

Official Report (Hansard)

Monday 15 October 2012
Volume 78, No 3

Contents

Assembly Business

Committee Membership	1
----------------------------	---

Ministerial Statement

Housing Strategy	1
------------------------	---

Executive Committee Business

Suspension of Standing Orders.....	6
------------------------------------	---

Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012	7
---	---

Education Bill: Second Stage	11
------------------------------------	----

Oral Answers to Questions

Office of the First Minister and deputy First Minister	28
--	----

Agriculture and Rural Development	33
---	----

Question for Urgent Oral Answer

Marie Stopes International Centre, Belfast.....	40
---	----

Executive Committee Business

Education Bill: Second Stage (<i>continued</i>).....	43
--	----

Written Ministerial Statements

OFMDFM: Delivering Social Change Signature Projects.....	85
---	----

Environment: Strategic Waste Infrastructure Programme.....	86
---	----

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.
Tel: 028 9052 1135 · e-mail: simon.burrowes@niassembly.gov.uk

to arrive not later than two weeks after publication of this report.

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Brady, Mickey (Newry and Armagh)
Brown, Ms Pam (South Antrim)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Elliott, Tom (Fermanagh and South Tyrone)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hay, William (Speaker)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Kinahan, Danny (South Antrim)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McClarty, David (East Londonderry)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McDevitt, Conall (South Belfast)
McDonnell, Alasdair (South Belfast)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (South Antrim)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (South Belfast)
Molloy, Francie (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Ramsey, Ms Sue (West Belfast)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Sean (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Cairiona (South Down)
Sheehan, Pat (West Belfast)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 15 October 2012

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

Members observed two minutes' silence.

Assembly Business

Committee Membership

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

Resolved:

That Mr Roy Beggs replace Mr John McCallister as a member of the Committee for Health, Social Services and Public Safety; that Mr John McCallister replace Mr Roy Beggs as a member of the Committee for Finance and Personnel; and that Mr John McCallister replace Mr Danny Kinahan as a member of the Committee for the Office of the First Minister and deputy First Minister. — [Mr Swann.]

Ministerial Statement

Housing Strategy

Mr McCausland (The Minister for Social Development): With your permission, Mr Speaker, I wish to make a statement on my new housing strategy for Northern Ireland, entitled Facing the Future, which I am launching for public consultation today. The strategy is intended to cover a five-year period, from 2012 to 2017. It links closely to the key priorities in the Programme for Government of supporting economic recovery and tackling disadvantage.

This is the first housing strategy ever produced for Northern Ireland. In it, I have taken a tenure-neutral approach, recognising that we need a broad mix of good quality housing at a reasonable cost in the owner-occupied, private rented and social rented sectors. I have also outlined the significant role that housing could play in helping to support and sustain economic recovery, creating employment and helping to regenerate some of our most deprived and neglected communities.

The strategy articulates for the first time what we see as government's three main roles in relation to housing. These are, first, to help create the right conditions for a stable and sustainable housing market that supports economic growth and prosperity; secondly, to provide support for individuals and families to access housing, particularly the most vulnerable in society; and, thirdly, to set minimum standards for the quality of new and existing homes and for how rented housing is managed. I also envisage housing playing a key role in supporting my Department's regeneration responsibilities. In the strategy, I have outlined my broad intentions for significant structural change within the housing system in Northern Ireland.

The strategy sets out how I plan to fulfil those roles under five key themes. Those are, first, ensuring access to decent, affordable, sustainable homes across all tenures; secondly,

meeting housing needs and supporting the most vulnerable; thirdly, housing and welfare reform; fourthly, driving regeneration and sustaining communities through housing; and, fifthly, getting the structures right.

The economic context in which I am launching the strategy is clearly challenging. The Northern Ireland housing market is slowly emerging from a turbulent period. There are hopeful signs that the market is beginning to stabilise, with prices now at more sustainable levels. I am keen to do more to help create the right conditions for longer-term market stability. Such stability is an important component of future prosperity.

For those reasons, my strategy rightly places a clear focus on the role housing can play in supporting sustainable economic recovery. In that regard, the strategy focuses, in particular, on four areas. Those are, first, working in partnership with others to increase the supply of new housing; secondly, providing support for prospective first-time buyers to access the housing market; thirdly, funding the provision of advice to those experiencing difficulties in sustaining home ownership; and, finally, using public spending on housing to create jobs and training places that will help address long-term skills gaps and provide opportunities for our young people.

The figures on new housing supply present a stark message. Whereas social house building has continued at significant levels throughout the recession, there has been a large drop-off in building in the private sector. The 'Regional Development Strategy 2035' indicates a need for around 11,000 new homes every year. In recent years, the supply of new homes has been closer to 7,000. Simple economics mean that, if that situation continues in the longer term, house prices may rise again unsustainably and many households will be unable to find a home to call their own. Increasing housing supply also presents a huge opportunity to create a substantial number of jobs and support economic recovery.

Addressing the supply issue will not be easy, but I am keen to work with the private sector and others to identify and develop viable solutions, and, today, I announce my intention to establish a housing supply forum for that purpose. I am also keen to maximise the number of new social homes we can bring forward within the budgets that are available. Building new social homes will help us meet housing need and have a significant positive impact on the construction industry, as well as a multiplier effect on the economy in general.

The current climate also challenges us to use our other budgets and assets to greater effect to ensure that we meet the housing needs of the most vulnerable. My strategy contains proposals to make more effective use of existing social housing stock, undertake a fundamental review of how we allocate social housing, improve the way we support people to live independently and do more to prevent homelessness.

Much has been said in recent days about how welfare reform will affect the lives of many people here. Dealing with the impacts of housing benefit reform requires proper consideration of the types of actions that will make a difference to people's lives. I am already taking forward a number of actions to ensure that appropriate housing services and support are in place to assist those impacted upon by welfare reform changes. Some of these are outlined in the strategy. I will also be listening carefully to what people are saying and seeking to put in place other practical measures to support those impacted upon by the changes.

Many communities in Northern Ireland are stigmatised by blight, deprivation and a dwindling population. Housing can and should play a greater role in helping to regenerate those communities. We will develop new ways of helping communities to reshape such areas and make them places where people want to live again. This will include bringing more empty homes back into use. I am also challenging social housing landlords to play a greater role in supporting their tenants of working age who are unemployed or economically inactive to take up work or training.

The standard of housing in Northern Ireland has improved dramatically over the past 30 years. This has made a major contribution to improving health and well-being and reducing carbon emissions. The strategy aims to build on this by ensuring that standards are maintained, energy efficiency is further improved and remaining poor housing is tackled. In the social housing sector, this will mean improving further the regulation of social housing landlords to ensure that tenants continue to receive good service and finding new ways of financing essential maintenance of Housing Executive stock on a sustainable basis. In the private rented sector, this will mean focusing on making the sector a more attractive housing option for a broader range of households by improving standards and regulation.

When developing the strategy being published today, my officials met a number of key stakeholders, including representatives from the construction sector, housing professionals and organisations representing the interests of tenants and the homeless. Their views have played an important role in shaping the strategy, and my officials will continue to engage with these stakeholders and others during the eight weeks of public consultation. During that period, my Department will be organising events in Belfast and Londonderry, and we will be casting the net wide to hear a broad range of views. Following the consultation period, I will carefully assess all the ideas expressed in order to finalise the strategy and develop an action plan to deliver on its intentions and commitments.

The strategy is an important document and contains a number of proposals and themes that I have outlined to the House and on which I am seeking comments. However, at its heart is a very simple vision that I know will have support across this House; that is to ensure that everyone in Northern Ireland has the opportunity to access good quality housing at a reasonable cost.

Mr Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his statement this morning. I welcome the fact that, perhaps incredibly, we are now beginning to look at an overarching housing strategy here for the first time. It is remarkable that we have not had that to date. Clearly, the Social Development Committee has spent a lot of time, as have most Members, dealing with housing matters; those are very important.

The Committee looks forward to giving its full consideration to the Minister's proposals in the time ahead. I spoke with the Minister earlier this morning, and he clearly acknowledged that, in developing this strategy, there will be further opportunities for people to have discussions around this matter about primary legislation that may be required, which will of course go through the usual full scrutiny process, and the other elements of this strategy that will require further public consultation. We all look forward to that process.

Mr McCausland: The Member is right in recognising the importance of housing in providing a good future for people in Northern Ireland. It is true that this is the first time we have had a housing strategy for the Province. It is a commitment that we made and have delivered on, and there is a great opportunity to

build on this. It is only the start of the process. There is other work to be done because other things will flow from this in due course.

12.15 pm

Mr Campbell: In the early part of his statement, the Minister talked about the establishment of a housing supply forum. Will he indicate what he realistically expects that to achieve?

Mr McCausland: The level of new house building in the private sector has fallen dramatically over the past few years, yet the long-term need for additional housing is still there. The regional development strategy for 2035 indicates the need for around 11,000 new housing units per year; currently, only about 7,000 are being built. That problem clearly needs to be addressed, and there is no one organisation or sector that has all the answers. We need financial institutions to find creative ways to make appropriate mortgage finance available. We need the construction industry to have the confidence to start building again. We need to have the right policies in place, right across government, to support an increase in private sector activity.

The housing supply forum is intended to bring together key stakeholders from the private and public sectors to identify the barriers to increasing housing supply and to find practical solutions that can work and make a real difference. I recognise that it will not be easy, but the effort will be well worth it if we can unlock new opportunities, build more housing to meet projected needs and, at the same time, create lasting and sustainable jobs in the construction industry and beyond. That will help to get our economy moving again.

Mr Copeland: On this occasion, I, too, thank the Minister for his statement and for giving us in the Social Development Committee, at some stage in the future, a chance to give our input into the strategy. The truth is that housing affects every single facet of all of the people that we represent. The secret to a stable society is the citizen in his or her home —

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

Mr Copeland: The biggest thing, Minister, is: do you agree with me that the provision of a house is merely the beginning of the story and we must work towards the situation where those who get houses are equipped to turn them into homes?

Mr McCausland: I thank the Member for his welcome for the strategy. I also thank him for his brevity, on this occasion.

Mr Humphrey: Enforced.

Mr McCausland: Enforced or otherwise, it is, nevertheless, welcome. Yes; the broader issue here is that it is not simply a matter of providing a home. Other issues arise because there are vulnerable people in our society who do not have certain life skills that they need to acquire, not only to benefit from having a home but also to avail themselves of all the other opportunities that flow from those life skills. So, a valid point was certainly made there.

Mr Durkan: I thank the Minister for his statement and welcome the publication of this long-awaited strategy. Housing, or lack of it, is a major issue in my constituency, as it is, I am sure, in many others. Does the Minister have any intention of seeking additional funding from the Executive in the future to enable the construction of more much-needed social homes than are currently planned and budgeted for?

Mr McCausland: My priority at the moment is to make sure that the money that has already been allocated to the Housing Executive is used and that we do not end up in the situation where there is an underspend. We are putting that responsibility very clearly to the Housing Executive and housing associations. There is money in the budget. I want to be sure that all of it is spent.

Mrs Cochrane: I, too, thank the Minister for bringing this strategy forward, and I look forward to the outcome of the consultation greatly emphasising sharing. I am interested in what he said about:

"challenging social housing landlords to play a greater role in supporting their tenants ... who are unemployed".

What specific actions does the Minister think a social housing landlord could take to encourage a tenant to take up work or training?

Mr McCausland: First, I will pick up on the Member's reference to shared housing. Certainly, over the past number of years, my Department has worked to meet the aspirations of many communities to make the transition to a more shared ethos, including more shared housing. We will continue to work with communities, social housing landlords and

public agencies to remove further barriers to developing more shared communities.

The other issue was about the role of housing associations. The role and the work of housing associations in Great Britain are, in some ways, much more imaginative and innovative than what we often see with housing associations in Northern Ireland. The area that the Member has identified is simply one of a number of areas where we need to work with the housing associations to help them to develop the scale of the work, the scope of the work and the vision and aspiration that we see with some of the GB housing associations. That is one area that is mentioned in the strategy, but it is only one.

Housing associations in Northern Ireland need to become much more visionary about what they do. There has perhaps been a lack of ambition in the past, and more work needs to be done. We are regulating them much more than was the case in the past, but there is another side to it, and that is helping them to step up to the mark and do more. Even with welfare reform, there is work ongoing between the Government at Westminster and housing associations. There is a need for a sea change in terms of housing associations in Northern Ireland. We are keen to work with the Northern Ireland Federation of Housing Associations and the individual associations in trying to do that.

Mr Douglas: I thank the Minister for his statement. Minister, in the event of an increase in the supply of housing, what economic benefits would be expected to flow from that?

Mr McCausland: One of the main benefits is the building work that is done. There is a tremendous benefit spin-off from house building, in that, of all the forms of construction work, you get the biggest return from construction of houses. It is a labour-intensive activity. Increasing the number of homes that we build will certainly create jobs for people. A 2009 study by Mike Smith and Dr Mark Bailey from the University of Ulster showed a housing multiplier effect in Northern Ireland of 1.7. That means that, for every 10 jobs created in the construction industry, a further seven jobs will be created.

I remember speaking to some folk in the construction industry some time ago, and they pointed out that you create more additional jobs through house building because there is more need for architects and so on, which you would not get if the money was just put into road construction or whatever. Last year I funded the delivery of over 2,000 social and affordable

homes, but that helped us to sustain close to 3,000 jobs in Northern Ireland. I believe that unlocking the potential of the private sector to build the almost 9,000 new homes we need each year would certainly be an even greater benefit to our economy and job creation, as well as helping to create long-term stability in the housing market.

Mr Brady: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the Minister's statement. As the Minister is aware, the private rented sector provides a lot of social housing at the moment. If more use is to be made of the private rented sector, can the Minister ensure that the properties provided are fit for purpose and will meet decent homes standards?

Mr McCausland: I have said on a number of occasions that, if we are to meet the housing need in Northern Ireland, it needs to be across all three sectors — private ownership, private rental and social rental. We have now started down the road of registration of landlords. We have started down the road of dealing with a number of other issues, such as tenancy deposits, and that type of issue that comes up. There are issues that have been raised with me directly by some Members about problems regarding antisocial behaviour. In some ways it is easier to deal with in the social rented sector than in the private rented sector. There is also a danger of shifting it from the social rented sector into the private rented sector — simply displacing it.

I am keen to ensure that, in all of this, we get to the point at which the private rented sector is seen as every bit as attractive an option as any other and is not seen as second rate or as a last resort. People in that sector should get the same standards, protections and benefits as people in other sectors. We have to have equality right across the private and social rented sectors.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I welcome the note of some of the themes developed by the Minister in the strategy, including ensuring access to decent affordable housing, meeting housing need and supporting the most vulnerable. However, then I look at welfare reform. Will the Minister elaborate on what his Department has done to look at key issues, especially those affecting the most isolated and most vulnerable, such as under-35s, who may find themselves penalised, and particularly people with mental health problems, who will find themselves increasingly isolated and vulnerable as a consequence of the changes to housing benefit?

Mr McCausland: We had a fairly extensive debate on welfare reform last week. I am committed to continuing the work that we are doing of engaging with the Government at Westminster, including the Department for Work and Pensions, to secure whatever flexibilities we can for Northern Ireland and to try to tailor the welfare reform package to the particular needs of the Province. That work continues. We are due to meet David Freud. I am going over this afternoon ahead of meeting him tomorrow morning.

As regards the pressing situation with housing benefit, we have increased the amount of money for discretionary housing payments. There are arguments regarding the amount of money that is needed for discretionary housing payments. We have doubled the support available from £1·713 million in 2011-12 to £3·426 million in 2012-13. It will be £6·944 million in 2013-14 and £5·939 million in 2014-15 before falling back to £4·431 million for 2015-16 and 2016-17.

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

The funding is not allocated to specific areas of change, such as the increase in the age threshold for the shared accommodation rate, but it is intended to provide the Housing Executive with enough flexibility to sustain tenancies where additional support is needed in vulnerable cases. I have asked for a change to be made to the legislation that will give Housing Executive tenants access to discretionary housing payments. That is just an example of what we are doing.

I am sure that the Member will agree that, in dealing with all this, the important thing is not to alarm people unnecessarily but to focus on practical measures such as this, which will make a difference and help us to go through this process in a way that minimises difficulty for anyone in the Province.

Mr McClarty: I thank the Minister for his statement, the aims of which I fully support. What plans does he have to proactively target tenants who, through antisocial behaviour, make once very attractive social housing areas much less so?

Mr McCausland: The Member identifies what is a very real problem in many parts of the Province, and that is antisocial behaviour. The strategy focuses on two areas as regards antisocial behaviour. The first is working with social housing landlords to build their capacity to deal with antisocial behaviour more

effectively using the statutory powers that are available to them. There is work to be done on that with the Housing Executive and particularly with the housing associations.

The second area is to introduce a form of short, secure tenancy along the lines of the approach used successfully in Scotland. It is important that we learn from good practice elsewhere. If things are working elsewhere in the United Kingdom, or indeed anywhere else, let us learn from them. The idea of the short, secure tenancy is one that has been used successfully in Scotland. It is tested and proven.

The yellow card system, as it is called, will provide a strong message to tenants who act in an antisocial way that their tenancy is at risk unless their behaviour improves, while offering them support to make the improvements required. We intend to move forward on that.

12.30 pm

Mr F McCann: Go raibh míle maith agat, LeasCheann Comhairle. I thank the Minister for making his statement to the House; its outworkings will set in place structures to deal with housing over the next 40 years. We need to get it right. Will the Minister assure us that dealing with objective need will be at the heart of any new housing strategy?

Mr McCausland: I assure the Member that that will be the case. Meeting objective need will be right at the heart of the strategy. There is no question about that.

Executive Committee Business

Suspension of Standing Orders

Mr McCausland (The Minister for Social Development): I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 15 October 2012.

Mr Deputy Speaker: Before I put the Question, I remind Members that this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 15 October 2012.

Mr Deputy Speaker: As there are Ayes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated. Today's sitting may go beyond 7.00 pm.

Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012

Mrs O'Neill (The Minister of Agriculture and Rural Development): I beg to move

That the draft Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 be approved.

Go raibh maith agat, a LeasCheann Comhairle. The aforementioned statutory rule will, subject to the Assembly's approval, set out the procedure to be followed for the breeder of a future working dog to apply for an exemption from the tail docking ban. Before I go into the detail, I will explain briefly to Members the background to the regulations.

The new Welfare of Animals Act 2011, which the Assembly passed last year, contains powers in section 6 making it an offence to dock a dog's tail unless it is removed by a veterinary surgeon for the purpose of medical treatment or to save the dog's life. The Act makes it an offence to take a dog outside the North of Ireland to have its tail docked, unless it is for medical treatment by a veterinary surgeon. The Act also provides the power to exempt certified working dogs that are not more than five days old from the tail docking ban.

The Act specifies that a dog is a certified working dog if a veterinary surgeon has certified it in accordance with the regulations made by the Department. The veterinary surgeon must also have seen evidence that the dog is likely to be used, as specified in the Act, for work in connection with law enforcement, lawful pest control or the lawful shooting of animals and is of one of the following breeds: a spaniel of any breed or combination of breeds; a terrier of any breed or combination of breeds; any breed commonly used for hunting or any combination of such breed; any breed commonly used for pointing or any combination of such breeds; and any breed commonly used for retrieving or any combination of such breeds. The Act also makes it an offence to fail to identify the dog in line with the regulations before it is eight weeks old.

Tail docking was one of the most contentious issues when the Assembly debated the Welfare of Animals Bill, as it went through the legislative process. However, it is important to remember that we are not here today to reopen the debate on the pros and cons of tail docking. That was

decided by the Assembly last year. Today's debate is purely about the procedure to be followed and the evidence that must be produced to a veterinary surgeon to allow a pup of a breed specified in the Act to be certified as a working dog and thus exempted from the tail docking ban. The draft regulations specify the evidence that must be produced by the breeder to a veterinary surgeon and set out the certification and identification process that the veterinary surgeon must follow to certify the pup as a future working dog.

A 12-week public consultation was undertaken with stakeholders last year. Over 690 stakeholders and interested parties were consulted, and the Department received 30 responses. The consultation sought feedback on specific questions on the certification and identification process to determine whether any amendments should be made to the draft regulations. Overall, the draft regulations were welcomed by stakeholders, and there was significant support for the majority of the proposals in them. In the consultation responses, a number of stakeholders, including the Royal College of Veterinary Surgeons, expressed their disappointment that an exemption for working dogs had been included in the Act. One stakeholder proposed that a non-veterinarian should be able to dock a pup's tail and questioned the need for the certification process for working dogs. These issues were outside the remit of the consultation, as they were already specified in the parent Act that had been approved by the Assembly. Hence, these views and suggestions have not been reflected in the draft regulations before the House.

A small number of stakeholders, in response to the consultation, questioned the need to present the dam of the pups to the veterinary surgeon at the time of docking the pup's tail. However, the veterinary profession sees this requirement as crucial to allow it to comply with the Act when deciding whether the pup is of a breed specified in the Act. In addition, a small number of stakeholders questioned the need for the pup to be microchipped by the veterinary surgeon and asked why it had to be microchipped at the same veterinary practice at which its tail had been docked. In including these requirements in the regulations, I have tried to close loopholes identified in similar exemption schemes already in place for working dogs in England and Wales. The RSPCA, which has enforced the legislation in England and Wales since 2007, has advised that, in its experience, the pup presented for microchipping is not always the pup that has had its tail docked. It is critical that, in putting in

place an exemption for genuine working dogs, we do not open the door to unscrupulous breeders who want to continue the cosmetic docking of their pups. I believe that the certification scheme for working dogs detailed in the regulations will allow the breeders of working dogs of the breeds specified in the Act to continue to have their pups' tails docked while ensuring that cosmetic docking is not legitimised by the back door.

I am pleased to say that the Agriculture and Rural Development Committee, as part of its scrutiny role, thoroughly examined the certification process in May and June of this year. Initially, the Committee was concerned not about the certification process but that there might not be a sufficient number of veterinary surgeons in the North of Ireland prepared to dock pups under the exemption for working dogs, given that there is no legal obligation on any veterinary surgeon to dock a pup's tail under the exemption. However, that was not the understanding that my officials had obtained from working with the veterinary profession here to put this robust scheme in place. My officials and the Committee liaised with the veterinary associations in the North of Ireland to clarify the issue. On the basis of information from the two veterinary associations, I am happy to say that the Committee and I are assured that an adequate number of vets will be prepared to dock future working dogs' tails under this exemption. At the Committee meeting on 26 June this year, the Committee indicated that it was content for the regulations to be brought before the Assembly.

My officials have also assured the Committee that there will be a campaign to educate dog breeders and the public on the change in the law on tail docking. I fully support this, and I think that educating the public is critical so that cosmetic docking becomes socially unacceptable and people will not want to buy docked pups. To allow time for this campaign, I intend to delay the commencement of the new regulations until 1 January 2013. In addition, my officials will work with the veterinary profession to help it to understand the certification process and both its and breeders' responsibilities under the exemption for working dogs.

Investigations of any breaches of the new regulations will be undertaken by councils' animal welfare officers as part of their enforcement responsibilities for non-farmed animals under the Welfare of Animals Act. My officials have been in regular contact with the five lead councils for animal welfare and will continue to work with them in the run-up to the

commencement of the regulations so that they will be ready to enforce any breaches of the ban on tail docking. I am grateful to the Chair and members of the Agriculture and Rural Development Committee for their support for the regulations, and I commend the motion to the House.

Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):

I welcome the opportunity to contribute to the debate. The motion seeks to affirm the Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012. The statutory rule will commence the final provision of the Welfare of Animals Act (Northern Ireland) 2011. When the Act was commenced on 11 July 2011, the majority of its provisions were also commenced, and further parts were brought into law on 2 April 2012. That left one important provision from section 6 on the docking of working dogs' tails. When commenced, it will ban the tail docking of dogs unless the whole or part of a dog's tail is removed by a veterinary surgeon for the purpose of medical treatment or to save the dog's life when it is not practical to have the whole or part of the tail removed by a vet. The rule, however, provides for an exemption for certified working dogs that permits tail docking for working dogs such as spaniel, terrier or hunt, point and retrieve breeds involved in law enforcement, lawful pest control or the lawful shooting of animals.

As part of the Committee's scrutiny process of the legislation, the Department of Agriculture and Rural Development first presented the pre-consultation to the Committee at its meeting on 28 June 2011. The regulation returned to Committee at SL1 stage on 8 May 2012, at which stage the Committee had no issues with the merits of the policy. It was considered again on three further occasions at SR stage, when issues with the certification of a working dog by a vet caused some concern and prompted the Committee to seek clarification from the Department.

Several vets contacted Committee members advising that they had concerns with the docking of tails for certified working dogs. The parent Act sets out specific elements that a vet must certify a dog as a working dog before it is five days old. The responsibility to provide evidence that the dog meets the requirements of the regulations is on the owner. However, vets raised concerns about the next step in the process, which involves microchipping. The pup must be presented to the same vet before it is eight weeks old to confirm that it is the same

pup that had its tail docked seven weeks earlier. Once this is confirmed, the pup will be microchipped. The role of the vet at that stage is to certify that they are microchipping a dog that the owner claims is the same dog that was docked previously. The owner, not the vet, does the certification.

The exemption was subject to a 12-week consultation period. The Department advised that, whilst the Royal College of Veterinary Surgeons is opposed to the docking of dogs' tails, it acknowledges that some of its members may choose to dock tails within the proposed legal framework. Under both the Veterinary Surgeons Act 1966 and the proposed regulations, there will be no legal obligation on any vet to dock a dog's tail. Therefore, it will be an ethical decision for the individual vet to make.

Departmental officials met representatives of VetNI and the Committee in an attempt to resolve the issues with the regulations. The Department advised that it has been working closely with councils and enforcement officers to educate them about the forthcoming regulations. That has given some assurance to vets that there will be enough education for dog owners about the requirements of the new legislation. Committee members were content with the explanation provided by departmental officials and commend them for their active intervention with the vets to resolve the issue.

The final issue of concern to the Committee was about some form of public information. The Committee felt that it was vital that the general public were made aware of the new law. We are glad to note that the Department agreed with this position and initially agreed to delay commencement to allow it to inform the public and veterinary professionals. The Minister confirmed that today. For the record, the Agriculture and Rural Development Committee agreed at its meeting on 26 June 2012 that the statutory rule should be affirmed by the Assembly.

Mrs Dobson: As Ulster Unionist Party agriculture spokesperson, I welcome the fact that the regulations have reached the Floor of the House. The issue has been the subject of lively debate since 2009, and concerted pressure from Committee members in the previous and current mandate, alongside consultation responses, has resulted in the exemption in the Bill for working dogs. Some in the agriculture community may well ask why so much time has been devoted to one issue. However, I acknowledge the excellent debate in the House last week on the farming crisis and

that we are focusing on matters of greater importance to farmers, the wider agriculture industry and rural communities.

The exemption for working dogs will avoid unnecessary suffering and improve their welfare throughout their working life. If an adult working dog sustains an injury to its tail, amputation is a major act of veterinary surgery. It requires anaesthetic and an extended period of recovery, all of which could simply be prevented shortly after birth by a small procedure. However, it was no small procedure to bring the Department of Agriculture and Rural Development to the position that it is in today. It has been forced into an about-turn on its initial position of a complete ban on tail docking.

12.45 pm

During the previous mandate, in February 2011, Members debated the Consideration Stage of the Bill. The Minister's predecessor spoke of the unnecessary suffering and acute pain that is caused by tail docking and said that she wanted to impose a complete ban. In response, the Committee highlighted the total reluctance of the Department to listen to alternative views, its dismissal of the evidence and its refusal to listen to the voice of the rural community. The result is evident in the final regulations that are before us, proposals in which the voice of the rural community of Northern Ireland is acknowledged.

Committee members have been told that, following five years of a similar tail docking exemption in England and Wales, the legislation there is operating relatively well. Perhaps in her response, the Minister will tell the House whether the number of illegal tail docking incidents has reduced in those jurisdictions as a result. We would all welcome that occurring in Northern Ireland.

Now that the proposals have reached their final form, the Department, from today, has a duty to educate the public. It is vital that everyone knows their roles and responsibilities. Dog owners and breeders will need to know exactly how the new regulations will affect them. It is therefore vital that the Department increases awareness of the documentation required to avoid confusion or delays when people arrive at the vet.

I welcome the agreement between DARD officials and the Dogs Trust to work together to start the process of informing vets and the public of the changes to the legislation. The Dogs Trust does fantastic work increasing

public awareness of changes in regulations, and I commend it for its involvement in helping people to understand the changes that were brought in last year on the microchipping of dogs.

I also welcome the assurances that have been given by the Department to the Committee that it will work directly with vets. It must give vets the right level of advice and guidance to make sure that they are fully aware of their role under the new legislation. It is critical that vets do not find the new regulations overly complicated or bureaucratic. We certainly do not want to make a decision that could, in any way, lead to an increase in illegal tail docking. The legislation leaves it as an ethical decision for a vet whether or not to dock a working dog's tail. I hope the Department recognises that, if a significant number of vets decide not to make such decisions, it could trigger an increase in illegal tail docking, which presents a greater risk to the welfare of pups. The Department must work alongside vets to ensure that that does not happen.

I also urge the Department not to instigate a witch-hunt against the owners of dogs that have had their tail docked. We must recognise that, for the next 10 to 15 years, there will be owners of dogs whose tails have been docked, quite legitimately and legally, under the present provisions. I would welcome the Minister's assurances that the Department will not stigmatise those owners.

We welcome the proposals before the House, and I would further welcome the Minister's assurances on the points that I have raised.

Mr Byrne: As Deputy Chairperson of the Committee and spokesperson for my party, I support and welcome the motion on the docking of working dogs' tails. The consultation between the Committee and stakeholders has meant that we have better legislation before us, and that will be more beneficial in the long term.

I ask the Minister to make sure that the Department issues clear guidelines to dog owners, the dog wardens of district councils and animal welfare officers to make sure that there is no ambiguity. Vets were very concerned that they were almost being expected to dock tails at the request of owners. However, the onus is on the owner to ensure, certify and guarantee that the animal will be used as a working dog if the exemption is to be obtained. I support the motion, and I hope that the Minister can give those guidelines to the necessary stakeholders.

Mr McCarthy: I agree with the Chairman and other members of the Committee on this very important issue. I express my appreciation to the officers and staff who serviced the Committee and continue to work with us. I also thank the people and organisations and the staff from the Department who came to the Committee to make representation and give us advice.

The issue has provoked many worries and concerns, and, as a Committee, we were sympathetic. However, decisions have to be made, and I hope that the compromise that is arrived at will serve the community as we move forward. Let us remind ourselves that a dog is supposed to be and always has been a man's and a woman's best friend. The least that we, as humans, can do is ensure that those animals are well treated at all times.

I welcome the Minister's statement and our intention to do what is necessary to inform and educate everyone involved in this important topic. I recall representations from the dog-showing fraternity. Its concerns were genuine, and it suggested to the Committee that revenue could be lost to our economy if restrictions were imposed. Only time will tell whether that has been the case.

The exemption for working dogs is welcome. I sincerely hope that no attempt will be made by anyone to undermine the regulations. I support the motion.

Mrs O'Neill: Go raibh maith agat, a LeasCheann Comhairle. I thank all the Members who spoke, particularly the Committee Chair, for their comments. I will pick up briefly on a few of the points that were raised. I think that everybody recognises that we need a campaign of information and education for everybody, and that is why we have delayed the implementation until January so that we can have the time that we need to do that.

Jo-Anne Dobson talked about figures in other areas, particularly Britain, where legislation has been in place before now. No figures are available, so I cannot give her any details from Britain. She talked about a witch-hunt of people who had their pup's tail docked previously. Obviously, that will not be the case. Any dog that was docked before 1 January 2013 will have been done by a vet under the current situation. So, I hope that that assures Members.

Question put and agreed to.

Resolved:

That the draft Welfare of Animals (Docking of Working Dogs' Tails and Miscellaneous Amendments) Regulations (Northern Ireland) 2012 be approved.

Education Bill: Second Stage

Mr O'Dowd (The Minister of Education): I beg to move

That the Second Stage of the Education Bill [NIA 14/11-15] be agreed.

Go raibh maith agat, a LeasCheann Comhairle, agus go raibh maith agaibh, a Chomhaltaí. Ba mhaith liom an rún seo a mholadh.

I welcome the opportunity to open the debate on the Education Bill. It is surely one of the most important Bills to come before the Assembly, not just in this session but in this mandate. This day has been a long time coming. The need for reform was recognised as far back as 2002. In my view, education is too important to wait any longer, and the Bill sets out the overall aim of education, which is:

"to contribute towards the spiritual, moral, cultural, social, intellectual and physical development of children and young persons ... and ... of the community at large".

To put it more simply, education determines the future for individuals and society. It can shape and guide our young people's development and life chances, build strong, cohesive communities and drive and fuel the economy. That means having a clear vision of a modern, fit-for-purpose education system that delivers educational attainment and the fulfilment of potential. Good schools are the key to delivering that vision, and we already know what good schools look like. They have strong, effective leadership from their board of governors and senior management team; they have a strong sense of belonging to the communities that they serve; they each have an ethos that pupils, parents, staff and governors support; and they have the autonomy and the support that they need to manage their day-to-day affairs. I wish every school to be like that. To achieve that, we need better planning of the education estate and delivery of the curriculum, better support services for schools and freedom for school leaders to manage and innovate, with clear accountability for outcomes.

If we are serious about reform, we need to compare our system against the best and constantly challenge it to do better. That means taking as broad a view as possible beyond these islands. For example, we know that good teaching is the key to raising standards. We also know that the success of STEM subjects — science, technology, engineering and maths — is the key to

rebuilding the economy. If we want to benchmark against the best, we must look at China, which leads the world in the teaching of science. That is the scale of our challenge.

A 40-year-old model of education simply cannot deliver a new vision, but let me make it clear that it is the system that is wrong, not the people within it. I pay tribute to the thousands of people who have served with dedication and distinction as officers and employees of the various organisations, often in very difficult circumstances. They deserve our recognition and thanks for all that they have striven to achieve over the past 40 years. Now, however, we are asking them to do the job with the wrong tools, and they deserve better than that.

The board system is ageing. The direct rule model is no longer fit for purpose. We, as elected representatives in the House, have an opportunity to replace it with our own model — a model to meet the needs of our communities, our children and young people and our economy. We must seize that opportunity.

The Bill reflects the heads of agreement published by the First Minister and deputy First Minister last November. At the centre of the Bill is the creation of ESA, a new and different type of organisation with a new and different role. Its purpose will be to improve education outcomes, not to run schools. ESA will have four main functions. First, it will plan the education estate. It will consult and involve stakeholders, but it will be the only body with a statutory education planning function. Secondly, ESA will be the employing authority. Its role will focus on system-wide workforce planning and development. Boards of governors will take all employment decisions in their school. Thirdly, ESA will promote the raising of standards as a supporting and critical friend. Fourthly, ESA will support professional development. It will provide or procure support and development services for schools and support schools to provide services themselves. ESA will take on the functions of the bodies it will replace, such as school maintenance, school library and meal services, transport and youth services.

The Bill draws heavily on the two Bills brought before and during the previous Assembly mandate. However, importantly, it also sets out fresh thinking, particularly in the matters that were of greatest concern to stakeholders. Those include the membership of ESA and the autonomy of schools. Members will be glad to know that ESA will not be run by bureaucrats. The membership provisions are based on local democratic accountability. They also preserve the established rights of the churches to take

part in the governance of education. That will ensure that we have responsible and accountable service delivery.

In relation to employment provisions, my aim is to deliver two key benefits: a single employing authority to provide better workforce and planning; and guaranteed autonomy for all boards to take employment decisions in their school. The Bill delivers that. Members will know that many of the concerns of stakeholders related to employment. I have taken those concerns on board, and the provisions before you are very different to those in the previous Bill. In particular, there is a range of safeguards in the Bill, including an independent tribunal to rule on disputes between schools and ESA. That will provide the necessary confidence for schools that ESA will concentrate on its proper role and leave schools to get on with their role.

The Bill also seeks to strengthen and underpin child protection arrangements in education and will ensure consistency and clarity of roles and responsibilities across the entire education sector. It will also provide for strong powers to intervene, where necessary, to protect children.

Further provisions will place the funding of early years services on a formal statutory footing for the first time.

Before concluding, let me acknowledge that some stakeholders remain wary of or opposed to the Bill. No doubt, we will hear some of their concerns voiced by Members today, rightly so. Let me say this to those stakeholders and Members: the Bill threatens no one. It offers accountable autonomy to all schools, not just a few. It does not change or detract from the ethos, identity or values of any school. It does, however, challenge schools to improve, to put the needs of learners before the needs of the institution and to share and work in partnership for the greater good of all our young people.

Our education system needs this Bill. It needs clear leadership and direction from the Assembly. It needs modern, fit-for-purpose arrangements that aim to make every school a good school and support every learner to achieve his or her full potential. It needs arrangements where schools have autonomy and responsibility, where success is celebrated and underperformance is challenged, where the leadership of governors and principals is supported and where high quality teaching is promoted. I commend the Bill to the Assembly.

1.00 pm

Mr Storey (The Chairperson of the Committee for Education): At the outset, I declare an interest, as a member of the boards of governors of Ballymoney High School and the integrated Ballymoney Model Primary School. I will contribute to the Second Stage debate first as Committee Chair, then as the DUP's spokesperson on education.

There is a sense almost of *déjà vu* for some of us in the House. That feeling comes as a result of having had an Education Bill in the previous mandate, as you will recall. In fact, we need to be reminded that we almost had two Education Bills. In the previous arrangements, there would have been two Bills. The first Bill had a Second Stage and even a Committee Stage. Although the final outcome was not in any way satisfactory for anyone, I think it is important to remember that a great deal of very good scrutiny work was done by the previous Education Committee. With your indulgence, Mr Deputy Speaker, I would like to take this opportunity to thank the Committee staff, the departmental officials and the members of that previous Committee for their work, which is still available for us today.

The legislation before us today is a different Bill. The question is: how different is it? The Committee, in its initial consideration of the relevant clauses and schedules, has considered a number of key differences. At this stage, I again thank the Department for making available to us, on Wednesday past, one of its officials, Mr Chris Stewart. He came with the Committee on its visit to Omagh to spend some time with us on the introduction of the Bill as it progresses through its Second Stage. As part of the exploration of the principles underpinning the Education Bill, I want to take a few minutes to explore those differences. I am sure Members will be glad to know that it will be a few minutes, as opposed to the long time we spent in this House last week. However, one should not rule out being here for a considerable length of time this evening.

Let us begin with the heads of agreement, which are referred to in a number of places in the Bill. The heads of agreement document promises the setting up of the Education and Skills Authority. It needs to be remembered that it took some considerable time to get to the point where there was an agreement that, in this mandate, there would be movement on the establishment of the Education and Skills Authority.

The document spells out the appointment arrangements for the ESA board, ensuring political and community representation. It sets out the sectoral support bodies that will be established. It indicates that there will be no change in school ownership that negatively affects the role of the boards of governors of schools. The heads of agreement document indicates that there will be no change to the way in which boards of governors are appointed. Furthermore, the current arrangements under which boards of governors hire and fire their staff will be unchanged. Additionally, there is to be no transfer, secondment or redeployment of teachers without the consent of schools and boards of governors. It should be remembered that, in the previous Bill, there was a proposal for what were to be called community governors. Everybody had all sorts of ideas, and there were different opinions as to what was going to define "community". Was it going to be the geographical community? Was it going to be the educational community? Was it to be some other definition of community? However, the term "community governor" is no longer there.

The Committee understands that the current drafting of the Bill includes a rather inelegant linkage to the heads of agreement document. The Committee expects, following the passage of Second Stage, that those drafting issues will be addressed by the Department, probably through amendments. I welcome the fact that it was very clear from the presentation that was made to the Committee on Wednesday that that is the case. So, we in the Education Committee will take a very close look and have a very close scrutiny role in regard to how that particular element proceeds. Following the Second Stage, further thought will be given to whether the Bill properly reflects the promises in the heads of agreement and, indeed, to whether further checks and balances are required by ESA. That will also be an integral part of the work that we will carry out.

I also want to draw attention to the issue of the independent tribunal. It is an important additional feature of this legislation. Let me pause there for one moment and pose the following question: why do we feel that it is necessary? The sad reality is that it is felt to be necessary because of the absence of one thing. It reflects its way through legislation in this House in many shapes and forms, and it is particularly relevant in education. It is the word "trust". I have no doubt that the Tories do not trust the Lib Dems, and nobody trusts Labour. You can go through all the political connotations of any Parliament, and you will probably find that the word "trust" and the exercise of trust

are in low demand. However, when it comes to education, particularly in a Northern Ireland context, it is bad enough having to trust your political opponents, but it is equally as challenging, if not more challenging — I mean no disrespect to civil servants working in education — to trust the system. The system sometimes does not endear itself to being trusted. That goes right across educational provision and the sectors that are provided for. So, unfortunately, the tribunal is necessary to ensure that the trust can be built upon and that there is some mechanism to ensure that there is neither political interference nor interference from the Department, for whatever reason or for whatever purpose it is intended.

The tribunal will be appointed by the Department of Education, but the relevant regulations will be made by the Office of the First Minister and deputy First Minister (OFMDFM). The tribunal will rule on disputes relating to employment schemes and schemes of management. That is intended as a check on the authority of ESA in respect of its dealings with boards of governors and other submitting authorities. The Committee has noted the inclusion of the relevant clauses and, I think, will spend quite some time reviewing those provisions and those relating to employment schemes in general.

As I said, the heads of agreement and the independent tribunal are intended to provide reassurance and, in the case of the latter, make up part of an amended regulatory framework that will support what is described as a more delegated model for schools in Northern Ireland. Assuming the successful passage of the Bill at Second Stage, the Committee will explore and seek to verify, and, indeed, challenge the assumptions that underpin those checks and balances and the revised regulatory framework.

Let me deal now with some key parts of the Bill. The Education Bill will see ESA replacing a number of organisations, including the five education and library boards and the Council for Catholic Maintained Schools (CCMS). It is hoped that that will deliver a significant financial saving and reduce greatly the bureaucracy and inconsistency of approach evident across those organisations.

I will pause at this point and say that it is only right and proper that we place on record our appreciation and thanks to those who, through many difficult and challenging years in our education and library boards, have provided a service to our educational family. It has not been easy. They have gone through a

multiplicity of changes. They have had various direct rule Ministers and initiatives. It is fair to say that we need to remember where ESA came from. I am glad that ESA did not have its genesis in Connolly House. I am glad that ESA was not created in the normal political structures but had its genesis in the Department of Education.

We all can recall the damning report from the House of Commons Select Committee on the way in which the Department had squandered or had not spent appropriately £40 million in regard to numeracy and literacy. At that stage, back in the early 1990s, there was a desire to have a more streamlined approach to the delivery of education. So the education and library boards are not averse to change and to doing something differently. It is only right, therefore, that we place on record our appreciation for what they have done. However, it is also right to say that we have not always agreed with the decisions of the education and library boards. I am sure that many Members across the Chamber have, in their constituency role, challenged their relevant education and library board and had exchanges with them about issues on which they clearly disagreed.

I note in clause 2 that ESA has a duty to encourage and facilitate:

"the development of education provided in an Irish speaking school."

The Department appeared to advise the Committee that that provision would bring the Irish-medium sector more into line with the legal status of the integrated sector. I expect that the Committee will wish to explore that matter further, and you will not be surprised to hear that I, as a DUP MLA, want to return to it in a few moments.

I turn now to another key feature of the Bill: the employment schemes. As the House is aware, the Bill will make ESA the employing authority for all teachers in all grant-aided schools in all sectors. As I indicated, we are given to understand that boards of governors will continue to employ and dismiss teachers as they have previously done. It is also understood that ESA as the employing authority will simply look after workforce planning.

The Department advised that it expected there to be a saving for voluntary and grant-maintained integrated schools under the new employment arrangements. Those schools will, with ESA as their employing authority, no longer have to meet premises insurance costs

from their delegated budget. The Committee will explore the extent and importance of those savings during the anticipated Committee Stage. That issue was raised recently, even before the introduction of ESA, around some of the practical problems that some of our voluntary grammars are having as regards workplace issues, especially if they have students in a health setting. I am well aware that my colleague, the Health Minister, has been doing some work in the past number of days to help address that. That is another element of the Bill for which detailed scrutiny will be key over the next number of weeks and months.

I think that we all remember being told that there would be savings in the region of £20 million over the period. However, when we look at the savings delivery plans and at the schemes in place for the education and library boards, we can conclude that in the region of £15 million has already been taken out of the budget. In one way, I am glad, but in another way, I am confused, because last Wednesday, the Committee was told that the estimated savings are now in the region of £40 million. If that is the case, we want to find out where that additional saving will come from and how it will be broken down. So clearly there are challenges when it comes to budgets.

Let me say something about budgets, and I would appreciate it if the Minister would make an intervention on this point. In Northern Ireland, there has always been a debate about what is known as the delegated budget — the amount of money that goes to front line services. I appreciate that we are not comparing like with like in our educational structures as opposed to those of our counterparts in the rest of the United Kingdom, particularly in England, where the local authorities have power and resources. However, depending on whose sets of figures you listen to, the delegated budget — the amount of money that goes directly to front line services in education — is somewhere in excess of 65% to 75%.

1.15 pm

I can assure you that the issue is extremely difficult. We have Mr McCrea, a member of the previous Committee, here. He will recall that we had long discussions around the previous Bill of trying to determine the delegated budget for education. Is it 50%? Is it 55%? Again, depending on what figures you look at, it ranges anywhere between 45% and 55%. The question is this: will we be able to guarantee that, as a result of the establishment of ESA,

schools will have more financial resource to be able to deliver education in their area?

Mr O'Dowd: The Member answered his own question in many senses: it depends on whose figures you wish to listen to. This somewhat reminds me of a debate in the last mandate when the Libraries Bill was being debated and my colleague Barry McElduff stood up and made available figures from England. The responsibility lay with Mr Poots at the time, as Minister for the Department of Culture, Arts and Leisure (DCAL) who refuted those figures, and Mr McElduff said he was aware of that but those statistics did not suit his argument.

That is the territory we are in at this time. The budgetary process is currently open and transparent. ESA will not change anything with regard to the budgetary process. The debate about how much money should be delegated to schools will, I fear, continue.

Mr Storey: I am not sure whether I am any the wiser after that response. It reminds me of Groucho Marx:

"Those are my principles, and if you don't like them ... well, I have others."

We do need to have —

Mr McNarry: I thank the Chairman very much for giving way. We all share his confusion. In the area of budgets, will he tell the House, as Chairman of the Committee, what he sees is deliverable to protect the future of grammar schools as he and I know them today?

Mr Storey: I thank the Member for his question. This has been a difficult issue for the Committee, for previous Committees and, certainly, for me personally. We need to ensure that, whatever sector comes to make its point to you, you do it in a way that tries to reflect the overall provision that we have in our educational system.

The Member will be well aware that this party — my party — has done what we did at St Andrews, specifically around the issue of grammar schools. We have listened to the argument around the voluntary principle. I have no doubt that we will revisit that issue. A legal document, in the region of 10 or 11 pages, that was made available to us was as conclusive as the answer from the Education Minister a few moments ago about how to break down the definition between the employing authority and the employer. Not having any legal background, I do not want to tread too far into

that territory other than to say that their heads of agreement was an attempt to ensure that the concerns, particularly among voluntary grammars, about the voluntary principle were enshrined in legislation in such a way that it did not take away from them the autonomy, responsibility or place they have had but recognised that we were still moving to a place where there would be the establishment of a single employing authority.

In direct answer to the Member, I believe that there will be no change to that current arrangement and system other than that the employer will be ESA. The Committee needs to take time to be clear in members' minds that that is the case and to have every possible assurance that we are not moving to a situation in which this Bill will be used for some other purpose, reason or means.

I place on record our appreciation to the Member for the contribution that he made while a member of the Education Committee. I have no doubt that his presence here today is an indication that this is an issue that he has a concern about and an interest in. I look forward to working with him in his new role, with his new political hat on, and I assure him that we will endeavour to be of whatever help we can in trying to answer his queries and questions about the Bill.

Mr Deputy Speaker, the —

Mr B McCrea: I am grateful to the Chairman for giving way. He talked very eloquently about the underlying principle of the voluntary grammar school and about the fact that there are worries in that sector that the Bill may be used for other, nefarious purposes. I wonder whether he thinks that it would be helpful if, in some form in the legislation, we had an explicit recognition of the voluntary grammar principle extended to all schools. The trouble with the Bill, I suspect, is that you have to read it very closely and you are not absolutely certain what everything means. It would go a long way to reassuring people if we could find some way for the Bill to be absolutely clear and explicit in order to protect those schools, which are the foundation of our society.

Mr Storey: I thank Mr McCrea for that. That is where we want to get to, and that is why I believe that the issue that I raised at the start about schedule 2 and the linkage between the Bill and the heads of agreement needs to be clear. It should have been clearer before we got to this stage. However, having got to this stage, the work that we have ahead of us with your party colleagues on the Education

Committee is to ensure that recognition is reflected in a way in which we understand.

That will not be an easy task, because it seems that there will always be a fundamental difference between what people believe they have had and what they believe will be the new structures in place. That is why this Bill is different from the previous Bill. Remember that regulations to deal with the employment structures will now be brought to the House, which was not going to be the case previously. That should give us the assurance that the Bill will not be used for any other purpose. Unfortunately, however, when you are dealing with the party that is responsible for bringing the Bill to the House or with the Department of Education, one can never be sure that that is exactly how it is, but the duty and role that has been vested in the Committees is to ensure that, when it comes to the minutiae and the detail, we are as clear as we possibly can be and that we have as many checks and balances as possible in place to ensure that those who have concerns have them mitigated.

Mr Allister: Will the Member give way?

Mr Storey: Yes, I will give way.

Mr Allister: Has the Member any concern that the Trojan Horse for moving matters towards the destruction of the voluntary grammar schools might well be the area-planning powers now in the Bill? The assessment of the need for the number of schools in any area could well be the vehicle used to do that, as could ESA seeking to interfere with the grades at which grammar schools can accept pupils. Therefore, should the Member not be particularly concerned that one of the greatest threats to grammar schools in the Bill is the introduction of area-planning powers?

Mr Storey: I thank the Member for his intervention. He is the chair of the board of governors in a school in our constituency, so I am aware of the contribution that he makes to the education debate. I share his concern, and not only on area planning. We need to look at every element of the Bill, and I will come to the inspectorate later on. It will raise more concerns for me, although I share concerns about the area planning process.

I will try to answer this in another way, through why the Bill was brought into existence. The fundamental issue for some people is that the Department of Education set the policy and paid the money but never had any control. In some regards, that has been a good thing.

Some schools, because of the power that they have had, have been able to set out their stall, employ their staff and do things in the way in which they have done without it being detrimental to education. In fact, it clearly indicates that, as a result of that formula, they have benefited and have delivered a very good education. I want to see —

Mr McElduff: On a point of order, Mr Deputy Speaker. The Chairman of the Education Committee recognised that Mr Allister was the chair of a board of governors in a particular constituency. In this debate, is it not essential that Members who contribute declare their interests in respect of being a chair or otherwise of a board of governors in a particular sector?

Mr Deputy Speaker: It is for Members to judge whether they should declare.

Mr Storey: If the Member had been here at the start, he would have known that I declared an interest; but obviously he had more important business and was somewhere else. I take his point, but it was yet another attempt to try to cause a diversion.

Let us get back to the point that I was going to make, which is about trying to ensure that the position that some schools have regarding autonomy is greater exercised by those that wish to have that autonomy. For example, in the controlled sector, we have controlled grammars. I have spent a considerable length of time having discussions with the controlled sector, the voluntary sector and the controlled grammars. I have met the Irish-medium sector and the integrated sector. I doubt that there is any element of the education system that I have not met over the past three years. Some schools think that this will be good for them, but others believe that it would be better to retain the right to exercise that power rather than have some other organisation use it on their behalf.

The Department advised that the new approach to the employment relationship would bring — and I hope that this confirms the point that I was trying to make — other benefits to controlled schools. I will talk about controlled schools in a moment or two. It is understood that the Bill will provide those schools with greater autonomy; it will allow them to appoint their own principals, which they can do currently only with the agreement of the education and library board.

A school in my constituency has tried on three occasions in the past few months to appoint a principal and has not been able to do so. I asked the North Eastern Education and Library

Board serious questions about why that is the case. I have a serious issue. I think that other Members will concur that, although there has been merit in the teacher appointments committee and the way in which it has delivered over the years, there are other elements in the process that we need to question seriously. I trust that the way outlined in the Bill will be beneficial to controlled schools. However, we have a challenge to test and scrutinise to ensure that this will be the case. That is why I am looking forward to hearing from the public.

To date, this debate has been carried out virtually — not exclusively — behind closed doors, with one or two salvos being fired occasionally by different interest groups on a number of issues, depending on the latest rumour or issue that they think that may or may not have been raised.

We now have a Bill in front of us on which there will be public scrutiny over the next number of weeks. All those organisations will have the right and opportunity to raise with the Committee issues that are of concern to them. I know that the Deputy Chair and other Committee members share the view that that is necessary.

1.30 pm

The Committee noted with great interest the prospect of greater delegation and responsibility for schools. I expect that, in determining their final views, Committee members will spend a long time considering the merits of employment schemes and the sometimes vexed issue of who exactly is the employer or, indeed, the employing authority — a very important issue.

The Bill indicates that ESA will consult, as appropriate, with sectoral bodies that appear to the Department or ESA to represent the schools of that educational sector. The Committee understands that the sectoral bodies will not be established by statute but there will be a statutory requirement for ESA to consult them. It also understands that the sectoral bodies will be funded by the Department and that all sectors will be represented. I will come back to that issue in a moment or two, particularly with regard to the controlled sector. The Committee welcomes fair and equitable representation by sectoral bodies, and it notes with interest the working group that is to be established with regard to the controlled sector. While generally welcoming the relevant clauses, I think Members will want to be assured that representation is not in any way

distorted and that the sectoral bodies are free to express the views of the schools they represent.

As mentioned by Mr Allister, the Bill will make ESA the area planning authority for schools in Northern Ireland. The Committee recently spent some time considering the operation of the area planning process. I do not intend to discuss that at length at this time. It is sufficient to say that the majority of Committee members are most unimpressed by the area planning and viability audit process that has been exercised to date. Look at the way in which the viability audits and the area planning were constructed and delivered. I know that this refers to my Deputy Chair's constituency, but I still have not received a satisfactory answer from the Department or the North Eastern Education and Library Board about why, during a consultation process, the status of a particular school — I refer to Parkhall — was changed from a school that caters for 11- to 19-year-olds to one that caters for 11- to 16-year-olds. So the area plans and the consultation process were not set in stone to the degree that some would try to tell us they were. We have issues with the current process, and, if we have issues now, I can assure you, Mr Deputy Speaker, that we will have issues with the area planning that is outlined in the Bill. Clause 27 requires an adequate opportunity for persons to make representations to ESA on revisions to area plans. Given its recent experience, I expect that the Committee will wish to deliberate on exactly what will constitute an adequate opportunity.

The Bill includes what appears to be a much revised inspection regime for schools, including new powers for the Education and Training Inspectorate to remove documents and materials. The Department has advised that that is in line with powers currently available to Ofsted. I expect that I will have a bit more to say about that when I speak as a private Member. I assure the House that the Committee will scrutinize that section of the Bill thoroughly to ensure that it is satisfied that the issues of appropriateness and proportionality are at the centre of the proposals.

The Department characterises the Bill as giving an enhanced level of delegation to schools, while balancing that with a stronger regulatory regime.

I also expect that, in addition to the clause-by-clause analysis, the Committee will wish to give some thought to the Bill's overall balance. Members will come to this welcoming the fact that more delegation will be given to schools,

and they will see that as a reward for our hard-working school principals and staff. It is only right that, as a matter of courtesy and fact, we put on record our appreciation to the many people who work in our education system. Despite all that is thrown at them and despite all the issues that they have to deal with, including more legislation coming down the track, their fortitude and resilience mean that they continue to deliver education to our children and young people on a daily basis in a way that, in many respects, is exemplary. They need to be commended for that.

The Committee will want to be sure that the Education and Skills Authority will live up to its billing as an efficient and effective replacement for existing organisations. That is a huge challenge, and all eyes will clearly be on those who will have responsibilities as and when the organisation comes into existence. To make that happen, those people will need to be very focused to ensure that they work in a way that reflects fairness and equity in educational administration and in how resources are allocated.

I also note that the Bill amends the quite large body of existing education orders. The Committee will want to explore exactly what differences the Bill will make to that substantial body of legislation. I understand that there are around 11 subordinate pieces of legislation. At some stage, as was indicated to the Committee on Wednesday, I think, the Department may want to consider a programme or process that brings all that legislation together. I assure Members that that is a piece of work that none of us looks forward to seeing. However, at some stage, it may be necessary to undertake it.

The Education Bill is yet another cause for concern for many in the education sector, including, as I said, our principals, teachers, boards of governors and others. Assuming the Bill's successful passage today, the Committee will gladly take evidence from those groups. Committee members have agreed to clear our forward work programme and to set aside as much time as we need for sober reflection and detailed scrutiny of this important legislation. However, that does not mean that we will take our eyes off the ball on any of the other ongoing issues. There are so many things going on with education that you would need eyes in the back of your head as well as in the front to ensure that you did not miss anything.

The majority of Committee members are just about content to allow the Bill to go to Committee Stage, albeit with some reservations

and issues that they believe will have to be further explained and ironed out and amendments that will have to be agreed. I believe that the Committee feels that the Bill includes new checks and balances that are sufficiently different from the previous legislation to warrant further scrutiny and possible amendment at Committee Stage.

I hope that, in responding today, the Minister will provide what reassurances he can to Members on the issues that will be raised in the Second Stage debate. I hope that he can dispel any misunderstandings and reduce any unnecessary concerns about the Bill. I am sure that he will also take the opportunity to undertake to be very flexible in any future discussions with the Committee, as he has done to date. I place on record our appreciation of his help in that regard.

I will now comment as a Member of the House, as the DUP spokesperson on education and as an MLA for North Antrim. I want to address certain aspects of the Bill that continue to give concern not just to my party but to those who want to ensure that the issues will be properly dealt with during Committee Stage. The Committee Stage is not just a process. It will not just be looked upon as something that we have to do. As I have said repeatedly, if the House is to continue to ensure that it has the confidence of the community that we seek to serve, one of the places in which that is best demonstrated is in the huge amount of work that is done in our Committees and in the huge amount of effort that is put in by our Committee staff and by all associated with the Committee process to ensure that there is proper, due regard and scrutiny of whatever legislation or policy comes before them.

As a party, we strenuously opposed the previous incarnations of the ESA Bill, in that it was a direct attack, we said at that stage, on the controlled sector. This sector was already under pressure in that, unlike other sectors, it had no representative body to speak on its behalf. Its teachers were at a disadvantage in seeking employment across all schools, an issue accepted by the Equality Commission as being in need of redress. It appeared to this party that the sector was often at a disadvantage in the sharing of resources, whether capital or recurrent. That was particularly true in the most disadvantaged unionist wards and in the problems around Protestant working-class boys' educational underachievement, which is not unrelated to the situation.

As someone who was educated in the controlled sector, I stand here and say that, since becoming my party's spokesperson, I have endeavoured to ensure that we did not just continue giving the controlled sector platitudes and acknowledgement that it was there but understood the real needs that existed in some of its schools. I remember coming to the House when there was a discussion about trying to take the TRC members off boards of governors, in response to which Members in the previous mandate jumped up and said, rightly, that it was awful, terrible. Some of those Members seemed to disappear when it came to rolling up their sleeves, getting involved and having discussions with the TRC. Indeed, I recall one Member saying that the way in which the controlled sector was being denigrated and was not being represented fairly was awful. I then made some enquiries and discovered that the same Member had not even had any discussion with the TRC, the organisation that represents the Protestant churches' interest in education.

Let me say that the controlled sector and the legislative rights that the controlled sector received in 1940, under Lord Londonderry, are rights that we were very clear would not be given up. They were rights that were not going to be negotiated away. Remember that the efforts of the previous Minister and mandate were to have an ESA board made up, in the majority, of councillors that would have taken away the legislative right and legal place of the transferors. I am glad that we have secured their position. I understand that the TRC will issue a statement later today on the Bill's Second Stage. However, it does us well to remind ourselves what it said — indeed, what other sectors said — on the establishment of the heads of agreement. In November of last year, the TRC said:

"In particular the Transferors welcome the fact that their existing legal rights have been both acknowledged and protected. This, alongside the establishment for the first time of a sectoral support body for controlled schools, to mirror a similar body for maintained schools, will provide a firm and equitable basis to move forward in dealing with so many of the educational challenges that lie ahead."

So, that is an issue that we need to be very clear and focused on in the Bill. We welcome the establishment of the controlled sector body, and I pay tribute to the work that has been done to date.

I know that there are those who will say, "Forty years later, here you come. It is only tokenism; it is limited; it is not statutory", and there will all the negatives around it. I say to those Members: go and talk to the TRC. Go and talk to the bodies that have a legal responsibility on the boards of governors of controlled schools and schools that transferred and ask them what they think of it. Ask them whether they believe that they have been given something of merit and worth. I welcome the fact that the first meeting of that body has taken place.

1.45 pm

It is regrettable that a direct rule Administration established CCMS back in the late '80s and gave it the position that it had. It is not that I have any issue with giving sectors sectoral support or a body that represents their cause, but I do have an issue when I look at the history of CCMS, particularly the issue that was raised about area planning. The maintained sector is at an advantage today in area planning over the controlled sector and some others, because, for the last number of years, it has been able to use money that was given to it to have staff employed in area planning to look at their schools, amalgamate, rationalise and do all that they have done. It is for those reasons that the establishment of a body for the controlled sector is to be welcomed. It is an important beginning, and we should not underestimate it. However, we will be vigilant in ensuring that the body is truly reflective of the sector it serves and has an important role in developing a sector that, for too long, has been neglected by the Department. Successful passage of the Bill and successful establishment of the body are — to use that well-worn phrase — inextricably linked.

Mr Givan: I am grateful to the Member for giving way. I appreciate the comments that he made about the protections that are in place for the Protestant churches. Does he agree with me that, for decades — indeed, centuries — the Protestant churches have shown a commitment to the education of children, which this place is right to continue to recognise and enshrine in law? Indeed, the many Protestant churches that put transferors onto the boards of governors bring a particular expertise around the pastoral care of our children. Schools are not just about educational attainment but about the all-round pastoral well-being of children, which is something that our Protestant churches have brought to our school systems and which, quite rightly, we will continue to protect.

Mr Storey: I thank the Member for his intervention, and I concur with his comments. At this point we should again give our appreciation to all in that sector who have worked down through the years to ensure that their voice is heard and the sector is reflected and represented fairly. I am sure that some found it a strange situation for me to be in, but, just last year or the year before, I was probably the first Free Presbyterian who was ever welcomed inside the general assembly of the Presbyterian Church, as opposed to being a Free Presbyterian outside the general assembly of the Presbyterian Church. I was there as the party spokesperson for the debate on ESA and education reform. It was clear in the discussions that we had that day that there are many who have given unstinting service but have genuine concern about elements of decline that have taken place in our controlled sector. We have seen that in reports by the inspector and in our constituencies, where there are particular challenges in the controlled sector. We need the sectoral support body to be in place so as to be of help. I trust that it will not be too late for some schools but will be in place to be of benefit to them.

That leads me on to the second major issue: equality of treatment for all in education. When you use the term "equality of treatment for everyone in education", it can unfortunately mean different things to different people, at different times and in different places. The Bill seeks to confer certain responsibilities on ESA and the board of governors with regard to the Irish language sector. We, as a party, are extremely concerned about those clauses. In dealing with these issues, we will challenge them, if the Bill moves to Committee Stage. I find it interesting that, when this was introduced in the Bill, something seemed to happen in the interpretation of the 1989 order. Unfortunately, under the Belfast Agreement, which, I am glad to say, my party was not a co-signatory to, provision was given that elevated to a place of importance two sectors of our education system, namely the Irish-medium sector and the integrated sector. There was a duty on the Department to facilitate and promote those two sectors. All of a sudden, when the Bill appears, only one is mentioned. I do not know whether the Department has decided that it is now time to forget about the integrated sector. I hope not, because invaluable work has been done on the challenges faced in bringing that sector to where it is today. I may have particular issues with the make-up of some integrated schools and all of that. However, when the Irish-medium sector came into our education debate, it was clear that there was a duty to facilitate it. The previous Minister, who I see has joined us,

reminded me on I do not know how many occasions of her statutory duty to promote and facilitate the Irish-medium and integrated sectors. However, when we come to the Bill, lo and behold, the integrated sector has disappeared. It is not in the Bill, but the Irish-medium sector is.

The Irish-medium sector is in the Bill in two ways. One is a reference to the fact that it will be consulted. However, more worryingly, it states that, when it comes to placing governors on the board of an Irish-medium school, ESA will have to pay regard to ensuring that the person who is being appointed is in keeping with the ethos and identity of the school to ensure the continuation of that school. Was that the same thought as was in the Department's mind when it appointed two members of that party to Lumen Christi in the city of Londonderry? Were the two members who were appointed to that board of governors in keeping with the ethos and identity of the school? Were they put there to ensure the continued viability of the school? My party will ensure that we deal with those issues in Committee as we take the Bill forward, I hope, after Second Stage.

Furthermore, there are differences in the approach to the role given to boards of governors in the controlled sector with regard to being the submitting authority for schemes of management and the approach to the role in the Catholic maintained sector. That is another area that has given rise to concerns. We, as a party, need to be satisfied that no deals will be done by the Minister or his officials outside the Bill. In Committee, we will assure ourselves that all sectors are treated as equitably as possible in proportion to the delivery of education in each sector. In the Bill, the board of governors is the responsible body, and there should be no diminution of that.

Similarly, we will seek to ensure that ESA is the single employing authority for all staff and that the current discriminatory approach to teachers in the controlled sector is resolved as the Bill continues its legislative passage. Members will know that this has been a problem for a long time. Although it falls within the remit of OFMDFM, particularly as regards exemptions from the Fair Employment and Treatment (Northern Ireland) Order 1998, we await the Minister's review of that issue in respect of the Catholic certificate. That is important because, if there are going to be employment issues that are challenged and changes to employment arrangements, you cannot look at one and not look at the other. You cannot leave one sector with concerns about employment issues and

leave another sector untouched. That is an issue that we will have to give some consideration to.

The protection afforded to the voluntary grammars, as we referred to earlier, in section 10 of the heads of agreement must be reflected in the legislation. We welcome the establishment through the legislation of the tribunal and the fact that OFMDFM has a key role in the process. I look to the Minister and the party opposite to honour the document published jointly by the First Minister and the deputy First Minister. The DUP has championed the right of schools and parents to avail themselves of academic assessment, and we are determined that the ESA arrangements, if passed, will not damage those rights and will not be used as a means of subverting the rights that we have secured.

That brings me to the clauses that deal with the inspectorate. I know that it was unfair to ask the officials, on their first outing to the Committee on Wednesday past, about that issue, but we took the opportunity to say to them that we had great concern about the inspectorate seemingly being used in the pursuit of political or departmental objectives. I trust that we can come back to that at some stage. The inspectorate should be separate from the Department. I went as far as saying on Wednesday at the Education Committee that the inspectorate could inspect the Department, which caused some eyebrows to rise.

Mr O'Dowd: Will the Member give way?

Mr Storey: Yes, I will give way.

Mr O'Dowd: The Member will be aware that that is why we have an Education Committee.

Mr Storey: I thank the Minister for that. However, it might be useful for us to have some other body, similar to ESA, which he will have, to look at those issues.

I get concerned when I see the powers that the Bill seeks to confer. Although it has been said that the powers will try to bring the inspectorate into line with other arrangements in the United Kingdom, I am concerned that we will have a situation where we have an inspectorate that is very strong in its powers. The provisions, we are told, are similar to those previously drafted, with the exception of the removal of the inspection powers for library premises, as requested by DCAL. I have to ask why the Department feels it necessary to have an inspectorate that can lift papers and lift

computers. I place it on record that I trust that it is not being used by the Department as another method of spooking or spying on primary schools that are being put in a very difficult position around transfer. We have seen —

Mr O'Dowd: I am happy to clarify that point for the Member. As with any legislation that goes through the Assembly, Members will look to see whether there is an interwoven agenda. I assure the Member that there is no agenda at play in this, other than improving the inspection powers of the inspectorate to ensure that all young children receive a high-quality education. There is no other agenda at play, and I am sure that my officials will be happy to discuss that with him further as the Bill goes through Committee Stage.

(Mr Speaker in the Chair)

Mr Storey: I thank the Minister for that. It is something that we will come back to and look at.

CCEA is no longer part of ESA, which has to be welcomed. I welcome the commitment to come back to the issue. As a party, we were concerned about the scope of ESA and its responsibilities in the last Bill.

However, we believe that there needs to be a major overhaul of CCEA, and we will be looking to continue discussions with the Minister to assure us that the clauses in the Bill are not just another one of the Department's famous sticking plasters that we have seen in the past and that we will have education reform that lets us progress in a way that is to the benefit of our educational sector. There is so much going on regarding the issue around CCEA qualifications. There are issues around where CCEA will be placed in the light of the discussions and decisions made by the Secretary of State for Education in England, Michael Gove. We need to have a debate, and I welcome the fact that some discussions are already under way, outside this House, about that matter on the best way to provide for CCEA, a regulatory body and a body that sets examinations being in the one building.

2.00 pm

The issue of area planning has already been raised. The current attempts by the Department to control the area-planning process by proxy have been nothing short of disastrous. The effect of the process has been to cause confusion and concern in many schools where that does not need to be the

case. If you look at the viability audits, you see clearly how that has happened. A concern has been raised in places where there need not be a concern about the future of a particular school. If we are to give ESA a role in area planning, it needs to take account of the key role, especially in the controlled sector, that is played by the new sectoral body and to understand the importance of the needs and wishes of the local community.

Public services and the public are very clear that they want to have a vibrant and strong school that is at the heart of their community. As a party, we will scrutinise the clauses of the Bill to ensure that we have a school estate that the community wants and needs and not what the Department of Education thinks it should have. That is a major problem and a major concern. To that end, we will seek, in advance of the Bill passing, clear, local structures from ESA that will deliver regional policy in a manner that is sensitive to local needs.

That brings us to the question of where services will be based and delivered. Members are accustomed to going to Omagh, Dundonald or County Hall in respect of the service delivery that the boards have given to our respective schools. I welcome the fact that the Department, I understand, is revisiting the work that was done by the ESA team to look at what type of model we would have for service delivery. Although we will have this debate and all have our views and opinions, the reality is to consider how this will affect teachers in a particular school.

The boards have been run down since the introduction of vacancy control — I remind Members that vacancy control has been in place since 2006 — and CASS is, in many respects, decimated. People, who had previously been there, are not in place or in position to give advice to schools. Principals and governors want to know whether these arrangements will be unwound, delivered or explained to us over the process of time to ensure that they know what the service delivery model will be. If the Minister could later give some indication of how that issue will be addressed, it would be appreciated. Furthermore, there are differences in approach to the role given to the board of governors in controlled schools. We have already said something about that.

In conclusion, a huge amount of work remains to be done. The Bill, with its 57 clauses, I think, and seven schedules, will require considerable scrutiny. As we have been able to bring it to this place — I know better than most how

difficult that has been — I trust that, with hard work and determination, we can put in place something that will be of benefit to our education system and to the advantage of education rather than to the advantage of either the Department or any political agenda. Therefore, I support its passing Second Stage.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I, too, welcome the opportunity to speak to the Education Bill before us today.

Over the preceding four decades, those working for the education and library boards, CCMS, the Youth Council and the Staff Commission for Education and Library Boards, whether staff or board members, played a central role in the development of our education system. It is only fit and proper that, during today's discourse on the need to build a modern, fit-for-purpose education system, we recognise and acknowledge the dedication of those who have shown great commitment to improving the educational experience of learners for the best part of the previous half century. Their dedication not only delivered many key services but developed many new approaches and facilitated much improvement during a long and often arduous journey for our education system.

The Education Bill is, undoubtedly, a milestone in that unbroken journey. The educational case for change is obvious. Despite various excellent schools, the recent viability audit highlighted the large numbers that are educationally, financially or physically unsustainable. Our education system is characterised by an uneven performance of outstanding academic excellence coupled with some 40% of children leaving school without five good GCSEs. Furthermore, the overall performance of our local education system is falling behind that of our economic competitors, and there is little doubt that our present arrangements are not capable of redressing the situation. Indeed, having separate arrangements for the various sectors has restricted the development of agreed good practice and placed obstacles in the path of joined-up planning.

Tasked with modernising the administration of education here in the North, the Bill will replace the outdated administration with one that better meets the needs of the 21st century. At the core of the reform and, indeed, the Bill is the foundation of the Education and Skills Authority. Overseeing the establishment of a modern, fit-for-purpose administration, ESA will focus on assisting the raising of standards, providing support to schools and educational

establishments and ensuring the effective planning and delivery of the educational estate. ESA will replace the eight administrative bodies next year and ensure that our education system continues to transform to meet the needs of our young people and our economy. However, that transformation does not represent a wild stab in the dark for our system. ESA will build on the vast work and experience of the various boards and education bodies as —

Mr Storey: Will the Member give way?

Mr Hazzard: Yes.

Mr Storey: He raises a point about meeting the needs of the economy. Has he had any discussions with, for example, Queen's University or other universities that have raised issues about the capabilities of our current cohort of students? Some of those issues will not be addressed by ESA; they will have to be addressed by a revised curriculum, and there are issues with how that will be delivered in our schools.

Mr Hazzard: I thank the Member for his intervention. I hope to cover that point later.

Embedded firmly in the context of the two previous Bills, the 2012 Education Bill reveals a few areas of fresh thinking, demonstrates a mature flexibility and encompasses solutions to issues that were previously of concern to stakeholders. That has clearly been important in reaching agreement on issues such as the membership of ESA and clarification on the autonomy of schools. As the Minister outlined, the membership of ESA, as set out in the heads of agreement, is to consist of a chairperson, eight political representatives, four transferor members, four trustee members and four other members. This will not only ensure local democratic accountability but preserve the participation of Churches in the governance of education.

I welcome the fact that the Bill will not only deliver a single employing authority but enshrine the guaranteed autonomy for all boards of governors to make decisions in the best interests of schools. It will also provide a framework whereby the ethos of schools can be reflected in employment arrangements. In short, the core principle at the centre of those arrangements is that there will be a single employing authority with schools exercising devolved autonomy.

In addition to ESA improving employment and management schemes put forward by the

devolved submitting authority, appropriate checks and balances have been enshrined in the Bill to prevent ESA from acting unfairly in its approval role. This is vitally important for stakeholder confidence, and I have little doubt that the presence of an independent tribunal will help to encourage confidence in schools that ESA will concentrate on its role and leave schools to get on with improving education outcomes.

As Minister O'Dowd outlined, the Bill poses no threat to any sector, nor does it look to alter or detract from the ethos or identity of any school. However, Ceann Comhairle, and this is to be welcomed, the Bill will challenge each and every school to raise the bar in education standards and put the needs of young people at the heart of the learning process. Central to this is a world-class education system for all our young people.

Education must be first and foremost about individuals and equipping those individuals with the tools to value themselves and their society. It has been said:

"Citizens empowered through the gift of education will repay that gift time and time again to their families to their community and the economy."

We must continue to push forward with determination and commitment to educational excellence. Vested interests and reactionary objection must not hide the real and present need for reform. Dogmatic gesticulation should not stand in the way of change; for, in driving forward with the desire for educational excellence, standing still is simply not an option. We need to recognise the fact that, in global terms, unless we bring about change, education outcomes for all concerned will regress.

The delivery of education in the North has developed over the decades into a system designed around the needs of schools and institutions, often at the expense of the education needs of our young people. Certainly, we deliver education through schools and the needs of those schools are important, but we cannot continue to shape our education service around the needs of buildings.

In his statement to the Assembly last September, the Minister's policy, Putting Pupils First, was launched in an effort to build on Every School a Good School as a signpost for the journey ahead. Referring to the 2006 Bain report, which explicitly spelt out the dangers of continuing along the road of unsustainable educational provision, Putting Pupils First

acknowledged that without a determination to deliver change, we set schools and children on an impossible task to reach their education potential. It is with this in mind that we must forge ahead with determination to ensure that we will have a system of education provision in place that delivers optimal education standards for all our young people.

As we move forward, it is vital that the pattern of provision and investment in our schools is dictated by the needs of education excellence in the modern era. We must constantly strive to improve, to go that bit further, to be the best that we can be. At a time when economies around the world are on their knees, our education system needs to drive our local economic recovery, for we will undoubtedly need a vibrant workforce, educated and trained in a variety of skills, which can not only adapt to emerging economic conditions, but can be bold and inspiring as it spearheads our local recovery.

On this day last week, we welcomed the Executive's investment strategy, which acknowledges the huge importance of education in building our society in the years ahead. It outlines:

"A peaceful, fair and prosperous society has at its heart a well educated population, with the skills to engage fully and positively in society and in the economy. The skill-base of countries and regions is increasingly the key determinant of relative economic growth, competitiveness and productivity – factors vital to support higher living standards in an increasingly globalised economy. "

The outworking of the Education Bill is central to those considerations. A modern education environment that cherishes and nurtures all our young people should be at the very core of our vision for restoring economic prosperity in our local communities. That is a vision shared by educationalists and stakeholders throughout Ireland and further afield.

A recent Organisation for Economic Co-operation and Development (OECD) report into global student performance heaped praise on the education system in Shanghai. It is a system which recently initiated far-reaching reforms in the delivery of both investment and educational provision. Shanghai is perhaps particularly salient as it abandoned the outdated practice of concentrated resources at the request of elite schools in favour of building educational success and economic expansion

through education reforms designed to empower the individual student.

We cannot extol the virtues of expanding economies throughout the world, yet stay blind to the educational forms that propel such excellence. Without a determination to deliver real and substantive change, we set our young people an impossible task in the face of such challenges. The establishment of ESA is by no means an end in itself but, undoubtedly, it equips our educational leaders with the tools required to build an education system that our young people deserve. This may not be the final stage on the educational journey, but it is, no doubt, a great opportunity for a new beginning.

2.15 pm

Mr Speaker: I call Danny Kinahan. I may need to interrupt the Member as we move to Question Time at 2.30 pm.

Mr Kinahan: Thank you very much, Mr Speaker. I fear that, given the length of my speech, you probably will. I am very pleased to speak on such an important matter as the Education Bill. I join others in thanking all those who worked on it. I particularly thank all those who work in our education system and give their time, life, heart and skills to educating our children.

However, I am extremely saddened that we have a Bill that, the more I look at it, seems to be filled to the brim with hidden intentions. Given Sinn Féin's record, we must treat the Bill with healthy mistrust. Given that the previous Education Minister seemed to listen to no one, and that the Department often seems to be of that mind too, the Ulster Unionist Party is opposing the legislation. We know that Sinn Féin would really like to dismantle everything and anything that smacks of Britain, and that it will pursue tirelessly its endless push for a united Ireland at the cost of everything in its path. We must treat this legislation with total awareness and search out all that is hidden within.

Mr Storey: I thank the Member for giving way. This is not the first time that the Ulster Unionists have taken a different policy position. They had three last week. Can he explain why his colleague, who is sitting beside him, criticised OFMDFM on 23 July for not being quick enough in bringing forward the legislation? All of a sudden, today, we are being told that they have now a principled position on ESA: the first time that the Ulster Unionists have taken a

principled position on anything. Hopefully, his colleague has given him the answer as to why, on 23 July, the Member said that there should be more progress on delivering ESA. Can they tell us what exactly they are up to?

Mr Kinahan: Thank you very much. It looks like we are not allowed to think, read or take on new positions as we learn more. The more we dig into the Bill, the more we find that we have something that gives us great reason for concern.

Mr Allister: Will the Member give way?

Mr Kinahan: I am going to get very sore knees at this rate. Yes.

Mr Allister: Reflecting on the last point made to the Member, would he care to reflect that the Member who intervened, Mr Storey, said on 18 May 2010 that ESA was dead, was not coming back and that it was:

"bureaucratic legislation that satisfies the control freakery of the Department." —
[Official Report, Bound Volume 51, p339, col 1.]

Perhaps the Member might reflect on who is doing somersaults today.

Mr Kinahan: My knees are not good enough for somersaults. However, I enjoyed that point. Thank you very much.

The Bill is the 'Where's Wally?' for every politician. We have to search through it from top to bottom and from word to word to try to understand what it means and why it has been written in such a way. Hidden in every clause, sentence and schedule could be a "Wally" of hidden Sinn Féin chicanery. Anyway, enough about wallies; let us move to better things.

We would normally welcome a Bill that purports to streamline our education management so that we can put in place high standards of educational achievement in all our schools. We would normally welcome, as should everyone, such intentions. Children, and their education, must be given the very highest priority. However, we cannot support this legislation because we do not fully understand all that is in it. We find ourselves in a similar position to last week when the Welfare Bill came before us. Do we oppose it outright at Second Stage, or do we let it move forward? In this case, we have decided to oppose it outright. It is sad that we find ourselves pressurised by the need to pass the Bill quickly to stop our education

system collapsing into further decline at a time when we really need to take our time to make sure the legislation is right. It is very sad that our education system has been allowed to fall into such a mess.

It is 10 years since our deputy First Minister banished the 11-plus from our education system in such an ill thought-out manner, without even the slightest thought of how it was going to be replaced. We have had 10 years of no long-term strategy, 10 years of trying to impose one side's view of education on everyone else and 10 years of, we assume, attempts at dealmaking, such as the previous ESA Bills. It is sad how much time has been wasted. If the original manner of government envisaged in the Belfast Agreement had been used, we might have an agreed long-term strategy instead of the carve-up deals and counterdeals.

The Programme for Government had planned for this Bill to be passed last summer and for the body to be in place by April 2013. The pressure is on, but let us not hurry it and get it wrong. The UUP will oppose the Bill all the way, as it is a flawed piece of legislation. If it moves forward, it will not be our doing.

We want to see an education system that really works for everybody and that puts children and their education first. Why on earth can we not sit down like grown-ups, produce an agreed long-term strategy and design a system that works for everybody? At present, England and Wales have learned their lessons and are moving towards academies and streaming, but we seem to be determined to move totally in the other direction.

What has happened between the end of the summer and now? It was announced that ESA would come forward as soon as the autumn Assembly session began. What went awry? Was it to do with legal matters? Or was it that the First Minister realised that he could not sell to his own party what he had agreed? After all, it is his MLAs, as well as many Sinn Féin MLAs, who will have to explain the Bill and the area planning to their electorates. I wonder whether I am right. Are cracks appearing between DUP members?

Mr Storey: Will the Member give way?

Mr Kinahan: I am very happy to give way. I hope that you will clarify that for me.

Mr Storey: The Member has come to the House today and has given us a lecture on

fractured relationships in parties. He is probably speaking from experience, given the number of differences that there are in that corner between the Members who even wish to appear here. Let me make it very clear: there are no differences between Peter Robinson and myself; and there are no differences between Peter Robinson and the members of this party. The Ulster Unionist Party might be in disarray, but this party is still united and going forward.

Mr Speaker: Order. Let us have interventions that are clearly linked to the Bill, especially as this is its Second Stage, which is when we talk about its principles.

Mr Kinahan: Thank you very much. It is nice to find that I have obviously hit a sore point. If I am right, we may be close to a betrayal of all that is great in our education system. We may be close to a betrayal by our First Minister as grammar schools, voluntary grammars and even the maintained system are thrown to the lions. I want to ensure that I leave with you the thought, which I have articulated previously, that we are on course towards achieving the lowest common standards of education, rather than the highest. We should be raising our standards, not dragging them down.

Today, we have a Bill that is so complex and yet so vacant of detail that no one in the Chamber really knows what they are letting themselves in for. We have a heads of agreement, which were agreed in November 2011, as the basis of the Bill. Indeed, any decision that is agreed in that office would immediately make me suspicious about its intentions and all the political bargaining that must have inevitably occurred in the run-up to such an agreement.

Following last week's Education Committee meeting, we know that it is the heads of agreement that have yet to be finalised. Let me read you part of it. It states:

"10. Notwithstanding the foregoing, nothing in the new arrangements will undermine the following principles;

a) There will be no change to the ownership arrangements which negatively affects the respective role of the Boards of Governors of a school."

I will read that again.

"There will be no change to the ownership arrangements which negatively affects the

respective role of the Boards of Governors of a school."

Who wrote that? What on earth does it mean? It is appalling jargon. I raised that, as well as the lack of intelligibility of the heads of agreement, at last week's Education Committee meeting, only to be told that that section of the heads of agreement has yet to be finalised.

Mr Storey: I thank the Member for giving way. If the Member was as forensic in his detailed analysis of the Bill, he might go and ask someone from the community that he claims is being fed to the lions where some of that language came from. He might then discover that maybe it is not as badly written as he is claiming. Maybe some investigation by the Member might be useful.

Mr Kinahan: I am rather enjoying this. I do feel that there is a mass in there that we all need to read. Yet the more I listened to the Chairman of the Committee, the more I felt that, all through his speech, there was a lot of uncertainty and certainly a lack of surety as to whether he really supports the Bill.

I go back to the heads of agreement. At times, it does seem to have been done on the back of a fag packet, put together at the last minute. We are about to start legislation based on a set of agreed principles that have yet to be finalised. Were there no wordsmiths available that day? Two weeks ago, teachers in post-primary schools were pulling their hair out as they battled for three days with the Northern Ireland Literacy Assessment (NILA) and the Northern Ireland Numeracy Assessment (NINA). They were on their computers trying to carry out assessments using a system that had been hurriedly piloted so that it could be rushed in this October. Are we about to see the same again? Here we have a core piece of legislation being pushed through before the heads of agreement have even been finished.

Mr O'Dowd: Will the Member give way?

Mr Kinahan: I will take an intervention.

Mr O'Dowd: I do not know whether the First Minister or deputy First Minister were before the Education Committee last week. I was not there, but I suspect they were not. The heads of agreement, as presented to me as Education Minister to bring forward as a policy memorandum, are complete. The work of the First and deputy First Ministers is complete on that section. The legislation then proceeds by a policy memorandum, which was brought before

the Executive and received approval. The policy memorandum sets out the broad aspects of the Bill and was approved by the Executive. I then brought the legislation to the Executive, and it has been approved in the sense that it has been forwarded to the Assembly for the Assembly to pursue. Is the Member going to take on his role as an Assembly Member? Are his fellow colleagues going to take on their role as Assembly Members? I do not care personally whether they trust me or not. The question they have to ask is this: do they trust themselves?

Mr Speaker: Order.

Mr Kinahan: Mr Speaker, I have to answer that. Of course we trust ourselves.

Mr Speaker: Order. The Member will have an opportunity after Question Time to answer the Minister. As we move quickly towards Question Time, I ask the House to take its ease until that time.

The debate stood suspended.

2.30 pm

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Mr Speaker: Question 3 has been withdrawn and requires a written answer.

Childcare Strategy

1. **Mr Gardiner** asked the First Minister and deputy First Minister how the gaps in the childcare provision are being met whilst a childcare strategy is being finalised. (AQO 2642/11-15)

Mr P Robinson (The First Minister): With your permission, Mr Speaker, I will ask my colleague Assembly Member and junior Minister Jonathan Bell to answer this question.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): The Programme for Government 2011-15 commits the Executive to publish and implement a childcare strategy that will provide integrated and affordable childcare. Our Department is leading the development of that strategy. Any new childcare strategy needs to be evidence-based. We have, therefore, commissioned research that will quantify, among other things, the current demand for childcare places, the current provision, the uptake data and the barriers to uptake. We believe that the research will deliver its final report early next year, will inform the development of the childcare strategy and will allow for more effective childcare provision.

Further evidence will come from public consultation. We are currently preparing a document that will inform the consultation on the childcare strategy. In developing the consultation document, we have engaged fully with other Departments and with the main childcare stakeholders. We have allocated some £700,000 to PlayBoard's school age childcare programme up to 31 March 2013. The funding is intended to maintain the after-school childcare capacity pending the development of the childcare strategy.

Mr Gardiner: I thank the junior Minister for his response. Can the junior Minister assure the House that the £12 million allocated to childcare remains ring-fenced for its intended purpose

and will be spent over the next four Budget years?

Mr Bell: I am confident that the full £12 million will be spent over the comprehensive spending review (CSR) period up to 31 March 2015. It is important that the funding is spent on high-quality projects that will make a real difference. Departments need to ensure that any bids to the fund will be completely additional to their own spend, and a significant range of further bids are currently under consideration in the Department. That is in addition to the hundreds of thousands of pounds that we have already spent on this matter.

Mrs Hale: Can the Minister give an outline of the number of registered childcare facilities available? In his view, is there sufficient childcare out there?

Mr Bell: I will take those questions in the order that they have been asked. The information that I will give you is from the Department of Health, Social Services and Public Safety up to 31 March 2011. The Department of Health, Social Services and Public Safety will publish its new children's social care statistics bulletin on 26 October. That will include statistics on registered childcare facilities as of 31 March 2012. As of 31 March 2011, there were 5,058 registered childcare providers, and they offer a total of 53,223 registered places. The Department is very concerned that we get proper and robust data, and I know from listening to my constituents in Newtownards through to Ballynahinch through to Portavogie that there are major concerns about the availability and cost of childcare.

The vast majority of childcare providers are childminders — some 75%. They offer 36% of all registered places, day nurseries offer 25%, and playgroups offer 22%. Out-of-school clubs are sitting at 11%, and crèches and summer schemes are at 6%. We have commissioned the data to see where there are gaps, whether they are geographical or in respect of types of childcare provided. Most Members are aware that there is concern about the availability and cost, and, as I said to Mr Gardiner, we intend to spend the £12 million by the period recommended.

Mr McMullan: Can the Minister give me some assurance that any potential impact of welfare reform cuts on childcare provision and the affordability of childcare is being considered in the development of any childcare strategy?

Mr Bell: We are very much aware of what is going on in respect of welfare reform and the proposals that have come through. With the childcare strategy, we are looking at ensuring that there is proper parental choice. It is not just about the number of places but about the quality, so we have been in discussions with many of the early years organisations about the quality and standard of childcare that we expect our young people to have access to. We will also look at how accessible it is; how affordable it is, which I think your question directly related to; how sustainable it is; and whether it forms part of an integrated approach. Those are the six policy principles that we will look at in our childcare strategy.

Mr Rogers: Will the Minister outline the measures being considered to ensure that our rural communities are provided with affordable childcare options?

Mr Bell: There is already significant funding for rural areas, particularly in the Armagh region. As I say, in developing our childcare strategy, accessibility is critical, as I outlined to Mr McMullan. It has to be affordable, available and integrated into an overall approach. The issue of rural accessibility, of course, has to be factored in. You can see already that rural issues have been considered in the initial tranche of funding from the Department and that we have already delivered in respect of rural childcare. We envision making childcare in rural areas sustainable, affordable and integrated.

Social Investment Fund

2. **Mr Easton** asked the First Minister and deputy First Minister for an update on the social investment fund. (AQO 2643/11-15)

Mr P Robinson: Following Executive agreement on the final operation of the social investment fund (SIF), I can confirm that membership of the community and political steering groups has been finalised, and members have been officially appointed and notified. They will participate in a workshop scheduled for 17 October and 18 October. A council officer from each zone will also take part in the workshop. The names of the council officers who have been nominated are outlined in the published list. However, the formal appointment of the four statutory and two business representatives will be made after the workshop.

The workshop provides an opportunity for the steering groups to familiarise themselves with

each other and formally meet officials. Very usefully, the groups will also have the chance to work with the technical assistance provider allocated to their zone. We have set aside a four-month period for the area planning process, and we expect to have completed plans for the proposed projects, supported by economic appraisals, with the Department by February 2013.

Considerable work has already been done to ensure that appropriate and robust structures are in place for the effective delivery of the area-based plans. We are confident that that is the case and that we are now in a position to achieve maximum impact from the fund. The focus going forward will be on assisting communities to identify and evidence objective need and to develop robust area plans that will improve the lives of the people living in the prioritised areas.

We are determined to make a real and lasting difference to the most vulnerable in our society. The social investment fund, together with our announcement last week of six Delivering Social Change signature projects, demonstrates our commitment to address some of our most intractable social and economic issues.

Mr Easton: I thank the First Minister for his answer. What is the relationship between the announcement you made last week on Delivering Social Change and the social investment fund?

Mr P Robinson: This gives me an opportunity to indicate that the SIF zones, in the work that they will do, will not act on their own, outside of everything else that is going on in government. They will be part of the integration of all the services that we provide. DSD and other Departments will provide other projects in the same kinds of areas. It is important to recognise that the social investment fund will enjoy the benefits announced by the deputy First Minister and me. Indeed, we have structured at least one of those in the social investment zones. It is important to recognise that we are looking not simply at the themes outlined in the social investment fund document but at how they play into everything else that government is doing to ensure that what we are asking for from SIF is real added value and is additional to what Departments and other agencies are doing.

Mr Eastwood: Given the delays so far, what guarantees do we have that the £80 million set aside for the social investment fund will be

spent within the four-year timetable that was set out at the launch?

Mr P Robinson: We will listen to what the steering groups have to say. If they are looking for more time, we will seriously consider that. There is a difficulty, particularly if people are looking at capital schemes, about whether that can be realised within the time left in the CSR period. So, we will look at that. The £80 million is ring-fenced, but, if it appears that the groups require more time, we would be sympathetic to that.

Mr Lyttle: I thank the First Minister for his responses so far and, despite my different political views, extend my genuine congratulations on the new addition to the Robinson family.

It has taken about 20 months to get to the point of appointing the steering groups. I declare an interest as a member of the east Belfast steering group. Is the three-and-a-half to four months now available to the groups to develop those area plans a reasonable amount of time?

Mr P Robinson: If it is not, we will, of course, listen to them. The people whom we have appointed will know their area well, know the needs in their area and will, no doubt, be able to put proposals together. If they require more time, again, we will look at that. I do not like the suggestion of delay; we have in fact grown an organisation from the grass roots. This is something completely new and different and something that people will probably want to replicate for other areas of government work. It was more important for us to be sure that we got it right rather than getting it quickly. That is why we ring-fenced the money — to ensure that there would be no funding loss to local communities because they moved from one Budget year to another.

Ms McGahan: Go raibh maith agat. Given the slower than expected spend, have the First Minister and deputy First Minister considered rolling the social investment fund programme into the next CSR period rather than rushing to spend the £80 million in the final two years of this one, given the obvious pressure that that would put on the zones?

Mr P Robinson: I have no doubt that groups will be able to come forward with a series of proposals about how the money should be spent. I am pretty confident, having spoken to a number of them, that they know what their areas need and will come forward with proposals. When it comes to issues such as

current expenditure, very clearly you can spend it on an annual basis as you move towards the end of the initial fund period. However, if you are talking about the construction of buildings or infrastructure in some form, I can say that there is a long lead-in to the planning process, the drawing up of plans for whatever the building may be and the construction. It might be optimistic to imagine that that could all be done within the initial period. Therefore, we may well have to look at putting it into the first year, at least, of the next CSR period.

Mr Speaker: Question 3 has been withdrawn.

Minority Ethnic Development Fund

4. **Ms Lo** asked the First Minister and deputy First Minister for an update on the minority ethnic development fund. (AQO 2645/11-15)

Mr P Robinson: With your permission, Mr Speaker, I will ask my colleague, junior Minister Jonathan Bell, to answer this question.

Mr Bell: I am pleased to be able to advise the Member that an extension to the current minority ethnic fund will commence with immediate effect and will run until 31 March 2013. The information was conveyed to the minority ethnic sector last week. The extension to the fund will allow for engagement and consultation around the development of a racial equality strategy and how that relates to a longer-term fund. Officials will meet sector representatives in the very near future to discuss the fund and the strategy.

2.45 pm

Ms Lo: I thank the Minister for conveying this very good news. Unfortunately, funding has been granted on a six-monthly basis in the past year and a half. I would like to hear an assurance from him that, from next April, the fund will continue and continue on a much longer basis, in order to provide continuity and certainty for the sector.

Mr Bell: I appreciate the concerns that have been raised. We are still working with the sector on the racial equality strategy and on what it specifically wants out of the fund. We want the strategy and the funding to be interconnected so that they can deliver both what ethnic minorities are reflecting that they need and the support requirements that they have. We will look at how the fund can continue to deliver the key service that the sector provides on the ground. The strategy

should reflect what the sector says as a whole. Therefore, we need to look towards the strategy and see how we can connect it with the fund. I have spoken to many of the groups, and they are happy that, with this extension, they will be able to continue the level of service that they have been providing. We will look at it in connection with the strategy.

One thing that I will make clear — we have raised this at the all-party group meetings, and I appreciate the work that Ms Lo and my colleague David McIlveen have done in this respect — is that the principles of the shared aims of eliminating racial inequality, of equal protection, of equality of service provision and of participation, dialogue and capacity building will be at the heart of the new strategy, which I hope will connect fully with the new fund. We will reveal details of both when we can.

Mr Spratt: I welcome the announcement of the six-month funding extension, which will provide much-needed services. However, given that the extension is to pre-existing funding, is there opportunity or scope for groups not currently being funded to secure funding during these six months?

Mr Bell: I appreciate the work that the Member does in south Belfast with the minority ethnic community and the meetings that he has had with me in recent times in connection with that work.

Last week's announcement that the funding will be extended was made to allow the groups that are currently being funded to continue to receive funding, and I think that that has been welcomed right across the minority ethnic sector. Development or core funding was awarded to 24 organisations for 2011-12. Twenty-two of those groups continue to be funded.

A deficit over the next six months clearly exists for groups that were not previously funded, as the Member points out. Our officials will work with those groups, and they are currently looking at what options may be available to include in the new funding period those not currently being funded.

Mr Kinahan: I welcome the racial equality strategy. The junior Minister knows my concerns about strategies that do not turn into actions. Will we be guaranteed no more brinkmanship over payment so that groups will not have to wait until 31 March and beyond to get their next bit of funding and will instead have a little bit of comfort?

Mr Bell: I announced at the very start not a strategy but that the funding is immediately in place, is available now and will run until 31 March 2013. We will certainly work with all the groups, not only on the strategy but with our racial equality panel. We will continue to look at times when there is a need for crisis funding, and we will work right across the sector to try to ensure that service provision is as good as it can be. The funding is there with immediate effect until 31 March 2013. That is the action.

Mr McDevitt: I welcome the junior Minister's news. Does he agree that minority ethnic communities unfortunately remain the target of vile racism from certain sections? Will he join me in condemning the distribution of a racist leaflet in south Belfast over the weekend by the National Front and add his voice to the voices of all the other people in the community who are asking for any information out there to be passed on to the police?

Mr Bell: I condemn fully any form of criminal behaviour that involves racism, homophobia or attacks on people's homes, property or ethnic heritage and life. That goes without saying. There is no truck with that at any level. In my role in the Office of the First Minister and deputy First Minister, I took part in the NIACRO seminar on hate crime. Hate crime takes many forms. I will not single out any particular one. Last weekend, in my constituency, there was a horrific attack on a woman who has three children. Last Thursday night or Friday morning, children could have burned to death in my constituency, as we have just seen happen in Essex. Wherever there is hatred, we will seek to do all in our power to oppose it and to inform and educate people. We know that people from ethnic minorities make significant contribution to our educational life. My wife is a nurse, so I know of the contribution that they make to nursing. We know of the contribution that they make to business and the hospitality sector. Overall, it is a positive contribution. Northern Ireland should be and will be a welcoming place for all of its people. We will do all in our power to ensure that that happens. Where it does not happen, we will seek, through the Department of Justice, to ensure that those responsible are brought before the courts and made amenable for their actions.

Mr Speaker: Mr Lunn is not in his place to ask question 5.

Social Investment Fund

6. **Mr Cree** asked the First Minister and deputy First Minister what action they are taking to

ensure that the problems with administering the social investment fund are not replicated in other programmes. (AQO 2647/11-15)

Mr P Robinson: As it is an Executive fund, moneys allocated to the social investment fund do not sit in the OFMDFM budget line but are held centrally by the Department of Finance and Personnel. In addition, the central fund of £80 million is ring-fenced. Over the next few years, we will consult steering groups on both the reprofiling of spend and the length of the first implementation period for area-based plans.

I am not clear what problems Mr Cree refers to in his question, as we have not yet administered the social investment fund. If he refers to the time that we spent ensuring that the right structures and processes were in place, I can assure him that that was time well spent. Given the fund's scale and nature, we have expended significant effort and resources on researching best practice and learning from other initiatives. We are determined that the administration of the social investment fund will prove innovative and workable.

Part of the process was a very useful and informative public consultation. Having listened to the views expressed by organisations and individuals, we significantly changed the operation of the fund so that it reflected that useful feedback. It is worth recording that the feedback on the concept of the fund and its four key strategic aims and objectives was almost universally positive.

Mr Cree: I thank the Minister for his response. He indicated that the time frame may be a little bit longer depending on what transpires. Will he assure me that the fund will be delivered in line with its original objectives and meet the Programme for Government commitments? Does he have any views on the likely duplication of European funds post 2013?

Mr P Robinson: Of course, I assure the Member that, in line with what was the intention, the themes will remain the same. We are now setting up the steering groups. Their kernel, the community and political representatives, is in place, and representatives from the statutory and business sectors will follow shortly. All of that remains as originally intended.

Obviously, the timetable is tight for some of the spend to take place. We will look at that carefully. We will not, however, reduce the spend available to groups. It may be available

on a slightly longer timetable. The deputy First Minister and I are still considering schemes, and we will monitor and assess them as they are processed. We will look at an extension of the process or even at a long-term future for the scheme beyond the initial period that we outlined.

We are confident that it was essential that the groundwork was done, and I believe that it will prove beneficial as we move into the area planning stage. I hope that the political representatives who will be present will, alongside and in tandem with the community sector and other representatives, bring forward some innovative schemes. The kind of seminar that we hold helps to look at how good ideas in one area might also work in another area.

Miss M McIlveen: I thank the First Minister for his answers to date. Could the social investment fund fund additional literacy and numeracy support, if communities want that in their area, to support the project that he and the deputy First Minister announced last week?

Mr P Robinson: The deputy First Minister and I announced a scheme that has been widely welcomed by parents, the general community, teachers and even the press. It will bring real benefit. It will take time for the Department of Education to be able to roll it out. It is spread across the whole of Northern Ireland. It could well be that some of the social investment areas will determine that they need something by way of a top-up in their area because of a particular need. It is one of the themes in the SIF document, so it is allowable if it is something that they want to do. The whole idea of the fund is to allow areas to determine for themselves the way in which their area is at present deficient and how it could be helped by some additional funding. If it comes from the grass roots, it by all means lies in the processes of the fund.

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answers to date. How does the social investment fund sit in the overall Delivering Social Change framework?

Mr P Robinson: They are complementary. Indeed, one could look even at neighbourhood renewal and other projects that are under way. All of them can work together. That is the importance of having the local input: they will know what is happening in their area from other Departments and schemes, they can see where the deficit is, and they can seek to meet it through the fund. By all means, we are happy

to continue the work that we did earlier this week on the general issues involved. The Department will have a role in that regard. As I indicated, what happens under the SIF should be additional to what we do in other areas.

Parades

7. **Mr Swann** asked the First Minister and deputy First Minister what steps are being taken to address the parades issue in advance of next year. (AQO 2648/11-15)

Mr P Robinson: There has been a discussion at Executive level on parades and associated protests. At the last meeting of party leaders, we discussed the best approach to establishing the views of all stakeholders. It was agreed that suggestions would be brought to a further meeting on the best process to advance the issue. The right to assembly, the right to express cultural identity, the right to protest and the rights of those in and living in proximity to parades are at the heart of the proposals agreed at Hillsborough on parades and protests. The principles of mutual respect and tolerance are key to resolving the issue of disputed parades and counterparades. The deputy First Minister and I have met various participants on both sides of the argument. We remain committed to facilitating discussions in any way that is helpful. We have indicated to Executive colleagues our determination to agree a process on taking this complex issue forward before the year ends.

Mr Swann: I thank the First Minister for his statement. Will he give a commitment that OFMDFM will consult all parties as well as the party leaders' group and that any alternative to the Parades Commission is simply not that that came from the Hillsborough agreement?

Mr P Robinson: I would have thought that we were consulting all parties when we talked to party leaders, unless the Member is saying that party leaders are not representative of the party that they lead. I hope that we have met that. Of course, the parties are all represented on the Executive as well. There is no intention on the part of the Executive or party leaders to stifle discussion and debate on these issues; we want it to be as wide as possible. We want to encourage people to take part. That is why we are looking at what the processes will be so that people can feed into them.

This is a very serious issue. We all become very aware of it when we get round to June and July, but it is now that we need to deal with the issue. We are determined to try to get the

process under way before the end of the year. I hope that everybody will come forward in a constructive manner to attempt to resolve these issues, which are toxic in our society.

3.00 pm

Agriculture and Rural Development

Flood Alleviation: Sullatober Water, Carrickfergus

1. **Mr Hilditch** asked the Minister of Agriculture and Rural Development for an update on the alleviation works on the Sullatober Water in Carrickfergus. (AQO 2657/11-15)

Mrs O'Neill (The Minister of Agriculture and Rural Development): Go raibh maith agat, a Cheann Comhairle. I am pleased to inform my colleague that the Sullatober flood alleviation scheme, which provides protection to 28 properties, was completed in September. The area of park occupied during the construction of the scheme has also been fully reinstated and is open to the public.

Mr Hilditch: That was a necessary and welcome project. However, a four-month project took 13 months to be delivered on the ground. What were the financial implications of that nine-month delay?

Mrs O'Neill: The scheme involved a considerable amount of earthworks, and the prolonged wet weather we experienced meant that the works took longer than originally anticipated. Additional works were also required to reinforce the banks of the pond, and staff were diverted from the project to deal with the impacts of flooding elsewhere.

I am pleased to say that the original estimated cost at the project's feasibility stage was £350,000 and we were able to deliver the project for £250,000. That is, obviously, a good news story.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Will the Minister outline what major flood alleviation infrastructure schemes are planned for 2012-13?

Mrs O'Neill: As well as undertaking a number of minor schemes, the Rivers Agency has also completed construction of the Lodge Burn drainage infrastructure scheme at Coleraine,

will complete the refurbishment of the Portna sluice gates, will commence construction of the Ballygawley flood alleviation scheme and will complete the construction of interim flood alleviation works in east Belfast. So there is quite a big programme of work for the Rivers Agency in the time ahead.

Forestry Act (Northern Ireland) 2010

2. **Mr McCarthy** asked the Minister for Agriculture and Rural Development for an update on the implementation of the Forestry Act (Northern Ireland) 2010. (AQO 2658/11-15)

Mrs O'Neill: The commencement order of September 2010 brought into force most of the provisions of the Forestry Act 2010. Since then, under section 1 of the Act, we have continued to develop forestry land to deliver a wide variety of ecosystem services, including providing 400,000 cubic metres of timber to underpin a wood-using industry that provides 1,000 jobs a year, facilitating millions of visits to forests for recreation and tourism, and providing secure habitats for many birds and animals, some of which are rare in Ireland and are also important for achieving conservation objectives in a European context.

Under section 4, which provides for other use of forestry land, we have developed a business case for the commercial development of forestry land for wind farms and tourism. Under section 7, we have entered into formal arrangements with district councils to improve the recreational infrastructure of forests, and construction is under way to build footpaths in Fermanagh and cycle trails in the Newry and Armagh and Down districts. Under section 6(3), work is ongoing to develop a register of the location and size of woodlands and their types of trees. Preliminary results were published on our website in March, which showed a welcome increase in the area of woodland to about 8% of land area.

We still have to implement the provisions that create a public right of pedestrian access to forestry land, that restrict the felling of trees in woodlands and, if the need is established by affirmative resolution of the Assembly, that regulate the control of animals in land adjacent to forests. The provisions for public right of access and the restriction of felling depend on making subordinate legislation, and we are working on that. Following major consultation last year on the by-laws and the draft felling regulations, those have been substantially revised, and I expect to introduce the regulations before the end of this Assembly

session. In my view, there is no pressing need to regulate the control of animals in land adjacent to forests at this stage.

Mr McCarthy: I am very grateful to the Minister for her detailed response. Are there any other aspects of the Act that the Minister considers might need to be improved at a later date through secondary legislation?

Mrs O'Neill: As I said in my original answer, much of the legislation has gone through and the regulations have come forward. We had to do some work on the by-laws. There was obviously a considerable amount of interest in that area, and I thank everybody for raising all the issues — lots of views were expressed. We were able to take on board some of the suggested changes, and I hope to bring regulations to the Assembly before the end of this session.

I do not think that there is anything outstanding that is of worry. There is lots of potential in our forests, particularly in social and recreational use, and the potential use of Forest Service land for wind turbines. There is lots of potential, and, as I said, there is nothing of concern at the minute that has not come forward under the Act.

Mr Byrne: I thank the Minister for her answer. Can she give any indication what plans she or the Department has to develop the potential of forestry and the timber industry over the next 25 years?

Mrs O'Neill: I am very much committed to ensuring that we increase our planting, as we are aware that it is not at the level that we envisaged. We want to expand tree planting from 8% up to 12% cover, and we can do that through the woodland grant scheme and the other agri-environment schemes. I think that there is lots more potential in that, and we have set out the way forward. The strategy has been set out, and I am happy to provide the Member with that if he wishes to look at it. If we continue to work in partnership with people such as the National Trust and the Woodland Trust, there is a lot of potential for us to ensure that we increase our planting. As I said in my original answer, over 1,000 people are employed in this industry, so it is key that we support it and take all actions to do so.

Mr Campbell: Does the Act provide for recreation and leisure facilities that are compatible with forests so that the Forest Service can actively promote them?

Mrs O'Neill: Yes, absolutely. The policy document, 'A Strategy to Develop the Recreational and Social Use of Our Forests' has been brought forward, and that works with, for example, local councils in promoting tourism potential. We have a brilliant natural resource that we need to use. Councils have tremendous ideas about things that have tourism potential, such as cycle paths, and, through the policy, Forest Service clearly has the remit to promote such things.

Mr McMullan: I thank the Minister for her answers so far. Given the great potential that we have in our forests for participation in local interests and tourism, what is the Department doing about the lack of mountain biking facilities?

Mrs O'Neill: The Forest Service's recreational and social use strategy that I referred to recognises that benefits can be achieved from working with our partners to ensure that mountain biking and all other recreational opportunities are fully developed.

For example, I was at the launch of a 34-kilometre multipurpose trail network at Castleward forest that was developed through close partnership between Forest Service and the National Trust. Forest Service is working with Down District Council, Newry and Mourne District Council and other partners, including the Tourist Board, to develop a 40-kilometre mountain bike trail network at Castlewellan Forest Park and Rostrevor forest. Forest Service is also working in partnership with Cookstown District Council on the development of a trails project at Davagh forest, which includes mountain bike provision.

Construction of trails in those three forests has commenced, and that will represent a significant new mountain biking resource in the North. I think that there is so much more potential for us in continuing to develop those trails. I have met many of the mountain biking organisations, and they are very keen for us to get involved with them and to promote this area. I think that there is a lot of potential there.

Sudden Oak Death

Ms Ruane: Ceist uimhir a trí, le do thoil.

3. **Ms Ruane** asked the Minister of Agriculture and Rural Development for an update on the damage that sudden oak disease (*P ramorum*) causes to forests, particularly in south Down. (AQO 2659/11-15)

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. *P ramorum* has the potential to attack a wide range of woody plants and could cause significant damage to woodland and other habitat if it were to become established. Symptoms include bleeding cankers on the tree trunk and dieback of foliage, which, in many cases, eventually lead to the death of the tree. It poses a threat to certain tree species and other ecologically important plants.

During a visit in July to Moneyscalp wood at Tollymore forest in south Down, where my Department has committed significant resources to control the *P ramorum* disease, I was able to see for myself the damage that that pathogen can cause. Felling of over 30 hectares of larch trees at two public forests and two private sites has been undertaken to contain the spread of the disease in the area, along with an ongoing programme to monitor and control the disease in rhododendron at private sites. My Department remains committed to managing *P ramorum* disease in trees, woodland and on other plants and is funding research, carried out by the Agri-Food and Biosciences Institute, that is looking further into host/pathogen interactions.

Ms Ruane: Gabhaim buíochas leis an Aire as a freagraí go dtí seo. Will the Minister be making a statement about the tree disease ash dieback?

Mrs O'Neill: I thank the Member for raising that issue, as that is a relatively new disease. Although it is important to recognise that the *P ramorum* and *P lateralis* diseases in forests are causing extensive damage, press and science reports suggest that the disease that is causing the ash dieback — *Chalara fraxinea* — is even more damaging. Regrettably, that disease has now been found in County Leitrim, as the Department there announced on Friday.

I hope that there is still time for us, both North and South, to work together to find and eradicate the disease wherever it occurs. To give ourselves the best chance of that, I have decided to move to bring in emergency legislation to ban the importation or movement of ash trees for planting unless they are known to come from a disease-free area.

I am also concerned that untreated ash wood may be a possible pathway for disease to enter Ireland, and I am minded to extend the ban to cover that also, although I acknowledge that the movement in plants presents the greatest risk. I will work closely with Minister Simon Coveney, as we need to make sure that we have a consistent fortress-Ireland approach. I will also

keep the authorities in the Department for Environment, Food and Rural Affairs (DEFRA) informed, as this is, ultimately, a matter for EU legislation. In due course, I will announce the details of the legislation, the results of surveys and any other practical measures that need to be taken.

Agricultural Wages Board

4. **Mr Hussey** asked the Minister of Agriculture and Rural Development what is the rationale for the retention of the Agricultural Wages Board. (AQO 2660/11-15)

Mrs O'Neill: The Agricultural Wages Board sets minimum rates of pay and conditions for workers in the agriculture and horticulture sectors, including the large proportion of migrant workers, here. In addition, as I have previously said, I firmly believe that the Agricultural Wages Board's structure is a valuable forum for wage negotiations and, importantly, is used as a benchmark for the wider agrifood industry. In November last year, I launched a public consultation on a review of the board's structure, and, following its conclusion, I gave careful consideration to the responses that were received. I believe that the decision I have now reached is in the best interests of agricultural workers here.

The Agricultural Wages Board provides higher rates of pay, more generous sick pay and greater holiday entitlement than the basic existing employment legislation. It will now continue to protect the rights of low-paid agricultural workers here, including migrant workers, by ensuring that they have enforceable employment conditions, which I believe can have only a positive impact on the sustainability of the rural economy. As we try to grow the economic potential of the agrifood sector in these difficult times, it is essential that workers in the industry are protected and have the skills not only to help the sector flourish but to encourage others to consider a career in it.

Mr Hussey: I thank the Minister for her response thus far. Members will be aware from last week's debate on the farming crisis that the Agricultural Wages Board is powerless to do anything to ensure that farmers receive a fair wage. Has the news not yet reached Dundonald House that we have a national minimum wage that was, after all, introduced 13 years ago? Will the Minister tell the House how much the Agricultural Wages Board has cost taxpayers in that 13 years?

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. The cost of maintaining the Agricultural Wages Board for the past five years, about which I can speak, has been between £20,500 and £26,500. That is not an extortionate amount to run a board that is protecting the rights of agricultural workers. It is helping us to retain suitably skilled individuals who want to work in the industry. It is also helping us to attract people into the industry. The reality is that the agrifood sector is continuing to do well throughout the recession, and we have to continue to make sure that we have people who are available to work in that industry. In my view, the board is a way to protect such workers.

Mrs D Kelly: The Minister mentioned migrant workers in particular, which suggests that a number of people from here cannot be recruited. Will the Minister indicate the number of people, particularly from the migrant workforce, who are employed directly on farms and who the board seeks to protect?

Mrs O'Neill: I can write to the Member with a specific breakdown of figures, which I do not have with me. The key element to this is that there was a balanced approach to the consultation that we carried out; some were in favour and some against. The reality is that this board will protect those working in this industry, and we need people to stay in this industry if we are to continue to grow it. If it is to continue to be the leading light that it is throughout the recession, we need to support those workers. I am happy to provide the Member with a proper breakdown of the number of people that it employs.

Wildlife Intervention Programme

5. **Mr Swann** asked the Minister of Agriculture and Rural Development for an update on the wildlife intervention programme. (AQO 2661/11-15)

Mrs O'Neill: On 3 July 2012, I announced to the Assembly Agriculture and Rural Development Committee that I had asked my officials to design specific wildlife intervention research. This approach would involve testing live badgers; vaccinating and releasing the test-negative badgers; and removing the test-positive ones. The purpose of this intervention research is to assess the impact of this approach on the level of TB in badgers and cattle in the field study area. This balanced approach would provide a focus on removing diseased badgers and protecting uninfected ones. It would avoid removal of uninfected

badgers and could lead, in time, to a reduction of TB in badgers and a reduced transmission of TB from this source to cattle.

The first step is to commission initial modelling work using local information. This modelling is necessary to help inform the cost and subsequent design of the study and to ensure that the design is scientifically robust. Preparatory work to gather the relevant information from our databases has been completed, and we expect results to become available from the modelling over the coming weeks and to be completed by the end of December 2012.

3.15 pm

The outputs from that modelling will then help inform the design and costs relating to the specific test and vaccinate or remove study proposal. The design for the study will be complex, and we want to make sure we get it right. I recognise that there are many practical design, costing and approval processes to consider the progress. We will also need to conduct badger sett surveys in the study areas early next year. Subject to the completion of the necessary preparatory work, I wish the study to proceed as soon as possible next year.

Finally, I have been very encouraged by the wide spectrum of stakeholder support and engagement for the test and vaccinate or remove intervention research. Farmer, environmental and private veterinary representative organisations are participating fully through the newly constituted TB stakeholder working group on the development of this wildlife intervention research.

Mr Swann: I thank the Minister for her answer. The wildlife intervention programme is based solely on the Brock Stat-Pak, which has 49.3% accuracy and is only used on badgers. Is that an admission that the Department is not using the wildlife intervention programme to look at any other sources of TB in any other species of Northern Ireland wildlife?

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. As I said, it is proposed that badgers will be captured and blood samples will be taken to test for the presence of TB. It is likely that the Brock Stat-Pak blood test will be used, because it is the only available test that is a set-aside test and can be completed quickly in the field, so there is less distress for the badger. Other tests require the recapture of the badger or prolonged confinement, but that is not a good approach.

I do not think it is correct to say — as I have heard you comment before — that that test is no better than tossing a coin. I do not think that is a fair way to look at it, because the specificity of the test is almost 50%. It is a very sensitive test, which means that it is highly likely to detect the most highly infected and potentially infectious badgers so that we can remove that source of infection. The test is also highly unlikely to give any false positive results, which is key, because I have no desire for any unaffected badgers to be harmed. It should be remembered that all badgers that give a negative result to the blood test will be vaccinated. If any test negative badgers are in the early stages of infection, they will be detected by subsequent blood tests, as the Stat-Pak test is able to differentiate between animals that are vaccinated and animals that are infected.

We have to look at the whole gamut of infection. People have different ideas. As you know, this is not a simple solution or a quick fix for that disease. It is a very complicated disease, which is why different approaches are being taken in England, Scotland, Wales and here. All of the research that is going on will inevitably lead to an improved situation so that in future we can hopefully get to the stage where we are free.

Mr Frew: Has the Minister considered any geographical areas or spread with regard to the wildlife intervention programme? Has she even done any work on the amount of land that will be needed to cover the study effectively?

Mrs O'Neill: Go raibh maith agat, a Cheann Comhairle. The test and vaccinate or remove wildlife intervention research is a completely new approach. The design for such a study is going to be very complex, and it is important that we get it right from the outset, otherwise we will be going down the wrong path.

As I said, the first step in developing the research approach is to undertake the modelling of the approach using the local information. That modelling work is necessary if we are going to be able to identify the appropriate study area, the sufficient size that we need to work on and the appropriate duration of the study to ensure that the design is scientifically robust. That modelling work is going to help inform the study design and costings. When that has been completed, which will be over the next number of months, we will know more about the scale and area of the study and be in a better position to select the most appropriate area to start off with.

Mrs McKeivitt: I thank the Minister for her answers so far. Will she indicate what the budgeted cost was for delivering the programme?

Mrs O'Neill: The Member will be aware — I have told the House before — that we set aside £4 million for the TB prevalence studies, so we still have those funds. The costings that we will reach towards the end will be informed by the prevalence studies that we are involved in now. When we gather all of the information, do the local modelling and identify the area, the size of the area and how long we will need to be in the area, we will be in a better position to give final costings for the project.

Agri-Food Strategy Board

6. **Mr Mitchel McLaughlin** asked the Minister of Agriculture and Rural Development for an update on the work of the Agri-Food Strategy Board. (AQO 2662/11-15)

Mrs O'Neill: The Agri-Food Strategy Board was appointed to agree a strategic plan to develop the agrifood sector to 2020 and beyond. It has met on a number of occasions since it was established earlier this year, with recent activity concentrating on the gathering of evidence with which to develop a strategic plan for the agrifood sector. The board recently completed a call for evidence where key stakeholders were invited to feed their views on the industry to the board. The responses are currently being considered by its members.

In addition, subgroups have been established covering the main subsectors in the agrifood industry. Those are chaired by Agri-Food Strategy Board members with membership from the wider industry and will provide the board with specific input relative to each sector. That will ensure that the strategic plan, when completed, will recognise the requirements of the individual subsectors and target specific recommendations for each of them.

The chair of the board, Tony O'Neill, has briefed the Committee for Agriculture and Rural Development and the Committee for Enterprise, Trade and Investment on the work of the board to date. I understand that both presentations were well received, and Tony agreed to keep members informed of progress. I understand that the board is still on track to deliver a comprehensive strategic plan for the sector by the end of the financial year.

Mr Mitchel McLaughlin: Go raibh maith agat. I thank the Minister for that very detailed reply. In an earlier answer, you indicated the

significance of the agrifood sector to the economy. Can you give us any indication of when you think the strategy will be available? You mentioned that it might be towards the end of the year.

Mrs O'Neill: It is important that we always mention the fact that the agrifood sector continues to do well. Through the recession, with all the negative stories, agrifood continues to do well. We need to support that industry to be able to continue to do well. These are obviously particularly challenging times for the industry because of the weather and rising costs and falling prices.

We have to continue to work with the industry. That is why the work of the Agri-Food Strategy Board is so key. The strategy and associated targets will be developed in conjunction with the wider industry through not only industry representation on the board itself but wider consultation. It will be up to the new board to determine the methodology and timing of the strategy. However, I envisage that the work will be well advanced by the end of this year. I expect to take receipt of the final report by the end of this financial year.

Mrs Dobson: Given the increasing international competitiveness for contracts in this industry and the growing need for our producers to tap into markets such as China and the Far East, can the Minister detail what resources she and the Department of Enterprise, Trade and Investment (DETI) have allocated to the strategy board for that purpose?

Mrs O'Neill: I thank the Member for her question. It is absolutely an export market that we are targeting. We are targeting export-led growth, which is why the work of the Agri-Food Strategy Board is so important. DETI and I established that board earlier in the year because it is so important that we work collectively. Industry and government very much need to work together.

As regards moving forward, when we receive the final report, there will be a number of recommendations and targets. We will then decide how we work together to deliver on those. That is when we can look at the new rural development programme and how we can shape it to suit the needs of industry. We are doing this work at an ideal time. It will lead very nicely into the new rural development programme and ensure that it is shaped to meet the needs of industry from now until 2020.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I attended the meeting of the Committee for Enterprise, Trade and Investment at which Mr O'Neill presented on behalf of the Agri-Food Strategy Board. One of the key issues in respect of efficient delivery of the strategy and projects on the ground is realisation of funding from the banks. He drew a very strong contrast between here and parts of England.

Mr Speaker: I ask the Member to come to his question.

Mr McGlone: Has there been any direct dialogue between the Minister's Department and the local banks to ensure that we have efficiency of finance so that the projects are delivered on the ground?

Mrs O'Neill: I can confirm to the Member that I have met all the major banks to raise the issues that he spoke of. Earlier in the year, I met the banks to discuss single farm payments and explain the process so that they could better understand the needs of the farming industry. That work is ongoing.

Slurry Spreading

7. **Mr Rogers** asked the Minister of Agriculture and Rural Development, following her statement on 2 October 2012, whether her Department has any contingency plans in the event of the ground conditions being considered unsuitable for slurry spreading on or after 1 February 2013. (AQO 2663/11-15)

Mrs O'Neill: The contingency, in the event of ground conditions being unsuitable for slurry spreading after 1 February, is adequate slurry storage capacity. The closed spreading period for slurry is from 15 October to 31 January, which is 16 weeks. Livestock farms are required to have slurry storage with a minimum of 22 weeks' capacity. The minimum slurry storage capacity exceeds the length of the closed spreading period by six weeks. That is to ensure that farms have sufficient slurry storage in the event of weather and ground conditions being unsuitable for slurry spreading outside the closed period.

I appreciate that managing slurry can be challenging, and wet weather and ground conditions can create practical difficulties. However, since the closed period was introduced, farmers have worked hard to manage slurry and protect water quality. There has been significant investment in new slurry

storage tanks, and slurry is now being used more efficiently.

Farmers have also been investing in advanced slurry spreading machines with support from my Department's manure efficiency technology scheme (METS). Those machines provide more flexibility in the slurry spreading process and deliver a range of productive and environmental benefits. METS has provided some £2 million of grant support, and over 200 advanced spreading machines have been funded to date.

I am pleased to say that water quality in our rivers is improving, and it is important that farmers keep up the good work.

Mr Rogers: Thank you, Minister. What ongoing communication exists between your Department and the Department of the Environment on farming-related environmental issues?

Mrs O'Neill: I confirm that I regularly meet the Environment Minister on all of such issues, because quite often with a lot of the directives that we work under, particularly in this instance with the nitrates directive, NIEA is involved in the enforcement. So, we have to work very closely. That communication is ongoing at an official level and happens when needed at ministerial level.

Mr G Robinson: Will the Minister outline whether there are any plans to deal with obnoxious problems associated with the spreading of treated human waste on agricultural land?

Mrs O'Neill: That is not really relevant to the substantive question, but I am happy to write to the Member.

Mr Copeland: Has the Minister had any discussions with the Health and Safety Executive (HSE) about the dangers associated with farmers not being able to spread slurry on fields, which results in a backlog and an accumulation of slurry in tanks?

Mrs O'Neill: Work is ongoing with the farming community to prepare for the closed period and for the difficulties that farmers might find themselves in. As I said, that is a joint piece of work — the Department of the Environment is the enforcer through NIEA, so we have to continue to work with it. I have not met the HSE on the issue, but everyone involved in that area of work regularly engages with one another, and that engagement has to happen.

Broadband: Rural Areas

8. **Mr Maskey** asked the Minister of Agriculture and Rural Development to outline the progress that has been made in tackling the lack of broadband in rural areas. (AQO 2664/11-15)

Mrs O'Neill: As you know, last year, I announced my Department's intention to invest a further £5 million in broadband, having previously invested £2.5 million. My officials are carrying out some analysis to produce a prioritised list of rural areas that can be fed into the DETI broadband delivery UK (BDUK) project as the list of areas to be targeted by the Department of Agriculture and Rural Development (DARD) funds. The analysis will consider such criteria as deprivation, access to services, concentration of rural population and the number of farmers, to name but a few. It is vital that we address broadband isolation for rural dwellers, and I will ensure that those funds are specifically targeted at rural areas to eliminate "not spots" and improve line speeds.

The BDUK project is citizen-centric, and it is clear that the vast majority of postcodes on the list published by DETI are in rural areas. That reinforces my commitment to address the issue, and I am sure that the rural Members will agree that we have to do everything we can to ensure that people living, working or conducting business in rural areas have access to services that can offer download speeds of at least two megabytes per second.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. The Minister responded comprehensively. I was going to ask whether she will ensure that the funding that she has available will be delivered to those areas in greatest need of the facility.

Mrs O'Neill: I thank the Member for his comments. The issue is a key one; there is no point in just saying that we want to target rural areas and not following through on that. It is very clear to me that we have to target those areas that have no speed or very slow speeds.

Mr Speaker: That concludes Question Time. I ask the House to take its ease before we move to the next piece of business.

3.30 pm

(Mr Principal Deputy Speaker [Mr Molloy] in the Chair)

Question for Urgent Oral Answer

Health, Social Services and Public Safety

Marie Stopes International Centre, Belfast

Mr Allister asked the Minister of Health, Social Services and Public Safety how the proposed Marie Stopes clinic in Belfast will be monitored to ensure strict compliance with the law on abortion.

Mr Poots (The Minister of Health, Social Services and Public Safety): First and foremost, all health and social care organisations must comply with the law in Northern Ireland. The current regulatory framework, the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, is an additional safeguard that is applicable to a wide range of establishments and health and social care services. I have asked my officials to consider whether the current regulations apply to this establishment and, if not, whether they require amendment to ensure that they provide the appropriate safeguards as intended by the legislation.

Mr Allister: Is it not the case that the current Regulation and Quality Improvement Authority (RQIA) monitoring arrangements, by virtue of the manner in which they are constituted and the powers given, would ensure only that the unborn are killed in hygienic conditions and would not address the wider concerns of how many abortions will be conducted in this clinic, on what basis they will be conducted, whether the basis will be verified and transparent and how it will be seen that all those matters are entirely within the law in Northern Ireland on abortion? Will the Minister give an assurance that, as he looks at this issue, those are the matters that, at the end of the exercise, will be addressed?

Mr Poots: The Member will recall that, in August, I confirmed that officials were developing a data collection system to collect robust statistics on terminations taking place in

Northern Ireland. It is my intention that all terminations that take place will be recorded by this system. So, work is still ongoing on this matter.

Ms S Ramsey: Go raibh maith agat, a LeasCheann Comhairle. The Minister is well aware that a number of concerns have been expressed about the lack of guidance, including, this morning, from the Royal College of Midwives. Can the Minister outline a definitive time frame for the introduction and publication of guidance on the issue? Can he detail the rationale for the delay in reissuing the guidelines?

Mr Poots: Unfortunately, I cannot. The truth is that guidelines have been produced twice, and they have been taken to court twice, where judicial reviews were twice upheld, once by those who supported abortion and once by those who were opposed to abortion. So, it is a huge legal minefield to produce guidelines that will not be judicially reviewable, and therein lies the problem. I have so much different advice on how we should move this forward, and it is very challenging to identify a way forward that will be judicial review-proof. Therefore, I am not in a position to indicate when we can introduce guidelines, and, to this extent, I am sympathetic with doctors and those who work in this field.

I make it very clear that we have the law that was passed and two sets of legislation on the matter, the most recent being in 1945. In 1939, a hearing that took place under Lord Chief Justice Bourne gave considerable guidance. I know that that took place in England, but, because it was on the same law as currently applies in Northern Ireland, it is still used by our courts. So, there is very strong and clear advice, which is that, if individuals carry out abortions — terminations of pregnancy — that are outside of the legislation, they are breaking the criminal law. In breaking the criminal law, they are subject to a sentence of up to life imprisonment. To that extent, those who are engaging in the Marie Stopes clinic would be well advised to observe the law. Some journalists might think that the law is a paper tiger, but that is because it has been largely observed. If some people think that they can get away with not observing the law, they may find that it is not a paper tiger but one with a lot of teeth. I caution any physician who would seek to challenge it.

Mr Wells: I understand that the courts have instructed the Minister to provide guidance on abortion, but does he accept that the issue is more for the Department of Justice than the Department of Health, Social Services and Public Safety?

Mr Poots: In so far as it is criminal law, it is very much a matter covered by criminal justice. As the Abortion Act 1967 does not apply in Northern Ireland, abortion here is regulated by criminal law and clarified by case law, as I identified. I have the responsibility for ensuring the health and social care of the population, and Minister Ford has the responsibility for the criminal law in Northern Ireland. We will provide the aftercare for women who have had an abortion, whether in Northern Ireland or elsewhere, but a lot of these matters are for criminal justice. I have instructed my Chief Medical Officer to contact the Chief Constable and the permanent secretary in the Department of Justice to indicate to them where we believe the law lies and to discover what action they intend to take.

Mr Beggs: It is evident that the Marie Stopes website promotes abortion. Will you confirm that, in the absence of guidance, there is no requirement for all other options to be presented by someone working in this field before abortion is presented as an option?

Mr Poots: We are back to the criminal law. If Marie Stopes is advising people that they can have an abortion before the period of nine weeks, as they indicate, and that it wishes to carry out abortions in instances where the life of the mother is not under threat and the permanent or long-term mental health of the woman involved is not impacted on, it would clearly be breaking the criminal law. I suggest that doing the latter in terms of mental health could not be managed in a short period. I think that it will have to be done to royal college standards. Marie Stopes should be very cautious about what it does here, and we will ensure that the law is fulfilled.

Mr McDevitt: Given that the position of the SDLP and all major parties in the House is that we do not support the extension of the 1967 Act to this jurisdiction and that the context for termination within the current legal framework is very clear — a healthcare context — will the Minister please confirm to me that he considers it his duty to bring forward guidance? I appeal to him, in the interests of society and health, to do so at the earliest possible date.

Mr Poots: Yes, I do. It is my strong desire to bring forward very clear and adequate regulations. On a personal level, I want to do that, and I also want to do it because it is an instruction from the court, and I want to show due respect to the court. I have outlined previously the difficulties that we have, and my suspicion is that whatever guidelines we bring

forward will be challenged by someone. It is very difficult, therefore, to ensure that they are bomb-proof when it comes to judicial reviews, because both previous sets of guidelines were overturned in court.

Mr McCarthy: Given that the organisation has come to Northern Ireland quite quietly and quickly, will the Minister explain why, if his Department knew about it, guidance and clarification was not issued as soon as he and the Department were aware that it was coming?

Mr Poots: I am not sure what the Member means by "guidance and clarification"; I do not know whether he is asking about the Marie Stopes clinic or about the two previous answers that I gave to other Members.

I am not exactly sure of the Alliance Party's position when it comes to Marie Stopes. Some members may welcome it; others may not be so welcoming of abortion coming to Northern Ireland. We will see who wins the day in the Alliance Party. We saw who won the day recently on other issues.

The Marie Stopes clinic may have been capable of being regulated. It depends on the nature of the work and those carrying it out. It can only be properly assessed when we get to this point, which is somewhat unfortunate. Nonetheless, we will make every effort to ensure that full and adequate regulation is applied to that organisation, and we will work very closely with all other organisations to ensure that that is the case.

We will seek to ensure that, in Northern Ireland, the law is not broken. We have made it very clear how the law stands in Northern Ireland on abortion. I am totally and wholly opposed to the application of the 1967 Abortion Act to Northern Ireland. Were the time reduced to 12 weeks, I would still be opposed to its application to Northern Ireland. That is the nature of it. I do not think that there is any appetite for abortion on demand in Northern Ireland. I trust that that will be the case in the future and that the Assembly will show due respect for the public.

Mr Agnew: Does the Minister agree with the law as it exists in Northern Ireland? If so, given that there are documented cases of women being unable to access services on the NHS due to the lack of guidelines for doctors, does he not agree that there is nothing to fear from the Marie Stopes clinic? Indeed, does he not welcome it, in that it will ensure that women are

able to access the health services that they are entitled to under the existing law?

Mr Poots: Over the last 45 years, since the 1967 Abortion Act was passed, in England, Scotland and Wales there have been 6.4 million abortions. That is more than 10% of the existing population of GB. In Northern Ireland, where the population is 1.8 million, that would equate to around 200,000 abortions. Regrettably, I understand, up to 50,000 women have travelled to England for an abortion, but the figure that is left is 150,000 people who are alive in Northern Ireland who might not otherwise have been alive. I expect that around half of them are women. You talk about choice: they are living a life in which they have the choice to marry or to have children and the choice of what work they do or what education they take up. Had they been aborted, they would not have any choice in life. So the term "pro choice" is really one that means "no choice" for thousands of children here and millions of children in GB. I will always resist the 1967 Abortion Act coming to Northern Ireland.

3.45 pm

Executive Committee Business

Education Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Education Bill [NIA 14/11-15] be agreed. — [Mr O'Dowd (The Minister of Education).]

Mr Kinahan: I remind those who were not here beforehand that the Ulster Unionist Party opposes the Bill. We are concerned about what it hides. I described it as "Where's Wally?" for politicians, with too much hidden from view. I am concerned that we have been betrayed by one side and possibly tricked by the other. We cannot risk getting this wrong.

Also, I finished the earlier part of the debate with a query about the heads of agreement. I just want it to be clear that last week in Committee, when I was asking what was meant by some of the words in that agreement, it was the Department that said that the heads of agreement were not finalised.

Mr O'Dowd (The Minister of Education): Can I just clarify something? I think, in fairness to my officials who were at the Committee meeting last week, any reference to the heads of agreements by them — I was not there so I do not know what was said verbatim — will refer to the clause that was referred to by the Chair of the Education Committee, which refers specifically to the heads of agreement. There is a view that that clause requires tidying up. My officials have not been instructed to suggest and, I believe, would not have suggested that the heads of agreement document itself was not complete. The legislation referring to the heads of agreement is not complete.

Mr Kinahan: Thank you very much. Last week, I was grateful that departmental officials were there to give clarification on many matters, and it is good to hear that some things will be tidied up. I want to keep to my argument, so I will not take any more interruptions.

As we work through the Bill, which abolishes our education and library boards and three other bodies and sets out the roles for the new Education and Skills Authority, it seems to tick many boxes. It purports to give power to the boards of governors and trustees to allow their

schools to maintain their ethos and manage their own schools. That all seems very good, but I can see no fewer than eight occasions — I am sure that there are many more — on which the Department seems to be able to overrule, override or force through change if it really wants to. That is why we oppose the Bill today.

I would like everyone to consider for a minute that, if we put all this legislation in place, with all the extra regulations and guidance — we were told earlier that there were 11 pieces to come through — in a few years we could have a complete change in politics here, and education could fall into the hands of a manic, driven, crazy fanatic. He or she could set about destroying all the schools to her or his agenda. That is not a pretty thought, but I want to make that point. Our job in the Assembly is to get things right and to get the legislation right. That is why we oppose the Bill.

In the meeting with the Minister that the Committee Chair and I attended two weeks ago, when I raised my concerns that we seemed to be giving too much power to the Department — I was grateful for the meeting, but I might not be asked back after this — the Minister indicated that he envisaged the tribunals being very busy in the early stages of implementing the legislation. The more I thought about that, the more it began to horrify me. The Minister is envisaging many battles. Why? Does that mean that there is a lot that we have to be careful about in the Bill? That reinforced my concerns.

Mr Beggs: Will the Member give way?

Mr Kinahan: No. I said that I would not. That was a test.

I have indicated that I feel that the Department is too powerful, and yet this is the hardest matter to illustrate in such a speech as this when a Bill is so complex. If we consider the employment schemes, namely those laying out who is to be employed by the school, which the board of governors and/or the trustees must submit to ESA, it is not just ESA that will be checking that. On deciding whom to employ, there are four different clauses: one stating that the Department may issue guidance; another stating that statutory requirements must be complied with; another stating that revised schemes may be produced by the Department if required by it; and yet another — clause 9 — stating that the Department may require ESA to reconsider. Those are just four examples of a Department maybe having too much power, four different ways in which Sinn Féin can follow its own rules.

Let us go further and think about the appointment of ESA. The chair will be appointed by the Department, and it is very possible that at least nine of the other 20 members may all be on one side, should we, sadly, end up taking sides on this, which, of course, we are at the minute. On top of all of that, the Department needs approval from OFMDFM if it wishes to issue guidance on provisions on the schemes. So, if it is not agreed there, it can go to a tribunal appointed by OFMDFM. Think about it. Not even the First Minister really agrees with the powers we are putting through, as it was he, I assume, who insisted that the checks come back to his office. So we are back to a carve-up and share-out that is typical of OFMDFM, where, I remind everyone, Sinn Féin has equal power. It has equal power to set the rules, set the procedures and, in this case, appoint the judges and the jurors. I hope the House sees now why I am so sceptical. And that was only on employment schemes; we have not covered schemes of management and many other areas laid out in the Bill.

I will look now at the tribunals. Who appoints those? Again, they are appointed by OFMDFM. We have already seen how appointments may follow down one side of who supports whom. I would like to raise a question: who will pay for those tribunals? The schools will not have the funding to do so.

I move now to other matters and to area planning. This legislation provides for ESA to prepare or revise area plans, which, as we all know, are an essential part of the organisation of schooling. Yet we are in the middle of a tortuous area planning process for post-primary schools and will soon be in the middle of one for primary schools, where no meaningful consultation has happened, where no overall plan seems to exist and where rumour and fear rule the roost. The Bill indicates that ESA will deliver such a bread-and-butter process as area planning, but I reinforce the point: there is no overall plan that we can see. It should be concentrating on what is in the Bill — achieving the best education for our children. I ask the Minister not only for a long-term strategy but for an overall plan in area planning. I wonder whether one exists.

Mr O'Dowd: Will the Member give way?

Mr Kinahan: I will carry on. Could we have consultation with teachers, staff, boards of governors, parents and maybe even the pupils themselves? At the stakeholder meeting held two weeks ago, the message was clear: the education bodies really do not know what is

going on. No communication plan exists, and no one knows of the overall plan. We are meant to be in the middle of a consultation. I fear that it seems to be a bit of a farce.

ESA was consulted on in its previous form six years ago. Much has happened since then. Nearly half the children will be new to it, and a similar group will have left. Many in education will have changed or moved on, and many of the facets of our education system — we know that schools have been inundated with this — will also have changed. Will the Minister carry out a proper new consultation? In fact, will he lead the way and create a new method of consultation that reaches everyone, one that is not conducted only by e-mail, not aimed only at school principals and not laced with jargon? We want one that informs, explains and listens before it decides.

Our area planning seems determined to entrench our divided education sectors, as maintained schools join with maintained, controlled with controlled and so on. Is that the shared education our Programme for Government envisaged?

While I am on the subject of sectoral bodies, I will say that it is excellent to see that we have a sectoral body for the controlled sector. It is good to know that we have one for the maintained sector, although it is not in the Bill, and that we have one for the integrated sector, although it is not in the Bill. However, we have no sectoral body for the voluntary grammar sector, unless GBA becomes it, in which case it needs to be funded. We cannot have good legislation with so many inconsistencies. Will all sectoral bodies be put into the Bill, and will all of them be funded?

I move on to the transferring of employees. The Bill allows for all employees of the eight bodies to be combined under ESA. A great idea, but has anyone costed it? It looks like the gold-plating of the teaching unions. Think of all the different rules and pay levels in every organisation and the endless capacity that will exist to compare, raise and equalise pay. I must say that the unions are very important and are part of the system, but we are opening ourselves up to excessive cost. Has anyone actually looked at that cost? It also seems that the maintained system may still be able to avoid the fair employment legislation, yet the rest of us must follow it. Is it true that maintained system employees are not to be transferred? We need consistency in all sectors and the same rules for all.

When it comes to local management, we all appreciate the benefits of having one body, such as ESA, and welcome the slimming down and the economies of scale. However, we also know the differing needs of parts of Northern Ireland. Fermanagh has different needs from Antrim, and both of them differ from Belfast, although neither comes near Antrim as being a great place to live.

We are all aware of the need to preserve our communities and, to an extent, rural proof any changes in education. The Department has indicated that it will have local offices. What will the cost of those be? Where will they be? While we are on that, Massereene in Antrim is available. We were told that the ESA would save £40 million. Will it? When I look at the costs coming through in pay and offices, I wonder. Anyway, food for thought.

The Bill allows inspections on any matter felt necessary at any time and reports in any manner that the Department feels suitable. To me, that is quite terrifying. School principals are already under appalling pressure with the present system. Now, we are trying to pile more pressure onto an already overloaded system. The chief inspector assured me that the inspectorate was independent, and yet its employees are appointed by the Department, the standards are set by the Department, and all the reports go to the Department. Now, we have in the Bill a panel of laypeople to be appointed by the Department, all to be part of the inspection system. Again, it smacks of too much power in Sinn Féin's hands in the Department. We all must recognise that we have the highest standards of education and professional practice, and we need inspection to put that in place. However, the inspectorate must get its own organisation and get its act together. It must create a more comfortable assessment system for teachers. It must not destroy its evidence. It must have no preconceived ideas of the school or of the actions it will take when it gets there. It must be transparent at all times. I go back to the beginning of what I said on inspection: it must be totally independent.

If we look at the assets in schools, we see that CCMS is to hand all its assets to ESA. Yet I cannot quite get my head around exactly what is going on here. We have helped finance the whole of the maintained system so that it is in good order and are now handing it over to ESA. Are we compensating the Church or Churches? Indeed, are we going to spend the same amount of money on the controlled or integrated sectors? We certainly seem to spend a great deal on the Irish language sector.

As in area planning, that seems to be a sectarian carve-up. Here we see that being hinted at all over again, with the controlled sector as the poor cousins. Clause 2(5) could be read in such a way that all grant-aided schools should encourage and facilitate the development of Irish speaking. It depends how you read it, but that is the sort of point that is wrong in the Bill, and we need to get clarity.

4.00 pm

The Bill also gives ESA a commercial role. I would like the Minister to tell us more about what he means by that. Is that just a nice bit of boarding and advertising around our sports pitches, or is it something that will allow it to raise more funds through advertising and other commercial ventures? We need to know more about exactly what it is opening us all up to.

You will probably all agree that I have gone on for long enough, but I have only one more page left. If the boot were on the other foot, would you want this legislation in place in the form that it is coming forward today? We know that Sinn Féin does not like grammar schools. We know that it does not like the power of the church and, to some extent it seems, the maintained sector. We know that it does not like the voluntary grammar sector, and it does not like the Dickson plan. In fact, if anything is good and is successful, somehow Sinn Féin does not seem to like it.

We need this Bill, but there is much more that we need, and we have to get it right. We need a proper, agreed, long-term strategy and policies and plans that all fit together, especially as we have, ongoing at the moment, the entitlement framework coming in, the common funding formula being reviewed, special educational needs legislation, the new assessment system coming on board, area planning, as I have mentioned, GCSEs and changes to that being reviewed, and, looming behind it all, the spectre of a cross-border dimension. I put it to all of you here that this Bill is a licence for Sinn Féin to destroy our education system. Is that what you want? It is not what the Ulster Unionist Party wants. We oppose the Bill.

Mr Rogers: I declare an interest as chair of the board of governors of Grange Primary School. Before I start, I wish to acknowledge the good work done by the boards, CCMS and the other bodies in helping to administer our education system over the years. However, there is a case for change.

The ESA journey has been a long one. No one will argue with the review of public administration, which the Executive launched in 2002 with the aim to deliver modernisation and reform across the public sector. RPA suggested the need for a new single education and skills authority. It seems to make sense when you compare Northern Ireland with authorities such as Birmingham. Why do we need so many bodies frequently overlapping to provide our education services? We have five education and library boards, staff commissions, CCMS, the Youth Service and the voluntary sector, which deal directly with the Department. I have just one cautionary note: Northern Ireland is not Birmingham.

It took years to get it to the Executive, and, in sharp contrast, it flew through the Executive, which would lead one to speculate that some sort of deal was done. We hear the Member who spoke previously, and we listen to political commentators say that Sinn Féin now owns the ball on the pitch and the fixture list. It has been said that, in the party's strive for education, it has left little to chance. ESA will implement education policy made by John O'Dowd.

It is somewhat strange that the biggest issue on our education system — selection — has not been addressed in the Bill. Whatever about selection, ESA acknowledges the need for education and financial change. I was in a different place in the education debate at that stage, encouraged that, possibly, I would have just one circular to read instead of three and heartened by the chief executive designate's statement that it would deliver more resources to the classroom. However, the reality is that schools now get three circulars where one would do. Less money is getting to the classroom. There is a half-baked area plan and a culture of constant change — InCAS out, new assessment methods in, GCSEs possibly out, EBac possibly in. Our school estate is crumbling. Millions have been spent on ESA with nothing to show for it.

Before I address the main points of the Bill, I want to refer to the three most important groups in this whole education debate — the pupils, parents and teachers. It is important to recognise that what this Bill is about is enshrined in clause 2. It is about giving our children the best start in life. The UN Convention on the Rights of the Child places a responsibility on the Executive to consider the rights of the child. That emphasis requires the system, structure and content of education to adapt. It provides a framework within which ESA can contribute to the all-round development of our children and young people.

I appreciate the constraints under which the Minister is working. It is a case of doing more with less money. Our spending profile on children and young people is imbalanced, with little spending on the early years at primary level and more spending at post-primary level. In the past, early education was provided in the home. Children went to primary school age five, and the majority of them then left school age 16 and went to work. Today, we live in a different society. Many parents need the help of organisations such as Sure Start to help them develop parenting skills. Children attend nursery or play groups and begin primary school age four, and the majority of them stay in full-time education until age 18 and beyond. Suspensions and expulsions were unheard of in the past, but today they are a common occurrence. It was unheard of for children to be out of control at seven years of age. However, many of our young people now enter the criminal justice system early in their teenage years.

We cannot underestimate the effect of the Troubles on our education system. Fathers, mothers and children were killed or maimed unnecessarily over the past 50 years. During that period, the only bit of normality that existed was the school day. As the Bill moves forward, we must keep our children at the core of it. We need to get this right early on. Parents who need parenting support must get those skills. Locally accessible preschool provision, where children are taught how to play and learn the basics of literacy and numeracy, should be there for everyone.

We now come to what, in my mind, is the most important stage in any child's education: Key Stage 1, where good or bad habits are established. Many children and parents need extra help, and that is where we need to get numeracy and literacy right. I welcome the recent announcement of extra teachers, but nurture programmes need to be more widespread. Educationalists will tell you that if the right attitudes are not developed by the end of Key Stage 1, it becomes a difficult struggle. Early intervention is the key. Our system has ground to a halt because of bureaucracy. It takes up to four months to get a child statemented and an education recovery plan in place.

To all our students who work hard at school, year by year, and achieve their potential, be it in the exam hall, on the stage or on the sports field, well done. To their parents, the greater the parental involvement, the better the outcomes for all our children. Many parents need some encouragement and help in getting

involved in their child's education. Education is not just the schools' prerogative. All parts of the Executive have their part to play in ensuring that parents play a supportive role in their child's education. I must pay tribute to all the hard-working teachers who work under extreme pressure and who give their all day after day, many in difficult circumstances.

Minister, when you visit schools, you do not see the stressed-out teacher who is teaching a composite class of 20 P3 and P4 children with a range of special needs and who has to deal with the added stress of a new computer-based assessment system that does not work. You do not see the teacher who has to go to her classroom early in the morning to empty the basins that catch the drips from another night's rain. Many of our schools at the minute are preparing for Halloween shows, and many children were in schools over the weekend preparing for that. Sometimes, we only see the results. We do not think of the teacher who eats his sandwich while giving children a bit of extra help at lunchtime.

Parental choice is very important and must be protected. Parents may choose to send their children to a Protestant school or a Catholic school, to an all-ability school or a grammar school, or to an integrated school, an Irish-medium school, a special school or whatever. Last week, we had a debate on education in the south Down area. Parents there want one all-ability school in the area for their children. I attended a meeting in St Aidan's in Derrylin last Thursday night, where the people in the packed hall gave their unqualified support for a cross-sectoral multi-campus approach to post-primary education in south-east Fermanagh. Those parents must be listened to. Just because it is rural and far away from this House does not mean the request is any less valid. Many children in my constituency travel to Coláiste Feirste for Irish-medium education. Many travel 20 or 30 miles to go to integrated schools because that is what they want.

In terms of roles and responsibilities, I welcome the commitment in the Bill to the development of all children. The term educational services covers preschool education right through to further education. It is good to see the promotion of high standards of achievement spelled out. I welcome the duty to promote Irish-medium education while it is not necessarily spelled out for other sectors. For example, the Department of Education's responsibility under the Education Reform Act and the Belfast Agreement to encourage and facilitate the development of integrated education seems to be omitted.

ESA will be the employer of all staff. We talked about the employing authority and whatever and there is quite a bit of confusion around that. There seems to be a significant departure from the present situation where we have a mixture of employing authorities: the education and library boards, CCMS and the voluntary schools and the grant-maintained. The critical departure for the voluntary grammars is the ability to employ all their staff. They have argued that the failure to contemplate an opt-out clause for those schools that have always employed their own staff changes the essential purpose of their schools, although that is being addressed to some extent in section 3 and by heads of agreement.

There appears to be an additional duty to be placed on the trustees of voluntary schools, who will have due regard to the views of boards of governors when drawing up schemes of management. What weighting will be given to the board of governors' views by the trustees or vice versa?

The Irish-medium sector should also have a recognised submitting authority. Although there have been some briefings to trustees of various sectors, the Irish-medium sector has not had that choice.

Employment schemes —

Mr O'Dowd: I met all sectors over the past 10 days and briefed them all about the ESA Bill. I informed them that my officials will be available to them to discuss all aspects of the Bill, including the Irish-medium sector.

Mr Rogers: Thank you, Minister. The preparation of employment schemes will have an affect on the workload of governors. Will governors receive the training? Will anyone want to become a governor? What are the implications for the board of governors if an Irish-medium school becomes unsustainable?

The implication is there that the Department of Education can modify employment law without Assembly approval. The Education Committee recommended that no modification could be made without a draft of the order being approved by the Assembly. I hope that will be the case.

Area planning is an important statutory function of the Bill. The current area planning work that has been contemplated by the boards, although important in itself, is only the starting point. It highlights the danger of adopting a secular approach to planning and the education estate.

It has essentially been reduced, like quite a few things in Northern Ireland, to a sectarian headcount: a maintained area plan; a controlled area plan. Concerns expressed to me include how will areas be decided and will they be based on the new council areas. Unlike the current area plans, will they take account of neighbouring areas or cross-border provision?

What we have are sectoral area plans with little mention of, never mind an aspiration for, shared education. Will they use the same criteria to determine the adequacy of current provision? It seems very strange that a criterion such as effective leadership has been omitted from the present area planning process. Education should always be about promoting effective leadership. What data and indicators will be used to predict future trends? Is this reactive planning to accommodate today's empty desks or is it being proactive, meeting the needs of five or 10 years hence?

The area plan must detail all education provision in the area, preschool, primary, post-primary, special and further education. Our current plans bear no mention of further education, although many young people attend further education as part of the entitlement framework or on a day release programme. It is not good enough to say that a different Department — the Department for Employment and Learning (DEL) — will deal with things. Why should statemented children not receive the same level of support when they continue their education at a further education college? It is not the college's fault but the system's.

4.15 pm

To what extent is community-based planning part of the process? Schools depend on community and a community depends on schools. To what extent will the plans be rural-proofed? That is why I said earlier that Birmingham is not Northern Ireland. To what extent have the recommendations of the rural White Paper been taken on board? There is a rightful emphasis on social disadvantage, but what about rural disadvantage? To have access to services, a car is a necessity. That will set you back £5,000 to £8,000 a year. There needs to be a similar emphasis on rurality, whether we speak of education or health provision.

If you follow the Department's line on viability, what does it mean for schools such as St Aidan's High School in Derrylin? What does it mean for Fermanagh, where very few of the post-primary schools, half of the controlled primary schools and over half of the maintained

primary schools would satisfy the enrolment criteria? Indeed, what does it mean for rural Northern Ireland? It would be devastating for our rural schools — the heart and soul of our rural communities — and would have a major economic impact, never mind a social one, with additional travel time for our students, the risk of family flight, an ageing population remaining, lower-income families left behind in increased welfare dependency, less access to public services and continuing polarisation of our communities. Therefore, I repeat that plans like that for St Aidan's for a cross-sectoral multi-campus proposal for post-primary education in south-east Fermanagh need to be explored fully and given the support that they deserve.

One of the underlying principles of the Bill is equality: equality of access to education, irrespective of whether you live in BT9 or BT90. I just wonder what the ESA Bill means about consultation. Is it the real and meaningful consultation that we had with the Minister on the special educational needs reforms or is it the consultation that we had on area planning? I, and the Education Committee, asked for an extension to allow wider opportunities for consultation on area planning, but that did not happen. A Member who spoke previously mentioned the very worthwhile stakeholder event that we held here, at which we saw the passion of people right across the North when discussing area-based planning.

I welcome the fact that the ESA will have a wider Northern Ireland perspective, but stakeholders must be listened to. Time will tell whether "ESA" does not really stand for the "Economics and Statistics Association". Although I acknowledge that we are living in very difficult times and that the Minister's budget is severely curtailed, educational viability does not equate to the Department's definition of a "viable school". Area planning cannot simply become a number-crunching exercise. We must take on board the view of all sectors out there, whether they be Irish medium, integrated or whatever.

It is essential that the ESA Bill be clear and unambiguous on the management of grant-aided schools. In the case of the Catholic bishops, the Bill should enable the Catholic sector to function with some degree of cohesion. Without it, small rural schools will become even more isolated. The preparation of a scheme of management will be a new role for most boards of governors or trustees to perform, and consideration needs to be given to simplifications for boards of governors and trustees. The relationship between the trustees and boards of governors is important in drawing

up the schemes. Is there not a duty on boards of governors of Irish-medium schools to secure viability? What implications will there be for the board of governors if the school is unsustainable?

I welcome the reference to "ethos" in the Irish-medium sector, but that needs to be spelt out for all school types. Ethos is very distinctive, whatever the school type, be it Catholic, Protestant, integrated or whatever. The Catholic bishops highlight the fact that nowhere in the Bill is there a reference to or description of what a Catholic school may be. There needs to be such a statement — a definition — of who decides what a Catholic school is. In fact, there is no reference to faith schools in the Bill.

In the heads of agreement, there seems to be a contradiction between the ESA being the single employing authority and stating that nothing in the new arrangements will undermine the principle that, where it is already the case, boards of governors will continue to employ and dismiss members of staff.

As regards the promotion of high standards, the ESA Bill is really putting the current guidance for boards of governors into statute. The key question is how that will be assessed. Will end-of-Key-Stage assessments or value-added or benchmarking data be used? There is certainly a duty on boards of governors to be committed to the ethos of Irish-medium education. The same must apply to all other schools.

With regard to inspections, the new legislation widens the remit of the inspectorate. The focus is certainly on inspection, rather than on advising schools and youth services. It moves from a curriculum inspection to an establishment inspection. Teachers have already expressed many concerns about the inspection process. It really looks as though the inspection process is becoming an MI5 operation. A previous Member talked about concern in schools when there is an inspection. I want to reiterate that: teachers are very stressed when inspections are on. With an even bigger role for the inspectorate, stress will increase.

There are extra duties on governors. I would have thought that schools updated their school development plans automatically on receiving their inspection reports. It is difficult to see where the inspectorate fits in. Will it be part of the Department of Education or the ESA? Is it the beginning of a new independent service? I would welcome that. The inspectorate needs to be seen as an aid to raising standards because, in general terms, inspections are necessary.

However, they must not be carried out in a manner that causes added stress.

The tribunal is an acknowledgement that, due to the complexity of the Bill, it is unlikely that full clarity will be achieved before the Bill passes into law. Difficulties would become that body's responsibility.

As regards the sectoral bodies, again, the language is purposefully vague. What is meant by:

"to represent the interests of schools of that description"?

There appears to be sectoral bodies for Catholic trustees and transferors, the integrated sector and Irish-medium education. However, the voluntary sector, which represents 33% of schoolchildren, has no sectoral body. Perhaps, Patrick Murphy's comments in the 'Irish News' on 6 October 2012 are credible. The biggest losers are the grammar schools, which now enter the mainstream administration. Will the Catholic/Protestant sectoral body be similar to CCMS? Will it have offices in each county or dioceses? Will there be funding? What is the point of having such a body if it has not got the wherewithal to ensure that it is effective?

As it is presently constituted, the ESA board does not reflect a commitment to equality of representation. The absence of representation from the integrated movement suggests that consideration has not been given to obligations under the Education Reform Act 1988 and the Belfast Agreement to promote integrated education. Similarly, there is a complete absence of any representation from the voluntary sector. Although Irish-medium education is promoted in the Bill, it is, again, not represented on the board.

In conclusion, if the purpose of legislation is to ensure higher standards and administrative efficiencies and to release a greater share of the education budget directly to schools, why is there such emphasis throughout the legislation on the increased role of the ESA compared with that of the educational and library boards? A greater role will need greater resources. The amalgamation of the boards to increase administrative effectiveness is welcome. Why does the Bill go beyond that and introduce a command structure when the direction of travel in England is the opposite? Why is there so much control? If we write the ethos of one sector into the Bill, the unique ethos of other sectors should be protected. Finally, what savings have been achieved through the introduction of the legislation? The SDLP will

support the Bill. However, we will interrogate it at every Stage and in the Committee.

Ms Lo: I rise on behalf of the Alliance Party to support the passage of the Bill at this Stage. I declare an interest as a member of the board of governors of Cranmore Integrated Primary School.

My party is glad to see the Education Bill finally come before the Assembly for debate and discussion. It has been a long time since the 2005 proposals and the first draft in 2008-9. It has been seven years from when this was first suggested to eventually making some progress on the issue. The delay in the Bill has been one of the worst examples of the DUP and Sinn Féin's political posturing over major issues. Those who work in the education sector, particularly in the education boards, will welcome an element of clarity over what might happen to their jobs. They do not care about political wrangling, but the uncertainty over ESA and the inability to plan long term has really hampered the ability of the education boards to function to their full potential. Hopefully, we never again see this type of situation, in which vital legislation is held up for years by politicking.

The people of Northern Ireland expect us to tackle important and difficult issues head on and with maturity, so it is most welcome that we are at last getting the opportunity to do that with the Education Bill. The Alliance Party welcomes the opportunities that the Bill and the formation of the Education and Skills Authority bring, such as streamlining education provision, realising economies of scale, the standardisation of school support across Northern Ireland and the delivery of services in a more efficient manner. We also welcome the moving of appointments to boards of governors from the Minister to ESA. However, we greet that with a note of caution: we will be interested to see how the consultation with the relevant sectoral body will work and what exactly that means for the selection process.

Clause 54 refers to the duty of CCEA to pay regard to the needs of industry while discharging its functions. That is welcome. However, we look forward to seeing how that will work in practice. For example, who determines the needs of industry? Perhaps formal structures should be created to formalise the link between CCEA and industry on a sector-wide basis. It is important that the school curriculum meets the skill needs of those in the business community. Achieving that will have a massive impact on the employability

skills of our young people and will pave the way for long-term economic growth.

All that being said, we have a number of reservations about the Bill, which I will lay out. My party will take the opportunity to further scrutinise and consider them during the Committee Stage of the Bill and as it progresses through the various legislative stages in the Chamber.

We have some reservations about the make-up of the ESA board. From its inception, it will be divided along political and sectoral lines. Segregation is a major issue in our education system as it currently stands. To see that disjointedness being institutionalised in the board of ESA is disappointing. We see no need to have as many as eight political representatives on the board other than political expediency. Added to the four transferors and four trustees, we have a situation in which over half of the board will represent the interests of their perceived sectors. We will rely on the four other representatives and the chairman for total objectivity. The board will also, thanks to its make-up and representation, have massive emphasis and focus on the controlled and maintained sectors.

Why were just those sectors chosen for representation? If any sector is to be represented on the board, should all sectors not be included? From that, we fear that the board has been planned from a political perspective, rather than being designed as an effective education and skills management body. On balance, we believe that the majority of those on the board of ESA should be there as of merit and on the basis of an open public recruitment procedure, rather than representing particular sectoral interests. The creation of ESA represents a chance for Northern Ireland to shape its education system for the needs of the 21st century. Therefore, its board should model the future shape of our education system and not reflect its currently divided nature. My party looks forward to scrutinising that part of the Bill to ensure that the board is selected on merit and made up in the best interests of education in Northern Ireland and not just in the specific interests of particular sectors or political interests.

4.30 pm

It will come as no surprise to the Minister or anyone else in the Chamber that the Alliance Party is disappointed that the Bill places no duty on ESA to encourage greater sharing and integration in our education system. That is

despite the fact that all major polls show that the public has a preference and a desire to see more opportunities for shared education. The 2010 Northern Ireland Life and Times Survey showed that 74% of parents would prefer their children to be educated in a mixed school, and one of the single biggest things we could do to tackle the segregation and sectarianism that pervade our society would be to educate our children and young people together. Through the Bill, the House could make a massive statement to the people of Northern Ireland that we fundamentally believe that our education system must move in the direction of one that has sharing and integration at its core. We have an opportunity to do that through the Bill. We do not want to look back at missed opportunities, nor simply continue to, on the whole, educate our children along segregated lines.

The Bill singles out boards of governors of Irish-medium schools as having a duty to ensure that their schools are viable. Why is that just levelled at the Irish-medium sector? It is unclear why that sector has been singled out on that issue. The Minister appears to be making a clear point that he would rather see Irish-medium schools survive than those from any other sector, particularly integrated and shared schools, which, as I outlined, would make the biggest and most positive impact on our society. Similarly, we note in the Bill that:

"ESA shall ensure that its functions relating to grant-aided schools are...exercised with a view to encouraging and facilitating the development of education provided in an Irish speaking school."

We would like to understand why Irish language schools have been singled out in that manner. If one sector is being singled out above others, the reason for that needs to be spelled out. On the other hand, the Bill provides the Department and ESA with the opportunity to put to the fore and reinstate the commitment to shared and integrated education, as stated in the Education Reform (Northern Ireland) Order 1989 and the Good Friday Agreement.

As the Youth Council for Northern Ireland will be absorbed into ESA, the lack of reference to youth services in the Bill is worrying to the Alliance Party. The Youth Council does excellent and important work in supporting our children and young people.

The characteristics of the Youth Council are distinct and unique in many ways: the majority of the workforce are volunteers and participation in youth-work provision is

voluntary. There is also a number of vital youth services that go beyond formal education. It is therefore essential that it is not swallowed up within ESA, forgotten about and passed over.

Several clauses in the Bill could require ESA to take action at the Department's determination. Some people may wonder what the point of ESA is if the Department can direct it to do its bidding. Although it is not unusual for a sponsoring Department to require a sponsor body to do certain things, there is a case for including a definition in the legislation of when this may be the case; for example, the conditions for when an area plan may be revoked could be laid out clearly.

Despite raising these concerns, my party will support the Bill as I have said, and we look forward to scrutinising it carefully in the Education Committee.

Miss M McIlveen: I declare an interest as a member of the board of governors of Castle Gardens Primary School in Newtownards and Killinchy Primary School.

I speak in broad support of the principles of the Bill. It is by no means a perfect Bill, and I believe that there will be a lot of hard work for the Education Committee in the coming weeks and months. Those who were Members of the Assembly in its previous mandate, particularly those who served on the Education Committee, will have been acquainted with this Bill's wayward cousin. I said at the Second Stage debate on that Bill that it could have marked the most important and fundamental rationalisation that we had seen in education in Northern Ireland, but that, if it were to have been handled incorrectly, we could have seen one of the biggest tragedies in education, which could have ruined a generation of pupils. This legislation is an opportunity for this Assembly and this Minister to demonstrate a capability to put aside party politics and sectarian policies, and take a step towards creating the framework for an education system that is fit for purpose, cost-efficient and non-discriminatory.

There is no doubt that, from the point of view of Members on this side of the Chamber, the earlier Bill was handled incorrectly by the Department and the previous Minister. So much was wrong with that Bill that, prior to it being withdrawn by the previous Minister, a total of 104 amendments were tabled: 44 of those amendments came from the Department of Education; 15 from the Education Committee; 16 from the DUP; 13 from the UUP; 14 from the SDLP; and two from the Alliance Party. This party had a further 28 amendments

to be tabled when the news came through that the Bill, if not dead, was on life-support with a "do not resuscitate" sign hanging from it.

The 44 amendments coming from the Department at that time were an acknowledgement that the Bill simply was not right. Going back to that debate on the previous Bill, I warned, as did others, that the Minister should not adopt an approach of digging in her heels, but take time to listen, digest, rationally consider and hopefully adopt any reasonable suggestions that the Education Committee and other Members may have had in relation to the legislation. She was warned about being aggressive and dogmatic, and told how that achieves nothing but an aggressive and dogmatic response. Unfortunately, those warnings were not heeded, and it has taken us almost four years to come to this point once more.

Once again, we have an Education Bill before us. The first question that comes to mind is what is in this Bill that makes us support it where we could not support it previously. This is a very different Education Bill, and I would like to highlight a few of those differences as well as outlining a few areas in the Bill where clarity needs to be provided and changes perhaps made, which can hopefully be done through its Committee Stage. From my work on the previous Bill, I can appreciate the complexity of the issues involved in this legislation. It is by no means an easy and straightforward task, and while those of us who served on the Committee previously can bring a certain amount of experience and knowledge with us, this is, as I said, a very different Bill. It is essential that the Education Committee has all the time that it needs to scrutinise it properly.

As a general point, I welcome the fact that we are considering a single, consolidated Bill. The previous proposed legislation was to have been split in two. That, of itself, would not have been too great a problem, but we were not to be shown the second Bill until we had cleared the first. Nothing engenders suspicion more than being instructed to lay the foundations for something and not be shown what is to be built on them. It would have been exceptionally poor corporate governance for the Assembly to have allowed that to happen. However, that is what the previous Education Minister expected. Nevertheless, I am pleased that we are able to have a consolidated Bill that allows us to concentrate on what is in front of us, and not try to second-guess what may lie ahead.

As the Chairman indicated, one of the primary concerns that we had, as a party, was that the

controlled sector was to have been put at a clear disadvantage compared to other sectors in education in Northern Ireland. That was an incredible proposition, given that the controlled sector is the largest sector in Northern Ireland, so while the ethos of other schools was to have been protected, the ethos of controlled schools was to fall by the wayside. Although other sectors already had sectoral bodies that ESA could consult, the controlled sector had none and there was significant feet dragging in ensuring that one would be established. I am pleased to note that this Bill recognises that sectoral bodies are to be consulted for all grant-aided schools with regard to a number of ESA activities contained in the Bill.

Clause 63 of the Bill also refers to what a "sectoral body" is. Although this is, in principle, a welcome difference, I look forward to the Committee scrutinising the detail of how this works in practice. A number of questions need to be asked. What is envisaged as the list of sectoral bodies referred to in the Bill? Essentially, what sectors will they represent? Clause 63 talks about a sectoral body as being "recognised", but what are the criteria for that happening? What does the phrase grant-aided schools" of a particular description" mean in layman's terms? What will funding be for these sectoral bodies? How will funding be managed? Will the sectoral bodies be given any guidance as to their functions and how such functions will be exercised? What is the timescale for the establishment of a sectoral body to represent the controlled sector and which sectoral body will represent the voluntary sector?

As I understand it, the controlled sector will have a sectoral body that is established under article 115 of the Education and Libraries (Northern Ireland) Order 1986, while the Catholic sector will have a trustee support body (TSB) to represent its interests. The TSB will be consulted on matters affecting the Catholic voluntary grammars and maintained schools. NICIE and CnaG will become sectoral bodies for the integrated and Irish-medium sectors respectively. However, what sectoral body will there be to represent the interests of non-Catholic voluntary grammars? Given that the Bill refers to consulting with the relevant sectoral interests in decisions related to voluntary grammars, I would expect a body representing non-Catholic grammars to be recognised by the Department. I am also interested in clarification about what happens if a school or group of schools believe that the sectoral body is not representing their interests accurately.

The board was a further issue of concern under the old Bill. ESA was potentially an uncontrolled body, with a potentially unrepresentative board. Given that ESA's board was the check on its activities, it would have been vital to get that board right. Under the old Bill, the board was made up of a chair and between seven and 11 other members. The majority of those members — between four and six — were to have been councillors, all of whom were to have been appointed by the Department. It is difficult to be representative with such a small board, and, given the track record of board appointees by those on the Benches opposite, I am glad to say that the Department does not have carte blanche on appointments under the current Bill. Furthermore, I am pleased to note that the board that is envisaged under this Bill will be much wider and much more representative.

The board that is proposed under this Bill will be a chair, to be appointed by the Department; eight persons to be nominated by the parties; and 12 other appointees, including four representing the transferors, four representing the trustees of maintained schools and four being representative of the community. I am particularly pleased to note that the transferors have a place on the board as of right. That is a key issue that was fought for and secured by this party. While the current sectoral divisions exist in education in Northern Ireland, how unfair and inequitable would it be to have the ethos of every other sector protected and represented and the transferors excluded?

4.45 pm

We previously secured a concession under the old Bill that the transferors would be able to retain their places on boards of governors. Now we have managed to secure their right to have a say about the plans for the school estate. When the transferors passed the school estate on to the state, they did so on the understanding that they would have a place on the various education boards as of right, yet, under the previous Bill, that right was to be extinguished. I am particularly pleased to see that it is now to be maintained.

Mr Storey (The Chairperson of the Committee for Education): I thank the Member for giving way. Does the Member also agree that, in the previous Bill, it was proposed that a holding body would be established, which would become the organisation responsible for owning the controlled estate? That would have added another layer of bureaucracy. However,

under this Bill, ESA will have responsibility for the controlled estate.

Miss M McIlveen: I thank the Member for that point. To go back to the point about the board, the issue of the number of voluntary grammar schools still has to be raised. It would be welcome if representatives of that sector were included on the board, and perhaps that is something that could be looked at during Committee Stage. It is important that the board reflects the balance of society and the balance of sectors.

Obvious concerns have arisen as a result of the Lennon case, and regarding other appointments made by Sinn Féin-held ministries. The Northern Ireland public and I will have to be convinced that there will be a robust and fair system of appointment for the four members who will represent the community of Northern Ireland. As we all know in the House, the Northern Ireland community is a varied and multi-faceted thing. What process will the Department use to appoint those members? What criteria will be used to assess how those appointed are representative of the community in Northern Ireland? How can we be assured that it will not simply be a mechanism for the Education Minister to seek to influence the decision-making and strategic direction of the board?

It is interesting to note that officials advised the Education Committee on Wednesday that they were to begin the appointment process as soon as the Bill passes Second Stage, which is perhaps somewhat presumptuous. I would like the Minister to consider that point.

A significant change in the Bill, which, again, is to be welcomed, is the removal of the power of ESA to impose modified schemes on schools without redress. We recall that, under the previous Bill, ESA would approve a scheme of management or employment with or without modifications, and it only had a duty to consult with the Catholic trustees or, in other cases, the board of governors of the school. Now ESA can approve a scheme without modification, but where modifications cannot be agreed with the submitting authority, it must be referred to a tribunal.

In addition to this, the boards of governors of all relevant schools now have the right to refer the scheme to a tribunal to test for compatibility with the heads of agreement. That welcome and important check has been put in place for the benefit of boards of governors that are not the submitting authorities for their school. It

seeks to ensure fairness for schools of whatever type.

Another important change is the removal of the unfettered power of ESA to prepare guidance and model schemes. Under the new Bill, it is now the Department, under the approval of OFMDFM, that has that power. Under the previous Bill, ESA was an unwieldy beast that simply had too much power.

It is a welcome change that CCEA will not be abolished and subsumed into ESA. I previously felt that, as one of ESA's roles was to ensure that efficient and effective primary and secondary education and that educational services are available to meet the needs of such children and young persons, it should not, therefore, be the body that sets exams and assesses achievement as well. It really is quite a clear conflict of interest. That said, I am concerned with the caveat in the papers we received from the Department stating that that is the case for the time being.

My colleague Mervyn Storey covered well his and our party's continued concern about the role and position of the inspectorate. I am confident that we will return to that at Committee Stage.

I notice that the Department has opted to retain the provision in schedule 7 whereby the word "educational" is to be removed from article 17A(2)(g) of the Education and Libraries (Northern Ireland) Order 1986. What that does, in effect, is grant the Department power to make regulations about how schools keep, disclose and transfer all records about pupils and not merely educational ones, as is currently the case. The fear that has been expressed from some quarters is that that will give the Department huge scope for gathering information on pupils. That has already been highlighted to the Department, but we are yet to receive a satisfactory response as to why that amendment is being made. I ask the Minister to provide some clarity on that issue. It will certainly be a matter that will concern the Committee in due course.

One of the main issues that remains outstanding and is pertinent to the provisions of the Bill is the continued teachers' exception from the provisions of fair employment legislation. Since 1976, fair employment legislation has not applied to the employment of teachers in schools. That allows schools to lawfully discriminate on the grounds of religious belief in the appointment of teachers in schools. That exception applies only to the recruitment of teachers following the implementation of the

European framework directive. It was affirmed in the 2007 Court of Appeal case of Beatrice Debast and Caroline Flynn v Dr Malcolmson, Laurehill Community College and the South Eastern Education and Library Board (SEELB).

The exception also extends to excluding schools from monitoring the community background of their teaching staff. Schools are also not required to review their teaching workforces or employment policies and practices that affect teaching staff. That means that they do not have to take into consideration whether they are providing fair participation to Protestant and Roman Catholic teachers.

It is worth noting the concerns that existed at the time that the exception first came into being under the 1976 Order. A report by Seamus Dunne and Tony Gallagher, who is known to us all, commissioned by the Equality Commission in 2004 stated:

"Roman Catholic educational interests were concerned that, without an exception for teachers, the 1976 Act could eventually lead to a system of non-denominational education, with a resulting loss of Catholic ethos. On the other hand, Protestant educational interests had a very different concern. They were concerned that, without an exception, Protestant teachers would be placed in an unduly unfavourable position. They believed that the state education system would come within the scope of the legislation, while the maintained schools, which are in the main Catholic, would not ... as they could conceivably claim that religion was a bona fide occupational qualification. In other words, Roman Catholics would have a right to equality of opportunity in state schools but Protestants would not have the right to equality of opportunity in Catholic schools."

Following an investigation, the Equality Commission recommended that the exception be narrowed to restrict it to teachers in mainstream primary schools. The commission's opinion remains the same to this day. However, from a personal perspective, I would prefer the exception to be removed altogether.

The basis for the commission's opinion was its consideration that the genuine occupational exception permitted under veto in 1998 would exempt many other posts in the maintained sector than the controlled sector, and accordingly reduce the relative opportunity for Protestant teachers. The commission further recommended that teachers be included in

monitoring and review requirements, as are all other occupations, as it would ensure that the benefits of annual data collection and rigour of regular review are brought to the teaching workforce as well as all other employment groups.

This issue is relevant to the Bill on two grounds. First, the single employing authority is a centrepiece provision of the Bill. As I stated, the apparent intention of ESA to be the single employing authority is to not only ensure that common employment policies are applicable throughout the grant-aided teaching profession but to facilitate easier sideways movement between the sectors for staff. Yet, without an amendment to the Fair Employment and Treatment (Northern Ireland) Order (FETO), there remains a stumbling block to that sideways movement, particularly for Protestant teachers. Officials have acknowledged that clause 3, under which the single employing authority is established, requires modification. However, the Department's timescale for bringing forward those proposals remains unclear. Obviously, the Committee would like to see those at the earliest possible opportunity, particularly in light of the concerns that exist in various sectors.

Secondly, clauses 24 to 27 refer to area planning. Essentially, that is code for ESA's plans for the rationalisation of the school estate. Concerns have already been raised around the Chamber in this debate about the status of voluntary grammar schools in that process. Indeed, there are issues around that whole process. That said, the Minister has already conducted an audit of schools, which he said was a precursor to area planning. While he tells us that it is not the case that a school that is demonstrating stress will close, it is surely inevitable that, under area planning, there will be closures.

Mr O'Dowd: Will the Member give way?

Miss M McIlveen: Yes.

Mr O'Dowd: Is the Member seriously suggesting that our current school estate is fit for purpose and that schools should stay open because they are currently open? Members will have to accept that our school estate needs to be rationalised. Unfortunately, that will mean school closures, but if it is the right thing to do, it has to be done.

Miss M McIlveen: I thank the Minister for that intervention. We are all very well aware of the issues around the school estate and the need

for rationalisation. However, the point that needs to be made is about the movement of teachers across the sectors. I am going to focus on the issues around FETO. FETO needs to be addressed to allow the movement of teachers across the sectors.

Several years ago, the deputy First Minister told us during Question Time to wait for the outcome of the former Education Minister's review into teaching opportunities before taking any decisions about the teachers' exception. We were told that in October 2009. A joint Department of Education and Department for Employment and Learning consultation ran between June and November 2010, entitled 'Teacher Education in a Climate of Change: The Way Forward'. That did not, however, contain anything about the removal of the teacher exception. We are still waiting for a draft strategy and implementation plan for the future direction of teacher professional development that was to be prepared following that consultation. That issue really needs to be resolved, given the circumstances that we find ourselves in.

It is a welcome development that the education advisory forum is no longer part of the proposals. Certainly, that was a particular bugbear of the Committee Chairman, who is delighted by its removal. He already referred to this in his contribution, but, given the protections afforded to the Irish-medium sector under article 89 of the 1998 Order, it seems totally unnecessary to have clause 2(5). That seems to be a clumsy attempt to tie the hands of ESA to promote one sector over the others. The Minister will no doubt say that it does not change what is already the case under article 89 of the 1998 Order, but if that is true, why is it there at all? In that clause, there is no mention of the controlled, maintained, integrated or voluntary sectors, so why specifically mention Irish-speaking schools? Clauses 33(5), 33(6) and 39(7)(b) raise similar concerns, which will need to be addressed.

On a more general point, when considering the previous Bill, the Education Committee was briefed on how ESA would be a single, regional organisation but with a very strong local presence. At the time, the Committee was presented with the structure of how those local services would be delivered. That briefing paper from January 2009 stated that those services must be locally based and accessible and outlined seven functional areas headed by a director. Whether such an organisation is envisaged for this incarnation of ESA needs to be clarified.

The organisation of ESA itself still has to be fine-tuned, particularly around how it delivers locally. What the local footprint will look like remains to be fleshed out, and I hope that that will become clear as the Bill passes through its Committee Stage.

The issue of governors will no doubt be a thorny one in the Committee, and I am pleased to see that the concept of community governors has been consigned to the dustbin and that potential governors must be committed to the ethos of the school.

How that is defined must also be clarified, but it is a step in the right direction. One thing is clear: the role of the board of governors is expanding, and much greater consideration must be given to the mentoring of governors and to building up their capacity to discharge properly the responsibility that they are taking on. It should also be borne in mind that those who take on the role are volunteers, and I sense a great deal of apprehension, even among people who have been governors for many years, about what may be coming down the line as a result of this legislation.

5.00 pm

I will make a final but important point. Although it has been stated that staff who transfer from the various boards and the Department will be covered by the Transfer of Undertakings (Employment Protection) Regulations (TUPE), I reiterate my hope that that will also be the case for the staff who are employed across the sectors as teaching and support staff. This is an opportune moment to pay tribute to those staff, who have worked under extremely difficult circumstances over the past number of years, particularly during this period of uncertainty. I also pay tribute to the teaching staff, who work tirelessly on a day-to-day basis.

(Mr Speaker in the Chair)

I could talk about a number of other issues arising from the Bill, but I have given a flavour of the work that lies ahead for the Committee in scrutinising this legislation. These matters are by no means straightforward, and I am pleased that there have been many positive changes in the proposals surrounding ESA and that many key demands have been met in the redrafting of the proposals. I hope that further changes will take place to further improve this important legislation. I support the general principles of the Bill, but I recognise that it is not the finished article.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I do not think that anyone can disagree on the need to reform the education system; that is a given. The current system is well past its sell-by date. The education of our young people and the administration arrangements for our education system are too important to be left to chance or, more accurately, to the vagaries of an outdated, 40-year-old model. We need to fast-forward the education system into the 21st century. I do not think that anyone can argue with that.

Perhaps we need to reflect on why education is so important. It improves the life chances of our children. It assists the intellectual, personal and social development of those children. It can be an escape route from poverty, and it provides a platform on which the economy can prosper and thrive. To deliver all of that, we need good schools. Every one of us here knows a good school when we see one. Therefore, although we might all support the policy of Every School a Good School, unfortunately, not every school is a good school. That is why it is important that the Education Bill includes provision for raising standards in the education system.

The fact is that, irrespective of what we think here, the evidence from international studies shows that we are falling behind our competitors in educational outcomes. To improve those outcomes, we need less bureaucracy and more streamlining of delivery. We also need cost-effectiveness for our education system. In the current economic climate, with extensive cuts to the education budget, it is prudent to look to savings in administration costs. That is why the time has arrived for the establishment of the Education and Skills Authority. That will provide for the rationalisation of the education and library boards, CCMS and the other bodies. ESA will not be a further layer of bureaucracy. It will have democratic accountability, with input from the Churches, and rightly so. A single education authority will also bring a consistency of approach on issues of disability and standards in numeracy and literacy. The new arrangements will also make it easier to share good practice.

It is also important to ensure that the rights and needs of the Irish-medium sector are recognised and protected by ESA. Perhaps the Minister could explain what measures are in place to ensure that that happens.

Mr O'Dowd: Will the Member give way?

Mr Sheehan: In a wee second; there is another question. The Minister could also clarify whether the creation of ESA will impact on the legal responsibility under the Good Friday Agreement to encourage, facilitate and promote Irish-medium education. I will give way.

Mr O'Dowd: The simple answer to that question is no. That responsibility remains in the 1998 order, and the ESA legislation in no way negates or diminishes those obligations.

It may be useful at this opportunity to answer a number of questions that have been raised about boards of governors in Irish-medium education and about why we have not mentioned integrated education. Several Members have mentioned that. The Bill brings us into line with the 1989 order. We are not proffering more powers to the Irish-medium sector but bringing it into line with the 1989 order, which proffers powers to the integrated sector. It is not about us giving more powers or rights to the Irish-medium sector; we are tidying up the legislation to ensure that that sector is on an equal basis with the integrated sector and all other sectors.

Mr Sheehan: Gabhaim buíochas leis an Aire. I thank the Minister for that.

A single education authority will result in up to £40 million of savings, and it will help to reduce levels of bureaucracy, provide more strategic direction and streamline delivery of more effective planning as well as delivery of infrastructure for all sectors. Moreover, by tackling inequalities in educational attainment, a single education authority should assist in raising standards among all our young people.

Mr Craig: I start by declaring an interest as chair of the board of governors at Laurelhill Community College and a member of the boards at Harmony Hill and Killowen primary schools.

The Bill presents many changes that will influence the education of our children and young people. The introduction of an Education and Skills Authority has been on the agenda for several mandates. In fact, it goes back a long number of years, but its inclusion in the Programme for Government demonstrates a commitment to create a more efficient management system for education in Northern Ireland. ESA, with its membership, will provide representation consisting of the controlled, maintained and community sectors. Its replacement of the current board system with a single employing authority is a positive step in

ensuring fair competition for roles in all sectors of our educational system.

The legal requirement under clause 34(1)(b) for a submitting authority to draft schemes of management and employment presents boards of governors in controlled or integrated schools with the opportunity to maintain their role in setting admissions criteria, and that process can be amended with the agreement of the authority and ESA. While trustees in the voluntary sector may act as the submitting authority, there will be a relationship between them and the board of governors in setting the relevant schemes for the school, as they must consult and have due regard to the governors' views. In any event, admissions criteria remain within the competence of the board of governors alone. That is a big statement and a big change from our previous Bill.

While much is to be welcomed for controlled schools, the establishment of ESA as a single employing authority represents a significant change in the voluntary principle. However, that provision needs to be read in conjunction with schedule 2 to the Bill, which allows boards of governors to take back all the employing power from ESA. In Committee Stage, we will need to carefully examine schedule 2 and ensure that voluntary grammar schools retain the powers that they need to continue to provide the excellence in education for which they are known. It is interesting to note that the provisions in the Bill that delegate responsibility to boards of governors of post-primary schools may, therefore, create a system whereby schools or the submitting authority can, in effect, almost lay down management schemes that could enhance a secondary school and almost change it into a grammar school. So there is a much more level playing field.

The Department may issue model schemes for employment and management, but how specific those may be will be of interest to boards of governors and trustees. Whether the Department takes a "strict constructionist" or a "loose constructionist" approach will greatly influence on how the submitting authorities can draft their schemes. However, it has to be noted that any school is free to submit any scheme of management and employment, provided the scheme complies with the Bill.

It is welcome that the school's position in doing this is protected by the tribunal established under clause 62. That represents a huge step forward in the Bill. Schools will be protected from the overbearing, all-powerful arm of ESA, as envisaged in the last Education Bills. It is also welcome that the heads of agreement,

drafted last autumn, will be available to the tribunal in making its deliberations. That provision is important in protecting schools

The contents of the Bill provide the Department with a support mechanism for non-statutory sectoral bodies in the establishment of modern fit-for-purpose administration arrangements for education. The grant-aid support provides for representative bodies, with the method of presenting the interests of different sectors to ESA, in a non-statutory manner. The involvement of each sector is imperative to ensure that no imbalance is present in the representation of each individual sector within ESA.

Contrary to the previous Bill, there will be no holding body for controlled schools, as was pointed out by the Chair. Controlled schools will be owned by ESA and managed by their own boards of governors. That gives ESA similar responsibilities for both the controlled and maintained sectors. Thus, a more indifferent form of governance between those two sectors will exist.

Sectoral bodies will be consulted with in regard to the area-planning element of the Bill. Their involvement in the education estate will contribute positively to the overall viability of many locations. In addition, they will form part of a consultative measure taken by ESA in relation to the raising of standards within schools. Their involvement in holding schools to account is not a statutory role, but it is hoped that it will promote an improvement in standards within primary and post-primary education. The introduction of two new sectoral bodies — one for the controlled sector and one for the Catholic voluntary grammar and maintained sector — are a welcome move away from the situation where by there is CCMS but no representative for the controlled sector.

Mr Storey: Will the Member give way?

Mr Craig: I certainly will.

Mr Storey: I thank the Member for giving way. Does he agree that there is an issue that we will need to build on with regard to the controlled sector? That is clause 18, which confers power on ESA particularly for the duties of establishing a controlled school. The Committee needs to do a piece of work to ensure that that is not restricted solely to views of ESA but also — as is not currently provided for — provision for ESA to consult with the sectoral body which will be established by this piece of legislation.

Mr Craig: I thank the Member for that intervention and he just got to it before I was about to deal with that.

Mr Storey: I am sorry; I will read your notes —

Mr Craig: No. You are absolutely right in what you said about that issue. There was a degree of confusion on that which, no doubt, we will take a lot of time and deliberation over at the Committee Stage.

As we potentially move forward with this Bill, it will also be important that the voice of the voluntary sector is not lost. The Department needs to bring forward proposals for a sectoral support body for that sector as well. I have absolutely no doubt that that issue will take up part of the time at Committee Stage, if we get there.

5.15 pm

The role of ESA in the appointment of governors who are committed to the ethos of the school is a welcome development. However, I seek clarification on how that commitment will be measured with each board member that will be appointed. The thinking around this provides a more logical and forward-thinking approach to the future ethos of schools.

A more concerning aspect of all this is clause 2(5). I have listened with interest to what the Minister said about the Irish-speaking sector. We come back to the basics. Legislation protects that sector already, so why is so much emphasis given to that sector well above any other sector in the ESA Bill? We, as a party, will have to scrutinise that very closely. When I read clause 2(5) and clause 33, language is used that, I believe, overemphasises or gives too much emphasis to that sector above other sectors. Although the Minister might think that the Irish-speaking sector is the most important thing in the world, I could quite easily argue that any of the other sectors are probably more important to me or others. We need to get away from that attitude. All the sectors are important in their own right.

I was brought up in the controlled sector, which seems to have been the Cinderella group among all of the sectors for the past 20 years. They had no one standing up for them to use the influence that they should have had, while other sectors had a lot of different groups standing up and protecting them. That is one thing that we ensured was changed in the present ESA Bill, and we make no apology for

that. We look forward to some of those changes taking place. A representative body for the controlled sector is long overdue.

I find the empowerment for the board of governors and its scheme of management in all sectors absolutely fascinating — not just the voluntary grammar, but the controlled and maintained sector — and how it can take much more responsibility for how its school is run. That is a huge opportunity for those schools to move things forward. I clearly recognise that, as I am the chair of a board of governors. However, how much responsibility any governor in any school takes on it is a massive challenge. An interesting aspect of the Bill will be seeing how that is worked out in reality on the ground.

There has been talk that all this administrative change will save £40 million. I look forward to that. Will that actually be achieved? If it is achieved, will it be put into the front line of teaching in our schools? As the Minister well knows, there are massive resource needs out there.

In conclusion, although I do not agree with every clause, I broadly welcome its general principles and look forward to amending the Bill at the next stage of the legislative process.

Mrs Dobson: Thank you, Mr Speaker. I welcome the opportunity to speak during the Second Stage of the Education Bill.

Today's debate represents progress in that, finally, we have the Department's latest proposals for ESA before us, albeit political and not educational proposals. This allows us to debate it in an open and transparent forum. This is indeed quite different from the situation of having the Bill, which has far-reaching consequences for education in Northern Ireland, discussed in the locked rooms of Stormont Castle with each of the present two largest parties protecting only what they judge to be in their own self interest. Nevertheless, when we look at all that has happened over the past decade with regard to the political wrangling over the Education and Skills Authority, it is not at all surprising that it was the Office of the First Minister and deputy First Minister that felt it necessary to issue its heads of agreement document last November.

It is that document, with the relatively short statement that accompanies it, that today's Bill is so heavily based on, and that will give cause for concern to many. It concerns me because I wonder what has been added to the Bill and what bits have been taken out merely to sustain

the present mutual carve-up. That detail will remain firmly behind the closed doors of Stormont Castle. Nevertheless, the fact that we have a Bill, singular, before us today must be acknowledged.

I will make a number of remarks on the Bill's content. All in all, my party and I support the broad objectives of a single ESA. A single authority makes much more sense administratively and financially. It makes more sense to have that than to carry on with the often criticised bureaucratic status quo. If I may misquote Tolkien's 'The Lord of the Rings', one ESA to rule them all.

It has long been said that if we were to start again with a blank sheet of paper, our education system, crafted as it has been by our history, would never look as it does today.

My party's position is clear on this, and it has already been said that we support a single education system where children from all backgrounds are taught together. We also recognise that such a transformation in our education system will not happen overnight.

Mr Storey: Will the Member give way?

Mrs Dobson: No, I would rather make my point. We support an ESA that is crafted in an open and transparent way, not one that is cooked up behind closed doors and free from any form of outside or public scrutiny.

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

Mrs Dobson: No, I want to make my points. ESA will only come about after many years of hard work by the Executive and responsible Minister. That is something that should involve all political parties and viewpoints, not least the existing school sectors.

I believe that the goal of a single administrative system is the first of many required steps to improving and normalising our education system. However, as with any form of streamlining and reform, there will, inevitably, be a human impact, and it is to that impact on staff and personnel that I ask the Minister to pay a particular regard. I urge him to ensure that the appropriate safeguards are put in place to assist and inform the staff who, if the Bill is passed, will be asked to make the transition from the current eight individual organisations into an ESA. For those staff, many of whom have long records of dedicated service to our education service, the prospect of change has

been on the cards for a number of years, but it must be change that they can trust and be fully involved in.

The ongoing delays in implementing ESA, delays which have cost the taxpayer millions of pounds and, indeed, reduced the short-term impact of savings, will have weighed heavily on the minds of many involved in the education of young people in Northern Ireland. Indeed, their service to education must be recognised and upheld. They must not be ignored; they should be fully involved. However, the human impact of the Bill stretches beyond the staff affected.

The Minister and his Department must keep parents and teachers in all of the schools across Northern Ireland fully informed of his proposals for change. The Department must be prepared to listen to and act upon their views, which will be in the best interests of the pupils. Those are views that the Minister and his Department have not at any stage asked for. Not to do so would be to ignore the human impact of the Bill on every single pupil attending school in Northern Ireland. While the Minister may think that the sectoral bodies will be able to perform that role adequately, he must acknowledge the fact that schools, boards of governors and parents are already suspicious of his motives.

Today's Bill makes reference to area planning, but it does so in a way that is so void of detail that, again, schools will be rightly concerned as to the Department's motives and intentions. Indeed, schools have been left feeling badly let down by the shambles of the consultation on area planning. Before that, many were instructed to go through the worrying process of a viability audit, again with little consultation from the Department either before or after. For many schools and communities, that worry grows with every day that passes. Rural communities are left wondering whether their schools will remain open, with, all the time, the spectre of the self-fulfilling prophecy of a drip-feed effect making closure an inevitability for many.

Another crisis of concern for many schools is how their current ethos will be taken into account by ESA. Again, the sectoral bodies will have an important role to play in that. However, schools will inevitably be concerned, not least after the ideologically driven tirade Sinn Féin has launched against schools that, for whatever reason, believe academic selection best meets their needs.

Mr Storey: Will the Member give way?

Mrs Dobson: No, I want to make my points.

Mr Speaker: Order. The Member should not persist.

Mrs Dobson: Thank you, Mr Speaker. Having four representatives from the trustees and transferors' representatives on the ESA board is progress. However, I ask the Minister, when responding, to tell us how he will determine the four other, so-called community board members, he must appoint. Will they include a representative from the integrated sector or the Irish-medium sector, both of which have yet to have their future representation in ESA explained?

From my perspective as an MLA for Upper Bann, I ask the Minister for a guarantee that the Dickson plan will not be affected adversely by any of his proposals as we work towards an ESA, and that it will not, in any way, be left at a disadvantage in its treatment by a future ESA. The Minister will be fully aware that local people are inevitably and justifiably concerned about his intentions for the plan. Given remarks he made in the local media, their concerns are not at all surprising. I wish to put on record my firm belief that the Dickson plan has served the people of Craigavon exceptionally well by balancing academic and technical ability. I fear that, were the Bill to pass, a system that consistently delivers academic success would be left at a disadvantage. Any moves against that system from any quarter would lead directly to a deterioration in the education of young people in Craigavon. I eagerly await the Minister's response to these points.

As I draw my remarks to a conclusion, I reiterate my point about the urgent need for consultation: not just consultation for consultation's sake, but effective and accountable consultation that actively seeks the views of staff, parents and pupils, not just because a consultation needs to be held but because the Department actively wants to listen to the views of the people who it is employed to serve, the people of Northern Ireland. The Department and the Minister have a duty to ensure that the voice of those people is heard and that their views are taken into consideration. It already appears that the Department is failing in that regard. Neither the substantive points in the Bill nor its earlier incarnation a few years ago were put to the public to seek their thoughts. Surely the biggest shake-up of the organisation of education here entitles members of the public to have their views heard. At present, the Bill is completely devoid of detail.

As Danny Kinahan indicated, my party will not be supporting the Bill's passage. We believe that it does not adequately represent the views of anyone other than the two main political parties. It is a political solution devoid of any educational input. After all, ESA will impact on the education of our young people for decades to come. We owe it, not just to present generations of children and young people but to the future children of Northern Ireland, to get this right.

5.30 pm

Ms Boyle: Go raibh maith agat, a Cheann Comhairle. I support the Bill and welcome the reform of our education system, as its current administration process of 40 years is outdated. It is essential that we have a system that is fit for purpose and serves the needs and rights of all our children. We have to build on what we already have so that, for generations to come, we can look back and say that we got this reform right and made the right decision for the future planning of our education system, with a single skills authority delivering a model that is inclusive of all our children and communities and delivers on the diverse needs and best interests of the child and school.

For effective change, ESA needs to look at other models and best practices. My colleague Chris Hazzard made remarks earlier to that effect. That is key to delivering practical guidance that aims to assist staff and address outcomes that are properly identified and managed appropriately, so that initiatives can be applied for the future of education. ESA can deliver on that.

We are a significant step closer to the planning and delivery of education for our young people. ESA needs to be reflective of what is needed on the ground, and schools need accessibility to ESA. That is vital. The Bill will meet the needs and benefits of all sectors of education. I look forward to hearing from the Minister on the rights and needs of the Irish-medium sector and the sector that provides for children with special needs and how they will be protected.

I acknowledge that the transition from board to ESA has had to be carefully planned in going forward. Now is the right time to bring the Bill forward. We need to pay tribute to all those involved in the commitment to ESA and delivering a good service throughout the whole process.

There have been many concerns about the Bill from education practitioners. I am confident that, in the Bill, the Minister has moved to allay

those fears and concerns. Schools can rest assured that the main objective of the Bill is to ensure the establishment of modern, fit-for-purpose administration arrangements for education. That will effectively allow schools and staff to get on with their job of teaching.

Clause 38 places a duty on boards of governors to promote high standards of educational attainment and to co-operate with ESA to promote the achievement of high standards in their schools. We have to acknowledge the good work of the boards of governors, but I believe that, in some schools, they need to be reminded of the key role that they have to play in ensuring that the main aim of the Bill is implemented.

Clause 14 goes some way towards addressing the needs of providing training and advisory support services for the boards of governors, if ESA considers that necessary. I would very much welcome further clarification from the Minister on that clause.

In conclusion, I feel that the Bill threatens no one. How can a Bill that has the best interests of our children at its heart for their future education be a threat? I see nothing in the Bill that changes or detracts from the ethos, identity or values of any school. No doubt, in the weeks ahead, I will have further opportunity to debate and scrutinise this legislation in the Education Committee. I support the Bill.

Mr McDevitt: I was tempted to continue on Mrs Dobson's theme about Middle Earth. She quoted the author of that fine piece of work. The claim that we have a system that consistently delivers academic success strikes me as a statement that you could only frankly, honestly and with any degree of sincerity make from Middle Earth. That is not a statement that you can make about where we are today in this jurisdiction: it just is not true. We have a system that delivers academic success for the top cohort. That is brilliant and fantastic, and those of us who have the great opportunity to have our kids educated among that cohort are very proud of it. But what about the rest? What about the thousands of young people whose GCSE results should scream at us because they are failing to meet basic standards in literacy and numeracy?

Mr Storey: I thank the Member for giving way. Although it is clear that we need to do more for young people who leave school without the defined five GCSEs in grades A* to C, is that the appropriate benchmark? I think that part of the difficulty and one of the challenges for ESA and for all of us is accepting that that is not the

case. I speak more as a parent than as a Member of the Assembly, knowing my children and their educational experience in trying to raise their standards. Have we got to a place yet where we have a proper benchmark that reflects accurately the needs, aptitudes and abilities of our young people?

Mr McDevitt: That is a very fair comment, but it is the benchmark that we have today. What it clearly tells us is that there are two speeds in our system and there are, quite literally, two classes of education, to put it bluntly, in this part of Ireland. Depending by and large on a parent's ability to earn, a kid will nearly always end up in one class or the other. So, it is — I continue the analogy — "Middle Earthian" to think of the system as one that it is built on academic excellence. That is one of the things that will either be a great opportunity or a huge missed possibility for ESA.

We talk about changing the architecture — there is much in the architecture that undoubtedly needs to be reformed — about building on best practice and about taking steps to reduce inequalities, but nowhere in the Bill do we really get into the meat of how we might achieve that. I am sure that the Minister will say that that is a Bill for another day. However, it is undoubtedly the case that the vast majority of people who are looking in at the House and at the legislation, when it eventually gets onto the statute books, as, I suspect, it will, will be thinking not about the efficiency in back-office systems but about the quality of education.

I fear that the Bill allows the myth to live on that, as I think Mrs Dobson accidentally ended up suggesting, this is about academic excellence and not so much about educational excellence. There is a big difference between academic excellence and educational excellence. Not everyone or every school can legitimately strive for academic excellence; that is just not the way of world. However, every school could and should strive to be a place where there is educational excellence and where the education of young people is treasured as just that — an education — rather than just a passport to a particular social standing, a route to a particular degree course or a reinforcement of some sense of personal status. We need to have a system that is built on the basis that, no matter who you are, you can access excellent education, and no matter what type of school you are in, that school's basic mission is to be excellent at education rather than academically excellent. That is the elephant in the room in this debate. We still struggle to come to terms with that, and I hope that the House will have the courage to face up to it in the years ahead.

It has to be said that one clause is pretty unique. It is clause 34, which deals with the preparation and approval of schemes of management. The clause tells us what a scheme of management should do in a school, and it is all pretty sensible stuff. A scheme of management should decide how a school is managed. Of course, in there, as I understand it, will be the admissions policy for the school. Does the Minister want to intervene?

Mr O'Dowd: No element of the Bill will deal with the admissions policy for any school.

Mr McDevitt: I appreciate the Minister's clarification. I will happily give way to the Minister because we can maybe clarify this matter now. Clause 34(2) states:

"The Department may, with the approval of the Office of the First Minister and deputy First Minister, issue such guidance as the Department thinks fit as to the provisions it regards as suitable for inclusion in schemes of management; and such guidance—

(a) shall include model schemes regarded by the Department as suitable for particular descriptions of schools;

(b) shall be kept under review and revised by the Department from time to time; and

(c) shall be published in such manner as the Department thinks fit."

It all sounds terribly sensible, but I have a simple question: why do the First Minister and deputy First Minister need to approve something as routine as that?

Mr O'Dowd: Mr Storey talked about trust in his opening remarks. The reality is that, throughout our system and society, at times there is a lack of trust and understanding. There was a view among some, I believe, that the schemes of management and employment schemes — perhaps more the schemes of management — would be used as an underhand way of dealing with admissions criteria. Despite repeated reassurances that that was not the case, that was not taken on board. There was also a view that, through guidance, we could try to do something in regard to those matters. Despite repeated reassurance, that was not taken on board. It was felt that, if we were to offer reassurances to the whole sector, the Office of the First Minister and deputy First Minister was a way of doing that.

Mr McDevitt: That is welcome clarification indeed, but, frankly, it makes me even more curious about why that is the case. If the Minister tells us that admission criteria cannot be part of a scheme of management and, therefore, would never be part of a scheme of management, what else is there that causes mistrust around here? What other aspects of school schemes of management would be so politically divisive and explosive that you would require the First Minister and deputy First Minister — I shall use an insurance term, as Mr Lunn is in the House — to underwrite the Department of Education's authority and competence on the issue? It seems very strange to me. For example, if you were developing a model scheme of management for an academy-type school based on a centre of excellence in, say, the performing arts and you were getting pretty creative about the sort of individuals you might want on the board of governors and they were being pretty imaginative about the use of classroom space, the allocation of resources or even how you might timetable such a school, how could that possibly create a crisis of political confidence? For that matter, if it was something around shared education and the possibility of setting up a federated school — I understand that that is not provided for in the Bill, although I suppose that is a debate for a future date — and you had several boards of governors coming together to think about how they could better co-operate, how could that create such a crisis of confidence that it would need to be underwritten by the First Minister and deputy First Minister? I accept the Minister's answer — of course I do — and I accept it at face value. However, I return to the basic question: if it is not possible to deal with admission under the scheme of management, why do we have legislation that requires the First Minister and deputy First Minister to approve guidance on the very question of schemes of management? If there is no need for it, why can we not just propose an amendment — maybe we will propose an amendment; I will speak to Mr Rogers about that — and just delete the reference to Office of the First Minister and deputy First Minister?

5.45 pm

I am willing to stand corrected, but I am not aware of any other legislation that has emerged from the House since this particular Assembly was established that has required a Department to seek approval to do something from another Department that has no material interest in its work. It is a strange precedent. Does it mean that every time in future that we reach a junction in the road — on justice policy, say —

approval will need to be sought from the First and deputy First Ministers? I think of the economy, DETI and other such aspects. Will we need to invoke them there, when the House is coming down with double locks, triple locks, vetoes, petitions of concern and section 75(1) and (2)? We have all the protection built into our legislation that means that you cannot behave in a discriminatory way, even if you are a Minister and have the great privilege and honour of having and holding Executive office. Yet we have put it into a clause that the First and deputy First Ministers have to approve guidance.

I accept the Minister's assurance that this is not about selection, but it is difficult to see what other issue could have required the DUP to seek the approval of the First and deputy First Ministers. Perhaps colleagues in the DUP can tell me what other issues they are so concerned about that are not selection policy and would require them to seek the approval of the First and deputy First Ministers for guidance on schemes of management. Mr Storey is reluctant to intervene publicly in the debate.

Mr Storey: I thank the Member for giving way. When it comes to him looking across the Chamber to me to defend all elements of the Bill, the Member needs to remember that, yes, this was in the Programme for Government but the person who holds the education portfolio happens to be the Minister opposite, not the Chair of the Education Committee.

If the Member had a close working relationship with members of his own community, perhaps he would understand, like other Members who have made statements about certain sectors when they had never met those sectors until the Friday of last week and have given them a different signal to the one that they had already intimated to the public. It would be a better situation if Members were better informed when they come to the House. Then they might have the answer to their question.

Mr McDevitt: That is a most cryptic reply from Mr Storey. I resent the suggestion that he made about the community and my relationship or otherwise with it. However, I have not sensed anything other than confusion from all parts about why you would want to put that into legislation.

I have to be honest with you, Mr Speaker: the only reason that I even suggested that Mr Storey might want to remark on this is that, unless I misheard him, the Minister suggested that it was the DUP that thought that this would

be a particularly good thing to have in the Bill. Mr Storey is now leaving the Chamber.

I say this seriously: if we are to establish an Education and Skills Authority, it is important that we do not establish it on the basis of some dodgy deal. It is important that it not be undermined five or 10 years or five or 10 months down the road by some understanding that then becomes apparent to us all. It is either going to be that the House resolves that we establish an ESA and give it the powers that we democratically vote to give it or we do not. What we cannot have is a legislative process in which we all accept the outcome even if we do not agree 100%. Mr Rogers has put well on the record our many concerns about the Bill. However, either we accept the outcome of the legislation and the organisation gets on with doing its job, or we have a situation in which we are only giving rise to a whole new set of arguments, a whole new set of problems and a whole new set of complications and undermining the very thing that, you would think, this legislation is trying to create, which is a better infrastructure for education, greater clarity around policy and an attempt to tackle honestly some of the long-held ideological divisions and different outlooks on the education system.

I want this to succeed, but for it to do so it must be crystal clear. We know that where there is uncertainty in education, there is a lack of confidence. Where there is doubt, there is inevitably someone somewhere who will seek to exploit that doubt for a vested or selfish interest. Therefore, I appeal to the Minister to spend some time in his summation justifying that part of that clause and explaining why we would not have a better Bill without it.

Mrs Hale: I welcome the opportunity to take part in the Second Reading of the Bill. I am pleased to be able, along with my party colleagues, to broadly welcome it.

As we are all aware, in 2008, the first Bill on ESA was introduced under the previous Minister of Education. The Bill before us today is a much-improved piece of legislation. Many provisions in the previous Bill were unacceptable to schools, staff, parents, political representatives and sectoral bodies. I am pleased that those provisions are not in this Bill. The idea of community governors is gone. The power of ESA is reduced. CCEA is retained. Schools will have much more control over how they run themselves. Members of the ESA board will be appointed in a way that is much more acceptable than would have been the case. It is particularly welcome that there will

be political representation on the board. That will be decided according to party political strength. Thankfully, this Bill is very different to the one that the previous Minister introduced.

In fact, there is much for us to support in this Bill. Clearly, one of the most welcome aspects is, as other Members have mentioned, the significant savings that can be made from dissolving the five education and library boards, the Council for Catholic Maintained Schools, the Staff Commission and the Youth Council. That is a welcome reduction in bureaucracy. Dissolving those bodies and creating a single administrative structure is something that we should all welcome. A good balance has also been struck in the Bill in that there will be central organisation, which will save money and prevent duplication, while ensuring protections and safeguards for schools so that they can retain control. Schools will prepare and submit their own schemes of management and schemes of employment. They will still employ and dismiss staff. It is important that they have the right and ability to run their school depending on their own needs. That independence is vital.

I also welcome the tribunal that will be established. Instead of giving power to ESA when there is disagreement over schemes of management and employment, the tribunal will settle disputes. That will be an additional safeguard for schools. In addition to this, boards of governors, not ESA, will continue to set admissions criteria. It is extremely important that that is not changed. Again, it gives boards of governors the protection that they need to run their school as they decide. That will be welcomed by people across Northern Ireland. That important clarification will be enshrined in the legislation.

Particularly welcome in the Bill is the requirement for ESA to appoint governors who are committed to the ethos of the school. That will do away with the obscene situation that took place over the summer, when the Department appointed governors to schools against the wishes of those schools. The views of those governors were clearly at odds with the ethos of the schools, and that caused considerable anger at that time. I am pleased that that clause of the Bill will mean that such appointments will not be possible in future. The ethos of a school is best left to the school to decide and is not to be dictated by the Department or ESA. It is right that people can be appointed to a board of governors only if they support the ethos of the school. Boards of governors, parents and staff will welcome that.

I also take the opportunity to welcome the establishment of the controlled sectoral support body. The additional powers and rights that it will have will put it on an equal footing with other sectors and is a huge leap forward towards equality between the sectors. It is also the first step towards raising achievement in that sector. I look forward to getting more information from the Department on the details of how and when it will be set up.

Of course, no Bill is perfect. As a party, we will seek to make changes during Committee Stage that my colleagues have already outlined. Obviously, work still needs to be done on clauses 3(4) and 34(9). Those provisions are very important because they give the tribunal power to use the heads of agreement drawn up last autumn when adjudicating the competence of schemes of management and employment. Those provisions require more work. However, what is eventually legislated must reflect accurately what is currently in the Bill. Although we welcome the sectoral support body for the controlled sector, a gap clearly exists for the voluntary grammar sector. It has no sectoral support and does not have a voice on the ESA board. That must be remedied. We also have concerns about the preferential treatment of the Irish-medium sector. That needs to be clarified and amended at Committee Stage.

Although we will seek changes, I am pleased to see the Bill progress to this stage. The establishment of the Education and Skills Authority was a key commitment in my party's manifesto and the Programme for Government. The passage of the Bill through its Second Stage today is an important step towards fulfilling another Executive commitment. I am pleased to lend it my support.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Cuirim fáilte roimh an díospóireacht. Ceapaim gur díospóireacht antábhachtach í, agus gabhaim buíochas leis na daoine a rinne a lán oibre ar son an Bhille: an tAire agus a chuid oifigeach. I welcome the debate. It is very important. I thank the Minister and the officials who did a significant amount of work over the years on the Bill. A lot of work has been done, but there is obviously a lot of work to do in education. My colleague John O'Dowd is up for that, as is our team here, to ensure that we have academic excellence for all — not just some, as Conall McDevitt suggested — and the highest standards for all. I do not take a narrow view of academic excellence, and I hope that the House does not either.

ESA will mean that we do not squander the amounts of money on administration that were wasted in the past. We will be able to ensure that more money gets to the front line and the classroom. Instead of having eight or nine HR and finance managers, we will have a much more cohesive and consistent approach. That is one of the areas that I welcome. I welcome the fact that we will have a more cohesive approach to special educational needs, so that a child in Derry, Newry, Downpatrick or Antrim will get similar access to special educational needs provision, rather than some areas having a greater degree of access, as it was in the past. I welcome the fact that there will be much higher standards in public procurement and greater equality right across the North of Ireland. I welcome the fact that there will be better child protection arrangements. Those of us who were at the North/South Inter-Parliamentary Association on Friday will know that every party there — every political party in Ireland — spoke about the need to strengthen child protection in every area, be it health, education, cross-border areas, policing or justice. Today is another step in educational provision and child protection. Given the amount of time that children spend in school, the importance of children being safe cannot be overstated.

I think that all Members who spoke talked about equality, although some always qualify it, particularly when it comes to the Irish-medium sector. Ceapaim go bhfuil sé antábhachtach go bhfuil go mbeidh comhionannas ann do gach páiste inár scoileanna agus do gach earnáil. There should be equality for all children, regardless of whether they learn through the medium of English or Irish. Tá a lán daoine ag freastal ar scoileanna lánGhaeilge. A lot of children attend Irish-medium schools. I suggest to the Members who put the "but" after equality — I notice that one of them is yawning as I speak about equality — that they read the Council of Europe's guidance on regional or minority languages. Part of that is that exceptional measures have to be taken to protect languages that, in the past, have been excluded or discriminated against.

I welcome the fact that ESA will look at the planning of school estates. We all know what happened in the past: schools were built close to one another where they should not have been. We are all dealing with the legacy of that now. We are crying out for planning. I welcome the work that the Minister has done. I welcome the formalisation of early years and the work that has been done in that regard.

I also welcome the focus on building leadership for boards of governors, which have a hugely important role to play. They know that it is not about cheerleading for principals but about ensuring that departmental policies around standards for every child are at the centre of their policymaking. I argue that one of the most important jobs in the coming years will be membership of boards of governors.

6.00 pm

I will say a few words on standards, because I believe that ESA will make a significant difference to tackling underachievement and standards. I have to say that I was saddened to hear members of the UUP trying to pretend that we have a world-class education system and hankering back to the good old days of this amazing system that gave academic excellence to all children. I do not know what world they are living in. Thankfully, we are increasing the number of children and young people who are getting five GCSEs, but we have a long way to go. I believe that ESA will deal significantly with raising standards for each and every child and will put the child at the centre of the education system.

I do not believe in comparing with mediocrity. I believe that we should be comparing with the best. So, yes, we can start looking at comparing with England; that is grand, but I would much prefer to compare with the countries that are doing very well for all children. So, let us look at Finland, Poland, New Zealand and South Africa, which are some of the countries that are genuinely moving towards a much more equal and world-class education system.

In a previous life, I chaired the chairpersons' group on RPA. I want to put on record my thanks to every member of that group. When I heard Danny Kinahan speaking, I thought of one of those chairpersons, Roy Beggs Snr, who worked very closely with us and was very supportive of ESA, along with all the other chairpersons. They understood that, although the boards may have done good work in the past, they were an outdated model for a previous century. They understood the importance of new models and of ESA. Each of them attended nearly every single meeting, and I really appreciated the time that they gave.

I was disappointed with the UUP contribution. I think there is a little bit of myopic thinking there and too much of a defence of an outdated system. I think there is a defence of unacceptable levels of achievement. I think there is a fear of democracy. Thankfully,

instead of unelected quangos running education, health or whatever, we now have elected Ministers, and I, for one, welcome that. Who fears democracy? Danny obviously does; I do not. I wonder whether it was really Danny's speech or whether somebody else wrote it for him. In any discussions that I had with Danny Kinahan, I believed that he was very supportive of bringing about changes in the education system. I will give the Floor to him, if he would like to take on any of my points.

This is a good day for education. This is a good day for our children. For me, that is what is important for this generation of children and the next. I believe that the work that will be done following Second Stage, which I hope and expect will be passed today, will be some of the most important work that the Assembly does.

I pay a final tribute to the Minister and his officials. I know for a fact how much time they put into this.

I welcome the debate. I understand the important role that the — *[Interruption.]* Mr Spratt would like me to thank the Chair of the Education Committee. Gabhaim buíochas le Cathaoirleach an Choiste Oideachais. I would also like to thank the Chair of the Education Committee, and I hope that he moves forward in a democratic way as the entire Committee scrutinises the Bill. Tugaim tacaíocht don Bhille, nó ceapaim gur Bille an-tábhachtach é. Go raibh míle maith agaibh as an díospóireacht seo. I support the Bill, and I ask every Member, even those in the UUP, to join the rest of us in supporting it.

Mrs D Kelly: I too think it is a good day for education. It was a very good day for education when Sinn Féin stood down Cairíona Ruane as the Education Minister, in particular, but it is also a good day to be talking about education, given that today is the first international day of the girl child. Members might be interested to learn that 75 million girls throughout the world are denied access to education. To mark this particular day, 150 girls in the square in Roscommon put their hands up for education and wore a pink wristband. I think all of us wish Malala well in her recovery; she was shot by terrorists in the Taliban for daring to exercise her right to education.

There are a number of points that I want to put on record. I have to respond to Ms Ruane's deliberate attempt to paraphrase and misinterpret what my colleague Conall McDevitt said earlier. The SDLP is committed to academic excellence for all, and that has been the party's standpoint. It was our party, I think,

that first talked about and put forward proposals that academic selection should be ended. While we will be very much putting our hands up for the Education Bill today, we note the failure of the previous Minister of Education, who presided over a number of failures, not least in getting the Bill to the Floor of this House, but also —

Ms Ruane: Will the Member give way?

Mrs D Kelly: No, I think I have heard enough today and for some time from Ms Ruane, and I do not think she has anything useful to contribute further to the debate this afternoon. Certainly the fact that over 40% of our young people are leaving school without five GCSEs is a testimony to the failure of Sinn Féin's stewardship of education. The fact that over £26 million has to be pumped into literacy and numeracy because of a failure of our young people to leave school with the basics in literacy and numeracy is also a testimony to the failures of Sinn Féin's stewardship of education.

In relation to the inter-parliamentary association that met in Dublin on Friday past, I congratulate my party colleague Pat Ramsey, who ensured that safeguarding children on the island of Ireland would be the first subject of debate at the association's meeting. I certainly wish that association well in its work over the coming months and years.

We very much welcome the opportunities for equality protections in the Bill to ensure that people's voices will be heard, but I do not think we will take lessons from Sinn Féin; we note that the current Minister stands accused by the ombudsman of breaches of his ministerial code of conduct in his appointments to the General Teaching Council, and also for other measures —

Mr O'Dowd: Will the Member give way?

Mrs D Kelly: Yes, I will of course give way to my colleague from Upper Bann.

Mr O'Dowd: I hope I cheer you up somewhat; you seem to be in bad form. The Member is quite right; the Commissioner for Public Appointments has challenged me and my Department over appointments to the General Teaching Council. However, in no way were any of those appointments challenged on the basis of equality. They were procedural. There is no suggestion whatsoever that any of the appointments were not made on merit. It was the procedure that was called into question, not

the equality or the nature of the background of the appointees.

Mrs D Kelly: Unlike, I believe, the challenges that have been made in relation to your appointment of two members to the board of governors of Lumen Christi school, but that is a debate for another day.

Perhaps, Mr Speaker, I might go back to the Bill and ask if the Minister might respond to some concerns that I have about the Youth Council and the provision of youth services, and how he feels that the Youth Council, which always suggests that it is the poor relation in terms of the provision of education and under the education boards, will have its role and funding enhanced? Also, can the Minister give us some reassurance that the anticipated savings of £20 million in year three of the establishment of ESA will be on track, bearing in mind the experience that we have had within the Health Service, where savings were not realised or pumped back into front line services? Perhaps the Minister might also give us more information on how area education plans will work in the absence of agreement or decisions on the viability audits that have already been published. I would be grateful if the Minister responded to those concerns.

Mr Allister: Today, some Members have been anxious to go out of their way to suggest that this is a very different Bill from the previous one. Most notably, Members from the DUP Benches have been striving to make that point. If that is right, the first issue that arises is this: why has there not been a regular, proper and complete consultation?

When we go to the explanatory document, we find that recourse is had to the fact that there was consultation way back in RPA times and before the previous Bill. Singularly missing, however, is any consultation on this Bill. It is my understanding that the Department's guidelines suggested a consultation period of up to 12 weeks. Even a few weeks ago, I was taken to task in the House by some Sinn Féin Members for not having had a long enough consultation on my private Member's Bill. My consultation lasted for seven weeks, and the guidance for a private Member's Bill is six to eight weeks. Yet those same Members come from a party whose Minister heads the Department that had no consultation on this Bill. Why is that? Why have we not been done that due courtesy? More particularly, why have the stakeholders — the parents across the country — not been done the courtesy of consultation. It seems rather strange, unless, of course, it would be a waste of time because this is a done

deal between the DUP and Sinn Féin, and the Bill is guaranteed to be pushed and rammed through the House whatever anyone thinks. Maybe that is more the truth of it.

I am not persuaded, as some would have us persuaded, that this is such a radically different Bill. The main thrust, trajectory and purpose of this Bill remain the same: it is still a charter for totalitarian control of the education sector by the Sinn Féin Minister. Perhaps I will elaborate on that in a moment.

Right at the heart of the Bill is ESA itself. How ESA is to be composed is, of course, most enlightening, because it gives a little indicator of how it is likely to operate. It will have 20 members plus a chairman appointed by the Sinn Féin Minister. Of the 20 members, four will be transferors and four will be trustees. A further eight people will be appointed by the political parties and will, under d'Hondt, if I am not incorrect, break down as four unionists and four nationalists — you can see where this is going — and four people will be appointed to reflect the balance of the community.

Earlier, a Member for South Down complained that there was no express representation on ESA for the Irish-medium sector. I suggest that he watch that space for the appointment of one of those final four. If I know anything about the Sinn Féin agenda, I know that it is likely to manifest itself in that regard. You can expect that the four community background people will be made up of two representatives of each of the two main communities. So what do you have? You have an ESA board likely to be composed of 10 members from a unionist background and 10 members from a nationalist background, with the all-important post of chair appointed by none other than the Sinn Féin Minister of Education. If that is not good enough, he gets to appoint the first chief executive of the board and is required to ratify the appointment of every subsequent chief executive.

The history of appointments of individuals to boards by Sinn Féin Ministers since the Assembly was re-elected, and the irrefutable statistics for those appointments by, for example, the present Minister of Culture, Arts and Leisure, the Minister of Agriculture and Rural Development and the previous Minister for Regional Development, show that, whatever about the safeguards that are supposed to exist on public appointments, if you are a Catholic applicant for a public appointment under those Sinn Féin Ministers, you are twice as likely to be successful as a Protestant applicant is. I must say that that gives me no confidence

when it comes to how the ESA board will be appointed, particularly for the all-important post of chair of the board.

6.15 pm

Mrs D Kelly: I thank the Member for giving way. You said that you are twice as likely to be appointed if you are from the Catholic community. Does the Member acknowledge that, if you are a certain type of Catholic from the Catholic community, you are more likely to be appointed?

Mr Allister: The Member would know a lot more about that than I would. I take it that she makes that point with compelling validity, and, therefore, I am sure that it is right. That perhaps underscores an even greater concern. She could also take it back from me that, if you are a certain type of person from the Protestant community, you are maybe more likely than others to be appointed by some. However, that may be another story altogether.

The core body that lies at the heart of the proposals, ESA, is imbued with all the things that should cause alarm. Before we even come to analyse the extent of the powers that it has, just a looking at the hands into which we are putting those powers is enough at this point. Those who have done the deal to establish ESA need to, even yet, think carefully about what they are committing the future of education in Northern Ireland to and to whose hands they are committing it. It may not be a happy outcome. I suspect that they know that, but political expediency and the requirement of the moment are greater compulsions and have driven them to that position.

There have been some interesting articles, and a most interesting one was published in the 'Irish News' Saturday week ago. I think that it has been referred to in the debate. It was by Patrick Murphy and, in it, he gave an interesting analysis of the proposals. In that article, with a lot of rational argument, Mr Murphy stated, quite clearly:

"Educationally, the big losers are the grammar schools which now enter the system's mainstream administration for the first time. While other state-funded schools are financed through education and library boards, grammar schools receive their funding directly from the Department of Education."

He went on to make the point — it was a point I exchanged with Mr Storey when he spoke — that:

"However, area planning for groups of schools will be much easier now, because ESA will be the sole employing authority for all teachers, including those in grammar schools.

But will ESA allow grammar schools to recruit children with low grades in academic selection to keep their numbers up at the expense of neighbouring secondary schools?"

The suggestion there is that, in area planning, the device will be used to squeeze, ostracise and eventually destroy grammar schools. That, undoubtedly, is part of the *raison d'être* for these proposals.

The same article in 'The Irish News' went on to make some other interesting points. It said that, politically:

"the winner in all this is Sinn Féin."

It went on:

"The draft bill differs little from what Caitríona Ruane advocated during the years of stand-off and stalemate. Politically, her adversary, Mervyn Storey now looks a little bit silly. (Well, very silly actually.) Presumably Peter Robinson backed down on ESA in return for DUP advances elsewhere — maybe over the chair of the Maze development".

The chronology is interesting. I will pause there to reflect that, sadly, there is probably a lot of truth in that: the so-called heads of agreement, who took this decision way above Mr Storey's pay grade to the Office of the First Minister, decided that, after all the sham fights, shadow boxing and loud protestations, ESA was the right way to go.

That is a bit embarrassing for Mr Storey, of course, because he is on record as having said many interesting things. In fact, he told the House that the ESA Bill was dead, although some Members have not realised that it has had a funeral and seem to think that there will somehow be a resurrection if we lay hands on it. We need to put that idea to bed once again. Poor Mr Storey did not realise that, just a short ride down the road, in Stormont Castle, it would indeed be resurrected and that he would be the one sent in to sell it, to eat his words and to

pretend that that which hitherto was hideous and unacceptable was now wholesome and wonderful. That is the uncomfortable position that the Member for North Antrim occupies tonight. He told the 'Belfast Telegraph' that, as far as the DUP was concerned, ESA "is in the bin". Well, through resurrection, retrieval from the bin, or however you describe it, it has had a remarkable comeback.

The other point that I wanted to draw attention to in Mr Murphy's article was this:

"ESA's significance is that if the argument over academic selection is a political football match, Sinn Féin now clearly owns the ball. And the pitch. And the fixture list. In the party's drive for influence over education, it has left little to chance. ESA will implement educational policy made by John O'Dowd. Its 20-strong board will oversee that implementation."

No wonder Sinn Féin Members are so happy today. After such a long time struggling and fighting to get ESA back on stream, here it is, large as life before us again.

I said that my primary problem with ESA was the totalitarian control that it gives to the Department. That is rampant throughout the Bill. ESA employs all the staff, approves all the employment schemes and, under clause 4(3)(a), can bring forward schemes to include the "general management of the staff". That is, I think, an interesting clause. There is lots of scope there for control freakery. It can secure rolling control by reason of the Department's power in clause 4(6) to amend schedule 2, which governs the employment schemes. It has the power, in clause 6, to make an employment scheme for a school. Under clause 9(3), it can force a board of governors to reconsider decisions taken under an employment scheme. It has the power, in clause 18, to establish controlled schools. In fact, it can do anything, because, if you look at clause 22 of the Bill, it has the most sweeping powers imaginable. Clause 22(1) provides that:

"Except as otherwise provided by any statutory provision, ESA may do anything that appears to it to be conducive or incidental to the discharge of its functions."

It is veritably all-powerful.

We then have the clause 24 powers over area planning. There, we have the same controlling power in respect of the schemes of management that we have in respect of the employment schemes. They are duplicated

virtually word for word. The effect is to give totalitarian control to the Department, because it appoints ESA; it appoints the controlling chairman and the CEO. The nub is that the Sinn Féin Minister emerges with far more power through this Bill.

If that was not bad enough, I draw attention to a couple of clauses that have not had a lot of attention in the debate, but which are of seminal importance. I refer to clauses 64 and 65. Clause 64 states:

"The Department may by order make ... such supplementary, incidental or consequential provision ... such transitory, transitional or saving provision ... as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made by this Act."

It goes on:

"An order under subsection (1) may amend, repeal, revoke or otherwise modify any statutory provision (including this Act)."

Then, when you read clause 65, you discover that all of that, which can involve a total rewrite of the Bill, can be done merely on negative resolution. At least the old Bill had clause 51(3), which provided that no such order could be made:

"unless a draft of the order has been laid before, and approved by resolution of, the Assembly."

Clause 51(3) of the old Bill has been exterminated and removed, and what you have in its place is all-pervading powers in the Department to rewrite the legislation, to do whatever it likes, and all that it has to do is submit itself to the negative resolution procedure. Why — maybe the Minister can tell us — was the old protection of what was old clause 51(3) removed? If the Minister decides to amend, repeal, revoke or otherwise modify any statutory provision, including the Act, why is it no longer necessary to lay that before, and have it approved by a resolution of, the Assembly?

I think the answer is the worry that it is quite clear that the Bill is about building, substantiating and intensifying the powers of the Department and, in that regard, undermining the powers of the House, which now does not even have to be consulted.

6.30 pm

Then, some come to the House today and tell us that this is a better Bill. It is certainly a better Bill if you are a scheming Sinn Féin Minister who wants to control education, but it is very far from a better Bill if you are someone who has some concern about where education might be taken. I say to those who are falling over themselves to try to make this a better Bill and to say that it is a better Bill that they need to read some of the small print. They will see that, far from being a better Bill, it is a very dangerous Bill.

Of course, we then have the issue of who all the power is going to go to. Well, it will go to ESA and to a chief executive in ESA, Mr Gavin Boyd, a man who has had a most charmed existence in education. He has had the most bountiful of positions. Although there has been no ESA, he has been its chief executive. He has been its chief executive, at times, on a salary, we are told, of about £145,000. If that was not good enough, he has been chief executive of certain other organisations as well. He has been running CCEA and some education board that he took over. What a charmed existence. What a favoured son is Mr Gavin Boyd. Why could that be? Could it be because his anti-selection credentials are impeccable? Could that be why he is the favoured son of successive Sinn Féin Ministers? Methinks it is.

Mr O'Dowd: On a point of order, Mr Speaker. First, I do not think that it is appropriate for officials to be named in the House. Secondly, I do not think that it is appropriate for the appointment of a named individual to be called into question in the House.

Mr Speaker: I certainly take the Minister's point of order very seriously. The Member is straying into dangerous territory, and I ask him to, as far as possible, get back to the Bill, especially the Second Stage, which is really all about the principle of the Bill.

Mr Allister: Indeed, Mr Speaker, and a principle that concerns me greatly is into whose hands we are handing education.

Let us look at CCEA. Let us see whether it has been a fantastic success. Has it been a body that has steered clear of the pitfalls and difficulties of administration and has emerged from all of that with distinction? Well, think of InCAS. Think of the scheme it introduced and the shambles it was, only now to be outdone by

the shambles of NINA and NILA, the numeracy and literacy assessment instruments.

I forgot at the beginning, but, out of deference to Mr McElduff, I ought to have repeated in the House my declaration of interest, in that I am the chairman of the board of governors of Moorfields Primary School. I hasten to add that it is not a proscribed organisation, nor has it ever been, but I declare that interest nonetheless. Last week, I spent part of a morning being shown, by the utterly frustrated staff, the shambolic operation of the literacy and numeracy assessment instruments. I could not believe the inefficiency and downright unreliability of the system. Whose brainchild was that? Who decided that we would pay some colossal sum of money for these mismatched, inoperative, faulty schemes? Someone who heads up CCEA. It does not exactly fill you with confidence when such a person has control of ESA —

Mr O'Dowd: I thank the Member for giving way. I intervene to humbly present some information that may reassure him in relation to a topic that he discussed earlier. He pointed Members to clause 64 and suggested that the Department and ESA had the overriding power to rewrite the Bill without any reference to the Assembly. I respectfully point the Member to clause 65(4), which reads:

"No order shall be made under section 4(6) or 64(1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly."

It was clause 64(1) that the Member referred to. The power does not rest with ESA. The power does not rest with the Minister. The power rests with the Assembly. I hope that that reassures the Member on his concerns.

Mr Allister: It would reassure me more if the express power that was in clause 51(3) of the previous Bill had not been removed.

Mr O'Dowd: It is there.

Mr Allister: It is not there. Clause 51(3), in very express terms, required it to be laid before the Assembly and approved by resolution of the Assembly. I can understand the Minister's anxiety to distance himself publicly from any gathering unto himself of all-powerful functions. However, the Bill has been changed in that regard and changed for a purpose.

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

Mr Allister: Yes.

Mr O'Dowd: I appreciate that the Member may not have the clause in front of him, but what part of this empowers the Minister and ESA over the Assembly? Clause 65(4) states:

"No order shall be made under section 4(6) or 64(1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly."

It was clause 64(1) that the Member expressed concern about. I am reliably told by my officials that clause 65(4) is the same as the old clause 51(3) that he referred to. I am not sure why he is getting himself into a twist over this. The Bill states clearly where the powers will rest.

Mr Allister: The Minister's problem might be the fact that there is a parallel clause to the old clause 51(3), but it is clause 65(2). However, it restricts itself to only the powers that are in clause 62, which is about the regulations by OFMDFM in relation to the establishment of a tribunal. In the words of the Bill, those cannot be changed:

"unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly."

I am glad to get it on the record if the Minister is committing to the fact that there is no way that his Department can exercise any of the functions under clause 64(1) — that effectively includes clause 64(2) — without seeking the express resolution and approval of the House. If that is so, it should say it in the Bill.

My reference to OFMDFM takes me to something in the Bill that concerns me: the empowerment of OFMDFM. This is a new clause in the Bill and a new dimension to the Bill. Clause 5(2) introduces, for the first time, reference to OFMDFM. It states that OFMDFM has to approve the guidance that is thought fit with regard to employment schemes. As a Member asked earlier, why are we now engaging OFMDFM? Of course, OFMDFM also has the power to make the regulations about the tribunal. The tribunal is actually appointed by the Department, but OFMDFM makes the regulations. Why are we now involving the most dysfunctional, slow-moving Department in all of government in something as pertinent to education as the making of regulations and the establishment and approval of the draft schemes on management and employment? Of course, the answer is — the Minister hinted at this earlier — that it has been

done at the behest of the DUP. The DUP thinks that it is some sort of protection. Of course, if the DUP thinks that it needs such protection, it should look at why it is going to give such powers in the first place.

Mr Byrne: I thank the Member for giving way. Has it dawned on the Member and, indeed, others that there is a growing power base in the Office of the First Minister and deputy First Minister that will impinge on other Departments as we move forward?

Mr Allister: Yes, one can see that OFMDFM likes to have a finger in every pie. That might not be so bad if it was capable of the productivity that you might expect to go with that, but, as I said, it has to be the most dysfunctional of all the Departments that report to the House.

The truth is that this change is being made so that the DUP can say, "We have a veto" or Sinn Féin can say, "We have a veto". We all know about the historical great success of mutual vetoes in the House. The problem with that is that issues are then decided not on their merits but as part of a trade-off. You could have logjam and standstill on a multiplicity of issues, such as the need to approve regulations for the tribunal or the need to improve the guidelines for a management scheme for schools. However, the decision in OFMDFM will not be made on the merits of a scheme and whether it is a good one or a bad one; it will be made on the basis that one side plays it off against the other to get something else. And so, we will end up with education being mired in that scenario. The losers in that are the schools, the boards of governors, the parents and the children. That is the folly of engaging, in the House and in this Bill, in any enhancement of the powers of OFMDFM. Far from that being a comfort to me, it is an unnecessary development that is totally negative and will not produce the good governance and good arrangements that we all hope to see in education.

If this is a new Bill, there certainly is one very important new dimension, and that is the special status for Irish-medium education. The Minister comes from a party that has a history of liking special status, and in the Bill there is deliberate special status for the Irish-medium sector. I refer to clause 2(5), which states:

"ESA shall ensure that its functions relating to grant-aided schools are (so far as they are capable of being so exercised) exercised with a view to encouraging and

facilitating the development of education provided in an Irish speaking school."

That is not just some throwaway line or feel-good collection of words. That creates a statutory duty. It is couched in mandatory terms. The words "ESA shall ensure" put a statutory duty on ESA to ensure that

"its functions relating to grant-aided schools"

— not selected functions, but all its functions —

"are exercised with a view to encouraging and facilitating the development of"

Irish-medium education. Why is that? It this is about equality, why is it thought necessary to pick out a particular sector of education — the Irish-medium sector — and bestow on it the special status of a statutory duty of the Department in all that it does in relation to grant-aided schools to do what it does with a view to encouraging and facilitating the development of that sector? That is an outrage to other sectors. It is politically gratuitous and put in there by the Department to deliberately and consciously advance a particular sector.

6.45 pm

It gets worse. In clause 33(5), we discover:

"The scheme of management for an Irish speaking school shall require the Board of Governors to use its best endeavours to ensure that the management, control and ethos of the school are such as are likely to ensure the continuing viability of the school as an Irish speaking school."

The clause also says that the scheme of management of a part-Irish-speaking school is required to do the same. In this situation, in a scheme of management for the board of governors of Moorfields Primary School or any other primary school that is not in the Irish-medium sector there is no compulsion on those who serve as governors to use their best endeavours to ensure that the management, control and ethos of the school are such that it is likely to ensure its continuing viability, yet that special status, that special imposition and that special hedge exists in the Irish-medium sector. That is what it is; it is building a hedge around the Irish-medium sector and saying that, when it comes to the management of those schools, amalgamation or moving into the integrated sector cannot be considered. We might say to a controlled school that it must close or go

integrated, and we might say to some other school that it needs to make arrangements to amalgamate. We do not say that the board of governors must use its best endeavours to maintain the viability of the school. We say, in fact, to those schools that they might be compelled and required to consider other options. However, when it comes to the Irish-medium sector, the Bill builds in that special hedge of protection. Why is that if the agenda is not to give preference and advancement to that very sector?

Then Ms Ruane tells us that it is all about equality. All of us who have an interest in controlled schools would gladly take a bit of that equality, but it is not available to us in this Bill. How anyone who is interested in fairness and protecting our education could vote for this Bill with that in it is way beyond my comprehension. That, in itself, along with the bureaucratic, totalitarian control of ESA, is more than enough to damn this Bill and not make it worthy of a Second Stage.

That is even without considering the dangers that, I fear, may lie in the area planning powers. We can all see and suspect that they will be used at the behest of the Department to guide and control the fusion of schools. That fusion of schools will cause the closure of controlled schools, but not Irish-medium schools, because they will have special protection. That fusion of schools will undermine the voluntary grammar sector particularly, and area planning will become an instrument in the hand of those who are malevolent towards grammar schools and will mark the death knell of those schools. The Bill is utterly devoid of very much that warrants agreement.

Even in the way it is drafted on some matters, it is a surprising Bill. In clause 3(4), I read about a test of compatibility with the heads of agreement. Reading the Bill, you would not know if that is the heads of agreement between tribal leaders in west Sahara or Afghanistan, because nowhere is it defined. Multiple pages of the Bill reference the fact that something has to be done in compatibility with the heads of agreement, and no one reading it would know what on earth it is talking about. Even in drafting, it is so deficient.

I can find very little in the Bill to recommend it to me, and I will certainly take the opportunity that is afforded tonight to vote against the Second Stage, and so should anyone who cares about the future of education and does not want it to be handed over to those who have already demonstrated malevolent intent towards key sectors and a vested interest in protecting,

promoting and ring-fencing one sector above all others.

Mr Mitchel McLaughlin: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to contribute to the debate on the Education Bill, which is clearly one of the most strategic Bills to come before the Assembly. It has been an interesting and, to say the least, wide-ranging debate, if we reflect on the extravagant speculation and paranoia from some Members. I look forward to the Minister's response on the details and specifics of the Bill.

The Bill is about our young school-going children and our future workforce, and it is crucial for our economic well-being and recovery. This afternoon, the Minister properly characterised ESA as the foundation on which to achieve key milestones, to shape and guide the development and life chances of young people, to help build strong and cohesive communities and to help drive and fuel the economy. All that demands that we have a clear vision of a modern, fit-for-purpose education system. It means that schools will have strong and effective leadership from their board of governors and senior management team and that those teams have a strong identification with the communities that they serve and reflect an ethos that pupils, parents, staff and governors will support. The schools management will have the autonomy, remit and skill sets that they need to manage their day-to-day affairs.

Progress has been painfully slow in the Assembly, but, nevertheless, agreement and consensus on important elements of our education process has been established. For example, we have existing cross-party consensus that success in the STEM subjects — science, technology engineering and maths — is a key element in rebuilding our economy. We have already developed agreed positions on better management and planning of the education estate and delivery of the curriculum, improved and thoroughly modernised support services for schools and competent local school managements that will lead and, indeed, innovate with clear and rigorous accountability for outcomes.

We accept that good teaching is the key to raising standards, and we know that we are blessed with good and, indeed, some great teachers. It is time, is it not, to let our teachers realise their potential. Until now, we have expected them to do the job within a structure that is four decades old and is tangibly and visibly failing our teachers and students. They require and, indeed, we all deserve better than

that. Yet again, as ever, as this debate has demonstrated, the naysayers are spouting paranoid and speculative assumptions to argue against change when, manifestly, change is an imperative requirement. It has to be said that to argue thus is to defend the status quo; it is to defend the indefensible. Those arguments — not exclusively, of course, but mainly — have come from parties that have ditched leaders and indeed deputy leaders, more often than other parties in the Assembly have changed spokespersons or Ministers. More often than not, the parties in such circumstances are those that argue that they have an agenda for change. I wonder whether that agenda for change applies to their leadership rather than to the policies of the Assembly.

The Minister forthrightly set out his perspective, which includes taking the broader view by being prepared to accept that our education system is consistently outperformed by other education systems and that it is time to change the current arrangements. The Minister has made it clear that he is prepared to take what is best in other education systems, including international best practice, and that the Assembly, for the sake of all our children and for the advantage of our future economic potential, must encourage that outward-looking analysis.

The Minister has stated the blindingly obvious: that a 40-year-old model of education structures simply cannot deliver that vision. Even the sceptics cannot deny that the board system is an ageing direct rule model that is no longer fit for purpose. As elected representatives in this Assembly, we have the opportunity and, perhaps more importantly, the political mandate and the power to replace it with our own mode that will meet the needs of our communities, children and young people. We must not fail to grasp the opportunity with both hands, and we must not be afraid to use the devolved power that makes it our responsibility to improve a system that fails too many of our young people.

Mr B McCrea: I rise to speak at a late hour, hoping that I can add something to the debate. I have listened intently throughout the day. I have not always been able to be in the Chamber, but I have done my level best to listen to the arguments as presented. Given that we are at the Second Stage, the key issue is that we ought to deal with first principles. What are the principles of the Bill? Do we support them, or do we not? The very first questions we might ask are these: why do we need this Bill; what is the Bill being introduced for; and what is going so wrong that this Bill is going to fix?

When the Bill was originally talked about and when ESA was originally discussed, it was on the basis that we could get administrative efficiencies and did not need to have all the education and library boards doing administration for any particular issue. Surely, one of them could take the lead and the others could buy in services. When the Bill was in that format and that was the discussion, my party was happy to support it, but, somewhere along the line, it changed from being an administrative exercise into something that says we want to raise standards and take control of the schools.

That is where I start to get extremely worried about the fundamental motives of this legislation. I share that feeling with others. It was outlined not only by Mr Allister but by the Chair of the Education Committee, Mr Storey, that there is a profound lack of trust in the system. Whether it is the people who administer the system or the system itself I know not. However, I can tell you that there is a complete and utter absence of trust. When you get that, you get a Bill that is presented in language that is barely readable. I listened to the interplay between Members here present about how this clause means that and that clause means the other. Properly, of course, that work will take place in Committee. However, the fundamental issue here is that people suspect that there is a hidden agenda; that this is not really about raising standards but is a political stance by politicians who are trying to advance an argument that does not command the support not only of the House but of the people at large. Until you deal with that issue, it is extremely unlikely that the Bill will go through.

7.00 pm

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

When I look back to the first principles of the Bill and to the choice of a centralised, monolithic, single entity controlled by a single person reporting directly to the Minister, I ask myself whether that centralised Marxist-type of ideology is something that I want to see.

Mr McCartney: It is not true.

Mr B McCrea: Mr Deputy Speaker, I hear the words, "Not true". If it is not true, put it in the legislation.

Mr O'Dowd: It is in the legislation, if you would only read it.

Mr McCartney: Is the Member actually saying that ESA will be made up of one single person?

Mr B McCrea: The Member is actually saying that this is a Trojan Horse, Mr Deputy Speaker —

Mr McCartney: That is not what you said. You can read what you said in Hansard.

Mr B McCrea: Mr Deputy Speaker, I am trying to address the House, and I am getting —

Mr Deputy Speaker: Order, order.

Mr B McCrea: — intemperate comments from stage right. If the Member wishes to make an intervention, Mr Deputy Speaker, I will take an intervention, and I will take more interventions. Let me say quite clearly now: we do not believe that the intentions behind the Bill are as they were put out. That is why we reject it, and that is why we say that this is not good enough. It is for the Members and others here present who say that it is wrong in that —

Mr McCartney: Will the Member give way?

Mr B McCrea: No, I will not give way. I will give way in a minute when I have finished my point, which is that it is for others here to convince us of their bona fides. It is they who have to convince us that the Bill has merit and should go forward. When I look at this Bill, although I have not got the complete detail, which may come out at some other time, I am at a loss to understand the nuances and subtleties of any changes made since the first Bill that was brought here. I rejected that at the time, and I reject this now. When you start to look at the Bill, you see that it is dancing on the head of a pin. It does not deal with the real issues or with the perception that the Bill is an attack aimed not at trying to resolve certain issues but at our very finest schools in all sections of the community — these are schools that are not disastrous.

I listened to Mr McLaughlin who, sadly, is not in his place. If he was, I would take him on. People keep going on about our education system being in tatters. It is not; it produces some of the best results in the world. Our schools are great, our teachers are great, our head teachers are great. Why are people trying always to put our system down? Let us not talk just about schools in my constituency, where we could talk about Wallace, Friends' or Rathmore. Let us also talk about St Mary's in Magherafelt or Lumen Christi up in Londonderry. Those are really great schools

doing really good work, as are other schools in other sectors. How dare you say that our education system is failing? I have just come from talking to a load of people from the universities, and our education system provides some of the very best A levels and GCSEs that you can get. There is real merit in our system, and we should not be attacking it.

So when you come to the bit —

Mr O'Dowd: I thank the Member for giving way. I have listened to three of your party's spokespersons in here today. One after another, they said that Sinn Féin has made a mess of the education system, that confusion reigns and that it is a disaster. In fact, when some other Members whom I referred to were speaking, I did not even recognise the education system that they described. Now you come in and tell us that the system is brilliant. Which is it? Has Sinn Féin made a mess of it, or is it brilliant?

Mr B McCrea: If you are asking whether Sinn Féin has made a mess of the education brief, the answer is a resounding yes. I have seen nothing but complete and utter disaster, not only from this Minister but from previous Ministers over a period of years. When we look round the Chamber and ask what is the greatest crowning success of the Assembly, do we all cry out with one voice, "Oh, it is the education policy. Thank goodness for the Minister." No, you are an absolute disaster when it comes to trying to get some sort of resolution to this. This is not working. You are carrying the ball. Your party is carrying the ball. You have been doing it for years. The education system is suffering in your hands. The only thing saving it, which is why I am so keen to keep a devolved system, Mr Deputy Speaker, is that you do not have your levers on all the controls.

Mr Deputy Speaker: Could all remarks be made through the Chair, please?

Mr B McCrea: Heaven help us, Mr Deputy Speaker, if we ever got to a situation in which every single school, every single head, every single teacher and every single board of governors was under the control and at the behest of the Minister of Education, because that is what is happening.

Mr O'Dowd: Will you take a point of information? I hate to break the news to the Member, but they are. You are talking about democratic accountability. We are talking about £1.8 billion of public funds. Every school out

there is ultimately accountable to the Department of Education.

Mr Deputy Speaker: Could all remarks be made through the Chair, please.

Mr B McCrea: People talk about their mandate and about democratic accountability. Let me tell you, Mr Deputy Speaker, they do not have a mandate to push this through. They may have a mandate in general, but this is a matter of policy, and we, on our mandate, are going to stand and oppose it, because we do not trust the way they are going on this issue.

If people had argued a different sense, tried to take something a little bit more sensible and tried to suggest looking at administrative savings, they would have seen that all of us are prepared to find ways of making savings on those issues. However, as Mr Storey, the Chair of the Committee for Education outlined, most of the savings in cash terms that were originally projected have already been taken. I look forward to finding an answer to that. We were promised £20 million — I think it was £20 million — and £15 million has already been realised through vacancy control and other measures. Suddenly, we are now to find another £20 million. That is £40 million. Where are those savings coming from? Those are questions that have not been answered, and I think they are spurious, because I do not think that the Bill is about a more efficient and effective way of running a system. The Bill is about exercising political control from one side of the House on people who do not want to see it exercised. That is my point of view, and that is why I join my colleagues who argued forcefully that we are opposed to this. The Members opposite may disagree with that. That is fair enough. Engage in debate with us. Tell us we are wrong, explain how we should go back in.

I read the Bill, and I hope there is not an A level in it, because it is pretty hard to read, is it not? Where is the cast-iron agreement? I raised the matter with the Chairman of the Committee who very graciously took the intervention. I said that I want to see some cast-iron guarantees in legislation that protect the voluntary nature of our schools, build on success and which tell us that what makes a good school is a good head. That is what it is. Real leadership comes out, and that is what comes back. A good head, supported by good teachers, good governors and, above all, an ethos in which people say that they will go to school to learn and do things is what makes a good school.

I look round our schools, and I think some of them are spectacularly good. Why would you take away something that is spectacularly good? There are some other issues and some other places where people are struggling — fine. Our aim is to try to find ways of dealing with those issues, but, in many situations, they are to do with environmental matters and the environment in which people teach.

Do you know what I found when I was on the Education Committee? The Chair was particularly good enough to take those two areas at that time. I found that what brings it together and what lifts standards is schools engaging with the community, and schools saying that they were all in this together and deciding to try to have nurture clubs or after-school clubs and all those things. It is parents, it is the community, it is the school that raise standards. All sorts of diktats that come from the centre do nothing but add to the burden of our teachers and prevent them doing what they are supposed to do, which is teach. If you talk to any teachers, Mr Deputy Speaker, you will hear that they get initiative after initiative and have form-filling after form-filling. It prevents them doing what is right; it prevents them doing what is good for our children. If we go down this route, it will lead to more of that.

An issue was raised about the inspectorate. Many fine people come along, and they have a look at issues and give advice. That is fair enough. However, will it not provide us with problems if you get to a stage where somebody is going to try to tell schools how they are going to do something?

Some of you will know that I have a masters in informatics, which is sort of ICT. I looked at CCEA's GCSE in applied ICT. The specification states that the qualification gives students hands-on experience of ICT and first-hand experience of how it is used in a real-life context. If you read through all of this, you will see that it basically amounts to the student being taught how to use Word. That is not what we need. They can all use Word at the age of eight these days. What we are talking about is how we develop people with computer science skills; that is the issue. How many schools in Northern Ireland currently teach A-level computer science? The answer may come as a shock to some people here: only eight.

Mr O'Dowd: I thought they were brilliant.

Mr B McCrea: The schools are brilliant. The teachers are brilliant. But here is what happens when you get into a centralised issue. If they

get direction to go along and do applied ICT — and I love this bit — this is the specification:

"use information and communications technology where appropriate".

"Where appropriate", in the ICT A level? Is that not ridiculous?

I look at the issue and say that we are not able to respond, at this stage, in the right way to teach our children, and we are not able to provide the type of pupils that our universities and industries need, because of the structures that are in place. I really do not believe that more control from the centre is going to deal with that.

I will conclude on the key points I think the Bill should have dealt with. Given the language that I and my colleagues have used, it will come as no surprise that those points are probably diametrically opposed to the ones put forward in the Bill.

I believe that we need diversity in our school provision. It should not be a one-size-fits-all approach. We should celebrate the fact that our children are all different; that certain people are more orientated towards academic studies and others towards vocational or music studies or whatever. We should have appropriate learning centres for those people. I cannot deny that, in certain areas, there are not enough student numbers to command an entire course, so we need to look at innovative ways of dealing with that. It is not an answer to say that the Department of Education knows everything, that the Department of Education will tell you how to do it or that the inspectorate will tell you how to do it.

The fundamental belief I have is that good schools are the corner of our society. They kept us going through thick and thin, when times were really hard. They have produced people with outstanding skills and ability. They are to be celebrated. They are to be encouraged. They are to be given free rein. We should allow teachers to teach. We should allow heads to lead. We should allow governors to provide the type of ethos for our schools that actually makes them great.

I look at each and every one of you around the Chamber and say that there are great schools in each and every constituency. It would be really surprising if you did not acknowledge the contribution they make. I say to Members that, when it comes to this, I understand the difficulties and am sympathetic to some of the positions people find themselves in. I have

worked with people from this side of the Bench on the Education Committee. I know that they are genuine. I know that they are informed. I listened to the Chair of the Education Committee talk about the engagement he has had. I know he does all those things, and I applaud him for that. I ask him to listen to what the schools in his wider constituency are saying. I say to him: we will stand with you when you say that this is not the right way forward.

There are some here who will argue, and I have heard it from a number of sides, that we will deal with this in Committee and somehow bring in amendments. You will not be able to deal with this in Committee. It will be railroaded through. It will be lost in the complexity of the issue. This Bill is not the right way to go forward. It is a political fudge. It is something that is being done as a trade-off for something else. It has not been clearly thought through. It is not the way forward. I ask Members to look at their consciences and understand that this will not do them any good. There will come a time, as has happened in the past, when Members will say: this is not working.

7.15 pm

Please do not misunderstand me: we will find a way of tackling some of the issues that people bring forward. The Minister and his colleague stood up and asked whether I was saying that everything is perfect. The answer is that we live in a dynamic, changing world, and there are other things that we can do. There are always things that we can improve, but taking our very best, throwing it out, and replacing it with something uncertain seems to me a very strange way of going forward.

I will conclude by saying that this is not my brief; my colleagues beside me are going to look at these issues, but I have had discussions with them, I have had representations from schools, and I do not accept the tokenism that is on offer here.

Mr Storey: Will the Member give way?

Mr B McCrea: I will give way to Mr Storey.

Mr Storey: Can he just clarify what discussions he and his colleague had with the transferors on Friday? What did he say to them about the position? I notice that, throughout all that he has said, he has not made reference to the controlled sector, which is very important for our community.

Mr B McCrea: I thank the Member for the intervention. I do not know whether he thinks that that catches me out, but I have already explained that this is not my brief. I understood that my colleague Mr Kinahan addressed the matter, but I will venture my opinion, such as it is. I heard the Chair of the Committee say that he expected a statement from the TRC. I do not have the privilege of understanding where that statement is, but even they must say that there is a certain lack of clarity about what is going on in this Bill. Those who rely on assurances and nods and winks ultimately run the risk of being severely disappointed.

I am quite sure that Mr Storey will agree with me that, at the very least, we need to get into and understand the detail of all of this. I take his point. I am not trying to make life difficult for people who are honestly engaged in this endeavour, but I will tell you that what is in front of me at the moment leaves me with a sense of foreboding. I probably do not have the words quite right, but the sentiment expressed by Mr Storey — he will correct me if I am wrong — is that he said that the Bill was just about OK to go forward to Committee Stage. I think it is on the other side of that. I do not see enough in this. I do not see the thing being addressed, and I think we should go back to the drawing board. You can take that on board.

Nobody is more committed to education in this part of the world for all of our children, for all of our sectors, for all of our people than I am. *[Interruption.]* I have made it clear that I am prepared to take interventions if Members from a sedentary position wish to say something.

Mr O'Dowd: It has been pointed out even by one of the unionist representatives here that the Member intervened in this debate twice and has spoken about the needs of a certain section of grammar schools and nothing else. Not one other section or sector has he mentioned. He told the House that he would tell us what the Bill needs. He failed to do that. I wrote down what he said. This is what the Bill needs, according to Basil McCrea: it needs "diversity in school provision", and to "celebrate difference". That was it.

Then, he went on to tell us what a good school is. I think he got that from the first paragraph of my introductory speech because I outlined what a good school is. You do not have to be selective to achieve that. It does not take an elite grammar school to achieve that. I sincerely suggest to the Member that he visits a number of non-selective schools in his constituency to see the excellent work that they

are doing in education. I am sure that they would appreciate the support.

Mr B McCrea: Not for the first time, I am not sure that I follow the Minister's line of argument. *[Interruption.]* I gave the Minister the chance to say something if he wants to say it. If he wants to carry on talking, he can carry on talking.

Mr Deputy Speaker: Order. The Member has the Floor.

Mr O'Dowd: Does the Member wish to give way again?

Mr B McCrea: If the Minister has something useful to say, I will give way.

Mr O'Dowd: I am not sure which part of what I outlined he did not understand. He may not agree with it, but I am pretty sure he understood it.

Mr B McCrea: I am really pleased that you know better about what I think than I do. Is there some sort of mind transfer going on here? Are you able to do that?

Mr Deputy Speaker: Order. All remarks through the Chair, please.

Mr B McCrea: Mr Deputy Speaker, I have to say that that is a ridiculous statement. In what has been a debate full of ridiculous statements, that one takes the biscuit.

Mr Deputy Speaker: Can we get back to the Bill, please?

Mr B McCrea: As you direct, Mr Deputy Speaker. You know me.

I have reiterated our fundamental principles. We see good schools tackling the really challenging issue of preparing our young people for the future. We would like to build on success and to recognise that there are differences. I do not know whether the Minister heard me talking about vocational education or the other issues. As you know, I have the privilege of being the Chair of the Committee for Employment and Learning, in which we deal with further education colleges and various other issues. Perhaps enough has been said. It is obvious from our exchange that the Minister and I are not going to see eye to eye on this.

I will conclude by asking those Members whom I know to be sympathetic to our stance to

consider whether they are going down the right route. There are real, serious problems with the Bill, and I fear that if you get sucked into this, you will end up in a place that you do not want to be. The Bill will be salami sliced. After a few minor amendments have been made to it, people will triumph it and say, "There you go. We have got it sorted." But, do you know what you will end up with? You will end up with a single authority, controlled by political intervention, in which we will have no interference, and we will have no say in issues such as academic selection, area based planning, the curriculum or any other things. There will be a fig-leaf defence about how this has been done through democracy, but the power will rest elsewhere.

On that point, I have to say to Members of the House that the Bill should be rejected, because the principles on which it is based are deeply and utterly flawed and because it will not do anything positive for our children or our schools. I oppose the Bill.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis na Comhaltaí a ghlac páirt sa díospóireacht. Ardaíodh pointí sainiúla, agus freagróidh mé oiread acu agus is féidir liom. Ar ndóigh, scríobhfaidh mé chuig Comhaltaí faoi na saincheistanna nach féidir liom a chlúdach anois.

I thank the Members who contributed to the debate today. Many specific points were raised, and I shall address as many of them as possible. I shall, of course, write to Members on any issues that I am unable to cover now.

The debate on the Second Stage of the Bill to establish the Education and Skills Authority has, by and large, been informed and informative. As I said in my opening remarks, the Bill is the outworking of the heads of agreement, which were agreed by the First Minister and deputy First Minister last November, and puts in place actions outlining those heads of agreement and the principles and policies agreed in the public consultation on the reform of public administration in education, which, I admit, took place several years ago. However, the consultation continues. If the Bill passes its Second Stage today, the Education Committee will, in effect, take ownership of it. It will decide how long the consultation process will be, who to call in and from whom it will garner information. So, consultation on the Bill has not closed. The Bill will not be in the same shape if it reaches Final Stage, and I hope that it does reach Final

Stage, because I believe that the education sector is desperately crying out for it.

I wish to respond to and outline a number of the points raised by Members. I will deal with the grammar issue at the head of this to get it out of the road. There is nothing in the Bill that deals with the management type of any school, including grammar schools. I will be open and frank here. If I could get away with it, I would bring a Bill to the House that would see radical realignment of our education system. However, we are not going to get away with that, because we work in a coalition Executive. So, we have brought forward a Bill that reflects the principles of ESA and allows us to move forward, through a managed transition, to a new management type, which, at its core, is about raising standards, as Mr McCrea said. For that, I do not apologise to anyone.

I have to say that a number of elements have been disappointing. I pointed out to Mr McCrea that he did not mention any other sector. However, when Members reflect on the Hansard report, they will also note that a significant number of Members did not mention any sector other than grammar schools. Members need to understand that we cannot plan our school system based on the needs of one sector. We cannot do that, and I believe that it would be a fundamental mistake for our schools if we were to continue to do that.

The ESA programme of work allows all sectors to have a fair say and fair play and to make representations on the administration of education. Some Members suggested that ESA is bureaucratic, undemocratic and will have all sorts of powers, particularly in relation to academic selection. The Bill will govern how ESA works. No other legislation will govern ESA. ESA will be governed by this Bill in reference to other legislation, but, if Members are not sure what ESA will do, let me point out that it is set out in this Bill.

I also want to point out to Members the issue around the Irish language. The Irish language was mentioned by, I think, everyone from the opposite Benches who spoke.

Mr B McCrea: That is not true.

Mr O'Dowd: Apologies to Mr McCrea. He did not mention the Irish language. I accept that. However, I suspect that it was mentioned by everyone else. It is useful for Members from the opposite Benches to reflect on this point, which fits into the issue around grammar schools: only one Member from the opposite Benches mentioned Protestant working-class

boys. Only one Member, and that was the Chair of the Education Committee, Mervyn Storey.

Throughout six hours of debate on raising educational attainment and protecting the rights of schools and the community, Members from the opposite Benches were more interested in the Irish language provisions in the Bill than in what it would do to raise educational attainment for Protestant working-class boys. The Members opposite need to reflect on that. If they are serious about raising educational attainment across our society, they will have to focus on education in its entirety and stop focusing on the needs of a small number of schools and having paranoid attacks about Irish-medium education.

There is nothing in the Bill about Irish-medium education that is not already covered in other legislation. It is a read-across to make sure that the legislation is correct. Mr Storey, quite rightly, asked why there is no duty on the governors on the boards of integrated schools, and Anna Lo had concerns about that matter, as did a number of other speakers. As I pointed out earlier, the answer is simple: that duty is already in law. Article 64 of the 1989 order covers the role of integrated schools. What will be brought forward in this Bill will bring that sector into line with the Irish-medium sector. I ask Members to reflect on that and, in looking at the needs of education, perhaps tell us what they are going to do rather than what they are not going to do.

The Chair of the Education Committee quite rightly pointed out that the Committee will take its time to study the Bill, going through it clause by clause. As I said about consultation, the Education Committee will set its own parameters in relation to legislation and will investigate all elements of the Bill thoroughly. I look forward to working with it on that.

I will deal with a number of issues that the Chair raised. The inspection powers, which no doubt will be interrogated closely, are a reflection of what is happening in England with Ofsted, which is, perhaps, strange coming from me. It was felt that they were useful powers to have in place to carry out the normal practice of inspections. There is no underhand method or motivation in relation to that. It is simply a transfer of powers that we believed were useful at that time. In fact, they do not go as far as the Ofsted powers; Ofsted powers are quite robust. However, before I go down that road and strengthen the powers to even that degree, I would like a separate consultation. Again, it is an open and transparent matter.

With regard to Mr Kinahan's presentation, I share the view of my colleague Caitríona Ruane: I believe that someone else presented Mr Kinahan with that speech, because he started off by telling us that the ESA Bill was actually a fifth column attempt to reunite Ireland. Even the most conspiracy theory-minded person would not go there — even Mr Allister did not go there. He claimed that this Bill is an attempt to unite Ireland. I will read the Bill and the explanatory notes again, but how you come to the conclusion that the ESA Bill is an attempt to reunite Ireland is beyond me.

His speech went downhill from thereon in. It had no relative correspondence to the Education Bill whatsoever. It was an attack on the legitimacy of Sinn Féin to hold Government seats, but I remind Mr Kinahan that the Ulster Unionist Party signed up to the Good Friday Agreement 14 years ago, so it recognises the legitimacy —

7.30 pm

Mr B McCrea: Did you sign up to it? Did Sinn Féin sign up to it?

Mr Deputy Speaker: Order.

Mr O'Dowd: I am standing here as a Minister.

Mr B McCrea: Sinn Féin did not sign it.

Mr O'Dowd: I have a wee history lesson for the Member. If he examines the Good Friday Agreement, he will realise that there are no actual signatories to it, other than those of the two Governments.

Mr B McCrea: You just said that we had signed up to it.

Mr Deputy Speaker: Order.

Mr O'Dowd: And I did not go to one of his elite grammar schools to work that one out.

Mr Kinahan's was an intemperate attack on Sinn Féin's right to hold Ministries. He took the ill-informed position that perhaps the ESA Bill will give the Education Minister powers because the Education Minister does not have any power. The Education Minister currently has a wide, wide range of powers. I have authority over the education and library boards. I sign off on their budgets, and if I do not agree with them, they will not be signed off. There is power.

I have power of appointment to boards of governors, which I am handing over to the ESA. I have power under article 101 of the Education and Libraries Order 1986, which is a stronger power than any contained in this legislation.

Mr B McCrea: So you are reducing your powers?

Mr O'Dowd: No, I am not giving up article 101. Article 101 is in place, so all those powers that Mr Kinahan — or whoever wrote that speech for him — kept himself awake at night worrying about, I already have. If I wanted to use them and abuse them, I would, but that would not be a responsible thing to do as Minister.

I commented to him during the debate that I suspect the tribunals will have many hearings in the first number of years. That is not because there is something hidden in the Bill but because I believe that, as with any new legislation, this legislation will take time to bed in. There are going to have to be confidence measures here, and schools will test the ESA and the ESA will test schools over the legislation. I did not suspect that there were going to be many, many battles over the tribunals because all of a sudden schools would discover something hidden — something that is not open and transparent — in the Bill.

A number of Members spoke about tribunals, including Mr McDevitt, who asked why OFMDFM is involved in such matters. I covered that in response to him. It is a confidence measure. It is up to the Assembly whether it keeps that clause in the Bill. If Members believe that that confidence measure is not required, I as Minister will not stand against it, but, as I said, that is a matter for the House.

Mr Kinahan suggested that there are fears and rumours spreading through education over the ESA legislation. I ask him to reflect on his contribution and answer to himself the question of whether his contribution has eased any of those fears and rumours that are spreading through the education sector at this time, because I believe that the remarks by his good self actually added to an ill-informed debate.

What I will say to Mr Rogers is similar to what I said to Mr Kinahan. Mr Rogers said that the ESA will implement education policy implemented by the Department of Education. There is no arm's-length body in any Department that does not do that. That is the role of arm's-length bodies: to implement the policies set out by the sponsoring Department. Members cannot seriously suggest, although a

number did, that we hand authority over to an unelected body. I think that such bodies are called quangos, which, I believe, most Members and parties are opposed to, instead believing in democratic accountability to the Department and the Minister. The Minister is held to account both by the Assembly and the Education Committee. A Department's spending is held to account by the Audit Office and the Public Accounts Committee. Therefore, there are enough checks and balances in place for Members not to be handing over their hard-won democratic authority to an unelected body.

The current state of our schools system we can debate at length. I argued with Mr McCrea about the state of our schools system. He suggested that everything is rosy. I do not believe that everything is rosy, but nor do I believe the bleak picture painted by Mr Rogers. He painted a picture of the schools estate that was creaking at the edges and issues from truancy to imprisonment. Yes, there is truancy. Yes, some young people lose out in their education and end up in prison. However, that is not the overall picture of the education system.

When I visit schools, they show me the good, the bad and the ugly of the school. That is why I visit them. I want to see a picture of what is happening in our education estate. I can assure Members that I have not met a principal or a board of governors yet who are shy or behind the door in coming forward and telling me exactly what is going on.

A number of Members raised area planning. We are actually placing area planning on a statutory footing. We are ensuring that area planning has to be consulted on and that we have to engage with the various sectors. Members may not be happy with the principle of area planning for a variety of reasons. Privately, however, they will admit to me that the schools estate needs to be modernised — which, in fairness, Miss McIlveen admitted here today. The schools estate needs to be modernised. That may be uncomfortable for some Members because it is easy, sometimes, to go and listen to lobby groups and agree with everything that they say — to nod in agreement and to visit schools and promise them the earth, the moon and the stars. That is very easy. But you see when you are a Minister? You have to make decisions. I am going to make decisions. Those decisions will be based on the ongoing consultation on area planning. When that consultation is complete, I will make decisions. Members opposite will still be able to go around with all the lobby groups and everybody who is

opposed to everything and say, "Yes, you are right."

However, what they will also have to do is this; they will have to give them an alternative. There is where the difficulty would build in for Members. They would have to give society an alternative. There is no point in sitting agreeing with all the objectors and not being able to offer an alternative. That is our situation. It was easy when we were all in opposition to direct rule Ministers. We were all able to say, "That is awful", "That is terrible" and, "You should not be doing that." We are not in that position any more. When you oppose something, you have to offer alternative measures. I have not heard any alternative measures coming from those who are opposed to area planning; none whatsoever.

Mr B McCrea: Are we talking about the same Bill?

Mr O'Dowd: There is nothing hidden in the Bill. If the Member goes through the Bill, he will find area planning in it. It is not hidden; it is there. That is why I am referring to it.

Mr B McCrea: So, it is there in detail, is it?

Mr O'Dowd: Yes. It is there.

Mr Deputy Speaker: Order. All comments must be made through the Chair.

Mr O'Dowd: I apologise, LeasCheann Comhairle. It appears that the Member has not read the Bill. Area planning is in the Bill and its explanatory notes. The Bill sets out the statutory provision on how area planning will work in the future. Area planning will be dealt with by the ESA board in consultation with sectoral support bodies, etc. Thank you, Ms Ruane. Clause 24 of the Bill deals with area education plans. Clause 25 deals with preparation and revision of plans. Clause 26 deals with —

Mr McCallister: Are you just writing them now?

Mr O'Dowd: It is all there. You will be able to go through it in your own time.

The Bill also covers the role of boards of governors. We are putting in place a supportive measure. We want to give authority to boards of governors. It is a voluntary role. I accept that, at times, it is a very difficult role because difficult decisions have to be made. We also want to encourage more and more people to

become members of boards of governors. It is an important role. I would like to take the opportunity to encourage people to look at where they could be a member of a board of governors. Leading businesspeople, those in law, senior civil servants, etc, should take a look around and ask themselves where their skills as governors would be best placed. Are they in the local grammar school, which looks good on your CV, or is your role as a governor better placed elsewhere where your skills, leadership, knowledge, etc, may help a school and a community to fulfill its educational outcomes? The role of boards of governors is carried through in the Bill.

The relationship between the Catholic certificate and employment matters is a cross-departmental issue. I have already pointed out to my Department that I want the review of the Catholic certificate to be brought to me. It has to be brought to a conclusion. It has been debated long enough. Members, quite rightly, want to know where it is. I accept that. Therefore, I have asked for it to be brought forward.

At the end of the day, there will have to be a role in the matter for the First Minister and the deputy First Minister as to what action that they want to take on future employment provision. It falls outside my remit. I will bring forward my part of the review to ensure that.

That brings me to the role of the transferors in ESA. Members of the Education Committee during my time will be aware that this was debated at length, and, time and again, we ran into legal advice that suggested that we could not provide clauses that would recognise the rights of the transferors on boards of governors or on ESA. I welcome the fact that that legal advice has been clarified and advanced so that we are now able to meet the needs of the transferors on the boards of governors and ESA. ESA and the boards of governors will be better for it, so I welcome the fact that we will be able to move forward on the basis of the new legal advice that Committee members received.

I am scanning through my notes to see whether Members brought up any issues that I have yet to touch on. I apologise to Brenda Hale for leaving the Chamber when she was speaking. I will check Hansard and with my officials for any points that you raised that I am not able to cover this evening.

My colleague Caitríona Ruane raised the issue of the equality of SEN provision across the North when ESA comes into place. The

disappointing fact is that the boards approach SEN in different ways and within different time frames, etc. One thing that the SEN review and ESA will achieve is equality of SEN provision across all geographical areas. That is to be welcomed.

Dolores Kelly touched on the subject of young women and girls involved in education. She referred to the demonstration today in —

Mrs D Kelly: Roscommon.

Mr O'Dowd: Roscommon. I wonder how you heard about that. You mentioned the shooting of the young girl, Malala, in Pakistan. It brings you back to reality when you look at other societies and nations and how they strive to get to education when, sometimes, our society becomes turned off it. Some communities have to go through battles and turmoil to get into an education system. That brings you down to earth with a shudder, and you realise that education is a gift. ESA will help us to advance education provision across the board.

Dolores, you also referred to the Youth Council. The Bill places a statutory obligation on ESA to provide adequate youth services. I am also involved in a review of youth services provision, which I encourage Members to respond to.

I challenged Mr Allister's comments about the Bill and about the powers of ESA and the Department to change it without reference to the Assembly. I hope that he has now satisfied himself by reading the necessary clauses. On a broad principle, I am sure that the Member accepts that it is beyond the power of any Minister or public body to change primary legislation without reference to the Assembly. It is impossible to do so.

Mr Allister also spoke about the relationships between the Minister, the Department, ESA and schools. I said earlier that ESA will be in charge of somewhere in the region of £1.8 billion of public funding. I am sure that he is not seriously saying that we should allow a body with £1.8 billion of public money to have no democratic accountability to the Department of Education or the Minister. Regardless of Mr Allister's view of the Minister, the Minister is governed by legislation. The Minister is also governed by a number of codes of conduct, etc, so Mr Allister's point is irrelevant. We cannot give up the premise that we have and should have democratic accountability for all public funds being spent now and into the future. I also emphasise to him that the public appointments process that will be effective for ESA will be open and transparent. I can assure

him that the recent mistakes that were made by my Department have been rectified and will not be replicated in any further public appointments process or with ESA.

7.45 pm

On his assertion that I may appoint a chairperson who is favourable to me — I think he said a chairman — I want to emphasise that I may appoint a chairman or a chairwoman, but they will be appointed on merit and not on what their views are of me or any other Member.

I think that he should get a copy of this Saturday's 'Irish News'. I read Patrick Murphy's account of the Education Bill. In it, he made a number of suggestions, and I did not take great heart from them. I suggest that he reads this Saturday's 'Irish News', because Patrick Murphy has a very dim view of us all. Frankly, he referred to us — the lot of us — as wasters. If you are looking for comfort in Patrick Murphy's columns in the 'Irish News', you will not find it; he does not speak highly of any of us. I do not agree with him on that point and I do not necessarily agree with him on his review of the ESA legislation either.

It has been a lengthy debate, as should be the case, but it is not the end of the debate. If its Second Stage is agreed by the Assembly this evening, the Education Bill will go to the Committee for further scrutiny. I believe that the Bill presents a fair and equitable way forward. If its Second Stage is passed this evening, I urge Members to go about the business of future discussions on the Bill based on the needs of all our children and all our schools. If we do not get it right for all our children and all our schools, we will, quite frankly, be storing up a series of problems for ourselves in future. I believe that we can begin the journey of getting it right under the ESA legislation. I commend the Bill to the House.

Question put.

The Assembly divided:

Ayes 77; Noes 15.

AYES

Mr Agnew, Mr Anderson, Mr Attwood, Mr Bell, Mr Boylan, Ms Boyle, Mr Brady, Ms Brown, Mr Buchanan, Mr Byrne, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Dr Farry, Ms Fearon, Mr Flanagan, Mr Ford, Mr Frew, Mr Girvan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr

Humphrey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr I McCrea, Mr McDevitt, Dr McDonnell, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mrs McKeivitt, Ms Maeve McLaughlin, Mr Mitchel McLaughlin, Mr McMullan, Mr McQuillan, Mr A Maginness, Mr Maskey, Lord Morrow, Mr Moutray, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Poots, Mr P Ramsey, Ms S Ramsey, Mr G Robinson, Mr Rogers, Mr Ross, Ms Ruane, Mr Sheehan, Mr Spratt, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Ayes: Ms Boyle and Mr Hazzard

NOES

Mr Allister, Mr Copeland, Mr Cree, Mrs Dobson, Mr Elliott, Mr Gardiner, Mr Hussey, Mr Kinahan, Mr McCallister, Mr McClarty, Mr B McCrea, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Swann.

Tellers for the Noes: Mrs Dobson and Mr Kinahan

Question accordingly agreed to.

Resolved:

That the Second Stage of the Education Bill [NIA 14/11-15] be agreed.

Adjourned at 8.01 pm.

Written Ministerial Statements

The content of these ministerial statement is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.

Office of the First Minister and deputy First Minister

Delivering Social Change Signature Projects

Published at 9.30 am on Wednesday 10 October 2012

Mr P Robinson (The First Minister) and Mr M McGuinness (The deputy First Minister): We are pleased today to announce 6 significant signature programmes under the Delivering Social Change delivery framework which are designed to tackle multi-generational poverty and to improve children's health, wellbeing, educational and life opportunities. This is about investing in early interventions which can assist everyone to reach their full potential and which can support a strong society and economy.

In our commitment to deliver social change where it is most needed, we have identified a number of key challenges that are contributing to the continuation of poverty and deprivation. These include problems with literacy and numeracy; the need for parenting support and early development intervention for children, and lack of employment opportunities coupled with local community dereliction. Addressing these severe, long term and structural problems will require a partnership across society including people and communities, businesses and wider civic society. However, we are determined that the Executive will play the best possible role in stimulating change.

Delivering Social Change is about actions. When we announced the Programme for Government, we stressed the need to deliver real improvements which people can see and feel on the ground. These six signature programmes represent the first concrete step in pursuing this aim. They are:

- Department of Education (DE) to undertake additional literacy and numeracy measures. An additional 230 recent graduate teachers, who are not currently in permanent work, will be employed on a 2 year fixed term contract to deliver one to one tuition, where appropriate, for children in primary and post

primary schools who are currently struggling to achieve even basic educational standards. Each teacher will work with a number of schools to deliver a minimum of 25 one to one tuition sessions, where appropriate, every week. 80 teachers will be employed to support basic reading and maths skills at Key Stage 2 in primary schools. 150 teachers will be engaged with post-primary schools to support pupils in year 4 and 5 in attaining a minimum of a C in GCSC English and Maths, where the school feels this is not likely without intervention. The impact of this initiative will be measured over the course of the next 2 years. Recruitment will start as soon as possible and teachers should be in place very early in the new year.

- Department of Health Social Services and Public Safety (DHSSPS) to take forward the establishment of 10 Family Support Hubs over the next 2 years. These are coalitions of community and voluntary organisations and agencies which provide early intervention services for children and young people locally in order to enhance awareness, accessibility, co-ordination and provision of Family Support resources in local areas .

- Department of Health Social Services and Public Safety to take forward additional high quality support to new and existing parents living in areas of deprivation through positive parenting programmes. This would include potentially engaging 50 additional health workers on a 2 year basis to support this work and will provide guidance, training and information for up to 1200 families.

- The Department for Social Development along with the Department of Enterprise Trade and Investment (DETI) to take forward the development of approximately 10 Social Enterprise Incubation Hubs servicing areas of multiple deprivation over a 2 year period. This is designed to tackle dereliction and community eyesores but also the lack of local employment by encouraging social enterprise business start up within local communities.

- Department for Employment and Learning (DEL) to scale up and roll out the pilot intervention to support young people Not in Education, Employment or Training (NEET) in developing skills and linking them to the employment market through structured programmes and projects. DEL's pilot currently targets 20 families (10 rural and 10 urban). The intention would be replicate this model and increase the target number of families to 500.

- Department for Social Development (DSD) along with Department of Education to take forward and fund an additional 20 Nurture Units to be rolled out across Northern Ireland in addition to the 7 nurture units already being rolled out by DSD. These units are based within schools with specialists that work with targeted children to provide support, encouragement and help. The pilot run by DSD so far has shown significant improvements with young people engaging in the Nurture Units.

Departments will now come together to deliver these actions through the Delivering Social Change governance structures. We have asked Office of the First Minister and deputy First Minister officials to work with the Departments as they develop their plans to deliver these early actions and to report back to us on progress. We are proposing to make available some £26 million of the central funds to support these programmes over the next 2 years.

Environment

Strategic Waste Infrastructure Programme

Published at 12.00 noon on Monday 15 October 2012

Mr Attwood (The Minister of the Environment): In 2008 the Executive approved a strategic waste infrastructure programme at local government level. This programme recognised the challenge facing councils in meeting new landfill diversion targets through to 2020 and the requirements of the European Union. In addition, the environment around and understanding of the waste hierarchy was developing.

In support of this programme the Executive agreed and DOE has provided funding on behalf of the Executive to meet pre-procurement costs incurred by the three Waste Management Groups in taking forward the procurement of new waste infrastructure. (The Waste Management Groups are arc21, SWaMP2008 and the North West Regional Waste Management Group. "arc 21" comprises eleven councils in the eastern region; the Southern Waste Management Partnership "SWaMP 2008" comprises eight councils in the southern and western region; and the "North West Regional Waste Management Group" comprises seven councils in the north and west region). These three regional groupings reflect the preferred delivery model adopted by the councils to meet their statutory waste management obligations when this matter was being decided a number of years ago.

I am providing this statement to advise Members that the Southern Waste Management Partnership (SWaMP) is announcing today that it is to terminate its procurement of a long term waste treatment contract. This contract was intended to provide waste management services in the south west region, to reduce the use of landfill for domestic waste and support increased recycling. The procurement has recently been the subject of a legal challenge. SWaMP has concluded that in light of a number of factors, including expense, their legal advice and the subsequent uncertainty associated with mounting a legal defence to that challenge, it could not justify committing public funds to such a defence. The Joint Committee of SWaMP's constituent councils has therefore decided to terminate the procurement. I also wish to confirm that the total amount of pre-procurement financial support provided by my Department to the

SWaMP partnership since 2008 has been some £3.1 million. The total amount provided to date to the three waste procurement groups has been £9.2 million.

Today's outcome arises from a legal challenge. However, this development and my general view on the waste procurement strategy, demonstrates the need for tight monitoring and vigilance on procurement projects, the risks inherent in such projects (including legal challenge), the need to challenge and be seen to be challenging in relation to the contracts (in relation to affordability and deliverability) and to deploy best practice and best oversight in relation to these procurements.

Monitoring and vigilance have been central to my approach over the last 18 months. I have therefore been taking appropriate actions to subject the three waste management procurements to rigorous scrutiny and review to ensure that they continue to offer a reasonable prospect of achieving their stated procurement objectives. It was and remains my wider view that there is a need to create certainty and avoid doubt in relation to waste procurement and in relation to each of the three procurement groups. Moreover I am also committed to ensuring that the cost of these procurement exercises to the public purse, to councils and to ratepayers, remains proportionate, value for money and transparent.

When I became Minister of the Environment, one of my early acts was to review the progress made by the three Waste Management Groups. I have met with each of them individually to seek clarity from them about the deliverability and affordability of their proposed solutions for meeting their councils' landfill diversion responsibilities. I have set firm milestones by which I expect them to reach key stages in the delivery of their contracts. I have linked the release of funding to the achievement of those milestones, and I have made clear that my Department's commitment to providing financial support for the procurement exercises is not open ended, and in any event will not extend beyond the end of the present financial year.

At the same time, I have undertaken a root and branch review of the overall scale of the planned waste infrastructure procurement in Northern Ireland. Major waste infrastructure procurements can take upwards of three years to reach a point where decisions can be taken on their viability. That said, Members will know that in the period since the Programme was approved by the Executive in 2008, a number of factors have impacted on overall waste infrastructure requirements in the North, notably

increases in recycling, the success of waste prevention measures and the overall economic downturn, all meaning that less waste is produced.

Indeed, a recent analysis of 2020 Residual Waste Infrastructure Requirements that I commissioned confirms that less new infrastructure is now required to provide the assurance that we in the North will be able to make a proportionate contribution to meeting EU waste diversion targets by 2020.

We are now entering a critical phase in the Strategic Waste Infrastructure Programme. As I said earlier there is a need for certainty and avoidance of doubt. I have been determined that the procurement exercise measures up to the need for affordability and deliverability and does so with full regard to the current and emerging waste environment. In the coming weeks, my focus will be to subject the remaining two procurement exercises being undertaken by councils to robust and ongoing scrutiny to ensure that waste procurement is modelled to serve needs of the councils in the North, to do so in a way that is fully compliant with European obligations, is affordable, is deliverable and is the necessary and best option for our waste requirements.



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

TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0870 600 5522
Fax orders: 0870 600 5533
E-mail: customer.services@tso.co.uk
Textphone 0870 240 3701

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
© Copyright Northern Ireland Assembly Commission 2012

ISBN 978-0-339-50574-2

