However, I seek to caution against that for the reasons that I gave to Mr Ross, namely that there is a danger that we could have unintended consequences. We could disrupt fairly benign practices among many responsible businesses that employ a zero-hours contract approach, which some employees argue that they benefit from. It is important that we take a balanced approach, but all options are very much on the table.

**Mr Hilditch:** I thank the Minister for his statement. Minister, you mentioned that an employer-led code of conduct will be encouraged. Why will it be employer-led? The consultation should be about equality, so is that a good message for other stakeholders?

**Dr Farry:** It is important to give a good voice to employers in how we address the issue. That proposal has to be seen as part of a spectrum of interventions. We can go for light-touch intervention, whereby employers seek to regulate zero-hours contracts, through to the Assembly seeking to put legislation in place to regulate them or, as Mr McCann suggested, go for an outright ban. There is a spectrum of activities, and the approach you mentioned may

be towards the more flexible end of the spectrum. It is for the public consultation and the Assembly to determine if and how we intervene in the matter.

**Mr Douglas:** I thank the Minister for his statement, which I welcome. His officials have been very helpful at our Committee.

Minister, your statement refers to Northern Ireland being the only part of the United Kingdom to which employment law is devolved. You also mentioned research. Will you outline some of the key findings of that research, not just those relating to the United Kingdom but to Europe. Will you detail the contribution from the employers' representatives and the trade unions that represent the workers?

**Dr Farry:** I thank the Member for his comments. The Member is right to identify that Northern Ireland is the only part of the UK to which employment law is devolved. That may change, depending on whether there is a yes or a no vote in the referendum on Scottish independence in the autumn. That gives us an opportunity to shape things so that they fit our local circumstances. It also challenges us to ensure that what we have in Northern Ireland reads across well compared with what happens elsewhere in these islands, particularly for employers who work across jurisdictions. It is an ongoing challenge for us to find the right balance between those two objectives.

The consultation document will outline the conclusions that are clear. They are based largely on research across the UK. We had the option of going into that to give a Northern Ireland perspective, but, given the sample sizes that were being talked about, we would not have got any reliable relevant data for Northern Ireland, so there was no point in us being part of that research.

We can, however, extrapolate from what was done in Great Britain and get some understanding about the situation in Northern Ireland. Until we do our own research, however, that will be largely speculative, and there may be factors locally that cause us to diverge from a straight extrapolation from the situation in Great Britain. That said, I have no doubt that zero-hours contracts are commonly used in Northern Ireland, and I received feedback from individuals who expressed concerns about the implications of them being used in their own circumstances.

Again, in the wider European context, there are references in the consultation document to our understanding of what applies elsewhere in the

European Union. They tend to be used much more frequently in these islands than they are in other parts of the European Union.

**Mr Allister:** Given that it is unlikely to be in the interests of the Northern Ireland economy for us to have radically different employment laws, and given that in GB there has just been a consultation on zero-hours contracts, although the outcome is not yet published, why does the Minister think it necessary, in advance of that outcome, to proceed himself to a consultation? Would it not be better to wait and see what is suggested in the rest of the United Kingdom? That may well be the sensible path to tread, particularly if the essential mischief addressed is that of exclusive terms in those contracts. That apart, do zero-hours contracts not have a part to play in a flexible economy?

**Dr Farry:** I thank the Member for his questions. The statement recognised a case for them being made by employers and some employees. That has to be factored in to taking a balanced approach to what is appropriate on the way forward.

People often accuse this Assembly and devolution of being something that simply replicates what happens in Great Britain, albeit with a delay. Also bearing in mind the considerable public concern that has been voiced in relation to these, we have a duty to act now rather than be seen to be sitting on our hands for a couple of years to see what happens in Great Britain before we act.

There are people in Northern Ireland suffering from the consequences of the misuse of a zero-hours contract. People have corresponded with me to express that in a testimonial of their own situation, so there is an imperative for action. That said, it is an option for my Department and the Assembly, for our own reasons, to take a decision to mirror what happens in Great Britain in terms of the legislation that is about to work its way through Westminster. It is very much our right to do so, but it has to be a decision we take locally that that is the best way forward, but it is certainly one of the options open to us.

**Mr Agnew:** The Minister referred to the employment rights of those on zero-hours contracts and stated that they have the same rights as other workers. How can someone on zero-hours contracts get the right to paid annual leave and, indeed, sick pay? How can we ensure that that is calculated fairly, given that there are no contracted hours on which to base it?

**Dr Farry:** I thank the Member for the question. The point we are making in relation to this is that employment rights go with an employee and different rights go with the worker. They are slightly different concepts. A person on a zero-hours contract is still an employee or worker, depending on the nature of the contractual relationship. Attendant rights go with that status.

That said, due to the situation that someone finds themselves in due to a zero-hours contract, there are then consequences of flow in terms of their ability to access the benefits that go from being an employee. Those are things I indicated in my comments today. Those are issues that we want to hear feedback on from employees as part of the consultation exercise so that we have a full and rounded picture on which to take any decisions.

**Mr Wilson:** The Minister acknowledged the importance of the flexibility that zero-hours contracts afford the economy and to many employees who may not wish to have fixed hours. Given the fact that all the issues that were raised in his paper are also issues that were raised in other parts of the United Kingdom by all parties, would he give an assurance that, before he comes to any final conclusion, he will take into consideration the views and decisions that will be made in other parts of the United Kingdom, so that we do not find ourselves in a situation where employment law is radically different in Northern Ireland from that elsewhere? Given that it will take about two years for legislation to come through here, there should be a body of evidence available to him.

**Dr Farry:** I am happy to give the Member reassurance on two points. This will be an evidence-driven process and that is what we are seeking to do, through the constitution and the Northern Ireland-specific research that we are undertaking.

**12.45 pm**

I can also give him an assurance that we will certainly take into account what is happening in other jurisdictions. Because the powers are devolved, we are not beholden to decisions that are taken elsewhere, but the only responsible thing for us to do is to pay attention to what is happening in other jurisdictions and fully factor that in to any decisions that we take in our situation. He is right to highlight that there is an issue about finding the balance and, indeed, that it may well be in the interests of some employers and employees.

I will also stress that, while our consultation does, to an extent, touch on the same issues that were raised in the consultation in Great Britain, our consultation goes somewhat further in exploring other types of remedies that we may wish to consider. So, we are adopting a somewhat more comprehensive approach than has been the case in Great Britain, and that may give us more flexibility in determining a way forward that suits our circumstances while taking into account the fact that businesses operate across jurisdictional boundaries.

## Executive Committee Business

### Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014

**Mr Ford (The Minister of Justice):** I beg to move

*That the draft Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014 be approved.*

The aim of the draft regulations is to increase public protection against the risk of sexual offending. The Sexual Offences Act 2003 sets out the legislative framework that requires sex offenders in the community to notify personal details to the police. That information is provided to the police to assist in the prevention and investigation of crime and for the protection of the public. Notification requirements are commonly known as "the sex offender register". The draft regulations will introduce a requirement for convicted sex offenders to provide the police with additional personal information.

The 2003 Act imposes notification requirements on offenders convicted of certain sexual offences. Specifically, it requires those offenders to notify certain personal information to the police, such as their name, date of birth, national insurance number and home address. That information must be updated periodically and when any changes have been made to the information originally provided. Failure to comply with the notification requirements is a criminal offence punishable by a maximum penalty of five years' imprisonment. The 2003 Act also provides the power to make regulations prescribing additional information to be notified by the offender. The draft regulations that I am proposing today are being made under that power.

The notification requirements of the 2003 Act also extend to the other two UK jurisdictions. Scotland made changes in 2007 and England and Wales made changes in 2012, and our regulations largely flow from those. As a consequence, the draft regulations before the House today will remove a number of differences between our law and arrangements in the rest of the United Kingdom, and I believe that that is important to enhance the overall effectiveness of the risk-management process.

The draft regulations will require any sex offender who has no fixed abode or regular address to make a notification to the police every week to confirm a place where he can be found. That will vastly improve the current requirement, where such an offender has to notify only on an annual basis or if any change has occurred. The regulations will require an offender to notify the police if he has resided or stayed for 12 hours or more at an address where there is a child under the age of 18. That information will help to ensure that there is a focus on child protection. Offenders will also have to give information to the police in relation to any bank accounts and credit and debit cards held by them, either alone or with another person, for private and business purposes. Passport details and other forms of identity document will also be required.

Finally, the regulations will amend the existing provision in the 2003 Act that requires notification of travel outside the United Kingdom of more than three days. Under the new requirements, offenders will instead have to notify all travel outside the United Kingdom, regardless of length, except for cross-border movement, which will remain as it is with notification for periods of three days or more. That is necessary to allow for those who routinely cross the border — for example, to visit a relative — or those who commute to work there.

The draft regulations are proposed to the Assembly as a further step towards the Department's continuing commitment to increase public protection and to enhance confidence in the justice system's ability to deliver on that aim. The police and probation services support the measures to enable them to manage risk and to reduce offending. I am confident that their efforts to do that will be enhanced when, I trust, the provisions come into force tomorrow, along with measures passed by the House last year in the Criminal Justice Act 2013 that also reinforce notification requirements and improve risk management.

I wish to thank the members of the Justice Committee for their consideration of these proposals. It is with their support that I bring these draft regulations before the House. I also add my thanks to the Examiner of Statutory Rules for his input into the detail of the regulations. I commend the draft regulations to the House.

**Mr Givan (The Chairperson of the Committee for Justice):** Let me apologise to the House for being slightly late for the Minister's opening statement. I will speak

briefly on behalf of the Committee for Justice on this particular issue. The Minister has outlined the proposed rule which will introduce new information requirements which offenders subject to notification requirements under the Sexual Offences Act 2003 must provide to police.

As the Members and the Speaker know, the Committee is well aware of the importance of the notification requirements in the management of the risk posed by sex offenders, having received a briefing on the public protection arrangements in Northern Ireland last year. In December 2012, the Committee agreed that it was content with the policy intent of the proposals to strengthen existing notification requirements. Following a delay while the Department waited on the outcome of a judicial review in England and Wales of the requirement to notify banking details to police — the outcome of which was to uphold the requirement — the Department provided the draft rule for consideration by the Committee at its meeting on 28 May this year.

The Committee welcomed the draft rule — noting that it will enhance the ability of the police to keep track of the whereabouts of sex offenders, prevent perceived exploitation of the system and ensure a greater level of consistency in approach across Northern Ireland, England, Wales and Scotland — and agreed to recommend to the Assembly that the rule be approved. The Committee, therefore, is content to support the motion brought forward by the Minister.

I will speak briefly as a Member of the House. Obviously, we welcome any steps that are taken to strengthen the notification that sex offenders must provide to the police. The public protection arrangements in Northern Ireland have been praised by different inspectorates as being very robust, and it is critically important that the public has confidence that those arrangements are protecting our children and young people from sex offenders in Northern Ireland. In England, Members will be more commonly aware of Sarah's law, and there is always a debate about the public's right to know where a sex offender lives within the community and, obviously, the inherent risks that that means for the sex offender by way of their own public protection. However, we believe that the rights of the community, parents and families to know that their children are being protected, and that they know where sex offenders are residing in Northern Ireland, are the paramount critical test that should be met.

Therefore, it is vital that these further enhanced notification requirements are put into proper effect and the public protection arrangements are always assessed as being the most robust possible, because failure to do that will tip the balance towards the offender, if it is not already there. The community should have the right to know where sex offenders are living.

Having said that, I commend these notification requirements, but I make that point to the Minister especially. We must ensure that the system is robust, and I ask him to give proper consideration to the community being empowered with the information, so that they know that their children are safe.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. I welcome the new draft regulations announced by the Minister. The new draft additional regulations on offenders convicted of sexual offences are intended to assist the police in the management of the risk of harm to the public posed by those offenders. They are also to ensure that this purpose continues to be achieved as effectively as possible. Public protection must be at the heart of society, and these requirements will form an extra tool for the authorities and will enhance the management of offenders.

To conclude, these new notification requirements will add to the powers of the police to tackle serious sexual crimes and bring the perpetrators to justice. They will also prevent relevant offenders from seeking to exploit gaps in the system.

**Mr A Maginness:** I support the motion and the draft statutory rule on the notification requirements for sex offenders. I reiterate what the Chair said: it is important that the public, in particular children and vulnerable adults, have confidence that they are being protected by way of the public protection arrangements that exist in Northern Ireland. The statutory rule will enhance the public protection arrangements that we already have, in so far as new information will be required to be given by sex offenders to the police. It is important that, if we are to manage the risk posed by sex offenders, we strengthen these arrangements. As the Chair pointed out, the Committee was briefed last year on public protection arrangements in Northern Ireland. We were impressed by the extent of those arrangements. It is important that that is noted by everyone.

It has been noted that, under the new requirements, bank details will need to be given to the police. That, of course, was delayed by the fact that there was a judicial review in

Britain in relation to the matter. That has now been cleared, and the court is supportive of details being given to the police.

It is important that there are regulations for cross-border travelling. The three-day notification is, I think, an important one, given the porous nature of the border between here and the Republic. The requirements are consistent with what is happening in the rest of the UK. It is important that there is consistency, so that people cannot exploit any legal loopholes in public protection arrangements. I conclude by reiterating our party's support for this important enhancement of public protection measures through the notification requirements to the police by sex offenders.

**Mr Ford:** I thank Members, plural, for their contributions to the debate. Normally, on occasions such as this, I seem to thank only the Chair, but I welcome the support for the robust public protection arrangements that we have in Northern Ireland that has come from across the Chamber.

The legislative framework that we have forms the basis for the way in which the criminal justice agencies work together to deliver public protection and enhance confidence in the system. There is no doubt that, as was said most recently by Mr Maginness, the public protection arrangements in Northern Ireland work extremely well. For that, we owe a considerable debt of thanks to the police officers and probation officers who have primary responsibility for dealing with that. However, it is important that the Department keeps the arrangements in the legislative framework under review and reacts to appropriate developments to ensure that we enhance that protection where necessary.

We should not forget that the requirements are designed for a purpose: to help stop serious harm happening. That is the key issue in stopping offenders from inflicting misery onto other people. I believe that the regulations will strengthen our hand in the justice system in doing that, in managing risk and in enhancing the protection of people in Northern Ireland. I commend the regulations to the House and trust that Members will support the motion.

*Question put and agreed to.*

*Resolved:*

*That the draft Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014 be approved.*

1.00 pm

## Committee Business

### **Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014: Prayer of Annulment**

**Mr Speaker:** The Committee for Social Development has agreed that the motion to annul the statutory rule will not now be moved. However, the motion stands as an item of business in today's Order Paper and will need to be disposed of formally.

*The following motion stood in the Order Paper:*

*That the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations (Northern Ireland) 2014 (SR 2014/150) be annulled. — [Mr Maskey (The Chairperson of the Committee for Social Development).]*

*Motion not moved.*



## Private Members' Business

### Bon Secours Mother and Baby Home, Tuam

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

**Mr McElduff:** I beg to move

*That this Assembly acknowledges the scandal that occurred at the Bon Secours Sisters' institution in Tuam, County Galway, where almost 800 children died whilst in the care of a religious order and were placed in a mass unmarked grave over a period of five decades; notes the intention of the Dublin Government to take steps to establish the best course of action to investigate the deaths of these children and the appalling manner of their interment; recognises that the abusive practices that occurred at the Bon Secours Sisters' mother and baby care home were not unique and were replicated in similar institutions across the island of Ireland; and calls for all government Departments and their agencies, as well as religious orders, to proactively cooperate with any investigation that takes place to establish the truth behind this scandal.*

Go raibh maith agat, a Cheann Comhairle. My reason for having such a strong interest in this matter is probably because I have been in regular contact with a number of women and girls, in my constituency of West Tyrone and in other constituencies in the North, who have had terrible experiences in mother-and-baby homes, including in Belfast and Newry. I dedicate my remarks today to the women with whom I am in contact regularly, providing a listening ear to them and trying to offer as much support as I can, as well as calling for appropriate action to be taken to support them in their quest for the truth.

One of the women with whom I am in regular contact was, at the age of 17, admitted to the Marian Vale home in Newry and subsequently gave birth to a son. It took a long time before she was reconnected to her son, because her baby boy was taken from her at birth and adopted without her consent. The lady in question is crying to the world, asking what is to be done about this. It is a very harrowing story: her son was taken away, and she was then

reunited with him. Her harrowing story includes references to being made to scrub floors while heavily pregnant.

Another lady with whom I am in regular contact is an adoptee who was given away as a baby. She spent decades trying to trace her birth mother. I have in my possession an adoption consent form that was allegedly signed by the baby's mother. That is very much contested, because it is believed that the form was not signed at all by the baby's mother but that her signature was forged. The mother of the adoptee in this case also gave birth to two other children, but the siblings were kept apart, and the mother was forced to keep her secret for 50 years.

She lost her three children to adoption in the 1960s.

I know those women. They are constituents of mine, and I am in regular contact with them. Sometimes, as someone who is not an expert on the subject, one can get overwhelmed by the harrowing nature of the story that one is told. However, this is not just the film 'Philomena'; this is real life. It happened in the recent past. The first lady whom I referred to was admitted to the Marian Vale home in Newry in January 1980. That young woman from my constituency gave birth to a baby boy and that baby boy was taken from her. Again, her signature was forged on the consent-to-adoption form, just like in the other case that I mentioned.

I attended the Dáil debate on Wednesday 11 June. I did so because I was challenged by one of the women in question to sit beside her during the hearing. It was a very powerful evening. There was a vigil outside, which was attended by many people, including my close colleague Michelle Gildernew MP. Michelle and I travelled to Dublin that evening to be of as much support as we could to the mothers and adoptees in question.

The scandal of Tuam has been described as perhaps too graphic and too horrendous to believe, with children and babies being denied a proper, decent and humane burial. It is a reminder of a darker past. It is known that 796 children were buried between 1925 and 1961 there. That was discovered by the research of historian Catherine Corless. Thankfully, in the recent past, the Irish Government have moved to establish a commission of investigation into all of that. The commission of investigation will obviously need to address the shocking infant mortality rates in the mother and baby homes due to a diet of malnutrition, neglect, starvation,

TB and other diseases. Mothers were forced to live secretive and sad lives, disowned by their families, shunned by their communities and all of that. They were screened from people should they go to Mass or a place of worship. The issue is cross-denominational; the story of the Bethany home in Dublin makes that clear.

The commission needs to look at all of those things. It needs to be wide in scope because essentially we are looking at the imprisonment of pregnant women, the taking of babies from mothers against their will resulting in a reservoir of great hurt, the burial of children and babies without individual markers or identification and mothers not knowing where their children's final resting place is. There is the whole business of illegal adoption and trafficking to the USA and other countries of an unknown number of children. Perhaps most shocking of all is the subjecting of children to vaccine trials and, on occasions, when a child died, the child's body being dissected for medical research. I have lots of anecdotal evidence from the women I know about how harrowing it was in those homes.

The commission of investigation that Minister Flanagan and others will preside over cannot be limited. It must not be too narrow. It should include any institution that incarcerated mainly unmarried mothers and their children. I emphasise that, in the South of Ireland, it was not a uniquely Catholic phenomenon. It applied to state homes, state-regulated homes and some Protestant homes. It happened in the North as well, as everybody knows. More and more light is being thrown upon it. The reason why I know a wee bit about it is because of the regular contact that I have on the matter with mothers and adoptees from west Tyrone.

**Mr D Bradley:** I thank the Member for giving way. I totally agree with everything that he has said, but it struck me that there is a strong parallel here between the issue that he outlines and that of the disappeared.

For example, I am thinking of the late Mrs McVeigh whose son Columba was taken away, murdered and buried; his remains never to be returned. Does the Member think that it would be helpful to have a commission of inquiry into the issue of the disappeared as well?

**Mr Speaker:** I just want to say to Members that this is a specific motion on a specific subject, so I do not want them to stray into another issue that is totally separate; that is even for Members who take interventions. I think that we need to be careful.

**Mr McElduff:** I do not think that that matter specifically is the business of today, but it is relevant. My party leader, Gerry Adams, has pledged on the part of Irish republicans all cooperation on the matter. Certainly, if anybody has any information, they should come forward.

I would like as much bipartisanship and as much consensus here today as possible, in the spirit of the motion, because this happened in the North, in the South and all over Ireland. In the North, it was not a uniquely Catholic phenomenon either. I have in my possession now a list of homes; for example, the Mayflower hostel in Belfast, where the voluntary organisation was the Salvation Army, and Marian Vale in Newry. In the period of the 1970s, it is clear that the state was paying for mothers and babies to be maintained in many of these homes. Pre-1948, they might have been known as workhouses, but this is a matter for state homes, Catholic religious order homes and Protestant religious order homes.

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

**Mr McElduff:** Do I have an additional minute?

**Mr Speaker:** No.

**Mr McElduff:** OK. I thank Members for listening. They know what I am saying essentially: let us do everything in our power to establish truth and justice for these mothers and babies and ensure that any investigation, North or South, is not too narrow and covers all types of institutions.

**Mr Dallat:** I ask myself these questions: what can this debate achieve; how can the outcomes influence what we do and how people are treated in the future; what contribution can I make to break down prejudices, eliminate social inequality, stop moral judgements and achieve a level of healthcare and protection to end, for all time, the inequalities that still exist and affect children here in Ireland and across the world, especially in developing countries in Africa and South America?

The Bon Secours Sisters' institution did not, I suggest, set out to attract the kind of notoriety that is now presented in the media. Indeed, Catherine Corless, the local historian who did the research, has made it clear that she never claimed that there were 800 bodies in a septic tank. However, her research does indicate that, over a 36-year period, 796 children died from disease, tuberculosis, convulsions, measles,

whooping cough, influenza, bronchitis and meningitis.

The reality is that it happened and the world was either helpless or stood by, and no one talked or wanted to talk, or they were afraid to talk. Today, the prejudices have gone away, or have they? Do those prejudices and inequalities still exist but are applied to different groups, such as the elderly in some nursing homes, or perhaps to the Travelling community, or indeed to children abused in human trafficking? Is the world still looking on, still afraid to speak out and still not wanting to rock the boat? Indeed, are there still deep-seated prejudices against those who have no voice and no influence? The question is this: what can we learn from the past, from the Bon Secours Sisters' institution in Tuam or, indeed, from other institutions much closer to home?

Do we fully understand or want to speak out about other injustices in the past? I will mention very briefly the great famine, for example, which happened 70 years earlier. I do not think that we have, and — dare I say it? — we still have to find a way to commemorate and to pay our respects to the millions of children who died on this island over the years down through history. Was the great famine not Tuam earlier, when those who could have prevented it stood by idly while stepping up the export of food to record levels and ignored the diseased and destitute dying in the ditch while writing letters to London about their impending peerages? Of course it was, but it was worse; much worse.

### 1.15 pm

You will be relieved to know that I am returning to the motion, which calls for:

*"all government Departments and their agencies, as well as religious orders, to proactively cooperate with any investigation that takes place to establish the truth"*

behind the Tuam scandal. I believe that we must go much further than that and set aside time to discuss and decide how we commemorate the children, whether they were the victims of the Bon Secours Sisters' institution in Tuam or the other institutions that I mentioned earlier.

Commemorations focused on political and religious events have been very much in our mind in recent years, but, in doing so, we have overlooked the sacrifices and tragedies that have impacted on thousands, and, indeed,

millions of people. The Tuam institution, which we are debating today, is but one.

My party and I want two things to emerge from the debate. Yes, I want an investigation or inquiry — call it what you may — but not just for the sake of it. These children were angels who did not even merit the description "legitimate" on their official birth and baptism records. This nation has much to address from our history, including, dare I say it, the recent and tragic deaths of children in what we euphemistically call the Troubles. May God forgive those who were involved. May we all remember them and make amends for those who failed them or were in any way associated with their deaths.

Let this debate be the emergence of a new horizon from which we can look back with contrition on what happened to our children in Tuam and elsewhere. Above all, let us remember them and let us commemorate them because, as was pointed out, they were our ancestors from across the community. It was not exclusively one community or the other.

**Mr Nesbitt:** I am delighted to say a few words in support of the motion and thank the Members who tabled it. We acknowledge that, simply by debating the matter, we raise expectations, not for a few people but for numbers measured in six figures. As far as I can understand it, well over 100,000 people are affected by the issue that we debate today, and they have expectations, which have, heretofore, often been dashed.

Whether dealing with victims as a journalist with BBC Radio and Ulster Television, as a member of the Victims' Commission or as a politician, too often, I have met a victim who feels doubly victimised, first, by the incident, and, secondly, and, to some extent, more shockingly, by what happened after that. Their expectation was that when something went wrong, the state and the agencies of the state would form the wagons into a circle around them, and whatever they needed they would get, whether it was to do with health, social services, education or finances. Often, the exact opposite happens, and it is the case with the people whom we discuss this afternoon.

They also feel that, while there have been a number of inquiries on both sides of the border into these issues, they have been limited and imperfect, including the current historical institutional abuse inquiry, the scope of which denies access to people whose clerical abuse did not take place in institutions.

**Mr Elliott:** I thank the Member for giving way. In light of what he has just said, I wonder what confidence there is that any further investigations will get to the root of the problem, find where the real problem was and try to bring some comfort to those who are still alive.

**Mr Speaker:** The Member has an added minute.

**Mr Nesbitt:** I thank the Member for that very salient point. It is a question of will, and not just political will. Other very powerful institutions have to open up their books and be transparent about what happened. Mr Elliott's point is well made.

There is a suspicion amongst the victims that inquiries are limited and extended in the hope that time will drag on, the people quite simply will die, and the issue will go away. It will not go away. This morning, Danny Kennedy and I had the pleasure of meeting some survivors and others who had been in homes, including the Bethany Home. Mr Speaker, I will briefly quote some experiences from one survivor of a home who had the courage to tell his story. His name is John Hill. He says:

*"I was born in the Church of Ireland  
Magdalen Home in Leeson Street Dublin ...  
in 1946 ...*

*I was fostered out as free labour to farmers  
from a very young age ...*

*I was found to be badly malnourished with  
rickets. I could not walk. I was then sent to  
a family in Carlow until I was aged 10. I was  
required to do manual labour from about the  
age of five or six. I worked before I walked  
five miles to school each morning ...*

*We milked cows, collected sheep, fed  
poultry and generally worked as free child  
labour on the farm. We were slave labour I  
suppose. At the same time the family  
received money for us from public funds.  
We were isolated from other members of the  
family. At house parties we were sent off to  
bed. When the gentry called we were fed  
separately ...*

*I was a slave all my young life ...*

*The Irish state and the church of Ireland  
were my parents. They let me down, badly.  
I think they should admit to their sins ...*

*I want my files that are now held by PACT  
(formerly the Protestant Adoption Society),*

*and the Rotunda, taken over by the  
government ... I want to know why my files  
were transferred to the Nurses Rescue  
Society and then to PACT. I want answers.  
I can handle the truth."*

If he can handle the truth, we owe it to him to give him access to the truth. That means admissions books for homes; adoption and transfer files; death certificates; burial records for private cemeteries; the minute books from the homes; the records of anatomy schools, including the school of medicine at Queen's; and details of the obligations on those homes to notify the deaths and to whom they were to be notified.

If unionism has questions to answer, it is time for unionism to step up to the plate. If the Ulster Unionist Party has questions to answer, we are at the plate. Tell us what we have to do to put this to rights. We stand ready to do what is right. We are not a religious organisation; we are a political party, and it is our determination today to do what we can to ensure that people like John Hill, who has had the courage to put his personal experience into the public domain, gets access to the truth. He says that he can handle it. The question is not whether victims and survivors can handle it but whether organisations, including political parties and these political institutions, can handle giving access to the truth and admitting when we got it so horribly and horrendously wrong.

**Mr Lunn:** Mr Speaker, I apologise to you and Mr McElduff for not being here for the start of the debate. Unfortunately, the change of timings caught me out. I support the motion and, frankly, do not know how anybody could do otherwise. I looked up the meaning of "bon secours". It means "good help, assistance or succour". I imagine that "secours" means "succour". The message seems to have been, "Come to us if you need help". That is the image of a caring institution, a place run by a female religious order in tandem with the state, where mothers and babies would be treated with respect and compassion. The truth is clearly different. It was a place where mothers and babies were incarcerated and treated as social outcasts, criminals or sinners, and where the mortality rate amongst the children was far beyond the expected average, or what was found to be the case when compared with the mortality rate amongst children born within marriage. There was a tremendous difference.

The deaths were blamed on disease: measles, meningitis, influenza and malnutrition. Whose fault was the malnutrition? The place was run by the sisters and the poor law authorities.

Could they not even feed the children? To compound that, as the children died, mostly before they reached their first birthday, they were put into a mass grave. In the words of Minister Flanagan in the Dáil the other day, they were discarded over several decades. I think that he chose the right word. There does not appear to have been a Christian burial. If it is true that the grave was a disused septic tank — I do not know whether that is true — the horror is complete. It beggars belief that any kind of a society of nuns or a religious institution could behave like that towards innocent children, regardless of the view that society in those days may have taken of their mothers.

This approach appears to have been common across Ireland. I read in 'The Irish Times' at the weekend about Pelletstown, Bessborough, Sean Ross Abbey in Tipperary and Castlepollard, all of which were run by religious orders and all of which had similar experiences. The attitude of the state authorities and those who ran the institutions was deplorable, but it is obvious that the general population either chose or was influenced to turn a blind eye to what happened to these — what they would call — fallen women and, particularly, their offspring.

Every country has its dark secrets. Ireland, North and South, is not unique. From reading the words of Minister Flanagan and the Taoiseach in the recent Dáil discussion, it is clear that there is a recognition that the truth must be established. Likewise, in the North, Sir Anthony Hart's inquiry is under way. I hope that, if there are limitations to that inquiry, those will be removed in the interest of bringing all the truth forward. That is the only way to go with something like this. I hope that all necessary resources and time will be given to bring out the truth of what happened here. We are not immune from all this. Some of these homes did not close until the 1980s, so we are not necessarily dealing with ancient history here. We need to establish the truth for the living and the dead.

This is a sound motion, and I hope that the House will support it. I congratulate Mr McElduff for bringing it.

**Mr Kennedy:** I am grateful for the opportunity to contribute to this important debate. I thank the sponsors for bringing it forward. I want to clearly indicate my support for this motion.

It is very fair to say that the treatment of mothers and children in homes and institutions throughout Ireland, both North and South, has been nothing short of disgraceful and almost

medieval in its cruelty. The stories of children and families affected have gone to the very core and touched the nerve of the entire society. The human feelings, reactions and emotions aroused have clearly impacted on people the length and breadth of this island. The recent story emerging from Tuam has served at least to further highlight what was done either in the name of the state or in the name of religion, which is potentially even more distressing.

I have attempted to give support to the families of the Bethany Home victims and survivors. I had the privilege to attend a memorial service and the unveiling of a new memorial at Mount Jerome cemetery in Dublin in early April. I have sought to raise issues on behalf of the Bethany group with both Taoiseach Enda Kenny and Alan Shatter, laterally Minister of Justice in the Republic.

Following the Tuam exposure, the Government of the Republic of Ireland have indicated their intention to establish an independent commission of inquiry. I welcome that and see it as progress. I hope very much that they will take the opportunity to investigate fully all the issues. There are positive indications that the Bethany Home and others will be included in this inquiry. I hope very much that that will be the case. I believe that we, as an Administration — the Northern Ireland Executive and the Assembly — have a responsibility to fully cooperate with any investigations launched. I go further to say that church records from all churches of all denominations should be made fully available for any such inquiry.

I come from an evangelical Protestant background. It is inescapable to me that there were very clear failures on the part of mainstream and smaller denominations in the Protestant community in respect of these issues.

I believe that it is the Christian duty of all those Churches and denominations that hold records and accounts and which can give insight and shed important light on any matter of the inquiry to give that insight, however difficult and challenging it will be. I believe that, at a Government level, at an institutional level and at a Church level, we must ensure that this issue is fully and comprehensively dealt with. There is a whiff of cover-up. The mark of any decent and civilised society is to ensure that no such cover-up is allowed or continued. If we want to call ourselves a truly civilised society, we must deal with this issue.

1.30 pm

**Ms McGahan:** Go raibh maith agat. I, too, apologise for being late to the Chamber; I was also caught out by the timings.

I support the motion. This is a real tragedy for those who have lived in and, in some cases, died in mother-and-baby homes. There is no doubt that coverage in the past few weeks will have evoked very painful memories for people. I know, like a lot of Members in this House and members of the wider public, that I was totally appalled by the reports emerging from Tuam. There is no justification for what happened. No one can abdicate their responsibility; the institutions and agencies of the state need to face up to this shameful period.

This discovery in Tuam, Galway, provides a horrific account of absolute neglect and maltreatment by those in charge. These institutions were effectively places of imprisonment for pregnant women. Unfortunately, this was not an isolated case, and our hearts have been much moved by this situation. It is a very difficult subject for many of us to comprehend, never mind stomach. It is clear that the women and babies had no rights. It is useful to look at what the United Nations Convention on the Rights of the Child states:

*"Children shall not be discriminated against and shall have equal access to protection".*

*"All decisions taken which affect children's lives should be taken in the child's best interest".*

*"Children have the right to have their voices heard in all matters concerning them".*

It is important that the Government search for a means to help those who have suffered so much for so long. I welcome the fact that the Government have agreed to set up a commission of investigation into all mother and baby homes. This is a hugely sensitive and difficult issue, and it is vital that any inquiry or investigation provide confidence to those communities, particularly for the victims and their families.

I commend the researcher Catherine Corless, who spent weeks going through records in libraries, churches and council offices. She uncovered the fact that, between 1925 and 1961, almost 800 children had died in the St Mary's mother and baby homes run by nuns from those particular orders; but she was unable to find records of where they were buried until last September when she

suggested that many of the bodies may have been put in a disused septic tank in a corner of the home's garden, a spot where boys had discovered a pile of children's skeletons in the 1970s.

When speaking about the awful situation in Tuam, I am also mindful of our own inquiry into historical institutional abuse. During consultations, victims and survivors told our junior Ministers that they wanted an opportunity to recount their experiences of the institutions and for those to be heard, believed and acknowledged. The inquiry includes a confidential acknowledgement forum that addresses the issue, which gives an opportunity for victims and survivors to talk about their childhoods in the institutions, how they were treated and what they endured. Victims and survivors have never talked about their experiences. For some, the opportunity to talk, be heard and acknowledged is vital.

Our inquiry is intended to investigate systemic failings in the provision of care in institutions, and it is important to emphasise that all children are vulnerable. Our legislation is rightly focused on those who were in institutions. Those children did not have access to others to speak on their behalf outside the institutions that they were in, so the state must address their needs.

In conclusion, again, it is a real tragedy. I welcome the Government inquiry and urge all Departments, agencies and religious orders to cooperate with any investigation that takes place.

**Mr Eastwood:** I too apologise for missing the beginning of the debate; the timings caught me out as well. This is a very difficult debate to take part in. It is a period of our history that has been hidden away, kept secret and largely ignored for far too long. I commend Mr McElduff and the other proposers for bringing the subject to the House today, because one of the real shames in all of this is the fact that people did not feel that they could confront some of the difficult issues that people face every day in modern society. They could not talk about it; people had to hide away, get sent away and get taken away. I think that is as much a shame for all of us as anything else.

There are very few communities — in fact, I would say they are probably none — in the North, never mind across the island, that have not been touched in one way or another by those kinds of issues, but nobody talked about it. Nobody felt that they could talk about it. There was a shame brought upon you if you

were unmarried and ended up pregnant. Largely, that shame was on young women. There was not very much discussion about young men who may have played their part in it as well. That is the biggest shame — that people did not feel that they could talk about it or deal with it.

Families did horrendous things to their own — things that I am sure many people regret today. Unfortunately, the state, both in the North and in the South, played its part in all of that as well. Many people look to the Irish proclamation of 1916 for inspiration. It is in most Government buildings in Dublin. That talks about cherishing all of the children of our nation equally. I think we massively failed that standard. Given a lot of the revelations that have come out in the last number of years around how communities, institutions and organisations of the state or otherwise treated children and young people, I think we have a lot of making up to do.

Unfortunately, today we still have a lot of children in this city who are living in poverty. We still have people leaving school with very low educational attainment. I think our job is to ensure that we have the proper investigations into all of the things that happened — I welcome the Irish Government's approach to that — to get the truth out in the open and find some level of justice for the people who were put through some of those things. Our job is also to ensure that we leave a different legacy for people coming forward. We need to ensure that we treat all of the children of the nation — or whatever you want to call it — equally, that people get all of their opportunities, that they do not have to live in poverty and that they get the opportunity to reach their full potential.

I also commend OFMDFM for bringing forward Justice Hart's inquiry that is ongoing at the moment. I reiterate our call and that of other people to ensure that that is not the end of it and ask again that we do not have to wait until that inquiry — which will take another year more than was originally envisaged — completes its work to look at all of the other issues around Magdalene laundries, clerical abuse and other things. For far too long, those things have not been talked about. They have been kept under the carpet, and —

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

**Mr Eastwood:** Thank you, Mr Speaker.

**Ms J McCann:** I want to start by thanking my colleagues for bringing this very important

motion to the Assembly. As some other Members said, I hope that we will have cross-party support for it.

As some Members pointed out in the debate, there is probably nothing that measures a society more than the way it treats its most vulnerable people. Who could be more vulnerable than babies and young children or mothers who were forced to give up their babies or who were imprisoned in places like mother and baby homes and other institutions? They were treated as outcasts from the rest of society. In fact, they were treated as if they did not mean anything to anybody. The scandal and the shameful way that those women were treated must affect anyone who is tuned into what we hear on the news. The whole of the island of Ireland is engulfed by the shameful way that those people were treated.

As people have said, for over five decades that treatment was meted out by religious orders of all denominations, the state, and wider society, because a lot of people must have known what was going on and simply did not do anything about it. There is an onus on all of us who are part of that society today, whether we are in the Government, the religious orders, the churches or wider society to expose the level of horror and to try, in some way, to make redress to those who are victims and survivors.

Over a period of time, we have witnessed almost a drip-feed of information coming to light through reports such as the Ryan report and the recent exposure of the Tuam scandal. In the North, we have heard some reports coming from the historical institutional abuse inquiry. While that information is coming out and is putting some parts of the jigsaw together for people, it in no way gets to the scale of the problem and the questions that need to be answered: questions such as why so many young infants and children died in those places; why so many were forcibly separated from their mothers and adopted, and how many that happened to. Those children were also trafficked or sold, many to go off and work as cheap labour in other countries. We still do not have an overall picture of just how many children were affected by this or, indeed, how many mothers were affected. We need to talk about that, because, as some Members said, sometimes it is brushed under the carpet. Some of those children were actually used for medical purposes and in experiments.

All the information needs to be gathered, and we need to look over five decades across the island of Ireland, North and South, to get it. We also need answers about how many of the

children were sexually abused and the level of state involvement and knowledge when those shameful and horrific practices were going on in those institutions across the island of Ireland. That is the type of information we need to get.

I have spoken to some survivors over a period of years and have met some of them as recently as last week. They told me that they do not have a clear picture or access to the records. We need to do all in our power to ensure that the state records and those of the religious orders or churches are given to these people so that they can try to get some sort of sense about what happened to them when they left the homes, what happened to their mothers and everything else. It is very important that all the information is given.

It is imperative that we have that thorough examination. Some Members mentioned that it was not just mother and baby homes; it was also workhouses and, as I said, other institutions. We need to have the information to hand first so that we can see the level of this.

#### 1.45 pm

I know that we already have a sense of the dehumanising practices that mothers were forced to endure in institutions such as the Magdalene laundries, which Members mentioned. Some Members mentioned the ongoing historical institutional abuse inquiry and said that some of the people in the laundries who were over 18 when they were forced to have their baby there are not covered by the inquiry. I am speaking not as a junior Minister but as an MLA, and, hopefully, something can be done to ensure that those women who were over 18 are included in some way so that what happened to them can also be looked at.

**Mr McElduff:** I thank the Member for giving way. Will she further consider a North/South, all-island character to any investigation? The historical institutional abuse inquiry in the North and the proposed commission of investigation in the South should cooperate specifically on the subject of cross-border movements, over many decades, of children, pregnant girls and women and on the forced illegal and international adoption or boarding-out arrangements of the majority of children? That is to ensure that any investigation, North or South or both, be as wide as possible.

**Ms J McCann:** I totally agree with the Member. I think that that has to happen. In some of the cases that I have been discussing with some of the victims and survivors, we cannot call it

anything else than this: the children were trafficked from North to South and South to North. We need to have an all-island approach to get the detail of what happened.

I have to say that —

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

**Ms J McCann:** I will finish this and give way if I have time.

When I was speaking to some of the people who came to see me about the Magdalene laundries, one thing stuck in my head as probably being one of the most cruel parts about them that I remember. They told me that there was an older lady working alongside a younger person in one of the laundries. They were working day by day together in that laundry, and the younger person and the older woman built up a relationship over several years. When the older woman died, one of the nuns called the young girl aside and said, "By the way, that was your mother".

For me, that shows the level of cruelty and viciousness that those people had to experience. We all have talked to survivors and victims, and I think that we probably all have our own sense of it. I am a mother myself, and I just cannot imagine what it would have been like for a mother to be forced to give over her baby just after the baby is born and to be treated in such a way. We need to help uncover this horror and this barbaric treatment, and we need to help people get the information that they need.

In conclusion, I want to go through some of the main points made by Members. Barry McElduff, the proposer of the motion, outlined, as I said, the human cost of some of the harrowing stories. He also gave a list of all the homes that we have now discovered were in practice in the North. That is by no means a definitive list, so we need to investigate how many more there were.

John Dallat also illustrated this treatment received by people. Mike Nesbitt read out a personal testimony on how people want the records to be made available. Trevor Lunn pointed out that some of the homes did not close until the 1980s. That is a very relevant point, because sometimes we think that this happened back then, but it was happening right up until the recent past.

Danny Kennedy mentioned the records from all Churches and denominations and said that those should be given over to families and



people who want them made available. Bronwyn McGahan mentioned the women being imprisoned and their human rights being discarded, and she said that the children in those homes had no voices.

We really need to be their voices and speak for them if we can.

**Mr Speaker:** Will the Member bring her remarks to a close?

**Ms J McCann:** Colum Eastwood finished very aptly when he talked about the proclamation and the cherishing of all our children equally. Hopefully, today's debate will get cross-party support. We need to ensure that those records are opened up and that the information is there for people. We need to help the people —

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

**Ms J McCann:** — in their campaign who do not have the voice to do that.

*Question put and agreed to.*

*Resolved:*

*That this Assembly acknowledges the scandal that occurred at the Bon Secours Sisters' institution in Tuam, County Galway, where almost 800 children died whilst in the care of a religious order and were placed in a mass unmarked grave over a period of five decades; notes the intention of the Dublin Government to take steps to establish the best course of action to investigate the deaths of these children and the appalling manner of their interment; recognises that the abusive practices that occurred at the Bon Secours Sisters' mother and baby care home were not unique and were replicated in similar institutions across the island of Ireland; and calls for all government Departments and their agencies, as well as religious orders, to proactively cooperate with any investigation that takes place to establish the truth behind this scandal.*

**Mr Speaker:** The next item of business in the Order Paper is Question Time. I therefore propose, by leave of the Assembly, to suspend the sitting until 2.00 pm.

*The sitting was suspended at 1.50 pm.*

2.00 pm

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

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Principal Deputy Speaker:** We will start with listed questions. Question 8 has been withdrawn.

### Racial Equality Strategy

1. **Ms McGahan** asked the First Minister and deputy First Minister what impact the revised indicators for good relations will have on the racial equality strategy. (AQO 6398/11-15)

4. **Mr McAleer** asked the First Minister and deputy First Minister how the racial equality strategy will complement Together: Building a United Community. (AQO 6401/11-15)

**Mr P Robinson (The First Minister):** With your permission, Mr Principal Deputy Speaker, I will answer questions 1 and 4 together. I am pleased that our consultation document for the racial equality strategy is now available on the OFMDFM website. The consultation will last until 10 October 2014, and details of consultation events will be listed soon. As our strategy document, 'Together: Building a United Community', states, the racial equality strategy:

*"is not intended to replace or subsume our work on racial equality and good race relations. Rather it will complement and provide the co-ordinated framework for aspects of its delivery."*

We consider it very important to retain a specific focus on racial equality and good relations. Therefore, we propose to retain the existing racial equality panel to implement the strategy. Where appropriate, the work of the panel will feed into Together: Building a United Community's community tensions subgroup and the ministerial panel or into the structures of Delivering Social Change.

Our review of the good relations indicators highlighted four that were specifically relevant to outcomes for minority ethnic people. It was clear that they would not capture the breadth of information needed for the new racial equality

strategy. As a result, a separate set of racial equality indicators has been developed by the good relations advisory group. Those will be consulted on alongside the strategy.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. Minister, do you agree that racial intimidation needs to be acknowledged and addressed urgently?

**Mr P Robinson:** All instances of racial tension need to be addressed, particularly when they involve intimidation or hate crime or, worse still, attacks on those who can be profiled because of their race.

It is a matter that has caused considerable concern to the PSNI, which has reported an increased number of racial incidents and racial crimes over the last year. I trust that the work arising from the strategy will be acted on, because a strategy without action points attached to it, and funding for those action points, will not help. It is necessary that we start taking action on the work that arises from the strategy.

**Mr McAleer:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I understand that the strategy was signed off at the beginning of June. What was the reason for that delay?

**Mr P Robinson:** My understanding is that about eight changes to the strategy were required by the deputy First Minister (DFM) side. None at all were required by us, and we were quite content with the changes required by DFM. One of those changes was that included in the strategy would be a foreword from the deputy First Minister and me. That became available to us on Friday and was signed off immediately.

**Mr G Robinson:** What steps can the First Minister take to alleviate race relations issues while the development of the racial equality strategy continues?

**Mr P Robinson:** As I said earlier, a strategy is an important part of that. My understanding is that, while I have heard a number of people talking about waiting for years, it came into OFMDFM only at the beginning of June. The real requirement is to change people's mindset to ensure that we have a welcoming environment in Northern Ireland for people from all racial backgrounds. That becomes more difficult when people feel that they are not getting jobs and services, and others are. For those of us who speak to employers, the truth of it is that many of them could not operate their

businesses without those from ethnic minorities coming in. They provide colour to our community as a whole. They should be welcomed by everybody in Northern Ireland. I hope that the racial equality strategy will help to get that message out and that we can have the action points attached to it, which will encourage people to get involved with their neighbours no matter what background they come from.

**Mr A Maginness:** Does the First Minister accept that it is a duty incumbent on all who hold high office, including his own office and those of other Ministers, to condemn forthrightly and unambiguously, without ifs or buts, any form of racism? I refer in particular to the incident in east Belfast, where a house was allocated to a Nigerian, and the First Minister, in that situation, tended to defend or explain away the reasons for the obstruction by local residents.

**Mr P Robinson:** I did no such thing. Indeed, if one was to listen to the interview in full, one would see that 90% of it condemned any type of racial activity or intimidation. Given that I have two minutes rather than 15 seconds to answer, let me break the issue down.

From a social housing point of view, people can argue for the idea of local houses for local people. I do not believe that that can ever be the only determining factor as to why somebody should get a house. It has been in the past, and points could be allocated for that, but if you have a difficulty with housing allocations or the allocation scheme, the answer is to go to the Housing Executive or your local elected representatives, whether on the council, in the Assembly or at Westminster, and deal with those matters through them. The answer is not to stand outside a house that has been allocated to someone because, no matter what their background might be, that will be seen as intimidation, in my view. If people with a different racial profile are involved, it will certainly be seen by them as being racially motivated.

Local people said that it was never their intention to do it. Some indicated that they never knew whom the house had been allocated to, but, whether or not it had been allocated to someone from a different racial profile, it was still intimidation. Any of us would know how we would feel if we turned up to a house that had been allocated to us, and there were protesters outside saying, "Local houses for local people".

Those are the issues involved. I condemn any form of racial attack. I oppose any form of racial intimidation. It is essential that our communities are open and welcoming to all, no matter what religious, political or ethnic background they may have.

**Mr Kinahan:** I thank the Minister for his answers so far and particularly welcome the fact that the racial equality strategy is now out and is to be consulted on. Will the First Minister put on some dates or timings as to when he expects legislation to come through on the back of it and will that include refugees and asylum seekers?

**Mr P Robinson:** It seems that, although we were criticised for taking our time in bringing the strategy out, the deputy First Minister and I have, in fact, moved faster than the Civil Service. While the document is on the website, the pages that allow people to answer the questions in the document are not yet up. The consultation process lasts until October, which takes us over the summer holidays, and that is why a longer period is being allowed.

As soon as we have that and evaluate the responses, I not only trust that will there be legislation but trust that we will be able to move forward to real action points. That is not to say that we are not taking action at present on a number of issues — we spend over £1 million every year with one particular fund — but are going ahead with other projects as well. Funding is available for projects, and as for fitting it into the strategy, I hope that that will happen after October.

**Ms Lo:** The Macpherson report, which is referenced in the racial equality strategy, states that a racist incident means any incident with a race dimension and covers crimes and non-crimes. Will the Minister now accept that he was wrong to say, when he was interviewed, that the racist intimidation against Michael Abiona was not racist?

**Mr P Robinson:** It seems that, even when I go into detail, the Member does not understand the difference between a racial incident and a racial crime. A racial incident is a racial incident because an individual feels that they have been attacked because of their racial background. That makes it a racial incident, no matter what the intention of the individuals concerned was. It becomes a racial crime if there was an intention on the part of the individuals and they did carry out an attack or intimidation.

## Gender Equality Strategy

2. **Mr F McCann** asked the First Minister and deputy First Minister for an update on the gender equality strategy. (AQO 6399/11-15)

**Mr P Robinson:** Mr Speaker, with —. Mr Principal Deputy Speaker — maybe a few months too early — with your permission, I will ask junior Minister Jonathan Bell to answer the question.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** In January this year, we took a decision to develop a new gender equality strategy based on the review that was carried out in 2013. Since then, meetings have taken place with a range of key stakeholders and the gender advisory panel to update and include it in the development of a new gender equality strategy. A meeting of the gender advisory panel has been scheduled for early July. The current strategy will remain in place until the new strategy is developed and becomes operational. A new strategy will require full public consultation and Executive approval.

**Mr F McCann:** Go raibh míle maith agat. I thank the junior Minister for his answer thus far. Can he give me an update as to how transgender issues will be taken forward under any new gender equality strategy, given that that was identified as a gap in the current strategy document?

**Mr Bell:** Transgender is recognised by OFMDFM as a gender issue. Transgender people, whose gender identity conflicts with their biological sex, face lifelong challenges such as victimisation, including physical and psychological abuse and increased risk of suicide. Transgender issues were identified as a gap, as the Member correctly points out, in the current strategy document, and representatives of the transgender organisation joined the panel following the review of the gender equality strategy in 2013.

**Mr Campbell:** Will the junior Minister outline the extent of the Department's engagement with stakeholders while outlining the gender strategy?

**Mr Bell:** Junior Minister McCann, the office and our staff have had a number of meetings, and we continue to meet groups, organisations and individuals who have an interest in and a view to share on gender equality. So far, junior Minister McCann and I, alongside our

colleagues, have met a number of organisations, the most recent being the Equality Commission for Northern Ireland. We have held joint meetings with Man Matters, YouthAction, the Men's Action Network and the Men's Health Forum. We have also met the Northern Ireland Rural Women's Network and the Northern Ireland Council for Ethnic Minorities in addition to the Northern Ireland Women's European Platform.

**Mrs D Kelly:** The Minister outlined the necessity for a public consultation exercise but omitted to give us a definitive timescale for the strategy to be published. Perhaps he could give us some further indication as to that timescale and highlight any other stumbling blocks to the release of the strategy.

**Mr Bell:** Work on the development of a new strategy has started. It is based on the work that has been undertaken to date and indeed on the current review. As all policies have, the new strategy will require full public consultation and Executive approval. We will keep the gender advisory panel fully engaged on the progress as we make it.

#### 2.15 pm

It is envisaged that a new gender equality strategy, allowing time for the key stages required to develop a new strategy, including the 12-week public consultation process, could be published and launched in 2014. The current gender equality strategy will remain in place until that new strategy has been developed and is operational.

**Mr Beggs:** The progress of the review seems to be rather slow. The review happened in 2013, and there have been meetings for six months. Will the Minister advise us whether there are any underlying difficulties or differences of opinion that contribute to that slowness?

**Mr Bell:** There are no differences of opinion that I can think of at all. The strategy, its aims and objectives, remain relevant and valid. The action plan through which the strategy is to be delivered needs, I think, to link more directly to the strategy's aims and objectives. Actions should be linked to measurable or numerical targets against which the action plan and progress can be established. The targets that we have taken the time to look at should look at where the results and achievements can be made, not just the outputs, that is, the actions that are taken. The monitoring and reporting of performance need to be regular and formalised.

The role and membership of the gender advisory panel continues and should be reviewed. Among the issues outlined in answer to an earlier question, the transgender issue was identified as a gap in the current strategy document, and that has been addressed.

### Delivering Social Change

3. **Mr G Kelly** asked the First Minister and deputy First Minister how Delivering Social Change signature projects will be evaluated. (AQO 6400/11-15)

**Mr P Robinson:** In October 2012, we announced a £26 million funding package to allow for the development and delivery of six key cross-cutting Delivering Social Change signature programmes, aimed at issues such as improving literacy and numeracy, family support and pathways to employment for young people. Responsibility for the delivery of each of the six programmes lies with the appropriate lead Department. Departments have already established, in common with the other signature programmes, how they and their delivery partners will evaluate the programmes to satisfy their own requirements.

OFMDFM has worked collaboratively with Departments in the development of the programmes, including developing new approaches to their evaluation. Departments have agreed to include an outcomes-based approach model into their evaluations. That approach differentiates between what we wish to achieve at a strategic level and what each individual project does achieve towards its overarching goal. In addition, we are looking at a number of common metrics that can be applied across all programmes that are being delivered. Those include the well-established international comparators around well-being and also, given local concern around resilience and assertiveness, a pilot of two alternative metrics: locus of control and self-efficacy.

We are using those signature programmes as test beds, not only as new ways of addressing societal challenges but as new and more pragmatic ways of evaluating programme-level impacts. Draft evaluation plans have been received, and our officials are working with their counterparts in the lead Departments to ensure a robust evaluation of the Delivering Social Change signature programmes.

**Mr G Kelly:** Gabhaim buíochas leis an Aire as a fhreagra go dtí seo. I thank the Minister for his answer up to now, and I congratulate him for getting through that mouthful. I suppose

that the question that people are asking is, "When will we see the impact of Delivering Social Change on the ground?" I know that you talked about draft plans that have now been received.

**Mr P Robinson:** The answer is that it is already being felt on the ground. If we are not to use any of the more scientific approaches that I have outlined — keeping my tongue firmly embedded between my teeth while I say some of it — the truth is that most of us evaluate it by asking the people who are carrying out the programme, "How is it going?"; and, on that basis, all the programmes are going very well. With regard to the teachers whom we have put in place, we are already hearing from the schools that, in the mid-term testing, those pupils are doing better than their comparators from previous years. Again, when it comes to the hubs and other elements, we are getting very positive messages back.

We will wait for the full evaluation to be carried out by the mechanisms that officials have set in place. It will be those evaluations that will determine whether the programmes should be mainstreamed in the future.

**Mrs Hale:** I thank the First Minister for his very detailed answers, and I welcome the news that the food banks are good. What plans are there for mainstreaming?

**Mr P Robinson:** If the reports coming back continue in the same positive vein as those that we have received thus far from each of the signature projects — although one is operating a little slower than we would like, and slower than the others — it is very likely that each of the Departments will want to continue with those projects. There will obviously be a bidding war when it comes to setting the budget to ensure that they have resources to meet that requirement. However, I am very hopeful that the steps that we have taken — steps that were, it has to be said, initially resisted by some Departments, because officials like to have good ideas themselves rather than them coming from the centre — will mean that those will be successful programmes. I hope that many, if not all of them, will be mainstreamed.

**Mr Dallat:** I thank the First Minister for his answers. He specifically made reference to literacy and numeracy issues among children. The First Minister will be aware that illiteracy and innumeracy are still running at over 20%. Is he satisfied that sufficient funding is available to address that as one of the signature projects? If it continues to be a problem, what

is the long-term plan to address the terrible injustice of children leaving school not able to read or write?

**Mr P Robinson:** I agree entirely with the Member about the scale and impact of the issue. When the deputy First Minister and I brought forward proposals for the signature projects, it was very much on a pilot basis, so that we could test whether improvements come from this kind of project. Early indicators are good. However, if improvements do come, it will be the full flow of the programme that will make the big difference. I do not see us making massive changes in the number of people just through this one programme, but it will certainly signal that this is a way to do it that brings a beneficial outcome.

## Sexual Orientation Strategy

5. **Mr McElduff** asked the First Minister and deputy First Minister for an update on the sexual orientation strategy. (AQO 6402/11-15)

**Mr P Robinson:** Mr Principal Deputy Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer the question.

**Mr Bell:** We have regularly stated our commitment to producing a sexual orientation strategy — in the Assembly, in the text of the good relations strategy and in Together: Building a United Community. To achieve that commitment, we asked officials to commence a public consultation process. The first phase of that process ended on 6 June. Responses received during the 12-week consultation period are being analysed, and the results will be used to inform the content of a draft sexual orientation strategy. The strategy will then be referred to the Executive for final agreement and publication in draft format. A second phase of public consultation will then take place.

**Mr McElduff:** I thank the junior Minister for his answer. Will he outline the timeline for taking forward the various stages of consultation that he mentioned?

**Mr Bell:** I thank the Member for his question. The process is being held over two phases. Phase 1 commenced with the establishment of a project group. The project group held its first meeting in February 2014. The results of phase 1 will help to inform the development of the sexual orientation strategy. Phase 2 will involve the development of the draft strategy, including full public consultation on the final agreed draft. Within that, we have membership

of the project group, including our own officials, stakeholders, academia, trade union representatives and our research branch officials from OFMDFM. They are all participating in the project group. It is chaired within our equality and human rights directorate and the group has held a number of meetings. The next one will take place following the analysis of the phase 1 consultation exercise. The consultation was launched by a press advertisement on 14 March 2014 and closed after the 12-week consultation process on 6 June. The consultation document has been made available in hard copy and online, and our research branch has developed an online survey questionnaire to accompany the document. This was used as the primary basis for consultation.

The public were given the opportunity to complete the questionnaire in a number of ways, including on the website. The questionnaire was developed in conjunction with the Department's research branch and the project group. It was also available to be completed in hard copy or by telephone link through a dedicated telephone line for that subject. Members of the public were also able to submit responses in writing via post or email. When we go to phase 2, we will look at the results of phase 1, the analysis of which will inform the development of the strategy.

**Mr Copeland:** I thank the junior Minister. To the best of my recollection, he told the House that this would be published in 2012. Does he accept my cynicism that this could be indicative of a difficulty in agreeing the strategy?

**Mr Bell:** It is always interesting to comment on another Member's cynicism. Any answer that I give is the best one that I can give at any particular time. We have worked very hard on the strategy; phase 1 has shown the work that we have done. I commend our officials and the groups that have met us and discussed matters and cooperated with us. We have gone through some very complex matters. Phase 1 is now through; you will see phase 2 with the analysis and the development of the strategy. The project group that has been put in place to manage and oversee the consultation process will continue to have oversight of the development of the strategy and its action plan. The draft strategy has to be agreed and, when it is developed, it will be referred to the Executive for final agreement and publication in draft format with a view to implementing a further public consultation process.

**Mr Allister:** Why were so many of the questions lacking in objectivity and presented in a wholly loaded fashion?

**Mr Bell:** It is an area of sensitivity and complexity. The questions were developed in conjunction with the sectors and groups that were talking to us, informing us and consulting us, and they reflected their needs. The questions that were asked give us a basis to move towards phase 2, see where we can have agreement and bring it forward to the Executive for agreement following full public consultation.

## Bright Start

6. **Mrs McKeivitt** asked the First Minister and deputy First Minister for an update on the Bright Start childcare scheme. (AQO 6403/11-15)

**Mr P Robinson:** With your permission, Mr Principal Deputy Speaker, I will ask junior Minister Bell to answer this question.

**Mr Bell:** I thank the Member for her question. The Bright Start school-age childcare grant scheme was developed to take forward three of the Bright Start key first actions. The scheme was launched on 27 March 2014 and it has, to date, attracted 76 full applications and 60 expressions of interest. The childcare partnerships are assessing applications and assessment will finish on 25 June. The first letters of offer should be issued before September. The Bright Start school-age childcare grant scheme aims to create or sustain up to 7,000 school-age childcare places by assisting current and prospective childcare providers. These envisaged childcare places will begin to address the need for additional school-age childcare services. The grant scheme will assist childcare settings serving disadvantaged and rural communities and settings that are based on the school estate.

**Mrs McKeivitt:** Will the Minister confirm whether the Bright Start scheme will be made available to private childcare minders?

**Mr Bell:** From the very beginning, we said that the scheme was never intended to displace existing provision. We have published what we are doing. We sought to find gaps where they exist. We had to follow where the evidence was leading us. Although I would not say that it was overly well provided for, we knew that the nought-to-three age group in particular was better provided for than the school-age group, where research indicates that, in some cases,

there could be up to a one-in-19 chance of getting a place.

### 2.30 pm

We never sought to displace private sector provision. I have visited and taken part in a number of private sector projects and standards awards. The reason why we targeted Bright Start was this: families, and young mothers in particular, were telling us that there was a gap in school-age provision and a need for flexibility and affordability. We took the social-enterprise model because we could target it to meet particular needs where they were identified. I am quite happy to meet, as I have been doing, private sector providers and share with them the project, what we are doing and the reasons why we are doing it.

**Mr Principal Deputy Speaker:** That brings us to the end of the period for listed questions. We now move on to 15 minutes of topical questions. Question 1 has been withdrawn.

## Historical Institutional Abuse Inquiry

2. **Mr D Bradley** asked the First Minister and deputy First Minister whether the possibility of an interim report from the historical institutional abuse inquiry has been raised with the chair of the inquiry, given the call for such a report as a compassionate response to victims and survivors, and, further to that, whether OFMDFM has any firm views about an inquiry for victims of non-institutional clerical abuse. (AQT 1302/11-15)

**Mr P Robinson:** We, of course, gave a remit to a learned judge, who is completely independent in the inquiry that he is carrying out. He has spoken with my colleagues. I think that he spoke to the junior Ministers fairly recently. He does not feel that it would be helpful to have an interim report. I think that one can understand that all his motivation is to get to the finish line in the quickest possible time without prejudicing in any way the depth of the inquiry that he carries out. We have to take his advice on that, considering that he is carrying it out independently.

The clerical abuse issue is to be considered after we receive a report from the judge on this inquiry. Of course, there are always areas, not only those that relate to clerical abuse but others such as the Magdalene laundries, in which there is clearly, if you like, unfinished business and a level of trauma for those involved. We are very sensitive and sympathetic to all those involved. However, we

need to carry out our own research to determine whether government intervention on those issues is appropriate. We will consider them more fully after the historical institutional abuse report is received.

**Mr D Bradley:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the First Minister for his answer. Does he not agree that the needs of the victims of non-institutional clerical abuse also need to be recognised and that they, too, deserve the matter to be looked into fully?

**Mr P Robinson:** Of course they need support. There is support available through the various government agencies for those who were involved in the horrendous activities of which the Member, the House and I are aware. As to whether there should be an inquiry into them, I must say that there is a slightly higher threshold to be met regarding the number of instances that there were and whether an inquiry of the size that would be necessary is merited or whether there should simply be individual investigations in the various institutions involved. We will look at those kinds of issues when we see the depth of the historical institutional abuse report.

## Haass Proposals: DUP Intentions

4. **Mr Boylan** asked the First Minister and deputy First Minister to confirm whether the First Minister and his party are up for serious and intense negotiations to implement the Haass proposals in the coming days. (AQT 1304/11-15)

**Mr P Robinson:** I am sure that the Member did not intend to indicate that his party is not up for negotiations on the outstanding issues, but, by saying that it is simply about the implementation of the Haass proposals, that is precisely what he is saying.

I can assure you that this party is serious about dealing with the three outstanding issues of parades, flags and identity and, of course, the past. Those are important issues that have to be resolved, whether we resolve them this month, next month or in a year's time, but they will not be resolved on the basis of people digging in their heels on one set of outcomes that suits them. It has to be a set of outcomes that suits all the parties in the House, otherwise it is simply not going to happen. So, I hope that all the parties that engage in these discussions will do so on the basis of getting outcomes that can get widespread support across the parties and the community.

**Mr Boylan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. Does he agree that these issues need to be dealt with and resolved urgently?

**Mr P Robinson:** I agree totally that there is an urgency with these matters. It would have been great if the five parties involved in the discussions last year had been able to reach agreement. That was not possible. I am not sure that raking over the embers gets us very much further. There has been progress, in my view, since then.

The party leaders' meetings have disaggregated the Haass proposals and started to look at the sets of proposals — I think that there were literally hundreds of individual agreements contained in the overall Haass document — and the elements of the document on which there was not overall agreement. I think that we have reduced the number on which there was not agreement at the end of last year. However, some issues still have not been resolved.

We have attempted to change our method of operating somewhat, in that we are bringing in a secretariat so that, rather than us sitting around the table and trying to take minutes and resolve issues at the same time, we can have suggestions put to us by officials. I hope that all the parties, when they meet later on this week, will agree that that is the right way forward. We produced a paper, which was circulated to all the party leaders. I have not heard anybody indicating that they are unhappy with that way forward. Hopefully, all the parties will sit down seriously and expeditiously to deal with those matters.

## Welfare Reform

5. **Mr Weir** asked the First Minister and deputy First Minister for an update on the present position of welfare reform in Northern Ireland and whether there have been any further discussions with the UK Government on the subject. (AQT 1305/11-15)

**Mr P Robinson:** The Executive last considered the matter on the basis of two proposals. The first was that the Executive would meet to deal with the issue on their own, so that they would not lose their focus on other Executive business. The second was that, rather than us bandying about figures and the potential problems that may arise either by accepting welfare reform on the revised basis put forward

by the Minister for Social Development or otherwise — there are at least two sets of figures out there on what the likely cost is, as well as all sorts of questions about whether we could undertake the payments through computerisation, what the delay might be and what the cost of that would be — we task some consultant to look at those specific issues so that we have a common reference point, so nobody can argue, "No, it's not £400 million. It's something else".

I think that it is essential that we get to that stage. When we have that, everybody in the Executive will have all the information that they need to take the decision, knowing what the outcome will be if they go for the revised package on welfare reform, and, equally, they will be aware of what the consequences will be if they do not.

**Mr Weir:** I thank the First Minister for his answer. The First Minister spoke of consequences. Will he outline whether he has any expectations of any shift in position on the issue of the Westminster Government, and, if not, what the financial consequences for areas such as health and education would be?

**Mr P Robinson:** I apologise to the Member. He had a second leg to his first question about the United Kingdom Government's position. I have spoken on a number of occasions to the Secretary of State on the issue. She has made it absolutely clear to me that, as far as the Department for Work and Pensions (DWP) is concerned, it has finished its negotiations on the issue. There will be no further concession from Her Majesty's Government on the matter. That was stressed again when the deputy First Minister and I met Nick Clegg in the fringes of the Guernsey British-Irish summit meeting, making it very clear that anything else that we do on welfare reform, we need to do ourselves. So, if the package is to improve, it will improve because we decide to do something in addition to what is in the proposal set by Nelson McCausland.

We are happy to talk about those issues and how the programme can be put out in a form that makes it more acceptable, because, do not forget, within the package that Nelson McCausland brought forward, there was a multi-million pound contingency fund being set up to deal with the hardship cases. So, we can work on that to be more specific about how it would be used. I was at the report stage of the East Belfast Independent Advice Centre last Friday. It has indicated the vast increase in its



work because of debt and welfare issues. There may well be a requirement for us, as part of that package, to do something to resource advice centres better to deal with those issues. I know from my advice centre that the number of people coming in with heavy envelopes and bin bags full of bills, some of them unopened, indicates that there are very real difficulties with debt and welfare that we need to get addressed.

## Parading Season

6. **Mr Humphrey** asked the First Minister and deputy First Minister, building on the very dignified Apprentice Boys' parade down Donegall Street at Easter, whether the First Minister agrees that Friday night's Tour of the North parade in Mr Humphrey's North Belfast constituency was dignified and disciplined, wishes to congratulate the Orange Institution for that, and further agrees that it has set the tone for a very peaceful parading season this year. (AQT 1306/11-15)

**Mr P Robinson:** I join the Member in congratulating all those who have been involved in expressing their culture in a way that is not offensive to anyone else and which has gone off lawfully and peacefully, and that is the process that I want to see continue. I hope that it is a harbinger of things to come. This Province is set back when there is violence and disorder on the streets. The central issue has to be about tolerance and respect — tolerance of the parades and respect by those on parades. Those have to be the central features of a good summer for us.

**Mr Humphrey:** I thank the First Minister for his answer. The First Minister, like me, has been at meetings recently with the Parades Commission. Given that the former Parades Commission rewarded violence with its determination last year for the 12 July evening at Ardoyne for the Ligoniel lodges returning, does the First Minister agree with me that the current and new commission is in danger of being seen by the public in Northern Ireland as being intimidated by the threat of violence from dissident republicans?

**Mr P Robinson:** The issue is not new. There is a feeling in the loyalist and unionist community that those who wag the largest stick are the ones who get heard. That is not the way for us to go in the Government or in any institutions of Government. As soon as you start rewarding people for violence or the threat of violence, you encourage more violence and more threats and maybe not just from those who have issued

them in the first place. If you teach people the message that violence works, they will say, "Well, the only way that we are going to get our parade down the road is to have greater violence."

That is not a message that any politician wants to endorse.

Let us be very clear: the Parades Commission should be taking decisions, and there should always be a presumption in favour of a parade. In my view, attempts must always be made to resolve outstanding issues, but, if they are to be resolved, they must be resolved on the basis that nobody thinks that the default position is automatically going to be that there is going to be no parade.

2.45 pm

## A5: Executive Commitment

7. **Ms Boyle** asked the First Minister and deputy First Minister for an assurance of the Executive's ongoing commitment to the A5 dual carriageway project. (AQT 1307/11-15)

**Mr P Robinson:** This is an Executive decision, and the Executive agreed to the project. We have had several setbacks, the first of which was when the Government of the Republic of Ireland decided that, because of their economic difficulties, they could not keep the commitment that they had given and, instead, reduced that commitment. We went forward with the reduced commitment, but the courts knocked us back on the basis that some environmental work was required. None of that reduces our commitment to the scheme. Obviously, we await from the Minister for Regional Development information that leads us to expect another application. I hope that it will be submitted in a form that can withstand any challenge in the courts. The next small task will be for the Finance Ministers to find us the appropriate amount to carry out the scheme.

## Education

**Mr Principal Deputy Speaker:** Questions 2 and 12 have been withdrawn.

## Home Education: NEELB

1. **Mrs Dobson** asked the Minister of Education why the North Eastern Education and Library Board sought the legal advice, which led to the

consultation on the draft policy on elective home education. (AQO 6412/11-15)

**Mr O'Dowd (The Minister of Education):** I understand that in light of legal advice received by the North Eastern Education and Library Board, following litigation in which a home education issue arose, the education and library board reviewed its arrangements for ensuring that the parents of children and young people who are electively home educated provide an efficient and suitable full-time education for their children.

**Mrs Dobson:** I thank the Minister for his answer, but he cannot be oblivious to the very real concern among home educators. Therefore, does he agree that proposing massive changes based on an interpretation of the law, which is not shared by the educational authorities in England, Wales or Scotland, is potentially damaging? Will he confirm to the House whether he has sought legal advice on the issue?

**Mr O'Dowd:** This is not England, Wales or Scotland. We have our own education legislation, including on home education. A consultation is going on. While I will keep an open mind on the consultation and the guidance that will be issued by the education and library boards, I have a concern that the majority of Members who have spoken on the matter have spoken about the needs of the adult and not of the child.

Can everyone in the Chamber reassure themselves? In what way do you reassure yourself that a child who is being home educated is being properly home educated? How do you reassure yourself of that? I ask that because it appears to me that everyone who has spoken on the matter thus far is completely reassured — they have no hesitation whatsoever in endorsing the current guidance and saying, "Yes, children are being properly home educated. We can reassure ourselves, 100%, that, in every case, the children are being properly home educated." However, as I said in my initial answer, it has already gone as far as litigation against one of the boards because that was not the case. Therefore, we have a legal duty to make sure that we are doing it properly. I think that we also have a moral duty to make sure that we are doing it properly.

**Mr Storey:** It is disappointing that the Education Minister has cast a slur on parents who make the choice to educate their children at home. I think that he should seriously reflect

on what he has said in the House today. Will the Minister confirm that representatives from his Department attended meetings of the strategic regional group on this issue?

**Mr O'Dowd:** Mr Storey continues to have selective hearing as well as selective education policies. I have not cast a slur on parents who are involved in home education.

**Mr Storey:** You did.

**Mr O'Dowd:** What I am saying is —  
*[Interruption.]* What I am saying is —  
*[Interruption.]* What I am saying is —

**Mr Campbell:** It sounded like it.

**Mr Principal Deputy Speaker:** Order.

**Mr O'Dowd:** Mr Deputy Speaker, if people who wish to be a Minister but cannot make it to the role of Minister continue to interrupt me, it is very hard to do Question Time. The Member appears desperately to require a Dispatch Box in front of him. Perhaps the First Minister, who has just left, will treat him to a Dispatch Box some day.

What I said was that we have a duty of care to the children involved, and we do have a duty of care to those children. In my original answer, I pointed out that this has reached litigation stage and entered the realms of law. The law has said that the guidance requires to be reviewed. The education and library boards have taken it on board and reviewed it. I do not have in front of me a diary of every meeting that my officials have ever attended, nor do I wish to have such a diary, but I regret the fact that the boards did not present me with the consultation documents before issuing. However, I believe that the consultation should continue. I have committed to the House and to others that, at the end of it, I will sign off the guidance if I am satisfied that it is in compliance with the legislation.

**Mr Sheehan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí. Will the Minister tell us what arrangements are in place to monitor the education provided to children at home?

**Mr O'Dowd:** The arrangements are broadly as follows. The boards have advised that they do not undertake inspections of home education. While the Education and Training Inspectorate provides inspection services for a number of organisations, it does not undertake inspections of home education provision. The boards have

various arrangements in place to monitor the education provided to children who are educated at home. This includes annual visits to a child's home, reviewing samples of a child's work and providing advice to parents on how to support their child's education.

I understand that the boards' draft home education guidance document does not include any reference to the inspection process but proposes that each board will undertake monitoring that will focus on a child's welfare; ensure that a child has access to education suited to his or her age, ability and aptitude; and provide advice to parents on educational resources. It would be very difficult for anybody in the House to disagree with those three points: the boards will monitor a child's welfare; it will be ensured that a child has access to education suitable to his or her age; and advice will be provided to parents on educational resources. Are Members opposite and to my left — physically rather than politically — suggesting that that should not be the case? I do not see any difficulties in any of those three matters. However, I have said, and I repeat, that we will assure that whatever guidance is issued is in compliance with the law.

**Mr Rogers:** Thanks to the Minister for his answers thus far. Given that there has been no public advertising of the consultation process for elective home education, how would parents who are considering such education for their children know about the consultation?

**Mr O'Dowd:** I do not have the full details of how the programme was advertised, but it is fair to say that the consultation process has garnered sufficient publicity. I have answered questions on it in the House on several occasions. I have quite a healthy-sized mailbag relating to home education, and Members are asking questions about it, so it is out there. People are aware of it, and responses are being made to the consultation. If there are ways to improve knowledge of the consultation, I will advise the boards of those. However, I emphasise that this is a board consultation. The education and library boards have taken on the consultation, and, at this stage, my only role will be to ensure that I am satisfied that the final guidance is in compliance with the legislation.

## Anti-bullying Forum

3. **Ms Boyle** asked the Minister of Education for an update on the work of the Anti-bullying Forum. (AQO 6414/11-15)

**Mr O'Dowd:** The Anti-bullying Forum comprises departmental and education and library board officials along with representatives of around 20 voluntary sector organisations. Each has a particular interest or expertise in the issue, and the Anti-bullying Forum collectively aims to tackle bullying in our schools and communities.

Over the last year, the Anti-bullying Forum worked with 7,000 pupils in 37 schools to raise awareness and provide anti-bullying training. It has engaged with over 1,000 young people in 26 non-school settings, providing workshops and presentations to youth groups, after-school clubs and community organisations. The forum has held 10 seminars aimed at enhancing anti-bullying policies and practices in schools, attracting 283 school leaders from across all education and library boards and school types. Six hundred and forty schools and 77 organisations took part in the Anti-Bullying Forum's anti-bullying week 2013, and over 1,700 children submitted entries for the art and creative writing competition held as part of that.

At my request, the forum also undertook a review of current anti-bullying legislation, existing guidance to schools, current policies and practices in schools and specialist support services available. I intend to consider all the priority work areas identified by the review, and my officials are in discussion with the forum to agree a joint work programme for 2014 and beyond. However, it is my intention to bring anti-bullying legislation to the House during this mandate.

**Ms Boyle:** I thank the Minister for his response. Will he further clarify what issues the forum reviewed and identified as priorities to be taken forward? Is there a timeline for that work? Go raibh maith agat.

**Mr O'Dowd:** The review identified these four priority issues: wide variations in the quality of current school anti-bullying policies; inconsistent recording of incidents of bullying; a need for additional resources to address particularly complex issues such as cyberbullying; and the need for research to identify the true scale and nature of the problem. As I said, I intend to consider all these areas to see what actions can be taken forward in the short and long term. My officials are in discussion with the forum to agree a joint work programme for the 2014-15 year and beyond, which will include bringing legislation to the House to tighten up our anti-bullying legislation.

**Mr Wilson:** The Minister indicated that he intends to introduce some legislation in future. Can he give us an assurance that the legislation will be framed in such a way as to ensure that the maintained sector is held equally as accountable as the controlled sector would be, given that there seems to be an ability for schools in the maintained sector to take a much looser attitude towards bullying than would be tolerated in some of the controlled sector schools.

**Mr O'Dowd:** There is absolutely no evidence to support that statement whatsoever. Regardless of which sector or school bad practice takes place in, it should not be taking place. The current legislation stipulates that every school has to have an anti-bullying policy. It is the quality and rigour of those anti-bullying policies that have been called into question, by research carried out by the Anti-Bullying Forum and by anecdotal evidence that has come to hand, which is one reason why I believe we have to move towards bringing tighter legislation to the House to protect young people from the impacts of bullying.

There is no evidence to support Mr Wilson's statement, and I can assure him that any legislation that I bring forward will cover all sectors in education, as would be the case under equality legislation for any legislation that is brought to this House.

**Mr Eastwood:** Research tells us that tackling bullying effectively must be done in a cross-departmental way. Can the Minister tell the House what kind of work he has done with other Departments and Ministers around cyberbullying in particular?

**Mr O'Dowd:** I have worked with the Health Minister in the suicide prevention group, and one of the areas covered in that is cyberbullying. It has addressed a wide spectrum of areas, including how we tackle the ever-growing and ever-changing phenomenon of cyberbullying. I am involved in that, as are a significant number of other Ministers, and we will continue to engage at that level.

Bullying takes many forms and shapes. It can be brought about by individuals for many different reasons. We often find that those carrying out the bullying are also facing significant challenges, either in their home life, their family life or in other aspects of their life. We have to ensure that schools have proper policies in place to help prevent and tackle bullying when it occurs.

I have to say that there are also many fine examples of schools being proactive in challenging the perception of bullying, challenging bullying behaviour and helping to eradicate bullying from the school. So, while in recent days there have perhaps been examples of poor practice, there are certainly many examples of good practice as well.

**3.00 pm**

**Mr Copeland:** Thank you for your answers so far, Minister. Minister, the party to which you belong introduced an anti-bullying private Member's Bill in Dáil Éireann, although, strangely, you have not yet sought to bring in similar standards here. Do you accept that failure to act on the issue, for whatever reason, is having particularly negative consequences for tackling homophobic bullying across Northern Ireland?

**Mr O'Dowd:** I welcome the Member's interest in Dáil Éireann and my party's all-Ireland policies. One of the reasons why I am introducing legislation, as I have already indicated to my colleague Michaela Boyle, is that part of the remit of the review that the anti-bullying forum carried out was to look at the possibility of introducing legislation, and it appears to me that that is the way forward. I have taken steps to work towards the introduction of legislation. However, I want to make sure that we have the proper legislation in place — legislation that is effective against all forms of bullying, including homophobic bullying. We do not need legislation now: homophobic bullying is wrong and should be tackled by schools, and they have the powers to do so — *[Interruption.]* Principal Deputy Speaker, you have competition for your job: Mr Campbell is now yearning to be behind that desk as well as behind the Dispatch Box — *[Interruption.]* It is really a pity for him.

### **Crumlin Integrated College**

4. **Mr Kinahan** asked the Minister of Education for an update on the current position of Crumlin Integrated College. (AQO 6415/11-15)

**Mr O'Dowd:** Crumlin Integrated College entered the formal intervention process on 1 February 2010. The most recent follow-up inspection at the school was in March 2014, and the inspectorate reported that the quality of education provided by the school is now good. I welcome the fact that the school has continued to show steady improvement since the original inspection in January 2010. The Department is now considering whether the

school should exit the formal intervention process. It is imperative that the decision taken is fully considered and is in the best interests of the young people attending the school.

Future post-primary education in Crumlin is the responsibility in the first instance of the North Eastern Board, working closely with other stakeholders. On 11 June the board announced that it supported the concept of shared post-primary education in the town. A business case for shared education will be prepared by the board and other potential stakeholders. It will establish whether such provision can be viable and sustainable and meet the educational needs of pupils into the future. I understand that a development proposal or proposals will be presented to the board before the end of October this year. The date for a possible change would be September 2016. Should a new management model be proposed, it would represent a significant change to the character of the school. The board as a managing authority would therefore have to publish a development proposal that would come to me for consideration.

**Mr Kinahan:** I thank the Minister for his answer. I congratulate the school on how well it has done and thank the North Eastern Education and Library Board and the working party for all the work that they are doing. We have a very positive future for the school, but there is still one thing that I need the Minister to work on: how do we get positive statements from the boards and the Department to stop parents bleeding away to other schools? We have a very positive future, but it still leaves doubt in people's minds. We have to get rid of the doubt and make people believe that the school will exist. Will he and his Department take that on board and find a way to be positive about the future?

**Mr O'Dowd:** I am not on record as saying anything negative about the school. There have been inspection reports, and they have published their findings. The latest inspection report said that the education at the school was good. My Department has to make some decisions about whether it should exit the formal intervention process. My officials will make that decision as quickly as possible. There are positive developments, and I very much welcome the fact that, through the North Eastern Education and Library Board and other stakeholders, there is advanced planning on schooling in the Crumlin area. However, I am limited in what I can say about any possible development proposals that are published as, after all, I will be the final decision-maker on them.

## Preschool Places: Criteria

5. **Ms P Bradley** asked the Minister of Education whether he plans to review the criteria used to determine preschool nursery places. (AQO 6416/11-15)

**Mr O'Dowd:** All preschool providers are responsible for setting their admissions criteria in accordance with guidance supplied by the Department of Education. However, the Pre-School Education in Schools (Admissions Criteria) Regulations 1999 require providers to give priority to children from socially disadvantaged circumstances. Research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children, so they are given priority in the preschool admissions process as part of my wider efforts to tackle educational underachievement. Social disadvantage is currently defined as parents in receipt of certain benefits. Approximately 24% of children in preschool settings across the North meet those criteria. However, in many settings that percentage is much lower.

The review of preschool admissions recommended that the definition of socially disadvantaged circumstances be examined with a view to mirroring the relevant economic elements of the definition of free school meals entitlement. That area will be reviewed, and I will want to ensure that there remains a process that is fair and transparent, to ensure that the children who are most at risk of educational underachievement are encouraged and supported from the outset.

**Ms P Bradley:** I thank the Minister for his answer. Does he agree that the current criteria, which, as he said, give preference to those who are socially disadvantaged, discriminates against many working families who are themselves socially disadvantaged and are on the breadline? Can you give some justification for that?

**Mr O'Dowd:** The current criteria for social disadvantage are limited to income support, income-based jobseeker's allowance or an award of income support that has been converted into employment and support allowance and the level of benefit has remained the same. I would like to broaden that to low-income families who are working, but the issue of welfare reform and where and how it will be settled has caused a delay in broadening it. I certainly want to ensure that children who face educational barriers such as social

disadvantage are included in the criteria, whether their parents are low-income workers or low-income on benefits. There is work to be done there, and we await the outcome of the discussions on welfare reform and how that matter is settled.

**Mr Hazzard:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his answers thus far. Given that a large number of Members in the House seem willfully blind to the legacy of poverty and, indeed, social deprivation, will the Minister reiterate why it is important that preschool admission places acknowledge the effect of same?

**Mr O'Dowd:** The research tells us that that is the case. Indeed, the Member is a member of the Public Accounts Committee, which recently published a report that indicated a need to target and tackle social disadvantage as it has a detrimental impact on young children from those backgrounds. That is one of the reasons why I made the changes to the common funding formula.

It is an internationally recognised concept, as well. A number of times, I have reflected in the House on my educational visits to Canada and how they are identifying the matter and targeting need where it exists. It is a reality within education and something that we have to take on board. If we are serious about ensuring that every young person has an opportunity in life, we have to make those interventions as early as possible.

**Mrs D Kelly:** In the first part of his answer, the Minister referred to free school meals. I think that he brought forward an initiative to increase the opportunity for people to apply, on the basis of an income eligibility of some £16,000. Do you not believe that that would be a better measure for preschool play? That would recognise the fact that many people are on incomes that are much less than £16,000 and that working families are particularly under pressure with affordable childcare.

**Mr O'Dowd:** I would not argue against the Member on the point, and the fact that we brought in that criterion for free school meals entitlement is a recognition that many families who are working are on low incomes and are facing the challenges that come with that. We have hesitated to review the social disadvantage entry criteria in preschool settings, because welfare reform has always been looming. That has delayed our implementation of any review in that regard. However, if there is continued delay in the

implementation of welfare reform — I have to say that I am not arguing against that — I may well move forward and introduce different criteria for preschool settings as well.

## **Integrated Education: Demand**

6. **Mr Agnew** asked the Minister of Education what assessment has been made of the demand for integrated education in areas where no integrated schools currently exist. (AQO 6417/11-15)

**Mr O'Dowd:** The Department funds the Council for Integrated Education to encourage and promote integrated education. The council received £646,000 of public money last year to fulfil this role. The funding available to it this year is £665,000. NICIE's mission is to lead, promote and facilitate the development and growth of integrated education through a range of approaches, including innovation, influence and working with others.

The council has appointed a panel of associates to assist in fulfilling its role, particularly in relation to area planning. I have commissioned the education and library boards, working in conjunction with the Council for Catholic Maintained Schools (CCMS) and engaging with other sectors, to coordinate strategic planning in each board area to shape the future provision of education in that area. Given the respective roles of the organisations involved, it is clear that planning for new integrated education provision is dependent on collaboration between NICIE, the boards and the CCMS. It is the responsibility of the proposer of new integrated education provision to make the case for change on the basis of robust evidence that demonstrates demand and is based on the creation of viable and sustainable provision in line with the sustainable schools policy.

**Mr Agnew:** I thank the Minister for his answer and declare an interest as a director of NICIE. In this process, what work is being done in recognising the lack of Catholic maintained schools that have transferred in the past and on how we can meet the demand for integrated education in areas where the Catholic sector is dominant?

**Mr O'Dowd:** In my tenure, I have never been responsible for bringing development proposals for schools in the controlled sector or any other sector to convert to the integrated sector, and I do not believe that previous Education Ministers have been responsible for that either. This is a matter for local communities, and it is a matter

for the parents whose children attend the schools in those local communities to make the decisions that the Member has outlined. It is not within my legislative remit to demand that any individual school or any sector makes development proposals to convert their school to the integrated sector. This has to be community led, parent led and school led. We fund the integrated sector with a not insignificant amount of money, it has to be said, to facilitate and assist in that process.

**Mr I McCrea:** The Minister told us what is not within his remit, but it is within his remit to ensure that all integrated schools are compliant with the legislation that establishes integrated schools. Can he outline what he is doing to deal with that problem?

**Mr O'Dowd:** There has been an interesting shift in positions on integrated education over the last number of weeks, particularly from the Member's party. Last week, we had them voting against a motion in the Assembly that promoted and supported integrated education and called on me as Minister to live up to my statutory duties. Members voted against that, and now we have a Member calling on me to carry out an audit of all of the integrated schools to see whether they are fully living up to the legislation. My role would be much better served by me living up to my statutory obligation and the comments made by others in the Chamber in relation to integrated education, rather than what the Member seeks me to do, which is to go around and start going through the books of every integrated school.

**Mr Cree:** Has the Minister discussed the implications of the Treacy judgement with the integrated sector, and when will he make a statement to the House on this?

**Mr O'Dowd:** On the implications of the Treacy judgement I still await a final briefing from the Department's legal advisers, so I would much prefer to wait for a full legal briefing from them on the matter. The House has had an opportunity to discuss the matter: only last week, there was a motion before the Assembly that had been tabled by the Alliance Party. That is the debate that I referred to, when some Members who had previously been quite vocal in support of integrated education voted against the facilitation and promotion of integrated education. I am more than happy to make a statement to the House if need be, and I still have a question mark in my head on whether there is a need for me to make a statement to the House on the most recent Treacy judgement. I will take that into consideration

after I have had discussions with the legal advisers.

**Mr Lyttle:** Is the Minister aware that the Office of the First Minister and deputy First Minister is proposing to remove reference to integrated education as an indicator in the good relations indicators held by OFMDFM? Has he considered the alternative suggestions put forward on the inclusion of integrated education?

If so, will he support its inclusion in good relations indicators, given his statutory duty to facilitate and promote integrated education?

**3.15 pm**

**Mr O'Dowd:** I have been aware of it through a number of interventions from the Member, possibly in the House but certainly in the media. If he wishes to provide me with more details, I will certainly take a more careful and considered examination of the matter and respond in due course.

## **Schools: East Antrim**

7. **Mr Beggs** asked the Minister of Education when he will authorise commencement of the new capital school build projects in East Antrim. (AQO 6418/11-15)

**Mr O'Dowd:** My capital announcement to the Assembly on 22 January 2013 included two new primary school projects for east Antrim to be advanced in planning; namely, Corran Integrated Primary School in Larne and a new school to meet the needs of children in Islandmagee and the surrounding area. An economic appraisal for the Corran Integrated Primary School project is currently being prepared. The allocation of capital budget to progress design and construction will not be made until the economic appraisal has been approved. The Islandmagee project has been withdrawn pending a development proposal and consultation process by the North Eastern Education and Library Board.

**Mr Principal Deputy Speaker:** I regret that the time is up for listed questions. We now move on to topical questions.

## **Academic Selection**

1. **Mr Milne** asked the Minister of Education to comment on the recent Institute of Education report, which concluded that selective schooling systems increase inequality. (AQT 1311/11-15)

**Mr O'Dowd:** It is yet another useful piece of research, carried out beyond these shores it has to be said, that perhaps gives an opportunity for political parties and educators in this society to tackle the question of academic selection and its negative impact on both education and our society.

**Mr Milne:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo. I thank the Minister for his answer. Does he also agree that the report provides further evidence, if further evidence were needed, that academic selection prevents the creation of a broad social mix in schools, which international experience shows benefits all learners?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. The report does exactly what the Member said: it provides further information in that regard. However, much of that information has been available from the early 1970s and into the 1980s. Whatever the motivations were for introducing academic selection six decades ago, those motivations no longer stack up. If people were serious that academic selection was a tool to increase social mobility, all the recent evidence from here, from Britain and internationally tells us that it does not promote social mobility. In fact, it restricts it.

Ofsted said recently — I know that some Members held Ofsted in high regard during a debate in the Chamber last week on inspection — that academic selection stuffs grammar schools full of middle-class kids. Some may argue that that should be the case, but international evidence shows that, where you have a social mix and an ability mix in a school, the outcomes for all the children are better. So, if we are serious about social mobility, if we are serious about the educational well-being of all our young people, and if we are serious about having an economy that has the skills to move forward, and to continue to move forward, through the 21st century, there is only one answer: you have to end academic selection.

**Mr Principal Deputy Speaker:** Mr Tom Buchanan is not in his place.

### **Schools: Capital Build Projects**

3. **Mr Brady** asked the Minister of Education for an indication of the total value of the projects he will announce tomorrow in his statement on his capital plans. (AQT 1313/11-15)

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. I hope to be in a position tomorrow to announce projects somewhere in the region of £180 million moving forward. I could be in a position to read out a lengthy list of schools that require being built, and there are many, many schools in our society that require rebuilding. However, on coming into office, I made the conscious decision that I would announce a number of schools on each occasion. I am confident that those schools can be moved forward reasonably quickly. Even with that, as I have reported to the House before, there can be delays.

**Mr Brady:** I thank the Minister for his answer. Regarding previous capital announcements, can the Minister give any indication of how many projects are now on-site? Go raibh maith agat.

**Mr O'Dowd:** In my statement to the House in June 2012, I announced 18 newbuild school projects. One of those is complete, seven are on-site, and a further eight are expected to move on-site before the end of the current financial year. The remaining two schemes are at an earlier stage of development and are not expected to be on-site until the 2015-16 financial year.

In January 2013, I announced a further programme of 22 newbuilds. At the time, I announced that these projects were in a very early stage of planning. They continue to move through the economic appraisal stage and the various design stages that are set forth.

### **SEELB: Membership**

4. **Mr McGimpsey** asked the Minister of Education whether he will bring forward proposals and recommendations to make the South Eastern Education and Library Board membership accountable and democratic, as opposed to continuing with the current appointees. (AQT 1314/11-15)

**Mr O'Dowd:** While I accept the principle of the board being accountable and democratic, the reason why the delay has been so lengthy in appointing elected representatives to the South Eastern Education and Library Board has been the elusive topic of the Education and Skills Authority (ESA). At least two Programmes for Government had commitments to putting ESA in place during the time frame for those mandates of the Executive.



It is now clear to everyone that ESA is not going to happen. I intend to bring forward a paper to the Executive, hopefully in the next number of weeks, that will set out the pathway ahead, which will see the South Eastern Education and Library Board, along with other boards, being collapsed into one board, with elected representatives in place.

**Mr McGimpsey:** I thank the Minister for that answer. Does he agree that the fact that he is now into a judicial review situation with parents whose children go to Newtownbreda High School is an indication that he has been poorly served by this board, given its lack of connection and understanding of the views of the local community?

**Mr O'Dowd:** Given the fact that that judicial review is sitting today and tomorrow, the least said is easiest mended.

### **Ballee Community High School**

5. **Mr Frew** asked the Minister of Education how many pupils who currently attend Ballee Community High School have been placed in other schools for September, when the school will have closed, and how many have yet to be placed. (AQT 1315/11-15)

**Mr O'Dowd:** As of today, of the 94 pupils at Ballee Community High School, 85 have been placed in other schools. Two pupils have left the jurisdiction. The remaining seven pupils can be classified as follows: four applications are being considered by schools; two pupils with behavioural issues are being assisted to find placements, and one of them has done so but there are further details to be worked out; and one pupil's family are on holidays until next week and will be contacted on their return.

**Mr Frew:** I thank the Minister for his answer. Given the fact that I had asked that same question last Monday as a priority for today and it was not answered, does that just demonstrate, Minister, that, as with the question not being answered, the North Eastern Education and Library Board had no real plan to assist these children and the schools that would accommodate them in future?

**Mr O'Dowd:** I apologise if the Member's priority question was not responded to within the timescale that it should have been, but the figures that I read out to the Member show clearly that considerable work has been carried out here. Of the 94 pupils, 85 have been placed, four other applications are being

considered, and one pupil's family are away on holidays. I think that the work has been carried out in relation to this matter and that children are being placed, following the closure of the school in question.

### **Schools: Disadvantaged Communities**

**Mr Principal Deputy Speaker:** I call Mr Fra McCann.

**Mr F McCann:** You nearly forgot my name there, Mitchel.

6. **Mr F McCann** asked the Minister of Education to comment on the recent Westminster Education Committee's finding that schools serving disadvantaged communities should be given additional government support. (AQT 1316/11-15)

**Mr O'Dowd:** This, again, reflects Mr Milne's question and others during this session. It is evident that, where the greatest need is, government is required to intervene to ensure that young people are given an advantage over the disadvantage that they have been placed in through no fault of their own. The reports from the Westminster Committee and the evidence presented to it reflect other such reports that have been published locally and elsewhere. Social disadvantage has a detrimental impact on educational outworkings. It has to be tackled, and I believe that government has a responsibility to do so.

**Mr F McCann:** Go raibh maith agat. Can the Minister elaborate on the reasons behind the link between disadvantage and poor educational attainment?

**Mr O'Dowd:** Some of it may be tied to the educational experiences of a child's parent or parents. If a child's parents have had a good education and are in employment and have the resources to assist a child with extra-curricular activities and an enhanced home life, it can assist that child's educational journey. There is a significant link between the educational experience of the mother and that of her children. Parents with a good educational background are most likely to be employed, have access to extra-curricular activities, go on family holidays and be involved in weekend activities and sporting activities, such as those offered by the swimming club and the local football club. All those things cost £3 or £4 a go. Parents in the room will know what it costs to send a child away on extra-curricular or

sporting activities. All of those assist a child in its overall development and its educational development. Where a child suffers from social disadvantage, those extra-curricular activities are not there, the educational experience of the parents is most likely not there and none of that is fed into the child's experiences. If we want to break that cycle, we, as a Government, have to step in and do something.

## Education and Library Boards: Budgets

7. **Mr I McCrea** asked the Minister of Education to confirm whether the budgets for the education and library boards have been signed off for this year. (AQT 1317/11-15)

**Mr O'Dowd:** The budgets have not been confirmed. There are still issues to be resolved, one of which is the June monitoring round.

**Mr I McCrea:** That is disappointing news. Given that there are people in boards who are being given notice of redundancy, does the Minister not accept that this is an important issue and must be dealt with as a matter of urgency?

**Mr O'Dowd:** I totally agree with the Member and assure him that I am not dealing with it in a complacent manner, but the fact of the matter is that the budgets do not add up in terms of what is required by our education and library boards and what I, as a Minister, have to give to them.

There is a series of issues at play here. I made bids in the June monitoring round for £10 million for special educational needs (SEN) and £10 million for redundancies, and I have made other significant bids for money for maintenance etc for the boards. Until June monitoring is resolved, it is difficult for me to predict what my departmental budget will be at the end, never mind what the education and library boards' budgets will be. I will continue to attempt to resolve the matter, and I accept that this is a situation that none of us wants to be in.

## Education Budget

8. **Mr Gardiner** asked the Minister of Education how much of his Budget allocation that was not spent he has failed to return to DFP in this monitoring round. (AQT 1318/11-15)

**Mr O'Dowd:** I am not in a position to hold moneys back from DFP that have not been spent. I am proud and glad to say that my Department is one of the very few that has not

returned significant amounts of money to DFP during monitoring rounds, whether it was this monitoring round or previous monitoring rounds. I always ask why Departments have argued for such budgets when they are able to hand back tens of millions of pounds during the monitoring rounds. Under the financial regulations that I operate to, I cannot hold moneys back during the monitoring rounds if I believe that they will not be spent. I have no moneys available or not targeted at this stage in my budgetary planning. *[Interruption.]*

**Mr Principal Deputy Speaker:** Order.

**Mr Gardiner:** I thank the Minister for his reply. Are you happy enough with your budget? Is it sufficient to support all the educational needs?

**Mr O'Dowd:** No. I have said since coming into office that the education budget is not sufficient. All Departments faced significant cuts to their budget when the coalition Government came into office. The block grant was cut by billions, as was the capital budget, which is one of the reasons why I cannot announce more schools tomorrow. The education budget is far from healthy — far from healthy. Our schools and our boards are all working under pressure, and we need to continue to identify ways of ensuring that education receives greater allocations, whether that is before the end of this CSR period or as part of the next round of negotiations on budgets. Education must be properly funded if we want to build the stable society that everyone wishes for.

3.30 pm

**Mr Principal Deputy Speaker:** Mr Michael Copeland is not in his place.

## Schools: Diversity Programmes

10. **Ms Sugden** asked the Minister of Education whether he has any plans to introduce programmes in schools to encourage children to think about the differences around them. (AQT 1320/11-15)

**Mr O'Dowd:** We have programmes in schools for children to do exactly that. Part of the community relations, equality and diversity (CRED) policy is to ensure that young children start interacting and engaging with others from different communities or backgrounds, whether racial, social or whatever. Many of our schools already participate in programmes such as that, and the shared education programme is moving forward. I hope to be in a position in a number

of weeks' time, along with Executive colleagues, to announce funding for a continued shared education programme. Schools have access to courses and are carrying out such work, but we want to promote and increase it.

**Mr Principal Deputy Speaker:** While we change the top Table, I invite Members to take their ease before the next item of business.

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

## Private Members' Business

### Key Stage Assessments

**Mr 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 to propose and 10 minutes to make a winding-up speech. One amendment has been selected and is published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Storey:** I beg to move

*That this Assembly expresses concern that principals and teachers in schools no longer have any confidence in end of Key Stage assessments; notes with concern that the Department of Education and the Council for Curriculum, Examinations and Assessment's approach to end of Key Stage assessments is not fit for purpose; and calls on the Minister of Education to halt the present process, review other assessment for learning tools that schools currently use and introduce a system of assessment that helps inform teaching and learning.*

I am proud to move the motion at the end of term. If we can do anything for our schools and our education system, we can give them good news at the end of the term. We can give them something of value rather than what they have had to date, which has caused them grave and ongoing concern. We live in an age when change seems to be the only constant. In every facet of life, we hear, almost daily, of changes that will impact on our lives. For all of us, the global village is an increasing reality, so it is nice to know that, in the midst of all these changes, one thing never changes: for the past 16 years that Sinn Féin has held the education portfolio, assessment has continued to be an absolute, total shambles.

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

**Mr Storey:** I am not giving way to you, no. It seems as though the Minister is in a bad mood today. I hope that before this ends, he will be in a worse mood.

We have heard all about change. It seems to be the only word that the Shinners know these

days: "We're going to change. We're going to change". They have changed absolutely nothing in our school system in a way that has helped our teachers on this issue. What they have done is ignored the teachers, blamed the teachers and decided, "Oh, that's somebody else's fault; it's not ours". It is time that this Education Minister realised the feeling that there is on the issue.

On 11 March this year, the Minister came to the House with his latest statement on a way forward for evaluation and assessment. He told us what the OECD had said:

*"The practice of having this sort of universal, formative assessment in primary schools, mapped to our curriculum and delivered at the start of the academic year, is noted with approval by the OECD, so the policy is sound. However, it follows that a sound policy is no good if its implementation is not up to scratch." — [Official Report, Vol 93, No 2, p2, col 1].*

Basically, what was the OECD saying? I think that it was saying that the policy was reasonably good but the implementation was absolutely and totally abysmal. Whose fault is that? That is not the fault of teachers or Members of the Assembly. You cannot blame selection. The blame lies fairly and squarely with the Minister and his Department.

Around the same time that the Minister was making that pronouncement in the House, I had meetings with the Ballymena primary principals' group. I also had, as other Members did, representations from the Southern Education and Library Board (SELB) primary principals' group, which had looked at the issue. At that meeting — listen, Minister — not 5% or 4%, but 70% of principals in the area, including those from maintained schools, Irish-medium schools, controlled schools, integrated schools and whatever name of any school you want to put on it, said that the process is — these are not my words — beyond repair. Let us hear that loudly and clearly in the House today. With Her gracious Majesty The Queen visiting Northern Ireland today and over the next few days, that is in as plain English as I can put it to the Member opposite and to the Minister: it is beyond repair. It is time that he listened. The problems that have arisen as a result of the evaluation and assessment are summed up in that comment.

I believe that everyone in the Assembly still accepts that we need assessment and evaluation, and a policy that maps out the curriculum in a particular way, but it is clear that

this process has not worked. The process has been compounded by a number of problems, which I want to deal with, time permitting.

The first problem is the setting up of consultation processes for the committed. That is what the Department and the Council for the Curriculum, Examinations and Assessment (CCEA) have been guilty of over the years: listen only to the things you want to hear. That was the problem with computer-based assessment. Independent reviews have made it abundantly clear, and all the warning signs were there throughout the procurement process of the Northern Ireland numeracy assessment (NINA) and the Northern Ireland literacy assessment (NILA). Indeed, they had been there for lessons to be learned from the interactive computerised assessment system (InCAS). Did anyone listen? No. We just ignore teachers and, when necessary, blame them because that is convenient.

When the Education Committee raised the problem at the start of the process, the departmental officials clung doggedly to the view that there was not a problem and got to the stage of blaming everybody else. So it is with the end of Key Stage assessments. Teachers are saying that it is broken beyond repair. They have no faith in the tests or the process, yet we hear, "The policy is OK so we will just keep on going": hear only what you want to hear. The Minister keeps telling us that lessons are being learned, but perhaps he does not understand that the practical outworking of those lessons being learned is that he and his Department listen to the issues that are causing real concern in our schools.

The second problem is that we cannot make up our mind on the purpose of assessment. Again, the OECD report has been enlightening, and it makes the point that, if you have a system of evaluation and assessment, it is important to clarify its purpose. It stated that diagnostic and formative tests should not be used to summarise the accountability processes; the more purposes a test is used for, the more compromised it becomes; and it is possible to have a test that serves a number of purposes, but clarity is needed in its design and use. Levels of progression and Key Stage assessments were meant to be used by teachers for diagnostic and formative purposes, yet one of the key problems is that they are used for summative and accountability purposes. So, the Department looked at the number of pupils who achieved level 4 at Key Stage 2 in English and maths and started to hold everyone to account on that basis. What happens? An assessment-for-learning tool

becomes a high-stake test for schools, and this comes from the Department that believes that you dare not have high-stake tests and test children in that environment because that is educationally unsound and morally unjust.

It seems as though, when it suits the Department, it can do what it likes and cover it up and call it what it will.

Here is the challenge to the Minister. The end of term comes at the end of this week. Does he believe that he can continue to ignore teachers? He can ignore me; that is an irrelevance. He can be angry and put on his angry head as he did earlier when asked questions, but he cannot continue to ignore teachers. From the smallest school in Northern Ireland to the largest, I have not yet met one teacher who has told me, the Education Committee or any member of it that the assessment process is working.

I call on the Minister to do what we have set out in the motion: stop the tinkering. That is why we are not accepting, as he will be glad to know, the amendment. What does the amendment tell us? The amendment says that it is really not a problem, and what we will do is we will talk about it; we will have more talks about talks, and then we will come up with an idea and, hopefully, move the process forward. The message is as clear as I can make it: Minister, this process needs to come to an end now. Bring it to an end and give teachers something worthwhile over the summer break so that, when they come back in September, they are not facing a process which, one teacher told me, is not fit to be given to parents. They will tell parents that. Even the OECD has told us that there is a problem with the implementation. The Minister comes to the House and tells us about the virtues of this international organisation coming from other lands into Northern Ireland to look at our system. It has told him that there is an issue; so it is now time, Minister, for you to act.

Schools use assessment tools, and they use the tools Progress in English and Progress in Maths in a way that is useful, educational and verifiable. I know, of course, what the Minister will tell me, as CCEA has told me: "It is not based on a Northern Ireland cohort". Then, we get into all the technicalities and the bureaucracy of it.

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

**Mr Storey:** Minister, I would prefer to depend on the professionalism of the teachers in our classrooms than the bureaucrats in your Department and you, as the leader of that Department, because you and the Department have failed teachers and ultimately children on this issue. You should bring it to an end.

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

Leave out all after "expresses" and insert:

*"support for end of Key Stage assessment; notes the endorsement of the principles of the current assessment system as outlined in the recent Organisation for Economic Co-operation and Development report; recognises the concern of principals and teachers about some elements of Key Stage assessments; notes the progress made in recent discussions between the Department of Education and teachers' representatives in dealing with those concerns; and calls on both parties to redouble their efforts and finalise a system of assessment that helps inform teaching and learning for the benefit of pupils."*

Go raibh maith agat, a LeasCheann Comhairle. I oppose the motion tabled by the DUP and call on Members to support the Sinn Féin amendment. Indeed, the DUP's motion and the Chair of the Education Committee seem somewhat confused. They call on the Minister to "stop tinkering" — I believe that was the preferred phrase of the day. However, they call on him to stop a process and to do something different. That, in itself, is tinkering, and it is the complete opposite of letting the process of change bed down. It is something that we certainly disagree with.

Only a few months ago, as outlined by the Member who spoke previously, following the publication of the OECD's report on evaluation and assessment in our system, the Minister came to the House and laid out publicly his vision for moving forward. I can only presume, given what we have just heard from the Benches opposite, that those Members must have been otherwise engaged on that day in March. For their benefit and that of those who will speak after me, let me outline exactly what the Minister said in regard to the issue of key stage assessment. He first welcomed the OECD's support for a locally developed assessment at the start of the academic year in primary school and agreed the following extensive engagement with teaching representatives that any computer-based

assessment would continue to operate on a voluntary basis. Crucially, the Minister affirmed:

*"The practice of having this sort of universal, formative assessment in primary schools, mapped to our curriculum and delivered at the start of the academic year, is noted with approval by the OECD"*

as a sound policy. However, the Minister was at pains to stress:

*"a sound policy is no good if its implementation is not up to scratch." [Official Report, Vol 93, No 2, p2, col 1].*

He further added that he was not up for walking away from any challenges but moving forward by addressing outstanding issues head on. With that in mind, the Minister said that he was committed to dialogue with all involved and that he wanted:

*"officials to continue their engagement with teachers and their representatives to discuss and develop the practice of pupil assessment"*

within the sound policy of:

*"levels of progression." — [Official Report, Vol 93, No 2, p2, col 2].*

In his concluding remarks, the Minister said that he wanted his officials to undertake further work to continually improve performance measures, both for schools and the system overall. Most importantly, perhaps, the Minister stressed, once again, that the involvement of teachers and school leaders was vital to the process of developing increasingly sophisticated conclusions about the quality of our system.

### 3.45 pm

Our amendment chimes wholeheartedly with the themes and spirit of the Minister's words that I have outlined today. Sinn Féin agrees with the OECD that a universal, formative assessment in primary school, one that is truly reflective of our curriculum, is entirely desirable. As such, we too believe that the current policy is sound. Moreover, we welcome the Minister's commitment to continually review the implementation of the policy, as we are all only too aware of some of the difficulties being experienced. Indeed, I welcome entirely the ongoing engagement between the Department and our teaching representatives. If we are to realise the potential in our system, such productive dialogue is vital. That is why our

amendment calls upon the Minister not to halt or abandon the essential process of change but to ensure that efforts are redoubled so that we can deliver a system of assessment that helps to inform teaching and learning for the benefit of pupils.

Despite regular calls from those opposite to reverse or cease every type of educational reform, it is essential that we continue to see educational progress if we are to equip our young people with the necessary skills and empower our parents, teachers and schools to have confidence in the quality of evaluation and assessment.

I welcome the steadfast commitment from the Minister to ensure that our teachers remain central to the assessment process; that their role will not be cast aside to be replaced by anonymous standardised testing. It is only through the nuanced assessment provided by our teachers that parents can be assured of the educational progression of their child in relation to the curriculum.

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

**Mr Hazzard:** No, I will not be giving way to the Member.

Our local teachers are, and should always remain, central to the process. So, as I outlined earlier, it is critical that the Minister and his officials continue to engage to embed arrangements in which all the key components have confidence in the system. It is only through continued dialogue and review that we will achieve such confidence, not by abandoning the process. That will achieve nothing but the creation of a dangerous vacuum; a vacuum that may ultimately suit the political interest of particular political parties but which will destroy the interests of our young people.

That is why, last year, the Committee agreed to support the levels of progression and the process of change. We outlined our concerns around workload pressures and the use of accountable data. The Department provided the necessary commitments to engage with teachers and to modify the current process. Hopefully the ongoing negotiations between the Department and teaching representatives can be intensified so that we can help to empower teachers to do what they do best.

In conclusion, I remind Members that we need to embrace educational reform. For too long we have peddled the myth that our local education system was world-class and brimmed

with success. It simply did not. Too many young people were abandoned to the fortunes of their socio-economic background; too many young people with special educational needs were sold short; and too many young people were not given the tools to succeed in life, where the interests of educational institutions and sectors trumped the needs of the pupil. Those are just some of the reasons why educational reform is necessary and why, despite difficulties regarding implementation, we must pursue effective and agreed reform.

We recognise that there are difficulties with the implementation of Key Stage assessments. However, such difficulties are not unsurmountable. The dialogue between all sides is testament to the desire to reach an agreed position. There can be no halting or abandoning the process of change. It is simply too important. I call on all Members to support the motion as amended.

**Mr Deputy Speaker:** Before I call the next Member to speak, I ask all Members to set a good example to any school children who may be watching us this afternoon. I call Seán Rogers.

**Mr Rogers:** I welcome the opportunity to put on record the concerns of the SDLP about the end of Key Stage assessments. Assessment is only ever a worthwhile tool if it informs teaching and learning and benefits teachers and students alike. Teachers are expressing serious concerns that the current system of assessment is not fit for purpose. Teachers must have confidence in the system of assessment that they are overseeing if it is to succeed. The Sinn Féin amendment says that teachers have concerns about "some" elements of Key Stage assessments. All I can say is that it is time to start listening.

On 5 March, more than 60 principals from the Southern Education and Library Board area met, and the message that came out was, "enough is enough". Since then, I have been listening very intently and have got the same message across the Province. The aim of assessment should be to inform parents and schools about children's progress, measure their attainment and achievement, and identify those who are underachieving or having difficulties or overachieving. Most importantly, it should inform future planning so that teaching and learning can take place at an appropriate level. End of Key Stage assessments are simply not ticking the boxes.

The Northern Ireland average data is skewed, as some schools failed to apply the process of awarding levels consistently.

**Mr O'Dowd (The Minister of Education):** Will the Member give way?

**Mr Rogers:** No, I will not give way. That resulted in those schools who applied the levels fairly falling below the Northern Ireland average. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Rogers:** CCEA has no checks in place to verify these levels. The skewed data is used by the Department to report to boards of governors about school performances and by the Education and Training Inspectorate (ETI) as part of the school inspection process which, as we have heard in previous debates, puts unfair pressures on schools.

I have here the sort of data that schools get. This is an example of Key Stage 2 communication at level 4. When you look at some of this data, you will discover that some of our schools, which have significant levels of deprivation, have 100% of their children getting level 4 at Key Stage 2. It is generally accepted that Key Stage 1 is levels 1 and 2.

A recent freedom of information (FOI) request discovered that 90% of pupils in one school achieved a level 3 at the end of Key Stage 1. It is quite possible for a child with a standardised score of 95 or 125 to be awarded a level 4 in communication. One child has major communication difficulties, while another is a competent communicator. Minister, how does this level 4 inform future practice? It cannot. It is too broad and meaningless and of no benefit to the child, the parents or the school.

We need a root-and-branch reform of end of Key Stage assessment. Raising standards in our classrooms must be our primary consideration when doing so. The Minister must recognise the legitimate concerns of teachers and consider alternative methods of assessment that are conducive to teaching and learning.

The OECD report highlighted the potential benefits of having a locally developed assessment at the start of an academic year in primary schools, and the Minister has endorsed that. However, the Minister has also decided that these should continue on a voluntary basis in the short term. I can imagine that, in his response, the Minister will refer to the OECD

report, but in my view he gives it more credence than he does the views of our teachers.

Minister, you are always asking for solutions. First, end the present system of Key Stage assessments. Secondly, devise an alternative assessment model that takes on board all the good practice, including the Progress in Maths (PiM) and Progress in English (PiE) tests and other standardised tests to measure attainment, using intelligence tests to measure IQ along with professional judgement to ensure that assessments inform teaching and learning.

I agree with the last contributor; education reform is necessary, but we must ensure that we take on board the professional judgement of all our teachers.

**Mr Storey:** Will the Member give way on that point?

**Mr Rogers:** I will, yes.

**Mr Storey:** Of course, it will be dismissed by the Members opposite, but in the General Teaching Council's (GTC) own survey, two thirds of teachers said that these were not fit for purpose. They will probably dismiss that today in the House as one of those secretive surveys that is not trustworthy. Surely it is an indication that teachers, as you have outlined today, are simply saying that they have had enough and it is time for this current process to end.

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

**Mr Rogers:** Thanks for the contribution. The GTC survey comes from teachers; they are the people who are delivering in our classrooms, and we need to take their views on board.

Assessments should not be for school comparisons, systems and statistics. Assessments should benefit the child, parents and schools, and should be separated from school evaluation and not seen as a stick to beat the school with. The future of qualifications and assessments must garner the confidence of teachers and pupils. Teachers should be empowered to tailor their teaching to the individual needs of the child and ensure that pupils, parents, employers and further and higher education institutions across these islands can have confidence in our qualifications. The method of assessment must be one that helps our young people to reach their potential.

**Mr Kinahan:** I welcome the debate. It is certainly long overdue. In my two years on the Education Committee, I have met groups of principals, vice-principals and others a number of times. One of their greatest concerns has been the assessment system and the lack of time.

I had hoped that, today, we would find a way forward on which we could agree. I was disappointed in last week's debate on the inquiry into the Education and Training Inspectorate because it seemed as though there were just closed doors and that it was destined for the shelf. I am looking forward to the day when the House can discuss and listen and feel as though it is being listened to, so that we do find a way forward. I think that everyone here wants the issue to be resolved, to find a good assessment system and to find a way forward for us all.

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

**Mr Kinahan:** I am happy to give way.

**Mr Hazzard:** Has the Member therefore changed his position of a number of months ago, when he called on the Chairperson of the Committee for Education to block everything that the Minister brings forward?

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

**Mr Kinahan:** Thank you very much. I do not remember saying "block everything that comes forward". If I did so, it related to something else.

I am keen that we find a way forward and that we keep looking for the avenues that take us forward. I do not disagree with the words and sentiments of the motion. It is sad that we need to call for a halt, but that is what the teachers and vice-principals want us to do. We need to find a way forward. We need to review what we are doing.

As other have said, and as the motion highlights, the approach of the Department and CCEA is not fit for purpose, and principals and teachers have no confidence in the present policies on assessment. The whole system needs to be thought through properly. We have already heard that two thirds of teachers in the GTCNI believe that levels of progression are not useful. That is how everyone is feeling.

We can all agree that we have a truly excellent and thoroughly professional set of principals,



teachers and everyone. We all know that they are overworked, under-resourced and so often taken for granted. They feel ignored and abused by the system. Let us hope that that changes today. A recent survey by vice-principals showed that over 80% of them were working long hours in the day. They, too, are overworked. That is why we have got to find a way forward.

One of the systems proposed was ill-fitted to the pupils' year, was inconsistently applied and understood and, as such, was incomprehensible to parents and pupils. The NILA and NINA approach was also totally flawed. The pilots and lessons learnt were ill-prepared and ill-practiced. They, too, became incomprehensible. We welcomed the fact that both were delayed. I thank the Department and the Minister for agreeing to do that. However, they were put on hold. They are still there. They still linger like evil spirits in a haunted house. No one can rest easy —

**Mr Storey:** I thank the Member for giving way. The Member opposite tried to assert that somehow the Education Committee had been proactive on the issue. We were; we had an agreed set of changes that could be implemented. We implemented them and the process is still not working. Clearly, despite our best efforts to try to work with the system, the system was not working.

**Mr Kinahan:** I welcome those comments because the Committee has been trying, has been welcoming and has tried to find a way forward. However, I am concerned that they still sit there, they are still lingering and we need to find a new way forward.

We need assessment. Good assessment is going on all the time. However, due to the way in which the assessment is used, it is not trusted and is used inconsistently. Schools use it to compete with one another, in some cases manipulating it in an effort to outshine other schools.

**Mr O'Dowd:** I thank the Member for giving way. I will also cover Mr Rogers's point in this. The Member is actually standing in the Chamber saying that schools in the system are cheating. If he is saying that, there is a duty on him as a member of the Education Committee and as an Assembly Member to name them.

**Mr Kinahan:** Thank you. I will do my best to get the Minister that information. I had rather hoped that it had got to his Department because I have certainly heard it from two or

three different avenues. If the onus falls on us, we will do that.

The Minister refers to the OECD and chooses from its report those matters which suit him. In fact, the Sinn Féin amendment states that it:

*"notes the endorsement of the principles of the current Assessment system".*

The report does endorse those principles, but that is choosing the bit that you like. It goes on to say that we need to listen more to schools and to everyone else. There is a whole lot that we need to do.

#### 4.00 pm

If you look at the Sinn Féin amendment, you can see why I cannot support it. There are too many inaccuracies in it. It states that the Assembly:

*"recognises the concern of principals and teachers".*

There is more than concern. Virtually everyone whom we talked to said that the system that we have does not work. However, I like the fact that the amendment does at least state that we need to redouble our efforts and finalise a system that works. So, there is a way forward for all of us working together.

I call on everyone — as usual, I go back to my point on consensus — to find a way of working together and to find something that works for schools, teachers and especially pupils.

**Mr Lunn:** I support the motion but not the amendment. The Minister can certainly claim in his defence that he has already responded to teachers' concerns and is continuing to do so by reviewing the system, but it really is hard to argue that end of Key Stage assessments work or can reasonably be made to work. We support the motion on the grounds that we need to replace the current target-led approach with one that, as the motion states, "helps inform teaching and learning".

We seem to have considerable support for that. In September 2013, the General Teaching Council stated that it had lost confidence in the assessments. More specifically, 90% of teachers said that results were of no or little use to parents. Teachers also saw them as unmanageable and unreliable. The National Association of Schoolmasters Union of Women Teachers (NASUWT), the Irish National Teachers' Organisation (INTO) and the Ulster

Teachers' Union (UTU) even went as far taking as industrial action over Key Stage 3 assessments. The SDLP has challenged the Minister on the subject again today, after saying, in March 2014, that the assessments were going down like a lead balloon, to use its terminology. Both unionist parties have obviously, once again, stated their opposition to assessments.

We have heard much about the OECD report of December 2013 on evaluation and assessment. I think that we should be clear that it is by no means a glowing endorsement of what is happening. It records an "urgent need" to build teachers' trust in a new moderation system. It also talked about the "many implementation problems" in computer-based assessments in primary schools and noted considerable challenges presented to schools by the:

*"lack of continuity in central tests".*

It is far from clear that that advice has been taken on board. It is evidence, along with that published by the teaching unions, that teachers have no confidence whatsoever in the assessments. So, the motion is clearly correct on that point. It may be a little strong for it to state that the Department and CCEA's approach "is not fit for purpose", although I certainly know of teachers who have said that, including one distinguished ex-teacher in the House, Mr Rogers, who is not in his place.

The reviews demonstrate that all is not well. There is significant variability, the inspection system does not tie in with the assessment process, teachers' professional development is not properly taken into account, and so on. Even the Minister has noted a lack of confidence among some in the assessment process.

As is mentioned in the motion, the present process has encountered many problems. Some of those have been technical, but there is also the aforementioned lack of confidence in the system. I wonder whether parents have any confidence in it. The Department has already accepted that parents may have no interest in reporting levels or suchlike. Balanced against that is the point that education cannot just pause while we sort out what to do, which is fair enough.

Ultimately, surely the biggest issue is manageability. We cannot dismiss the simple fact that 91% of teachers view the tests as unmanageable, while almost the same number regard them as useless. The Minister's party appears to be slightly in denial about that,

because when asked about discussions with teaching unions on the matter earlier this year, the Minister could not provide any detail, and, when asked about how poorly teachers viewed the assessments, he bizarrely claimed that a response rate of 75% was positive. Somebody is wrong here, Minister.

**Mr O'Dowd:** Will the Member give way?

**Mr Lunn:** Sure.

**Mr O'Dowd:** This morning, I was on the verge of publishing a very detailed document on those ongoing discussions, because I believe that the House deserves to know exactly what is on the table. I was asked not to do so, because it might hinder potential progress in those talks. I will keep that under review, however. I believe that it may be necessary to publish that document.

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

**Mr Lunn:** Minister, by all means, publish the document. We would all be glad to see it.

It is also far from clear whether continually testing pupils is the best way to give them a rounded education. If they are constantly preparing for assessments of whatever kind, are they really preparing for life? It seems to me that it would be preferable, as the Association of School and College Leaders seems to have suggested, to view key stages as benchmarks rather than testing. While I may not necessarily agree with everything that it says, I think that "benchmarks" is a helpful term, as it emphasises what continuous assessment is supposed to be about — informing teaching and learning. That is what the motion states.

Whatever is decided, I think that the consensus is that the system does not work primarily because teachers have not had a significant enough say. It is in that specific area that the Minister needs to address the problem most urgently. It is not often that we find common cause around this Chamber between the SDLP, us, the Ulster Unionists and the DUP. In fact, it is fairly unique, but I hope that the Minister and his party will get the message today that it is time to stop, reconsider and come back with something that is fit for purpose and workable.

**Mr Newton:** I support the motion. I do so having listened to the passion of Mr Storey, the professionalism of Mr Rogers, the pleading of

Mr Kinahan to be listened to and the lack of confidence that Mr Lunn has in the system.

There are a number of important aspects included in the motion that contribute to the overall aspirations of this Assembly for the education of its children. The motion notes:

*"principals and teachers in schools no longer have any confidence in the end of Key Stage Assessments".*

It further notes with concern:

*"the Department of Education and the Council for Curriculum, Examinations and Assessment's approach to end of Key Stage Assessments is not fit for purpose; and calls on the Minister of Education to halt the present process".*

On the positive aspect of the motion, it calls for:

*"assessment for learning tools that schools currently use and introduce a system of assessment that helps inform teaching and learning."*

What are we trying to create in our education system? I suppose that it can be encapsulated in a number of phrases. We want highly motivated children with an appetite for learning, which we can encourage through the education system; children who have a desire to achieve at their highest level of ability; approaches to curriculum development and assessment that will have a strong emphasis on high expectations, success and bringing about the best possible achievement for pupils; ensuring holistic partnerships with and between the schools, parents, pupils and the local community to improve, enhance and progress children's knowledge and their skills; the professional leadership of head teachers, with a continuous impact on helping children enjoy their educational experiences and the overall ethos of work within whichever school that they attend; and to prepare the pupil for second-level education, whatever that choice may be.

The Minister stated in his letter on the subject to schools dated 4 October:

*"I am aware that many teachers not only see the associated assessment moderation arrangements as burdensome, they are also not confident that the levels themselves are useful. I am determined that the focus of the current and coming academic years will be on working with you to build that confidence."*

Minister, given your words in that letter, how can it also be that you support the amendment, which recognises the concern? As has been pointed out, "concern" is a very low level word that does not encapsulate all the feelings of the unions, teachers and principals around this matter, but you recognise the concern of school principals and teachers about some elements of Key Stage assessments. It is not some elements, Minister; it is more than some elements.

You call on both parties; you call on the Department of Education representatives and teachers' representatives to redouble their efforts and to finalise a system of assessment that helps to inform. Minister, the responsibility for that is yours. It is not for the teachers to redouble their efforts; it is for you and your Department to redouble your efforts and progress the matter.

You also recognise that Key Stage data creates pressure on schools and individual teachers and that the pressure creates a negative effect of the use of the levels for the learning of pupils. You also recognise that the levels have not evolved to meet changing circumstances.

Minister, I do not think that anything else can be said about it. The process is not working. As Mr Kinahan, Mr Rogers, Mr Storey and Mr Lunn said — as every side of the House has said — principals and teachers must be listened to.

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

**Mr Newton:** I am happy to give way.

**Mr Storey:** Here, I think, is where we will hear another comment from the Minister and his colleagues about abandoning the process, as though there is nothing taking place in our schools currently that assists and aids that educational benefit to our pupils. A number of other tools, such as PiE, PiM and the National Foundation for Educational Research (NFER), are being used by our teachers. They are objective tools, and they can be used. So, it is not a case of abandoning this and leaving the schools to their own whim. There is something there that is of value in the classroom, but the Department and the Minister dismiss that.

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

**Mr Newton:** I thank the Member for his intervention. The Member is, of course, quite right. The teaching profession and the support

mechanisms around the teaching profession are crying out for that. There is a system; there are tools in place that can be used to the benefit of our pupils.

Minister, not just in political interests but in the interests of the pupils —

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

**Mr Newton:** — parents, society and the economy, accept the motion as it is put forward.

**Mr Moutray:** I rise in support of the motion. The motion states:

*"That this Assembly expresses concern that principals and teachers in schools no longer have any confidence in end of Key Stage assessments".*

That lack of confidence contained within the education sector was displayed very starkly and can be seen when we look at the survey results published by the General Teaching Council in September 2013. It was revealed that, out of 500 schools in the Province, between 82% and 89% felt that results of end of Key Stage assessments were of limited or of no use. Furthermore, 91% considered the process to be burdensome or very burdensome.

Ultimately, we have a situation in which schools and teachers are being placed under a significant degree of pressure to carry out these Key Stage assessments, even though they seriously doubt the usefulness of the current process. The fear is that teachers are so burdened with trying to deliver on the Key Stage assessments that the educational experience of our young people becomes disrupted in a detrimental manner. Teachers feel that the assessment procedures are purely bureaucratic and that they have no proven educational benefits.

At the end of the day, the purpose of end of Key Stage assessments should be to assist teaching and learning. However, with the situation we are in, that does not appear to be the case. Since September 2013, the Minister has recognised the fact that many teachers see the end of Key Stage assessment arrangements as burdensome. He has also noted that many teachers are not confident that the levels are useful.

The Minister thus moved to make changes to the end of Key Stage model. The reporting date for the end of Key Stage level data to

CCEA, for instance, was moved from mid-March to mid-May. That was in line with schools' stated preference for reporting data. However, although some changes have been made to the end of Key Stage assessments, we are ultimately still in a situation in which teachers view the process and workings of end of Key Stage assessments in a negative light.

The opinion amongst many in the teaching profession is that teachers are still facing pressures that are inevitably diverting them away from the key role of leading, teaching and learning. Teachers are making clear to us that the current assessment procedures act as a distraction and, importantly, they feel that the procedures do not enhance our young people's educational experience.

#### 4.15 pm

It is clear that time now needs to be taken to think about how future assessment arrangements can be better aligned with the revised Northern Ireland curriculum. Assessment is a very important part of teaching and learning. Quality and timely teacher feedback from appropriate and clear assessment activities is one of the most useful tools to improve pupils' learning. A process must be developed in which principals and teachers have confidence in assessment methods and are able to truly buy into the process to enhance our young people's education.

I, for one, want the Northern Ireland education sector to thrive and to deliver to the best of its ability, not only for the teachers and pupils but for Northern Ireland as a whole. Although the Minister consulted teachers and principals on their concerns about the end of Key Stage assessment and moved to make changes to alleviate some of those concerns, we are still in a position in which teachers feel that the current process is not fit for purpose. Today, I urge the Minister to bring the current process to a stop. It is time to review other assessment for learning tools that schools are using and introduce a system that helps to inform teaching and learning and make it the best that it can be.

**Mr D Bradley:** Go raibh míle maith agat. Thanks for the opportunity to speak on end of Key Stage assessments. Good practice indicates that assessment should be both summative and formative and that outcomes of assessment should have comparability between pupils and schools; inform future teaching and learning; and give parents a clear indication of the progress being made by their children.

Assessment should, as far as possible, be carried out as part of classroom activities and should not place an undue burden on teachers.

Unfortunately, the current system of end of Key Stage assessment does not meet the requirements of good practice. In fact, if anything, the opposite is the case. There is very little summative or formative relevance to the current assessment. The comparability between schools is totally unreliable. It provides little that is useful in future teaching and learning, and, unfortunately, it places a burden of administration on teachers that is largely wasted because of the unreliability of the assessments themselves.

The process of applying and awarding a level is inconsistent and skews the Northern Ireland average data. The result is that schools that have, in fact, applied the levels properly suffer and fall below the Northern Ireland average. The skewed data is then used by DENI to inform boards of governors. The simple irony is that, once a school submits levels to CCEA, there are no checks and balances in place to allow these levels to be verified and no external moderation or cross-moderation between schools. The levels themselves are far too broad and meaningless and are not used by schools to report a child's progress to their parents. The simple fact is that a child who is reported at level 4 at the end of Key Stage 2 could, in fact, have a standardised score of between 92 and 125 — the abilities of two children at either end of the scale are worlds apart, yet they have both been awarded the same level at the Key Stage end.

As was stated, school principals believe that the current system is beyond repair and that changes made over the past two or three years have failed to give schools an assessment tool that we can all have faith in. It is beyond time that the Minister stopped defending a flawed and failed system and took steps to replace it with a system that will serve pupils, teachers and parents in an effective and efficient manner, and not place any undue burden of administration on teachers.

A Leas-Cheann Comhairle, is léir nach bhfuil an córas faoi mar atá sé faoi láthair ag obair. Caithfear deireadh a chur leis agus caithfidh an tAire éisteacht leis na príomhoidí, leis na múinteoirí. Is iadsan is fearr eolas ar an cheist seo. Go raibh míle maith agat as an deis cainte, ní aontaím leis an leasú ar an rún, beidh mé ag tabhairt tacaíochta don rún.

As I said, it is quite clear that the system is not working. It needs to be replaced. The Minister

should listen to the voices of principals and practising teachers and make the necessary changes. I do not support the amendment, but I do support the motion.

**Mrs Dobson:** I welcome the opportunity to speak to the motion today.

*"Ill-conceived, ill-thought-out, symbolic, distracting, of no value to people, parents and schools".*

Those are not my words, but they sum up one of the main points raised about the end of Key Stage assessments by principals. These and other comments were included in the minutes of the SELB principals' assessment meeting in March this year, which was attended by no fewer than 67 school principals from across the board's catchment area. At the meeting, the principals agreed what we already know: the current system is beyond repair, and changes over the last three to four years have totally failed to give schools an assessment model that they can have any faith in whatsoever.

Too many people in the education system — I include the employing authorities, CCEA, ETI and the Department — have recognised the flaws but sadly have chosen not to speak out and address the issues. Indeed, many principals fear that the current system is merely a cosmetic exercise and have no faith whatsoever in the final benchmarking data and its reliability. Why, for example, is the process so inconsistent that there is no scrutiny of it at schools level?

I will give a snapshot. Through a freedom of information request, it has been shown that, in 2013, one school had as many as 90% of its children attaining a level 3 at Key Stage 1 while almost 70% attained level 5 at Key Stage 2. This is inconsistent nonsense when it is generally accepted that a child will be at level 2 at the end of Key Stage 1 and at level 3 at the end of Key Stage 2. It is, therefore, widely recognised that the levels are meaningless and are not used by schools to report a child's progress to its parents. Indeed, the secondary schools do not use end of Key Stage levels for any purpose whatsoever, so we have to ask the question: what is the point?

It is clear to all that these assessments do not improve or develop a child's potential in any way. We all know that reaching potential is important, but comparing schools based on false data certainly is not. On numerous occasions in Committee, we raised the topic of the disastrous NILA and NINA computer-based assessments. This issue cuts to the very heart of what is wrong with our education system

today, and pupils are ultimately left to suffer. Principals and teachers rightly raise their concerns, but pupils should be central to the assessment process, and they are totally being totally let down.

The failure to test the computer systems properly has been roundly and rightly criticised by all sides here today. The Minister wishes to take more and more powers away from schools, directing them to the centre, but the problem is created by the centre and is essentially being resolved by the expertise at schools level. If ever there was an argument for greater powers to be devolved to schools rather than clutched by the central administration, this is the issue.

I will close by quoting a further comment from the SELB principals' report:

*"If the GP's surgery were knowingly diagnosing and medicating inaccurately, they would be struck off; yet, we have been knowingly administering a detrimental process for 20 years."*

That just about sums it up. It is time for the Minister and the Department to remove their heads from the sand and put in place a fit-for-purpose assessment system.

**Mr Allister:** I am very happy to add to the consensus against Sinn Féin on this motion. I hope that I do not disturb the consensus in any way. It is quite clear from listening to Mr Bradley that that consensus in terms of the denunciation of the present arrangements comes in both English and Irish. I welcome the motion. I particularly welcome the fact that, right at the beginning, it goes to a key issue, namely, articulating the fact that principals and teachers in our schools no longer have any confidence in the key stage assessments.

I must say that I do not find teachers to be ready-made rebels. Perhaps by the nature of their profession, in that in their day job they seek to inculcate respect for authority, living within rules and conforming, they are, above all, in many cases, conformists. However, teachers are at the end of their tether when it comes to the pointless, inane process that has evolved into the key stage assessments.

I chair a board of governors, as I have referred to before, and when it comes to the annual discussion about the key stage assessments, no teacher representative, no matter how mild-mannered or conformist in nature, can possibly conceal the frustration, verging on anger, that they feel for the waste of their time, parents'

time and the time of all involved in carrying out those assessments. They are assessments that point, in the main, to nothing. They are not relied on, for example, when a kid transfers to post-secondary school. They are assessments that just seem to be there for the purpose of ticking some box that the Department has decided needs to be ticked, but which tells you very little.

Indeed, for a Department that is so besotted with being non-assessment and non-selective based, it really is amazing that, on this issue, it is so wedded to that assessment, which delivers nothing. As for assessment that might just help you evaluate where a kid's future educational needs could best be catered for, that is anathema, but for assessment that is inane and tells you nothing, let us have it; that is wonderful. That seems to be the flip-flop attitude of the Minister and his Department to issues of assessment.

Of course, he then rolls in behind anything he can find, so he clutches for the OECD report, enthused, of course, that it also has some adverse things to say about selection, so whatever that particular report might say is music to the Minister's ears. I suggest, Minister, that it is not the OECD and some foreign input that you should be listening to but what the teachers in the classrooms are saying. It is those who have to shape, mould and teach our future generations and prepare them for the world of work that you should be working with, not against. That is what it comes down to — working against teachers.

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

**Mr Allister:** Yes, I will give way.

**Mr Hazzard:** The Member mentions the message coming from teachers, but he does not seem to be as concerned when that message is around selection.

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

**Mr Allister:** I am always concerned about the key message in education: parental choice. Would any parents choose those inane, pointless assessments that tell them nothing? Very few would. Would parents choose a system that gives their kids, particularly those from the most socially disadvantaged backgrounds, the opportunity to get on the rung of a ladder that might take them to a good educational outcome? Of course they would. Parental choice is the key component that

needs to be kept to the forefront of our minds in discussing issues pertaining to education.

#### 4.30 pm

I support the motion and reject the amendment, which seeks to water down, plead for time and do all sorts of things when the matter is staring the House in the face. It needs to face up to it now and recognise that the assessments have served their purpose. They are over, and it is time to bin them like so much else that the Minister has brought upon us.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. The motion refers to the arrangements not being “fit for purpose”, but, listening to many of the contributions, I am not sure that everyone is clear what the purpose is. It is not a test, as some Members said; it is an assessment of work carried out under the curriculum.

Three assessments take place over a child's school life between the ages of eight and 14. Under the arrangements, teachers assess and report on children's education at three key points: Key Stage 1, Key Stage 2 and Key Stage 3. They assess the critically important skills of communication, using maths and, in due course, ICT. Levels of progression set out the knowledge and skills that we expect a pupil to have acquired by those points. In communication, for example, we expect most pupils to be able to move from being able to spell and write common and familiar words legibly by the end of year 4, to explaining opinions about what they read by year 7 and to being able to differentiate between fact and opinion — which some Members would maybe have to take a wee test in — by the end of year 10. Similarly, under using mathematics, pupils are expected to go from knowing about the coins that make up £1 in year 4, to being able to calculate savings using simple percentages in year 7 and calculating and making informed choices about personal budgeting by the end of year 10.

These are the things that our curriculum spells out need to be taught in school, and the levels of progression show how much has been learnt. Parents expect those skills to be developed by the time their children move to the next stage of their education, and they are entitled to have assurances that their child has acquired those skills. Parents and the wider public also quite reasonably expect us to know whether children are actually acquiring those skills across the whole system and that no child is being left behind.

Some Members in their deliberations argued for much more stringent reporting mechanisms. Some Members — I will name them as I go through my speech — said that some schools were cheating and that their scores could not be relied on. If the scores cannot be relied on, we have to put in more stringent accountability measures, not take them away. Mr Bradley's commentary was much more strident in that regard than Mr Rogers's, so there is a difference of opinion even there. A number of Members have told me today that principals have told them that they are doing the job right but that the school down the road is cheating. As I said to Mr Kinahan, if that is the case you have to name them. You have a duty to name them.

There has been much talk of the levels being too broad. They are deliberately broad to match the high-level assurance that we need that the range of skills has been acquired by pupils. However, schools and the OECD, which were described by Mr Allister, who is morphing into Enoch Powell as each week passes, as foreigners — by the way, the foreigner who headed the OECD report was a Claire Shewbridge from England — have asked us to look at how more detail could be added to demonstrate progress within a level, for example. I am happy to commit my Department and CCEA to look at that, not because we need that detail at a system level but because it could assist day-to-day teaching and learning.

Assessment is what every good schoolteacher does every day. The teacher makes an assessment by reviewing a child's work over the period leading up to the end of the Key Stage. It is not a judgement made solely on the result of a one-off test. These do not involve one-off tests. CCEA makes sure that schools have a good understanding of what work at a particular level should be like, and, if a school struggles to get that right, CCEA will follow up to check that individual children's work reflects the level that their teacher gave them.

CCEA has a role in checking the validity of reports. A number of Members are arguing today that CCEA or another body should have a much more stringent role in assessing these. Even if we go for the other commercially available assessments out there, as the motion suggests, how do Members reassure themselves, as some Members have suggested, that every school is performing honourably and reflecting the results honourably?

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

**Mr O'Dowd:** I am not giving way, no.

Members are arguing here today, and some Members like to see themselves as, "We will do away with the inspectorate. We will do away with levels of progressions. We will do away with assessing. We will do away with accountability", when we all know that it is all nonsense and that they have no intentions of doing that. They like to reflect this across. If Members back the motion as it is currently worded, then, even if you do introduce commercially available assessments, who moderates them? Nobody gave that suggestion during their contribution. Who —

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

**Mr O'Dowd:** No, thank you. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr O'Dowd:** Who moderates? As I have said — *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr O'Dowd:** As I have said, several Members have already reported to the Assembly that school principals have told them that the school down the road is cheating. So, who moderates? Then there are some Members in the House who tell us, "We will do away with the ETI. We will do away with assessment. We will do away with levels of progressions. We will do away with accountability."

**Mr Storey:** Who said that?

**Mr O'Dowd:** Last week. In the Chamber last week. *[Interruption.]*

**Mr Deputy Speaker:** Order, Members. I ask that Members desist from making comments from a sedentary position.

**Mr Storey:** On a point of order, Mr Deputy Speaker. If the Minister is going to make assertions, at least let him have the bottle to name who it was. There was no call in this House last week for no inspection system. He needs to get his facts right.

**Mr Deputy Speaker:** I am not aware that that is a point of order.

**Mr Storey:** Well, it is on the record.

**Mr Deputy Speaker:** The Member has put his point on the record.

**Mr O'Dowd:** It appears that Mr Storey's mood is not the best today either.

Standing here as the Minister of Education, I affirm the professionalism of our teachers. The professionalism of our teachers' judgements is at the very heart of the arrangements that I am looking to put in place. Parents and pupils also need to have confidence that their teachers' judgement is sound, and that is why we have moderation. We have to always come back to this. We always have to come back to this point about moderation because, in this fairytale world that some Members of this House live in, even though they have been told that the school down the road is cheating and even though they are looking to bring in assessment processes that are not even aligned to our curriculum, they have to be moderated. So, you have to be the bad boy some day or the bad girl some day, because you have to turn round to the teaching profession and say, "By the way, do you see those commercially related assessments? I am going to moderate them, because I want to be assured that the information that I am getting is absolutely correct".

I also want to be assured, as the Minister of Education who is responsible for the £2 billion budget that is being invested in education and who is responsible for our young people, that the educational performance of those young people is up to standard. How do you do that without moderation and without assessment? How do you do it? Moderation is a necessary part of the process.

As I said, Mr Bradley, Mr Newton, Mrs Dobson and Mr Rogers have all made the comment that school principals have advised them that they do not trust the school down the road. They need to back that up with information because, if schools are returning false information, they have a duty to report it. However, teachers recognise that they must be able to stand over the consistency of their application. I have been accused by some here of not listening to teachers or their representatives, and I cannot allow this to go unchallenged.

As I said to Mr Lunn during his contribution, I was about to publish a very detailed document on what proposals I have put on the table in front of the teachers' unions in the last three to four weeks. It is a very detailed response to the teachers' unions. I am awaiting a response from them, but as I came towards this debate, I



said to myself, "I am going to listen to a half-informed debate today." That is not unusual for the Assembly Chamber, in fairness. Perhaps it would be only right and proper if the Assembly had all of the information in front of it.

I was asked to not publish it because it might harm ongoing negotiations, and I have taken that decision.

My objective is to reach agreement with the teachers' representatives and move forward. The attitudes of teachers in the discussions in which my officials and I are involved are not reflected in what has been said in here today. Those discussions are much more productive and much more engaged. We are down into the detail, and we are down into how we make levels of progression work for the pupil, the teacher, the school and our education system.

**Mr Storey:** You are bluffing.

**Mr O'Dowd:** Mr Storey says that I am bluffing. Being the champion of the teacher and the champion of the principal, Mr Storey has brought a number of motions to the House over the last couple of weeks. However, it is worth noting where Mr Storey and his party's allegiances lie: they are courting the Tory party in England. They are in allegiance to a party in England whose education policies are somewhat called into question by the teachers' unions.

**Mr Storey:** You are glad of their money anyway.

**Mr O'Dowd:** Fifty thousand marched in London on Saturday against the Tory party's austerity policy. Indeed, so aligned are they now to the Tory party that Mr Storey's constituency colleague Ian Paisley Jnr has invited Minister Michael Gove to tour our schools. *[Interruption.]* He is perfectly entitled to invite Mr Gove across to tour our schools —

**Mr Deputy Speaker:** Order. I think that we are having enough comments from a sedentary position. I ask Members to desist from making such comments and allow the Minister to make his contribution.

**Mr O'Dowd:** I raised the point only because I think that the motions over the last number of weeks have to be put into context. Anybody who believes that a Minister Storey is not going to be more like a Mervyn Gove than a Michael Gove really needs to be assessed.

Moving forward, I have been engaged in detailed negotiations with teacher representatives. I believe that there is a way to make levels of progression work, and I believe that there is a way to deal with the genuine concerns expressed by teachers. There is a duty on us to ensure that we have an assessment mechanism for our children's learning at Key Stages 1, 2 and 3. Those who, quite rightly, clamour for better education outcomes for our society need to have a mechanism to measure them. Whether you like it or not, whether you are in government, in opposition, a member of the Education Committee or whatever it may be, you cannot produce a wish list of things that should not really happen: "No, no, we shouldn't have inspection. No, no, we shouldn't have assessment. No, no, we shouldn't have accountability". In fact, Mrs Dobson ended her speech by saying that we should give more powers to schools. Throughout her speech, she talked about how school principals were telling her that schools were cheating. How do you square that circle? How do you square the circle of concentrating your speech on saying, "School principals are telling me the school down the road is cheating, but I will tell you what we have to do, Minister: we have to devolve more powers to schools"? Being in government, whether in opposition, in government or on the Education Committee, puts an onus and a responsibility on you to come forward with proposals that are workable, accountable and meet the needs of all our young people moving forward.

The element who is worst informed about levels of progression and most kept out of the loop about the debate on levels of progression is the parent. Under current legislation, parents need to be given the information on levels of progression. Current legislation also dictates that that information should be forwarded to my Department. It is vital that the debate moving forward involves parents and that they are given the information on why levels of progression are on the table, what mechanisms are in place and what accountability mechanisms are in place to ensure that the scenario that Mr Newton, Mrs Dobson, Mr Kinahan and Mr Bradley referred to does not happen and that, when a board of governors receives the information about how its school is performing, they can have confidence in it, local parents can have confidence in it and, yes, the principal can have confidence in it as well.

**4.45 pm**

However, there is no fairy-tale ending to the story for anyone. There is no fairy tale here.

No one can stand up and promise the earth, moon and stars to teachers and principals on this one. That is because, when each of you examine your speeches and contributions, at their heart was the need for accountability. At times, accountability can be a difficult quest. It can be very difficult for those who are being held to account, who in this case are the teachers, the principal and, ultimately, boards of governors. It can be a very uncomfortable journey, but if any Member is serious about moving our education system forward, and if any Member is serious about ensuring how we do that, you need to have measurements in place.

I commissioned the OECD report, and the amendment supports the principles of our current levels of progression assessments. That is stated in the amendment. Yes, there were criticisms in the report, and I have taken on board those criticisms. I am working to overcome them in a progressive and productive way but, Members, those who think that, if they were ever in a position of authority with a £2 billion budget, they would not have any levels of accountability are living in cloud cuckoo land.

**Mr Sheehan:** Go raibh maith agat, a LeasCheann Comhairle. Tá mé iontach sásta bheith ag labhairt sa díospóireacht seo, agus beidh mé ag tacú leis an leasú. I welcome the opportunity to speak in the debate, and I, of course, will be supporting the amendment.

I listened to your comments earlier, a LeasCheann Comhairle, about schoolchildren who may be watching or listening to the debate, and I am very conscious of that. I want to raise an issue around that. At the outset of his remarks, the Chair of the Committee talked about Sinn Féin having had the education portfolio for the past 16 years. Although that may be true, the impression was given that nobody else has had the opportunity to take it on. Of course, the DUP could have taken it at any time, yet it chose not to. Why did it choose not to? It was because it might have had to make decisions in and around the education system. It is not the world-class system that the DUP portrays it to be; rather, it needs root-and-branch change. Thankfully, we have a Minister in Sinn Féin, as we had previous Ministers, who is prepared to do that.

I would love to know what the DUP's strategic vision for education is, because I do not know what it is. I can imagine, in my mind's eye, a meeting of the DUP, and some new boy at the back saying, "Mervyn, what is our strategic vision for education?", to which Mervyn replies,

"Listen, son, our strategic vision is clear: whatever the Shinners are for, we are against".

**Mr Storey:** That is a pretty good vision, I think.

**Mr Allister:** It is a good start.

**Mr Sheehan:** That is the sum total of the DUP's vision for education. Of course, my learned friend, who is chattering away down there in the corner, let the cat out of the bag in this debate when he said that this a political consensus against Sinn Féin rather than a consensus for improved educational outcomes for children. That is what he thinks.

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

**Mr Sheehan:** Are the two of you having a laugh here?

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

**Mr Sheehan:** You set the tone for interventions. No, I am not giving way.

**Mr Storey:** *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr Sheehan:** So, calm yourself down there. We have had a lot of comments today about teachers and what they think of assessments — their views on them and the percentage of them who are against Key Stage assessments. I do not know of any teacher who is against assessment. However, my colleague Chris Hazzard raised the issue of when it comes to teachers' views on academic selection, the common funding formula, and so on and so forth, are those views taken into account by the DUP and my learned friend? No, they are not.

**Mr Storey:** Yes.

**Mr Sheehan:** No, they are not. The Minister also mentioned the OECD report, which, of course, endorsed the principles of the assessment process. As the Minister said, it was also critical, and he is working against it. As I said before, this is a Minister who listens and takes action. When the criticisms came about the computer-based assessments, the Minister acted on them. Did he or did he not act on them? Of course he acted on them.

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

**Mr Sheehan:** I will give way. I am not going to be as churlish as you are or as petty.

**Mr Storey:** The Minister came to this House and blamed the teachers who would not do it. He said that I was misleading the House. He was then dragged to this House six months later. Check the record, because the Minister knows that it was an abysmal failure.

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

**Mr Sheehan:** Am I right or wrong when I say that schools that do not want to do the computer-based assessments do not have to do them? Is that right or wrong? I will give way again. Go ahead.

**Mr Storey:** That is right, but —

**Mr Sheehan:** Oh, it is right.

**Mr Deputy Speaker:** Order.

**Mr Storey:** Yes, it had to be dragged out of him.

**Mr Deputy Speaker:** Order, order. I ask that all comments are made through the Chair, please. One person has the Floor at a time.

**Mr Sheehan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle.

I am glad to hear the Chair of the Education Committee saying that I am right. Go raibh maith agat. Thanks very much for that.

There are positive and productive talks ongoing with representatives of teachers. I hope that there will be a positive outcome to those.

My learned friend up in the corner described these assessments as, "inane, pointless assessments". On the contrary, these assessments are set out so that we can see how far children have progressed in the areas of communication and mathematics and, in the future, ICT.

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

**Mr Sheehan:** That is what assessments are for. Are we saying we should not have them? No. I support the amendment.

**Mr Craig:** I take great pleasure in making the winding-up speech on the motion.

I listened with great interest to the debate, and one thing that has become apparent to me is that Sinn Féin's paranoia runs incredibly deep. In fact, it runs so deep that the Minister described every Member, other than Sinn Féin Members, as living in a fairy tale world. That leads me to wonder who the Cinderellas are and who the fairies are. I will leave it to Members to make up their own minds.

Paranoia always runs extremely deep when the only person who thinks you are right is yourself. That is unfortunately where the Minister and his party find themselves today. They are the only ones defending the existing system, broke and all as that system is, as the Minister even admitted at one stage.

There is no evidence out there from any principal or teacher that the system is working. There is no evidence out there to say that teachers and principals have confidence in the system. In fact, there has been report after report from teachers and principals to the Committee telling us that they have no confidence in the outcomes. If they have no confidence in the outcomes, they are certainly not going to pass that information on to parents.

The Minister got one thing right: parents are the key to all of this. Are we going to know how our children are progressing or not progressing in a primary school through the existing system? The answer to that is a very clear no. The paranoia must run deep when every other Member says no to that and only one group is saying yes. Why is that? I am going to give only one bit of advice: do not stick to a broken system. That is my plea to the Minister.

Sometimes, the best thing you can do in life is scrap what you have been at and have a rethink. To me, this is a stage where we need a major rethink on how we progress and track the progress of our children within primary schools.

If this system is so good, why are secondary schools not using it, Minister? Why is it that secondary schools spend their first quarter testing children to find out what their actual achievement levels are? That should be the biggest clue of all that something is fundamentally wrong with the system in primary schools. That should tell you something. Why do they waste their time and resources doing that? They do not waste their time and resources doing that to figure out who the brightest and weakest children are. They do that so that they can educate to the best of their skills and efforts the children who come in from primary schools.

Are the levels consistent across primary schools? I sit as the chair of a board of governors, so I have seen these; I have looked at them. I can tell you now, Minister, that there is little consistency across primary schools. When you look at what they are saying the achievement levels of children are and what the secondary schools conclude that they are, you see that there is an inconsistency. I am not saying that anyone is cheating. I am just saying that somebody somewhere is getting it wrong. That is something I would like the Minister to take on board.

**Mr O'Dowd:** Will the Member give way?

**Mr Craig:** The Member will give way, yes.

**Mr O'Dowd:** How does the Member expect me to take that on board whenever his party is against moderation and against these levels being reported back to CCEA or the Department of Education? Who, then, comes to take those matters on board?

**Mr Craig:** Yet again, the Minister is putting words into the mouth of this party because we never said that we were against moderation. We never said that we were against accountability. In fact, as a party, we are always one step ahead when it comes to accountability. Of course there should be accountability built into this. There needs to be a consistency right across the board. The fact that there is no consistency at present leads everyone to have no faith whatsoever in the present system.

That is why we are saying, "Let's throw out this system and come up with something that is much more centred on what teachers and principals want — but, above all, what parents want." We want to have the ability to know where our child is on the learning curve. It helps you to make decisions with regard to their future, not only in their secondary education but, ultimately, for whatever career they are going to take in their life.

I listened with great interest to what Members said. Mr Hazzard said that there should be a teacher-centred approach to testing. There is no disagreement from the rest of the House on that. In fact, right across the board, every party has agreed on that issue: make it teacher centred. Get it approval.

That does not necessarily mean that it is teacher-union centred. I think that there is a difference here, and maybe the Minister needs

to take that on board. How representative are unions of the teachers they purport to represent?

**Mr Storey:** How many are there? Five of them; six of them.

**Mr Craig:** Yes.

**Mr Deputy Speaker:** Order.

**Mr Craig:** There needs to be confidence in the system. I found it interesting that Mr Hazzard also let the cat out of the bag: we do not have a first-class system in Northern Ireland. It is not world-beating. If you have held that portfolio for 16 years, why is that the case? Have you ever asked yourself that?

Seán was clear on this point: devise a new system using PiMs and PiEs and other methods. You do not have to reinvent the wheel, Minister. There are other systems that could be looked at and modified to suit the Department and the teachers, and they could be used. You do not necessarily need to reinvent the wheel, and I felt from day one that that was the problem with the Department's approach to this. It had to make its own system even though there were other systems out there.

## 5.00 pm

Danny said that it was inconsistently applied, and I think that there is clear evidence that that is the case.

Trevor Lunn pointed out that 90% of teachers say that the assessments are of no use to parents. I would say that there is a high level of agreement on that. They were never used to tell me about the level of attainment of my children while they were going through primary school. There is consistency across the board in that approach.

Dominic Bradley said that there were no external checks on achievement. Again, we are back to this issue, Minister. Nobody around the table is saying that there should not be external checks on the system. We agree that we should reinvent the system, but there has to be some sort of accountability and checking. There is universal agreement that we need something that is consistent across the board and is of use to secondary schools so that they do not spend the first three months of children's secondary education reassessing them and figuring out their achievement levels. There is

no confidence in the present system. I recommend the motion to the House.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 25; Noes 60.*

#### **AYES**

*Mr Boylan, Ms Boyle, Mr Brady, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mr Mitchel McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Ms S Ramsey, Mr Sheehan.*

*Tellers for the Ayes: Mr Hazzard and Mr Sheehan*

#### **NOES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Mr Bell, Mr D Bradley, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dallat, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Easton, Mr Eastwood, Mr Elliott, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Dr McDonnell, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Poots, Mr P Ramsey, Mr G Robinson, Mr P Robinson, Mr Rogers, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr Moutray and Mr G Robinson*

*Question accordingly negated.*

*Main Question put and agreed to.*

*Resolved:*

*That this Assembly expresses concern that principals and teachers in schools no longer have any confidence in end of Key Stage assessments; notes with concern that the Department of Education and the Council for Curriculum, Examinations and Assessment's approach to end of Key Stage assessments is*

*not fit for purpose; and calls on the Minister of Education to halt the present process, review other assessment for learning tools that schools currently use and introduce a system of assessment that helps inform teaching and learning.*

*Adjourned at 5.15 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.*

## Environment

### Taxis Act (NI) 2008: Implementation

*Published at 10.15 on Thursday 19 June 2014*

**Mr Durkan (The Minister of the Environment):** Members of the Assembly will, I am sure, share my view that taxis are a vital and valuable part of our economy. Every year they greet many of the million plus visitors who come to Northern Ireland. They make tens of thousands of trips to bring people to and from work or safely home after a night out. They also help some of our most vulnerable people, young and old, travel in the way the majority of us take for granted. The majority of our taxi legislation, however, dates back to the early 1980s – in fact, in Belfast it goes back to by-laws devised in the early 1950s. The problem is, quite simply, that it not up to the task of effectively regulating taxis in the 21st century.

For this reason the Taxis Act was debated and approved by this House and received Royal Assent in April 2008. It is a piece of enabling legislation, designed to create a new legislative framework for the operation and regulation of taxis here. The aims of the Taxis Act are to raise the standard of taxi services, reduce illegal taxiing and improve compliance. Its objectives are to promote road safety, improve accessibility for older people and people with disabilities, and facilitate fairer competition for taxi services. In short, it is about creating a safe, fair and fit for purpose industry that allows those involved in it to make a living from it.

For the last six years my Department has been working to implement the Act by way of subordinate regulations. To date, the only part of the Act that has been commenced is the introduction of Taxi Operator Licensing, which came into force in 2012. This, for the first time, made operators accountable for the operation of their business and the actions of their drivers. High levels of compliance with these provisions have already been achieved, and improvements to the accountability of the industry delivered.

The purpose of this statement is to set out my intentions for the implementation of the remaining aspects of the Act. These include new arrangements for taxi vehicle licensing (including new plating and roof sign requirements), taxi driver licensing (including the introduction of a taxi driver test for new drivers and periodic training for all drivers) and other elements including provisions for a maximum fare and the use of taximeters and receipt printers, new powers of seizure, and a revised specification for Wheelchair Accessible taxis.

There has been much debate, going back some years, about the need for these changes. Since taking office, I have listened carefully to many representations and have considered many points made in favour and against implementing the remaining provisions of the Taxis Act. After careful consideration, I have decided that it is essential we implement these changes now, to give full effect to this legislation and to deliver improvements to the industry for the benefit of users and suppliers alike.

A key element of the taxi reform programme is the arrangements for taxi vehicle licensing and the classes of taxis that will be recognised across Northern Ireland.

The Act's provisions, one of which is introducing a single tier licensing regime, have been well-known and much debated for many years, and has been the subject of consultation on more than one occasion. Indeed, I have lost count of the number of Assembly questions that I have received on this one issue.

I believe that the current dual tier system in place in Belfast, with some taxis able to be hailed and others only available through prior bookings, cannot adequately address a number of problems that the Act was designed to tackle. The public (residents and visitors alike) are confused as to which taxis they can use in different circumstances. There are insufficient numbers of taxis which can pick up on the street in Belfast, particularly at peak periods, to meet demand and ensure public order. Furthermore, there is too much enforcement activity addressing relatively minor licensing offences, which reduces the resources available to address the illegal and dangerous taxis which are out there.

I have listened to, considered and reconsidered the concerns expressed that the change would adversely impact on Belfast Public Hire taxi drivers, and that enforcement difficulties around illegal picking up in Belfast have given cause for concern about the Department's ability to enforce a new licensing regime. I must advise members that I am not persuaded by these arguments.

The changes that are proposed will, I believe, enhance the reputation of the taxi industry as a whole, increasing the confidence of the public in Northern Ireland to use taxis because we will have a professional and fit for purpose service. The demand for the services of Belfast Public Hire, which represent around 5% of taxis in Northern Ireland and around 10% of taxis in Belfast, should be determined by the service they provide and the price at which it is provided. I am convinced that any sector of the industry that provides a good quality and price-competitive service will be able to thrive in the improved regulatory regime that the Taxis Act provides for.

Further, consumers will, and should, be able to exercise choice and their preferences in terms of how and when to secure the services of a taxi and which type of taxi they wish to use. It is the responsibility of my Department, as regulator, to set the minimum standards which all operators, vehicles and drivers must meet, so that taxi users can receive the service they expect; and then to ensure compliance with those standards.

Picture the scene when on a Saturday night a member of the public wants to hail a fully compliant, licensed taxi, licensed driver and licensed operator in any part of the North. I don't believe that there is justification for my Department to deny such a transaction.

I feel that my Department has given very great consideration to the concerns of the Belfast Public Hire drivers and has gone a long way to help them prepare for change. The measures that we have put in place include that all taxi drivers currently in possession of a taxi driver's licence will be unaffected by plans to introduce a new taxi driver test. Belfast Public Hire taxis will be granted grandfather rights in respect of any changes to the specification for Wheelchair Accessible Taxis. Furthermore only Wheelchair Accessible Taxis will be permitted to stand at ranks in Belfast, securing to some degree the status quo for the current Belfast Public Hire fleet in relation to ranks.

My officials have engaged extensively with Belfast Public Hire representatives to help them arrange meetings with other parts of government on a range of issues including, training, taxi ranks and access to bus lanes. We have also delayed the reform programme to provide all taxi operators – not least Belfast Public Hire – additional time to prepare for the reforms. So while I am aware of the concerns of the Belfast Public Hire taxi drivers, I must balance these with the requirements, clearly set out by consumer and disability groups, to improve regulation for a safe, fair and fit for purpose taxi industry. It is high time the remaining elements of the Act were implemented.

The alternative is to continue to operate a dual tier regime, limited to Belfast, and to prevent taxi users in Belfast from exercising the same choice available in all other parts of the North, in order to continue to protect the commercial interests of Belfast Public Hire taxi drivers.

I have a number of serious concerns in respect of such a system. A dual tier approach provides more confusion, not less, to Belfast consumers in terms of which taxis they can legally hail in the street or access at ranks. It provides less choice, not more, to Belfast consumers – they are constrained in the choice that is extended in every other part of the North, in terms of which type of taxi they want – instead they are limited to using the small Belfast Public Hire fleet unless they pre-book a taxi.

I am concerned that the dual tier model is unable to cope with the need to empty the city of people in a timely manner in the evenings, particularly at weekends. Suspension of the regime for these high peak periods could be considered, but would create even further confusion for users and would prove difficult, if not impossible, to enforce.

The Taxis Act is based on a single tier licensing regime. During the development of the then Bill, two options were consulted on – single tier; or a clearer distinction between public hire and private hire taxis (along the lines of the London model of 'black cabs' and 'mini-cabs'). A public consultation at that time showed a preference for single tier, and this was included in the Bill and passed by this Assembly, without division, as part of the Act.

Since enactment, a 2011 public consultation showed 84% support for single tier licensing. Those in favour included the Consumer Council (who stated that single tier would remove public confusion and free up enforcement resource), Inclusive Mobility and Transport Advisory Committee (IMTAC) and Disability Action.

Recently, I have received explicit support for single tier licensing from Disability Action, IMTAC, the Consumer Council, Women's Aid, Victim Support, Belfast Chamber of Trade & Commerce, the Northern Ireland Hotels Federation, Pubs of Ulster and Visit Belfast, all of whom see the clear benefits to consumers, tourists and the industry itself. I have also received 913 letters from Belfast private hire taxi drivers in support of single tier. And that is in addition to the 4,200 postcards the Committee received from private hire taxi passengers of a similar mind.

I therefore remain of the view that a single tier model should be introduced throughout the North. I am aware that the Law Commission has recently recommended the retention of two tier licensing for taxis in England and Wales, and that the Department for Transport is currently considering those proposals. With respect to those that say that we should do the same here, I would point out that exactly this point was debated in the development of the Taxis Act, with decisions made to progress a single tier regime. I would point out that the two tiers of taxis here are less differentiated than those in England and Wales have traditionally been. It is also worth noting that a Comparative Study on Regulation in Europe concluded that taxi licensing regimes differ based on local circumstances. Devolution has been designed to allow local solutions to local issues. We have debated this issue for far too long and should now implement our intent.

Understandably, given the delays and changes in the timings for the various elements of taxi reform, the industry has expressed concerns and has sought clarity about my intentions. I intend to provide this clarity today.

I am, therefore, today giving notice that I intend to make Taxi Vehicle Licensing regulations introducing single tier licensing in October 2014 with the provisions coming into force at the end of January 2015. Alongside this, I intend to commence the new Powers of Seizure regulations in January 2015 so that, from day one, these powers are available to enforcement officers to take action against illegal taxis.

This delay in the implementation date for the new arrangements is a result of the time needed to consider the different options put forward; and to avoid changes for the industry in its busiest period of the year in the run up the Christmas and New Year.

In advance of that, in October 2014, a new taxi driver test will be introduced for new taxi drivers only. This will be followed in September 2015 with the start of periodic training requirements for all taxi drivers.

In relation to taximeters and printers, I intend to make regulations before the end of the year, with the requirements coming into force in September 2015.

Finally, in respect of the new specification for Wheelchair Accessible Taxis, I intend to make these regulations in April 2015, coming into force in May 2015. Importantly, this new specification will ensure that users with disabilities will be better served by the taxi industry.

I look forward to continuing to work with the industry, the Environment Committee and other consumer and disability groups in the coming months as we introduce the relevant legislation to deliver on the aims of the Act in relation to this vital industry.







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