



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
TUESDAY 05 March 2013 and WEDNESDAY 06 March 2013
ROOM 30 and the SENATE CHAMBER

Present:

Mervyn Storey MLA (Chairperson)
Danny Kinahan MLA (Deputy Chairperson)
Michaela Boyle MLA
Jonathan Craig MLA
Jo-Anne Dobson MLA
Chris Hazzard MLA
Trevor Lunn MLA
Michelle McIlveen MLA
Pat Sheehan MLA
Brenda Hale MLA

In Attendance:

Peter McCallion (Assembly Clerk)
Sheila Mawhinney (Assistant Assembly Clerk)
Sharon McGurk (Clerical Supervisor)
Sharon Young (Clerical Officer)
Ursula Savage (Bursary Student)
Damien Martin (Clerk Assistant) Item 5 only

Apologies:

Sean Rogers MLA

The meeting commenced in public session at 9:48am.

The Deputy Chairperson assumed the Chair in the absence of the Chairperson.

1. Apologies

Apologies are noted above.

Members agreed to write to Mr Sean Rogers MLA to send their best wishes for his speedy recovery following a recent illness.

2. Draft minutes of 27 February 2013

Agreed: The draft minutes of the meeting held on 27 February 2013 were agreed by the Committee.

3. Matters Arising

The following matters were considered:

- 3.1.** The Committee considered an Assembly Research paper on the Schools Consultation (Scotland) Act 2010.

Agreed: The Committee agreed to request further information from Assembly Research as to the means used to contact parents during the consultation process in Scotland.

Trevor Lunn joined the meeting at 9.50 am.

- 3.2.** The Committee noted correspondence from the Department on the modification of employment law and Clause 13 of the Education Bill.

- 3.3.** The Committee discussed the Sport in Schools informal stakeholder event to be held on 6 March 2013 at 3:00pm in Parliament Buildings, Room 115

Agreed: The Committee noted that the Irish Rugby Football Union is unable to attend this event and agreed to schedule a meeting at a later date.

4. Education Bill - Informal Clause-by-clause scrutiny

Departmental Officials joined the meeting at 9:54am.

Chris Stewart, Director of the Equality and All-Ireland Directorate, and Peter Burns, Central Support and Co-ordination Branch, were in attendance to provide further information on the Education Bill as required.

The Committee continued its informal Clause by Clause scrutiny of the Education Bill.

Clause 11: ESA to employ peripatetic teachers

Agreed: The Committee agreed to write to the Department to request information on the availability of Irish medium teachers and the need for peripatetic teachers in this sector.

Agreed: The Committee agreed informally that it would not support CnaG's amendment relating to peripatetic teachers in the IME sector.

Agreed: The Committee agreed that it would reserve its position on this clause and all proposed amendments until the formal clause by clause scrutiny of the Bill.

Clause 12: Salaries etc. of staff: administrative and financial arrangements

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 13: Modification of employment law

Agreed: The Committee agreed to park its consideration of this clause pending a response from the Department on modifications to the Education (Modification of Statutory Provisions Relating to Employment) Order.

Clause 14: ESA to provide or secure provision of training and advisory support services for schools

Agreed: The Committee agreed to write to the Department in order to request a background paper setting out Departmental policy on the provision of training and support for schools including commentary on the proposal that a proportion of ESA's training and development budget should be made available directly to schools.

Agreed: The Committee also agreed to request an update on the report of the Shared Education Advisory Group and the likely timetable for the development of a Shared Education policy.

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 15: ESA to provide library services to grant-aided schools and other educational establishments

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 16: ESA to secure provision of educational and youth services and facilities

Michaela Boyle left the meeting at 10.54 am

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 17: ESA to pay capital grants to voluntary and grant-maintained integrated schools.

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 18: Establishment of controlled schools

Michaela Boyle rejoined the meeting at 10.57 am.

Agreed: The Committee informally agreed that it would support a TRC amendment which would require consultation with the relevant sectoral body prior to the establishment of a new controlled school.

Agreed: The Committee also agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 19: Responsibilities of ESA in relation to controlled schools

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 20: ESA to contract for certain works

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 21: ESA to pay superannuation benefits of teachers

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 22: Ancillary powers of ESA

Agreed: The Committee agreed to request a written briefing from the Department on the implications for schools of registration with the Charities Commission.

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

The Chairperson joined the meeting and assumed the Chair at 11.29 am.

Clause 23: Power of ESA to undertake commercial activities

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 24: Area education plans

Agreed: The Committee agreed to seek confirmation from the Department of the legislative competence of the proposal that, for Area Education Plans, ESA or the Department should be required to consult on a cross-border basis.

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 25: Preparation and revision of plans

Chris Hazzard left the meeting at 11.49 am

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 26: Revocation of plans

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 27: Publicity and consultation

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 28: Involvement of relevant interests

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 29: Guidance

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 30: Regulations

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 31: Dissolution of certain statutory bodies

Jo-Anne Dobson joined the meeting at 12.14 pm

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 32: Transfer of assets, liabilities and staff

Agreed: The Committee agreed that it would reserve its position on this clause until the receipt of further details requested from the Department on these transfers.

The Chairperson suspended at the meeting at 12.20 pm.

The meeting resumed in private session at 9:35am on Wednesday, 6 March 2013, in the Senate Chamber. The following Members were in attendance: Mervyn Storey, Danny Kinahan, Jonathan Craig, Chris Hazzard, Trevor Lunn and Pat Sheehan.

5. Procedural Advice – Further extension to the Committee Stage

The Committee received a briefing from an Assembly Clerk Assistant on the procedures for seeking a further extension to the Committee Stage of the Education Bill.

The briefing was followed by a question and answer session.

Brenda Hale joined the meeting at 9:37am.

Jo-Anne Dobson joined the meeting at 9:38am.

Michelle McIlveen joined the meeting at 9.40 am.

Agreed: The Committee agreed that it was content to carry out its formal clause by clause scrutiny of the Education Bill on 19th and 20th March 2013.

Brenda Hale left the meeting at 10.04 am.

Pat Sheehan left the meeting at 10.06 am.

Danny Kinahan proposed that the Committee should continue with its present scrutiny of the Education Bill, while also pursuing the possibility of obtaining an extension to the Committee Stage.

The Committee divided on the proposal:

Ayes

Danny Kinahan

Jo-Anne Dobson

Noes

Mervyn Storey

Jonathan Craig

Chris Hazzard

Michelle McIlveen

Abstentions

None

The proposal was not supported.

Michaela Boyle joined the meeting at 10:10am.

6. Forward Work Programme

The Committee discussed how best to use the remaining time available to conclude the Committee Stage of the Education Bill.

Agreed: The Committee agreed to reschedule the planned Departmental briefing on the Savings Delivery Plan until after Easter Recess.

Agreed: The Committee also agreed that an 'Away Day', as previously discussed, would not be necessary.

Agreed: The Committee agreed to the Forward Work Programme as drafted.

The meeting moved into public session at 10:18am.

7. Chairperson's Business

7.1 The Chairperson referred to the recent death, as a result of a traffic accident, of Lauren Minford, a young teacher at Culcrow Primary School in Aghadowey.

Agreed: The Committee agreed to extend its sincere sympathies to the principal and staff of the school.

7.2 The Chairperson advised Members that the meeting with a delegation from the OECD Review Team on Monday 4 March 2013 had proved very useful and informative.

Agreed: The Committee agreed to write to the OECD Team to express its thanks for the opportunity to meet with them. The Committee also agreed to write to the Department seeking a timescale for the publication of the OECD country review report.

7.3 The Chairperson referred Members to papers arising from a meeting with school transport providers which took place on 28 February 2013; he also referred to serious issues raised during the meeting in relation to the safety of school transport and the possible culpability of schools hiring their own transport which is then subject to a serious accident.

Agreed: The Committee agreed to write to the Department to ascertain if it plans to review its guidance to schools on procurement of transport.

8. Departmental Briefing on the proposed Teachers' Superannuation (Amendment) Regulations

Departmental Officials joined the meeting at 10:22am.

Mr Mark Mawhinney, Head of Teacher Negotiating and Pensions Policy Team, and Mr Seamus Gallagher, Teacher Negotiating and Pensions Policy Team, briefed the Committee on the proposed Teachers' Superannuation (Amendment) Regulations.

The briefing was followed by a question and answer session.

Jo-Anne Dobson left the meeting at 10:28am.

Agreed: The Committee agreed that it was content for the Department to make the relevant Statutory Rule.

Officials also briefed the Committee on the current Departmental consultation on further reforms to the Northern Ireland Teachers' Pension Scheme.

Departmental Officials left the meeting at 11:02am.

Agreed: The Committee agreed to write to the Teachers Consultative Superannuation Forum seeking its views on Pension reform.

Agreed: The Committee agreed to schedule a Departmental briefing on pension reform after the consultation had concluded.

9. Education Bill – Informal Clause by Clause continued

Departmental officials joined the meeting at 11:03am.

Chris Stewart, Director of the Equality and All-Ireland Directorate, and Peter Burns, Central Support and Co-ordination Branch, were again in attendance to provide further information on the Education Bill as required.

The Committee noted a response from CCEA outlining its current engagement with industry, commerce and the professions.

The Committee continued its informal Clause by Clause scrutiny of the Education Bill.

Clause 33: Schemes of Management

Clause 34: Preparation and approval of schemes of management

Clause 35: Reserve power of ESA to make a scheme of management

Clause 36: Revision of schemes of management

Clause 37: Procedure where ESA does not approve a submitted scheme

Agreed: As these clauses are linked to the Committee's queries in respect of the Heads of Agreement, the Committee agreed to reserve its position on these clauses.

Clause 38: Duties of Board of Governors in relation to achievement of high standards of educational attainment

Agreed: The Committee informally agreed that it would not support any of the proposed amendments.

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Michaela Boyle left the meeting at 11:21am.

Clause 39: Appointment by ESA of governors for controlled, maintained, grant-maintained integrated and certain voluntary grammar schools

Pat Sheehan rejoined the meeting at 11:27am.

Agreed: The Committee agreed to write to the Department of Education for clarification of the role of the Public Appointments Commissioner in appointing Boards of Governors.

Michaela Boyle rejoined the meeting at 11:31am.

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 40: Part-time teachers to be eligible for election as governors

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 41: Management of controlled schools

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 42: Management of maintained nursery schools

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 43: Controlled Schools: definition

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Part 3: Inspections

Clause 44 Inspection on behalf of the Department

Clause 45 Powers of Inspectors

Clause 46 Reports and action plans

Clause 47 Inspections on behalf of DEL

Clause 48 Assessors and lay persons

Agreed: The Committee agreed to defer further consideration of Clauses 44-48 until further information was obtained on the Education and Training Inspectorate.

Part 4 Functions of the Northern Ireland Council for the Curriculum, Examinations and Assessment

Clause 49: Interpretation of this part

Chris Hazzard left the meeting at 12:02am.

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 50: Functions of the Council in relation to the designated examinations and the statutory assessments

Chris Hazzard rejoined the meeting at 12:06am.

Clause 51: Functions of the Council in relation to accreditation of the designated qualifications

Clause 52: Other functions of the Council

Clause 53: Ancillary functions of the Council

Clause 54: Discharge by the Council of its functions

Agreed: The Committee agreed to reserve its position on Clauses 50 to 54 pending a paper from the Department on the role of the Council for Curriculum, Examinations and Assessments.

Part 5 Protection of children and young people

Clause 55: Safeguarding and promoting welfare of children and young people

Agreed: The Committee agreed to write to the Department asking about the legal relationship between ESA and the Safeguarding Board.

Michaela Boyle left the meeting at 12:20pm.

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 56: Duty on providers of funded pre-school education to safeguard and promote welfare of children

Chris Hazzard left the meeting at 12:22pm.

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 57: Duty of providers of educational and youth services to safeguard and promote welfare of children

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 58: Directions as to exercise of child protection duties by Board of Governors

The Committee noted the Department's assertion that Part 5 (Protection of children and young persons) is the only part of the Education Bill which gives ESA the power to direct a Board of Governors without the authority of the Department of Education.

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Clause 59: Duty of co-operation concerning welfare and protection of children and young persons

Agreed: The Committee informally agreed that it was content with this clause as drafted.

Part 6 Miscellaneous and supplementary

Clause 60: General duty of the Department and DEL

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 61: Grants for educational and youth services, etc.

Agreed: The Committee informally agreed that it would not support any of the proposed amendments.

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Jo-Anne Dobson rejoined the meeting at 12:38pm.

Clause 62: Tribunal to review certain decisions in relation to employment schemes and schemes of management

Chris Hazzard rejoined the meeting at 12:40pm.

Agreed: The Committee agreed to defer its consideration of this clause pending forthcoming amendments from the Department.

Pat Sheehan left the meeting at 12:42pm.

Clause 63: Sectoral Bodies

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 64: Supplementary, incidental, consequential, transitional provision etc.

Jo-Anne Dobson left the meeting at 12:49pm.

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 65: Regulations and orders

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 66: Interpretation

Agreed: The Committee agreed that it would reserve its position on this clause until the formal clause by clause scrutiny of the Bill.

Clause 67: Minor and consequential amendments and repeals and revocations

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 68: Commencement

Agreed: The Committee informally agreed that it was content with the clause as drafted.

Clause 69: Short title

The Committee noted that the short title would have to be amended to read "Education Act (Northern Ireland) 2013"

Agreed: The Committee informally agreed that it was content with the short title as amended.

Agreed: The Committee agreed to write to DE, DEL and OFMDFM in advance of its formal clause by clause scrutiny of the Education Bill seeking clarification on the Heads of Agreement question and requesting that any proposed amendments to the Bill should be made available to the Committee.

Departmental officials left the meeting at 12:55pm.

10. Correspondence

The Committee considered the following items of correspondence.

- 10.1. The Committee noted correspondence from the Department on the impact of larger class sizes for primary school years 5 to 7.
- 10.2. The Committee noted correspondence from the Department regarding access to the 'My School' portal and a text information service for parents.
- 10.3. The Committee considered correspondence from the Finance and Personnel Committee on Post Project Evaluations.
Agreed: The Committee agreed to forward this to the Department for comment.
- 10.4. The Committee noted an information leaflet for parents on the Entitlement Framework provided by the Department.
- 10.5. The Committee considered correspondence from the Department on funding arrangements for the Controlled Schools' Sectoral Support Body.
Agreed: The Committee agreed to write to the Department for an update on funding allocated; and for clarification on whether the Department will consider an application from a sectoral body representing the voluntary grammar schools.
- 10.6. The Committee noted correspondence from the Department on the Review of Apprenticeships and Youth Training.
- 10.7. The Committee noted correspondence from the Western, Belfast, Southern and South Eastern Education and Library Boards regarding the potential for contamination of school meals with horse meat.
Agreed: The Committee agreed to write to the Western Education and Library Board for an update on the outcome of a 5-Board meeting of catering and procurement managers which took place recently.
Agreed: The Committee also agreed to write to the Southern Education and Library Board for comment on the frozen foods contract.
- 10.8. The Committee noted correspondence from the Western, Belfast and Southern Education and Library Boards on Rural-Proofing of Area Plans.
- 10.9. The Committee considered correspondence from the Department on the Children and Young People's Strategic Partnership.

Agreed: The Committee agreed to write to the Department for an update on the final action plans and a timetable for implementation.

10.10. The Committee noted an invitation from Young Enterprise Northern Ireland to a Graduation Event on 22 May 2013.

10.11. The Committee noted correspondence from the Employment and Learning Committee on UCET's submission on the Review of Teacher Education.

10.12. The Committee noted correspondence from the Department on the meeting with the OECD Review Team on Monday 4th March 2013.

10.13. The Committee noted correspondence from the Minister on the Education Budget Allocations for 2013-2014 and 2014-2015.

Agreed: The Committee agreed to write to the Department for details of its revised workforce plan and the anticipated impact on front-line delivery services.

10.14. The Committee noted correspondence from the Department regarding an Education and Training Inspectorate Report on School Children with Visual Impairment.

Agreed: The Committee agreed to write to the Department to suggest that the review of Computer Based Assessments fully considers accessibility for those who have visual and hearing impairments.

10.15. The Committee noted an invitation from Queen's University, Belfast, to an Education Research event on 15 March 2013.

The Committee also noted a number of Department of Education News Releases which were previously emailed to Members.

11. Any Other Business

There was no other business.

12. Date, time and place of next meeting

The next meeting will be held on Tuesday 12th March 2013 at 9:30am in Room 30, Parliament Buildings.

The Chairperson adjourned the meeting at 1.06 pm.

Mervyn Storey
Chairperson, Committee for Education
12 March 2013