

Official Report (Hansard)

Tuesday 24 June 2014
Volume 96, No 6

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Northern Ireland Assembly

Tuesday 24 June 2014

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Allister: On a point of order, Mr Speaker. I want to raise a matter with the purpose of seeking your assistance. It is the issue — the vexed issue on occasion — of excessive delay in answering questions for written answer. I want to draw attention in particular to a question for priority written answer — AQW 28360/11-15 — that was tabled in mid-November 2013 to the Department of Finance and Personnel. Seven months later, despite several reminder questions, it has not been answered. The same goes for a companion question — AQW 28359/11-15. Again, seven months have passed.

Particularly in the context of questions for priority written answer, I find it impossible to believe that the Minister has not been supplied with a draft reply by his civil servants. Yet, all the time frames that exist for answering questions, particularly questions for priority written answer, are being flouted. What can the House do to address this issue?

Mr Speaker: First, I am sorry that Members have to raise points of order on this issue, which has been raised on several occasions by a number of Members. Although the Speaker has no power to take action, especially under Standing Order 20C, I have always allowed Members to raise these issues on the Floor of the Assembly. It is sad that Members have to come to the House to raise points of order, especially on questions for priority written answer. The Member will know that I do not have any power, as I said. I have continually raised the issue with the Executive and, on occasions, I have written to them. Once again, I feel very disappointed that Members, especially Back-Benchers, are not being treated as they should. That needs to go on the record; it is wrong.

Ministerial Statements

Apprenticeships/Youth Training

Dr Farry (The Minister for Employment and Learning): Today, I am announcing the culmination of our review of apprenticeships and the final policy position through the publication of 'Securing our Success: the Northern Ireland Strategy on Apprenticeships'. I am also providing an update of progress on the ongoing and complementary review of youth training.

I believe that the policy commitments for apprenticeships that I will outline and the steps that we will take to implement the new strategy for apprenticeships will contribute to a fundamental transformation of the skills landscape in Northern Ireland. Skills are the key driver of positive economic change and are also a powerful tool to promote individual opportunity and achieve greater social inclusion.

Apprenticeships provide an excellent means by which employers can obtain the technical and employability skills that they require, as well as being assured that there is a strong skills base across the economy. Apprentices, in turn, know that they have the skills that are wanted by employers and are relevant to the local economy. As such, they will have enhanced prospects of good earnings and sustained employment.

I would like to begin by reminding the Assembly of how we have reached this stage. Last year, I launched major reviews of apprenticeships and youth training. In January, my Department published the interim report of the review of apprenticeships for consultation, outlining 32 proposals for change. Those proposals drew from international best practice in professional and technical education and training systems. Across the developed world, well-established apprenticeship systems have been proven to be an effective mechanism to match skills supply and demand.

The review benefited from input from a range of stakeholders through a series of stakeholder forums and a call for submissions. The expert panel, which I established last year, has also been particularly helpful in providing advice on the emerging proposals. I am very grateful for its key contribution. I would also like to thank the Committee for Employment and Learning for its positive contribution to the review process through the development and consultation stages. The Committee and other Assembly Members will remain critical partners during the implementation phase.

Building on a broad research base and the input of key stakeholders, the interim report articulated a blueprint for Northern Ireland's future apprenticeship programme — a model that is driven by strategic partnership, puts employers at its very heart, matches better supply with demand, affords opportunities in a wider range of occupations and offers a flexible progression pathway across professional education and training. Those interim proposals have now been consolidated into 20 key policy commitments under the following four themes: the components of an apprenticeship, increasing participation, the role of key players, and ensuring quality.

The first theme is the components of an apprenticeship. Through exploring that theme, I sought to establish apprenticeships as a system of employment and learning that would be adaptive to the particular needs of employers across a wide range of sectors. Under the new model, apprenticeships in Northern Ireland will be defined as a system of learning, irrespective of branding, that will be recognised by government if it contains the following five key components.

First, an apprenticeship will be for a new employee or, in the case of an existing employee, a new job role that requires a substantial amount of learning and skills development. Focusing the concept of apprenticeships in that way will ensure maximum value for public investment.

Secondly, an apprenticeship will commence at professional and technical level 3 and will be available in parallel to further and higher education at levels 4 to 6, sub-degree and degree levels. For certain occupations, there will be opportunities to undertake an apprenticeship at levels 7 and 8 — master's and doctorate. It will be crucial to have in place supporting measures to help young people to access apprenticeships at level 3. As I will highlight shortly, my Department's current

review of youth training will seek to address precisely that need.

The third key component of an apprenticeship concerns duration. An apprenticeship will be designed to take at least two years to complete, reflecting the breadth and depth of learning that is required.

The fourth key component will be that apprenticeships will include a breadth of on- and off-the-job training beyond the specific needs of a given job role. That will support the mobility of the apprentice across that sector and also the wider economy.

Apprentices should also be able to progress from their initial apprenticeship into higher-level education and training. That is recognised in the fifth and final core component of our new model, which will guarantee that available progression routes are factored into the design process.

Beyond the core components, awards and qualifications are the key underpinning elements that will define the new apprenticeship model. To ensure clarity and to facilitate portability and progression, apprenticeships will have a single award or qualification for each occupation at each level. The design of the new awards and qualifications will be led by new sectoral partnerships, which I will address in further detail shortly.

To support the Government's overall commitment to lifelong learning, and in recognition of our working-age demographic in Northern Ireland, apprenticeships will be open to everyone, irrespective of age. We will, however, pay particular attention to the key role that apprenticeships can play in supporting a young person's transition from education to the world of work.

Connected to that will be a further commitment to ensuring that we support individuals to make the transition into apprenticeships from other forms of training. That will be achieved through my Department's new youth training offer and more widely through a range of other initiatives, including the Skills Solutions service and customised training, which will afford opportunities to upskill and reskill adults in work.

I also see our new apprenticeship model drawing from the key elements of international best practice. It is only right, therefore, that our apprenticeships be valued in Northern Ireland and further afield. That will require mapping of awards and qualifications to international

frameworks, such as the European qualifications framework. Furthermore, we will put in place measures to fully utilise opportunities for international placement and exchanges by establishing links with partner countries across Europe and beyond. As part of those efforts, my Department will explore the use of EU programmes such as Erasmus+ and consider incentives for participating employers.

All the efforts that my Department has made, and will make, to define our new apprenticeship offer will need to be supported by the appropriate structures to engage key stakeholders in delivery. Key to that is ensuring that the two main beneficiaries of apprenticeships — employers and apprentices — are encouraged to engage. That is central to the second theme of our approach: increasing participation.

The key commitment that I will make in that respect is to establish a central service for employers and potential apprentices. The service will include an online portal to facilitate the advertising of apprenticeship opportunities and the application process. For apprentices, the service will administer subsidies and relevant support, use a UCAS-style portal to advertise vacancies and source independent careers advice and guidance to inform their choices, particularly at key transition points. For employers, the service will advertise their apprenticeship vacancies, provide a matching service for apprentices and off-the-job training providers and administer support and services to make their engagement as beneficial and user-friendly as possible.

The service will also include bespoke measures to assist small businesses and microbusinesses, which are a key part of our local economy. While the service will be crucial to securing increased participation, there are further key commitments that I will make in that area.

First, apprenticeships will be offered in a wide range of professional and technical occupations. In parallel with the development of the new apprenticeship model, the Department has actively engaged in the promotion of apprenticeships across a range of new sectors and occupations. I am encouraged by the results so far but want to do more. I have already initiated high-level apprenticeship pilots in professional services, ICT and engineering. Significant interest has also been expressed in extending the pilot work to include the finance and accounting sector and the industrial chemical and life science sector.

We will also continue our engagement with the public sector and non-departmental public bodies to develop new apprenticeships in relevant professional and technical roles. I am very pleased with the broad support that I have received so far. It represents a good platform from which to work.

As I highlighted, a further key area of our local economy is the role of small enterprises and microenterprises. Those businesses, however, often have limited capacity to engage with education and training programmes and therefore require tailored support. In implementing our new model, we will test a range of measures to support those businesses, including financial incentives, subsidies for larger businesses to train apprentices based on sectoral need to feed into their supply chain; group training approaches; and public-private partnerships.

We will also need to ensure that our young people are guided to provision that is right for them to help sustain their engagement and support achievement and progression. In countries with the strongest apprenticeship provision, apprenticeships are embedded in the delivery of the relevant careers service. Therefore, my Department's Careers Service will provide impartial advice and guidance for young people considering the apprenticeship pathway.

That key role will be factored into my Department's ongoing review of careers, which is being carried out in partnership with the Department of Education and will report in the autumn of this year.

10.45 am

Another key element in increasing participation will be addressing imbalances in gender participation. Although the proportion of female starts is increasing, males still represent the majority of participants in sectors that have been designated as economically important. To address that, my Department will take a twin-track approach, addressing the gender imbalances that exist within traditional sectors while also working to ensure that a gender balance is instilled in new apprenticeship areas as they are developed. Mechanisms will also be put in place to widen access to apprenticeships for individuals with disabilities or with additional support needs.

The sustained engagement of stakeholders, especially employers, at every level is a core feature in successful apprenticeship systems. I

will put in place a new set of structures to secure the input of employers and other key stakeholders in the design and delivery of the new apprenticeship model. Those new bodies will ensure that apprenticeships will remain relevant to the needs of employers and the wider economy, are demand-led and informed by up-to-date labour market information, are portable at national and international level and are assessed according to the highest standards of quality.

First, I will establish a new strategic advisory forum comprised of employers, government, trade unions and off-the-job training providers. The forum will play a key role in providing oversight of the new model and will advise on issues concerning legislation, supply and demand factors, support measures and lessons from international best practice.

To ensure different sectors' needs are met, I will also establish new sectoral partnerships. Those partnerships will be key aspects of the new system, defining the new awards and qualifications that will be delivered, informing the approach for ongoing assessment and end testing for apprentices. They will have responsibility for striking an appropriate balance between the needs of particular employers and those of the wider sector and will play a lead role in developing interventions within sectors to increase participation.

The strategic advisory forum and the sectoral partnerships will be informed by a new skills barometer mechanism. The barometer will identify the current and future skills needs of the local economy. It will identify where further skills development will be required. Work on the barometer will be commissioned by August this year and will publish annually from 2015 onwards. These structures are all firsts for Northern Ireland and will ensure that apprenticeships are reflective and responsive to the needs of the economy.

The fourth theme in the apprenticeship strategy is quality. Quality and achievement of the full apprenticeship standard will be measurements of success. As such, the content, duration and assessment of each apprenticeship will be subject to rigorous quality assurance. Inspectors will have up-to-date experience in the professional and technical areas. They will be supported by experts from industry who will advise on how well the curriculum aligns with the specifications set by the sectoral partnerships. To support the quality of teaching and learning, criteria will be set for all teaching staff. The criteria will establish minimum qualification requirements in the subject area

and related pedagogy. Staff will also be required to have up-to-date experience in industry. There will be a requirement for continuous professional development to ensure that those delivering training remain expert in their field.

Quality will be at the heart of the financial model for delivering apprenticeships. Only those providers who meet the standards as determined by the Department will be funded to deliver apprenticeship training. To ensure an open and transparent approach, data on performance and enrolments, and retention and achievements will be published regularly.

I want to ensure that all young people are provided with the opportunity to compete for apprenticeship places. In tandem with the review of apprenticeships, I have been progressing a review of our broader youth training offer. The aim of the review is to ensure that youth training reflects the changing needs of the Northern Ireland economy and offers a progression pathway for young people onto an apprenticeship at level 3, a further education programme or a sustainable job.

The review team has completed extensive research and stakeholder engagement events, including meetings of an expert panel, stakeholder events for young people, employers and training providers, an online call for submissions and study visits to the Netherlands, Denmark and Scotland. Throughout the process, stakeholders have highlighted the need for training provision to be simplified, streamlined and flexible, with clear progression routes to higher level options, including apprenticeships. The desired offer must also be accessible to those on programmes at entry level and level 1 to ensure a seamless system of vocational, professional and technical learning across all levels. Furthermore, the offer should be supported by effective mentoring, pastoral care and independent careers advice and guidance.

Training and qualifications must reflect the needs of employers and the local labour market, with enterprise and employability skills and the essential skills of literacy and numeracy being key elements to developing young people for the world of work. Stakeholders also highlighted that the branding for any new offer will be vital in reinforcing the image of high-quality, highly relevant, professional education and training.

In addition, the review will seek to simplify and clarify the present offer to enable young people to make informed choices, creating seamless

progression pathways across the skills landscape. Current thinking is that the new youth training programme will provide the bridge for learners to move from entry level and level 1 provision to level 3 provision and beyond. To achieve that, the new programme will provide an employed pathway and a non-employed pathway. Underpinning those routes will be additional support for those young people with barriers to engagement, including those with disabilities.

Over the coming months, my Department will carry out additional research and stakeholder engagement activities to further develop our thinking on this crucial element of the skills landscape. That work will include an employer survey and additional focus group consultation with young people and employers.

It is my ambition that Northern Ireland's system of apprenticeships will be of a gold standard and form a key part of a new skills landscape. The system will offer a spectrum of support from entry level up to level 8 — equivalent to a doctorate — facilitate lifelong learning and allow participants to move in and out of professional education and training at their own pace. As I have highlighted, a further key element of the new skills landscape will be ensuring that support is in place for those young people who are not yet ready to take on an apprenticeship.

Now that I have set out the policy direction, the focus will be on implementation. Therefore I have tasked my Department with the delivery of a time-bound implementation plan. That implementation plan, which is also published today, will ensure that the new model of apprenticeships is in place by 2016. However, the landscape will not remain unchanged until then. My Department will take forward a series of key early actions. Stakeholders will see positive and incremental change over the coming months.

I will continue to pilot higher-level apprenticeships in engineering and ICT, with further pilots being taken forward in the public and private sectors. I will establish the strategic advisory forum and the sectoral partnerships to lead on the development of the new apprenticeship awards and qualifications. Through those structures, my Department will continue to work with key stakeholders to determine how apprenticeships can best meet employers' higher-level skill needs, support business growth, meet the career aspirations of individuals and enhance opportunities for social mobility. The strategic forum and sectoral partnerships will be informed by the development of the skills barometer

mechanism, which will publish its findings annually from 2015 onwards. In tandem with that approach, my Department will establish a new central service, initially in pilot form, to test how best the service will work with key partners, such as the Careers Service, in guiding participants towards apprenticeship provision. That pilot service will be further developed and scaled up in time to deliver the new model in 2016. Supporting that will be ongoing work with small and microbusinesses to ensure that we have in place the correct mechanisms to facilitate their participation.

Running concurrently to that work, my Department will develop the wider financial and quality assurance models that will underpin the new apprenticeship system. The financial model will build on the current success of the ApprenticeshipsNI model in utilising the European social fund, and it will explore different approaches and develop incentives for testing before full implementation in 2016. My Department will explore methods to further underpin the core components of apprenticeships that I have outlined today, through guidelines and potential legislation, to further enshrine the concept of apprenticeships going forward.

The strategy now provides a huge opportunity to facilitate economic and social progress. These reforms will constitute a major, ongoing priority for my Department. I commend the statement to the Assembly.

Mr Swann (The Chairperson of the Committee for Employment and Learning): I thank the Minister for his statement, and I thank him and his officials for their contribution to and engagement with the Committee through the entire process. It has been a two-way street at all times, and that has brought us to where we are today.

Minister, what specific targets have you set to measure the success of the programme? How will the change in apprenticeships tackle the high number of young people in Northern Ireland who are not in education, employment or learning? Finally, can you give us some tangible examples of interactive engagement with and support from your ministerial colleagues?

Dr Farry: First, I thank the Chair and all the members of the Committee for their engagement in the process to date. We have certainly valued that very positive engagement, and the comments from the Committee have further helped to shape the thinking not just on

the review of apprenticeships but on the parallel review of youth training.

I am somewhat cautious about setting arbitrary targets for this, but, in some ways, I think that we have to be really ambitious about what we want to achieve. The system that we are putting in place will be a demand-driven process of young people, in particular, coming forward and employers offering apprenticeship opportunities. I am slightly concerned about the notion of setting an arbitrary target because Great Britain did that and, as a consequence, ended up trying to badge things as apprenticeships that perhaps did not really meet the full rigour and standards of what we want to create in Northern Ireland. That almost creates an artificial race to meet an artificial target.

Going forward, the most important thing that we can put in place in Northern Ireland is to ensure that we have quality and rigour behind our apprenticeship standards. If we are to achieve proper parity of esteem with other routes of training and education, it is important that apprenticeships are viewed as a gold standard. That is the first thing that we have to do. However, in that context, it is important to recognise that both the number of young people participating in apprenticeships and the number of companies in Northern Ireland engaging in apprenticeships are in the mid to low single figures. Despite Northern Ireland's long and deep industrial heritage and the fact that the apprenticeship brand has been very much part of our consciousness, as we look at that brand today, it is not part of our day-to-day activities in education and training, apart from a very small few. We need to radically improve the number of apprenticeship starts and the number of companies engaging in the process. Through the various mechanisms that we have put in place as of today, I believe, we will ensure much greater participation without compromising quality. That is what we are trying to achieve.

The issue that the Chair raises about those who are not in education, employment and training touches largely on our revised youth training offer. We have set out some initial thoughts today on where that is going. Our view is that we will come back to the Committee in early September to give a more detailed report on our thinking ahead of the publication of a formal consultation document that, in turn, will lead to a fresh youth training strategy. However, once again, we need a radical step change in the quality of our youth training offer. We need to build on our successes, but there is significant room for improvement in our ability to reach the

young people who need additional support in moving from school into the world of work.

Finally, the Chair raises the issue of engagement with ministerial colleagues. We have had some positive results. I wrote to my colleagues earlier this year. The majority of Ministers responded positively, indicating that they wished to consider how apprenticeships could be expanded into the public sector and particular areas under their remit. We have positive leads in that regard, and, hopefully, announcements will be made in the very near future to begin some pilots for public sector apprenticeships.

Mr Buchanan: I thank and commend the Minister for bringing his statement to the House today. We all acknowledge that there still is a huge amount of work to do in this area, such as testing models and pilots, tailoring programmes and the design of awards. Does the Minister feel that 2016 is a realistic time frame, or has a target been set that will not be achieved? It is important that we get that clear. How will funding work? Will employers fund apprenticeships from level 3 through the entire programme?

11.00 am

Dr Farry: I thank the Deputy Chair of the Committee for his comments and his welcome for the strategy. Much as it is worth reflecting on the fact that a lot of hard work has gone into the process to get to the stage at which we are announcing what is, in essence, the high-level policy, the real hard work now begins to turn it into reality.

A lot of the work has commenced in a number of key areas, and we will roll out the changes over the next two years. The reason for 2016 being the backstop date for having the full system in place is that it dovetails with the expiration of the current ApprenticeshipsNI contracts, at which point we will have the opportunity to switch over to the new system. I am confident that we can make the changes over the next two years. As I stressed, it will be a major priority for me, as Minister, and for my officials. We believe that the changes are of fundamental importance to improving the skills landscape in Northern Ireland. As we look to our wider goals in the Programme for Government and the economic strategy, it is important that we do all that we can to invest in the skills most relevant to the economy. The type of demand-led process that we are putting in place, with employers in the driving seat, is probably the most efficient way to ensure that

we provide the right higher-level skills to meet the needs of the economy moving forward.

Funding will be a partnership with employers. Obviously, they will employ apprentices and pay their wage or salary, and government will support the off-the-job training. We have access at present to the European social fund, and, subject to approvals being given elsewhere, the next phase of the fund will be available to us. Hopefully, we will have an enhanced package that will enable us to expand our apprenticeship provision. Resources are available from our block grant provision budget, which also supports the development of apprenticeships. UK-wide discussions are being led by the Department for Business, Innovation and Skills in conjunction with HMRC on a tax incentive or some other type of financial model. We will see whether that can be applied to Northern Ireland and whether it may be a more efficient way to support employers than our current default system. There is work to be done on finance locally and in conjunction with our partners elsewhere in the UK.

Ms McGahan: Go raibh maith agat. Minister, I welcome your detailed and comprehensive statement. My constituency of south Tyrone is an engineering hub. There are very positive signs that the economy is growing, with over 140 businesses starting up in the past two years, including many in the field of engineering. Minister, will you tell me in a detailed and understandable way what is meant by high-level apprenticeship pilots in engineering?

Dr Farry: I thank the Member for her comments and her welcome for this. She referred to the economy in County Tyrone, and I am pleased that things are improving. South West College is one of the best colleges not just in Northern Ireland but in the UK and Ireland. It is an outstanding college and has been recognised as such. It is known for being very proactive in what it seeks to do.

The current higher-level apprenticeship pilots in ICT and engineering are at level 4. Those are our first interventions for apprenticeships at level 4. It is worth bearing it in mind that well over half our current apprenticeships are at level 2 and less than half are at level 3. We are seeking to change our level 2 offer to a youth training offer. That will include a detailed in-work pathway that will in turn be a pathway to an apprenticeship. Our new system will start at level 3. We want to do a lot more higher-level apprenticeships at level 4 and beyond. The initial higher-level apprenticeships include one

in ICT that is being driven through South West College and one in engineering that is being driven through the Northern Regional College. I am optimistic that, with the success of the initial pilots, South West College could in turn offer a higher-level apprenticeship in engineering. Given the real concentration of small engineering firms in County Tyrone, there is no doubt that there is sufficient demand to make that a real success.

Mr P Ramsey: The Minister's statement is most welcome, and it has a lot of quality information. However, I wanted a more disabled-friendly statement. In the eight-page statement, there are two lines that reference people with disabilities. That is not right, given the Committee's level of engagement with your Department's staff.

Given that DEL's statistics indicate that approximately 60% of participants in Skills for Life and Skills for Work do not succeed to the next stage, the unanswered question has always been "What will happen to entry level and level 1?" Will there be a review of those levels?

Dr Farry: I thank the Member for his comments. I am very aware of the point he makes on disability. We are committed to ensuring that we have proper equality of participation across all the different dimensions. The Member will appreciate that we are working on a disability employment strategy that we hope to issue for consultation in the autumn of this year. That strategy will contain a specific item that relates to facilitating progression into apprenticeships and support for people who may have a disability. We will ensure that it is rigorous. Hopefully, the Member can look forward to that.

We are trying to secure a seamless pathway through all skill levels from entry level and level 1 through to level 8, in order to revamp vocational training in Northern Ireland. It is fair to say that, while we have some outstanding interventions to support people at level 1 and level 2, we still do not have very good figures for progression. That means that we end up having to intervene, and then we only have a minority of people progressing into other pathways or even into employment. That is a major social and economic issue for us, and that is why we are taking so much time and care to ensure that we get the review of youth training correct to ensure that we have a real step change in performance that will lead to much stronger success rates of progression either into employment or other training.

The Member will also appreciate that we have the Pathways to Success strategy for those who are not in education, employment or training. A lot of those funding streams run out in March 2015, but the Department is also working on behalf of the Executive on the design of the wider United Youth programme. There will be a series of new interventions in that programme to support a range of young people to ensure that they have progression pathways.

Mrs Cochrane: I, too, thank the Minister for his comprehensive statement this morning. As he will know, I chair the all-party group on small and medium-sized enterprises, and apprenticeships are a frequent topic of conversation in the group. Can he set out what he sees as the main attractions of the new system of apprenticeships to SMEs?

Dr Farry: I thank the Member for her comments and questions. The starting point to answer her question is again to reflect on the point that I mentioned to the Committee Chair: the small number of businesses in Northern Ireland that offer apprenticeship opportunities means that we have a very small footprint in the area, probably in the low- to mid-single figures in percentage terms. Other countries have a much higher level of participation from businesses, including societies that have a strong profile of SMEs. With the best will in the world, we will never have a situation where a majority of companies offer apprenticeships, but, if you want to benchmark the situation, you could look to Switzerland or Germany, where over 30% of businesses are engaged in apprenticeship programmes. That could give you an idea of how far you can go with the penetration of the new model in engaging with businesses.

I recognise that a lot of SMEs may be deterred by the bureaucracy involved with an apprenticeship. They may see the training requirements as being too much of a burden, or they may not believe that they will get a return from it. We need, therefore, to address those fears and misperceptions and ensure that SMEs have the confidence to engage with the model. The central service will be a major asset to SMEs in taking care of a lot of those processes. We will also seek to market apprenticeships specifically to SMEs. We can look to different models of how training can be supported in SMEs, including, for example, group training mechanisms or an SME being part of a wider network where a larger company will overtrain apprentices for the sector as a whole. It is important that SMEs also recognise that they will get a return from an apprentice.

We want to see a breadth in apprenticeship training and a duration of at least two years. An apprenticeship that is properly pitched will see a productivity gain for a business employing an apprentice before the end of the training period. Taking on an apprentice should not be seen as a burden by an SME; it should be seen as a means of ensuring that they secure employees who are relevant to a business and who in turn will be an investment in the future security of the business.

Mr Hilditch: I thank the Minister for his statement. One of the strong issues that came out through the consultation on youth training was the need for better advice, awareness and communication at a grass-root level. That came from the young people themselves. Can the Minister indicate how that can be improved? Are the changes and new initiatives that he highlighted in his statement enough?

Dr Farry: I thank the Member for his questions. There are probably two aspects that may give the Member some reassurance in that regard. The first is that we are conducting the review of careers, which builds on the excellent report that the Committee put in place earlier this year. That guides the terms of reference of the present review. We are looking to intervene at all levels across our skills landscape to ensure that young people in particular are given advice and guidance about making informed choices. Secondly, as part of our new youth training offer we want to put in place stronger mechanisms for the mentoring and pastoral care of young people, particularly when a young person may be leaving the more secure, more structured school environment. The world of work or training can seem daunting, so there is a need for increased intervention there. That is a point that we have taken on board, and we are looking to see how we can design that into the new youth training offer.

Mr F McCann: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement to the House this morning. I hope that it begins a new era in the provision of apprenticeships for everyone. One concern that I had in Committee is the question of two-year apprenticeships. That is something that employers heavily criticised when they came before us. They did not recognise it. What is the difference between that and the two-year programme to complete that is in the document?

Dr Farry: I thank the Member for his introductory comments and his question. There were probably three areas that attracted most

comment in the consultation. The first was whether the starting point for an apprenticeship should be level 2 or level 3. The second was the breadth of an apprenticeship. What I mean by that is whether an apprenticeship should be very specific to the needs of a particular employer or whether it should be training for a sector as a whole. The third was the minimum duration of two years for an apprenticeship. In some ways, the three are interconnected.

We have spent a lot of time on the back of the consultation further engaging with stakeholders on those issues to provide reassurance where people raised concerns. The central point that I will make is that we in Northern Ireland have a major skills challenge. We know that, to be competitive globally over the coming decades, we need to upskill and to invest more in our skills. Most of our new jobs will be created at level 3 or level 4 and above, so it is important that our training move with that.

The consensus is that the minimum training requirement for a level 3 apprenticeship should be two years. Those who expressed concern about the two-year duration might also have queried the issue of a level 3 versus a level 2 start. Hopefully, through the focus that we are placing on a revised youth training offer that will include a distinct pathway that involves on-the-job training through, in essence, a traineeship that may be less than two years, people will be assured that we are providing a full spectrum of support for the business community and ensuring that we offer a range of training programmes that will meet their needs at different skill levels. Fundamentally, it is important that we establish apprenticeships as being a gold-standard brand that is attractive to people across all levels of educational attainment. I believe that, through the totality of the recommendations that we are making today, we have achieved that.

Mr Ross: What is the likely cost of all the changes that the Minister has laid out? Will a failure by the Executive to agree welfare reform impact on his ability to deliver the changes he has outlined?

11.15 am

Dr Farry: Again, I thank the Member for his questions. Obviously, the current uncertainty with welfare reform affects everyone's budgets, both in terms of potential cuts to budgets and the difficulties with forward planning.

At this stage, we have a significant budget available for apprenticeships. That is made up

of two components: the core funding of the Department through the Northern Ireland Budget and, secondly, the European social fund. We are hopeful that we will have access to a bigger pot of European social fund moneys in the future, as the European social fund for Northern Ireland is set to grow overall, so we are able to move ahead across a broad front in our support of skills. That resource will be available to us irrespective of what happens with the local Budget, although that issue may have an impact on the direct funding of the Department.

We look to a situation in which the new model will be very much demand-led. Indeed, as we look to a greater focus on level 3 and above, apprenticeships, in turn, will become more costly to provide. At this stage, I expect that we will be able to cope with the initial ramping up of apprenticeships within the current headroom that we have, but we will have to keep it under constant review.

Mr Byrne: I welcome the statement by the Minister and the fact that apprenticeships are being examined in relation to employers' interests for the future. On the pilot exercise for engineering, are we talking about fabrication engineering, precision engineering or mechanical engineering? What is the remit of the term "engineering"? People like Terex in Tyrone and other employers tell me that they cannot get practically trained people who can operate computer numerical control (CNC) machines or machine tooling machines.

Dr Farry: I thank the Member for his questions. I would first draw his attention to the engineering action plan that we launched in April, and I will ensure that my officials provide him with a copy of that. It was devised in conjunction with a range of universities, colleges and companies, and it is an asset that we will review on an ongoing basis.

On the more specific issue of apprenticeships, particularly in his part of the world, the beauty of the new system that we are putting in place is that it is entirely demand-led. It is not about government suggesting a particular apprenticeship in one aspect of engineering over something else. We want industry to come together through the sectoral partnerships and determine where it sees the scope for apprenticeships. We have seen that already with the higher-level pilots. Those do not reflect what we in government have done; we have not gone out to industry and said, "Why don't you do a pilot?" Rather, it has been the response of business in Northern Ireland to the fact that a new landscape for

apprenticeships is emerging, and they have been proactive in that regard. As government, we seek to channel that through a particular system and ensure that we have the proper standards in that regard.

The business sectors in Tyrone could come together and suggest what engineering apprenticeships they require and at what levels that training needs to be done. They have the asset of South West College on their doorstep, and we will ensure that the quality is there and that the standards are driven through that process. We seek to enable that process to happen, and I encourage the Member to speak to those companies and encourage them to take every opportunity that is presented.

Mr Douglas: I thank the Minister for his statement. I certainly welcome it. I am sure that the Minister will agree that, for young people in particular, apprenticeships are positive and important experiences. Does he agree that they are very important for companies as well? An example of that are the software and IT companies that want to not only bring apprentices on but retain them in a very competitive market.

Dr Farry: Again, I thank the Member for his comments. It is useful to look at it from the perspective of the companies and the apprentices. For companies, apprenticeships offer a much more secure way of achieving the technical and employability skills they require. We have a very good general education system, but that does not offer the same guarantee that the skills will be precisely what companies require to make a difference in what is a very competitive world, where they need the investment of a lot of skills.

At the same time, apprentices will know that they have the prospect of much more sustained employment because they will have the skills that companies require. There is less guesswork involved on whether they have done the right subjects and the right course to be relevant to employers. So, they know that they will have skills that are very bankable, and we will see situations in which people who go down the apprenticeship route will have the potential for much higher earnings over their working life than others. There will be a real incentive for a young person to go down that route.

It is also worth stressing that we are not simply talking about apprenticeships being for young people who might not get into university. Apprenticeships may be seen as some sort of second-rate choice that a young person will

make. It is important that we try to create parity of esteem between the pathways that are available. For many young people, the traditional form of higher education will be highly appropriate, but, for a lot of other young people, an apprenticeship will offer a different route to higher-level skills. There are examples already of companies that are recruiting people with good A levels straight from school, who then end up at the same level as a graduate-entry person after a number of years. Often, it is the person who has gone down the apprenticeship route who has the better employability skills and is more adept at working in the particular company's environment. So it is important that we encourage apprenticeships and have real parity of esteem between the different pathways.

Mr Dallat: I thank the Minister for his statement in the same way as I have thanked previous Ministers over the last 15 years, but we still have the highest unemployment rate among young people. We still have high levels of illiteracy and innumeracy. I ask the Minister this directly: what are you doing to break down the prejudice against vocational education that still haunts this society, where young people are encouraged to do academic subjects? I read in the papers this morning that only two teachers in the maintained sector got permanent jobs. When will vocational education get the equality that it deserves?

Dr Farry: I thank the Member for his questions, and I will start with the final one. That is very much what we are seeking to do with our review of apprenticeships and with our youth training and all the promotional work that goes alongside that. Hopefully, from the comment that I just made to Mr Douglas on the importance of parity of esteem between the different pathways, I am making very clear my support for vocational training. It is also worth making the observation that, as we look around the European Union, it is the societies that have the most developed systems of apprenticeships and vocational training that also have the lowest levels of youth unemployment. I believe that this type of approach is a means by which we can address structural unemployment, particularly among young people, because you have that much closer matching of supply and demand and that greater emphasis on employability skills being provided for young people, particularly when we can create in-work situations for young people even when they do not have access to a full apprenticeship.

I also stress to the Member that literacy and numeracy are absolutely ongoing challenges in this society right across the spectrum. That is

why we have put a lot of stock in essential skills qualifications. I am pleased that we have managed to achieve hundreds of thousands of those qualifications over the past number of years, but there is more work to be done, including among young people. We are seeing an improvement in our programme for international student assessment (PISA) scores for literacy and numeracy, but more needs to be done. That is why literacy and numeracy will be a key component of the revised youth training offer in particular.

Mr McCarthy: I, like others, welcome the lengthy statement from the Minister. I welcome his Department's determined commitment to see radical change and improvements in the role and work of apprenticeships for all ages. He referred to the strategic advisory forum and sectoral partnerships. Can he elaborate briefly on those two items?

Dr Farry: I thank the Member for his comments. The new structures are central to our new system. I am very conscious that, in government, we can do a lot but that we have limitations. A new system of apprenticeships has to be viewed as a partnership across society in Northern Ireland, and that includes key stakeholders coming together. We see the strategic advisory forum operating at a high level in providing oversight to our new system of apprenticeships, and we see employers, Departments, trade unions and others being key players in that regard. In turn, the sector partnerships are perhaps the most key aspect of the new infrastructure around apprenticeships. They will scope out the new opportunities and put in place the particular standards and qualifications for emerging apprenticeships. They will also drive the reform through the system, increase participation and ensure that we have a real, strong footprint in apprenticeships in Northern Ireland as we seek to ensure that we have the right inward investment in skills to meet the creation of jobs. We are doing a lot of work at present to improve the economic situation here.

Mr Allister: Could I return to the issue raised by Mr Ross but not answered by the Minister? Where are the costings in the statement in relation to what is anticipated? It is only when we get a glimpse of the costings that we can judge whether all this is merely aspirational or whether it is capable of delivery. Surely, as Minister, he must have some idea of the costings. Yes, part of it is demand-led, but he is putting in features of various forums etc, all of which will cost money. He must have an idea of the costings. Can he share that with us?

Dr Farry: The Member should understand that, today, we are talking about the high-level policy as we move forward with apprenticeships. In that way, this is the culmination of the policy review phase of what we are doing. We are now starting the implementation phase, where we are seeking to turn this into reality. If the Member cares to study the detail of the strategy that we are launching today, he will see the action plan and the different milestones within that. I stress again that we have a significant budget that is already available for apprenticeships. That includes access to the European social fund and money directly from the Northern Ireland Budget. At present, we have a combined budget well in excess of £30 million per annum in that regard, so that is an asset that is available to us.

The Member is also right to stress that this is fundamentally a demand-led process. We are reliant on employers coming forward and creating apprenticeship opportunities, and I would like to think that we will be victims of our own success and that we will be overwhelmed by demand. We will see an incremental approach, albeit at an accelerating pace over the coming years. As things stand, we have enough headroom to accommodate this, but we will have to keep it under constant review to ensure that we can plan ahead realistically. If we perceive a need for more resources, I will bid from the Executive. As I said, I believe that this is fundamental to the delivery of our Programme for Government and economic strategy objectives, and I hope that any call in that regard would be very favourably considered.

Schools: Capital Projects

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. A Cheann Comhairle, ba mhaith liom ráiteas a dhéanamh chun an Tionól a thabhairt suas chun dáta ar chlár caipitil na scoileanna agus ar na pleannanna breise infheistíochta caipitil atá agam don tréimhse atá romhainn.

I should like to make a statement updating the Assembly on the schools capital programme and my further capital plans for the coming period. In my statements to the House in the autumn of 2011, June 2012 and January 2013, I set out the challenges faced by a schools estate comprising 1,172 schools of varying sizes, primary and post-primary, across five education sectors. The estimated capital value of the education estate is substantial at just over £3 billion, and a useful indicator for

investment need is the current maintenance backlog across the estate of £286 million.

My Department's strategy for capital investment into the foreseeable future will remain focused on supporting the development and delivery of a network of viable and sustainable schools, set firmly in the context of 'Schools for the Future: A Policy for Sustainable Schools' and shaped by the outworkings of the area planning process.

I remain resolute in ensuring that my investment plans will also focus on providing a first-class education experience for the pupils, teachers and, indeed, school communities to ensure that our young people have the type and quality of accommodation required to help them to fulfil their potential.

11.30 am

In developing my investment plans for the schools estate, it is incumbent on me to balance the limited capital resources made available to me against the scale of investment needed across what can only be described as a wide and diverse schools estate. I am sure that every Member can identify a range of schools, primary and post-primary, that are in dire need of investment in the areas you represent. While I would love to be in a position to make a statement that promises investment to all schools in need, I must be realistic and also ensure that any school I announce for any form of investment is not only deliverable but sustainable for many years to come.

In my statement to the House in June 2012, I announced 18 newbuild projects. One of those projects is complete, seven are on-site, and a further eight projects are expected to move on-site before the end of this financial year. The remaining two schemes are at an earlier stage in 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 newbuild school projects to advance in planning. These projects are at a much earlier stage in development, and my officials are actively engaging with relevant school authorities to take the projects forward. Economic appraisals have been approved for two of these projects, which have moved to design phase, and I anticipate that others will proceed in the same manner in the coming months.

In February this year, I was pleased to announce 51 projects under the schools enhancement programme. All these projects have approved economic appraisals, and

design teams are now in place for 37 of them, with work ongoing to secure teams for the remaining projects. An initial tranche of these projects will move on-site by the end of this financial year, and, subject to the availability of capital budget, the remainder will progress to construction during the next two financial years.

Today's announcement, coupled with the ongoing work within the Department, means that over 100 major and significant enhancement projects are being actively progressed. That represents an unprecedented level of capital development and renewal across the wider schools estate.

Implementing major works in schools is not my only priority in a given year. In the last three financial years, I have invested £214 million in much-needed minor capital works across the estate, including window replacement; toilet refurbishment; security works, including CCTV, access control and fencing; replacement of mobiles and new modular accommodation; disabled access, including ramps and special needs adaptations; and fire-risk improvements, including rewiring and fire alarms. These works have included addressing statutory obligations across the estate, in regard to health and safety and the Disability Discrimination Act (DDA). They have also dealt with a range of accommodation issues and additional provision. I have also invested substantially in maintenance works across the estate in recent years, with notable maintenance investment in the last financial year of just short of £53 million.

Turning to the substantive element of my statement to the House today, I wish to set out my capital investment plans for this and the coming financial years. On major capital investment, I will shortly set out my next list of proposed newbuild schools to be advanced in planning, but I feel that it is important, in the first instance, to set out my rationale for selecting these schools for announcement today.

In December last year, in their capacity as planning authorities, the education and library boards, having consulted with school authorities, forwarded lists of potential newbuild projects for schools in their areas. In total, 145 newbuild school proposals were submitted, and the overall list included schools from all five education sectors.

As was the case in my previous announcements in 2012 and 2013, I have agreed a protocol that has been developed to assess the list of projects that were submitted. The basic underpinning rationale of the protocol

is that all projects will be considered in the context of the emerging area plans and confirmed as forming part of the core provision in an area, going forward, including confirmation of the size of the school.

On that basis, each project on the list submitted by the planning authority was subject to a number of gateway checks to confirm, firstly, that the project has been proposed by the planning authority in consultation with the relevant school authority; secondly, that the school is viable and sustainable, in the context of my policy on sustainable schools and in line with the needs of the area as set out in the emerging area planning process; and, thirdly, confirmation that there are no area planning uncertainties in relation to the proposed project.

If the answer was no to any of those questions, the project was not considered further and was not scored in the context of the approved protocol. However, that in no way implies that I will not consider those projects as part of a future announcement.

The next stage involved scoring each of the proposals that made it through the gateway. The scoring was assessed under three broad categories: major works that will effect rationalisation proposals; major works to address inadequate or inappropriate accommodation; and social considerations. The full protocol was placed on the Department's website this morning, along with a list of the schools that I will shortly set out to the House. Before I set out the school projects that will advance in planning, several points on the application of the protocol are worthy of note.

With a limited budget, I had to introduce a limit on investment in any given school. I have therefore included in the protocol a mechanism for supporting investment in our larger schools without having to allocate an overly large percentage of the available budget to those schools immediately. That has been achieved by seeking to identify smaller discrete projects that have merit in their own right but do not require a rebuild of the entire school.

I am also acutely aware of my statutory duties in respect of integrated and Irish-medium schools. I have therefore ensured that my protocol recognises those duties and, accordingly, factored them into the sustainability gateway that was applied. That was achieved by assessing recent enrolment trends to identify where enrolments are increasing and sustainability thresholds are likely to be met in coming years and ensuring that those schools were considered with the

other schools that advanced to the scoring phase of the process.

I have also introduced a greater emphasis in the assessment process on schools whose pupils are more greatly impacted by social issues. The indicators that I have selected in the protocol are aimed at addressing those issues, and they take into account the number of pupils who have special educational needs (SEN) and the level of free school meals entitlement in a given school.

Several of the schools that were submitted for consideration as major works were also submitted as part of shared campus proposals that involve rebuilding the school. Those schools will be assessed under the shared campus call for proposals in the first instance. It is my intention to make an announcement on the shared campus proposals shortly.

In selecting the number of projects to advance in planning, I had to consider several constraints and make various assumptions. There are constraints on the capital budget and the capacity of the various stakeholders in the process to deliver further projects in parallel with the existing programme of major works.

While different projects will progress at different speeds, given the likely timescales required to complete the economic appraisal, design and procurement processes, significant spend is unlikely before the financial year 2016-17. Therefore, I had to make assumptions about the level of capital budget likely to be available to my Department in that year and beyond.

This announcement to advance projects in planning does not commit the Department to fund a project within a defined timescale. In any event, such a commitment would be impossible, given that the Department does not know its capital budget availability beyond March 2015. That said, the schools announced to advance will have a valid expectation that the construction project will follow within a reasonable time frame. It is also reasonable for my Department to plan capital projects for future years, given the lead-in time for the delivery of such projects.

Having given due regard to those assumptions and constraints, I can now announce that major works projects will take place at the following primary schools: Drumlins Integrated Primary School, Ballynahinch; Gaelscoil na gCrann, Omagh; Iveagh Primary School, Rathfriland; Roe Valley Integrated Primary School, Limavady; Scoil an Droichid, Belfast; St Mark's Primary School and St Luke's Primary School,

Twinbrook; and Woodburn Primary School, Carrickfergus. There will be a newbuild for the recently amalgamated St Patrick's Primary School, Belfast.

The Twinbrook primary school project is linked to a wider DSD-led project to invest in Colin town centre. I place on record my support for that project, which includes plans for a new post-primary school in the area.

The current position is that, while I remain supportive of the project, I am mindful that there are wider area planning issues for the broader west Belfast, Crumlin and Glenavy areas that must be bottomed out before an investment decision on Colin town centre can be considered. This is a complicated process that must be completed before the size of any proposed new school can be confirmed.

I turn now to post-primary schools. Those moving ahead for newbuilds are Cullybackey High School; Dunclug High School, Ballymena; Lismore Comprehensive School, Craigavon; and Methodist College, Belfast, which is not a rebuild of the entire school but will cover the refurbishment of A block and the schoolhouse. There will be a newbuild for the combined Monkstown High School/ Newtownabbey Community High School; St Joseph's High School, Crossmaglen; and St Killian's College, Carnlough.

This announcement is not only good news for those schools to be advanced in planning but good news for the economy. It represents in the order of £170 million of capital investment, which will also be a welcome boost to the construction industry over the coming years as the projects come to fruition.

Mr Storey (The Chairperson of the Committee for Education): I welcome today's announcement, which is mixed with good news, partial news and no news. Some of it is a case of jam tomorrow. I particularly want to bring the Minister to one point that he referred to. In the House yesterday and today, he referred to the 18 projects that he previously announced. Only one of those is complete, and the rest are at various stages of the planning process. Given that, is it now time for the Minister to reconsider other procurement options? Is that in the protocol in regard to the announcement today?

I welcome the announcement of new schools in Cullybackey and in Dunclug in my constituency. My only caveat is that I am sad that part of the price tag for that is the closure of Ballee in Ballymena. There is a degree of acceptance and of sorrow that that is the case. Eleven

years after it being announced, there is still no newbuild for Devenish College in Enniskillen. It is quite clear that the Minister has not yet got the word that a promise was made that has not been delivered on.

Mr O'Dowd: I thank the Member for his range of questions. If you want jam tomorrow, you have to grow fruit today. These announcements are preparation for and recognition of the lead-in time that is required to make a capital announcement a reality.

In the announcements that I made in June 2012, January 2013 and today, there are learning processes. The Department of Education is now taking forward what is probably the largest capital programme outside DRD. Over this time, despite the difficult financial constraints that we are working under, I made the decision that, while we may live in difficult times, we do not live in impossible times. It is only right and proper that we continue to progress capital announcements and that my officials and the relevant planning authorities work through the required stages to make that a reality.

The Member will be aware that I have often stood in the House and remarked on the red tape that we politicians wrap ourselves in when it comes to spending public money. The timescales and detail involved in business cases and economic appraisals are, in my humble opinion, restrictive. They go beyond what is required in protecting public finances and are in danger of delaying — in some cases, stopping — significant investment from the public purse back into the economy.

You said that only one of the 18 projects announced in June is complete. Several, however, are now on-site, with construction taking place and construction workers gainfully employed in building those schools. I assure you that the delight on the faces of the principals, boards of governors and pupils is real.

I have continued to refine the protocol that I have announced today because we recognise that, to announce a school and get it on site in reasonable time, there has to be a number of definitive things about the school, such as the pupil intake, its place in area planning, whether there are any outstanding development proposals etc. We have introduced that into today's protocol to try to advance things.

11.45 am

The Member is aware that I made an announcement about Devenish College, I believe, in January 2013. It is going through processes towards getting a newbuild. Devenish College will have a newbuild because of the decisions that I made in January 2013. Progress is being made on delivering that newbuild, and that newbuild will happen.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the statement from the Minister. Indeed, like most Members, I welcome the announcement for specific schools in my constituency, such as Drumlins Integrated Primary School in Ballynahinch and, of course, Iveagh Primary School in Rathfriland. To what extent is the Minister able to use his capital budget to meet social need and, indeed, help tackle the effects of social deprivation on the learning process?

Mr O'Dowd: I also welcome the moving ahead of Drumlins. It has been delayed for a significant number of years and that has been down to site identity. That is one of the problems that has caused delays in the past and one of the things that I hope this protocol will iron out moving forward, so that, when a school is announced, it is built within a reasonable period.

I have made a conscious decision on this occasion to include social clauses in my announcement on newbuilds. It is only right and proper that, if we have identified and are tackling social disadvantage through our common funding formula, we also enhance provision of facilities for communities that are facing significant levels of social deprivation. I have included scoring for free school meals entitlement in the protocol and have also included a score for special educational needs, because I believe that those in the greatest need require the greatest intervention from the state, and if we want to see a change in the pattern of social disadvantage in years to come, we have to invest to do so.

Mr Rogers: Thanks to the Minister for his statement. I, too, acknowledge the newbuilds for Drumlins and for Iveagh Primary School. They are needed. I also acknowledge the Minister's warning that it is not about funding a project within a particular time. Can I ask about school enhancement projects? There are about 51 projects, and they come to somewhere over £100 million. Given that you do not know what your capital budget will be beyond March 2015, how many projects do you expect to move on in that initial tranche?

Mr O'Dowd: All those projects have been announced to move on to economic appraisal stage, and that stage will identify the next steps involved. I have announced them on the basis that it is my intention that they all move forward if they pass through economic appraisal stage. I, as Minister, as is the case with any other Minister — I listened to Mr Farry's contribution during questions on his statement — have to forecast ahead into a time when budgets are not confirmed, but I can safely say that the Department of Education will have a capital budget. We can either be like a rabbit in the headlights and become stunned by the fact that we do not know exactly what will happen after 2015-16 or we can plan with the intelligence we have to move forward. I also base my plans on other commentary. The coalition Government are on record saying that they will invest in capital and that they see capital as one way of restimulating the economy. If that is the case and those indications continue, I want to make sure that the Department of Education has shovel-ready projects to move forward and to capitalise on any of that funding that comes forward.

Mr Kinahan: I, too, welcome the statement. I always welcome any capital funding that goes to any schools, and I am particularly happy to see that we will get a shared education announcement shortly. I have two concerns, other than the obvious one of area planning. The Minister says that the protocol will take account of the numbers of pupils with special needs, yet every indication from schools is that there are masses of children with special needs who have yet to be assessed. Do we really know what the numbers are? Do we have a thorough way of making sure that we know that number so that we are putting the finance there for them?

Also — this is not quite on the right subject — what about the shortfall of £11 million or £12 million for the library boards that seems to be there for the future?

Mr O'Dowd: I can make assessments only on those children on the SEN register, and we are working diligently to ensure that timescales for assessment are reduced. The Member will be aware that I hope to bring legislation in relation to SEN to the Assembly in this calendar year to improve that situation.

In relation to funding for the education and library boards, the Member will also be aware that I have made a significant bid to the June monitoring round to cover the increased costs that our boards are facing in relation to SEN.

Mr Lunn: I also welcome the statement; there is a lot of good news in it. I refer the Minister to the paragraph where he says that he is aware of his:

"Statutory Duties in respect of Integrated and Irish Medium Schools."

He says that he has factored those duties into the sustainability gateway:

"by assessing recent enrolment trends to identify cases where enrolments are increasing".

Can the Minister clarify how that differs from his assessment of any other type of school?

Mr O'Dowd: We have a sustainable schools policy with enrolment trends contained in it. You can take a number of readings of that sustainable schools policy. I am taking a reading of it from the positive element, that the Irish-medium and integrated sectors should be facilitated and promoted, and to do that, at times, you have to provide them with a newbuild. So it is read in a different way from other sectors; it is read through a more positive prism than perhaps would have been the case in the past. I continue to review the protocol to reassure myself that it fully reflects our statutory duties. So the protocol may be open to change in future for that very purpose.

Mr Craig: I also welcome the funding announcements; they are good news for those schools that have received them. As the Minister well knows, I have been championing the cause of Dromore High School. Thirty-three years ago, when I left that school, it needed a newbuild. It was a school built for 500 pupils; there are now 940 in it. We have jumped through major hoops around planning and the identification of a new site. Will the Minister confirm that, to get one of these "shovel-ready" schools, to use his terminology, he will fund the purchase of the site this year?

Mr O'Dowd: Just to confirm: there is no question that Dromore High School needs a newbuild. Unfortunately, I do not have the finances available at this time to announce newbuilds for all the schools that I would have liked. In relation to Dromore High School, I am aware of the work that elected representatives, the school and the SELB have been involved in, in the identification of sites and issues around planning permission. I understand that the board has prepared a business case for my Department. That is being scrutinised with the mindset that we wish to purchase the land. If

the business case stacks up, we will move ahead and purchase that land for an announcement at a later stage of a newbuild for Dromore High School. So, in many ways, the first stage will be crossed — the purchase of the land — then we have to move towards a build.

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the statement that the Minister has brought to the House. It goes some way to mention the maintenance backlog. What is his Department doing to address and prioritise the much-needed maintenance work for schools so that they can operate and open their doors come September, particularly those schools that have been given the green light to amalgamate? In my area, there are two primary schools of single-gender identity and, if they do not get the funding that they need for their maintenance, they will not function come September.

Mr O'Dowd: I thank the Member for the question. As I said in the opening paragraphs of my statement, we have a significant backlog of maintenance in the schools estate: somewhere in the region of £250 million, if not more. Over this last number of years, there has also been significant investment in maintenance projects across the estate. For instance, last year, we spent over £50 million on maintenance. That is unprecedented in recent years. We will spend £17 million this year. I have also made a bid to the monitoring rounds for maintenance programmes and, in fairness, even to, in previous times, the Executive. When we made interventions to stimulate the economy, I secured money for maintenance during those programmes. So I am open to funding maintenance and, in fairness to my Executive colleagues, so are they.

I suspect that the scenario that the Member paints for me may fall under minor works. However, if the Member wishes to write to me with details of the case involved, I will look at it more closely to reassure myself that all measures have been taken to progress the amalgamation of those schools. There is quite a healthy minor works budget available, as well. In recent years, we have spent significant amounts of public money on minor works improving our schools estate. However, if the Member writes to me, I will take a look at that case.

Mr Wells: As the Minister knows, undertakings have been given for a new school at Down High. A very appropriate site was selected and planning approval given. It now appears that

his Department is trying to point the school in the direction of a site on the Ardglass Road in Downpatrick — a site that he and his officials know is totally inappropriate and inconvenient, would lead to huge traffic congestion and would force 90% of the pupils who attend Down High to travel across Downpatrick to access education.

Mr Speaker: Apart from all that, can we have a question?

Mr Wells: Will the Minister accept from me that he has placed a totally unrealistic expectation upon the board of governors of Down High School?

Mr O'Dowd: Will the Member accept from me that I have not placed any restrictions on the board of governors of Down High School? It goes back to one of the points that I raised with Mr Storey. We as politicians have wrapped ourselves in red tape. It is very difficult to spend public funds when you are encased in red tape. The example of Down High School is a very good one. Down High School requires a newbuild and seeks to have that newbuild on its current site. However, under the rules for economic appraisal and the spending of public moneys, there is a duty upon my Department and my officials to look at all options in the area to see which is best value for money for the public purse. You can measure it through that simple prism — which is best value? — and end up with site a, b or c.

I am also aware that my officials are taking into consideration comments from local elected representatives and the school around the requirement for the school to be built on its current site for a number of the reasons that you have outlined. I cannot intervene in that process. Let the economic appraisal process take its course. The school has made its voice heard on the matter, as have local representatives. If there is any relevant evidence, such as you have pointed out today, in relation to traffic congestion in the town, then, in my opinion, that has to be taken into account before a final decision is made on the site for Down High School.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire, agus cuirim fáilte roimh an ráiteas seo ar maidin. I welcome the statement this morning and I am sure that the construction industry will welcome it. It will be a stimulus to an industry that has been under pressure for a number of years. Will the Minister tell us what it will mean

to the construction industry in finance going into the industry and the number of jobs created?

Mr O'Dowd: Go raibh maith agat. Gabhaim buíochas leis an Chomhalta as a cheist. A recent report carried out by the construction industry suggests that every pound announced for capital investment stimulates a further £2.80 in the economy through stimulus in the construction industry. My primary objective is to build new schools for our pupils, parents and communities, but I am acutely aware that the announcement will also be welcomed by the construction industry. There has been a major step up in the number of schools now under construction, which has been welcomed by the construction industry. I have no doubt that the industry will welcome the fact that we are planning into the future for further builds. Having spoken to a number of construction workers and developers on the sites, I can assure you that they welcome it. The construction industry has been through a very lean period, but it now sees a step change, particularly from my Department, in relation to investing in capital programmes.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas cuimsitheach. I thank the Minister for covering a wide range of things there. Yes, the construction industry does appreciate the investment, but it would like to see a lot more happening a lot quicker in the process. I pay particular tribute to the enhancement projects and some of the officials, one of whom I see here, who has been particularly helpful in delivering practical measures on the ground.

Holy Family Primary School in Magherafelt in my constituency has been told repeatedly that it is at the top of the list and is a priority for the Council for Catholic Maintained Schools (CCMS) and the Department, yet today it still feels deeply let down. Can the Minister give any reassurance as to when, in the immediate future and not years away, that scheme will go ahead and whether his Department accepts that the school is a priority?

12.00 noon

Mr O'Dowd: Gabhaim buíochas leis an Chomhalta as a cheist. I thank the Member for his question and for his kind comments about my officials, who are carrying out significant work on capital investment. I am sure that they will appreciate his comments.

I am acutely aware of the case of Holy Family Primary School, and there is no question that it

requires being rebuilt. I cannot commit to a newbuild at this time because I would be giving the Member a false promise. I could stand here today and announce 100 schools and tell all who ask me that I will build them a new school, but I know that it is not going to happen in a reasonable period. What I have tried to do is manage expectations, manage my budget and manage the workload of my Department, the CCMS and the boards that have to follow through on the investment.

I have put a protocol in place that I believe is fair, open and transparent, and I have scored schools against that. As I said in my statement, the fact that a school has not been announced today or perhaps did not score as highly as it expected does not mean that it will not be announced at a later stage. I have no doubt that there will be significant disappointment that that project has not been announced. I can only commit to telling the school that I am doing my best for it and other schools to move projects forward.

Mrs Dobson: I also thank the Minister for his statement and welcome the update and funding announcements for schools. However, will he explain why he has failed to bring forward major capital projects for Lurgan College and Portadown College and, crucially, the Lurgan campus of Craigavon Senior High School, all of which he has been so long aware of?

Mr O'Dowd: I appear to have been aware of it longer than you have been, because I am the one who had to remind you that it was in a dire state. I am glad that the message has finally got through.

Lurgan is a classic example of why we require area planning to work and the needs of the entire school area to be taken into account rather than those of one or two schools in an area. To date, the debate among many in the Lurgan area has been about the needs of one or two schools rather than those of all the schools in the controlled sector. I hope that we get to the stage at which we have a debate, a discussion and a decision about the needs of the entire controlled sector in Lurgan. Then, I assure you, I will commit to following that up with capital investment.

Mr Buchanan: In his statement, the Minister makes much about the outworking of the area planning process. Indeed, he said that all projects would be considered in the context of the area plan and that one of the gateway checks for newbuilds is that "there are no area-planning uncertainties". Given that there are no

area plans for the primary sector, how does he marry that with the eight newbuilds announced today?

Mr O'Dowd: There have been draft area plans for the primary sector for a significant period. I understand that the education and library boards are to publish the next iteration of those plans on their websites, if not in the coming days or weeks, in the very near future.

Mr McAleer: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the announcements made here today, not just for the eight primary schools and seven post-primary schools on the list but for what it means for the local construction industry.

From a local perspective, I particularly welcome the fact that Gaelscoil na gCrann is on the list. I have a special interest there, as my children attend the school. It is an excellent learning environment. This is a great end to the year for the school, which has recently won the all-Ireland drama championship.

Mr Speaker: I am sure that all of that is important —

Mr McAleer: I am coming to my question.

Mr Speaker: — but let us have the question.

Mr McAleer: I am glad that the Department is fulfilling its statutory responsibilities in respect of Irish-medium education. What message does the Minister think that sends out to other gaelscoileanna and to the Irish-medium sector in general?

Mr O'Dowd: I welcome the fact that the Member is in the good books with his children on the newbuild at Gaelscoil na gCrann. It is a flourishing Irish-medium bunscoil or primary school. It requires investment, and that is why it has scored the way it has and why I am moving forward with the newbuild.

The message that is sent out today is that we will continue to invest in the Irish-medium and integrated sectors. We will live up to our statutory obligations on that matter. As I said to Mr Lunn, I am committed to continuing to review the protocol to satisfy myself that we live up to those obligations to the Irish-medium and integrated sectors and to ensure that capital and other investment flows into those sectors to give them a sound foundation in the education system.

Gaelscoil na gCrann has flourished in its temporary accommodation. It has done so because it has strong leadership, a strong board of governors, dedicated teaching and non-teaching staff and a community that is involved in the school. Therefore, I welcome the opportunity today to invest in it.

Mr Dallat: I also thank the Minister for his statement. I understand fully his cash-strapped condition. It tells us that teachers who were due for redundancy cannot have it.

Two top secondary schools in my area — St Paul's College and St Mary's College — have statutory notices that they are to close on 31 August 2015 to be replaced by one school, but there is no indication of the new school. Are those two excellent schools to be left to wither on the vine while the Minister continues to plead poverty?

Mr O'Dowd: Mr Dallat never rises to speak unless he has his press release in mind. I can see the headline in the 'Coleraine Times' now: "Dallat challenges Minister". The Minister is not pleading anything. Since coming into office, the Minister has been to the fore in saying that the Department of Education's budget does not suffice, neither in resource nor capital. There is simply not enough money to meet the needs of our education system.

I am limited in what I can say about the proposals the Member refers to. If development proposals have been published, due process will take place. I will make a decision on them in due course. As I have said, protocols have been introduced to ensure that, when all area planning issues and development proposals have been dealt with, you then make an announcement on a newbuild and the way forward. If those processes are complete for those schools, they will be taken into due consideration for any future capital announcement.

Mr Beggs: I thank the Minister for his statement. Having raised issues regarding Woodburn Primary School, I am particularly pleased that the Minister has recognised that need and included that school on the list and that he has accommodated a newbuild for the amalgamation of Monkstown Community School and Newtownabbey Community High School. Given the strong business case, can he confirm that the newbuild will be on the Monkstown site? Will the Minister advise on why a newbuild has not been included for Islandmagee, given the strong number of pupils at schools in that area, which meets the

threshold; the need that is there; and the fact that investment has already occurred in a new site and outline planning permission has been approved?

Mr O'Dowd: I believe that I made an announcement on Islandmagee in January 2013 after consultation with the board. The board has since come back and changed its plans for the area. That is why there are delays.

Where the newbuild will be for Newtownabbey Community High School and Monkstown Community School will be a decision for the economic appraisal process. It will be something similar to what Mr Wells raised with me. Let the processes continue; let the economic appraisal identify sites; and allow the school, the community and elected representatives to make cases for where, they believe, the new site should be.

Mr Byrne: I welcome the statement by the Minister. In relation to the constraints among some stakeholders about design, planning and procurement, can the Minister enlighten us as to what the difficulties are?

I welcome the announcement on Gaelscoil na gCrann. What is the current situation regarding the replacement or newbuild for the Dean Maguirc College in Carrickmore, where people have been waiting a long time for a green light?

Mr O'Dowd: Dean Maguirc College is on a list of many schools that require a newbuild. The fact that I have not announced it today does not mean that it will not get a newbuild in the future.

I did not catch all of the start of your question — I apologise; there was some noise in the background — but I believe that it was about the challenges that we face with procurement, design etc. When you bring forward a multimillion-pound project, you have to progress that by assuring yourself that it is best value for the public purse and that all options have been explored. An economic appraisal can take upwards of a year, and then you move into the design stage. If the project is worth over £5 million, you have to go through the European Journal and ensure that it is in line with all sorts of things. You then go through planning. You then run into problems with bats, badgers and all sorts of wildlife, as well as foliage. You have to deal with all those unexpected matters that come at you during a building programme. Hopefully, you then get to the stage at which you put a contractor on-site. Thus far, none of the projects has run as smoothly as anyone

would have hoped for, but, when you take into consideration the scale of the investment that we are making, it is to be expected that we will run into problems.

In my Department, we have made structural changes to how we deliver capital and have invested in the boards and the CCMS for the delivery of capital, all of which is now starting to pay dividends. We made changes to the protocol because of past experiences, and all that will continue to pay dividends into the future. I remind the Member that we are now delivering one of the Executive's biggest capital programmes, if not the biggest. DRD is perhaps delivering a bigger programme in finance terms, but DE is delivering the largest number of capital projects.

Mr Elliott: I am almost reluctant to welcome the Minister's statement because he may say at a later date, "You welcomed that", but I obviously welcome the capital builds that he has announced for these schools.

I have one query about Enniskillen Model Primary School. He will be aware that this has been going on since 2003. It got to the point of almost being given the go-ahead, but some blockages got in the way. I am looking for an update on that.

Mr O'Dowd: I believe that there are issues with numbers and some design heritage matters with the old school, but I will follow up on that in writing to give the Member the full details.

Mr Agnew: Any investment in schools is to be welcomed, but it would be remiss of me if I did not express my disappointment that there has been no investment in schools in north Down, where there is great need.

The Minister set out the criteria against which he judges a school's application. What level of transparency can schools and, indeed, MLAs expect on the scoring of schools, so that schools can ascertain whether they are close and how close they are?

Mr O'Dowd: The document was published on the DE website today, and it gives all the information on how the protocol was run. Any requests from schools for information will be honoured. Nothing can be hidden; under freedom of information, I would have to release it anyway. I have no difficulty with being open and transparent about the process.

Mr Givan: The Minister will know about the disappointment felt amongst my constituents in

Dromore, given the extensive work to move the project forward. Indeed, there is some confusion about why the board prioritised the scheme, and yet the Department has not announced funding for it today. Will the Minister explain why that is? Has he revised the needs model to meet the obligations under article 64 of the 1989 order and what he calls the positive prism, which Members on this side of the House call discrimination against the controlled sector? Is there a reason why some of the schools in the controlled sector did not get funding today?

Mr O'Dowd: I am glad that you went on to clarify your position. I thought that you had changed your position from last week, when you voted against article 64, but you are still on the same page as you were last week, although you are not on the page that you were on the week before that. You might change your position by this stage next week. *[Interruption.]*

Mr Speaker: Order. Allow the Minister to answer.

Mr O'Dowd: I will do my best to keep up with your position, but apologies if I slip now and again.

Significant work has been carried out on the Dromore project, and I recognise the disappointment that Dromore High School will face today. However, if the business case stacks up, we are committed to buying the site.

That is a significant step forward, and it will increase its accessibility through the protocol as a school that has no significant barriers in its way to moving towards a build. When we run our next capital announcement, if things stay the way they are, I would expect that school to score very highly and come through the process.

I am not involved in discrimination against any sector. The legislation states that I have to positively discriminate in relation to Irish-medium and to the integrated sector, and I make no apologies for that.

12.15 pm

Mr Speaker: Order, Members. That concludes questions on the ministerial statement. I ask the House to take its ease as we wait for the Health Minister.

Mr Campbell: On a point of order, Mr Speaker, in relation to yesterday's questions for oral answer to the Education Minister and today's

statement. Yesterday, the Minister launched what, I presume, was a pre-emptive strike about today's statement and alluded to the capital build projects coming to a total of £180 million. Today, in the statement, he said that they would come to £170 million. In terms of him misleading the House, can you check Hansard and return to us at a future point?

Mr Speaker: I hear the Member's point of order. All Members need to be careful when accusing Ministers of misleading the House. Let me read Hansard and come back to the Member.

Mr O'Dowd: On a point of order, Mr Speaker. I am happy to clarify. Following Question Time in the House yesterday, a legal matter arose that I do not have privilege to go into detail on, but that will explain some of the concern that Mr Campbell has expressed. *[Interruption.]*

Mr Speaker: Order. The Minister has clarified his position. Let us move on.

Mr Storey: On a point of order, Mr Speaker. In the light of the fact that the Minister has concealed information from the House, will the Speaker further pursue the issue and ask the Education Minister to ensure that the reasons why there has been a difference in the two statements will be conveyed to me as Chair of the Education Committee and to the House, which holds the Minister to account?

Mr Speaker: Order. I am sure that the Minister will clarify his position some time later. Let us move on.

Making Life Better 2013-2023: Strategic Framework for Public Health

Mr Poots (The Minister of Health, Social Services and Public Safety): With your permission, Mr Speaker, I wish to make a statement on the publication of the new strategic framework for public health 'Making Life Better 2013-2023'. The framework will provide strategic direction for reinvigorated action to achieve better health and well-being for everyone and to reduce inequalities in health. It has been informed by a number of key reports and bodies of evidence including 'Fair Society, Healthy Lives', the Marmot review of health inequalities in England; Health 2020, the European policy framework and strategy for health; the consultation response to the draft framework 'Fit and Well: Changing Lives 2012-2020'; and a report on health inequalities by the

Health Committee. It has also been developed through cross-departmental and cross-sectoral engagement. In addition, feedback from colleagues in the World Health Organization has confirmed its alignment with Health 2020.

In relation to population health generally, we have made progress. We are living longer than previous generations, and we are keeping healthy and active for longer. This is good news. However, we also know that we continue to face real challenges. Good health is not evenly distributed. Some vulnerable groups and communities, including those living in deprived areas, continue to face worse health outcomes than the Northern Ireland average. We have a growing and ageing population, with the prospect that many more people may live longer with chronic conditions. This leads to ever-increasing demands on the health and social care system. It is vital not only for the future sustainability of our health care system but for our vision of a vibrant, flourishing society that we rise to these challenges. However, the health service alone cannot do this alone.

Health is an outcome of a whole range of influences on everyday life and the accumulation of those influences over the life course from the very early stages through to later years. This includes community, social and environmental conditions, which are in turn influenced by wider circumstances. It is clear that many inequalities in health arise because of inequalities in the conditions of daily life. Population health also impacts on other societal outcomes. For example, we stand a better chance of achieving economic growth through improved health and a productive workforce. Working together to secure improvement in the health of the population, especially if targeted at those most in need and with most to gain, is the right thing to do and an essential priority if we are to limit the growth in the cost of avoidable ill health to our society and economy.

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

The Programme for Government acknowledges the interrelationship between health, disadvantage, inequality, the social and physical environment and longer-term economic growth. 'Making Life Better' is, therefore, a building block towards the achievement of a number of the priorities identified in the PFG and, in turn, is affected by the achievement of other Programme for Government commitments.

'Making Life Better' is a 10-year overarching framework designed to provide strategic direction for policies and actions to improve

health and well-being and address inequalities in health. It aims to create conditions that are supportive of good health and in which people are enabled and supported in achieving their full health and well-being potential. To achieve that, it is not just about action at government level, important though that is; it will require strengthened collaboration and partnership work at all levels of society to address the issues influencing the health and well-being of individuals, families and communities.

Based on learning from the previous strategy, Investing for Health, and on international evidence, including the recommendations of Health 2020, the new public health strategic framework will take a whole-system approach to improving health. It recognises the need to collaborate around the wider societal influences that impact on health, such as education and literacy, employment and working conditions, income and housing.

I recognise that DHSSPS needs to continue to build strategic alliances across all parts of government in tackling many of the public health issues and inequalities that we face. The ministerial group on public health has been the focal point for such work under the Investing for Health agenda. Connections with the public health agenda are also made through a wide range of interdepartmental groups on issues such as Delivering Social Change, employment, neighbourhood renewal, fuel poverty and rural issues. Beyond Departments, local government and the voluntary and community sectors have been and will continue to be key partners in delivering the framework. The reform of local government presents an opportunity to strengthen collaboration with councils, particularly on addressing health inequalities. The Public Health Agency (PHA) is working closely with local government to ensure that public health remains firmly on its agenda during and beyond the process. Many other organisations, including trade unions, professional bodies, advocacy and philanthropic organisations and funding bodies, and organisations in the private sector, make important contributions to public health, and we need to make and maintain effective links with them.

The framework sets out implementation and governance arrangements that will ensure a strong strategic lead at ministerial level and secure a joined-up approach across Departments. We have agreed that a ministerial committee for public health will be supported and informed by an officials' group from all Departments. It is important that we provide a visible signal to the public at large of a

commitment to strategic and coherent leadership at government level in relation to the health and well-being of our population. A regional project board led by the Public Health Agency will drive delivery at regional level in collaboration with other key stakeholders, including local government and the community and voluntary sector. At local level, partnerships will align with community planning arrangements over time. We recognise that those groups also need to make effective links with other strategic groups, such as the Children and Young People's Partnership. Clear lines of communication between the levels of the system will be required, and processes will be developed to ensure effective communication and support arrangements within that overall structure.

The issues to be addressed in the framework are wide-ranging, so we have adopted a thematic approach. The actions committed to in the framework are grouped around six themes that reflect a life-course approach and a focus on the wider factors influencing health. Within each of those themes, there are particular outcomes that lend themselves to a cross-sectoral or thematic approach across Departments and organisations. I have already described the need for joint working across government to address the wider structural, economic, environmental and social conditions impacting on health at population level. That is recognised in the theme on creating the conditions.

The proposal to make a priority of giving every child the best start in life was supported strongly in the consultation on Fit and Well. It is retained as a key theme, with a strong emphasis on empowering and supporting parents. National and international findings in relation to early years and the importance of parenting have reinforced the need for a specific emphasis on positive early years experiences as the foundation for realising the potential of children and young people and the best route out of poverty.

On top of what already is being spent through mainstream programmes by several Departments, including mine and the Department of Education, the £5 million funding from the OFMDFM Delivering Social Change framework to deliver increased direct family support and support for parents strengthens our capacity to intervene early in children's lives. Making Life Better will promote a collaborative approach to bring about the incremental development of universal and targeted programmes to include antenatal and postnatal care and parenting programmes.

A further example of the commitment to early years intervention is the establishment of a cross-departmental early intervention transformation programme, with contributions from the Delivering Social Change programme, Atlantic Philanthropies and a collective of Departments: DE, DEL, DOJ, DSD and DHSSPS. DHSSPS will lead on the implementation of the programme. Within the framework, there is also a focus on supporting individuals' transitions into and through adulthood and older age, highlighting the need to work together, for example, to provide the skills and support for employment and lifelong participation in society, and to enable older people to maintain active independent lives, fully engaged in society and their local communities.

A further focus is to empower people of all ages to identify the risks to their health, choose healthy behaviours and make informed decisions about their health. As well as being taken forward through health promotion strategies, this is about an increased emphasis on improving health literacy, providing accessible and tailored advice and information, and embedding prevention across Health and Social Care services. Legislation has been an effective mechanism to secure health improvements, for example, in relation to tobacco and road safety.

Importantly, there is emphasis, too, on building social capital — the links that connect people within communities, which can promote resilience against difficulties and give people a feeling of control over their lives. It is also protective of health. We want to see thriving, united communities. That can be achieved only through a societal approach in full partnership with local communities to build on the assets we have in our communities, and to work in partnership with local government and other key agencies to address community issues.

The theme of developing collaboration identifies strategic and local actions to enhance collaboration, such as through the governance and implementation arrangements to ensure that health and health equity are considered coherently across ministerial and departmental policy in a health-in-all-policies approach. As I said, we need action at local level as well. Three issues are identified on which we are seeking to generate a collaborative response from local level up. They relate to food, the use of space and the promotion of social inclusion. The use of physical space is one example where collaboration for public health is needed. Many reports identify how the quality of the

natural and built environment impacts on physical and mental well-being. The promotion of active travel, age friendly towns and cities, access to green spaces and to local services and the general appearance of our neighbourhoods are issues to which many sectors can contribute. There is scope for creative solutions to address the many factors that influence health and health inequalities through better use of space, from local neighbourhoods up to strategic regional initiatives.

As an overarching principle, the framework recognises that addressing inequalities in health is not just a question of targeting the most disadvantaged in our society. There are differences in health status right across the social spectrum. Therefore, action needs to be taken right across the whole population, but with varying degrees of intensity according to need. That is what the Marmot review calls "proportionate universalism". The principle applies to many of the factors that influence our health. The framework identifies some groups for which targeted action is needed, but it also recognises that decisions about targeted action should be taken at local level, depending on the health issue being addressed, local circumstances and need.

Funding from across local government is already committed to supporting the strategic actions identified in the framework. For my part, I am continuing to progress the PFG commitment to increase the percentage of the overall health budget being directed to public health. Not only will that support the framework in its aim of improving the health of the population and reducing inequalities, but the shift to prevention and early interventions is crucial to the sustainability of the health service. Taking a whole-systems approach, I am alert to the opportunities to identify other funding sources, be they other Departments, philanthropic organisations or European funding sources. I am also alert to exploring opportunities to pool resources where appropriate so that we optimise the public health benefits of spend from every source.

12.30 pm

In conclusion, changes in population health and in health inequalities are a long-term goal. For example, it will take at least a generation before we reap the benefits of our concerted efforts on early childhood development and support for parenting. The capacity and efficiency of health and social care systems undoubtedly also has a key role to play in keeping people well. It is vital that public health and well-being be placed

at the centre of our healthcare systems, with increased emphasis on prevention and early intervention and on addressing health inequalities. That is what Transforming Your Care (TYC) and this framework, Making Life Better, seek to reinforce. However, the health system on its own cannot tackle the root causes of poor health and well-being. We must also look beyond health to a societal approach, requiring national leadership, strategic and local alliances and coherent collective and individual participation and action.

I thank ministerial colleagues for their support and cooperation in formulating the framework and look forward to working together to take it forward. I also thank the Health Committee, whose inquiry report on health inequalities has helped shape the new framework. It is vital that politicians, policymakers, health professionals, local government, other agencies and the public at large be aware of the impact on health and well-being of the economy and of the social and physical conditions in which we live and age so that, collectively, we can participate in making progress towards a healthier, more prosperous society. That is what Making Life Better strives to do, and I call on you all for your support.

Mr Deputy Speaker: I advise Members that we will continue with questions to the Minister during what is normally the lunch break. I also have to tell Members that the Business Committee is meeting in parallel at 12:30 pm.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement and welcome it. I think that it is a step in the right direction of developing cross-departmental priorities on public health and an outcome framework.

Given the high levels of health inequalities that exist, can the Minister explain how the whole-system approach will effectively target and eradicate the problem? Will he also explain the roll-out of the £30 million early intervention fund and tell us whether the shift to public health aligned under TYC will mean that more money will be going to public health?

Mr Poots: The fact that we meet as Ministers and representatives across Departments on the ministerial group is a demonstration that we are committed to a whole-system approach at Executive level. I find those meetings very useful because I hear all the time about things that different people are doing in different Departments. When we refer to the whole-

system approach, it is good that we include local government, the voluntary sector, the lobby groups and, indeed, the business sector. I have had meetings with various businesses that, for example, organise for some of the cancer organisations to come in and carry out work on-site. So where you have 500 people employed on one site, you can get the Action Cancer Big Bus to come there. You can get other organisations to come in. A lot of companies are involved in doing pound-for-pound weight loss so they will sponsor people who are engaged in weight-loss programmes. We have good support from the business sector as well as from the wider voluntary and community sector and other aspects of government, and that is what it is all about.

We in the Department of Health will respond to people's healthcare needs. People can proactively avoid using the Department of Health and health services so much by taking actions. We can work together to ensure that more people take those actions. That is what the whole-system approach is about.

I welcome the £30 million of additional money that is coming in. We will target a lot of that towards the early intervention transformation programme. That will lead to investment in young children that will hopefully deliver better outcomes and truly challenge inequalities. We have children who are being brought up in circumstances that will almost inevitably lead to them not doing as well in life as others. If we can intervene to provide a greater level of support to those children, we will give them a much greater opportunity and ensure that they have an equal chance in life to the rest. That is something that I wholly support.

Mr Wells: The Minister has frequently highlighted the problem of obesity and the impact it is going to have on the health service in years to come. Will he outline what action the strategy will take to deal with that very important issue?

Mr Poots: Obviously, obesity causes a huge challenge to all of us. Sadly, around 25% of children aged two to 10 are classified as being either overweight or obese. Unfortunately, many of those children will never lose that. It is something that they will have all their life. I think that tackling obesity needs to be started from the earliest days, encouraging parents to manage their children's diets better, ensuring that more exercise is taken and so forth. Some 62% of adults were classified as either overweight or obese. A quarter of adults were obese, with a further two fifths classified as overweight. Males are more likely than females

to be overweight, so that is a message to all of us gentlemen.

Obesity causes all sorts of problems. It is a major issue for diabetes and cardiovascular disease. Its consequences are that many more people end up having to give up work early, and many more people end up reliant on the health service and on benefits because they have not taken enough control of their weight. So, again, the public health agenda is critical to ensuring that we have a healthier population. I referred to the businesses that are doing the pound-for-pound scheme. It is an absolutely brilliant scheme. One of them, I think, is in your area — B/E Aerospace actively engages with its workforce. Business in the Community has been driving that. I encourage more businesses to get involved in ensuring that they have a healthier workforce because, while they invest in all of that training and so forth, it is good to ensure that they will have their workforce there for a long time and have fewer problems with sickness.

Mr Rogers: Thanks to the Minister for his statement, which I welcome. I also welcome your commitment to tackling health inequality. Given that the health service alone cannot address inequality, can you outline a strategic action plan for the proposed ministerial committee of public health?

Mr Poots: I referred to the early intervention transformation programme. We also have Delivering Social Change. Both of those programmes are particularly important to us because they will ensure that we make a difference to people who are in areas of deprivation and perhaps have less opportunity. Obviously, people need to engage themselves. We cannot force people to participate, but, for example, we have directed £3 million for direct family support through the establishment of the 10 family support hubs to coordinate that early intervention service. We have directed a further £2 million for support for parents, which will provide additional high-quality support to new and existing parents living in areas of deprivation. On top of what is already being spent through mainstream programmes by several Departments, including mine and the Department of Education, the £5 million funding from OFMDFM's Delivering Social Change framework to deliver increased direct family support and support for parents strengthens our capacity to intervene early in children's lives. I think that that is the one that will make the big difference.

For some people, it will be much more difficult to change, but I think that, if you get in there at

the early point with young children, provide that support and help and help them to make the right choices in life, we will reap a significant dividend in a generation to come. So it is a long-term investment, but it is well worth making.

Mr Beggs: I, too, thank the Minister for his statement. He has recognised the need for links to strategic groups such as the Children and Young People's Strategic Partnership. I welcome that recognition of the importance of supporting children and young people in improving health outcomes, along with his recognition of issues that are related, such as education, employment and others that can create health inequality if they are not addressed.

I declare an interest as the chair of the Carrickfergus locality planning group of the Children and Young People's Strategic Partnership. Does the Minister agree that the new councils, particularly with their increased planning powers, community planning role, local knowledge and contacts, will also be key players that a range of Departments, including Health, should be working closely with to bring about better outcomes by combining and making better use of departmental funding?

Mr Poots: Absolutely. The Member is 100% right. The PHA, for example, has partnered with DRD to commission the active school travel programme in the Belfast and south-eastern areas. That programme is delivered through Sustrans, and the PHA invests around £70,000 a year in it. In addition, the Belfast Strategic Partnership for Health and Wellbeing, which is led by the chief executive of Belfast City Council, the PHA and the Belfast Trust and includes representation from DRD, is exploring ways to make Belfast more cycle-friendly.

That is a demonstration of how it is being done in one council, but there are so many opportunities in a range of areas in which local government can engage not just with one Department but with a number of Departments. To me, that is what community planning is about. People maybe dismissed community planning in the early days when we talked about powers being transferred to councils, but it can make a real and fundamental difference if it is embraced and carried out properly. We in government need to be prepared to work closely with local government to ensure that we can truly engage in community planning and make that difference for people on the ground.

Mr McCarthy: I welcome the statement. There is a lot in it that we know about and that is already there.

There is a lot of hypocrisy going on. The Health Minister talks about health inequalities, and our Committee is investigating that. There is a glaring health inequality in that Northern Ireland, which is a part of the United Kingdom, cannot access over 39 cancer drugs. The Minister has it in his power for that to be corrected. We visited the cancer diagnostic centre last week, and it was unbelievable how

Mr Deputy Speaker: Order. I am frantically searching for the question.

Mr McCarthy: When will we see equality in Northern Ireland with what they have across the water in relation to cancer drugs?

Mr Poots: The question does not have much relevance to today's public health statement, but I will answer it in any event.

The power lies with the House and the Executive to ensure that we do this. I am committed to doing it. Those drugs are not National Institute for Health and Care Excellence (NICE) recommended and are not part of the deal that has been done with the drug companies. New drugs are coming onto the market that are NICE approved, and we are buying them. Let us be very clear: we are talking about drugs that are not NICE approved. The Prime Minister has decided to go down a particular route in England. We are buying drugs that they are not buying, but they are buying cancer drugs that we are not buying. How do we resolve that, given that there is a £160 million gap between what I have to spend and what I need to spend? Let us make it very clear: I do not have the money to buy those drugs. Others choose to spend money on welfare, for example. There is £120 million, which, if we signed up to welfare reform, would be in the Northern Ireland Budget. That would quickly deal with most of the problems that I have and give me more freedom to do things in health.

In the absence of the money, I want to charge something for prescriptions. Remember, in England, which the Member referenced, there is an £8 charge for every prescription. I want to charge something. It could mean a few pounds on the old scheme, in which only 11% of prescriptions were paid for, with a maximum cap or a charge of as little as 50p for all prescriptions, again with a maximum cap of £25

a year, for example, which would be 50p a week. I am firmly of the view that the vast majority of people in Northern Ireland want to support those with cancer and would be prepared to do that. I am firmly of that view. I need the support of the House to deliver cancer drugs, and I implore the House to give me that support to buy the cancer drugs instead of putting me in some sort of chained-up position where I cannot do it and then condemning me for not doing it. Give me the support to do it, and I will certainly buy the cancer drugs. I will buy them straight away if the House gives me the support to do it.

12.45 pm

Mrs Cameron: I thank the Minister for his statement to the House, and, indeed, I support him in his impassioned plea for the support of the House for the cancer drugs fund. What progress is being made in tackling teenage pregnancy?

Mr Poots: Teenage pregnancy has been talked about a lot over the years. I am glad to say that teenage pregnancy figures have been coming down, and that is good. It is good that we have more awareness of sexual activity, and, consequently, that is the case. In Northern Ireland in 2013, there were 937 births to teenage mothers under the age of 20, and there were 90 births to teenage mothers aged under 17. The rate in the most deprived areas is around twice the Northern Ireland average, so, obviously, there is work to be done there in education, which, again, goes back to early years and working with young people throughout school to encourage them to learn more about what comes from sexual behaviours and therefore be able to take actions to avoid unwanted pregnancies.

As I said, our rates of birth to teenage mothers have reduced, but I do not think that we can be complacent. The Public Health Agency, through the sexual health improvement network, has been asked to seek to reduce rates of teenage pregnancy further. Programmes such as the Family Nurse Partnership provide intensive support to assist young parents through those early years, so that it does not happen again very quickly and there is greater support for them. It also encourages young men to take responsibility for the children that they bring into the world. Far too often, young men bring children into the world and take nothing to do with them. That is one of the things that Family Nurse Partnership engages proactively in. It gets the young dads involved, and it is amazing to see the positive

responses that we get from the young men and the changes that it can make in their attitude. It is absolutely critical that we continue to do that.

Ms Boyle: Go raibh maith agat. I thank the Minister for the statement to the House. Minister, yesterday in the Long Gallery, you were present when we met parents and staff involved in palliative care for children. Of course, we also met little Blake, who made an impression on everybody. They were there lobbying for much-needed investment for proposals coming out of the review of palliative care for children and young people. How will the new strategy complement what is already there to increase cancer awareness and address the issues that the parents raised yesterday about palliative care for children and young people?

Mr Poots: The review of palliative care is close to my heart, and you could not help be touched by the stories that were told by the parents. Indeed, young Blake was quite a star, particularly with the ladies. He seemed to be very fond of the women, and they all seemed to be very fond of him too. He was an absolute star.

The recommendations that have been made are rational and sensible, and we need to look at how we can provide the support that is needed for them. One of them, for example, is to provide a key worker for when someone gets the awful news their child has a condition that will shorten their life and they need a lot of support. Their entire focus will be on providing support and care for the child, which often leads to the point where they are so dedicated to helping the child that they do not get the support and help that they need, and it is important that they get that. There is a lot of work to be done on that.

How that ties in with this document is quite loose. This document is about people taking the right steps to ensure that we have a healthier population. Unfortunately, many of the young people involved have been born with long-term conditions that will lead to their early passing. If there is a means of tying it up, we certainly will, but we also need to look at how we can provide the support and the funding to ensure that we can support the parents of children who have those long-term conditions and have palliative care requirements.

Mr D McIlveen: I thank the Minister for his statement. He will be aware that, when it comes to our rural communities and the promotion of health services, it can, at times, be

quite challenging to get the message into our more isolated rural areas. Can the Minister give us an indication of how his Department plans to deal with that issue specifically?

Mr Poots: Some good work has been going on. In the Member's area, the Northern Trust has done a lot of work. It has gone out to farmers' markets, for example. When you get a couple of pleasant-looking nurses, the farmers seem very keen to go in and get a check up, for whatever reason. Taking the case to the people, as opposed to expecting the people to come to it, is working. We identified issues where people had particularly high cholesterol levels, and recommendations were made immediately. We also identified mental health issues and cardiovascular disease — a whole range of issues. That work has been hugely beneficial. The Northern Trust is engaged in work on mental health as well.

I would welcome that type of activity throughout the other trusts that have a rural reach. It is important, particularly as we have quite an older population in the rural community who tend not to bother with doctors too much until it is too late. We want people to have those interventions carried out early, and, as a consequence, the outcomes will be considerably better.

Mr Deputy Speaker: That concludes questions on the statement. I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. When we return, the first item of business will be Question Time.

The sitting was suspended at 12.52 pm.

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

2.00 pm

Oral Answers to Questions

Employment and Learning

Mr Deputy Speaker: Questions 7 and 9 have been withdrawn.

Veterinary School: Coleraine

1. **Ms Sugden** asked the Minister for Employment and Learning to outline his plans to establish a veterinary school at the University of Ulster, Coleraine. (AQO 6424/11-15)

Dr Farry (The Minister for Employment and Learning): The proposal to establish a veterinary school at the Coleraine campus of the University of Ulster has been brought forward by the university. The university has the discretion to offer veterinary courses from within its existing maximum student number (MaSN) allocation and funding. However, as the university wishes to secure funding from my Department for its veterinary school, it is preparing an economic appraisal to support its proposal. The proposal may be used to bid for additional funding by my Department.

Ms Sugden: I thank the Minister for his answer. I encourage him to welcome the proposal when he receives it. Northern Ireland needs a veterinary school, and Coleraine is the best place for it. In line with his announcement today on apprenticeships, how does he envisage his Department working with local veterinary practices to supplement a higher education veterinary course, should it come?

Dr Farry: I thank the Member for the supplementary. By way of responding to some of the preliminary comments: we will give a proper, objective analysis of the economic appraisal when it comes forward. The issue of whether Northern Ireland needs a veterinary school or otherwise will be one of those that we will wish to consider. Again, we have to weigh expenditure on this against other skill requirement objectives that our economy may have.

On her comments around other aspects of this, I understand that South West College, which has featured quite a lot today so far, has been exploring opportunities in relation to supporting

issues around animal welfare. I am more than happy to ask the college director, Malachy McAleer, to get in touch with the Member to elaborate on some of those initiatives that are being undertaken.

Mr Swann: I thank the Minister for indicating that he may see the need for a veterinary school in Northern Ireland. It has been well established, even from presentations to the Employment and Learning Committee, that all parties support that. The Minister referred to the economic, I suppose, support from his Department. Will he also consider the possibility of economic support from the Department of Enterprise, Trade and Investment and the Department of Agriculture and Rural Development because the subject is veterinary science?

Dr Farry: Again, I thank the Member for the question. By way of context, it is worth stressing that investment in terms of a veterinary school is very expensive. The university is talking about having a school for about 250 students — 50 across five years. We are talking about a total cost of about £78,000 to train a vet, which is probably more expensive than any other profession that you can think of. It is important that Members are conscious of that.

As things stand, the university can go ahead with this on its existing resources, but that means a distortion. Its preferred option is for the Department to bid for additional resources. We can consider whether that bid is made by my Department or is done in conjunction with DETI and DARD, but it still has to be determined.

Mr Dallat: I have listened carefully to the Minister's response. I am sure that he is familiar with the old adage, "Eat horse, and you will get grass". Can the Minister assure us that Coleraine is not being fed another empty promise for which there is no money?

Dr Farry: First, I assure the House that I have no intention of eating horse or grass. *[Laughter.]* Obviously, the Coleraine campus is a major aspect of the University of Ulster. Indeed, we have made some capital investments in that university in very recent times, so there is ongoing support to ensure that it has modern facilities. It is for the university to allocate courses to its various campuses. I can only reiterate that I will give this a proper, objective analysis. However, at this stage, I cannot give any commitment on what will be the way forward.

Mr Campbell: My apologies for being a few moments late. The Minister is looking at the issue. Will he also establish whether the University of Ulster, at its various campuses, will look at developing specialist schools — hopefully a veterinary school will be at Coleraine, and other campuses will be able to develop — so that there is a holistic approach in a number of disciplines?

Dr Farry: We are very happy to encourage the university to go down that line, especially at postgraduate level, where that type of intervention leads to different types of institutes being set up. Also, corraling people across a range of disciplinary boundaries is a very important intervention that universities can make.

The universities have academic freedom, so it is for them to make those calls. We facilitate the broad direction of travel through our higher education strategy, which places the economy at its core. No doubt, the vice chancellor and his successor will wish to reflect on the comments and encouragement from the Member.

Welfare Reform

2. **Mr Givan** asked the Minister for Employment and Learning to outline the implications of any reductions in his departmental budget as a result of the non-implementation of welfare reform. (AQO 6425/11-15)

Dr Farry: The Executive have not taken any decisions regarding reductions in departmental budgets in respect of delays in implementing welfare reform. The Treasury is imposing penalties for the delays in implementing welfare reform locally. The Finance Minister has advised Departments to plan for resource baseline reductions in 2014-15 and has said that there may also be baseline reductions to cover welfare reform and other Executive pressures in 2015-16.

Mr Givan: I thank the Minister for his response. Is he able to outline to the House what the real impact of any reduction in his Department's budget would be for those vulnerable people who are in receipt of different benefits and support to get them into training opportunities and employment? Vulnerable people are the ones whom we are trying to help. Will there be implications if your budget is reduced as a result of not bringing forward welfare reform?

Dr Farry: I concur with the broad thrust of what the Member is saying. Let me frame the

answer in this way: there is a range of different means by which we can help people who find themselves in poverty or lacking opportunities to progress in society. It is important that we have a balance of interventions across the board. If we end up in a situation in which we are essentially paying fines to Westminster for not implementing welfare reform — a decision that is out of our hands, and, under parity, we have little choice but to go along with it — there will be implications for our ability to invest in those levers that help people get out of poverty.

Beyond the remit of my Department, we can look at things such as investing in public health, which is important to improving people's life chances, and we can talk about investing in early years education, which is also important to improving people's life chances. From my Department's perspective, we can invest in training programmes and employment schemes. Unless we invest in the employability skills and technical skills that young people need to engage with the labour market, we are condemning people to a situation in which they will be in receipt of benefits.

Too much of the current discussion is on the protection of benefits. Worthy as that is, we have to have a much more rounded discussion and understand that we have a range of mechanisms that is involved in supporting vulnerable people. If we are forced into making cutbacks to those mechanisms, we will be inadvertently condemning people to a life of poverty by taking away the ladder that would allow them to escape it.

Mr P Ramsey: Will the Minister outline the extent of the reduction to his Department's budget as a result of the Budget Bill and the effect that that will have on delivery of the services that he is responsible for?

Dr Farry: There is not actually a reduction as such in the Budget Bill, which is working its way through the House. The Bill gives effect to the Budget that was agreed by the Executive and the Assembly for the entirety of the CSR period. We all know that we are going through a discussion that is, in some ways, a little bit arbitrary and false, because we know that the issue is still looming. The issue is whether there will be cuts made in-year as part of the June monitoring round. That is where the discussions lie. It would be inappropriate for me to talk about the precise percentages and figures, given that only the Executive are privy to them at this stage. Once the figures are agreed, no doubt the Finance Minister will make them known.

It is fair to say that, across a range of Departments, some very difficult decisions will have to be taken on the back of the failure of the Executive and the Assembly to find common agreement on the way forward on welfare reform.

Mr Cree: I am sorry that I did not catch the Minister's response to the first question. Have any of his recent statements or programmes been predicated on the fact that welfare reform will be introduced?

Dr Farry: My Department is not a welfare Department. That is the responsibility of the Department for Social Development. Obviously, what happens with welfare reform does influence the wider context in which policy is made in Northern Ireland. For example, we are progressing our new employment programme, Steps 2 Success, and we hope to make announcements in that regard in the near future. That is something that we would have been addressing irrespective of welfare reform because it is a refreshment of our existing programme. Obviously, we will want to take into account the onset of universal credit and other aspects of welfare reform in how that will be implemented.

Similarly, we have an emerging strategy at Executive level around economic inactivity. That has its genesis outside welfare reform because we understand that this is a deep, structural problem within our economy that needs to be addressed. Indeed, we are the only part of the UK that is adopting an innovative approach in seeking to address that. Again, the crossover with welfare reform will have an influence on how we design the detail of that strategy and the way forward.

Apprenticeships

3. **Mr Craig** asked the Minister for Employment and Learning to outline what action his Department is taking to encourage the uptake of apprenticeships in further education colleges. (AQO 6426/11-15)

Dr Farry: Apprentices are employed through the ApprenticeshipsNI programme. My Department supports the cost of the off-the-job training required for achievement of qualifications set out in apprenticeship frameworks. Off-the-job training is delivered by further education colleges and other contracted training providers.

In addition to training, an employer receives a payment when the apprentice successfully

completes the ApprenticeshipsNI programme. The incentive ranges from £250 to £1,500, depending on the complexity and level of apprenticeship undertaken.

In January 2014, my Department published its interim report on the review of apprenticeships. Today, we published the fresh Northern Ireland strategy on apprenticeships. One of the proposals is the introduction of a central service to promote and support apprenticeship provision for employers and participants that will advertise centrally apprenticeship vacancies and provide a matching service between employers and prospective apprentices. The central service will signpost employers to approved providers of off-the-job training, including further education colleges. It will also provide advice and guidance for employers and potential apprentices on the support and training available.

Mr Craig: I thank the Minister for his complete announcement to the House on the back of this question. I declare an interest as my son is one of four apprentices appointed to BT this year.

Does the Minister agree with the concept of apprenticeships being a way for even government Departments to ensure that they have certain expertise and a minimum period of employment, such as is used by the armed forces? In some fields, like IT, Departments have great difficulty competing with the private sector.

Dr Farry: I thank the Member for his comments. Indeed, it was his question today that led us to ensure that we delivered the strategy this morning. We wish your son every success with his apprenticeship with BT, which is an excellent company with a great presence in Northern Ireland.

In the public sector, we already have a pilot private/public ICT apprenticeship at level 3. That is, in part, working through NI Direct. That is of benefit and working successfully. One of the policy commitments in the new strategy is to engage with the public sector on public sector apprenticeships. I wrote to my ministerial colleagues earlier this year and received a large number of favourable responses. We are doing detailed work with different Departments in relation to that. So, there is definitely scope for pilots in terms of professional technical aspects of the public sector in Northern Ireland. We hope to be making announcements in this regard in the near future.

Mr F McCann: I thank the Minister for his statement this afternoon, but in light of his statement this morning on apprenticeships, could he say whether further education colleges can play an important role in the creation and promotion of apprenticeships within their own field?

Dr Farry: We view the further education sector as a key delivery partner with respect to apprenticeships.

We also have private sector training providers. In particular, as we look to move the apprenticeship model up the skills ladder and offer a greater number of higher-level apprenticeships, the role of the further education colleges becomes even more critical.

2.15 pm

Further education will also offer a logical progression route for people who are on apprenticeships, including higher-level apprenticeships. In particular, I highlight the opportunity of foundation degrees. Over the past while, Members have stressed the theme of higher and further education, and we are seeking to build on that. We are also developing a further education strategy. FE Means Business goes back to 2004, so it needs to be refreshed. The new policy context for apprenticeships and a revised offer for youth training will be two key drivers that will shape the future provision of further education. The principals of the six colleges are enthusiastic about the way forward for apprenticeships and are keen to become involved and, indeed, build on their existing involvement.

Mr Nesbitt: In the Minister's announcement this morning, he talked about apprenticeships at levels 7 and 8, which are the equivalent of a master's and a doctorate. What uptake does he anticipate at those levels, and what resource and strategy will he deploy to secure the uptake?

Dr Farry: Today, we are launching the high-level policy framework for apprenticeships and making a major switch from apprenticeships being primarily offered at level 2 and level 3, with the dominance being at level 2. We have a fresh youth training offer, which will address the level 2 issue, to be published for consultation in the autumn, and our new model of apprenticeships will run from level 3 to level 8. It is very much in the hands of the sectoral partnerships to develop new apprenticeship frameworks, so we are in the hands of the business community, employers and other

organisations. We have set out the guidelines and frameworks in which we will support the decisions of those partnerships. We are already piloting apprenticeships at level 4 and are set to pilot at level 5, so good progress has been made. As we have seen in other parts of the world, it is possible for apprenticeships to be delivered at the equivalent of higher-level skills at levels 7 and 8, and we want to make sure that Northern Ireland is part of that. It is very much in the hands of the business community, however, to come forward with relevant proposals, and my Department will be more than happy to facilitate them.

B/E Aerospace

4. **Mr Wells** asked the Minister for Employment and Learning to outline the assistance his Department has given to B/E Aerospace, Kilkeel. (AQO 6427/11-15)

Dr Farry: B/E Aerospace has been an important contributor to the local economy in Kilkeel since operations commenced there in 1993. It employs 800 people in that location. Its business is the manufacture of aircraft cabin interiors, particularly seating, in which the company is an acknowledged world leader. Whilst B/E Aerospace has not sought any assistance from my Department, any request for help or advice on skills development or recruitment issues will be welcome. My Department has much to offer businesses through its wide range of programmes on, for example, management and leadership, apprenticeships and Bridge to Employment on recruitment. Many of those include attractive financial support. Advisers from the Department's skills solutions service would be happy to meet B/E Aerospace to provide further information, if that would be helpful.

Mr Wells: Is the Minister aware that 40% of all aircraft seats made in the world by value are made in Kilkeel and that, as he jets off on his first-class travels throughout the world, he will undoubtedly be sitting on one of those seats? Is he also aware that there are some doubts about the future of the aircraft factory in Kilkeel and that the company has indicated that it will be split in two into a service division and a manufacturing division?

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

Mr Wells: Will he join the Minister of Enterprise, Trade and Investment to do all that is possible to retain that employment in Kilkeel?

Dr Farry: Not only will I say that we are a world leader in the provision of aircraft seating but I will go off topic slightly and say that Northern Ireland cows are probably the most-prized cows for providing the leather for those seats. I had the pleasure of visiting one of the main leather suppliers in Scotland recently, and they commented that, because we do not have the same amount of barbed wire as they have in Scotland, Northern Ireland cows provide a far superior quality of cow skin to make the seats. So, we are world leaders in more than one way.

I am more than happy to give an assurance. I understand the Member's concerns. Clearly, B/E Aerospace is a major employer not just in Kilkeel but in Northern Ireland. It is something that we wish to retain. I appreciate people's unease about the announcements that have been made, and I am more than happy to work in conjunction with the Enterprise, Trade and Investment Minister to ensure that we can keep this in Northern Ireland. In particular, we are more than happy to contribute on the skills side of the equation.

Mr Deputy Speaker: I call Phil Flanagan to ask a question about B/E Aerospace in Kilkeel. *[Laughter.]*

Mr Flanagan: Dead on. Go raibh maith agat, a LeasCheann Comhairle. The Minister will be aware that major engineering companies like B/E Aerospace offer day opportunities for students across the North to sample what it is like to work in such an environment. Will the Minister tell the House how his Department supports such initiatives involving schools, colleges and major employers like B/E Aerospace?

Dr Farry: Obviously, the issue of engagement between companies and schools and colleges cuts across my Department and the Department of Education. Though there are examples of very good practice already, unfortunately they are few and far between. The Member will be aware that my Department and the Department of Education have launched a joint review of careers policy. Indeed, the issue of placements, how we can encourage more engagement between schools and colleges and businesses so that people can understand the opportunities that are out there for them and how we can encourage careers teachers and advisers to spend time in industry as well so that they, too, can fully understand such opportunities are all key things that we wish to build on and develop.

Magee Campus: Funding

5. **Mr Eastwood** asked the Minister for Employment and Learning why a £10m bid from the University of Ulster for a new teaching block at the Magee campus was rejected. (AQO 6428/11-15)

Dr Farry: Members will be aware of the additional capital funding available to the Executive from the UK Government under the economic pact to support specific shared housing and education projects. The Magee teaching block bid was one of those put forward by my Department and subsequently submitted by the Department of Finance and Personnel to HM Treasury for consideration under that initiative. The Magee project was not agreed by HM Treasury for inclusion in the package of shared education and housing projects. The Treasury felt that it did not meet the criteria of being a shared education project.

Mr Eastwood: It is disappointing to hear that another piece of infrastructure for Derry has been turned down by whoever has turned it down. Will the Minister recommit to what was a commitment in the One Plan, which the First Minister and deputy First Minister came to launch in the city of Derry? Will he recommit to the target of 9,400 students for Magee by 2020, given the fact that there is an ongoing consultation on the business case around that? If that business case says what we all think it will say, will the Minister recommit to that and work with his Executive colleagues to bring that about?

Dr Farry: Let me say several things to the Member. First, we are not walking away from the capital bid in relation to Magee. It did not meet the particular criteria around shared education set by the Treasury for this funding opportunity. It is still premature, in terms of formal business case approval and, indeed, planning permission, for a bid to be made during this financial year for capital funds, but I certainly intend — subject to the various approvals being in place — to make a bid at the earliest opportunity for the investment in the teaching block at Magee.

We also have made significant interventions to meet the One Plan objectives. We have 650 places delivered already in that regard. When I assumed office, there was zero funding available for expansion of the numbers of university places anywhere in Northern Ireland, and, through different means, we have managed to secure the funding to allow us to expand the number of university places.

I also have to say to the Member that, much as I share his aspiration to see Magee develop further, for me to commit at this stage to additional places at the university would be folly. In doing that, I have to baseline a commitment for at least three years, and, in practice, once you announce these places, you cannot simply turn the tap off afterwards. Until we sort out the current impasse around welfare reform and Budget uncertainty, we are in no position to make any further announcements of expansion of the university or, indeed, anything that requires a baseline commitment into the future. We have to get past the current discussions that we are having before any of these discussions can be advanced further.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for a very detailed answer. I welcome the fact that he is committed to the expansion of Magee. In relation to the points raised by Mr Eastwood, what plans have you to go back to the British Treasury to highlight the case for the shared campus at Magee and ensure that we get the money for the teaching block?

Dr Farry: Part of the issue was that there was uncertainty around the criteria for the shared education bids. We took the decision to go ahead and pitch for the Magee campus to see what would happen in that regard. One of the critical issues is the added value that will come from the project. As the Member knows, further education and higher education are already shared, so we needed to demonstrate how we were providing additional value. However, we did not get that one across the line.

There may be other opportunities from special capital programmes to bid again. Equally, there may be another capital reallocation in the Executive due to underspends in other areas that we could take advantage of. Indeed, we can bid for mainstream funding on the capital front as part of the next comprehensive spending review period. I am open to looking at all those options. There is no question in my mind that I am committed to moving ahead, subject to the approval of the economic appraisal of the Magee teaching block capital investment. At the earliest opportunity to do that we will take advantage of whatever funds may be available.

Night Classes

6. **Mr G Robinson** asked the Minister for Employment and Learning to outline the steps

his Department is taking to maximise the number of working people taking night classes. (AQO 6429/11-15)

Dr Farry: My Department is committed to widening access and promoting educational opportunities for all individuals across Northern Ireland. Further education colleges offer a variety of courses throughout their main campuses and a network of approximately 500 community outreach centres. In 2012-13 there were 130,000 part-time enrolments on regulated qualifications in the sector and 33,000 part-time enrolments for recreational courses. Those figures include people attending night classes. This is, therefore, a significant area of college activity.

Further education curriculum policy has been developed to ensure that colleges achieve an appropriate balance between provision that strengthens economic and workforce development, enhances social cohesion and advances the individual's skills and learning. My Department sets the strategic direction for the further education sector, and individual colleges are responsible for designing a curriculum offer to meet the needs of learners and employers in their area, including the delivery of night classes.

Students who require financial assistance to meet the costs associated with learning and who are undertaking accredited courses leading to regulated qualifications at FE colleges, including night classes, can apply for help through further education awards and/or college hardship funds. The support available from both those sources for eligible students is means-tested on the basis of household income and is dependent on individual circumstances. Income-based concessionary fees are also available at each college.

My Department has also supported the colleges' advertising and marketing working group to promote the full range of further education provision, including night classes, through their prospectuses, online promotions and links to NI Direct.

Mr G Robinson: Does the Minister agree that night classes can provide a cost-effective and valuable mechanism for gaining and updating qualifications that can enhance promotion and job security in areas of high unemployment such as Limavady?

Dr Farry: I agree with the Member. His comment applies not only to Limavady but across all of Northern Ireland. We stress the

importance of lifelong learning and of people constantly investing in their skills. We live in a much more volatile economic situation with a much more changeable labour market, and it is likely that people will change jobs more frequently than in the past. Therefore we want to encourage people to keep their skills as fresh as possible and to think about how they can progress their skills. The role of FE colleges is vital in that regard, whether we are talking about daytime activity or night classes.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I heard the Minister's response about people taking night classes and the funding that might be available to them. I am not specifically talking about means-tested benefits, because he has already outlined that, but does that funding apply to people who may be in part-time work and in receipt of working tax credits and other lower-income means of support?

Dr Farry: I want to be careful not to give the Member an inaccurate answer in this regard. It is best that we judge each situation on the case that is put forward to us.

If the Member has any particular cases in mind, I am happy to look at them in greater detail and see whether any eligible support is available. We need to look at an individual's circumstances in the round before we can give a definitive answer to any particular situation that arises.

2.30 pm

Mr Deputy Speaker: That is the end of the period for listed questions. We now move on to topical questions.

Belfast Metropolitan College: Property Sale

1. **Mr Nesbitt** asked the Minister for Employment and Learning for an update on the sale of the Belfast Metropolitan College-owned property in College Square East. (AQT 1321/11-15)

Dr Farry: I would love to be in a position to give the Member a fuller answer today, but that transaction, while it is very well advanced and there may well be speculation in the media, is yet to be formally concluded. Until that point, the matter must remain commercial in confidence. It would be inappropriate for me to comment any further on that. Suffice it to say

that, when the transaction has been fully cleared, an announcement can be made.

Mr Nesbitt: I thank the Minister. I suspect that we are into the area of technicalities. Perhaps he can update the House on where the moneys raised by the sale will be utilised.

Dr Farry: Obviously, it is a capital receipt. It will be reinvested back into the further education estate. No doubt, it has already been accounted for in business cases that have gone through, particularly in relation to other redevelopments that have occurred in relation to the expansion of Belfast Metropolitan College.

Apprenticeships: People with Disabilities

3. **Ms McCorley** asked the Minister for Employment and Learning to expand on his statement this morning in which he said that mechanisms would be put in place to widen access to apprenticeships for people with disabilities. (AQT 1323/11-15)

Dr Farry: I am grateful to the Member for her question. We are looking at the expansion of participation in apprenticeships. That includes the overall figure of people who take advantage of such opportunities. We also want to look at any particular barriers that exist. We have raised issues about some of the gender imbalances that exist already and have highlighted the point about people with disabilities. That will then be cross-referenced with work that we are doing through our disability employment service. We are developing a disability employment strategy that will be subject to public consultation in the autumn. Access to apprenticeships and, indeed, other training schemes will be one aspect of that strategy.

Ms McCorley: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Can he outline the timeline within which we can expect to see significant changes to access to apprenticeships for people with disabilities?

Dr Farry: The first thing to say is that, today, there should not really be any barriers to people's participating in apprenticeships if they have a disability. The point is that, while people may have a range of disabilities, many of them are not work-limiting disabilities. Where people have a disability that restricts their ability to engage with work, we have existing schemes

that will allow for adaptations to be made in that regard.

The main challenge that we have is probably one of promotional work, first of all to encourage people with disabilities to explore new options and to encourage employers to create opportunities and not to see disability as a barrier. Obviously, people should not discriminate on the basis of disability anyway. It is important that we address people's mindsets in this area, ensure that everyone has the opportunity to engage in employment and bring the full range of talents to bear to ensure that the economy grows to its maximum potential.

Redundancies: DEL Assistance

4. **Mr Anderson** asked the Minister for Employment and Learning to outline his Department's strategic approach to helping those who have had the misfortune of being made redundant to reskill and retrain to assist them back into employment. (AQT 1324/11-15)

Dr Farry: Again, I am grateful to the Member for the question. First, we have the Department's redundancy service, which is available to help people in the immediate situation in which they find themselves. Indeed, we offer clinics in that regard when we come across major redundancies. We work in partnership with other agencies to provide a rounded set of services to deal with the different complexities that people find themselves having to deal with.

In retraining, we can offer a range of programmes. Indeed, when we come across major redundancies, we may make some very particular interventions to capture an entire cohort of people who require retraining and look to see whether we can put in place some specific programmes. We explored that on the back of the F G Wilson redundancies that were announced in autumn 2012. I am glad to say that, since then, Caterpillar has been flourishing; indeed, it has expanded to new product lines. Again, that is a success of the Executive's outreach work to get more inward investment.

We also have available our general programmes. Those include things such as apprenticeships, which can be an all-age intervention. They are not restricted to people between the ages of 18 and 24. We also have the Bridge to Employment scheme, which is there to work with employers who wish to avail themselves of opportunities to work with

unemployed people. Indeed, the mainstream Steps to Work programme, which will shortly be replaced by Steps 2 Success, is there to help people who are long-term unemployed.

Mr Anderson: I thank the Minister for that response. Minister, you touched on the all-age aspect. I am sure that you will accept that those aged 40 and over who have been made redundant can find it more difficult to find employment. Will you tell us what specific action you are taking to help those in that age bracket?

Dr Farry: The Member is right to highlight the particular problem of older workers re-engaging with the labour market. In our unemployment profile, we have particular pressure points at either end of the age spectrum — for young people and older workers. The Steps 2 Success programme will be for all ages. Within that, the new contractors will be encouraged to be flexible in their approach and, in doing that, to tailor responses to the needs of workers. People who may have fewer qualifications because they went through school and training in a different time may expect to see different interventions from perhaps younger workers who have the qualifications but, in turn, lack experience. We can see a differentiation in that regard.

I also wish to highlight the Step Ahead 50+ initiative, which provides placements for older workers in the community and voluntary sector. That has proved to be very successful and very popular.

Unemployment: Claimant Count

5. **Mr McCarthy** asked the Minister for Employment and Learning to comment on the latest unemployment figures, given that he will be aware that Northern Ireland has always had an unfortunately high number of people who are unemployed. (AQT 1325/11-15)

Dr Farry: The issue of unemployment is highly relevant to us all, and it is an ongoing matter of concern. We are pleased, however, that we are seeing a sustained fall in unemployment; indeed, the current claimant count stands at 55,500, which is 6.3% of the workforce. That is down 500 from the previous month. We have now seen the claimant count decrease consistently for 17 months. That is the most sustained fall in unemployment since June 1995. The seasonally adjusted unemployment rate is now at 6.9%, which, again, is a decrease from the previous figure. That said, we appreciate that we are moving from what has

been a very high unemployment figure, so there is a lot of work still to be done to bring the figure down even further. Within that, we have particular problems with youth unemployment and long-term unemployment, and we have specific interventions to address both aspects.

Mr McCarthy: I thank the Minister for his answer and his positive response. Will there be some cross-departmental cooperation between his Department and the Department of Education, given this morning's announcement about newbuilds? Will the two Departments jointly seize any opportunities to get our unemployment figures down further?

Dr Farry: We are obviously keen to promote social clauses across government, and they are now mainstreamed. Indeed, Departments have the option of going further. I have no doubt that the Minister of Education will be very committed to ensuring that social clauses are deployed to the maximum in the programmes that he takes forward. All my ministerial colleagues, I believe, share the same outlook.

There is a lot that we can do to address unemployment. We have the more immediate interventions to address people who find themselves in unemployment, through, for example, the youth employment scheme for young people, Steps 2 Success and some other interventions that we have. We also have to look at some of the structural issues that we have to address in our economy to make sure that we try to remove unemployment at source. That involves things such as better careers advice, which is why we are doing the review of careers. It also means the promotion of vocational training, including apprenticeships. I have made reference to the fact that many other countries across Europe that have stronger footprints in vocational training have much lower levels of unemployment, including youth unemployment. There is a clear lesson for us in that regard. That is why we are putting such a focus on the importance of vocational training as a means not only of supplying the right skills for our economy but of reducing unemployment.

Economic Inactivity

6. **Mr A Maginness** asked the Minister for Employment and Learning, given that an expert group has been set up as part of the economic inactivity framework, to outline the progress that has been made on economic inactivity, which is one of the most intractable problems in our economy and seems to be stubbornly ingrained in our society. (AQT 1326/11-15)

Dr Farry: I am happy to do that. I concur with the Member that this is a deep structural problem in our economy. It has been with us for at least 30 years and has survived the ups and downs of the economic cycle, and that points to the fact that it is a deeply embedded problem. The Member will know that we launched a joint consultation, devised by my Department in conjunction with the Department of Enterprise, Trade and Investment on behalf of the Executive. That also involved support from other Departments. That consultation has closed, and we have published a summary of responses to it. A paper is set to be brought to the economic subcommittee of the Executive next week, discussing the way forward in that regard, and, shortly thereafter, the Departments involved will bring a report to the Executive with a view to finalising a strategy. In many respects, the hard work then begins of trying to tackle the issue, which is deeply embedded. We are looking to a series of pilot programmes and proposals coming forward, including those from the community and voluntary sector, about innovative means that we can experiment with to see how we can address the issue, particularly in relation to people who are long-term sick or disabled and those with family commitments who have been excluded from the labour market as a consequence of those.

Mr A Maginness: I thank the Minister for his answer and welcome the work that is being done in relation to economic inactivity and that particular segment. A subset of that is people who suffer from disability. Is there any one person or expert represented in the group who might advise the group on dealing with the problems that beset people who suffer from disability?

Dr Farry: The work is being advanced by officials from my Department, the Department of Enterprise, Trade and Investment and other Departments. However, we have a wide-ranging engagement with key stakeholders. For example, Minister Foster, Minister McCausland and I met a range of businesses and other organisations last Tuesday to discuss aspects of the emerging strategy, and there were people from disability organisations at the table. We have also had stakeholder engagement events, and, again, they heavily featured organisations that work in the disability sector. We have a commitment to ongoing engagement with all those stakeholders, including the disability sector, so I have confidence that those voices will be very much at the table and will be influential in shaping future policy.

Students: Retention Rates

7. **Mrs Dobson** asked the Minister for Employment and Learning for an update on the steps that are being taken to increase retention rates amongst students undertaking further and higher education courses. (AQT 1327/11-15)

Dr Farry: I am pleased to say to the Member that we are seeing improvements in attainment and retention levels across the further education sector. It is something that the colleges are driving under strategic direction from the Department. Indeed, as we look to the development of a revised further education strategy later this year, the issues around retention and attainment will be core features of that discussion.

Mrs Dobson: I thank the Minister for his answer. I was privileged to support pupils recently at Banbridge campus of the Southern Regional College, who, as part of their public service course, undertook a charity skydive. I am not asking the Minister to undertake a charity skydive, but — *[Interruption.]* Well, maybe you should.

What plans does the Minister have to look at best practice examples like that and to roll them out across the other colleges?

2.45 pm

Dr Farry: Before I take any skydive, I want a firm assurance that I will be provided with a parachute. *[Interruption.]* Who knows?

We are keen to ensure that best practice is applied across the colleges. Colleges NI is the umbrella organisation for the sector, and, in many ways, the people in that organisation are best placed to spread the news of successful interventions. By the same token, I do not want all six colleges to be mirror images of one another. We want them to experiment, to innovate and to have their own specialisms on behalf of the economy as a whole. It is appropriate to find the right balance. I have no doubt that they will be keen to hear the lessons of what has happened in Banbridge.

Social Development

Building Successful Communities

1. **Ms Boyle** asked the Minister for Social Development for an update on the Building

Successful Communities programme. (AQO 6439/11-15)

Mr McCausland (The Minister for Social Development): Members will recall that my colleague the Minister of Finance and Personnel provided an update on the Building Successful Communities programme in response to a question from David McIlveen on 27 May. I do not propose to cover the same ground because, obviously, the answer is available in Hansard. However, I am glad to have the opportunity to respond personally and to reaffirm my complete commitment to the objectives of this ambitious pilot. Those objectives spring directly from the vision of housing-led community regeneration, which I outlined in my Department's housing strategy. That vision is focused on ensuring that everyone has the opportunity to access good housing at a reasonable cost.

Recently, officials from my Department's housing division had the opportunity to brief the Social Development Committee on progress to date. It has been requested that a further update be made after the Building Successful Communities seminar, which will be held in September.

Staffing levels in the programme took a number of months to bring to full complement. As a result, while some forums are already established, and the forums have met, others are still in the process of finalising their membership.

The forums that are established are in Lenadon and Glencolin, the Doury Road and the lower Falls. All of them have held initial meetings, which have been positive, constructive and, even at this early stage, hugely helpful in setting out the priorities for each pilot area.

The other three regeneration forums are almost complete and will be meeting very soon. The key thing is that we have a wide range of skilled, dedicated and innovative people across all six forums. It is important that we have a good complement of people with a range of skills and from a range of backgrounds. I look forward to the seminar in September, which will give us an opportunity to learn about best practice in housing-led regeneration and explore potential solutions to meet the particular needs of pilot areas.

Ms Boyle: Go raibh maith agat. I thank the Minister for his response. Will he clarify whether all the MLAs in each pilot project area

were invited to sit on the forums? Will objective need play a central role in the programmes?

Mr McCausland: I am not absolutely clear on the details of who sits on the forums. Some people responded that they were interested in being on them, and some did not. I do not have the details of each one.

Mr Clarke: What does the Minister see as being the legacy of the Building Successful Communities programme?

Mr McCausland: I thank the Member for his question, because it is getting to the heart of the matter. I think that it is about ensuring that we have communities that are successful, sustainable and strong. It is about bringing together the two elements of the Department's remit: regeneration and housing. We should not take things forward in silos and should try to get a broad-based approach. There has been a high level of dereliction in some communities, particularly in inner city areas. People should not be condemned to living in those areas of dereliction for the rest of their lives. That is simply unacceptable. We want strong, vibrant and successful communities. The Member asked about the legacy. In the end, I hope that those communities will become vibrant again, that they are regenerated and are places where people want to live and will enjoy living, working and socialising.

Mr P Ramsey: To follow Ms Boyle's question, what is the Minister's assessment of the equality impact assessment of these programmes or pilot projects?

Mr McCausland: They are pilots. They are moving into an area that I think has been somewhat neglected in the past. The Department for Social Development has the remit for housing and regeneration. Those two need to be brought together. Work is ongoing in regard to the issue of equality. It is important that we bear in mind that equality extends to communities that have in the past been neglected and condemned to dereliction. They deserve an equal chance with everybody else. I hope that it will address that issue and ensure that they are given equality.

An equality screening exercise and, if necessary, equality impact assessment will be undertaken for the Building Successful Communities programme. Work on the equality screening commenced when I announced the programme, and it is ongoing. In the meantime, my Department will continue with that work.

Mr Swann: The Minister said that one of the legacies of the programme will be a strong, vibrant community. The Doury Road in my constituency of North Antrim is one of the pilot projects. It already has a strong, vibrant community. The Northern Ireland Housing Executive's (NIHE) proposal was to demolish the houses in that community. That was stopped by DSD at one stage. Will the Minister give an update on whether that is still the situation? Will DSD prevent NIHE demolishing those houses until there is a way forward?

Mr McCausland: The Member has raised this previously. I have spoken about it, and I have written to the Housing Executive about it. It is important that anything done in that area is done in the context of Building Successful Communities, where there is strong community buy-in.

Welfare Reform

2. **Mr Newton** asked the Minister for Social Development what progress has been made on welfare reform. (AQO 6440/11-15)

Mr McCausland: The Member will be aware that I have been seeking to have the Executive discuss the Welfare Reform Bill since the beginning of 2014. I wanted the discussions to not only reach agreement as to when the Bill would come back to the Assembly but consider the package of measures I have developed to help to shape how welfare reform is implemented in Northern Ireland. Unfortunately, it has not been possible to secure agreement on these matters with a number of the parties in the Executive. Northern Ireland is now having to deal with the financial and service consequences of their failure to agree on how we can move forward.

The continued delay in securing agreement on progressing welfare reform is increasingly putting at risk the delivery of critical social security benefits and tax credit payments for over 400,000 people and families in Northern Ireland. That is because the failure to pass the legislation will mean that the legislative frameworks for social security in Northern Ireland and Great Britain will increasingly diverge, coupled with the fact that the IT systems that currently enable the Social Security Agency to process and pay the existing payments will be replaced by the Department for Work and Pensions with new systems to support the new benefits.

There are also financial consequences for the Northern Ireland block grant. Mr Hamilton has

already indicated that, unless there is agreement on welfare reform, he will have to preside over a cuts exercise in the 2014-15 June monitoring round to fund financial penalties of £13 million for 2013-14 and £87 million for 2014-15. There is also the risk of a further financial penalty of £114 million for 2015-16. The situation will be exacerbated the longer the delay. The application of those financial penalties will have a negative impact on spending on other public services, such as health and education, and measures to improve and grow the Northern Ireland economy.

Mr Newton: I thank the Minister for his very extensive answer. In the event of there being a failure around the Executive table to get agreement, what might be the implications for jobs in his Department?

Mr McCausland: I thank the Member for that important supplementary question. I have raised this on a number of occasions, and it is important to spell out the implications very clearly. Around 664 staff are currently employed in the Belfast benefits centre, which also includes the Lisahally processing unit up in the north-west. It provides processing for a number of working-age benefits in the south-east of England, London and the Home Counties. That work is done on behalf of the Department for Work and Pensions (DWP). There are also 800 staff employed in the child maintenance service providing services to the eastern region of England on behalf of the Department for Work and Pensions. The total number of staff providing services to regions in Great Britain is over 1,464.

Following a meeting with Iain Duncan Smith, the Secretary of State for Work and Pensions, in March 2012, I highlighted my concerns to the Assembly on a number of occasions that those jobs will be at risk if Northern Ireland does not progress with welfare reform. That is because many of the competitive advantages that Northern Ireland offers DWP will disappear as staff will no longer be operating the same social security systems.

In recent months, we have seen the announcement of the closure of the Driver and Vehicle Agency DVA offices in Northern Ireland and the centralisation of those functions to Swansea. The 1,400 jobs in my Department providing services to DWP have to compete for services in order to keep the jobs in Northern Ireland. Breaking parity, and therefore not operating the same processes and systems, would make those services uncompetitive and more expensive. Surely our job in this House is to protect jobs rather than put barriers in place

that would result in the loss of jobs. The total number of jobs is 1,400, including 664 at Lisahally outside Londonderry.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer. Will the Minister update the House on whether the issue of welfare reform and the removal of up to £750 million from our local economy was raised at a recent garden party in Downing Street, which was attended by his party leadership, senior members of the British Government and some of their children?

Mr McCausland: I was not there.

Mrs D Kelly: In an earlier answer, the Minister referred to what he hoped to be his "legacy". Would he give any thought to his legacy being a champion for those who are hardest hit by welfare reform? Does he agree that the highest levels of poverty are experienced by people here in the North of Ireland, and can he therefore outline to the House how he has championed their cause and what representation he has made to the Department for Work and Pensions?

Mr McCausland: I think that the Member's understanding of the thing is very simplistic and superficial, to say the least. I am surprised that any member of the Social Development Committee is not aware of the extensive work that we have done and the arrangements that we have negotiated with Westminster's Department for Work and Pensions on flexibilities for Northern Ireland and the package of differentials in terms of doing things somewhat differently in Northern Ireland. That is well known; it has been stated on a number of occasions. Those are things that I have developed and negotiated. It took a lot of effort and endeavour and quite a number of meetings with Iain Duncan Smith, David Freud and others to secure those; it also required a lot of work by my officials on an ongoing basis with officials in DWP. It is disappointing that the Member is not aware of the wide range of those and that, when they have been mentioned in public, they have been welcomed by the vast majority of people.

Mr Dickson: While I share some of the Minister's frustrations with the introduction of welfare reform to Northern Ireland, can he tell the House when he last meaningfully engaged with any of the political parties in the Chamber in order to progress that matter or whether he has actually been doing nothing?

Mr McCausland: That matter is brought up regularly, on many occasions, around the Executive table, and that is where it sits at the moment. I hope that the Member would also be aware, from his party colleague, that a ministerial subcommittee has been working on this for some time. We got to the point quite some time ago where everything possible that could be done to extract agreements from Westminster to get a reasonable package of flexibilities and differentials in Northern Ireland had been done. We have been sitting at that point for some time; that is basically as far as it goes.

I met the Secretary of State the other day and was told again, very plainly, that there is nothing more to come from Westminster. I think that some people hold out a vague hope that, if they keep on stalling and standing around doing nothing, eventually, somehow or other, DWP and the Treasury will become super-generous and start lavishing more things on us. That is not the case. The work has been done well and thoroughly. A great deal of time, energy and effort has been put into it. I encourage the Member to speak to his party colleague who is on the subcommittee.

3.00 pm

Window Replacement: East Antrim

3. **Mr Hilditch** asked the Minister for Social Development for an update on the Housing Executive's window replacement scheme for East Antrim. (AQO 6441/11-15)

Mr McCausland: The Housing Executive has advised me that the following schemes are due to start in the East Antrim constituency: Larne phase 2 for 283 dwellings is due to start this month; in Greenisland, 343 dwellings are due to start in August; in Carrickfergus phase 3, 177 dwellings are due to start in September; and in Monkstown and New Mossley, 272 dwellings are due to start in November. There are quite a number of schemes in the East Antrim constituency. I can understand the Member's interest in that, because, of all of the constituencies, that is the one where there was the most need. I think, over the period of 2012-13 and 2014-15, in the region of 1,500 houses and homes have had or will have double glazing installed.

Mr Hilditch: I thank the Minister for his detailed answer. Will he tell us what the current position is in relation to the Programme for Government target to have all Housing Executive homes double-glazed by March 2015?

Mr McCausland: The Housing Executive's estimate of the number of dwellings still to have full double glazing installed has been constantly updated as more detailed information has become available from surveys. It advised that the revised required total programme figure is 16,665. In 2012-13 it started 8,856 and in 2014-15 it intends to start the 7,809 that are currently outstanding. That will bring us to the position where it will have achieved its target by March 2015.

The other good news is that, because of the way that the contracts have been handled, the overall value of the contracts is £23 million. That combined cost, following the secondary compensations, represents an average saving of around 21.5% when compared to the average costs in the previous contract. I am sure the Member and other Members will welcome the 21.5% saving on cost.

Mr Dickson: Minister, while I clearly welcome the particular programme that you have outlined and the number of properties that are to be provided with double glazing, can you tell the House which particular methodology will be adopted: that of non-redecoration grant or redecoration grant?

Mr McCausland: That is not the methodology. The methodology is how the windows are fitted, not whether or not a grant is paid. The position is that, because of the way in which the windows are now fitted — which is the normal way that they are fitted in almost all houses, including in the private sector — in most cases there is now no need for a redecoration grant. I know that many years ago, when I had windows fitted in my own home, the work was done in a way that did not require major redecoration, whereas previously, as I saw on many occasions when I visited schemes, the work was being done in a way that left houses extremely defective and in need of redecoration. The fact is that there is now a significant saving, and that is good. That is sensible use of public money.

Mr Deputy Speaker: I call Michael Copeland to ask a question focused on East Antrim.

Mr Copeland: Can the Minister confirm that both he and his Department continue to avail themselves of the services of contractors who featured in his overcharging statement of last year? Will he now accept that the figures he gave on that occasion were wrong, and perhaps consider an apology?

Mr Deputy Speaker: That is not to do with East Antrim, but it is over to the Minister if he wishes to reply.

Mr McCausland: Neither has it anything particularly to do with double glazing. The three contractors are PK Murphy, Dixons Contractors and Bann. Those are the three that were awarded the contracts by the Housing Executive. The Member is a member of the Social Development Committee and is well aware of the situation regarding the matter that he raised. It is a matter that has been dealt with by the Housing Executive. It has reached a measure of agreement with the contractors, and that is now being assessed by economists within DSD and, subsequently, DFP, as required by public expenditure guidelines.

Mr Deputy Speaker: I call John Dallat, and ask him to make sure that his question is related to the original question.

Mr Dallat: Mr Deputy Speaker, to comply with your request, I am absolutely over the moon that the people of East Antrim will have windows and warm houses.

With your permission, Mr Deputy Speaker, can I dare ask the Minister when the rest of Northern Ireland might have new windows?

Mr McCausland: I do not know whether the Member missed the answer that I gave earlier: the entire programme will be completed by March of next year, as promised in the Programme for Government. There was a commitment to have it done by March 2015, and it will be completed by then.

Social Housing: Glengormley

4. **Ms P Bradley** asked the Minister for Social Development for his assessment of the social housing need in Glengormley. (AQO 6442/11-15)

Mr McCausland: In March 2014, there were 233 applications on the waiting list for Glengormley, of which 156 were deemed to be in housing stress. In the 12 months to March 2014, there were 37 social housing allocations.

There have been no new social housing schemes built in the Glengormley area since 1999 — 15 years ago. However, a combined projected social housing need of 116 units has been identified for Glengormley for the period 2013-18. That can be broken down as Glenvarna, 74 units; Queens Park, 30 units;

and Hightown, 12 units. In the current social housing development programme, Clanmil Housing has 21 units on site at 369-371 Antrim Road. A further 12 units are programmed to start between 2014-15 and 2016-17, with six units at Ballyduff Road, Carnmoney, and six units at Moss Road. Those will be delivered by the Apex Housing Group.

Ms P Bradley: I thank the Minister and am encouraged that there are new houses in the pipeline. I am sure that he shares my alarm at the fact that not one home has been built in Glengormley for the past 15 years, even though we have had substantial need in Queens Park and Glenvarna. Does he agree that that is unacceptable, and will he undertake to find out how that has happened and why nothing has been done in the past 15 years? Will he also ensure that the Housing Executive proactively addresses that situation as a matter of great urgency?

Mr McCausland: I share the Member's concern that, in the space of 15 years, not one house was completed in the Glengormley area, which includes Glenvarna and Queens Park. That was in spite of the fact that there is significant need there. In those two estates alone, it is 104 units. It is difficult to understand why nothing was done more proactively to address the problem. There may be issues with the availability of land, but, if there is a situation there and you think about it and try to address it, surely something could have been done over that 15-year period.

I certainly share the Member's concern and think that it is important that we get to an understanding of why that has happened. Indeed, the Member will be well aware that the Member of Parliament for North Belfast raised the matter recently on a number of occasions and rightly so. It is the sort of information that needs to be brought to attention and addressed. There is a clear housing need in the area, yet, over that 15-year period, nothing was built at all.

Some 22 units that are on site are for over-55s, so there are actually no family homes even now in the area. We need to understand that and make sure that the Housing Executive addresses that need proactively.

Mr A Maginness: Will the Minister outline how many relets are on that waiting list?

Mr McCausland: The figure that I quoted of a need for 104 units in Glenvarna and Queen's Park takes account of relets. I do not have to

hand the detailed figures for relets, but I am happy to get the information for the Member. Even if you take relets into account, however, there is a shortage of 104 units across those two estates in Glengormley. That is a significant figure in anybody's book, and something needs to be done about it. Of course, where there are newbuilds, you tend to find an increase in demand because a newbuild home is always particularly attractive and people will tend, quite often, to put their name down for that area. There has not been one there in 15 years.

Energy Efficiency

5. **Mr Anderson** asked the Minister for Social Development for an update on the upgrading of single-walled dwellings to improve their energy efficiency. (AQO 6443/11-15)

Mr McCausland: I have been very keen to find a solution to these notoriously difficult to heat properties since I first became aware of them. That is why I asked the Housing Executive, in conjunction with the building research executive, to come up with the most effective and economical solution to retrofit a thermal outer skin, which will greatly improve the thermal efficiency of these properties and so help the tenants to live a more comfortable life. The Housing Executive has undertaken already some work to upgrade external walls of single-skinned aluminium bungalows and rural cottages. This will improve the U value of the external wall element to comply with current building control standards. This is the measure of heat transmittance through a wall, door or window. There has been good progress on the Technology Strategy Board project in Springfarm. The tender to complete the external insulation and associated works to the first three dwellings should be agreed in early July, with an on-site commencement date in August 2014. At the moment, my officials are liaising with the Housing Executive's technical and legal departments to look at options for all no-fines or solid wall properties across Northern Ireland.

Mr Anderson: I thank the Minister for that response, and I welcome the fact that, finally, maybe we are seeing some movement on the issue as there are a number of these properties in my constituency. What consideration are the Department and the Housing Executive giving to the issue of no-fines properties in the private housing sector?

Mr McCausland: In his supplementary question, the Member commented on the

relevance of this for his constituency, and he is right to do that. Of the 5,250 Housing Executive properties that fall into this category, 2,000 are in Belfast, and just over 1,800 of those are in the North Belfast and West Belfast constituencies. The constituency with the next largest number is Upper Bann, where there are 566 no-fines properties, so, it is a significant problem. There are two constituencies where there are none at all. Generally, they are spread across the constituencies in small numbers, with those three constituencies having the highest numbers.

In regard to privately owned properties, one of the challenges in remedying the defects in Housing Executive no-fines properties is how to deal with privately owned property. In many cases, no-fines houses are built in terraces containing a mixture of Housing Executive and privately owned property. It is not possible to remedy the defects to Housing Executive properties without also doing so to the privately owned properties. Concurrently, my officials are liaising with the Housing Executive's technical and legal departments to look at options for some of the 8,000 privately owned no-fines properties. We are very conscious of the issue, and it is one that we are looking at.

Mr Cree: Are there any difficulties in identifying the number of firms that can carry out this work? Can the Minister confirm that there is no risk of any potential conflict of interest either with him or his party?

Mr McCausland: There are quite a number of companies across the United Kingdom doing this work already. It is not new. It has been undertaken in other regions of the United Kingdom, in various parts of Great Britain, over many years. I had the opportunity of seeing work being undertaken in Liverpool on some of the estates where this work has been done. It is fairly standard. What is being done in Springfarm is to look at the best possible way of doing it. There are questions around the particular thickness of insulation, how that should be applied and what form it should take. They are doing there a comparison across different technologies. I also had the opportunity of seeing some of this work done in Germany on one occasion. There are plenty of folk who are able to do this work, and I am sure that the Member will agree that it is work that needs done.

Housing: Equality Scheme

6. **Mr F McCann** asked the Minister for Social Development whether he has formally

responded to the Equality Commission following its statement that it is investigating potential failures by his Department to comply with its approved equality scheme in connection with the Housing Strategy 2012-17. (AQO 6444/11-15)

Mr McCausland: No.

3.15 pm

Mr F McCann: Will the Minister assure us that any recommendations from any investigation by the Equality Commission will be implemented in full across his Department?

Mr McCausland: The role of the commission and its power to investigate and make recommendations are set out in legislation. The commission has not made a determination of whether the Department has failed to comply with its equality scheme. That will be decided by the commission following its investigation, and it would not be appropriate to comment further at this stage.

Mr Deputy Speaker: That is the end of the period for listed questions. We now move on to topical questions.

Housing: Social and Affordable

1. **Mr McAleer** asked the Minister for Social Development how many of the 2,000 homes he has stated that he will deliver over the next year will be social and affordable. (AQT 1331/11-15)

Mr McCausland: We have stated clearly that our intention is to have 2,000 social homes in the next 12 months and 2,000 social homes in the following year. The other day, I met the Northern Ireland Federation of Housing Associations and the Housing Executive's acting chief executive to talk about a range of issues on how we can increase supply. The challenge is to make sure that housing associations in Northern Ireland are in a position to meet that target, which is why we are working with them and looking at the obstacles to building more houses. We are well on line for 2,000 homes this year, and it was important to have that discussion with the Housing Executive and the housing associations to bring out any issues that they had that might be an obstacle or blockage. I welcome the positive, constructive attitude in the meeting and the approach of the Housing Executive and the federation.

Mr McAleer: The Minister said that he will deliver 2,000 housing units over the next year. Will those be housing starts or housing completions?

Mr McCausland: The way in which the figures are calculated for starts and completions can be quite complicated. The aim is to have 2,000 homes started in those 12 months, which would be one of the highest figures for many years and a significant achievement. Given that availability of land is one of the issues, we put a lot of effort into getting land teed up last year so that a start could be made on-site this year.

Housing: Social Need

2. **Mr Lynch** asked the Minister for Social Development to define what he means by social need for the purpose of the proposed regeneration and housing Bill. (AQT 1332/11-15)

Mr McCausland: If you look at a number of the areas that we are talking about, it is pretty clear what social need is. We are dealing with neighbourhood renewal areas, which are areas of real deprivation and disadvantage; we are dealing with areas where it is clear that what was done in the past has not delivered as it should have done; and we are dealing with areas that are quite often blighted by dereliction. When I look at those communities and see derelict properties, half-demolished buildings and derelict land with rubble strewn across it, I have to pay tribute to the people who stuck it out and continued to live in those communities. They deserve credit for being there, but we should not allow them to remain in that situation. There is real social need. There can be a range of things, which is why we are running a range of pilots to look at areas with particular needs. They will not be exactly the same, and, indeed, the remedies and resolutions that they come up with will not necessarily be the same in each case.

Mr Lynch: Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his comprehensive answer. Will he outline what is meant by housing "element" in the development scheme in the proposed housing Bill?

Mr McCausland: I have to be honest: I am not entirely clear what the Member is getting at in his question. However, I am happy to engage with him further to find out exactly what information he seeks, and I am happy to supply that. At this point, in this format, I am not clear what the Member means.

Housing: Racial Intimidation

3. **Mr Lyttle** asked the Minister for Social Development whether he agrees with senior Housing Executive officials that the treatment of Michael Abiona by a small number of individuals was racial intimidation, or does he agree with the First Minister, who was unable to conclude whether Mr Abiona was treated any differently than someone from “up the country”. (AQT 1333/11-15)

Mr McCausland: It is disappointing to find that people sometimes take situations and turn them to make political points. The Member should learn that lesson.

The situation has been clearly identified by the Housing Executive and others. They have made absolutely clear the nature of their decision and how they see it. Other than what I have seen in newspapers, I am not familiar with the details of the situation. However, that having been said, anyone should have the right to be treated equally by the Housing Executive and should not be disadvantaged or discriminated against in any way because of their race or anything else. The position, as I see it, is therefore clear: no one should be disadvantaged or discriminated against in any way. People have the right under the law in our country to be treated absolutely equally and fairly. I hope that the Member will be reassured by that statement.

Mr Lyttle: I welcome the clear response that the Minister for Social Development was able to give. I find it somewhat surprising that he is not across the detail of such a serious issue. I understand that we have had 10 instances in the past three months of people being unable to accept offers of housing tenancy due to racial intimidation. What exactly is the Minister doing to address this serious situation and to ensure that perpetrators are penalised rather than victims, who are accessing housing to which they are entitled?

Mr McCausland: First, these are matters primarily for the Housing Executive and the police. Those are the two agencies that have a primary role.

Mr Flanagan: And political leaders.

Mr Deputy Speaker: Order.

Mr McCausland: I will take no comments at all from Sinn Féin Members in here about anything to do with racism, after 30 years of a terrorist

campaign that thrived on a racist attack on anybody who was British and not Irish.

Mr Deputy Speaker: Alex Attwood is not in his place.

Housing: Newbuild Bungalows

5. **Mr P Ramsey** asked the Minister for Social Development whether he is content with the criteria in place for housing association newbuild programmes, with so few bungalows being built. (AQT 1335/11-15)

Mr McCausland: I thank the Member for what is an important and good question, because it is an issue that is often raised. A decision was taken some years ago that, other than in exceptional cases where there was a particular need because of disability, we would not be in the position any more to have the mass building of bungalows, as we did at one time. There were two issues. One was about the general cost of building, and the other was particularly around the cost of land. Obviously, you are acquiring a greater footprint with bungalows. However, in some areas, the amount of land in public ownership that is sitting unused would make it quite easy to provide bungalows. I have spoken to the Housing Executive and asked my officials to look at this.

Mr P Ramsey: I am reassured by the Minister. Will he take it a step further? In recent developments in my constituency, first, the social mix is not working, because we have an environment of 80 or 90 houses but, within a matter of months, 12 or 15 families seeking transfers out of that estate. Secondly, there is discrimination against older people who live in three- or four-bedroom houses but will not get accommodation. Will the Minister undertake an urgent review of those circumstances and encourage housing associations to build more bungalows?

Mr McCausland: As I said a moment ago, the point has been raised with my officials and the Housing Executive. I have asked them to look at this again because I am not sure that we are in exactly the position that we were in some years ago with land values and so on. The Member is absolutely right also that there are older folk who would prefer to downsize to a smaller property and free up a family home. In fact, one of the first things that I did on coming to the Department was to look at the mix of housing in the social housing development programme. That was because previous Ministers seemed to opt to keep building more and more family homes. If you build to

accommodate older folk, who tend to live alone or as couples, quite often you free up a larger home. Many folk prefer a bungalow, but there are some really good schemes, and I encourage the Member to look at them if he has not seen them, where there are small groups of a dozen or 20 apartments for elderly folk.

People have different preferences. I visited an excellent scheme some time ago in Newtownards. I think that it was St Mark's Court, close to St Mark's Church on the main street. One of the pensioners said to me as I was waiting, "We are like a wee family here". It had a sense of family and community. There is another scheme in Bangor where, again, there is a strong sense of community amongst the old folk. In some cases it works extremely well, but we need to look at having more diversity rather than just building more of the same.

Universal Credit: GB Claimants

7. Mrs Dobson asked the Minister for Social Development how many people in Great Britain are claiming universal credit. (AQT 1337/11-15)

Mr McCausland: There are many statistics that I carry in my head, but I concede that that is not one of them. Topical questions tend to be more about a topic than a specific figure, but I am more than happy to supply the Member with the exact figure if she wishes to have it.

Mrs Dobson: May I enlighten the Minister? As of yesterday, the figure was 5,610. Given that the Secretary of State for Work and Pensions said in 2011 that one million people would be claiming universal credit by April 2014, does the Minister accept that, had we gone with his and his party's proposals in October 2012, we would be experiencing exactly the same problems?

Mr McCausland: It is always good if you are asking a question to know the answer in advance, so I am indebted to the Member for telling me that it is 5,610. That is the situation in Great Britain. I am glad to say that I am not responsible for the situation in Great Britain; I have enough difficulties dealing with the situation here. In GB, clearly there has been slowness in delivering. However, I would point out that it was always intended that Northern Ireland would be at the very tail end of any implementation, so, whatever lessons are learned and whatever difficulties may be on the way, coming in at the end we would not be the ones on whom the lessons were learned; rather we would be in a position where the lessons had already been learned.

Crumlin Road Courthouse

8. Mr Clarke asked the Minister for Social Development to update the House on what progress has been made to improve the despicable and disgraceful state of the courthouse opposite Crumlin Road Gaol, given that he will want to join him in welcoming Her Majesty The Queen's visit to the gaol and other parts of the Province. (AQT 1338/11-15)

Mr McCausland: I welcome the question. It was a pleasure to be at Crumlin Road Gaol this morning to meet Her Majesty and Prince Philip on their visit to my constituency of North Belfast.

The Department has engaged Turley consultants to take forward a feasibility study to identify potential usage for the courthouse. A draft economic appraisal has been completed and is being considered by the Department's economists. The next step will be approval of the economic appraisal, which will set out the preferred option and should indicate the way forward. It is a tragedy, when we have such a fantastic attraction in the gaol, which draws so many visitors day by day and week by week, into that part of north Belfast. The whole package has to be not only the gaol but the courthouse and the tunnel linking them. Sadly, the courthouse is in an appalling condition. It has been in private ownership for a number of years and has fallen into decay and neglect, and something needs to be done about that.

Mr Clarke: I thank the Minister for his answer. I share his enthusiasm about how it would look if the two came together. How hopeful is the Minister that we can come to a resolution on the courthouse so that the two buildings can complement each other?

3.30 pm

Mr McCausland: The level of dereliction is now such that it is a real challenge. The roof has been damaged on a number of occasions. The building has been vandalised and there is significant internal damage. It is probably the case that whatever is done will have to be on an incremental basis, but I think that there is potential there. We need to get the report and then see what can be done, but, as I said, it needs to be borne in mind that it is in private ownership.

Question for Urgent Oral Answer

Education

Teachers: Cost-based Redundancy Exercise

Mr Deputy Speaker: Mr Mervyn Storey has given notice of a question for urgent oral answer to the Minister of Education. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary, as on this occasion will Mr Allister, who tabled a similar question this morning. He will be called immediately after Mr Storey.

Mr Storey asked the Minister of Education to confirm the number of applications that have been refused under the cost-based teaching redundancy exercise and to explain the reasons for the refusals.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a LeasCheann Comhairle. My Department received 167 applications for cost-based teaching redundancies. Due to the difficult financial environment the Executive are facing, there has been a need to prioritise the funding available at this time. Therefore, all applications were assessed against strict criteria.

Of the applications, 74 met the criteria. However, funding is not available at this stage to effect all these redundancies. I have, therefore, prioritised 46 applications relating to schools in a closure or amalgamation situation. If further funding were to become available, I would be in a position to proceed with the remaining 28 that meet the criteria; 93 applications have not been approved as they do not meet all the criteria. However, again, if further funding were to become available, these would be further considered on a priority basis. Therefore, 121 applications for cost-based teaching redundancies have not been approved at this stage for various reasons.

I have not cancelled teacher redundancies, although I find it somewhat ironic to be called to the Chamber as a Minister who is not funding redundancies. Ministers are usually called to the Chamber for creating redundancies. I will continue to make every effort to secure the

remaining funding that is needed to resolve this issue as quickly as possible.

Mr Storey: The bombshell that was delivered by the Minister and his Department to schools four days before the end of term was shameful. I do not want this House to get the impression or to give the impression that the Minister in some way will play politics with this issue. He should seriously address the concerns of teachers and immediately, not in a few days, give clarity to those teachers who find themselves in an invidious position in terms of this issue.

Can the Minister tell the House when he knew that this scheme was not going to be fully implemented and why it was introduced without there being financial security in regards to his budget?

Finally, what will happen to those schools, particularly voluntary grammars, that may end up in a situation in which the Department will not be held accountable for their budgets but the banks will not overcommit to their overdrafts and financial arrangements? Those schools will end up in a serious financial position.

Mr Deputy Speaker: I encourage Members to ask a question. I pass it to the Minister to consider which one he answers.

Mr O'Dowd: I accept that. I have not been here for that many questions for urgent oral answer, so I am not sure of the procedure in terms of how many or what questions I should answer.

I became aware of the situation when it became clear that the Executive were not in a position to agree the June monitoring round. The Member will be aware, as Chair of the Education Committee, that I made a bid to the June monitoring round for £10 million to deal with redundancies at this time. That bid has not yet — I emphasise the word "yet" — been successful. Once it became clear that the June monitoring round was not going to be in place in time, I informed schools of the position we were in.

I emphasise again, in relation to this matter, that there have been a number of redundancies funded. If I receive or identify future funding, in the region of 28 further redundancies are in a position to be approved almost immediately. However, even if I had the budget, 93 applications have not been approved for cost-reduction redundancies at this time, and there are further procedures to be carried out. So I

am concentrating on the group of 28 and trying to identify funding to allow those to be released. The process has to continue for the other 93.

Mr Allister: The Minister must surely know — hopefully, he cares — about the havoc that he has caused in the management of schools. The Minister seeks to blame the late timing on the June monitoring round, but is it not the case that, for many years, we have had those redundancy schemes and transferred redundancy posts filled etc on the back of core funding? Why did he put his eggs in the basket of June monitoring this time, knowing how volatile that is?

Mr Deputy Speaker: I think that that was two questions.

Mr Allister: Did he give no thought to the proper management of school budgets?

Mr Deputy Speaker: Order. I believe that the Member has asked two questions already.

Mr O'Dowd: I would clearly prefer my Department and the teachers, schools and pupils involved not to be in this situation. The June monitoring round was identified as a source of funding because the Executive are facing significant financial constraints. I am not blaming anyone. I am not pointing the finger at the Executive or anyone else. I am giving the House the facts of the case and how we got to the situation that we are in today. I am not seeking to pass the blame elsewhere. I am the Minister of Education; I take responsibility for these matters.

We are involved in cost-reduction measures. That is what the redundancies are for, and we planned them throughout the year. The financial situation has deteriorated. I made a bid in the June monitoring round, which has not yet been finalised. I hope that it will be finalised in the days to come, but I am continuing, even aside from June monitoring, to try to identify funding that will allow me to release the 28 other teachers who have met the criteria. As I say, even if I had the financial resources at this time, the other 93 applications have not been confirmed. For them, it is not a financial matter. They have not been confirmed because they do not meet the full criteria at this time.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his update thus far. He referred to the fact that 93 applications are not approved. If funding was available, would those 93 then be approved?

Mr O'Dowd: The purpose of the current round of redundancies is to reduce the cost base in our schools estate. The poor budget that the Education Department is dealing with means that we have, over the last number of years, been reducing the cost base in our schools. That means reducing the number of teachers, which is not good either. In fact, a number of years ago, I redirected some money from redundancies and reinvested it in the schools estate in an attempt to reduce the number of redundancies coming forward.

The guidance issued to employers, employing authorities and funding authorities advised that funding for teaching redundancies would be available only if all the following criteria were met: the payback period is clearly demonstrable, up to two years for a school-based teaching redundancy; it is a bona fide redundancy in the sense that the post is being repressed and will not be refilled at a later stage; it is a genuine full-time equivalent reduction that is not to be increased at a later date; and that posts declared redundant are in schools managing a challenging financial position. Those are the circumstances. As I say, there are 93 applications that, even if I had the money, are not yet approved. All of them may not be approved even if I have the resources available to me.

Mr Dallat: I promise the Minister that this is not a press release, but will he agree with me — I speak as a former teacher — that there must be a better way of treating people who have dedicated their whole life to education, are probably exhausted and burned out and whose plans are now up in the air? Surely, Minister, you will agree that that is no way to treat vocational teachers.

Mr O'Dowd: Of course I agree with the Member. This is not a situation that I or, I am sure, anybody else in the House wishes these current circumstances to be in. However, the teachers who are facing redundancy are not all teachers at the end of their career. These are teachers who are losing their posts as a result of cost reduction within the education sector. Many of those teachers still, I hope, have many years ahead of them in the teaching profession. While I accept that this issue or hurdle has to be overcome quickly, the real issue that has to be overcome is the state of the education budget and the need for a significant investment in education.

Mr Swann: I thank the Minister for his statement and answers so far. Minister, you gave clarification that there will be funding for

those teachers who are made redundant due to school closure. I have already written to the Minister this morning in regard to the teachers in Ballee High School, where the school is closing and they have entered the trawl, and some of the jobs that they have been offered are due to teachers being made redundant in the subsequent school. Will he also give security of funding for those positions?

Mr O'Dowd: I am not in a position to talk about individual cases. If the Member wishes to correspond with me in relation to individual cases, then I will give him clarity on that matter.

Mr Wilson: The Minister has said that he would prefer not to be in this situation. Does he accept that this is entirely his own fault? He knew that he did not have the money. He announced a redundancy scheme which required money. He put no limit on that. He gave no indication to schools that it may not happen. And will he tell us now — since many of these teachers are the most expensive teachers who schools were hoping not to have on the budget next year — how he intends schools that are affected by his inept handling of this to fund their budgets next year?

Mr O'Dowd: As we set out in the CSR period, I, unlike other Ministers, from within my own resources put a saving mechanism in place. I funded redundancies from my own Department. Other Ministers, sitting on the Member's Benches, went to the Executive and got quite substantial amounts of money from the Executive to fund redundancies within their Departments. *[Interruption.]*

Mr Deputy Speaker: Order.

Mr O'Dowd: As Mr Wilson, as a former Finance Minister, is acutely aware, within my budgetary constraints, I recognised the fact three years ago that we would have to put in investment to save going into the future. I think that that was the right decision.

The Executive's financial position has changed dramatically over this last period of time. I am quite rightly preparing for worst-case scenarios in that regard. I am involved in the June monitoring round, and I am also going through my own budget to see if I can facilitate any of the outstanding redundancies that have been approved.

Mr Newton: Minister, when you were asked the question about whether this was planned for, the answer you gave indicated that it was not planned for. It certainly was not budgeted for.

Since you have accepted personal responsibility for this, will you be writing to each of those teachers whose future plan for life has now been disturbed, offering an apology for this incompetence and explaining the situation fully to them and where they stand for their life's future?

Mr O'Dowd: I could spend my time writing letters, or I could spend it trying to resolve the matter. I suspect that trying to resolve the matter would be much more beneficial to the lives of those people who have not yet had a funded redundancy than writing letters of apology. I have no hesitation in apologising to anyone who has faced the consequences of a collective failure to agree June monitoring and deal with other outstanding matters around the Executive table. I have no hesitation in that whatsoever.

I commit to those teachers, schools and families who are relying on a resolution of this matter that I am working at it very hard and I am trying to identify finances to facilitate the 28 remaining redundancies. However, I emphasise again: even if June monitoring were to be agreed tomorrow and I received £10 million for redundancies, the 93 applications that have not been approved still face further scrutiny to see if they actually meet the criteria of the scheme that is in place. If they do not meet the criteria, undoubtedly and quite correctly the Education Committee would question why I released that finance and, in future times, the Public Accounts Committee (PAC) would also question why I did that.

So, the 93 applications that have not been approved still require further scrutiny.

3.45 pm

Mrs D Kelly: It is usually the post that is made redundant, not the person. Therefore, are those 28 posts now deemed to be redundant? Will those people now face forced redundancy?

Mr O'Dowd: At this stage, I do not envisage that scenario taking place. We are involved in a cost-reduction process, but it is one that the funding authorities were told would be funded from the centre — from my Department — so I do not envisage the scenario that the Member referred to arising at this time.

Mr Craig: Minister, you have often lectured people on boards of governors to take their responsibilities seriously. I declare an interest as the chair of a board of governors. Having made the difficult decision to declare

redundancies in a school, and if there is no money to pay those teachers next year, what advice are you going to give to those same governors? I am not expecting any lectures from the Department on this one, because we have made those hard decisions to keep budgets correct. If, because of this announcement, we are not allowed to keep our budgets in the black and they go into the red, what advice are you going to give governors?

You have said several times now that this £10 million, if you had it, will not cover the cost, so

Mr Deputy Speaker: The Member has asked his question.

Mr Craig: — why is this letter of advice saying that it was going to cost £6 million?

Mr O'Dowd: I have not, at any stage during this discussion or in any other discussion, advised that the £10 million will not cover the costs. The Member may have misheard me. I said that, even if I had the £10 million, that is not a guarantee that the 93 applications that have not been approved would be approved, because they require further scrutiny.

We are currently discussing teacher-based redundancies, which are estimated to come in at over £6 million. We are not yet in the realm of discussing non-teacher-based redundancies, whether in schools or across the education administration. That is where the £10 million figure comes from.

If the matter is not resolved speedily, I will send further advice out to boards of governors that have been affected, particularly those schools affected by the 28 remaining posts. I do not accept the Member's description of it as lecturing. Boards of governors have a legal duty to manage their budgets properly, efficiently and effectively.

Mr G Robinson: In the light of this debacle, is this a managed closure process?

Mr O'Dowd: No, it is not a managed closure process. There is no hidden agenda in this scenario. I have outlined how we arrived at where we are today and the events that led to today, but there is no ulterior motive. I would much prefer to be in a position to fund the outstanding 28 posts and to allow further scrutiny of the 93 applications that have not yet been approved. As I have said time and time again during this discussion, this is about cost-base reduction in the Department of Education,

funded by the Department of Education despite other Departments receiving significant amounts of money from the Executive throughout the last three years to reduce their costs.

Mr Deputy Speaker: I invite Members to take their ease while we make changes at the Table.

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

Executive Committee Business

Justice Bill: Second Stage

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

That the Second Stage of the Justice Bill [NIA Bill 37/11-15] be agreed.

Since taking up my post as Justice Minister, I have made my intent to reform the justice system clear. As I have stated many times, my vision is for a faster, fairer justice system. This was the opportunity created when powers were devolved to the Assembly: to reshape justice to meet the needs of local citizens, to develop our own solutions and to deliver a system in which we can all have confidence — a system that delivers better services for victims and witnesses, deals with criminal cases more quickly and efficiently, safeguards vulnerable people and protects the public from dangerous offenders.

From the outset, I have been determined to make the most of this opportunity. This has required a willingness to tackle difficult and sometimes fundamental issues — matters which, in some cases, have taken decades to address. This has not been easy. Such work requires careful planning, research and consultation. I share the frustration of many that some areas of reform have not come more quickly. Having seen what could be achieved in our system, I am keen to deliver the necessary reforms as soon as possible.

Like many in the House and elsewhere, I am impatient for change. But the fact is that the system is complex and the product of a long process of development and evolution. It is intricate and interconnected. Changing one part often has a series of consequential impacts elsewhere. While that is never a reason to shy away from changes, it does mean that reform is rarely straightforward. It takes time to ensure that we have properly thought through all of the implications of any reform alongside our justice partners and stakeholders. I am pleased to say that the Bill marks an important step in moving away from planning change to making change happen — going beyond talking about how the system might be transformed to delivering a transformed system.

With the Bill, we make good on opportunities created by devolution. It is about realising my vision for a faster, fairer justice system by delivering a number of crucial and fundamental reforms. I am bringing forward measures to improve the way in which the system supports victims and witnesses, speed up criminal case progression and increase the level of protection the system provides against dangerous offenders. The Bill also brings forward a number of other provisions to improve efficiency and fairness, such as reform of the criminal records disclosure service.

The Bill is about transforming the system. As such, it addresses some fundamental and long-standing aspects of the system. As I describe the various parts of the Bill, the scope of our ambition for this legislation should become clear. I want to make it clear that I do not take such reform lightly, but — as I hope that Members will agree — I believe that the time is now right to make such changes. Indeed, I would consider it a failure to leave such things unaddressed. Too often in the past, these reforms were considered too difficult or too complicated, or it was thought that they would take too long to deliver. To my mind, if we did not tackle these issues, we would be letting down the people of Northern Ireland.

The Bill's measures represent a long-term commitment to bringing about a transformed justice system. The Bill is a central part of a road map to a transformed justice system. It will not be easy. I am under no illusion about the hard work that lies ahead of us. Indeed, much hard work has already gone into bringing us to this point. I want to pay tribute to everyone who has helped us to reach this stage. I am especially grateful to those stakeholders who gave their time to respond to the various consultation exercises, which were so vital to the production of the Bill.

In developing these proposals, we have consulted widely to ensure that our reforms reflect the true needs of our system and, perhaps even more importantly, that, when implemented, they will deliver real change at the front line. As Justice Minister, I have placed significant emphasis on engaging with the wider community. Indeed, it has been one of the cornerstones of the Department's approach. I want the Department of Justice to be open and transparent about how we make our policies and why.

I want us to work in partnership with others, share ideas and collaborate on developing solutions to the problems that we all face. I believe that the Bill is clear proof of why that is

the right approach. It is the hallmark of a mature and rational dialogue to acknowledge that you do not always have all the answers or indeed that someone else may have a better answer. The cause of justice is a shared one. I believe that it is best served when we work together to deliver the type of justice system that we can all have confidence in.

At this point, I pay particular tribute to the Justice Committee, which has been instrumental in the development of the Bill. At every stage of the development of the provisions, the Committee has provided the Department with necessary and crucial challenge and quality assurance. Its work and insight have proved invaluable in bringing the Bill forward. Indeed, a number of the provisions flow directly from the Committee's recommendations or suggestions. The development of the Bill is clear proof of the value of a constructive and transparent relationship between a Department and its Committee, and I genuinely look forward to continuing in that vein.

This is substantial legislation, with 92 clauses and six schedules. I now want to spend a little time describing each of the nine parts in turn.

Part 1 will create a single jurisdiction for County Courts and Magistrates' Courts in Northern Ireland. That will bring those two court tiers into line with the High Court, the Crown Court and Coroners' Courts, delivering greater flexibility in the disposal of court business by allowing cases to be listed in or transferred to an alternative court when there is good reason to do so. The new arrangements will enable us to better meet the needs of victims and witnesses, allowing cases to be dealt with at the court venue that best suits a particular case. In addition, they may assist in avoiding unnecessary delay and will facilitate the streamlining of some outdated administrative court processes, thus supporting the more efficient use of judicial time and limited court resources.

Part 2 provides for the reform of committal for trial. As many in the House will know, committal is a procedure used to determine whether there is sufficient evidence to justify putting a person on trial in the Crown Court. Under the current system, proceedings can be in the form of oral evidence, when witnesses can be cross-examined, or a paper exercise that is carried out based on written statements and evidence.

The practice of hearing oral evidence, particularly cross-examination, can have a

significant impact on victims and witnesses who may have to give sometimes traumatic evidence more than once. I do not accept that the hardship faced by victims and witnesses in those circumstances is in the interests of justice. In addition, oral evidence hearings can be very lengthy, with hearings typically lasting one or two days, and problems are often experienced in organising witnesses to attend, which can lead to adjournments and, consequently, increased delay. They can also be costly to the legal aid fund. Therefore, the Bill will establish new procedures that remove the taking of oral evidence and cross-examination of witnesses in committal proceedings. Defendants will retain the right to make representations on their behalf at the committal hearing, although it will not be possible to take oral evidence from any other witnesses.

Under the Bill, all committal proceedings will take place by way of preliminary inquiry or "on the papers". That will remove a significant burden from those victims and witnesses who would otherwise have to give their evidence more than once. To speed up the system more generally, powers are also to be introduced to allow direct transfer to the Crown Court for sentencing in cases in which there is a guilty plea, as well as direct transfer for certain indictable offences, beginning with murder and manslaughter cases. In such cases, there would be no committal process.

Part 3 creates prosecutorial fines as a new and proportionate response to deal with cases that do not need to go to court. That will release much-needed capacity in our courts and enable certain offences to be dealt with at an early stage, without recourse to the court, enabling prosecutorial resources to be better directed to prosecuting more serious offending, dispensing with the requirement for an investigating officer to appear in court and releasing resources back to front line policing.

Recipients of a prosecutorial fine will avoid a formal criminal record if the fine is accepted and paid, although the criminal justice system will retain a record of such disposals to inform decisions on any future offending by the recipients of prosecutorial fines.

The Bill creates new powers to enable public prosecutors to offer lower-level offenders a financial penalty of up to a maximum of £200 — the equivalent of a level 1 court fine — as an alternative to prosecution. The prosecutor will have the power to attach a financial compensation order to the proposed penalty in

cases of criminal damage. The offender levy will also apply to prosecutorial fines.

Part 4 contains provisions that will directly improve the experience of victims and witnesses in the criminal justice system, clearly setting out the services that are to be provided and the standard of service that victims and witnesses can expect to receive. By imposing statutory duties on criminal justice agencies, those provisions should also give rise to a greater focus on the needs of victims and witnesses across the criminal justice system.

4.00 pm

As I mentioned earlier, my vision is of a faster, fairer justice system. Here is a clear example of how the Bill will make that a reality. When combined with the measures to speed up the justice system, the provisions should lead to a substantial improvement in the experience of victims and witnesses in the justice system.

The establishment of victim and witness charters is a key strand of the new five-year strategy for victims and witnesses of crime. Too often, victims and witnesses are unclear about the services that are available to them. For example, they might not know when they should be provided with information about their case or what measures are available to help them give their best evidence in court. The charters will address that by setting out for victims and witnesses on a statutory basis what services are to be provided, the standards of service required and a clear indication of how they should be treated by criminal justice agencies. The charters will help reduce the burden on victims and witnesses by making the journey through the criminal justice system simpler and easier to understand. The charters will also make clear who to contact should the service provided fall short of the entitlements set out under the law.

Indeed, my Department is already consulting on the content of the draft victim charter, which Members will have been notified about, and I encourage as many people as possible to provide views on it. In addition, the Bill will provide a statutory entitlement to be given the opportunity to make a victim personal statement, ensuring that, prior to sentencing, victims may make their views known about the impact of the crime in question. Given that steps have been taken to notify victims of the opportunity to make a personal statement, that should also improve the victim's experience of the criminal justice system.

The provisions that I am bringing forward in the Bill reflect not only the views of stakeholders and victims but deliver on recommendations made by the Justice Committee in its inquiry into services for victims and witnesses in Northern Ireland. It is an area where the in-depth examination of an important issue by the Justice Committee, building on work done by the Department, has led directly to legislative proposals for change. I think that it is a very good example of the value that can be added by Committees, and I pay tribute to the members of the Committee who conducted that influential inquiry.

Part 5 introduces a number of improvements to streamline the arrangements for the disclosure of criminal record checks. It also introduces a number of additional protections relating to the information that can be disclosed and raises the age of those subject to criminal record checks. Perhaps most importantly, the changes include making criminal record checks portable and allowing online updating. That addresses the current situation where people have to apply for a fresh certificate every time they move jobs or engage in relevant voluntary activity.

The Bill also provides for accepting electronic applications, changing from the current system of issuing two certificates for standard and enhanced checks — one to the registered body and the other to the applicant — to a system of issuing a single certificate to the applicant only, and introduces arrangements to allow self-employed persons to obtain enhanced criminal record certificates.

In addition, the Bill makes a number of more technical changes to the criminal record disclosure regime, including that criminal record checks should not be carried out for those under 16 years of age, except in certain prescribed circumstances, and requiring that individuals who want to register for the purposes of requesting criminal record checks must be 18 years or over.

Finally in this section, the Bill introduces reforms relating to the disclosure of relevant information as part of a criminal record check. That includes provision for a statutory code of practice to assist police in deciding what information should be released and for the establishment of an independent representations process for those who wish to dispute relevant information provided by the police about them.

Part 6 extends the range of matters that can be dealt with in the courts by way of video or live links. As many Members will know, when

evidence is given in that way, a room is provided outside the courtroom, possibly in another building, where the witness can give evidence via a live link to the courtroom. The link broadcasts and receives, meaning that witnesses will see the courtroom and those in the courtroom, including the defendant, will be able to see the witness. Providing evidence by live link does not alter the entitlement to be present at a hearing or the right to consult privately with a legal representative before, during or after a live link.

I want to assure the Assembly that those rights are not affected by the Bill. Indeed, the Bill will serve the interests of defendants and witnesses by allowing wider use of live links to deliver a more efficient justice system. Overall, the provisions are designed to increase the use of live links in courts, prisons and hospital psychiatric units and provide a cost-effective and secure means for patients and prisoners to participate in hearings. These are important proposals for making the best use of the resources of the infrastructure already in place for live links and building on the successful contribution that they have already made to the judicial system.

Part 7 makes provision for the introduction of violent offences prevention orders (VOPO). They are a new civil preventative measure to help mitigate the risk of violent repeat offending. The court can make an order when it is satisfied that it is necessary for the purpose of protecting the public from the risk of serious violent harm caused by the offender. The provisions aim to provide a similar level of protection to the public from the risk posed by violent offenders to that already available through sexual offences prevention orders for managing the risk from sex offenders. Under the Bill's provisions, an order can be made by the court on conviction, or, following application made by the police, at a subsequent stage.

I should say that it is not an automatic measure. Rather, VOPOs will only be made following a determination by the court, on the basis of the information and evidence presented to it, that an order is necessary to prevent serious harm. VOPOs will allow the court to place relevant conditions on the behaviour of the offender. The order also attaches notification requirements, similar to sex offender notification, requiring an offender to notify specified personal details to the police for the duration of the order.

Part 8 provides for a range of miscellaneous reforms designed to improve the operation of the justice system and to address certain

technical matters. The reform to the jury service provisions provides for the abolition of the upper age limit for jury service, which is currently age 70, to be replaced with an automatic right of excusal for those over 70; an increase of the current age for automatic excusal from 65 to 70; and some other technical improvements.

Part 8 also brings forward three important new measures to speed up the criminal justice system. First, the Bill includes reforms to encourage earlier guilty pleas, introducing two new provisions to support a structured early guilty plea scheme being developed for the Magistrates' Courts and the Crown Court. The provisions will require a sentencing court to state the sentence that would have been imposed if a guilty plea had been entered at the earliest reasonable opportunity and place a duty on a defence solicitor to advise a client about the benefits of an early guilty plea. With those provisions, we hope to encourage those who are guilty of a criminal offence to admit their guilt at the earliest reasonable stage in proceedings. In so doing, they would be reducing the burden on victims and witnesses and releasing vital capacity back into the system for dealing with other business.

Secondly, the Bill introduces a statutory framework for the management of criminal cases. Under those provisions, the Department of Justice will, through regulation, be able to impose duties on the prosecution, defence, and the court, which will set out what must be completed prior to the commencement of court stages. The regulations will also allow the Department to impose a general duty to reach a just outcome as swiftly as possible. That will apply to anyone exercising a function in relation to criminal proceedings

Those provisions should ensure that, in future, legal representatives will attend court at an appropriate state of readiness, having made all the preparations necessary for court stages of proceedings. That should speed up the progression of criminal cases by reducing the need for adjournments, thereby reducing the burden on victims and witnesses and freeing up the court resources.

Thirdly, the Bill introduces a measure to empower public prosecutors to issue a summons to a defendant without, first, having to get a lay magistrate to sign it. That will streamline procedures and help to speed up the process in summons cases by reducing the time taken between the decision to prosecute and first appearance in court.

Those three measures, in combination with the provisions I have already outlined on the reform of committal and the introduction of prosecutorial fines, demonstrate my commitment to a streamlined, more efficient system which will maintain the crucial protections for defendants, but which will also recognise that we can, and should, do things better. They are a critical part of a wider blueprint for speeding up our justice system, which also includes the introduction of statutory time limits, the development of an earlier guilty pleas administrative procedure, as I mentioned earlier, youth engagement clinics to speed up the processing of youth cases and improved delivery of forensic evidence.

It should also be clear that those measures support my aim to create a system that is fairer to victims and witnesses and which does not ask more of them than is absolutely necessary to secure a just outcome.

Part 8 contains some largely technical changes to improve the operations of the system. It introduces a power to address a gap in cases where access to premises is not agreed for defence solicitors. Under the Bill, the defendant will have recourse to the court to gain access in order to prepare properly their defence or appeal.

The Bill also addresses a lacuna in court security by specifying that a court security officer's powers extend to the grounds on which the court buildings sit.

Changes to youth justice arrangements are provided in the form of amendments to the aims of the youth justice system, as contained in section 53 of the Justice (Northern Ireland) Act 2002. The amendments are made to reflect the best interests principle as set out in article 3 of the UN Convention on the Rights of the Child.

A further technical adjustment is made to delete transitional detention order arrangements made in the Criminal Justice Act 2013.

Finally, Part 9 contains supplementary, incidental, consequential and transitional provisions. It provides for the making of regulations or orders under the Bill, interpretation, transitional provisions and savings, and minor and consequential amendments and repeals. It also provides the powers of commencement.

The Bill is part of a blueprint for a better justice system in Northern Ireland: a justice system that protects its citizens, treats victims with respect and fairness, and makes the best use

of scarce public resources. In short, it will be a justice system of which we can all be proud. The provisions in the Bill are the product of a long and fruitful engagement right across the community on the future of the justice system. The time has now come to put those discussions into action to deliver the better future we all agree can be achieved and build a faster, fairer justice system for everyone. I commend the Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): I am pleased to speak in the debate. I welcome the fact that we have got to this point. This is what the Assembly is all about: legislating on things that impact on people's lives. Now that we have started the Bill on its passage through the House, it becomes the House's Bill, and it is up to MLAs to shape it. I suspect that many of them will attempt to do so as we go through the next six, seven or eight months. A lot of the areas that will be covered will be very interesting. I trust that we will be able to engage the public on these issues, as we have done so far. The Committee will certainly play its full role throughout the process. I am pleased to speak in my capacity as Chairman of the Committee for Justice on today's Second Stage debate on the Justice Bill on behalf of the Committee.

As the Minister of Justice outlined, the issues covered by the Bill are diverse and wide-ranging. The Committee supports the main aims of the Bill, which are to improve the services provided to victims and witnesses of crime, to introduce measures to speed up the justice system, and to improve the efficiency and effectiveness of key aspects of the system.

I have great pleasure in drawing the attention of the Assembly to the fact that a number of the most important provisions in the Bill are as a direct result of the Justice Committee's inquiry into the criminal justice services available to victims and witnesses of crime. Those provisions relate to the creation of new statutory victim and witness charters, a statutory entitlement for a victim to be given the opportunity to make a victim impact statement, and the introduction of a statutory framework for the management of cases.

I acknowledge the fact that the Minister has put on record his appreciation of the work the Committee has done in carrying out our inquiry. I return the compliment by thanking the Minister for holding back on a number of his strategies to allow the Committee to conduct what was an in-depth inquiry that heard a lot of evidence from people directly impacted through the courts. That allowed the report to be shaped in

that way, and recommendations were made. I recall debating the report in the Assembly. It did not get the coverage it warranted at the time, but, nevertheless, a lot of what the Committee carried out is now in the Bill. I again thank the Minister for letting the Committee do that work. We have got to the point where a number of the clauses will have unanimous support in the Assembly.

I remind the Assembly of why the provisions are so important. I make no apology for going over some of the ground that we went over when we completed the Committee report. Some of it is worth repeating.

In 2012, the Committee brought a report to the Assembly on the crucial piece of work it undertook regarding the experiences of and the services provided to victims and witnesses of crime who encounter the criminal justice system. The findings of that report made for difficult reading. During the inquiry, the Committee heard from and spoke to a wide range of advocacy and victims' representative groups and the main criminal justice organisations. The Committee also spoke directly to individuals and families who had first-hand experience of the criminal justice system.

4.15 pm

It was clear from the evidence received by the Committee that, despite the assistance from voluntary organisations such as Victim Support and the NSPCC Young Witness Service, both of which carry out very good work, victims, witnesses and bereaved families in particular faced significant difficulties with the criminal justice system and criminal justice agencies. Their experience of the process was often frustrating, demoralising and, on occasions, devastating.

Statements such as:

"People are misinformed, ill-informed or not informed at all"

and:

"The trauma suffered by families can often be exacerbated by the criminal justice system"

made the Committee determined to ensure that changes would take place.

Key issues identified by the Committee included the lack of status that victims and witnesses had in the criminal justice process, with little or

no input and few rights; and the lack of dignity and respect shown to victims and witnesses during the process. One individual stated:

"the business and interests of the court centre on the perpetrator and the needs of the court, not the victim; they are a by-product".

Other issues identified included difficulties for victims, witnesses and families in understanding the process; difficulties in obtaining information about their case; the lack of support provided when giving evidence; the lack of emotional and psychological support services and practical assistance; the lack of a joined-up approach between criminal justice agencies; poor facilities in courthouses; and the length of time cases take to reach a conclusion, during which the lives of victims and their families are put on hold.

The Committee agreed with the view of one individual who said:

"there is an imbalance of resources. The defendant has rights and that is how it should be. The defendant has a right to a fair trial, and I am fully in favour of the rights of defendants, but that should not entirely exclude some rights for victims and the families of victims. That is really important. It is not an either/or, it is a both."

It is clear that engaging with the criminal justice system as a victim, witness or bereaved family is a daunting experience. The Committee concluded that much more needed to be done to redress the balance in the criminal justice system and ensure that the services provided to victims and witnesses and their experiences of the criminal justice system are improved.

The Committee believes that, fundamentally, all victims and witnesses of crime are entitled to be treated with dignity and respect and to be provided with the appropriate level of information in a timely manner. There is also a need for all staff in each criminal justice organisation who interact with victims and witnesses to fully understand the impact that crime and the criminal justice system can have on them, and to develop the skills and abilities to deal with them in an appropriate manner.

As the criminal justice agencies had clearly been unable to achieve that, the Committee recommended in its inquiry report that a victim and witness charter, providing statutory minimum entitlements of information provision and treatment, be introduced in the next available justice Bill and that the same statutory

entitlements be afforded to bereaved families. The Minister accepted the Committee's findings and recommendation, and I welcome the provision for these charters in this Bill, which will clearly set out the services to be provided to victims and witnesses; the standards of service they can expect to receive; how they should be treated by each of the criminal justice agencies; and whom they should contact if entitlements are not delivered. That will assist to redress the balance in the system, which is badly needed.

An issue consistently highlighted to the Committee during the inquiry was the adverse impact that the length of time it takes for cases to go through the criminal justice system has on victims, witnesses and bereaved families, many of whom are unable to move on while they wait for the criminal justice process to be completed. While delay is a common complaint about the entire criminal justice system, one of the key frustrations for victims and witnesses was the length of time that court cases take and the number of postponements or adjournments that frequently occur.

The Committee shares that frustration and disagreed with the Department's intention to wait to assess the impact of the Lord Chief Justice's practice direction for case management in the Crown Court before considering the option of legislating. The issue of delay had been ongoing for much too long, and the Committee was of the view that substantive action was required now. It believed that there was no excuse for the example that it heard from a bereaved family: it took two years and 10 months for the verdict in the case of their mother's murder to be delivered; on the same day in England, the verdict was given in a murder case that had occurred only 10 months previously.

The Committee therefore recommended that case management should be placed on a statutory footing at the next legislative opportunity, which would assist the judiciary in ensuring that cases are effectively progressed and have a positive effect in addressing delay and, ultimately, the experience of victims and witnesses.

The Minister again accepted the Committee's recommendation, resulting in clauses 79 and 80 of the Bill, which will introduce a statutory framework for the management of criminal cases and enable the Department to impose duties on the prosecution, the defence and the court, which should ensure that cases come to court in a state of readiness and avoid unnecessary adjournments, thus speeding up the process and reducing avoidable delays.

The Committee believes that it is very important that victims of serious crime and bereaved families have an opportunity to relate, during the criminal proceedings, the impact that the crime has had on them and for account to be taken of this impact. Victim impact statements are an appropriate mechanism to achieve that. However, during the Committee inquiry, victims and their families told members that the current system lacked clarity regarding the completion, content and use of such statements. For that reason, the Committee recommended that there should be an automatic right for victim impact statements to be completed in all cases involving serious crime, and that a formal system for the completion and use of them should be introduced as a matter of urgency. The provisions in the Bill give victims legal rights to make a victim impact statement, which will ensure that they can make their views known about the impact of the offence prior to sentencing when someone is convicted of a crime.

The inclusion of the victim and witness provisions in the Bill is an example of the Department and the Committee working well together and achieving a very good outcome for victims and witnesses. I appreciate the willingness of the Minister to take on board the findings and recommendations of the Committee and bring forward the necessary legislative changes. The Committee will be interested to hear again from those who engaged with us during the course of our inquiry on the detail of the Bill.

I want to turn briefly to some of the other provisions in the Bill, many of which aim to speed up the justice system and make it more efficient and effective. The Committee has received a number of written and oral briefings on the key policy content and has had an opportunity to comment on the various proposals prior to the introduction of the Bill.

The Committee supports the proposals to reform the committal process and to abolish the use of preliminary investigations and the use of oral evidence at preliminary inquiries. During the inquiry, the Committee was advised that the judiciary supported reform of the committal process, seeing no operational advantage for the courts in retaining the right to call witnesses at committal proceedings. Victims and witnesses of crime also indicated that the procedure only served to cause further stress and trauma, as it resulted in them having to give evidence and be cross-examined more than once.

In respect of Part 6 of the Bill, which provides an expansion of the live links provision in courts, the Committee is well aware of the benefit and value of live links provision, particularly for vulnerable witnesses, and recognises that the use of live links provision by expert witnesses should assist with cost and time savings for those involved in that area of court business, resulting in greater efficiency in the court process.

I also note that the Department has taken on board a proposal by the Committee to place a duty on a defence solicitor to advise a client about the benefits of an early guilty plea when it was briefed on the proposals to encourage the use of earlier guilty pleas. When discussing the proposals that resulted in those provisions, the Committee also sought assurances that there was no intention to introduce plea bargaining.

When departmental officials attended the meeting of the Committee last week to brief us on the principles of the Bill, other areas raised included the single jurisdiction for County Courts and the Magistrates' Court, the clause dealing with the aims of the youth justice system and the information that can be disclosed in criminal record checks. I am sure that members will return to those during the Committee Stage of the Bill, which will provide us with an opportunity to seek a wide range of views and consider any issues raised in more detail.

The officials also indicated that there were a number of amendments that the Department may wish to bring forward during the passage of the Bill. Those relate to the exchange of information between Access NI and the Disclosure and Barring Service in Great Britain; a proposal to introduce a mechanism to enable those whose convictions or diversionary disposals have not been filtered from Access NI checks to ask for a review of such decisions; amending the threshold for the granting of an order relating to defence access to premises, so that it would be made only where access is necessary to ensure a defendant's right to a fair trial; providing for the sharing of victim information for the purposes of offering victims access to services; and some amendments to the provisions on violent offences prevention orders.

The Committee questioned officials on why the proposed new provisions and amendments were not included in the Bill before it went to the Executive and was introduced in the Assembly, and we have requested further information on them to enable the Committee to invite views from key stakeholders and criminal justice

organisations at the same time as we consult on the Bill.

In conclusion as the Chair of the Committee, I say that the Bill is wide-ranging, and the Committee for Justice is generally supportive of its principles, particularly the range of provisions that will improve the services provided to victims and witnesses of crime. The Committee will wish to take the necessary time to scrutinise thoroughly all the provisions in the Bill and any new provisions proposed by the Department, and it will report its findings and conclusions to the Assembly in due course.

I will now make a few brief comments as a Member of the House. Obviously, the Committee has just completed its report on the Legal Aid and Coroners' Courts Bill. I think that it was the fastest scrutiny period that a Committee has undertaken. We had it through in eight or nine weeks and did not take the maximum period of six months that other Committees take nearly as the norm, even though they maybe do not always need it. However, I suspect that Committee members will seek the maximum period to scrutinise the provisions in this Bill. I have highlighted the fact that the Department wants to table amendments to the Bill that are not necessarily related to it, and I think that that acknowledges its wide scope. I suspect that Members will also wish to table amendments at the appropriate point.

The Committee has heard evidence from the Attorney General on inquests into deaths in hospitals. The Committee was of the view that we did not have time to scrutinise seriously that amendment to the Legal Aid and Coroners' Courts Bill, and I believe that we will return to it in this Bill. The Attorney General has also highlighted an issue about the rights of audience, which, again, I suspect we will want to consider. My party may wish to table some amendments on aspects of the Bill. We were keen to get the process commenced, but there may be other issues on which my party will want to table amendments, and we reserve the right to do that.

I look forward to the challenge of giving the Bill the scrutiny that it merits in the Justice Committee and the opportunity that it presents for other issues that fall within the criminal justice sphere to be addressed by the Assembly.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like the Chair of the Committee and on behalf of my colleagues on the Justice Committee, I

welcome the Second Stage of what is now called the Justice Bill. I hope that it will pass to Committee Stage later this afternoon.

Until now, the Bill has been loosely described as the "faster, fairer justice Bill", and that gives you some indication of its content. The Minister and the Chair of the Committee outlined in great detail its broad remit. If it can be distilled in any way, I think that it has two main aspects: to improve services to victims and witnesses in the justice system and to introduce measures that will speed up some aspects of the judicial process and therefore make the system more effective and efficient. Such measures include reducing undue delay and having better case management, thereby speeding up the process. Whereas it is a noble intent to ensure that we have faster and fairer justice, we also have to ensure that whatever we do and whatever comes out the other end of the process enhances the process of administering and delivering justice, so the measures in the Bill and, indeed, the policy outline to date have been seen and pushed as ensuring that the Bill will do that.

4.30 pm

The Committee has a role now in scrutiny, and the Chair has alluded to the fact that various Members, various parties and, indeed, witnesses will encourage us perhaps to seek amendments. In our opinion, there are aspects of the Bill that can be strengthened, and we will certainly want to play our role in that. The Chair outlined one of the main aspects of the Bill, and he talked about the Committee's inquiry. At that time, the Committee was best pleased that it was a good piece of work. The Minister provided the space to allow the Committee to take it forward, and we have to acknowledge and commend the fact that the Minister is now introducing many aspects of that inquiry. The inquiry, at its core, highlighted the need for change, and it signposted some of that change. Rosaleen McCorley, my colleague, will develop that more when she makes a contribution.

Sinn Féin supports the idea of a single jurisdiction. It was outlined very clearly that bringing in this measure in line with other aspects of the court system will ensure better case management. The Chair talked about the use of witnesses and, particularly, victims, and it will assist their process of not always feeling that courts are held in inappropriate places. That is to be welcomed.

We are broadly in support of the proposals as outlined on committal. This was raised in some of the evidence sessions with departmental

officials. Although you want to see a process that speeds up the process of bringing a case to trial, there may be some aspects of the inquiry that may, in some instances, provide some level of evidence, not oral evidence but some examination. That might ensure that a case does not go to trial when it may not have to.

The issue of prosecutorial fines is similar. We are in support of that because we have seen instances where proper provision for people to accept a fine rather than a trial process can assist the process of justice. We have to have clear lines where that is appropriate. Although we want it to be faster, we do not want it to be expedient where, rather than taking a case to trial, people might feel that a prosecutor can circumvent that. I think that the provisions laid out in the Bill will ensure that that will not happen. It is our job as a Committee to ensure that, whatever amendment or whatever legislation is finally voted on, we protect ourselves against that.

In broad terms, we look forward to Committee Stage. As the Chair has said, given the size of the Bill and the number of clauses in it, we will take the maximum time that is necessary and at our disposal to ensure that we give it proper scrutiny. We look forward to that process.

Mr A Maginness: I support, in general terms, the principles of the Justice Bill, which has been introduced by the Minister. I agree with the basic aim of the Bill, which is to introduce a fairer and faster system, and I think that that is right.

There has been avoidable delay in the system that needs to be addressed. That was made plain during the Justice Committee's inquiry, which the Chair of the Committee has referred to. In my experience as a lawyer, to some extent, victims and even witnesses are regarded as incidental to the legal process and to the trial of the defendant or defendants. The interests of victims were often lost during those trials. Amongst the judiciary and lawyers generally, there is a realisation that victims count and that it is important that they have a proper and reasonable role in the process of a criminal trial. However, I sound one note of caution: in going in that direction, we should be careful not to say that everything or many things should reside with the victim or witnesses. The pendulum is swinging in the right direction, but it should not swing too far because that in itself could create unfairness and injustice in the criminal justice system. We have to be wary of that, and it is important to get the balance right. However, as the Chair

said, lengthy delays give rise to great hurt and suffering among victims' families and the victims themselves. It is important that we address that, and the Bill has some useful provisions for that.

It is important that there should be a victim charter and that it should be taken seriously, which is a provision of the Bill. It is also important that victims of a crime are given an opportunity to make a victim statement to the court. Not all victims will want to do that, but the opportunity should be available to them. The Bill will provide the statutory basis for victims to express their views to a court on the offence that caused them suffering and harm.

As far as the creation of a single jurisdiction for County Courts and Magistrates' Courts is concerned, I note from officials in the Justice Department that there is no resistance among County Court judges or magistrates to that, and it could provide a better system in which there is more efficient management of criminal cases. It is important that efficiencies are brought into the system. However, I regret that the historic and traditional divisions of the County Court may be dropped and forgotten. They are historic, and there is value in the history of those individual divisions. I also regret that the title of resident magistrate will be dropped. That historic title should have been retained in our system, because it is unique to Ireland. There was a value in the creation of that judicial office.

I move on to committal for trial. There is a proposal for the abolition of preliminary investigations. In addition, there is the abolition of mixed committals and evidence on oath not being given at a preliminary inquiry. I want to make a number of points. In most pretrial proceedings, there is only a service of papers, and the preliminary inquiry is based on a paper exercise. I think that the figure quoted in the Justice Committee last week was that there were 1,600 preliminary inquiries last year and very few preliminary investigations, so we should not get the issue out of proportion. There is at least a theoretical and, I think, a real value in committal proceedings per se, because there should be an opportunity to test the evidence at that preliminary stage.

A complete abolition of evidence on oath could mean that, when you get to the trial stage, issues that could have been raised at a preliminary investigation or inquiry level will be raised at the trial, and that in itself could, in effect, cause further delay and a prolongation of proceedings that could have been dealt with more effectively and efficiently at a committal

stage. I am not absolutely convinced that this is the right way to go. There should be at least a residual retention of the ability to call evidence on oath; in other words, oral evidence could be given at that preliminary stage. I do not see that being used extensively, but it could be a safeguard in all the circumstances. I would like the Minister and colleagues to think about that, because I do not believe that that would give rise to inordinate or avoidable delay.

The other point in relation to preliminary proceedings is that people say it causes hardship to victims and witnesses and that they are lengthy. I am not so certain that they are that lengthy. Also, it may be useful to test a witness at that stage, because, if a witness's evidence is without merit or is found wanting, the subsequent trial could eliminate that witness, and that could, in fact, expedite the trial. That should be borne in mind as well.

The Minister has said that, despite the abolition of evidence on oath, representations can be made on behalf of the defendant. If those representations are made on behalf of the defendant, does that mean that the defendant can explore the papers in greater detail? If that is the case, does that not also lead to a prolongation of things? It might serve the court better to call the witness and determine the issues on the basis of oral evidence at a preliminary stage. It is not quite as straightforward as has been suggested. The Minister and others should look at the situation more carefully and see if, in fact, the objective of getting a more efficient committal proceeding could also be served by having some sort of residual powers to call witnesses.

Of course, representations on behalf of the defendant at a preliminary stage could be quite lengthy in their own right. I raise those few points for the Minister's consideration and the consideration of others.

4.45 pm

I welcome the prosecutorial fines. That is a good step: anything that avoids unnecessary court appearances is good, and it meets the justice of cases at the lower end of the range. It serves the interests of everybody to get rid of some of the cases at that level.

I welcome the changes on criminal records, and it is important that they are introduced. The change on live links is sensible and straightforward and will help in criminal proceedings. Violent offences prevention orders too are useful and helpful in dealing with

the potential misconduct of people who have violent tendencies. The removal of a maximum age for jury service is also right and proper.

I move on to early guilty pleas. If one examines clause 77, one will begin to be concerned to some extent. My fear is that the court may be used in a manner that is unintended by this clause. It does not seem to be clear what is intended, and I am not certain that this provision has been properly thought through by the Department. Clause 77(2) states:

"The court in sentencing D for the offence must indicate the sentence which the court would have imposed for the offence if D had pleaded guilty to the offence (or indicated D's intention to do so) at the earliest reasonable opportunity in the proceedings."

It seems to me that it is unclear as to what the court has to do in those circumstances and what the purpose is of the court doing that. I ask the Minister to reflect on that and perhaps advise the Assembly on the intention.

Clause 78 deals with the duty of the solicitor to advise the client about early guilty pleas. That is probably an unnecessary addition to the volume of provisions relating to criminal trials. I am not certain that it is absolutely necessary. Any good solicitor in advising their client where a plea of guilty is probably inevitable would, in any event, advise their client to plead guilty at the earliest possible stage. I am not certain whether it is absolutely necessary in all the circumstances. Again, that should be reflected upon by the Department and the Minister.

A further point is in relation to clause 79, "General duty to progress criminal proceedings". This introduces regulations to:

"impose a general duty on persons exercising functions in relation to criminal proceedings in the Crown Court or the magistrates' court to reach a just outcome as swiftly as possible."

There are two things there: reaching a just outcome and doing it as swiftly as possible. Sometimes, you cannot reach a just outcome as swiftly as perhaps people might like, so there is a tension between the two ambitions in that provision.

The clause continues:

"(2) The regulations must in particular take account of the need to identify and respect the needs of —

(a) victims,

(b) witnesses ... ; and

(c) persons under the age of 18."

Mr Allister: Will the Member give way?

Mr A Maginness: Yes, I will.

Mr Allister: Does the Member agree that it is hard to avoid the impression that some of the drafters of this legislation obviously have very little experience of our criminal courts and seem to think they are inventing the wheel? The Member may have had this experience. I certainly spent many a Friday morning at the Friday morning inquisitions in Laganside courthouse, in front of some of our most robust judges, answering questions about the state of readiness of cases, why cases were not ready and when they would be ready. That already happens, by and large, so would the Member agree that there seems to be an inclination by some to want to legislate for the sake of legislating?

Mr A Maginness: I thank the Member for his intervention, and I do agree in general terms with what he is saying. I am just wondering whether it is necessary to include the provisions that I referred to about advising a client to plead at the earliest possible stage and then having the introduction of regulations.

Looking at the regulations at clause 80, "Case management regulations", it seems to me that their imposition could well be quite onerous on many people involved in a case. The clause states:

"(4) Active case management includes in particular —

(a) the early identification of the real issues;

(b) the early identification of the needs of witnesses;

(c) achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;

(d) monitoring the progress of the case and compliance with directions;

(e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;

(f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;

(g) encouraging the participants to cooperate in the progression of the case;

(h) making use of technology; and

(i) giving any direction appropriate to the needs of that case as early as possible."

There are a huge number of issues to be attended there. As Mr Allister said, in the normal process of case management in the courts, the actualité is that judges do scrutinise the readiness of a case, what has been done etc.

I do not think it is necessary to introduce regulations to achieve the laudable objective of making sure that a case is ready for trial. If regulations are necessary, we should not over-regulate, and I think that what we have here is, on the face of it, over-regulation. I think that the Department and the Minister should look at the regulations again and see whether they are necessary to meet the objective, which is to make sure that cases are ready for hearing. I know that these matters will be discussed at length in Committee, but it is right and proper that some of the issues are highlighted in detail at this stage so that the Committee and other colleagues are aware of issues that are, I think, troublesome and matters of concern. People should be sensitive to the issues raised.

Despite what I have said and the detail that I have gone into, I believe that the Bill is, fundamentally, a good one and that it makes progress in the advancement of the concerns and interests of victims and in trying to create a faster and fairer justice system, but we need to be careful in all of this.

My final observation is that criminal trials have become overly complicated, quite burdensome and difficult procedurally. Many of the procedures were introduced over the past 15 or 20 years, and the criminal trial has been transformed into an unnecessarily cumbersome process. I make that as a personal and professional observation, but I think that we should do as much as we can to prevent it becoming even more complicated.

Mr Elliott: I welcome any efficiency brought into the criminal justice system, and I am sure that that is what we hope that the Bill will do. Who would not welcome a faster, fairer justice system, although I hope that the Minister is not

indicating that we do not have a fair justice system at the moment, because it would be detrimental for that to be the highlight. I am sure that that is not the implication.

Looking at how we can improve things, I believe that the Attorney General proposed an amendment to the Legal Aid and Coroners' Courts Bill that we did not have time to scrutinise. I think that the Chair of the Committee mentioned that. It will be interesting to see whether the Committee and, indeed, the Attorney General wish us to scrutinise that during the passage of this Bill. It may be an interesting subject, particularly in relation to the Department of Health and the various agencies of the health service.

Will a faster justice system bring more savings to the justice process? We have talked a lot in the Justice Committee and at various times in the House about the legal aid bill. I am one who has said that we need to reduce the legal aid bill but that we also need to look for other efficiencies in the justice system. I wonder whether the faster process proposed in the Bill will result in any savings.

I want to touch briefly on the early guilty plea that Mr Maginness has just highlighted. I was going to raise this issue, but he beat me to it: I am not saying that there no need for it; I am just wondering what the difference is between what we have at the moment and what is in the Bill. Obviously, we will look to explore that in greater detail.

5.00 pm

My understanding is that, at the moment, it is really in the judge's remit as to whether to give some leniency towards early guilty pleas whereas here we are putting it directly into legislation. I am just looking for some clarification on that particular aspect. I am slightly concerned, as well, that when you introduce it into legislation like this there may be added pressure put on those who are facing criminal charges to enter an early guilty plea. Maybe they are under pressure and their advisers, solicitors or barristers are saying, "Look, if you go the entire length with this, you are sure to get a much heavier sentence." The person may feel that they are not guilty, but they may feel under pressure to make an early guilty plea just for a more lenient sentence. I am keen that there will be safeguards to mitigate that, so that we do not put that pressure on people who are before the courts.

The creation of violent offences prevention orders is quite an interesting aspect of the Bill.

It is something which I hope will mitigate the risk of violent reoffending by certain offenders:

"those subject to the order would ... be ... subject to notification requirements ... similar to those notified by sex offenders";

and:

"an order can only be made where the court is satisfied that it is necessary for the purpose of protecting the public".

It is a very interesting proposal in the legislation, and I look forward to seeing it through. I hope that it is particularly effective within the judicial system.

One aspect that I am especially interested in, and it has been touched on, is the victim charter and the witness charter. I feel that this is a very important intervention on the part of the Bill. I believe that for far too long victims, in particular, have not known the extent of where cases are, have not got reasonable information and, above all, at times they do not have reasonable protection. I hope that this will be an important intervention and support mechanism for victims. The victim charter will be very important as to what is in it. It will be useful as we go through the passage of that.

The victim statement is also vital. Quite often, victims have felt short-changed within the judicial system, when someone enters a guilty plea and the victim does not have the opportunity to give their side of the story to the court and let it hear what they have gone through. That is a very important aspect, and I look forward to taking it further.

One aspect that has not been touched on by anyone but is an interesting subject is the increase in the age limit for those who sit on juries. The upper age limit is being increased from 65 to 70. Nobody has mentioned that. It is an interesting subject and I think it came from a wider consultation, where the majority of consultees felt that it should be increased. I have no difficulty with that and clearly it is an aspect that people felt strongly enough about to make representations.

My party supports the principle of the Bill and looks forward to its passage through Committee Stage. I am sure, as others have said, we will attempt to make some changes and put down some amendments. I look forward to a pretty lively debate right the way through this process.

Mr Dickson: I commend the Minister for bringing the Bill to the House today. I wish to place it on record that I also share his desire to deliver a faster and fairer justice system for citizens in Northern Ireland. This Bill, along with a wide range of actions already taken by the Minister and the Department of Justice, is delivering, and will continue to deliver well into the future, faster and fairer justice.

I also commend to the House the comments of the Chair of the Justice Committee. The Committee has worked extremely well together on a number of the issues already, and we will particularly talk about the issue of victims and witnesses.

The creation of a single jurisdiction for County Courts and Magistrates' Courts in Northern Ireland will serve to bring them into a similar position to that of the Crown Courts and High Courts, whereby the judge will have that discretion as to the location of a hearing, in the interests of justice and as the needs of each case demand. A single jurisdiction will also allow for modernisation, with the records of County Courts and Magistrates' Courts being centralised as opposed to being retained by a clerk in each petty sessions district, and perhaps bring into effect some of the administrative savings that have already been mentioned. That will allow for a more effective, efficient and, hopefully, accessible justice system.

I want to turn to the whole issue of victims and witnesses. There was not a single member of the Justice Committee who was not affected by the issue as we took our evidence and committed ourselves to our inquiry. I am particularly pleased to note the sections of the Bill that provide a great deal of focus for dealing effectively with the needs of victims and witnesses. Along with members of the Committee, I had the privilege — it was a privilege — to meet a wide range of victims and witnesses and those organisations that support them. We listened to their stories and the challenges that appearances in court, court attendances and the legal system brought to them. We found and clearly understood, and, hopefully, now have a better understanding of, some of the shortcomings of the system heretofore — shortcomings that I hope the Bill will start to address.

Our victims and witnesses deserve the utmost care and protection that we as legislators can provide for them. I am pleased by the way in which the Minister has taken account of the Committee's inquiry into the criminal justice services available to victims and witnesses of

crime. I hope and believe that the Bill will have a positive effect on victims and witnesses, particularly through victim personal statements. Although the notion of such statements is not particularly new, only around 20 such statements are made each month. The provision for statutory entitlement to such a process is something that has arisen in the Committee's work and was recommended to the Department. Explicit statutory provision will increase awareness and no doubt serve to improve the experience of victims in the criminal justice system.

The provision of charters is particularly welcome. Those are separate charters, as the Minister outlined, for victims and for witnesses. The indications are that the charters will serve to set out clearly the services to be provided to victims and witnesses. We found that there was a great deal of confusion and misunderstanding and a lack of support or knowledge about where to go to get that support. The charters will clearly set out the standards of service that people should expect to receive, and I believe that they will be of immense and lasting benefit in the legislation.

Committal reform has also been mentioned in the debate. It is fair to say that there are times when people are required to give disturbing and difficult evidence on more than one occasion. That is a difficult and delicate area — Mr Maginness referred to it — and we will have to balance it out in our deliberations in Committee. It is clear to me that reform of committal for trial will reduce the burden that giving evidence can place on witnesses by broadening the scope for paper-based submissions and, ultimately, fundamentally changing the way in which Crown Court cases are dealt with. Evidence suggests that the current system of committal for trial serves to deter witnesses from participating in a subsequent trial. Thus, the removal of the need for them to give oral evidence and participate in cross-examination before a potential trial is to be welcomed, in the name of making the victim's experience of the criminal justice system all the more positive.

The introduction of prosecutorial fines for low-level offences is an important measure in reducing pressure on our courts. Some 45% of offenders automatically plead guilty in Magistrates' Courts, arguably rendering the expense of many hearings disproportionate and unnecessary. Removing the administrative burden by introducing prosecutorial fines at the discretion of the prosecutor before trial will act to free up our courts. Again, that will create a saving and allow the ultimate goal of faster and wider access to justice.

Reference has also been made to the streamlined arrangements for disclosure of criminal records. For example, in 2013-14, there were approximately 124,000 criminal record checks in Northern Ireland. With the changes that are proposed in the Bill and the introduction of portable criminal record checks and online updating, that could be reduced by some 40% over seven years. A note of caution in respect of that is that those checks need to be accurate and ensure that no one slips between the cracks. But, hopefully, it will lead to important financial benefits and will also serve to benefit applicants and employers for whom it is a costly and time-consuming process.

We have already heard reference to live video links. As members of the Committee for Justice, we, again, have had the opportunity to view those links to see their effectiveness and how they have operated in courts, particularly in relation to children's services. It is important that they continue to be enhanced. Video technology continues to deliver real cost benefits to the court system. I will certainly encourage the continued and enhanced use of that where appropriate and always bearing in mind that it has to serve the justice system and those who participate in it fairly and fearlessly.

Mr Elliott said that there was no reference to the age limit for jury service. I have some notes on that. It is something that, I think, is important. Regardless of their age, it is important that people should be allowed to deploy their talents in helping society to determine the outcome of trials in the criminal justice system. People can be an effective juror regardless of their age. There are many benefits from people over the age of 70 being able to deliver jury service, not least of all the cost savings, for example, in their not having to take time off work perhaps to attend courts. That reform ultimately removes a bar that is now perceived to be unduly discriminatory. That is certainly to be welcomed.

I look forward to the Department's officials coming to the Committee for Justice to help us to debate and understand the Bill's clauses. I look forward to the Committee's taking its evidence and getting a closer understanding of all of those items that are contained in the Bill. I wish the Bill fair passage through the House. I note the very positive comments that have been made in the debate. Thank you very much.

Mr Wells: It is always useful to hear Mr Dickson's comments before rising to speak because you get the official, unabridged and clear view of the Minister on the Bill.

Lord Morrow: The departmental view.

Mr Wells: Exactly. You get something that has been written on tablets of stone in Alliance Party headquarters and handed to him as holy writ by the Minister. Therefore, one gets an insight into the true feelings of the Minister on any particular piece of legislation, be it in Committee or on the Floor of the House. That is useful to know. I have never heard Mr Dickson step out of line once in his entire career from the views of Mr Farry or Mr Ford. Well done thy good and faithful servant; thy rewards are in heaven.

As other Members have said, there is a broad and general welcome for the principles of the Bill, though it is interesting that, already, there is an indication from the Minister that the Department will table amendments to it. That is an unusual procedure, I have to say, but it does give an indication of the all-encompassing nature of the Bill. Literally everything is covered by this piece of legislation. It should actually be called the justice (miscellaneous provisions) Bill 2014, because that is exactly what it is. I am not criticising the Department, because it was needed. We need a fairer, faster and more cost-effective form of jurisdiction in Northern Ireland. Therefore, it is right that this is being done. I applaud the Minister for it.

I am pleased that the Minister has taken into account the work of the Committee for Justice in the treatment of witnesses and victims. Indeed, I have to say, without blowing my own trumpet, that it was Mr Givan, the Chair of the Committee, who came up with the proposal that we investigate that issue.

As Mr Dickson said, Committee members worked closely together. I remember going up to Londonderry, as it will always be, to see how witnesses and victims were treated in that court jurisdiction, and we heard tragic and telling stories from people who felt that they had not been treated fairly in the courts as witnesses and victims of crime. One thing was very obvious: something drastic needed to be done.

5.15 pm

Over the last 30 or 35 years, I have, for various reasons, appeared in, attended and given evidence to many courts, including the small claims court, sometimes on my behalf and sometimes on behalf of constituents, and I have witnessed just how brutally some witnesses have been treated by the legal profession. If it is intimidating for someone like me, who has spent 32 years in public life, to give evidence in

court, what is it like for someone who is plucked from complete obscurity by dint of an accident or event and brought into the bear pit — that is all one could call it — of the judicial system? It is extremely intimidating, even before a learned QC or barrister opens his or her mouth. I think that it is absolutely essential, therefore, that we have a witness charter and a victim charter. The Minister has listened very carefully to what was said, and he is pushing on an open door as far as the Committee is concerned.

Obviously, in this case, the proof will be at Committee Stage, which I can see being a very long, convoluted and complex affair, but I would like to think that, with good cooperation between members, we can improve the Bill. We certainly want to ensure the most rigorous form of protection for witnesses so that they will feel that they have had a fair hearing, that they have not been humiliated and that they have been able to make the best representation they can to the courts. I am far from convinced that that has been the case up to now.

Similarly, we all welcome the victim impact statement, which is useful for several reasons. First, it will give those doing the sentencing an indication of a victim's level of hurt, anger and concern about what has happened. I have frequently dealt with that as a constituency MLA. I think of a little lady in her 80s who lived in Kilmore and whose home was broken into twice by masked men. Her life was utterly destroyed by those two events. Indeed, she had to move into residential care shortly afterwards. It was not what was stolen. What was stolen was actually quite minor, and there was not that much damage to her property, but that woman felt terribly vulnerable about her situation and was forced out of her home.

I believe that someone in that situation has the right to dictate or to stand up and explain the impact that such an incident has had on him or her as a victim, because that would concentrate the minds of those who are sentencing. Secondly, it may give the perpetrator an indication in court of the enormous pain that he or she has caused. So, I think that that is very welcome, and I see it as a very effective way forward.

I also support anything that speeds up court proceedings. It has never ceased to amaze me as a constituency representative how long and convoluted proceedings are, to the extent that witnesses and victims almost give up in despair. Anything that makes it quick and fast but fair is a good thing.

I also hope that costs will be cut down, because, whether we like it or not, the cost of the judicial system per crime committed is still significantly higher in Northern Ireland than in the rest of the UK. We have to ask this question: why is criminal legal aid over 20% more expensive per crime in Northern Ireland than in the rest of the UK? Is a robbery in Basingstoke intrinsically any different from a robbery in Belfast? We can no longer hide behind the Troubles and the conflict. If someone breaks into a little old lady's house in east Belfast and steals something, that should not be 22% more expensive to deal with than if somebody breaks into a little old lady's house in East Grinstead. It should not be different, but, for some reason, we still have an overhang of extremely expensive cases in Northern Ireland. If this legislation leads to such cases being dealt with more quickly but still with fairness to the defendants, it has to be a good thing. I do not believe that the Minister has yet been able to drive down costs to what I see as economic levels for judicial proceedings in Northern Ireland.

I still think that there is room for significant savings in the system. If this legislation enables that to happen or, at least, takes it in the right direction, that is a good thing, but I cannot believe that we can stand over that differentiation in costs between different parts of the United Kingdom. We should not be dear any more. There will still be an overhang of cases involving the legacy of the Troubles, and I accept that. There will still be issues of paramilitarism, intimidation and some dissident republican activity, but the reality is that those are now a very small fraction of the cases that are being heard in Northern Ireland. If the Minister is going to set himself a new year's resolution for 2015 in a few months' time, he should set himself a resolution that the costs in Northern Ireland for those standard cases are no more expensive than the average for the rest of the UK. I do not see any reason why that cannot be done. If it is done, it will free up very significant savings in his Department that can, no doubt, in the monitoring round be redistributed to other deserving Departments like Health, Education and Regional Development.

Mr Ford: Ring-fencing.

Mr Wells: I understand that ring-fencing does not prevent the Minister voluntarily giving up money that he does not want and handing it back during the monitoring rounds. My understanding is that ring-fencing only stops money being taken out of the system if he does

not want it to be. I think that I am correct in saying that. Therefore, if he brings expenditure down to the UK average and that frees up £50 million or £60 million, I do not think that Mr Hamilton will say, "I am sorry, Mr Ford, I cannot take it; it is ring-fenced". I think that he would be delighted to redistribute it to more deserving causes. Therefore, I think that there is still fat in the system to be taken out, and, if the Bill brings us more into line with the rest of the UK, that is fine.

Access Northern Ireland has been a real trouble spot. We all understand why we need the system, but we get many complaints about the complexities of using it. I will give an example: in my church, there are people who are youth leaders in several organisations such as the Girl Guides, the Crusaders, Sunday school, etc, and it really is daft that those people have to get a separate Access Northern Ireland certificate for each youth organisation that they are involved in. That is wasteful. It does not achieve very much, because, in every case, they come back completely clear, no matter what level of scrutiny they come under through Access Northern Ireland. Therefore, anything that can achieve a single transferable certificate awarded by Access Northern Ireland has to be a good thing, consistent, of course, with protecting the vulnerable and our young children to make certain that the perpetrators of horrible crimes are detected in the system. We will watch with interest the Committee Stage to see how that pans out.

Finally, I am broadly in agreement with the introduction of fines at a very early stage rather than going through the judicial process. I am slightly worried about the lack of a criminal record arising, because I think that the tendency may be to opt for that too often. Therefore, I want to tease out during Committee Stage exactly how that will operate. Often, the criminal record is the deterrent rather than the fine. A criminal record has all sorts of implications for employment, emigration etc and is therefore quite a deterrent for someone.

Just as an aside, I tried to get into Australia about 15 years ago, and one of the problems that I had was that, because of my parading activities, I had a criminal record. I had to go down to the consul to get my visa to go to Australia, and they were trying to keep me out. I made the point that, 200 years ago, you needed a criminal record to get into Australia and he was denying me the right to get in. I am glad to say that I got round that point, and I have been back to Australia three times. However, I am aware of the complexities of having a criminal record, and therefore I realise

the deterrent that it is. A fine may not be that deterrent. We need to be a bit careful before we go down the route of eliminating criminal records simply by means of the payment of cash. That has to be considered in its wider aspects.

Apart from that, I agree broadly with the principles of the Bill. I look forward with great interest to Committee Stage. I have to say that I was worried when Mr Dickson started to congratulate the Committee on how we had worked so well together; we will have to do something about that. No matter where we stand on the human trafficking Bill, it was very interesting to see how the Committee worked together to tease out the complexities of that Bill. This is in a totally different league, in my opinion, because of the 92 clauses. It will be a long but fascinating process. I am sure that the Bill will come out of the Committee more fit for purpose than when it went in. Given the fact that Members and the Minister have already indicated that there will be amendments, I think that the Bill will come back from the Committee very different from when it went in. That will be a very interesting process.

Ms McCorley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Like the other Members who have spoken, I welcome the opportunity to speak on the Bill. I see it as a positive development. If we are introducing a system of faster, fairer justice, that can only be a good thing. Of course, it has to be treated cautiously, because, as we proceed, we have to ensure that the human rights and civil liberties of the people who are affected by the process are observed. I look forward to Committee Stage, when we will subject the Bill to greater scrutiny.

Today, I will address a few parts of the Bill. Part 4 addresses victims and witnesses. I agree with what everyone so far has said: victims and people who have provided witness testimony to the criminal justice system here have had very poor and negative experiences. They have not always been treated with the respect and dignity that they deserve, so I am pleased to see the developments whereby statutory measures will be put in place to uphold the dignity and respect of victims.

I will illustrate that experience by quoting a case that happened in my constituency. It involved the murder of a local man, Harry Holland. He was brutally murdered by young people who were trying to steal his van, which he used to provide for his livelihood. He was stabbed to death. Last month, on the day of the launch of the victim and witness care unit, his daughter

spoke on Radio Ulster. She spoke of how her family went into court that day, expecting to receive justice and to see the outworkings of the case against the people who had killed their father. She was shocked, because she and the rest of her family discovered that a deal had been done. They were not aware of anything, but a settlement had been reached between the PPS and the accused. They did not get their day in court; they were not part of the process. They felt traumatised and retraumatised by that experience, and they felt completely let down by the system. In that context, Harry Holland's daughter welcomed this new development in the treatment of victims and witnesses. Sadly, however, it was too late for the Holland family. In that context, I am pleased that this new development will take place and that people will not have to be retraumatised by the system, having already suffered very badly as a result of a crime.

There was a very positive response from almost everyone in the consultation on the victim and witness process. It was very widely welcomed. Practically everybody looks forward to the new victim and witness charters, which will give statutory entitlement to victims and witnesses. The new victim impact assessment is another positive outcome.

I move now to criminal records and how the vetting system can be streamlined. A review of that process by Sunita Mason made for very interesting reading. Some of her recommendations were far-reaching, and I am sure that they will form part of our discussions when we take the Bill into Committee. Ultimately, we will be seeking a structure in which the correct and proportionate vetting systems are put in place while still providing the appropriate protection to the public.

5.30 pm

Finally, there is no doubt that live links will be advantageous; they will bring many benefits to what can be a lengthy process. I agree that, in essence, it will improve the current system and allow for the more efficient and effective use of resources and time by avoiding delay in the criminal justice system. It will allow proceedings to be advanced without undue delay for committals and breach proceedings. It will also make things easier and simpler for expert witnesses and people who want to give testimony from overseas. The disruption to people's lives in fulfilling their commitment to give expert witness testimony will be reduced by allowing them to do it by a live link. That is a positive development. We look forward to discussing all these issues further. As well as

the live links hopefully becoming the norm, we should ensure that, if there is a need, requirement or desire for personal court appearances, they should exist. It should not be across the board; we should keep the facility for whenever it is needed.

We need to use caution when creating a fairer, faster justice system so that we do not create circumstances that will decrease access to justice for those most in need of it. We must be careful that we observe the human rights of everyone involved and keep that to the front of our mind as we scrutinise the Bill in Committee. To sum up, mar fhocal scoir, I would like to see a robust Bill that will fulfil the requirements of fairer, faster justice while making no compromise on its adherence to the highest standards of human rights compliance.

Mr Anderson: I rise as a member of the Justice Committee to offer a few comments on the Justice Bill before the House today for its Second Reading. It is important to remember that our primary function in the Assembly is to legislate. In that sense, I welcome the Bill and commend the Minister for bringing it forward. This is the second major justice Bill in the past three years. It is certainly significant legislation. As drafted, it contains almost 100 clauses and six schedules. Like its predecessors in the House and under direct rule at Westminster, it covers a wide range of issues.

Members of the Justice Committee were grateful for the briefing that they received from departmental officials last week. We look forward to further similar sessions as the Bill progresses. I am aware that, in coming to the Bill, a lot of the preparatory work has been done through public consultation and in conjunction with the Justice Committee. That will help to smooth the way in the future. However, the officials indicated that there might be amendments coming from the Department. That has been mentioned today. The Bill will be subject to amendments at Committee Stage, but it would have been better for the Minister to present the Bill without the likelihood of early amendments from his Department. Maybe he would comment on that and clarify it.

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

I am sure that no one in the House is satisfied with the efficiency and effectiveness of the criminal justice system. We must keep on looking at ways of improving the system. I suspect that that will keep the flow of justice Bills going for the foreseeable future. It is also fair to say that there is considerable

dissatisfaction with elements of the criminal justice system. I often hear complaints from constituents and the media about inordinate delays in cases being processed by the courts. It is still taking far too long. The justice system is also regarded as being far too bureaucratic and complicated. In the interests of justice being done and being seen to be done, the whole process needs to be radically shaken up. The Bill seeks to address all of that, and we are told that it will give effect to the Minister's desire to improve the operation of the system. I share that desire, and I welcome and support sensible and practical measures designed to achieve that.

The Bill has three main aims: to improve services for victims and witnesses; to speed up the justice system; and to improve the efficiency and effectiveness of key aspects of the system. It will be clear from what I have said already that I wholeheartedly agree with the three key aims. The extent to which the Bill will fulfil them remains to be seen.

I want to speak briefly about some ways in which the Bill addresses the vexed issue of the need for greater speed in bringing cases to the courts and taking them through the courts. Delay remains a problem, with a long list of often comparatively minor and straightforward cases seemingly stuck in the system for years. This is not in the interests of anyone. It is not in the interests of justice. Overall, it simply leads to a further lack of public confidence in the justice system, and that is not good for our society.

We must remember that people are innocent until proven guilty. Often, although defendants protest their innocence, they feel that many already regard them as being guilty. They want to get their case to trial as quickly as possible. Very often, months or years of their life are taken off them, and, although they are found not guilty, they do not get those months or years back and never feel that they have fully recovered their standing in society.

Those worst impacted are the victims who have to endure the trauma of some terrible incident, and their life is more or less suspended — put on hold — until the matter reaches a conclusion in the courts. You will often hear victims at the end of a trial speaking of their relief that the trial is over. They may or may not be satisfied with the outcome, but they are glad that the long ordeal has reached that point.

My party has long argued that victims must be at the heart of the justice process, and I am therefore particularly interested in Part 4 of the

Bill, which makes provisions for victims and witnesses. I strongly support the concept of a victim charter, which is provided for in clause 28, and the Justice Committee has done considerable work on that.

One of the key elements will be to make sure that proper communication comes to victims from the PSNI and the PPS. A victim must be given satisfactory explanations for delays and failure to prosecute. I support the proposal to build on the administrative arrangements for victim statements by putting those statements on a statutory footing. It is only right and proper that a court should hear from a victim just how the crime has impacted on him or her, and the statutory basis for a victim statement will, I hope, add weight to that.

Some of the changes to committal for trial, as set out in Part 2, will also go a long way towards helping victims. I understand that the aim is to abolish committal in its entirety. The implications of that will need to be looked at carefully, but I strongly welcome the proposal to remove the ordeal of victims having to give evidence twice. I welcome clause 11, which allows for the direct transfer of an accused person to the Crown Court when that person has indicated an intention to plead guilty. The idea of encouraging an early guilty plea is a positive move. I also support fully the proposal for a witness charter, as it will provide greater clarity and support in what can often be a stressful and frightening circumstance. I am broadly in agreement with modernising the arrangements for the disclosure of criminal records as outlined in Part 5. I also think that the proposals to expand the use of live links in criminal proceedings, as set out in Part 6, will help to make the system more efficient and will speed up the justice process.

I turn to Part 7, which introduces violent offences prevention orders — VOPOs, as they will be known. We are told that that risk management tool will benefit offenders by helping to prevent further offences, and that is good. We must do all we can to prevent reoffending. However, coming back to the importance of helping victims, I feel strongly that our focus must be on making sure that a tool such as the proposed VOPO will help those who have been impacted by the crime. If a VOPO will, as indicated, contain robust requirements and prohibitions that will protect the public from the risk of violent harm caused by the offender, that is to be welcomed.

The best way to prevent reoffending and protect law-abiding people is to have tougher sentences so that crime will never pay. That

must be our key objective, and the message must go out that crime will never pay. As I have indicated, the Bill is wide-ranging and will go a considerable way towards making the justice system more user-friendly. However, I hope that, as a result of the new Justice Bill, the message will go out loud and clear that the justice system will punish criminals and protect law-abiding citizens, especially those who are most vulnerable, such as the elderly. That, above all else, is what the public want to hear.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Like everybody else, I welcome the Second Stage of the Bill. In his opening remarks, the Minister said that it was the right time to make the changes, and nobody would disagree with him. Major changes are needed in our criminal justice system, particularly in terms of delays, which people have mentioned. Some cases can grind on here for years. As we experienced during the inquiry into the experiences of victims and witnesses of crime, cases in England could be concluded within a calendar year, but here they could grind on. For one family in particular that I remember, it ground on for two and a half years, which had a hugely negative impact on that family.

Most of this has been covered. I just want to briefly mention one aspect of it that covers violent offences prevention orders. Those prevention orders will be a tool to do more to protect the public from violent offenders who continue to pose a risk of serious harm even after their release from prison or when their licence expires. It will be a preventative measure that the police can use to place more control on those offenders in circumstances where they could pose greater dangers to the public. The orders will also ensure better management of the risk from convicted violent offenders who are considered by a court to pose a risk of serious violent harm and will decrease the likelihood of serious reoffending, similar to sexual offences prevention orders, as I think Mr Elliott mentioned, which are considered by the relevant authorities to be a valuable tool in the risk management of sexual offenders. There is a perceived gap in terms of violent offenders, and hopefully these measures will resolve that.

Any measures that give greater public protection are to be welcomed. We all want to see a faster, fairer system of justice. A proper justice system is the cornerstone of society. I look forward to the passage of the Bill through the Committee.

Mr McGlone: Gabhaim buíochas leat, a LeasCheann Comhairle, as ucht an seans a

thabhairt domh labhairt ar an Bhille seo, agus, ar ndóigh, leis an Aire chomh maith as an Bhille a thabhairt os ár gcomhair. Thanks very much, Mr Deputy Speaker, for the opportunity to speak on the Bill and to the Minister for bringing it before the Assembly today. My colleague Mr Maginness has already covered a good part of what I was about to say, so I am not going to indulge in the repetitive nature of that. I will deal with a few broad thematic areas and then one specific area that will be covered, of course, during the scrutiny stage of the Bill.

I welcome the opportunity to contribute to this debate at the Second Stage of the Justice Bill.

The Bill contains a number of miscellaneous but nonetheless important provisions that have the potential to improve the operation of the justice system. Provisions for a single jurisdiction for County Courts and Magistrates' Courts, provisions to amend the law for committal for trial, provisions for prosecutorial fines, provisions for victims and witnesses in criminal proceedings and investigations, provisions to amend the law on criminal records and live links, and provisions for violent offences prevention orders and other issues are absolutely vital to transforming the face of criminal and civil justice in the region.

5.45 pm

The Bill must help improve services for victims and witnesses, who often find the process of attending court very stressful. Services and facilities for victims and witnesses can be improved by creating a new statutory victim and witness charter and by giving victims the entitlement to make a personal statement. Expanding the use of video-link powers between courts is another useful proposal that will help to improve efficiency.

The Bill must tackle delay and speed up the justice system. To reduce the number of cases that come before the courts, the introduction of prosecutorial fines should help filter out unnecessary cases. Many people criticise the delays that are inherent in the justice system, and we must do all that we can to mitigate delay.

Encouraging earlier guilty pleas should also assist in reducing the volume of cases that come before the courts, and we welcome the provision for judges to be given new case management powers and responsibilities. A number of stand-alone reforms are also to be welcomed and have the potential to improve the effectiveness, efficiency and fairness of the

system. Those include the modernisation of the criminal history disclosure service, the introduction of a single territorial jurisdiction for County Courts and Magistrates' Courts, the expansion of eligibility for jury service, and the creation of new civil orders to manage the risks posed by violent offenders.

A number of the Bill's proposals were consulted on previously for possible inclusion in a prior justice Bill. Those included the creation of a single jurisdiction for County Courts and Magistrates' Courts, powers for the Public Prosecution Service (PPS) to issue summonses and the introduction of prosecutorial fines. We welcome the fact that those important and necessary provisions have been integrated into the current Justice Bill.

The proposed terms of the Justice Bill that is before us must improve the efficiency and effectiveness of key aspects of the justice system, which are often wildly and overly cumbersome. The service must improve the experience of victims and witnesses, who can find court proceedings highly intimidating, and the volume of cases that come before judges must be scrutinised. Justice must be speedy and effective, and the number of cases that waste court time must be reduced. The Bill has the potential to deliver reform of the justice system in a way that the public can truly benefit from.

I now get to the specific issue. Concerns have been raised with me about the youth justice system. Those concerns are around the fact that its current statutory aims are not in compliance with international standards, owing to the failure to include the best interest principle in the Justice (Northern Ireland) Act 2002. The principle is contained in article 3.1 of the United Nations Convention on the Rights of the Child (UNCRC), which states:

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

The UN Committee on the Rights of the Child, in its 2002 and 2008 concluding observations, which followed an examination of the UK's compliance with the UNCRC, recommended that the UK:

"take all appropriate measures to ensure that the principle of the best interests of the child ... is adequately integrated in all legislation and policies which have an

impact on children, including in the area of criminal justice".

In fact, the youth justice review recommended that section 53 of the 2002 Act should be amended to reflect fully the best interest principle as set out in article 3 of the UNCRC. Indeed, the correct inclusion of the best interest principle in the statutory aims of the youth justice system would be a very welcome legislative step towards a youth justice system in Northern Ireland that is compliant with international standards and best practice.

That brings us to the proposed amendment to clause 84. I raised it with officials in Committee, who undertook to go back to the Department and check whether the statement was correct. They also admitted that some further work was required to be attended to on that front. There is a view that the proposed amendment under clause 84 is not entirely compliant with the UNCRC, particularly given the concluding observations of the UN committee following its examinations in 2002 and 2008, which I referred to, and that it will not entirely fulfil the recommendations of the youth justice review in itself either. Therefore, there is a very strong view, which I support, that to put article 3 of the UNCRC into practice in the youth justice system, section 53 of the Justice (Northern Ireland) Act 2002 must be amended so as to make the best interests of the child a principal aim of the youth justice system without delay. I suggest that the Minister particularly takes interest in that and revises, looks at or reviews what has been proposed under clause 84, because there is a strong body of opinion out there that it is not entirely compliant with the UNCRC. It is important that this aspect of the Bill is looked at in detail and got right.

Mo bhúiochas leat, a LeasCheann Comhairle, as ucht an seans labhairt agus le tacú le codanna áirithe den Bhille. Tá mé ag dréim go mór le scrúdú beacht a dhéanamh air sa Choiste. Thanks very much, Mr Deputy Speaker, for the chance afforded to us to look at elements of the Bill that have come before us here today. I look forward to scrutinising the Bill in more detail as it proceeds through Committee.

Lord Morrow: I had better not break with the tradition of everyone else who has spoken in the debate; I had better welcome the Bill too, because it seems to be that that is the custom thing to do and the right thing to do. I think that it is the right thing to do in this instance, and I think that there are many positives in this Bill. I hope that, before the finished product, there will be many more positives in it. I look forward to

the end product. I will endeavour to be brief in my remarks, because I know that there are some Members who are coming on after me, and I suspect that they will maybe not be as brief as me. We will see how it goes.

This Bill seems to address many issues, ranging from committal for trial to non-payment of prosecutorial fines, victims and witnesses, and violent crime prevention orders. I think that we welcome all of those. I am sure that the Minister is very familiar with my specific points as he knows them from my questions for written answer. I do send in an odd one to him occasionally on issues to which I hope to make some reference today. I hope that I am not being presumptuous in saying that some of the issues that I have raised from time to time have been addressed in the Justice Bill, and I welcome that. So, we say to the Minister that we are not afraid to say well done when he is doing things positively, and we acknowledge that.

I am confining my remarks today to Part 2, which deals with committal for trial; Part 3, which is on prosecutorial fines and non-compliance; Part 4, dealing with victims and witnesses; and, finally, Part 7, which is on prevention orders. I will start with Part 2; in particular, Chapter 1, clauses 7 and 8. Those clauses deal with the abolition of preliminary investigations, mixed committals and evidence given on oath at preliminary inquiry. This move will, of course, dispense with some preliminary enquiries — known as PEs — and all preliminary investigations — known as PIs — at Magistrates' Courts. I welcome this development as, in short, PEs serve no real useful purpose and PIs are mini trials that are costly on the public purse and, largely, result in nothing other than a committal for trial, which is the very object that they are designed to avert.

Back in December 2010, the Minister informed me that the composite legal aid payable for a PE is £820. That is him speaking, not me. That was for a solicitor, and, for a counsel, it was some £800. An answer received just this morning, which is coincidental, confirms that the rate is static. The answer also states — this was not in the reply in 2010 — that a further £200 supplement is payable for every subsequent day of PE proceedings.

That is worthy of note at a time when we are looking at a new Bill. I will pursue that matter with the Minister, as I know of no PEs that have required more than one hour, never mind one day. I could be mistaken on that, however, and I stand to be corrected if that is the case.

I also note that on 26 June — this Thursday — an additional fee of £410 for solicitors and £400 for counsel will apply in cases that include more than 750 pages of prosecution evidence. Again, that is coincidental, but that is the way that it is. I am a little concerned at that move and ask when and by whom that was decided. I do not know whether the Bill will address or change that, but I am sure that the Minister will enlighten us when he sums up.

A fee of approximately £800 is paid in the formality-only hearing that constitutes a PE. Across Northern Ireland, 1,467 PEs were held in 2011, 1,616 were held in 2012, and 1,670 were held in 2013. Using those statistics and assuming that all cases were funded by legal aid, which is not an unreasonable assumption — I am sure that most Members would agree with that — I think that that equates to 4,753 hearings at a cost of almost £4 million. The Minister has confirmed that he plans to abolish PEs in certain indictable cases, which is to be welcomed, and move them straight to the Crown Court, but, according to Part 2, chapter 2, under the heading "Direct committal for trial in certain cases", that would have limited use and would involve cases in which a defendant is pleading guilty or when a charge is of a very serious nature, such as murder. Whilst that is a start and a welcome move, I encourage the Minister to consider amending his proposals to have all indictable offences transferred directly to the Crown Court without the requirement for a formal PE.

PIs and mixed committals are mentioned at Part 2, chapter 1, clause 8. In effect, those are mini-trial hearings held at a Magistrates' Court when the defence does not agree that an indictable case meets the prima facie threshold to proceed to trial by jury. Evidence is heard from any prosecution witnesses under oath who are objected to by the defence who carry out the cross-examination. When a hearing concludes, a ruling on whether there is a case to be answered is made by the presiding district judge. Statistics from the Minister show that only a tiny percentage do not proceed to trial, yet legal aid is liberally handed out for such hearings, which have a solicitor and, very often, at least junior counsel representation. In the figures provided by the Minister to me, there were a total of 93 PIs in 2011-13, involving 173 defendants, all of whom were granted legal aid. Of those 93 cases, 16 did not proceed to trial, which is less than 15%. That is very significant. Of those, 11 cases were withdrawn by the Public Prosecution Service, two lacked sufficient evidence to proceed at the stage of hearing, one was adjourned generally, one could not proceed after a key witness failed to

attend, and proceedings were stayed in the remaining case. With the possible exception of the case involving an absent witness, which, of course, could not be foreseen, the remainder could have been decided without the need for a hearing on the basis of evidence proposed to be used. Those proceedings are very costly, tie up court time unnecessarily and often require additional court staff to be deployed and specific days to be set aside for a hearing. I argue that cases that are not to proceed could be adequately examined without the extensive and expensive measures of such hearings.

6.00 pm

In my constituency of Fermanagh and South Tyrone, PIs are becoming very rare, which I thoroughly welcome. However, this is an opportunity to cite one such hearing in 2010 that was scheduled to last five days on the instruction of the defence. Ultimately, it took five hours and cost over £50,000, of which £45,000 was legal aid. This excessive exercise came in for heavy criticism from the presiding judge who issued the ruling for committal. In a 42-point judgement, the judge was concerned that the defence in question initially stated that 13 prosecution witnesses were required to attend, as their evidence was objected to. Not surprisingly, that number of witnesses would take time, and five days were set aside for the hearing. However, on the first day, whilst all required witnesses attended court, the defence announced that only four would be required. The evidence took a few hours and summing up submissions 55 minutes. Nothing new was uncovered and, rather predictably, the case was transferred to Crown Court. I have already talked about the cost of £45,000 in legal aid — a figure that does not include court costs or any additional expenditure required to host a hearing that delivered no rational explanation for its existence.

One section of the judgement states:

"This Court remains concerned about the significant delay occasioned by defence counsel requiring a Court to provide 5 days for a committal process, for no reason which could be explained to the Court and for no discernible advantage to the defence, but as of right."

The point of demanding such hearings as of right appears to often leap into such proceedings. I argue that, while rights must be upheld and respected, there must be tangible evidence of the necessity for the stated rights

and how they could be violated if such things do not proceed.

I say to the Minister that, if he is determined to reduce the extortionate legal aid bill, his move to abolish PIs will go a significant way in achieving that, as well as removing what can be an intimidating experience for witnesses prior to the trial itself. Likewise, his move to fast-track certain cases to Crown Court without a PE is a positive step. However, the entire abolition of such verbatim, formality-only hearings could save around £1 million a year in legal aid across Northern Ireland.

I disagree with the Minister in one respect. In answer to my question for written answer, he stated that his proposals in respect of the abolition of PIs are:

"to ensure cases are managed at the appropriate court level and to expedite the disposal of cases where defendants are pleading guilty".

I have difficulty with that. However, the Minister continues:

"The proposals are not designed to reduce costs, and I do not envisage that there will be any significant impact on the cost of legal aid".

I do not agree with the Minister on that, and I am sure that he would welcome any move that would help to reduce our grossly inflated legal aid bill, even if it is brought about as a result of change. The judgement ruling has clearly shown that an excessive amount of legal aid and time, never mind additional court costs, was used in the case in 2010 at Dungannon Magistrates' Court to absolutely no useful purpose.

I move to the subject of prosecutorial fines in Part 3 of the Bill and, specifically, the non-payment of such fines. This relates to unpaid fines handed down as penalties as opposed to having to go before the courts, and they relate to summary matters. I welcome the Minister's inclusion of this matter in his Bill. However, I had hoped to see a great deal more in the Bill aimed at tackling the huge number of unpaid court fines. In a question for written answer to the Minister on this very issue on 22 May, I asked:

"following the release of figures in respect of unpaid court fines, what action his Department or agencies has taken to recoup outstanding fines; and to outline whether he

will introduce legislation or classify the continued failure to discharge court-imposed fines as a criminal offence".

The Minister replied, and I quote the relevant section:

"However, I plan to provide courts with additional sentencing, collection and enforcement options in the Fines and Enforcement Bill, which will be introduced into the Assembly later this year. The Bill will contain proposals to enable fine payment through deductions from income or benefits and will create a new collection and enforcement service."

When the Minister sums up, I would like him to confirm whether that is the case or whether there has been a change. I look forward to his response.

Like many Members, I was astounded to receive figures that showed that unpaid fines extended to millions upon millions upon millions upon millions of pounds. That simply means that the penalty is being ignored, and there is a perception that that is being permitted. It may not be that way, but that is the perception. As a society, is it tolerable that millions upon millions upon millions upon millions of pounds are not being recovered through unpaid fines? Any new legislation that comes before the House has a duty and a responsibility to tackle that issue and deal with it. I am not being presumptuous, but I hope that, when the Bill is fine-tuned and honed, that issue will be addressed directly.

A fine is supposed to be, to put it mildly, an inconvenience. It is supposed to reflect the seriousness of the offence and the manner in which society expects redress from offenders. Yet, the numbers of unpaid fines and the quantity of money involved are, to say the least, shocking. I cannot find another word for it. If a person defaults on their mortgage or a loan repayment or misses a direct debit, action is promptly taken by the creditor, and on many occasions it can be drastic. Warnings of court actions and interest being added each day for late payments are swiftly issued and very often imposed. Are they imposed in court cases? It should be treated as more than payment default. It should be treated for what it is: contempt of court. Our courts should be respected, as should their decisions. People can walk away and say, "That's fine. I don't pay". It seems that they get away with that, so there is something wrong with the system.

Figures provided to me by the Minister show that just over £14 million remain unpaid in fines

handed down across Northern Ireland from 2009 to 2013. That, by anyone's standards, is staggering and totally unacceptable. A Bill that does not adequately address that issue has a hole in it. Over £9 million of that £14 million was attributed to 45,558 fines imposed in Magistrates' Courts. The Belfast division accounts for in excess of £3 million, with Antrim, Londonderry and my constituency of Fermanagh and South Tyrone each accounting for well over £1 million. Over £5 million of Crown Court fines remain unpaid, equating to 394 cases. The vast majority of those cases were funded — this is the other insult — by legal aid. Not only have defendants had their fees covered, they have refused to pay court-ordered financial penalties. In fact, they have got off scot-free, not once but twice. Our justice system has to address that, and the Justice Bill has to make provision for it.

The Minister has advised me that he intends to bring forward legislation to establish a new fine collection and enforcement service that will increase the range of collection enforcement options. We look forward to that, although it appears that it applies only to prosecutorial fines. Further, I welcome clause 22(3), which deals with failure to pay fines. This is the relevant point:

"The fines clerk must notify the Director of Public Prosecutions for Northern Ireland that the prosecutorial fine has not been paid."

That is a step in the right direction. That should have been happening long ago, but I suppose it is better late than never. One has to ask why that has not already occurred with the outstanding £14 million of court-imposed fines. Firmer action must be taken to bring it home to offenders that they are not calling the shots and that freeloading will not be tolerated, as it seems to be at the moment.

I am pleased to see that steps are being taken, in my constituency at least, to address such issues. Fines are now being issued at a Magistrates' Court with a statutory four weeks to pay. Judicial discretion on extensions will be considered only on written application after four weeks have lapsed. I also welcome the Minister's intention to apply new legislation retrospectively if the Assembly passes the proposals. This will mean that those who already owe significant amounts in fines will not be exempted from any new measures to recoup them. I further ask the Minister to consider my previous suggestion of having legal aid costs or at least a percentage of costs built into fines, particularly for repeat offenders. He has also agreed with me that a levy for all persons

convicted of an offence who were in receipt of legal aid could go some way to offset the burgeoning legal aid bill.

I want to move on to the others points in the Bill on which I have made representations to the Minister through questions etc. I want to make some remarks about victims in Part 4 of the Bill. I very much welcome the proposal for a victim charter. I took part in the consultation, as I am sure many other MLAs, if not all, did. I have serious concerns that victims and their rights are grossly forgotten in the clamour of defending accused and convicted persons, who appear to be better tended to than victims. Whilst I robustly retain support for the right to a fair trial, much more needs to be done to protect and support victims of violence. I will restrict my comments on this point until the consultation on the victim charter is published, and I look forward to seeing that.

I have grave concerns as to the effectiveness of the violent offences prevention orders listed in Part 7 of the Bill. The two types of order to which I largely refer are antisocial behaviour orders or ASBOs and sexual offences prevention orders, or SOPOs. The Minister will be aware that I have been a sceptic about the viability of those orders and measures. From extensive and wide-reaching research that I conducted, I have come to the conclusion that some orders are nothing more than a polite invitation not to reoffend. I find it particularly concerning that offenders are, in effect, left to their own devices with a piece of paper outlining some dos and don'ts. There have simply been too many breaches of these orders, which very often lead to another victim or victims. Sentences for such breaches are not excessive by any standards. In many cases, those under an order are prepared to run the gauntlet to see whether they are apprehended. It is a catch-me-if-you-can attitude. Recent figures show that ASBOs are on the decline in Northern Ireland, and I welcome that. To many offenders, they simply constituted a badge of honour.

6.15 pm

I have no faith in SOPOs whatsoever. I have made significant representations to the Minister in respect of two high-profile cases of SOPO breaches in the run-up to further offences being committed, in which more victims were traumatised. I refer to the case of one sex offender who committed a string of SOPO breaches before attacking another woman. I was infuriated by the lengths to which I had to go in order for the Minister to finally order a serious case review into the handling of that offender, who has now been deemed

dangerous under the 2008 Act definition. Despite my request being refused several times, as the case apparently did not meet the serious case review criteria, the Minister finally relented and such a review was conducted. The content, which was delayed for some time, claimed that a forthcoming attack could not have been predicted. I totally disagreed. Anyone who was blatantly ignoring court-imposed orders, including SOPOs, would, to my mind, indicate an unwillingness to conform. Furthermore, I refer to the case of a convicted sex offender in Craigavon. This individual lured a six-year-old child into his Lurgan home, where she was sexually assaulted. This man was permitted to live in an area close to schools and alongside families with young children despite having prior paedophilia convictions that he was refusing to acknowledge as criminal offences. He also repeatedly breached SOPOs imposed by courts. I accept that, when I pressed the Minister to order a serious case review, he did not prevaricate. However, I had to make follow-up enquiries to obtain the report and, as happened in the case of a similar individual, a conclusion was reached that nothing could have been done to predict an imminent attack. I have yet to read a report on either case that does not contain that phrase. That is possibly because it appears that, in many instances, it is taken for granted that people, whatever their remit, can see the future.

I will stop there. There are a few other things that I had planned to say but will not. Hopefully, the Bill will move on to the Justice Committee, where it will be scrutinised in great detail. I believe that, as a result of that scrutiny and today's debate, we can get a Bill that will be fit for purpose and serve Northern Ireland much better. We can put in place legislation that is competent to do a job that needs to be done. I wish the Minister well with it and wish the Committee well in its scrutiny of it.

Mr Allister: In any ordered society, one of the most significant steps that the state can take is to remove liberty from its citizens. It is often a necessary and essential step and a proper response to criminality, and I hope that none of us would quibble with that. Equally, I hope that no one would quibble with the fact that, over the years, in our British justice system, we have built up a number of carefully balanced protections for all citizens and that, even though a person is charged with the most odious of crimes, he or she is entitled to fundamental due process built on the principle that all of us are innocent until proven guilty. The onus for proving guilt lies on the state. There is no presumption of guilt, and the onus on the state is that it must be established beyond all

reasonable doubt. In the attending due process, there are no shortcuts. Those are fundamental principles on which our criminal justice system is built, and I, for one, would have it no other way. I am disappointed, therefore, that in bringing a Justice Bill to the House, there was not even a nod of acknowledgment from the Minister or the Chairman of the Justice Committee towards that. The surge and the urge were to talk about efficiencies, introducing shortcuts into the process and doing things of that nature.

I want to comment on a number of the Parts of the Bill, and I suppose that there is no better place to start than with Part 1. I reassure the House that I will not deal with every Part. Part 1 introduces the notion of a single jurisdiction for the County Court and the petty sessions, and it is done, in the words of those who promote it, to create greater flexibility.

I just caution the House as to its outworkings. Will it, in fact, protect the interests of victims and witnesses, or will it be operated to judicial or even professional convenience? Very often, a case does not finish in one day. The magistrate, district judge or judge may want to consider issues and very often he or she will say, "I will give judgement next Friday morning in this case." As things stand, that judgement effectively has to be given in the jurisdiction where the court sits, but in the Crown Court, where you have an all-Northern Ireland jurisdiction, multiple times that judgement is not given where the case was heard and the witnesses and victims live, be that Enniskillen or Londonderry. It is given next Friday in Belfast, maybe freeing the judge up to play golf in the afternoon — who knows? Certainly, it delivers him or her of the burden of travelling down to Fermanagh or Londonderry and spending the afternoon travelling back.

So just let us question whether, when we talk about a single jurisdiction and greater flexibility, we are really talking about serving the interests of the victims and witnesses, or whether we are serving other interests; and whether the interests of the victims and witnesses might, in fact, be better served by retaining all of the case in the local jurisdiction. I make that point in particular because this Bill talks about a charter for victims and a charter for witnesses. I hope that, on this first part, that is indeed what it proves to be, and not a charter for someone else.

I come to the issue of preliminary investigation. I have to say that Lord Morrow got his PEs and his PIs badly mixed up. A PE is where the case is decided on the papers and no evidence is

called; a PI is when evidence is probably or possibly called. I think it is important to understand how we arrive at the position of having a file of papers within our system. In the continental system, for example, evidence and witness statements are taken, in the main, in front of an investigating magistrate. Probing questions are asked, and the product is statements from the witnesses.

In our system, statements are taken by the police in a unilateral exercise with the witness. They can, in consequence, be quite self-serving. They certainly are not rigorously tested. And those statements are then put together and presented as the prosecution papers. Only the prosecution has had an input, effectively, into that process. It is in that scenario that the Justice Minister comes to the House and says that there never should be any circumstances in which, before someone is put on trial, that evidence is tested: that you simply accept at face value what it says.

I have yet to read a set of prosecution papers that do not, on the face of it, appear plausible or even convincing about the guilt of the accused. It is, on occasions, the testing of that evidence that shows that it is not entirely as it seems. How is that done? It is done through cross-examination, putting to witnesses alternative scenarios, their possible motives and their inconsistencies — all of that — and suddenly finding that what reads like a very coherent and convincing statement is in fact full of holes and is falling apart. Very often, the defence, who will call for a PI, might wish to take that opportunity. Sometimes, it does not, because in the taking of that opportunity it is engaging in alerting the prosecution witnesses to its line of attack, so, more often than not, people keep their powder dry.

PIs are not something that defence counsel and defence solicitors embrace as the be-all and end-all. I respectfully believe, from my own experience, that they are relatively infrequently used, but to say that they should never be capable of being used and that you should never be able to test a case before it comes before a judge and jury is totally disproportionate. In fact, it could be grossly wasteful of public money. If there is a flawed case in which the witness statements will fall apart, is it not in the public interest to discover that at the earliest opportunity in the petty sessions and to have the case stopped, rather than to discover it at the end of an expensive three-week Crown Court trial?

So to this idea that blocking PIs will save huge amounts of public money. Lord Morrow told us

that 16 PIs had been successful in the period that he referred to. That was 16 trials that were avoided and did not have to be paid for. On the balance sheet, it is more than simply input. There are also outgoings in these matters. I say to the Minister that it is far too draconian and a step too far to impose, as he wishes to impose, a blanket ban on any testing of evidence through the hearing of that evidence at a preliminary stage. It is not something that is currently abused, I believe, but it is something that is a useful safety net and sifting process that should not be abandoned. The very least that should be done is that it should be bestowed in the presiding district judge, on application, the discretion in the interests of justice to grant a mixed committal, not so that every witness might be called but so that the evidence of key witnesses who are pivotal to holding up the whole case, if there is reason to believe that their evidence is a fabrication, can be tested and exposed as such.

I ask the House this: what is wrong if you build in or retain the best of what we currently have by bestowing that discretion on the presiding district judge to allow that to happen in the interests of justice? I say to the Minister that a Bill that imposes such a blanket ban does not serve the interests of justice at all.

6.30 pm

I will turn to the issue of prosecutorial fines. I must say that parts of this stagger me. The system seems to be wide open to abuse. Under the Bill, all that you have to do to avoid prosecution in respect of such a matter is to consent that you will accept a fine. It is not that you have to pay the fine. You consent to accept the parking ticket, so to speak. Whether you ever pay it is another matter. Whether, by not paying it, you impose huge administrative costs on the Courts and Tribunals Service to chase you for it does not come into the picture. All that you have to do is accept and say, "Oh yeah, I will have one of those, please." If you do that, you cannot be prosecuted. If you look at clause 20(2), you see that the test for whether you can be prosecuted is not that you pay the fine. It states that:

"If the offer in a notice under section 17(1) is accepted, no proceedings may be brought for the offence to which the notice relates."

One could begin to understand it if it said, "If the notice is accepted and the fine is paid, no proceedings may be brought for the offence to which the notice relates." But you can buy yourself immunity from prosecution by simply

saying, "I will accept", without ever having to pay. Yes, of course, if you do not pay, it is translated ultimately into a fine, but not something that ever appears on your record. Some habitual petty criminal could go through years, month on month, accepting prosecutorial fines if they are offered to him and never building up a criminal record. Why should they not be part of a record? If someone accepts their guilt, which is the inference of accepting the fine, why should that not appear on a criminal record? I say to the House that that is particularly ill thought out. It seems that you can be offered them with no cap. You can be offered them indefinitely. That seems to me to be absolute folly and I do not really understand why anyone would want to do that.

I then come to clause 77, which contains the wonderful declaration that the judge, in sentencing someone who has pleaded not guilty, will decree for the record what the sentence would have been had they pleaded guilty. What purpose does that serve? In that case, it serves no purpose. Someone who has pleaded not guilty and been convicted, retrospectively, *ex post facto*, is told, "By the way, if you had pleaded guilty, the sentence would have been five years instead of eight years." Where does that take justice?

I made the point in an intervention that one would think that those who have come up with ideas for the Bill really think that they are inventing the wheel. We already have Court of Appeal guideline judgements that set out what the percentage rebate should be if someone pleads guilty.

It is already there. It is already known. I can think of no circumstances in which, if you were a barrister or a solicitor, you would ever let your client into the dock without having told them, "By the way, if you fight on and are convicted, you will probably be looking at this range of sentence. If you plead guilty, you are probably looking at this range of sentence".

To think that it is a breakthrough for criminal justice to put it in clause 78, with all the solemnity that that brings, and that it shall be the solemn duty of solicitors to advise their clients of what would happen with an early guilty plea is such nonsense. That is the bread and butter of solicitors and barristers who practise in criminal courts. It is so elementary that everyone does it. So, really, are we just creating clauses to bulk out the Bill? One would wonder.

I do not see which process clause 77 advances. Let us consider for a moment the practicality of clause 77. It states that a judge:

"in sentencing D for the offence must indicate the sentence which the court would have imposed for the offence if D had pleaded guilty to the offence ... at the earliest reasonable opportunity in the proceedings."

What is the earliest reasonable opportunity in the proceedings? Let us take a typical case of someone who has six charges against him. His case has always been, "I will not plead guilty to all six charges". The prosecution has boldly said, "It is all or nothing". Disclosure then begins to unfold, and suddenly documents start to appear that reveal that the prosecution case is not as strong as it might have first appeared. There is suddenly an anxiety to accept a plea to two of the charges and to abandon the other four. You could say that that person has not pleaded guilty at the earliest possible opportunity. So, what is the purpose of this — I was going to say "academic exercise", but it is not even an academic exercise when it comes to sentencing someone to say, "For the record, this is what the sentence would have been", because you cannot retrospectively visit the actual deserving circumstances at the time of the original arraignment and ignore factors such as the impact that disclosure etc can have on the run of a case.

If it is about building up some sort of precedent so that other people charged with robbery might know what the sentence would be if they pleaded guilty as opposed to fighting it, assuming that all robberies are deserving of the same sentence, do they not already know that? Have we not already established that through multiple Court of Appeal guideline judgements? What is it that is sought to be attained with clause 77? I must say that what that is is way beyond me.

I read clause 28 on the victim charter with interest. I ask the Minister this: in the circumstances of the recent on-the-runs (OTR) scandal, would the charter impose an obligation to inform the victim of an OTR situation? I am not sure that it would, but should it not? If the Minister really wants to reach out to victims, might he not also consider that for inclusion?

So, I look forward to seeing how the Bill progresses. I trust that it will emerge in more tenable form than it presently is, in some regards, and I trust that we will not, just for the sake of whatever it is we think we are doing, wash away some of the bulwarks of our criminal

justice system, such as the right to cross-examine at an appropriate stage in proceedings, which is rather fundamental and rather too glibly desired to be swept away. Committal, I hear, without even preliminary inquiry, never mind investigation. In that, the Minister is taking us entirely in the wrong direction.

Mr Ford: I am grateful to those Members who have lasted the course this afternoon and evening for what has been, generally, a very thoughtful and positive engagement around these important issues. I have no doubt that that will continue. It became a little bit dubious at one point, when we got to the stage where Jim Wells was praising Stewart Dickson for praising Paul Givan, then, clearly something dreadful is happening which is causing embarrassment on all sides of the Chamber. Although, it does, in actual fact, reflect a lot of very positive engagement between the Committee and my officials over many months, not least around the issue of victims and witnesses, which, I am glad to say, saw very significant agreement.

I hope that we will see that continuing spirit of goodwill, although, inevitably, at the Second Stage debate, we tend to all largely agree, and then we will fight over small elements of it as we go through Committee Stage, Consideration Stage and Further Consideration Stage, but, hopefully, we will come back with a Bill that can be agreed at Final Stage, given the measure of goodwill that is here.

If I can ever so slightly break the consensus of the peace, love and joy that broke out this afternoon, I think that I will disagree with Jim Wells in one respect when he said that he expects to see a Bill finally back that is very different. I expect to see a Bill back that is different but not necessarily very different. I think that the key issues will be to see how we work through some of the details.

It is slightly ironic that the Department and I are now being criticised because amendments have already been hinted at. I suspect that we would have been in a worse position if we had not given an indication that some amendments were likely. Because of the timescale for getting a Bill of this scale into place, we have literally had the position that most of the wording was finalised some months ago. Therefore, it is perhaps inevitable that possible amendments have been identified in the interim, but I have no doubt that if the goodwill that we have seen from the Committee members so far continues, we will see good work being done on that. I am grateful for the

positive words from so many members of the Committee about their willingness to engage, because it is an ambitious blueprint for the transformation of the justice system. As a result of this Bill, we will see a fundamental reshaping of the justice system.

(Mr Speaker in the Chair)

Most elements attracted very little discussion, although Mr Allister just recently objected to a single jurisdiction, which Alban Maginness mentioned in terms of his love for the history. I fear, however, that if we were to recreate Somerville and Ross, memoirs of an Irish DJ might convey a slightly different impression from memoirs of an Irish RM. That particular form of words has been lost. We will have to see that we maintain the best of what is in the past as we seek to streamline. I think that there will be issues to ensure that when we look at a single court jurisdiction, we make sure that it is not in the interests of anybody playing golf but is principally in the interests of the victims and witnesses.

One of the issues that appears to be broadly —

Mr A Maginness: Will the Minister give way?

Mr Ford: Yes.

Mr A Maginness: In relation to the single jurisdiction, I understand the efficiencies and so forth and convenience that could be derived from that, but we have a constitutional position here where the judiciary and the Executive are separate, and the Executive do not interfere with the judiciary.

Sometimes, with all these efficiencies and attempts to regulate the courts, I wonder whether we are treading into that constitutional area of prohibition where, in fact, we should not be interfering with the judiciary. That might appear to be an exaggerated point in relation to the common jurisdiction, but it is something that, I think, we should bear in mind.

6.45 pm

Mr Ford: I take Mr Maginness's point on that. I do not agree with him that when we talk about the administration arrangements we are straying into the role of the judiciary. However, I certainly accept that it is an issue that Members need to be very careful about in a number of different areas.

The reform of the committal process appeared to attract general support around the House, except from the two members of the Bar present. I am not sure exactly how to take that. As far as I am concerned, we have to look at the issue. The committal process existed to justify an issue going to trial; it was not to have a pre-trial. My major concerns are based on what I have seen and on what has been highlighted by members of the Committee around when the committal process amounts to a PI and not a PE and, effectively, becoming a first go at vulnerable witnesses. I do not think that that is acceptable in the present day. Whilst I appreciate the concerns that have been raised by the two barristers amongst us on the issue, I think that we need to look carefully. I notice that Lord Morrow, for example, wishes me to go faster and further than we are proposing to go in this area. Perhaps that is something that the Committee may wish to tease out a bit more.

I did not expect Mr Allister to bring in the continental system of the inquisitorial magistrate. I thought that, in our situation, we relied on the PPS to test the quality of evidence when it is put forward by the police after they have conducted their inquiries.

Mr Allister: Will the Minister give way?

Mr Ford: That is an issue where, I believe, we can protect the defendant's right to a fair trial, but it will be for the Committee to work out exactly how it will be done. I give way.

Mr Allister: Unless the Minister should misrepresent me, I was not advocating the inquisitorial magistrate. I was pointing out that, if this goes through, there will be no inquisitorial element in our system until you get to trial. In the interests of justice, there should be some sifting opportunity of an inquisitorial nature before you get to trial, if the presiding magistrate thinks that that is appropriate.

Mr Ford: I think that my point remains: most people, including, I believe, the PPS, believe that the PPS carries out that process under the system that we have. It is not exactly the same as the continental system, nor, of course, is there a procurator fiscal as in Scotland, but I believe that it is a system that shows there.

On a specific point that was also made by Lord Morrow, committal reform is not specifically a financial issue; it is an issue about the protection of vulnerable victims and witnesses. There may well be some financial consequences from it. It has been highlighted

that there might be negative financial consequences as well. At this point, the key issue is to protect those who are vulnerable and who will have to give evidence at the full trial rather than the specific issue of funding.

There seems to be a broad measure of support for prosecutorial fines. Initially, Jim Wells, and, subsequently, Jim Allister, suggested that there was the potential that some of these issues could be applied too often, and there was a question as to whether some people would be on a formal record. The reality is that a prosecutorial fine will be recorded and the information will be held. Further details can be taken from that information to establish whether a prosecutorial fine might or might not be appropriate at a future stage.

The legislation, as it sits, does not prescribe the circumstances in which that might be offered. I thought that that was something that we would see as being appropriately decided at the discretion of the PPS. Furthermore, I think that it is similar to what the House has approved previously — the concept of fixed penalties in certain minor offences where there is an issue about how often a fixed penalty can be awarded. Clearly, it is a matter that will have to be followed through, but it is not something that we should get too hung up about. It is a clear issue, where there is the option to provide something that will streamline the court processes by removing a number of minor cases from the courts.

Lord Morrow made points about the difficulties we have with fine collection at present. There are two fundamental issues. The first is the significant issue of resources for the Police Service in the role it currently has in statute for the enforcement of fines. The second point is the recent court decision relating to the imprisonment of non-fine payers and the fact that that route has been closed. That is why we have taken the decision that we need to produce a new system, which is the one proposed for the fines and enforcement Bill. I confirm that it is my intention to proceed with that, as has been outlined to Members in the House in the past. That will provide a civilianised service. It will also take the pressures off the police and deal with the issue of committal to prison without a further court hearing. We would then be in a significantly better place than, frankly, what has been the case for a number of years. It is not a post-devolution problem; it is a problem that existed pre-devolution.

The one area that seemed to attract universal support — I think that every Member who

spoke, starting with the Chair and Deputy Chair, mentioned it — was the charters for victims and witnesses. Again, it does no harm to repeat that, building on some preliminary work done by the Department, the Committee did a very extensive piece of work. I am grateful for the very positive comments that were made by a number of Members about the way in which the proposal has been taken forward. There will clearly be a lot more discussion about the two charters. I have no doubt that we will have some interesting debates about exactly what goes into them. The fundamental principle has to be right. It has been almost universally welcomed by all those with an interest. I think that we will see significant improvement.

I am very conscious of some of the comments, particularly from Tom Elliott, about concerns as to how victims and witnesses have been treated in the past. Rosie McCorley's comment about the recent introduction of the victim and witness care unit shows that some of these procedures are already in place administratively at this stage and that they are starting to make significant improvements. We will certainly need to ensure that the charters are in statute, carried through and that they properly make sure that the justice system meets the needs of victims and witnesses to make their experience less bad than what might have been the case previously.

Similarly, the concept of a personal statement has been largely welcomed. The issue of the disclosure of criminal records — the Access NI point — was raised. We have had difficulties for a number of years because of the multiplicity of certificates issued. It is something that we need to continue to deal with. The point highlighted by Jim Wells about somebody carrying out voluntary work in a number of different organisations in one church was probably a slight exaggeration. From my personal experience, that would all be covered by information from Access NI, but there are clearly problems if somebody is a volunteer with different organisations not under the same umbrella. Even then, some cases relate to employment as well. That is why we are very keen to see the concept of the portable certificate, the online application and the ability to get round those difficulties, which will make things much more efficient than had been the case.

It is generally about the key point of making the system more efficient and ensuring that we move forward in a better way. I am delighted that, although the term "faster, fairer" does not appear in the title of the Bill, if nothing else because the Attorney General thought that it

was a little bit Orwellian, when most of us in the Chamber today have used the term "faster, fairer" it was because we know what we mean. We mean it in the concept of plain English with a genuine meaning, not in an Orwellian sense.

Speeding up justice has been a focus for the Department since I took office just over four years ago. Some of the specific proposals we have around early guilty pleas and statutory case management will have opportunities in that respect. Tom Elliott asked whether early guilty pleas would produce savings. I assure him and Jim Wells that any savings that may be made from any aspect of the Bill will be well used in the justice system. We are not expecting to see huge savings, but, given the budget problems that we face, there is plenty to spend money on within the Justice Department. I have no doubt that members of the Committee could suggest many more things that we could spend money on.

Early guilty pleas is not an issue of plea bargaining; it is an issue of recognising that the vast majority of cases that come before the courts see a guilty plea or a have a finding of guilt. It is a matter of informing people about the practical realities and ensuring that that information is there. First, by ensuring that clause 77 is publicised to make people aware of it — one might say, in the Voltairian sense, pour encourager les autres — others would realise what happens if you plead guilty at an early stage rather than at a late stage. Whilst it may be that lawyers tell their clients that this is the case, I think that there is no harm in making that explicit, with lawyers made fully aware of that, as we seek to enhance the concept of the better use of early guilty pleas. Jim Allister spoke of the inquisitions in court on a Friday morning in Belfast to ensure that cases are being prepared and well managed, but, sadly, that is not the case in every court in Northern Ireland, and we need to ensure that that does become the case in every court. I believe that there are real issues there.

I was also ever so slightly baffled by Mr Allister's reference to clause 77 in the context of somebody who might be not guilty because, as I read the first part of clause 77, it makes it absolutely clear that it is talking about somebody who is found guilty or who gives a guilty plea at a later stage than might have been the case.

So there are opportunities there to move things forward to help to enhance the efficiency of the system, and, as we face those difficult budgetary issues, there will be some benefits from it, but, primarily, there will be a benefit for

victims and vulnerable witnesses in not having cases drag on, not having concerns about when they will appear in court and not fearing that they might have to appear twice to give evidence in cases. Those are the real issues, and that is building on the Committee's work to enhance, as best we can, the experience of victims and witnesses.

Mr Givan: I appreciate the Minister giving way at this point. The Member for North Antrim made an issue about when is the earliest reasonable opportunity for somebody to plead guilty. Does the Minister agree that, to a certain extent, we need to move away from the constant onus that, as some may say, lawyers are very interested in getting people off on a technicality? Does he agree that we need to start saying to the perpetrators of crime that the earliest opportunity to plead guilty is when they know in their heart that they are guilty and have committed the offence?

Instead, the relentless approach often taken by the legal profession — understandably so, to give the best representation to the defendant — is to put victims through the wringer. At times, they do so in the hope that the evidence will start crumbling, not necessarily because the perpetrator is guilty but because those trying to give evidence might withdraw from the case because of the way in which victims are often, as they told the Committee, intimidated by those in the legal profession who, in their view, abuse them through the adversarial approach often adopted in our court system.

Mr Ford: I would be a little cautious about advising lawyers, particularly in this company, of what their duties are to their clients, but there is no doubt that, in some cases, there are major difficulties in sustaining the evidence of vulnerable victims and witnesses. That is why, for example, the Department is about to do the second recruitment tranche for those who will assist vulnerable victims and witnesses and, indeed, defendants to give their best evidence in the legal process. We recognise the need for registered intermediaries to carry out that function, and there is no doubt that, in some cases, there is, if perhaps not entirely adopting the language that Mr Givan used, an effort to wear down witnesses who may be particularly vulnerable, and that is a problem that we have to deal with.

In the wider look at how we manage the process of speeding things up, we now have real opportunities. Later this week, I will have a meeting, which will have present the Chief Constable, the Lord Chief Justice and the Director of Public Prosecutions, as we look at a

pilot project to manage some specific reforms in that area. I hope that, within a matter of months in at least one part of Northern Ireland, we will see from the pilot project opportunities to build on the work being done to ensure that the system functions as fairly as it ever did but significantly faster than it has in recent years.

A specific point was raised, perhaps by only one Member, when Patsy McGlone talked about the aims of the youth justice system. Whilst I am aware that there are those in the children's lobby groups who have some concerns about the proposal as it currently stands within the Bill, my advice is that the provision delivers on both the spirit and the letter of the youth justice review and on what is intended by the UNCRC. I will certainly be interested to hear any evidence that comes to the Committee to the contrary, but my advice at the moment is that it is an entirely satisfactory provision.

7.00 pm

On that basis, it seems to me that we have achieved a significant balance of agreement around the issues here. There will be an interesting time for the Committee. I trust that it will not take every last minute to do its work. I also trust that, as it looks at some of its other work, and in light of some of the references made by members of the Committee about, for example, legal aid costs, it will continue to assist the Department as we work to deal with that major budgetary problem at the present time. I will put that particular point back to it in the spirit of generosity with which I was rude to Jim Wells earlier.

Tonight we have had an extremely positive and valuable contribution from all sides of the House as we look to reform the justice system and to provide a faster, fairer justice system for all of our people. I commend the Bill to the Assembly with the expectation that it is likely to pass in the next minute or so. I wish the Committee well in the work that it will do and promise the continuing engagement of my officials and myself in assisting the Committee in its due process.

Question put and agreed to.

Resolved:

That the Second Stage of the Justice Bill [NIA Bill 37/11-15] be agreed.

Motion made:

That the Assembly do now adjourn. — [Mr Speaker.]

Adjournment

Post-primary Education in County Fermanagh

Mr Speaker: The proposer of the topic will have up to 15 minutes and all other Members who wish to speak will have up to approximately seven minutes.

Mr Elliott: I welcome the opportunity to bring forward this Adjournment topic on post-primary education in Fermanagh. I suppose it has been broadly titled so that it encompasses the wider range of the educational sectors within the county. I know it is something that gets a lot of press and media attention, and even a lot of aggression in some areas in the county at the present time, mainly within the controlled and voluntary grammar sectors, and, indeed, the Catholic maintained sector.

I have attended — and I know other MLAs and public representatives have attended — meeting after meeting in the last couple of years in relation to the subject. I think I am right in quoting the Minister and the Department — "every school a good school" is obviously one of the phrases that are commonly used. I believe that that policy could be wide-ranging and acceptable to everyone. However, I believe that every school could be a good school given the chance and opportunity to develop, move forward and be progressive. That does not mean that every school must be a big school or have large numbers of pupils. Every school does not have to have over 1,000 pupils. In fact, I would contest that you get some of the better educational experiences at the smaller schools with 200 or 300 pupils as opposed to those with larger numbers.

Within the controlled sector, I recall the promises made in 2004 and 2005 of a newbuild for Devenish College. That is a case that has come up over and over again. I am sure that Minister O'Dowd and, indeed, his predecessors have heard it on various occasions. Indeed, the former Duke of Westminster High School at Kesh and Enniskillen High School merged to form Devenish College. I think that was in 2004. However, it was agreed at that time for the two individual campuses at Enniskillen and Kesh to remain until the new school of Devenish College was built on a brand new

site. Unfortunately that did not happen. The Kesh site was closed before its time and, 10 years later, we are still waiting on the newbuild that was promised at that time.

Is it any wonder that there is a lack of confidence and trust in the Western Education and Library Board and the Department of Education? One of the big problems at the moment, irrespective of the sector, is that lack of confidence. To be fair, I accept that announcements such as the one that the Minister made this morning help to build a new confidence. However, if promises were made 10 years ago and nothing happens, it dents the confidence not only of the pupils at the school, many of whom have now left, but of the board of governors, the teachers and, indeed, the wider public.

We then go through the succeeding years with no progress being made on that newbuild but with the staff in Devenish College putting in a huge effort to ensure excellent teaching and the provision of a great educational experience for their pupils, even with very limited accommodation. It is fair to say that they should not have to teach in those conditions. Imagine how much easier their role would have been and how much better the experience of the pupils would have been if a new school had been in place 10 years ago.

I have a daughter who is starting Devenish College this year. When we went to the open night, the board of governors told us that it would have the newbuild in place by the time that she leaves. I do not know whether that will be in five years, six years or seven years, but I really hope that the Minister can put my mind at rest, not only from the point of view of a public representative but from that of a parent.

In January 2013, the Minister announced that there would be two newbuilds for Fermanagh: one for a merged Lisnaskea High School and Devenish College; and one for a merged Portora Royal School and Enniskillen Collegiate Grammar School. Then, totally unexpectedly, in that same month, there was an announcement that Lisnaskea High School was to close. It would merge with Devenish College, but the site in Lisnaskea would close. That was one of the biggest blows to the community in south-east Fermanagh. I know that the pupil numbers were dwindling, but the problem again was that it was being closed before its time.

Did we not learn any lessons from 2004 and 2005 when they closed the Duke of Westminster High School in Kesh with no

newbuild in place? Did they not learn those lessons and keep the pressure on by retaining Lisnaskea High School and its building? I feel that something was missed there, especially when that school was proposing cooperation with other neighbouring schools such as St Comhghall's College, St Aidan's High School in Derrylin and the other schools in Enniskillen. It was unfortunate that that happened at that time.

At the same time, the two grammar schools in the controlled and voluntary grammar sectors, the Collegiate and Portora, continued to fill their allocated total numbers of 500 pupils each, or 70 new pupils a year, and, unfortunately, other schools were left to pick up what some people would term as "what is left". That is an unfortunate way to put that, because many pupils who go to Devenish College, the integrated school, Castlederg High School or Omagh High School can have every bit as good an educational experience and opportunity as those who go to either the Collegiate or Portora.

That led to the Minister's announcement in January 2013 of the two newbuilds in Fermanagh, and that has obviously led to significant friction between the schools. Sorry, maybe it is not between the schools but between personnel and individuals in those schools. I accept that people need to fight for their school. They need to be passionate and, at times, maybe even aggressive, but I ask that they respect the thoughts, proposals and positions of the people in the other schools, because they are equally fighting for their school.

Please do not run down the other schools. Please do not have a go at the teaching staff or the board of governors in those other schools, because it is not helpful.

In my church on Sunday, it was the children's prize-giving day. My rector, the Reverend Brian Harper, intimated of the ongoing debate about the post-primary sector in Fermanagh that he was concerned about the focus of the debate being on the individual schools as opposed to being on what the real focus should be, which is the children, and that some schools may be seen as more special than others. He said clearly that all children should be treated equally and that there was a commonality of them all being children of God. If they take that as a starting point, that is a good place to commence.

One of the major concerns is the process that is followed by the Department of Education and the Western Education and Library Board. Again, I have spoken to the Minister about this.

You must go through a merger, an economic appraisal and all the other processes before you can access the finance. In the Minister's statement of 22 January 2013, when he announced those new projects for Fermanagh along with many others, he said:

"In making this announcement, it is my intention that the projects will be taken through to construction."

There is always a "but". He continued:

"However, I wish to make it clear that the authorisation to proceed with construction will be based on the level of capital funding available at the time and all necessary approvals being obtained." — [Official Report, Vol 81, No 2, p42, col 1].

I know that the Minister will say that this is the process, but we are all here to change processes. Can we not change the process so that funding is allocated first? That would stop the division between so many schools arguing over the issues that may never happen and may never take place. That would be really helpful and appropriate.

I know that there is also an ongoing debate in the Catholic maintained sector, and I noticed the recommendations, from 2012 I think, from the Northern Ireland Commission for Catholic Education. It recommended the retention of the two single-sex schools in Enniskillen — St Michael's and Mount Lourdes — and the all-ability school in Lisnaskea. Generally, my reading of that was the closure of all the other schools in the Catholic maintained sector in the area. Those are the schools in Belleek and Rosslea, St Aidan's High School and St Mary's in Irvinestown. I know that that has caused some significant debate as well. I have attended St Mary's in Brollagh with other MLAs, and I have attended St Aidan's at Derrylin on a number of occasions.

I cannot find the consultation anywhere, but I noticed a report in 'The Impartial Reporter' from May this year that intimated that another consultation was out and that St Eugene's of Rosslea would close in 2016 and a co-educational college for 11-to-19-year-olds across campuses in Lisnaskea and Derrylin was proposed. That means the retention of St Aidan's in Derrylin along with St Comhghall's in Lisnaskea. Obviously, the people of Derrylin and of that school will be very pleased about that proposal. I do not know how far that has got at the moment, and I think that the consultation closed earlier this month. It is an interesting concept of working together, and the

people of Lisnaskea will be very sore that they did not have an opportunity to explore and continue that opportunity to work together with those other schools. Obviously, they will wonder why they did not have that opportunity and now St Aidan's has. They will be saying, "Best wishes to St Aidan's" and will wish it well and will want to see that progressing. I know that St Mary's High School, Brollagh, at Belleek is looking around the cross-border opportunities.

Representatives were up here two weeks ago and are exploring those opportunities on cross-border education provision as well as trying to attract more pupils from their immediate area.

7.15 pm

I appeal to everyone in the process to hold their nerve and have respect for others in the debate and in the discussion, not just in here but in the wider educational debate in the county, as that is important. The schools have made proposals. Some have stated that, in the controlled sector, we could retain three schools of 600 pupils each at the Collegiate, Portora and Devenish. That is obviously skewing the numbers significantly towards the grammar sector, if that is what the wider community wants. However, I would like a very strong educational academy at Devenish College and for it to be built for at least 800 pupils. I ask the Minister to look at the opportunity of continuing to progress that and not to have it relying on a merger between Portora and the Collegiate. Devenish needs to be moved forward on its own and not be reliant on the merger between those two schools.

Lord Morrow: I welcome the opportunity to take part in this important debate. I warmly congratulate Tom Elliott on securing the Adjournment debate on an issue that is very topical, particularly in County Fermanagh. Last week, my party colleague Arlene Foster laid a petition before the House containing the names of over 7,000 people from across the community in County Fermanagh who value and want to retain the Collegiate Grammar School in Enniskillen. Community opposition has arisen because of recent proposals from the Western Education and Library Board that would mean the closure of the Collegiate and Portora Royal schools by September 2015. We are told that that is to facilitate the creation of a single co-ed non-denominational voluntary grammar school with a lower intake than the two current schools.

There is a particular irony here. The Education Minister stood before the House this morning and made a statement on major capital works. He was able to announce that a number of schools across Northern Ireland would benefit from new buildings: a fine statement and fine words. However, there should be a word of warning to the schools that may be celebrating the good news announced by the Minister. As Tom Elliott said, 10 years ago, when the Duke of Westminster High School closed, the newly created Devenish College was given the promise of a newbuild. Last year, we were told that a new school building would be delivered following the closure of Lisnaskea High School, but that promise has once again not been honoured. There is no new school.

Mr O'Dowd (The Minister of Education): That is not true.

Lord Morrow: Lisnaskea High School is closed. I do not see what is untrue about that, and I do not see a new school. Where is the untruth? The Minister will get his chance to refute that.

A decade after the initial promise was made, the closure of the Collegiate Grammar and Portora Royal schools is the latest precondition for the provision of a new school building for Devenish College, so the Minister has added another one. That is the way that the Minister works his wonders to perform. Unfortunately, he never comes up to the standard when it comes to delivering.

It is worth mentioning that the proposed new school would be based on a split site at either end of Enniskillen, with no guarantee of a new building. At least no more promises are being made about a newbuild. I think that my colleague Mervyn Storey accused the Minister this morning of offering a "jam tomorrow" statement, but that might be wildly overoptimistic. Even the jam tomorrow does not come. If the jam is delivered to these schools in the way that it has been to Devenish, pupils starting post-primary education this September will not just have left the school but those who decide to go to university could graduate before the new buildings are delivered. That is the speed at which the Minister delivers.

I do not accept for a moment that it is necessary to close two high-performing schools in order to achieve the best outcome for education in Fermanagh. Rather, the first statement that we should hear from the Minister is that a newbuild for Devenish College will be delivered immediately. He will get that chance

in a few minutes, and he can give us the starting date, closing date and all the rest. But we will not hold our breath.

Numbers have fallen at Devenish College. I suspect that is no surprise. It has to be emphasised that this has not been because of a drift towards the grammar sector; the cap from the Department of Education means that intake there has been static. Instead, those numbers have been moving to other non-selective schools in the area or beyond. It is notable, of course, that some of those alternatives have modern buildings and facilities — exactly the facilities promised but not delivered by the Department of Education. I suspect that we will get another promise here later tonight, but we will wait.

The feelings of the community were laid before the House last week. Whilst the Western Education and Library Board has repeatedly failed in its task to deliver a strategic plan that can support all schools and command full community support, the Minister now has an opportunity to see if he can succeed where it has failed. I am sure that he is up for the challenge. Any teacher would remind us that there is a monumental difference between hearing what is said and actually listening to what is said. Will the Minister today prove that he has not just heard the views that have been represented but has actually listened to them?

It is wrong that, instead of being given support, these three schools in County Fermanagh are being played off against each other. That is the game that is being played. Anyone can see that; it is obvious. It is time for the Minister to show that he will stand up to flawed proposals from the Western Board and do the right thing for education in County Fermanagh. The talking is over for County Fermanagh. It is time for the Minister to deliver and prevaricate no longer. We have had all the promises, broken and failed. Can we now get some delivery? That is what we are looking for here today. When the Minister stands up in a few minutes, we want a concrete proposal — not just words but delivery.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. I also welcome the opportunity to speak in the debate. Post-primary education in Fermanagh is a very important subject. However, I do not believe it can be looked at exclusively in a Fermanagh context, because some schools are close to counties in the South. Pupils in the Fermanagh area also go from the closed Lisnaskea school to Fivemiletown, which is not that far away.

I will put all of this in some context. In 2007, the Commission for Catholic Education and the Western Education and Library Board separately began reviews of their sectors in Fermanagh, with a view to rationalising their respective schools estates. This resulted in pre-consultation documents that set out options and sought views, followed by consultation papers outlining recommendations. Responses in the county were very high, and that is a good thing. It highlights that people in the county value the education of their children. However, we all know and agree that not all schools are viable or sustainable. The Minister of Education launched area-based planning in 2011, which puts pupils first and ensures that they will get the best education for generations to come. In the new way forward, children and young people and their education must come first, not institutions. It is up to the managing authorities to implement that policy. The Minister will ensure that decisions are consistent with policy, taking on board the views of communities.

All that said, change must come about to prepare our young people for the 21st century. It is understandable, as Members from the region have already outlined, that sectors and schools want the status quo to remain. Staff, boards of governors, parents, pupils and communities often believe that their school is a good school that has served its students with a quality education for decades. That is why you get campaigns across the county. We have all visited schools that feel that they are under threat. On the other hand, some believe that the school estate and education models cannot stand still in an ever-changing society and economy. Education is a particularly difficult aspect of society to bring about change in. I once read that when the biro pen was introduced into the classroom, many educationalists said that it would dilute the quality of education. That was not that many decades ago.

The Member across the way mentioned the issue of Portora versus the Collegiate, and we saw the petitions being handed in last week. I do not want to say what the best solution is. It seems that one school is being pitted against another, which leads to fear, anger and concern amongst parents, pupils, schools, communities and staff. Forced marriages do not work.

I read recently that Professor Gallagher, an educationalist, told the Education Committee, of which I am not a member, that he had engaged with a sample of parents in nearby Omagh on a range of educational issues regarding post-primary education. What came out of that was

that most parents were primarily interested in getting a quality education for their children. They were much less concerned about having a full range of choices or whether the education was in one type of school or another. The key point was that parents will be flexible about local provision as long as they feel that it works for their child.

One must ask why the WELB, after many years, has not facilitated the building of a working relationship between the schools. That would be a much better approach to creating fundamental change than forcing organisations together.

No one can escape the frustrations and anger felt in school communities throughout the county. The governing authorities must manage through engagement and by listening to school communities. I have no doubt that the Minister will take on board their views when the consultation period closes.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an díospóireacht thábhachtach seo anocht. I am pleased to have the opportunity to contribute to this important debate, which is on an issue that is close to the hearts of many people across Fermanagh. From Belleek to Derrylin, from Irvinestown to Rosslea and from Lisnaskea to Enniskillen, it is something that is up for discussion in every village and town. As you know, we do not have any cities. It is an issue that affects everybody. I thank Tom for keeping us here late to debate it, and I must commend him for doing so at a time when Arlene Foster is out of the country. I think that he is getting one back on her for having the petition last week.

Rural Ireland is under serious pressure. The urbanisation of public services and the abandonment of rural areas is a major pressure point for rural communities. The retention of small schools plays a key role in sustaining life for people who live in rural communities, so it is important that we keep a close watch on how services are delivered for people in rural areas.

The starting point for this debate on post-primary education in Fermanagh goes way back. We look at the sustainable schools policy, which recommended enrolment of at least 500 in post-primary schools, although the Council for Catholic Maintained Schools (CCMS) will tell you that it wants to see 900 or 1,000 in schools. The entitlement framework means that schools will have to provide 24 subjects at Key Stage 4 and 27 subjects post 16.

The background to the Fermanagh context, as other Members have indicated, is specifically the separate and disjointed planning by the management authorities in 2007 and 2008 for the rationalisation of the schools estate in the two main sectors.

So, there was a post-primary review of controlled schools in Fermanagh by the Western Education and Library Board and a parallel review of the Catholic sector by the Commission for Catholic Education. Those two reviews laid the foundation stones of this evening's debate. One really must question why the managing authorities, once they have set a proposed direction of travel, appear to do very little to bring these school communities together over time, help to build relationships and start to have mature conversations with and between stakeholders.

7.30 pm

What have the managing authorities done since they produced these documents to effectively manage change? I suppose this debate clearly shows that their approach and strategy leave a lot to be desired. Forcing people together when there is very limited history of working together does not work, and it does not appear to have worked in Fermanagh.

In relation to the Collegiate and Portora proposal, which is the hot topic of conversation at the minute, I understand that for many of the people involved the proposal being advanced is not one of a merger or amalgamation in their view but is seen by many as an aggressive takeover, as it would see all children being educated in a school under the Royal name. It is particularly frustrating for some people that some members of the school community appear to be losing their identity whilst others are retaining theirs. It is not a point about the monarchy but about the identity of people and their close affinity with their school.

It is understandable that many people feel that their voices are not being listened to. On this occasion, it is striking that it is women who feel that their voices are not being listened to on this issue. Across all of Fermanagh, people want their voices heard in relation to education.

There have been lengthy delays regarding Devenish College. I will leave it up to the Minister to tell the truth about what has happened with Devenish College in the past and to challenge the falsehoods that are coming from some Members. The issues facing this school will not all be solved by a

newbuild. Without agreement on a way forward for the controlled sector, Devenish will remain in a difficult position.

Some people from Fermanagh are choosing to go to school outside the county. They are choosing to go to the high school in Omagh, to Fivemiletown or to Castlederg. That is their choice. The education and library board predicted that, when Lisnaskea High School closed, pupils would transfer en masse to Devenish College, but a significant number transferred to Fivemiletown College and to the integrated school in Enniskillen. So, you cannot simply predict what is going to happen, and a newbuild will not solve all those problems.

As well as the two reviews that I mentioned, we are further down the road with an area planning process initiated by this Minister, and one that I fully understand the rationale for and fully support him in achieving. However, it is clear to me that the managing authorities have failed to comply with the most basic terms of reference that he set out as part of the process; namely, exploring opportunities for cross-sectoral and cross-border planning.

In Fermanagh, neither the education and library board nor CCMS has engaged in such discussions. They have left it to local communities to drive such options. Not only have they not given them any support, it is my view that they have been hostile and resistant to such alternatives. In west Fermanagh, people have come up with an innovative proposal to work with their closest educational neighbours and develop a cross-border learning community based around St Mary's High School, Brollagh. This is an innovative, forward-looking proposal that is thinking outside the box and has attracted widespread community and political support.

People can land on the moon or live in outer space for months on end but some in our managing authorities seem to think that we cannot educate our children with each other in a cross-border setting. I reiterate my full support for this alternative proposal and to urge the Minister, as he is considering the development proposal at this minute in time, to row in behind it and make the delivery of it a reality.

In Derrylin and Lisnaskea, we have seen the upset and energy that local people brought to the table when they felt that they were being dictated to in a top-down approach by people in Omagh or Holywood. The retention of education in Derrylin is a sensible and serious proposal that should happen.

In Enniskillen, we see stand-alone proposals being brought forward by CCMS for the Catholic sector and by the education and library board for the controlled sector with no acknowledgement that the other sector exists and that school communities wish to work together. What is going to happen there is that we will have one Catholic school for boys with about 1,400 boys in it and a Catholic school for girls with about 1,400 girls in it. So, CCMS's solution to ending academic selection is to remove the choice for young people, and that is simply not good enough.

There is far too much segregation in our school system. We have division based on religion, class and identity but also on gender. That needs to be brought to an end. I am running out of time, and we have not even discussed the future of the integrated sector. We have not discussed the options that are presented for shared education in the county or the opportunities for the Irish-medium sector. I have an awful lot more that I would like to say.

Mr Speaker: The Member should bring his remarks to a close.

Mr Flanagan: It is striking that some of the primary schools want to work together but the managing authorities are resisting it, yet, when schools do not want to work together, the managing authorities are forcing it upon them. That tells us everything that we need to know about what is going on with the managing authorities in Fermanagh.

Mr Byrne: Thank you, Mr Speaker, for allowing me to take part in the debate today. Even though I am not a native of Fermanagh, I have a keen interest in Fermanagh as my wife comes from there. I congratulate Tom Elliott on securing the Adjournment debate this evening.

Education goes to the heart of every community, as we all know. It is natural that parents want the best for their children, which, in many instances, may be contrary to what the Government, Department or, indeed, the stakeholder sectors want. The closure of Lisnaskea High School is sad as it marks the end of an era for the people who were part of and attended that school. I recognise that schools have to be viable, which means that they must be able to prove that they are sustainable, but I do not believe that the current numbers game is a sensible approach in relation to the interests of rural communities.

I travel through Kesh regularly, and it is sad to see the secondary school there — the former

Duke of Westminster school — boarded up. If such schools are closed, it is important that the physical building is kept alive through suitable adult education or community activities. I saw that when a secondary school in Plumbridge closed, the building was left abandoned and had to be demolished. I have also seen St Eugene's in Castlederg close. Hopefully, something can happen to that building, but nothing has emanated from anywhere yet.

In the controlled sector, I understand that it is proposed that Lisnaskea be amalgamated with Devenish College in a new building on the Tempo Road in Enniskillen and that Portora be amalgamated with the Collegiate on one site. Portora seems to be the most floated location for that at present. Many are welcoming that development as they see it as the way forward for post-primary education in the area. They see two new school builds that will be modern and cater for the needs of those in the sector. However, there are those who are sceptical and, indeed, opposed to the amalgamation proposal, particularly for the two grammar schools.

A combination of the board of governors, parents and former pupils of the Collegiate has embarked on a strong campaign to retain the school as an independent girls' grammar school in Enniskillen for the county of Fermanagh. We heard about the recent petition with 7,000 signatures that was presented here by Mrs Foster. That is very telling community activity in the interests of that school. Recently, I met a delegation of governors, parent reps and teachers from the school who are united in their campaign to retain the Collegiate as an independent school with its own character and ethos. The wishes and views of that school community should, I believe, be respected. The school has an excellent educational track record built up over many decades, and the local education planning proposal seems at odds with the interests of the Collegiate community.

In the Catholic maintained sector, there are also grave concerns and anxiety about the provision of secondary education throughout the county of Fermanagh. In particular, there is great concern and, indeed, anger about the proposed closure of some rural secondary schools such as St Mary's High School, Brollagh.

The community of Erne North, comprising the Garrison and Belleek communities, feels very strongly that CCMS and the Department of Education made little effort to retain the school as a viable entity for the secondary education of the people of the area. Despite all the talk, and

I mean talk, about North/South cooperation on education, nothing meaningful has yet been attempted in order to maintain that school. If it closes, pupils from the Garrison and Belleek area will have to spend one and a half hours every morning and evening on a bus on a bendy road to Enniskillen. The prolonged discussion on the future of the school created a lot of uncertainty, which meant that some parents, concerned about their children's educational future, opted to send them to the bigger schools in Enniskillen. Those are the fortunate children, in that their parents travel to work in Enniskillen. Unfortunately, the children of Erne North are left with no choice but to travel 25 miles or more on that bad road to Enniskillen. The nightmare for parents is that the decision to close may go ahead.

St Aidan's in Derrylin has been fighting to survive, as has St Eugene's in Rosslea.

We have St Mary's College in Irvinestown, again under a cloud of uncertainty. I welcome the fact that St Aidan's High School of Derrylin, along with St Comhghall's College in Lisnaskea, may have a viable future with a shared campus between the two schools.

In Enniskillen, we have St Joseph's College and St Fanchea's College, both excellent secondary schools. We have also two excellent grammar schools in the Catholic sector: St Michael's College and Mount Lourdes Grammar School. These schools have built up an enviable reputation. They have a strong history and a strong educational ethos; but sometimes the authorities are intent, with a predetermined policy initiative. That seems to be adding to the pain and difficulties experienced in many communities, but particularly in the county of Fermanagh.

Mr Storey: My colleague who preceded me lives closer to the county; I am further away from the county, but I can assure you that it lessens not my interest in the issue, obviously as Chair of the Education Committee but also here to be of help and support to my colleagues Lord Morrow and Mrs Foster who, unfortunately, cannot be with us.

I congratulate Tom on securing the debate on this issue. I have visited Fermanagh on a number of occasions. The Education Committee was in Fermanagh last Wednesday, and we had a very useful exchange with the Fermanagh Trust. We saw the work that it has done there, particularly with regard to shared education.

What I want to do in the few minutes that are allotted to me is to try to give some sense as someone from outside the county, looking in to what is going on — or not going on. A number of comments have been made in the House this evening which I think need some further clarification and consideration.

As has been said by Tom and by Lord Morrow, the case for Devenish has been well made, and yet despite all the years that have passed and all the promises made, we still find ourselves in a position where the case rests on, "You might get it, provided that we get something else." If that is ever a policy on a promise, I think it is a very poor way to go about delivering education.

The cynic in me would say, if you look at what has happened in some elements in the maintained sector, that if you promise the Minister and the bishops that you will move away from academic selection, then you will be guaranteed your money, as is happening in the Minister's own constituency in Lurgan. That is clearly defined in a letter which he sent to the board just a few weeks ago, in which he actually went so far as saying, "Look at what has happened in regard to St Michael's — £25 million — and if those other schools would only learn the lesson and do what they are told, then they might get the money." I think that there is an issue there as to how the Minister behaves, in terms of the way in which this process rolls out. The case for Devenish has been made. I have to concur with my colleagues: let us move on and get Devenish built. Let us move on.

I want to pick up on a couple of comments that were made by representatives of the Minister's party in the county. I would love to know: what are they for? We have heard a lot of talk about "Let's blame the managing authorities", "Let's have a go at CCMS" and "Let's have a go at the boards", and then they use all the terminology about listening to the community. Previously, Mr Flanagan said, left to local options, that was not a good idea, but you have to still listen to the community. So can the Members opposite really tell us, in terms of the maintained sector, are they supportive of Brollagh? Do they want Brollagh to stay? Are they supportive of the other schools in the maintained sector in the county, or are they trying to ride about 14 different horses in the Grand National and hope that, somehow, no decisions that will impact on them will really be made? Do they think, "As long as the focus stays on Portora and the Collegiate and Devenish, that will take the heat off us"?

That is not shared education. That is not working together.

7.45 pm

I commend Mr Flanagan — I think that it was him, but maybe it was the other Member — for at least having the honesty to say that the managing authorities were doing this process separately. Why? It suits them to do it separately. There are elements in the maintained sector that talk a good talk when it comes to collaboration, but do not ask them to give anything up.

If the Minister and the Members of his party think that, somehow, the easy option here is the controlled sector, I am saying that those days are over. The controlled sector has taken the highest hit of closures —

Mr O'Dowd: That is not true.

Mr Storey: It is true.

Mr O'Dowd: It is not true.

Mr Speaker: Order.

Mr Storey: I will produce the evidence to prove that it is true. It has taken the highest hit of closures. The maintained sector has got around it by way of amalgamations. When it comes to closures, it is quite clear that the controlled sector has been disproportionately affected. What do I want to see in Fermanagh? I want to see the wishes of the community in terms of the Collegiate respected.

I agree with Tom. There is a risk that we now have a situation in which it is them and us. That is not good for provision. Let us remember what is at the heart of this: the provision of education for our children and young people. I believe that the Collegiate's position needs to be respected, as do the concerns being raised by Portora, which has appalling capital provision at this time. Anybody who has ever been in the school's sports hall will know that it is an absolute shambles. It is disgraceful, and the school needs capital.

Let us remember that the Western Board was talking about building one big school on Portora hill and putting everybody there. That was not an option. What can be delivered in Fermanagh for non-Catholic pupils? Let us remember that we are talking about a minority community living in a county where they have had many challenges and issues. The Minister needs to give serious consideration, without any more equivocation and talk about "If you do whatever", to moving Devenish and allowing the

Collegiate and Portora to work out a solution when we get to a point at which they can have a conversation that creates the environment in which different things could be done, the premise being that it is for provision and for the best interests of the young people of Fermanagh.

I commend Tom for securing the debate, and I look forward to what the Minister has to say. I trust that soon we will see some clarity in terms of decisions for education in the county.

Mr O'Dowd: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to set out once more my policy on area planning, this time with a particular focus on post-primary education in Fermanagh. In responding to the debate, I wish to put on record that I have noted the concerns raised about area planning by Members in the previous debate and that, as we continue to refine the area planning work and press ahead with the necessary restructuring, I will take Members' concerns into consideration.

I have often said, and I am happy to repeat it, that the vision that we have set for education here is aimed at ensuring that all our young people — all of them — have the opportunity and are encouraged to reach their full potential in education. The problems that beset sections of the controlled sector are not of my making but of others' making. Policy decisions taken outside the Department of Education are having the most detrimental impact on the controlled sector.

Mr Storey may quote selective figures about closures and amalgamations etc but the fact is — *[Interruption.]* It is very difficult, Mr Speaker, to have a sensible debate —

Mr Speaker: Order. You must allow the Minister to respond without interruption. Order. The Minister must be heard.

Mr O'Dowd: The policy that is causing the biggest problems for the controlled sector in Fermanagh is not my policy but that of the Members on the opposite Benches. It is their subservient relationship with the voluntary grammar sector. *[Interruption.]*

Mr Storey: Will the Minister give way?

Mr O'Dowd: No, I will not.

Mr Speaker: Order.

Mr O'Dowd: It has been detrimental to attitudes towards education and perceptions around education, and it has been detrimental to non-selective schools in the controlled sector. Belated, misinformed challenges to me will not hide that. If you are serious about education for all and about the needs of communities, whether they be in Fermanagh or elsewhere, you need to review your own policy.

You most certainly need to review your subservient relationship — and it is subservient — to the voluntary grammar sector. Its needs cannot always come first. The needs of the selective sector cannot always come first. If they do, you end up with an imbalanced education system in which non-selective schools suffer. That is particularly evident in the controlled sector.

With regard to the particular issues that face Fermanagh, there are 13 post-primary schools in the area, which currently serve around 5,000 pupils in total. Of those 13 schools, only one has a year 8 to year 12 enrolment that is above the sustainable schools minimum enrolment indicator of 500. Ten of those 13 schools have fewer than 400 pupils, with six having fewer than 300 pupils.

I accept the comments that have been made that Fermanagh presents particular issues with regard to the rurality of the communities that its schools serve. With regard to future planning, I accept that there are also pockets of minority communities in Fermanagh, but the demographics in the region are declining and, based on NISRA statistics, are set to do so for a number of years.

I will concentrate on the rural end of Fermanagh for a second. As I said before, the best way to save a rural primary or post-primary school is not simply by signing a petition, but by signing the admissions form and sending your child to it. That is the best way to save a rural school. I am very supportive of participatory democracy. Petitions have their place. However, if you are serious about it, sign the admissions form and send your child to a local rural primary or post-primary school. That is the best way to save schools.

I will touch on the proposals for Brollagh for a moment. I have had significant correspondence on Brollagh. I recently met its support group. I am taking its views into consideration before I make any final decision on that development proposal. I hope to make that decision in the near future. There are other development proposals in and around that area that are at various states of readiness and

publication. They will come my way in due course. I will deal with them based on the evidence that is before me at that time.

In relation to the history of education provision in Fermanagh, I have been a Minister only since 2011. I will not be held accountable for decisions that were made by direct rule Ministers in 2004. If a Member of the House is vexed that Devenish was announced in 2004 and has not been built by 2014, I have to throw the question back: as an elected representative, what have you been doing? You clearly have not been vocal enough or raised the profile of the case. I know that we had a masterclass from you, as we always do when you present yourself in the Chamber to address me, on how not to win friends and influence people. If you want a masterclass on how to do that, you are the classic example.

Lord Morrow: Was I supposed to grovel?

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

Mr O'Dowd: You are a classic example of how not to influence someone in a good way. You excel at it. When you approach Ministers with the attitude that you approach me with, perhaps that is why there was a failure to deliver Devenish until I came into office.

Lord Morrow: Will the Minister give way?

Mr O'Dowd: No; I will not. Thank you.

In January 2013, I made a statement that Devenish would be built. It would appear that the Member does not understand how a building is constructed, never mind how you get to the stage of building. When I stand here in the Chamber and say that a new school will be built for Devenish, it does not suddenly appear. It does not magically pop up. There has to be a considerable amount of preparation work on business cases and economic appraisals. All of that takes time to go through.

For the Member's information, my permanent secretary and the chief executive of the Western Education and Library Board meet regularly to discuss newbuild programmes in the Western Board area, and Devenish is on the agenda every time they meet. In due course, there will be an economic appraisal from the Western Board about moving Devenish forward. I have committed in the past to building Devenish, and I will build Devenish going forward.

One challenge facing Devenish is falling enrolments. Is that surprising when elected representatives from the area stand up and tell people that it will never be built? *[Interruption.]*

Mr Speaker: Order.

Mr O'Dowd: They stand up and broadcast across the airwaves that Devenish will never be built. I would not mind if they were on the airwaves saying that and doing something positive in the background to move Devenish forward, but in my time in office, since I made that announcement, none of the Members opposite has asked me for a meeting to discuss the progress of Devenish. Not one Member has asked me for a meeting to press me or influence me on Devenish and ensure that my officials, the chief executive of the Western Board and I are carrying out the work. They go on the airwaves and stand in the Chamber tonight to tell anybody who is prepared to listen that it will never happen. It has to happen for the benefit of education in the area, and it will happen.

The consultation on the Collegiate and Portora runs until 14 July.

Mr Elliott: Will the Member give way before we get on to that?

Mr O'Dowd: Yes.

Mr Elliott: I hear what the Minister says, but will he accept that I raised the issue of Devenish with him on the Floor on at least two occasions? I may not have asked for a meeting, but I assure him that I will now. I raised the issue with his predecessor, with whom I had a meeting. I filled out the admissions form as he has said, and I will send my child to Devenish. I want him to clarify my relationship with the voluntary grammar sector because I am not sure what it is.

Mr O'Dowd: For the benefit of the record and for clarification, I was directing my comments at Lord Morrow. I am happy to clarify that Mr Elliott has raised the issue of Devenish with me on several occasions. I have no difficulty in clarifying that. I was directing my comments at those who choose to tell everyone who chooses to listen that Devenish will never be built and then do nothing about it.

A development proposal has been published for Portora and the Collegiate, and the consultation continues until 14 July. I have agreed to meet a delegation of interested parents and members of the Collegiate, and I am happy to do so. I

am happy to meet any interested parties who are representative of the area or who have a stake in the schools.

Following those meetings and the closure of the consultation on 14 July, I will bring together all the evidence available to me and make a decision based on the educational needs of all the young people in Fermanagh. I note that the Western Education and Library Board released a significant, lengthy press release yesterday responding to unhelpful commentary in some local media and other places. I hope that that answers some of the issues that have been raised. I also welcome Mr Elliott's comments about having a respectful debate on the matter as we move forward.

Adjourned at 7.59 pm.



Published by Authority of the Northern Ireland Assembly,
Belfast: The Stationery Office

and available from:

Online
www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

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PO Box 29, Norwich, NR3 1GN
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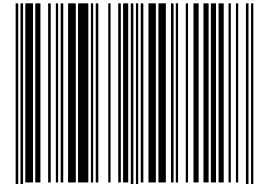
TSO@Blackwell and other Accredited Agents

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited
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ISBN 978-0-339-50712-8



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