



Northern Ireland
Assembly
Committee for Education
MINUTES OF PROCEEDINGS
TUESDAY 19 March 2013 and WEDNESDAY 20 March 2013
ROOM 30 and ROOM 144

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
Sean Rogers MLA
Pat Sheehan MLA

In Attendance:

Peter McCallion (Assembly Clerk)
Sheila Mawhinney (Assistant Assembly Clerk)
Sharon McGurk (Clerical Supervisor)
Sharon Young (Clerical Officer)

Apologies:

None

The meeting commenced in public session at 9.34 am.

1. Apologies

There were no apologies.

2. Draft minutes of 12 and 13 March 2013

Agreed: The draft minutes of the meeting held on 12 and 13 March 2013 were agreed by the Committee.

3. Matters Arising

The following matters were considered:

- 3.1. The Committee noted correspondence between the Department and the Northern Ireland Council for Integrated Education on the Education Bill.
- 3.2. The Committee noted correspondence from the Minister for Employment and Learning on amendments to Clauses 47 and 48 of the Education Bill.
- 3.3. The Committee noted correspondence from the Irish National Teachers' Organisation (INTO) to the Minister for Employment and Learning regarding Clause 13 of the Education Bill.
- 3.4. The Committee noted a response from the Department on the availability of Irish-medium peripatetic teachers.

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

A Departmental official joined the meeting at 9:35 am.

Chris Stewart, Director of the Equality and All-Ireland Directorate, was in attendance to provide further information on the Education Bill as required.

The Committee commenced its formal Clause by Clause scrutiny of the Education Bill.

Trevor Lunn joined the meeting at 9.36 am.

Clause 1: The Education and Skills Authority

Agreed: The Committee agreed that, subject to consequential amendment, it was content with Clause 1 as drafted.

Clause 2: Functions and general duty of ESA

Danny Kinahan joined the meeting at 9.45 am.

The meeting moved into private session at 9.45 am.

The Committee discussed the procedures for the continuation of its formal scrutiny and the wording of potential amendments.

The meeting moved back into public session at 9:50am.

Michelle McIlveen left the meeting at 9.54 am.

Agreed: The Committee agreed that it would reserve its position on this clause.

Agreed: The Committee agreed to give further consideration to a recommendation in its Bill Report in respect of Shared Education and a related Ministerial assurance.

Clause 3: ESA to employ all staff of grant-aided schools
Clause 4: Employment schemes for grant-aided schools
Clause 5: Preparation and approval of employment schemes
Clause 6: Reserve power of ESA to make employment scheme
Clause 7: Revision of employment schemes
Clause 8: Procedure where ESA does not approve a submitted scheme
Clause 9: Effect of employment scheme
Clause 10: Transfer to ESA of staff employed by Boards of Governors
Clause 11: ESA to employ peripatetic teachers
Clause 12: Salaries etc. of staff: administrative and financial arrangements
Clause 13: Modification of employment law

Agreed: The Committee agreed to reserve its position on Clauses 3 to 13 as no clarification has been received on the employment and Heads of Agreement issues that relate to this section of the Bill.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 14 as drafted.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 15 as drafted.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 16 as drafted.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 17 as drafted.

Clause 18: Establishment of controlled schools

Pat Sheehan joined the meeting at 10.27 am.

Pat Sheehan left the meeting at 10.31 am.

Agreed: The Committee agreed the following amendment:

Clause 18, page 11, line 5: Add “may in consultation with the relevant sectoral bodies”

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 18 as amended.

Clause 19: Responsibilities of ESA in relation to controlled schools

Agreed: The Committee agreed to reserve its position on Clauses 19 until clarification was received on the employment and Heads of Agreement issues that relate to this clause.

Clause 20: ESA to contract for certain works

Michelle McIlveen rejoined the meeting at 10.56 am.

Agreed: The Committee agreed that it was content with Clause 20 as drafted, subject to consequential amendment, and subject also to an assurance from the Minister that ESA would have no power to enter into contracts relating to the provision or alteration of premises without the consent of the owner of those premises.

Clause 21: ESA to pay superannuation benefits of teachers

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 21 as drafted.

Clause 22: Ancillary powers of ESA

The Committee expressed concerns regarding the nature and scope of powers conferred on ESA by this clause. The Committee believed that these powers should be more clearly defined and that any extension of them should be subject to the scrutiny of the Assembly.

Clause 23: Power of ESA to undertake commercial activities

Sean Rogers left the meeting at 11.16 am.

Michaela Boyle joined the meeting at 11.17 am.

The Committee expressed similar concerns regarding the wide-ranging nature of the powers conferred on ESA by this Clause.

Sean Rogers rejoined the meeting at 11.22 am.

Pat Sheehan rejoined the meeting at 11.23 am.

The Chairperson suspended the meeting at 11.24am.

The meeting resumed at 9.53 am in public session on Wednesday 20 March 2013 in Room 144.

The following members were in attendance: Mervyn Storey, Danny Kinahan, Jonathan Craig, Chris Hazzard, Trevor Lunn, Michelle McIlveen and Sean Rogers.

5. Chairperson's Business

- 5.1.** The Chairperson reminded Members of the informal stakeholder briefing session on the potential changes to A Levels to be held in the Long Gallery later that evening.

Agreed: The Committee agreed the wording of a press release for the event.

- 5.2.** The Chairperson referred Members to recent correspondence from the Committee for Employment and Learning, suggesting a joint meeting to discuss the Review of Teacher Education.

Agreed: The Committee agreed to consider a date for a joint meeting after a response had been received from the Department on the progress of this Review.

- 5.3.** The Chairperson also referred Members to an admission by the Department that NILA scores have been incorrectly reported.

Agreed: The Committee agreed to write to the Department to urge it to reconsider its use of NINAs and NILAs, and to seek an alternative form of computer-based assessment for numeracy and literacy.

Jo-Anne Dobson joined the meeting at 9.58 am.

Agreed: The Committee also agreed to consider bringing a motion to the Assembly on the use of computer-based assessment following the publication of the Department's review report.

- 5.4.** The Chairperson advised Members of the recent announcement by the Department of a payment for low-paid non-teaching staff.

Agreed: The Committee agreed to write to the Department seeking information on the budget implications for this decision.

6. Statutory Rule 2013/54 The Teachers' Superannuation (Amendment) Regulations

The Committee considered SR 2013 No. 54, The Teachers' Superannuation (Amendment) Regulations (Northern Ireland) 2013.

Question put and agreed:

“That the Committee for Education has considered SR 2013 No. 54, The Teachers’ Superannuation (Amendment) Regulations (Northern Ireland) 2013, and has no objection to the rule.”

7. Education Bill - Formal Clause-by-clause scrutiny

Departmental officials joined the meeting at 10:03 am.

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 Chairperson noted correspondence from the Department indicating the scope of the amendments proposed by the Minister of Education. The Chairperson also noted a late submission from the Northern Ireland Teachers’ Council.

The Committee considered a draft recommendation on Shared Education to be included in its Bill Report. This recommendation related to concerns expressed by Members initially in respect of Clause 2, but also reiterated at other points in their clause by clause scrutiny.

Agreed: The Committee agreed that the recommendation should be amended to read:

“The Committee recommends that the Department and ESA should give consideration to the promotion of collaboration and the sharing of resources between schools, regardless of their sector, where this will enhance the effective management and efficient provision of education to the betterment of the educational experience for pupils.”

The Committee continued its formal clause by clause scrutiny.

Clause 22: Ancillary powers of ESA

The Committee agreed to return to its scrutiny of Clause 22.

Agreed: The Committee agreed the following amendment:

Clause 22, page 12, line 19: Leave out from the start of line 19 to “particular” in line 22 and insert - ‘For the purposes of discharging its functions,’

Clause 22, page 12, line 29: At end insert - () The Department may by order amend subsection (1).

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 22 as amended.

Clause 23: Power of ESA to undertake commercial activities

The Committee agreed to return to its scrutiny of Clause 23.

Agreed: The Committee agreed the following amendment:

Clause 23, page 12: Leave out lines 41 and 42

Clause 23, page 13, line 27: At end insert - '(9) The Department may by order amend the powers granted to ESA under this section.'

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 23 as amended.

Clauses 24 to 30: Area Planning:

Clause 24: Area Education Plans

Clause 25: Preparation and revision of plans

Clause 26: Revocation of plans

Clause 27: Publicity and consultation

Clause 28: Involvement of relevant interests

Clause 29: Guidance

Clause 30: Regulations

Some Members expressed the view that the clauses relating to Area Planning should require ESA to take cognisance of cross-border provision particularly when considering the viability of small rural schools.

It was proposed that the Committee should include a formal recommendation in its report to reflect these concerns.

The Committee divided on the proposal:

Ayes

Chris Hazzard
Trevor Lunn
Sean Rogers

Noes

Mervyn Storey
Danny Kinahan
Jonathan Craig
Jo-Anne Dobson
Michelle McIlveen

The proposal was not agreed.

The Committee discussed the provisions of Clause 28(4) whereby, in preparing or revising an Area Plan, ESA does not have a duty to consult with relevant stakeholders as specified at 28(5).

Agreed: The Committee agreed to include a recommendation in its report that ESA should have a duty to consult with key stakeholders.

Agreed: The Committee also agreed to include a recommendation in its report that would require ESA to rural-proof Area Plans and give proper consideration to the impact on communities of the closure of rural schools.

Agreed: The Committee additionally agreed to amend the Bill to require guidance issued by the Department to ESA in respect of Area Plans to be subject to affirmative rather than negative resolution.

Jo-Anne Dobson left the meeting at 10.53 am.

Agreed: The Committee agreed to reserve its position on Clauses 24-30.

Michaela Boyle joined the meeting at 10.55 am.

Clause 31: Dissolution of certain statutory bodies

Agreed: The Committee agreed to reserve its position on Clause 31 as no clarification has been received on the employment and Heads of Agreement issues that relate to this clause.

Clause 32: Transfer of assets, liabilities and staff

Agreed: The Committee agreed to reserve its position on Clause 32 as the Department has been unable to provide detailed information on the assets, liabilities and staff to be transferred and as no clarification has been received on the employment and Heads of Agreement issues that relate to this clause.

Clauses 33 to 37:

Clause 33: Schemes of Management

Clause 34: Preparation and approval of schemes of management

Clause 35: Reserve power of ESA to make schemes of management

Clause 36: Revision of schemes of management

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

Agreed: The Committee agreed that it was content in principle with the possible amendments proposed by the Minister in relation to Schemes of Management relating to consultation and publication of schemes.

Some Members indicated that they believed that Irish-speaking schools should not be specifically identified in Clause 33(5) and 33(6), but rather that these provisions should apply equally to all schools. Other Members felt that the clause should be amended to include faith-based and integrated schools.

Agreed: The Committee agreed to reserve its position on Clauses 33 - 37.

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

Agreed: The Committee agreed to recommend that the Minister should give consideration to widening the interpretation of attainment beyond solely academic measures.

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 38 as drafted.

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

Agreed: The Committee agreed to reserve its position on Clause 39.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 40 as drafted

Clause 41: Management of controlled schools

Some Members expressed concerns regarding the change in the composition of Boards of Governors resulting from the merger of controlled grammar with controlled non-grammar post-primary schools.

Agreed: The Committee agreed to reserve its position on Clause 41.

Clause 42: Management of maintained nursery schools

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 42 as drafted.

Clause 43: Controlled schools: definition

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 43 as drafted.

Clauses 44-48: Inspections:

Clause 44: Inspections 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

The Committee expressed concerns regarding the lack of independence and accountability of the Education and Training Inspectorate.

Agreed: The Committee agreed to recommend that consideration should be given to establishing an Inspectorate which operates independently from the Department. The Committee also recommended that a formal appeals mechanism and complaints procedure should be put in place.

Agreed: The Committee also agreed to support in principle the DEL Minister's amendments relating to inspections for private providers of further and higher educational services.

Agreed: The Committee agreed to reserve its position on Clauses 44 – 48.

The Chairperson suspended the meeting for lunch at 12.01 pm.

Jonathan Craig left the meeting at 12.21 pm.

The meeting resumed in public session at 12.21 pm.

Clauses 49-54: Functions of CCEA

Clause 49: Interpretation of this Part

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 49 as drafted.

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

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

Clause 52: Other powers of the Council

Clause 53: Ancillary functions of the Council

Clause 54: Discharge by the Council of its functions

Some Members expressed concerns regarding a possible conflict of interest in the role of CCEA as both Regulator and Examining Body.

Agreed: The Committee agreed to reserve its position on Clauses 50-54.

Clauses 55 - 59: Protection of Children and Young Persons:

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

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

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

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

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clauses 55 – 59 as drafted.

Clause 60: General duty of the Department and DEL

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 60 as drafted.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 61 as drafted.

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

Agreed: The Committee agreed to reserve its position on Clause 62, but agreed that it supported in principle the Minister's proposal to transfer the governance of the Tribunal to the Office of the First Minister and deputy First Minister.

Clause 63: Sectoral bodies

The Committee noted that the Minister may bring forward amendments defining 'Irish-speaking school' and 'Catholic school'.

Agreed: The Committee agreed to reserve its position on Clause 63.

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

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 64 as drafted.

Clause 65: Regulations and orders

Agreed: The Committee agreed a consequential amendment to the clause which will require regulations associated with Clauses 22, 23 and 30 to be subject to affirmative resolution.

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 65 as amended.

Clause 66: Interpretation

Jo-Anne Dobson rejoined the meeting at 12.42 pm.

The Committee noted amendments relating to the Heads of Agreement.

Trevor Lunn proposed that Clause 66 should be simply agreed as drafted.

The Committee divided on the proposal:

Ayes

Michaela Boyle
Chris Hazzard
Trevor Lunn

Noes

Danny Kinahan
Jo-Anne Dobson
Sean Rogers

Mervyn Storey and Michelle McIlveen did not vote.

The proposal was not agreed.

Agreed: The Committee agreed that it was content, subject to consequential amendment and on a without prejudice basis, with Clause 66 as drafted.

Clause 67: Minor and consequential amendments and repeals and revocations

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 67 as drafted.

Clause 68: Commencement

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 68 as drafted.

Clause 69: Short title

Agreed: The Committee agreed that it was content in principle with the Department's proposed amendment to refer to the Education Act 2013 rather than 2012.

Agreed: The Committee agreed that it was content, subject to consequential amendment, with Clause 69 as amended.

Michaela Boyle left the meeting at 12.50 pm.

Schedule 1: The Education and Skills Authority

The Committee expressed concerns regarding the proposed composition of the membership of the Board of the Education and Skills Authority.

Agreed: The Committee agreed to reserve its position on Schedule 1.

Schedule 2: Provisions required in employment schemes

Agreed: The Committee agreed to reserve its position on Schedule 2 as no clarification has been received on the employment and Heads of Agreement issues which relate to this Schedule.

Schedule 3: Transfer to ESA of staff employed by Boards of Governors

Agreed: The Committee agreed to reserve its position on Schedule 3 as no clarification has been received on the employment and Heads of Agreement issues which relate to this Schedule.

Schedule 4: Transfer of assets, liabilities and staff of dissolved bodies

Agreed: The Committee agreed to reserve its position on Schedule 4 as the Department has been unable to provide detailed information on the assets, liabilities and staff to be transferred and as no clarification has been received on the employment and Heads of Agreement issues which relate to this Schedule.

Schedule 5: Transfer of certain assets and liabilities of CCMS before appointed day

Agreed: The Committee agreed to reserve its position on Schedule 5 as the Department has been unable to provide detailed information on the assets and liabilities to be transferred and as no clarification has been received on the employment and Heads of Agreement issues which relate to this Schedule.

Schedule 6: Transfer of certain staff of the Department

Agreed: The Committee agreed that it was content, subject to consequential amendments, with Schedule 6 as drafted.

Schedule 7: Minor and consequential amendments

Some Members expressed concerns that ESA may not approve a Development Proposal for the transformation of a Controlled school into a Controlled Integrated school if this was contrary to Area Planning considerations.

Agreed: The Committee agreed to reserve its position in respect of the Minister's proposed amendment to Schedule 7 which would require any person or body bringing forward a Development Proposal to first consult the relevant sectoral body or bodies.

Agreed: The Committee agreed that it was content in principle with the Minister's proposed amendment to remove the requirement for Transferor governors of Controlled secondary schools to also be governors of feeder Controlled primary schools.

Agreed: The Committee agreed that it was content in principle with the Department's proposed amendment to address a minor error in relation to Article 49 of the Education and Libraries (Northern Ireland) Order 1986.

Agreed: The Committee agreed to reserve its position on Schedule 7.

Schedule 8: Repeals

Agreed: The Committee agreed that it was content, subject to consequential amendments, with Schedule 8 as drafted.

Miscellaneous Amendments

Some Members expressed support for the following proposed amendments from stakeholders:

- (a) That the Bill should be amended to increase autonomy for all schools;
- (b) That the Bill should be amended to strengthen consultative practices in respect of school closures, and that there should be a presumption against the closure of rural schools;
- (c) That the Bill should be amended to provide for Irish medium schools to have their own legal status; and
- (d) That the Bill should be amended to allow for special schools to be designated as integrated schools.

Some Members indicated that they supported in principle suggestions that parents should be permitted some flexibility in respect of the starting age for compulsory education and the use in certain circumstances of a suitable pre-school setting as an alternative to primary school. Members also indicated that they believed that the Education Bill was an inappropriate vehicle to bring forward legislative changes in this regard.

Long Title

Agreed: The Committee agreed the Long Title of the Bill.

8. Correspondence

- 8.1.** The Committee noted an invitation from Queen's University, Belfast, to an Autism Workshop on 13 April 2013.

8.2. The Committee noted responses from the CCMS and the South-Eastern Education and Library Board on rural-proofing training for staff.

8.3. The Committee considered an update from the Department on the level of completion of NINA and NILA computer-based assessments.

Agreed: The Committee agreed to write to the Department to request further information on the level of assessments not completed and details of any improvements made to the software as a result of the earlier pilot scheme.

8.4. The Committee noted a response from the Department on the anticipated timescale for the publication of the OECD Report.

8.5. The Committee considered a response from the Department to the Committee's Inquiry into School Councils.

Agreed: The Committee agreed to write to the Department seeking a copy of the Circular which is to assist schools in establishing School Councils.

Agreed: The Committee agreed to forward this to NICCY as requested.

8.6. The Committee noted correspondence from Sustrans on staffing changes.

8.7. The Committee noted responses on the proposed Community Resuscitation Strategy from the Department and from all five Education and Library Boards.

8.8. The Committee noted a quarterly report on the period October to December 2012 on the Investment Strategy Northern Ireland (ISNI).

8.9. The Committee noted correspondence from the Department, offering an oral briefing on the responses received to the Learning to Learn consultation.

8.10. The Committee noted an invitation to the Annual Foundation Lecture on 9 April 2013 from the Edmund Rice School Trustees.

8.11. The Committee noted correspondence from the Minister on a Development Proposal for the Woodlands Speech and Language Unit.

8.12. The Committee noted correspondence from the Integrated Education Fund advising of the publication of a report entitled, 'Integrated Education: a review of policy and research evidence 1999-2012'.

8.13. The Committee noted a response from the Department for Employment and Learning on the Children's and Young People's Strategic Partnership.

8.14. The Committee considered correspondence from the Committee for Employment and Learning highlighting opportunities for physics teachers to take up training opportunities at the CERN Institute in Geneva.

Agreed: The Committee agreed to write to the Department to ascertain if it has made these training opportunities known to teachers in Northern Ireland.

- 8.15.** The Committee considered an update from the Western Education and Library Board on the meeting of Education and Library Board catering and procurement managers to discuss potential contamination of school meals.

Agreed: The Committee agreed to write again to WELB and confirm that consideration of these matters is continuing.

- 8.16.** The Committee noted a response from the Department on the change of ownership of Northgate Managed Services.

- 8.17.** The Committee noted a response from the Department on procedures associated with Development Proposals.

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

9. Forward Work Programme

The Committee considered its draft Forward Work Programme.

Agreed: The Committee agreed to meet with school principals in Lisburn on 24 April 2013 at 2.30 pm.

Agreed: The Committee agreed to make the Committee for Employment and Learning aware of plans for a visit to the Northern Ireland Science Park.

Agreed: The Committee agreed to the Forward Work Programme.

10. Any Other Business

There was no other business.

11. Date, time and place of next meeting

The next meeting will be held on Thursday 4 April 2013 at 10:30am in Room 29, Parliament Buildings.

The Chairperson adjourned the meeting at 1.36 pm.

Mervyn Storey
Chairperson, Committee for Education
4 April 2013