

Official Report (Hansard)

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Suggested amendments or corrections will be considered by the Editor.

They should be sent to:

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

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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)
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Weir, Peter (North Down)
Wells, Jim (South Down)
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Northern Ireland Assembly

Tuesday 3 July 2012

The Assembly met at 10.30 am (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 Alex Maskey replace Mr Pat Doherty as a member of the Committee on Standards and Privileges. — [Ms Ruane.]

Ministerial Statements

Executive: Legislative Programme 2012-13

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): As one of the junior Ministers in the Office of the First Minister and deputy First Minister (OFMDFM) responsible to the Executive for the oversight of their business in the Assembly, I advise the Assembly of the legislation that Ministers of the Northern Ireland Executive intend to introduce during the 2012-13 session.

Before I present the individual pieces of legislation, it might be useful to say something about the legislative process in general. I propose to do that for two reasons. First, legislation is the key collaborative activity between the Assembly and the Executive. The Executive propose the matters that they consider should be enshrined in legislation. The Assembly scrutinises them, consults, proposes amendments where it believes they are necessary and, ultimately, passes legislation that it considers relevant to our society's needs. It is important, therefore, that there is mutual appreciation of the respective roles and the factors and processes underpinning them.

Secondly, the subject of legislation has attracted considerable comment in this first full Assembly session, which is now drawing to a close. Some has come from Members and some from external commentators. Much of it has focused on the quantum of legislation that the Executive might have been expected to bring forward to the Assembly. The Executive are aware of the criticisms that have been made of their activity in this area, but I deliberately do not use the term "performance", as this is not, in the Executive's view, a performance issue.

In a recent Question Time, a Member suggested:

“the Assembly’s success is judged in very large part by the quality and quantity of legislation that should pass through it.” — [Official Report, Vol 75, No 4, p222, col 2].

He went on to accuse the Executive of having what he termed an “abysmal” record. There is no issue with the first of these assertions: the quality of legislation and of the policies it reflects are essential to good government. Quantity is, however, too crude a measure on which to judge the success of either the Assembly or the Executive. Legislation should be proposed only when there is a need to legislate and only when the necessary preparation has been completed.

Members will know that a Bill is the culmination of a lengthy process of policy development, public consultation and expert technical drafting. In so far as it places duties and obligations on government, specific bodies or private individuals, it must be both necessary and fit for purpose. I can confidently speak for the Executive when I say that they do not intend to promote large amounts of hasty and ill-thought-out legislation or to over-regulate society for the sake of generating activity. It is that which would be abysmal, not a failure to meet notional numerical targets. I also suggest that the by now customary extensions sought by Committees for their scrutiny of Bills indicate that they share the Executive’s view that legislation is too important an issue to rush, other than in compelling circumstances.

None of this is in any way to deny the central role that legislation must play in what is, after all, a legislative Assembly. However, it is clear from the experience of the previous mandate and the start of this one that each mandate is likely to have its own legislative profile. In 2007, the Executive inherited a considerable number of legislative proposals capable of early introduction from the direct rule Administration. The Executive were, therefore, able to introduce 22 Bills up to the end of the first full session. Also, at the end of that mandate, the remarkable collaboration between the Assembly and the Executive in the three months up to the 2011 election, when 20 Bills passed Final Stage, left the incoming Executive with virtually a clean sheet as far as legislative proposals were concerned. Nevertheless, since May 2011, they have introduced 11 Bills, four of which are now law. In the remainder of this statement,

I hope to demonstrate clearly the significant range of legislative activity that the Executive intend to initiate in the next session.

I make those comments neither to defend the Executive nor to discount in any way the legitimate interest of the Assembly in the work of the Executive. However, as I said, in the context of the many strands of engagement between the Executive and the Assembly, it is best if work is taken forward in a spirit of co-operation and mutual understanding of the processes and constraints that influence how and when the Executive legislate.

I will now set out the legislative intentions of each Minister in 2012-13. I will also provide a brief description of the purpose of each Bill which, after consultation with the relevant Committees and with the agreement of the Executive and the Speaker, they propose to introduce in the Assembly. Executive Ministers have identified 26 Bills for potential introduction in the 2012-13 Assembly session.

The Minister of Agriculture and Rural Development is considering responses to a consultation on a regulatory framework for the management and inspection of reservoirs that will require primary legislation. The purpose of a reservoirs Bill will be to minimise the risk of flooding after an uncontrolled release of water as a result of total dam failure, thereby protecting human life, the environment, cultural heritage and economic activity.

The Minister of Education intends to bring forward an education Bill to reform education administrative structures. He also proposes a General Teaching Council Bill to provide for the extension of the council’s existing remit to cover further education lecturers, additional disciplinary functions and the establishment of the council as a body that is wholly independent of government. The Minister is also currently reviewing the special educational needs and inclusion policy and the requirements for primary legislation to implement any changes.

The Minister of Enterprise, Trade and Investment wishes to introduce two Bills to reform energy distribution and tariffs. A gas (common arrangements) Bill will harmonise arrangements for gas North and South, as set in the context of the development of the EU internal market in gas. There will also be an energy Bill, which will provide for key energy initiatives, including powers for a feed-in tariff,

offshore decommissioning of renewable energy installations and gas storage. The Bill will also amend the duties of the Department and regulator in relation to sustainability, meter certification and supplier obligation. The Minister also proposes bringing forward an insolvency Bill to enable insolvency practitioners to communicate information about cases by electronic means.

As you are aware, the Programme for Government includes a key commitment to establish an 11-council model for local government by 2015. The Minister of the Environment therefore intends to introduce a Local Government (Reorganisation) Bill, which will provide for new governance arrangements for councils, a new ethical standards regime, the introduction of community planning powers for local government and an updated service delivery and performance improvement regime.

Again in line with commitments in the Programme for Government, the Minister of the Environment has announced plans to introduce a levy on single-use carrier bags in April 2013. A carrier bag levy Bill will enable an extension of the levy to certain reusable bags in April 2014. The Minister also intends to introduce a road traffic amendment Bill, which will contain a package of measures to tackle drink-driving and reform the learner and restricted driver schemes. The Bill will also introduce graduated driver licensing.

The Minister intends to provide for the identification, designation and management of national parks through the introduction of a national parks Bill. Finally, he proposes to introduce a planning Bill to bring forward a number of the planning reforms contained in the Planning Act (Northern Ireland) 2011 and apply them to the Department of the Environment in advance of the transfer of powers to local councils.

In addition to the normal two Budget Bills that the Minister of Finance and Personnel introduces in each session, he will bring forward a financial provisions Bill to handle other routine financial matters. Members recently agreed in the House to the devolution of powers to adjust the rate of air passenger duty (APD), which, in turn, will allow for the elimination of APD on direct long-haul flights. That was also a commitment in the Programme for Government. Through a legal complaints and regulation Bill,

the Finance Minister intends to provide powers for a legal services oversight commissioner to create new complaint-handling committees for barristers and solicitors.

10.45 am

In keeping with a key commitment in the Programme for Government to reform and modernise the delivery of health and social care, the Minister of Health, Social Services and Public Safety will bring forward three Bills to reconfigure, reform and modernise health and social services. A health and personal social services Bill will introduce a more flexible range of sanctions to support the move to a "fitness to practice" model for the management of conduct processes in the Northern Ireland Social Care Council (NISCC). The proposed health and social care reform Bill will ensure that the range of services that the Business Services Organisation (BSO) is charged with providing has a proper regulatory base, as well as allowing for some expansion of its client bodies. The proposed health (miscellaneous provisions) Bill will provide the Department with the necessary powers to create dental, ophthalmic and pharmaceutical performers' lists. A tobacco retailer sanctions Bill will strengthen sanctions against retailers who regularly break the law on the underage sale of tobacco products. The Bill will contribute to our commitment to promoting the health and well-being of our young people.

The Programme for Government makes several commitments to making a number of legislative changes to provide a faster, fairer and more efficient justice system. The Minister of Justice intends to introduce a justice Bill that will provide for improved access to justice.

The Minister for Regional Development will implement the Executive's commitment to households that they will ensure no additional water charges during this Programme for Government period by introducing a water and sewerage services Bill.

The Minister for Social Development will introduce a measure aimed at helping local businesses, benefiting their customers and attracting visitors and tourists. A licensing of pavement cafes Bill will help promote town and city centres by supporting the development of a cafe culture. The Minister will also introduce a welfare reform Bill.

Finally, the First Minister and the deputy First Minister will confirm their legislative intentions in respect of the dissolution of the Department for Employment and Learning. Other requirements for primary legislation may of course arise during the 2012-13 Assembly session, and they will be identified as part of a process of regular review.

The Bills that Ministers have identified to date make up a substantial programme, and it is important to comment on the impact that that may have on the resources available for drafting legislation. Although the Office of the Legislative Counsel (OLC) in OFMDFM has been able to meet Departments' drafting requirements in the past and we have no reason to think that it will not do so in the future, its resources are not infinite. Should it prove necessary, the Executive may be required to take a view on the relative priority of the proposals, and that may have implications for the timetable for the introduction of individual Bills.

I hope that, at the conclusion of this first full session of the new mandate, my statement has provided the Assembly with a helpful overview of the Executive's legislative intentions and that, looking forward, the 2012-13 session can commence in that spirit of co-operation and shared goals between the Executive and the Assembly that has delivered so much of benefit to the community that we collectively serve.

Mr Speaker: Before I call George Robinson, I assure Members that, although the nature of the statement may tempt them to go into a long preamble before they come to their question, that will not be allowed this morning. Let us come to the question.

Mr G Robinson: I thank junior Minister Bell for his statement. Does he agree that good legislation is essential if it is to be of practical use in the Assembly?

Mr Bell: I fully agree. Those of us who are in contact with our business communities will know that, if we look at the European models, we see that there is a policy in many areas of one in and one out when it comes to introducing new legislation. We want good legislation that delivers real benefits to our people on the ground; we do not want legislation for legislation's sake. We certainly do not want legislation made in haste that people will repent at their leisure.

Ms Fearon: The Minister referred to the Education Minister bringing forward legislation. I welcome that. Will the junior Minister give a timeline for that?

Mr Bell: I welcome the new Member to the House. The Education Minister is finalising the details of the Bill to establish the Education and Skills Authority. Subject to Executive agreement, he hopes to introduce the Bill in the Assembly soon after the beginning of the new session in September.

Mr Nesbitt: I welcome the Minister's assurance that legislation will be introduced only when it has purpose and relevance to the electorate. Given that there was no change in government after the previous election — the DUP and Sinn Féin went into the election at the heart of government and came out at the heart of government — and a year has passed with little or no legislation, what does he say to the electorate who are now beginning to think that the DUP's plan was simply to get power for power's sake?

Mr Bell: I understand the naivety of the Member as a new Member. I also understand that he first sought election as a Conservative to slash the Northern Ireland Budget, and he bears responsibility for that. I will be straight with the Member: the Bills on the Budget, the rates and the pensions have all received Royal Assent. In terms of marine, superannuation, historical institutional abuse, the Budget (No. 2) Bill, business improvement districts, criminal justice and charities, I do not know where the Member has been for the past year.

Mrs D Kelly: I welcome the statement, although it appears from the junior Minister's words that OFMDFM is condemned. The statement referred to OFMDFM bringing forward legislative proposals around the dissolution of the Department for Employment and Learning (DEL). Does that mean that it will persist with the back-of-the-envelope approach to government restructuring for that one Department, or will DEL now be part of the broader discussions on the number of Departments and MLAs etc? Given that the Minister said that —

Mr Speaker: Order. I must insist that the Member now finishes.

Mrs D Kelly: It is just really —

Mr Speaker: Order. Quite a number of Members want to make a contribution this morning.

Mrs D Kelly: It is just really on the basis that a Bill is the culmination of a lengthy process of policy development, public consultation and expert technical drafting.

Mr Bell: I think that, somewhere along the line, there was a question about the dissolution of the Department for Employment and Learning. The Executive continue to consider the responses to the consultation that we carried out on the redistribution of the functions of the Department for Employment and Learning. The report of the Committee for Employment and Learning and the subsequent Assembly debate have also proved invaluable in that respect. The Office of the First Minister and deputy First Minister will confirm its legislative intention in respect of the dissolution of the Department for Employment and Learning following the summer recess.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his statement. I welcome the considerable number of legislative proposals from the Minister of the Environment. Will the junior Minister assure the House that the timetable for the planning Bill will not slip any further, so that it maximises the benefits to the Department before the transfer of power to local government?

Mr Bell: Obviously, this is a collaborative process. There will be no intention on our part, particularly regarding the important Bill that she mentioned, not to ensure that the introduction of the legislation is done speedily and efficiently and so that there is a good response. As I said, a number of Bills were passed during the previous mandate. They were properly scrutinised, but we relied on the Committees, which worked hard and effectively. I remember sitting on Committees that worked extra days. So, subject to the goodwill of the House, we can really deliver. I think that that is what everybody in the Executive and the Assembly wants. We can deliver good results and good legislation for the people whom we serve.

Mr Buchanan: I thank the junior Minister for the statement to the House this morning. I note that the First Minister and deputy First Minister are to confirm their legislative intentions in respect of the dissolution of the Department for Employment and Learning. However, will the Minister advise us whether a programme

has been laid down for the dissolution of that Department?

Mr Bell: At this point, we are considering the responses to the consultation that we carried out. We are very clear that, when you issue a paper for consultation and people spend a considerable amount of time and effort responding to it, you must give due diligence to the responses. The report from the Committee for Employment and Learning and the subsequent Assembly debate have also had an input. They have actually been invaluable to our considerations. As you noted, we will confirm our legislative intention in respect of the dissolution of DEL following the summer recess.

Ms Ruane: Gabhaim buíochas leis an Aire as an tuairisc seo. I thank the junior Minister for the report. Some people would give a narrative that very little legislation is going through the Assembly, but this nails that. I welcome the substantial body of work and ask those who are critical of it to look at their own record when they were in that position. Will the junior Minister give me an assurance regarding other legislation that is not included currently but we may need? In the OFMDFM Committee, we are looking at the lack of race and disability legislation. Will he assure me that there is still space for us to include that?

Mr Bell: We will take a constructive look at that. The matters that Caitríona Ruane refers to are under active consideration. Where it is possible to introduce legislation, we will look to do that. I appreciate the Member's constructive view. Some Members seem to have missed the fact that the Executive have so far introduced 11 Bills. We, in OFMDFM, are not focusing on artificial targets for the number of Bills that can be introduced. It is about quality not quantity. I say again that we will not introduce legislation for the sake of it. We acknowledge the central role of the House and the Assembly, and we are looking for good governance.

I also say again to the whole House that Members who argue for a strong record of legislative achievement for the Assembly should bear it in mind that progressing legislation is a shared responsibility between the Executive, the Assembly and its Committees. We hope to introduce legislation and progress it to its Final Stage with all due diligence and urgency. During the last mandate, 65 Executive Bills were introduced. All but one or two of those were

passed by the Assembly, which left little or no remaining legislation in a state of preparation and needing quick introduction. To those who argue for quick introduction, I argue that the people of Northern Ireland want to see their legislation got right, not rushed.

Mr Campbell: I, too, welcome the statement, particularly a sentence that is not in bold or large capital letters but is important:

“Legislation should be proposed only when there is a need to legislate and only when the necessary preparation has been completed.”

Will the junior Minister give an assurance that that will continue to the case and that those who want to create jobs and business in Northern Ireland can do so unencumbered rather than facing more and more unnecessary legislation?

Mr Bell: The Member for East Londonderry makes his point very well. Speak to the people on the ground, particularly the business community, and you will find that we need to be very careful that we do not create additional red tape and bureaucracy, even though it might tick some box somewhere to show that we have introduced more Bills. We have already outperformed Scotland and Wales in the legislative process. I am happy to stand over that record.

The criticism of making legislation just for the sake of it or not producing enough legislation is far too narrowly drawn.

Ministers in the Executive continue to have a full and extensive range of engagement with other Ministers, officials, the Assembly and its Committees. As the Member said, policies need to be sound and workable before they are committed to legislation, and that legislation needs to be accurately drafted. The fact that Committees have invariably sought extensions for scrutiny stages seems to amply demonstrate that these are complex issues. Even the Committees acknowledge that and tell us that they cannot be rushed just for the sake of fulfilling a schedule.

11.00 am

For those who criticise for the sake of it, let me point out again that since this mandate began and up to the close of business yesterday, we have introduced 11 Bills, made 86 oral statements, responded to 17 Statutory Committee motions and over 90 private

Member’s motions, and held 34 Adjournment debates. We responded to questions at 154 Question Time sessions to Executive Ministers. *[Interruption.]* We moved 10 legislative consent motions, and we responded to five questions for urgent oral answer. Where have you been?

Mr Kinahan: I thank the Minister for his statement. I will focus on the word “performance”, which he used. It is not only legislation by which we are judged but whether we have taken any actions. Will the Minister look at legislation that gets this body better at turning strategies into actions? That is what is missing, and, otherwise, we will just have another statement such as this, which shows you to be the waffle king.

Mr Bell: Well, let me engage, Mr Speaker, on that one. You will understand that I have been provoked. When we introduce legislation for the likes of small businesses and businesses that are struggling, you have to realise, Mr Kinahan, that those small businesses do not live in rich castles like you do. As I said before, there is a line from an old hymn:

*“The rich man in his castle,
The poor man at his gate,”*

I did not believe that people lived in castles until Mr Kinahan came along with that status. You need to realise that when we pass Budgets and look at rates and pensions, we are trying to deliver a real and tangible effect for people on the ground. That is what makes a difference, not silly comments made from turrets on ivory towers.

Mr Rogers: Thank you, Minister, for your statement. Where are the legislative plans in anticipation of the long-awaited devolved powers for varying corporation tax? Is there no longer an expectation that this concession will be delivered during the lifetime of this Assembly?

Mr Bell: The work on corporation tax is, obviously, ongoing. We need to make a decision for all our people. It involves complex work and negotiations with the Treasury. You know that we adopt the position of supporting the devolution of those powers, but the package has to be right. It has to support the people of Northern Ireland in delivering a better quality of life. Negotiations on that package with the ministerial working group are ongoing. It is still a live issue, and the focus will be on ensuring that whatever deal can be arrived at will deliver something productive for the community and

raise the standard and quality of life for our people. Those negotiations are ongoing, and it is vastly premature to draw any conclusions on them.

Mr Lyttle: A key priority for our society must be to improve our education system and to build a shared society. A single Education and Skills Authority (ESA) would go a long way towards a more integrated approach to the delivery of education and skills, and would deliver significant savings as a result. The original target for an ESA Bill was 2009, and, indeed, on Tuesday 26 June, the Education Minister said that it is the worst-kept secret in politics that the Education and Skills Authority is in trouble. Indeed, he brought an ESA Bill to the Executive on 7 March. He has said that it is up to the Executive make up their mind on ESA, so what is the junior Minister's mind on ESA?

Mr Bell: I cannot speak for the Ministers of individual Departments. We hope that the Minister of Education will introduce it soon after the beginning of the new session in September. As you know, in our Programme for Government, which both Alliance Ministers supported, the commitment was not for 2009; the commitment under our Programme for Government in this mandate was to have it operational by 2013. I understand that the Minister of Education is finalising the details of the Bill to establish the new Education and Skills Authority.

Lord Morrow: I thank the junior Minister for his very lengthy, informative, detailed and comprehensive speech this morning, in which he outlined, in considerable detail, all the achievements of the Assembly over the past 12 months and further. I know that one or two are sceptical about that, but I am not among them.

In relation to the Tobacco Retailer Sanctions Bill, the Minister said:

“sanctions against retailers who regularly break the law on the underage sales of tobacco products which will contribute to our commitment to promoting the health and well being of our young people.”

Does he accept that more than retailers break the law on the sale of tobacco? Will the Bill, in conjunction, perhaps, with another Department, tackle the awful problem of the importation of illegal tobacco substances?

Mr Bell: The Member raises an important point. I will ask the Minister responsible — Edwin

Poots — to liaise with the Minister of Justice. There will also be a role for the Policing Board in all those matters. The aim of the Tobacco Retailer Sanctions Bill is to strengthen the sanctions against retailers who regularly break the law through underage sales of tobacco products. Retailers who wish to sell tobacco products will be required to register with the local district council. Persistent flouting of underage sales legislation will result in the withdrawal of a retailer's right to sell tobacco for up to one year. It is also proposed to use the Bill to introduce a fixed penalty notice scheme for retailers who are caught selling tobacco to underage children. We want to see the police enforce the legislation rigorously not only with regard to the official retailers, but the malign and dangerous influences who sell tobacco or any other substance. It is in all our interests, particularly our young people, to get the best health and life opportunities.

I welcome Lord Morrow's comments about the legislation in this and the previous mandate. I reiterate to Members that if we compare the 65 Bills that the Executive introduced in the previous mandate with the 45 Executive Bills introduced to the Scottish Parliament and the 17 Government-proposed measures for the National Assembly for Wales, we are significantly ahead in legislation. In the recent announcement of the UK Government's legislative programme, in addition to the normal financial measures, there are plans to introduce 15 new Bills in the new Westminster session. We already have a track record of being ahead of the game and of producing legislation where necessary. We have outperformed Scotland and Wales in the amount of legislation, and I have given the facts to confirm that. However, legislation should be introduced in the House only if it is proper, has been accurately drafted and has had the detailed scrutiny to produce the best legislation for the House. We should not introduce legislation that would hinder or hamper economic progress in raising the quality and the standard of the lives of the people we serve.

Mr Beggs: The junior Minister said that there should be a clear need before introducing legislation and that new legislation should not be rushed. I have a question about missing legislation. Lead, copper and even manhole covers are being stolen from our churches, schools, homes and roadways. The Minister of the Environment has indicated that that is

beyond his remit. Why has no legislation been proposed to improve the audit trail for those dealing in stolen metal?

Mr Bell: I will happily take those proposals directly to the Minister responsible. Churches that I am associated with have had copper stolen from their roof. My understanding is that theft is dealt with in criminal legislation. We want to see enforcement of the criminal law against those who would steal. You suggested an audit trail. I will bring that to the Minister of Justice for consideration.

Mr Flanagan: Go raibh maith agat, a Cheann Comhairle. I thank the junior Minister for his extensive statement and his responses to questions so far. I see from the statement that the Minister of the Environment intends to bring forward quite a number of pieces of legislation. What is the junior Minister's assessment of the need for a climate change Bill, which many campaigners across Ireland have been calling for in recent times?

Mr Bell: That is not currently in the legislative programme. To go back to my old Christian background: it is my view that we should be good stewards of the earth. We will take a serious look at any proposed legislation. Our task as junior Ministers is to refer specific items of business to the Minister responsible. We do that across the House, where new information is brought to us. It is interesting legislation, but it is better addressed by the Minister of the Environment, who is responsible. You have raised the potential need for a climate change Bill. I will draw that to Minister Attwood's attention and ask him to consider replying directly to you on the matter.

Mrs McKeivitt: I thank the junior Minister for his statement. Why is the entire Assembly term going to be a legislation-free zone for the Minister of Culture, Arts and Leisure? Where are the legislative proposals for minority languages?

Mr Bell: Again, as your question on minority languages legislation deals with specific legislation that is outside the programme, I will refer it to the Minister for a response.

Mr Allister: Fourteen months in office before they produce a tentative legislative programme. I begin to see now why this Executive will need every one of the 161 staff in their press offices to spin this as achievement. *[Laughter.]*

I want to comment on the total absence of any substantive measure to deal with the bloated nature and size of government. Is it the case that even the one step taken, around DEL, has now stalled? Just six weeks ago, in an answer to a question, the Minister's Department said that legislation would be introduced by July. Now, we do not even have a commitment to legislation; we have some form of words to say that Ministers will confirm their legislative intentions. Is there still an intention to abolish DEL, and, if so, when? Has that intention been to the Executive?

Finally, I reassure the Minister that his Department is in no danger of falling into rushed legislation. So far, it has been nil on quantity and nil on quality.

Mr Bell: I was always taught that a good forensic lawyer examined the detail, of which we had nil in that question. Let us look at the detail. The Member refers to Bills as "nil". The Budget (No. 2) Bill is not nil. It has received —

Mr Allister: Your Department, I said. Your Department.

Mr Speaker: Order.

Mr Bell: It has passed Royal Assent.

Mr Allister: Your Department.

Mr Speaker: Order.

Mr Bell: The Rates (Amendment) Bill was passed and got Royal Assent. That is not nil. There were Bills on pensions; the Budget; marine; superannuation —

Mr Allister: Your Department.

Mr Speaker: Order.

Mr Bell: — historical institutional abuse; business improvement districts; criminal justice; and charities. We also have an Executive that are outperforming Scotland and Wales. *[Interruption.]* Yet the honourable Member for North Antrim says, "nil".

Did he mishear what we said in response to the consultation we carried out on the redistribution of the functions of the Department for Employment and Learning? We will listen to, review and consider those consultations. The Member may listen to nobody else but himself, but I assure him that the Office of the First Minister and deputy First Minister will

listen to the responses of teachers, lecturers and all the allied professions, because they have professional expertise and something to contribute. Therefore, we will consider the responses because they have been invaluable to what we are going to do. We have set down the legislative intention for the dissolution of the Department for Employment and Learning following the summer recess.

I think that the honourable Member could learn from the fact that the good Lord gave us two ears and only one mouth for a particular reason.

11.15 am

Mr Copeland: I fully appreciate that it is difficult for the Minister for Social Development, in the light of the four lines referring to him in the statement, to give an accurate reflection of his Department's proposals, legislative or otherwise. I was slightly scundered — if I can use that word — that there were 42 words on pavement cafes and eight on welfare reform. I understand that welfare reform is something over which we do not have a great deal of control, but, whether we like it or not, it will impact very seriously on people here. Can the junior Minister give us some indication as to whether any communications are taking place, particularly between the Department for Work and Pensions and the Executive, or the Minister for Social Development, regarding progress on the matter? How sure are we that we can reform welfare within a time frame that will avoid infraction or sanction charges, which are apparently somewhere between £30 million and £50 million a year, which is not inconsequential.

Mr Bell: The Member raises a very important point on welfare reform. I assure him categorically that it is the subject of complex, ongoing negotiations with DWP and Lord Freud, who has responsibility for the devolved regions. Subject to the goodwill of the House, we are confident that we can meet the commitments, but that is dependent on everybody in the Chamber. As I have said before, the principle of parity is clear. I personally think that it is important that the benefits that we get in Belfast are the same as those that people in Bristol get and that we have integrity in the administration of benefits.

The purpose of the Bill is to simplify the benefits system to improve work incentives and reform the welfare and benefits systems to provide support and incentive for people to move

from benefit into work. The Minister, Nelson McCausland, has been working to develop those proposals, while recognising the commitment that I have outlined to have parity with the GB system, taking into account the particular needs that we have in Northern Ireland. Welfare reform is an important issue, and the proposals have been overseen by a dedicated Executive subcommittee. The proposals for the Bill are now under active and detailed consideration.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle, Gabhaim buíochas leis an Aire as a ráiteas ar maidin. I thank the Minister for his statement and for his answers to the questions to date. I seek clarification on the ESA Bill. Is it not the case that the Minister of Education has signed off on it, and he is now awaiting Executive approval to bring it before the Assembly?

Mr Bell: The information that I have received from the Minister of Education is that he is finalising the details of the Bill to establish the new Education and Skills Authority, and, subject to the Executive's agreement, he hopes to be able to introduce the Bill in the Assembly soon after the beginning of the new session in September. That meets our Programme for Government commitment, which we all agreed on, to have the legislation available by 2013.

Mr Speaker: That concludes questions to the junior Minister on his statement. I ask the House to take its ease as we move to the next business.

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

Health: 'Transforming Your Care'

Mr Poots (The Minister of Health, Social Services and Public Safety): I wish to make a statement to the Assembly on progress on the implementation of 'Transforming Your Care' (TYC), the report of the review of health and social care (HSC) services in Northern Ireland. 'Transforming Your Care' was presented to the Assembly on 13 December 2011. It provides a compelling case for major and long overdue reform of our health and social care services to ensure that we have a system that is safe, resilient and sustainable into the future. In January, I initiated a take-note debate on the report in the Assembly. At that time, Members from across the Assembly broadly welcomed the report, and there was recognition of the need to reform our health and social care system.

It is crucial that we take steps now to build a health and social care system that is fit for the future, by improving the quality of care, ensuring better outcomes for patients and clients, and enhancing the experience of health and social care for all our service users. We need to improve services for our population and have an effective system for doing so, and we need to do that in a way that secures improved productivity and value for money. Those factors must drive all of us to create a better, person-centred health and social care system, built around the individual, not the institution.

We know that Northern Ireland has the fastest-growing population in the UK and that it is continuing to grow. The TYC report states that the number of people over 75 is expected to increase by 40% by 2020. The over-85 population is to increase by around 20% by 2014 and by 58% by 2020, compared with the figure for 2009.

The Institute of Public Health in Ireland published the report 'Making Chronic Conditions Count', which forecasts the population prevalence of a number of chronic conditions, namely hypertension, coronary heart disease, stroke and diabetes. Between 2007 and 2020, the prevalence of those long-term conditions amongst adults in Northern Ireland is expected to increase by 30%. Those are not new figures, but they are still startling. The increasing numbers of people with those conditions will undoubtedly put pressure on the health and

social care system and have implications for the sustainability of services.

We need to recognise fully the demands and pressures that those demographic changes will bring now and into the future. 'Transforming Your Care' indicated that demand for services could grow by around 4% a year by 2015, noting that that would mean 23,000 extra hospital admissions; 48,000 extra outpatient appointments; 8,000 extra nursing home weeks; and 40,000 extra 999 ambulance responses. We need to plan strategically to meet patient and client needs in light of such projections.

In recognising those pressures and the need for change, 'Transforming Your Care' recommended a new model for the delivery of integrated health and social care services in Northern Ireland, containing 99 proposals covering 10 areas of care. It set out a strategic road map into the future and has the potential to make a huge difference to how we plan and deliver health and social care services in the medium and long term. It will bring care closer to people's homes, improve patient outcomes, ensure better use of our resources, and ensure that we maximise the use of our skill bases, particularly in prevention and early intervention.

In making this statement today, I want to inform Members of the progress that has been made and outline the next steps. A key early objective in the delivery of the reform was the development of population plans for each of the five local commissioning groups (LCGs) and trust areas by the end of June. The local commissioning groups are committees of the Health and Social Care Board (HSCB), with statutory responsibilities for the planning and resourcing of health and social care services to meet the needs of their local populations. The population plans are to identify the strategic needs of the local population, based on demographics and population health trends and to identify how those needs should be met in future. They should provide the basis for making the significant changes required in our health and social care system, particularly in respect of shifting services from secondary care into primary and community care, where it is safe and appropriate to do so, and the reconfiguration of acute services.

The population planning process has been the focus of intensive work over the past few

months. Local commissioning groups have worked closely with the trusts and other stakeholders to carry out a detailed assessment of the services required to meet the future needs of patients and clients in their respective areas in a safe, resilient and sustainable way over the next three years and beyond. A focus of the population plans has been to identify key initiatives that would support the delivery of 'Transforming Your Care' and the changes required to effect that.

In developing population plans, local commissioning groups and trusts have engaged actively with clinicians and health professionals, community and political representatives. The production deadline for the draft plans was challenging, but we need to ensure that there is a momentum to the work so that people using our health and social care services, as well as those who provide them, can see and feel improvements as quickly as possible.

I acknowledge and pay tribute to those involved in the efforts that have been made to produce the plans in this challenging timescale. We need to sustain that momentum. The development of the population plans has been an intensive exercise, but I believe that it is an example of how local commissioning groups and health and social care trusts can work collaboratively in a focused way towards a common goal of improving patient and client care.

The five population plans are complemented by an overarching strategic implementation plan produced by the Health and Social Care Board to draw together the key elements of the population plans including cross-cutting regional aspects. The strategic plan is intended to set out a coherent framework for the delivery, over the next three years, of the major changes that would drive transformation, supported by the details for local areas contained in the population plans.

The population plans include a number of recurring key themes that are drawn together in the overall strategic implementation plan. I want to outline some of them. A fundamental principle in 'Transforming Your Care' is the shift of service provision, moving treatment and care out of the hospital sector and into the community, closer to people's homes. A key vehicle for facilitating that is the development of integrated care partnerships (ICPs), which bring together health and social care professionals

to work together to deliver better services for local populations and enabling targeted care in the community and, if appropriate, in people's homes. ICPs will focus initially on delivering the transformation of care set out in TYC, in particular by supporting older people and people with long-term conditions to maintain their independence in their homes or in assisted housing through a stronger emphasis on primary and secondary disease prevention, reablement and focused programmes of therapeutic care and support interventions. The longer-term model for ICPs will need to be developed so that they become a core part of our system to deliver quality and sustainable health and social care.

The implementation of TYC would support older people and those with long-term conditions to maintain their independence. The strategic implementation plan envisages a range of changes and benefits over the next three years that include the provision of social inclusion programmes for older people; a reduction in hospital admissions resulting from falls; and a reduction in acute hospital bed days and emergency department attendances for older people. There should also be a reduction in unplanned admissions by implementing telehealth solutions and increasing the way in which services can be provided, particularly for people with long-term conditions, as well as the future development of reablement and intermediate care.

I want a reduction in the number of people in institutional care, and I want to see the development of self-directed support and individual budgets and the supported-living model for learning and physical disability services. There is a need to realign learning disability services to focus more on resettlement, with a commitment to the closure of long-stay institutions.

'Transforming Your Care' will also mean addressing how services are provided for people with physical disabilities, again with the emphasis on care closer to home. The strategic implementation plan includes, for example, a review of day-care provision and the further development of multiagency and multidisciplinary collaboration to increase choice and service provision.

The implementation of 'Transforming Your Care' will also address the need to bring the care of mental health service users back into the

community when that is appropriate and support more people to remain in their homes where possible.

There will be a focus on resettling into the community those living in long-stay hospitals through working closely with the voluntary sector as appropriate. The dementia strategy will be implemented, with integrated care partnerships helping the proactive management of people with dementia in primary and community care settings.

11.30 am

Population health and well-being are crucial elements of 'Transforming Your Care'. The implementation of the A Fitter Future for All framework to address obesity and the tobacco strategy are just two ways in which 'Transforming Your Care' will help people to improve their health and well-being with the support of health and social care.

On maternity and child health, I believe that keeping pregnancy and labour normal to reduce interventions and promote normalisation of birth, while increasing the percentage of women accessing antenatal care in the community, is essential. 'Transforming Your Care' will seek to support healthy pregnancies and promote good parent/child relationships in the crucial early years. It is also important that children be given the best possible start in life. 'Transforming Your Care' will support that through a focus on early intervention and a multi-agency approach to family care and childcare, preventing children from having to be separated from their family and enabling some children to remain safely with their family.

'Transforming Your Care' also seeks to ensure that people are afforded choice and high-quality care at the end of life, reducing the number of people admitted to hospital inappropriately during their end-of-life phase and ensuring that people are given the choice to die at home. There should be provision for specialist palliative and end-of-life support out of hours, as well as enhanced links between specialist and generalist services, with more staff competent in the core principles of palliative and end-of-life care.

Carers play a critical role in the overall care and well-being of the people whom they care for. I remain committed to improving the quality of life and support for carers. There will be new models of respite and short breaks, focused support for carers through assessment of

needs and a range of community-based support, including working closely with voluntary organisations.

I am of course aware of the concerns that many have about the reconfiguration of hospital services. The HSC review team concluded that it is likely to be possible to sustain only five to seven major acute hospital networks. Creating hospital networks and reorganising acute services would mean hospitals not working in isolation but contributing to the provision of services to the population in the area and, where appropriate, in adjacent areas. The strategic implementation plan highlights the need to guarantee the sustainability of our hospitals by ensuring that all acute services adhere to best practice in quality outcomes, infrastructure and staffing. Fragility in hospital services needs to be addressed by ensuring that roles are sufficient to support best outcomes and staffing levels in line with best practice. The role of some hospitals would be expected to change as they became part of a network, working with partners to provide services to their local population.

Many 'Transforming Your Care' recommendations will be progressed through the population plans. Work is also being progressed on other recommendations from 'Transforming Your Care' to ensure a coherent approach to change. For example, 'Transforming Your Care' recommended the introduction of an electronic care record (ECR) in Northern Ireland. In May, I announced the signing of a £9 million contract for an ECR system that will transform how patients' records are managed throughout the HSC and directly benefit everyone who uses the health service in Northern Ireland, joining up records to give better, safer, faster care. The ECR system will improve the safety and quality of care by ensuring that the right information is available in the right place, thus reducing the need for people to repeat their details needlessly. In February, I announced a Northern Ireland physical and sensory disability strategy and action plan setting out the strategic direction for the further development of services and support for disabled people over the next three years. The action plan contains the key actions and associated timescales for the delivery of those services and support.

To support the reform and modernisation of services for people with long-term conditions, I launched in April my Department's policy

framework document, 'Living with Long Term Conditions'. It provides a framework within which commissioners and providers can improve services, share and extend good practice, and develop systems and practices that deliver best outcomes for patients, clients and carers.

Yesterday, I launched the new maternity strategy, which will provide a clear pathway for maternity care in Northern Ireland from pre-conceptual care through to postnatal care. What I hope those examples show is that we are taking steps to ensure that the vision of TYC is realised and that people will see a very positive change in how services are designed and delivered — changes that are focused on people.

I want to emphasise how crucial it is that we get the reforms right. I have only just received the draft strategic implementation plan and population plans, and I have not had an opportunity to consider the details. It is important that the documents are given careful consideration. They are important documents, and I wish to study them carefully. I encourage Members to do the same. Not to do so would be failing in our responsibilities. The summer period is not an ideal time for consultation, particularly on issues as important as this. I therefore intend that, before consultation on the plans is formally launched, there should be a period of further quality assurance work on the plans. That would also provide an opportunity for engagement with clinical leaders in advance of formal comprehensive consultation and stakeholder engagement being launched in September, once the draft plans have been agreed by me. In effect, that will mean that the draft plans may continue to be subject to refinement until the quality assurance and engagement processes have been completed. The plans would then be finalised after the autumn consultation exercise, and further public consultation would be undertaken on any significant service changes being proposed in light of conclusions on the implementation plan and population plans.

In the spirit of openness and transparency, I have asked that the draft population plans and the strategic implementation plan are made publicly available today and ahead of the formal consultation in the autumn. The plans will be available from today on my Department's website at www.dhsspsni.gov.uk. I ask Members, health and social care staff and the public to familiarise themselves with

the documents. I stress again, though, that the consultation exercise will not be launched until September.

Since taking up office as Minister of Health, Social Services and Public Safety, my overriding aim has been to ensure that the safety of patients and clients is paramount and that the quality of care provided is improved. That is, I believe, an aim shared by people who deliver services daily throughout our health and social care system. It is vital that we continue to make the decisions and take the actions that are needed to improve our health and social care services. I am pleased that progress is being made across a number of areas of care in line with the timelines envisaged in the 'Transforming Your Care' report, and that today I can announce that we have taken another step forward with the production of draft population plans and the strategic implementation plan. We have made a good start. We need to continue to build on that so that the public and the HSC workforce start to see and experience the transformation of services that they deserve. I commend the statement to the House.

Ms S Ramsey (The Chairperson of the Committee for Health, Social Services and Public Safety):

Go raibh maith agat, a LeasCheann Comhairle. I welcome the statement and the further update from the Minister on 'Transforming Your Care'. I also thank the Minister for briefing the Deputy Chair and me earlier on the contents of the statement.

Minister, the view in the community is that, although people hear about 'Transforming Your Care' regularly, not many people know the details. It is important that, at every opportunity, we give as much information as possible to the people who are going to be affected by the change in the way health and social care is delivered, including the workforce, which you rightly mentioned.

TYC is about taking people out of the acute sector and into the community. Community pharmacy needs to play an important role in that, and the uncertainty around community pharmacy is not helping. Will the Minister update us on what is happening with community pharmacy? In the June monitoring round, the Minister bid for £18 million to implement TYC, and the bid was not met. Is the lack of funding

going to present the Minister with problems in moving forward with the implementation of TYC?

Mr Poots: There were a number of issues raised. First, I think it is absolutely critical that we establish the views of the public on these issues. Often, a report such as this will be produced and will almost pass the public by, but whenever you get to the raw implementation of it, when a residential home is being closed that is in your area or that serves a member of your family, it will stir the public up. 'Transforming Your Care' is about so much more than that. We need to engage with the public in a very meaningful way to ensure that they have a good understanding of where we intend to go and to hear what their views are. Do more people want to receive more care in their own home? I suspect that they do, but I want to know whether that is the case with the public. Do more people want to receive more care in the primary care settings as opposed to in hospitals? I suspect that they do, but we need to establish that. I accept that we need a robust system of engagement during the process of public consultation and that it needs to be meaningful.

I regret that there is uncertainty in pharmacies, but I accept that it exists within that sector. One course of work that is being done is the margin survey. It is absolutely critical that that is completed; that we have a good grip on the profitability of pharmacy; that we look at how we can include pharmacy in the stronger delivery of services to people on the ground in the future; and that we ensure pharmacists receive remuneration for the work that they do.

The final part of the question was on the bid for £18 million that was required to deliver this review. The Department of Finance and Personnel made it clear to us, and we accept, that we first need to identify all the potential savings within the Department that we can put towards this, and that is what we are doing. There is an invest-to-save budget of around £30 million and we are entitled to bid for that where we cannot identify those savings. I hope that we would receive some of that funding, but it is our task and our duty to ensure that, where there are savings to be made within the Department, we continue to carry that out before we bid for further funding.

Mr Wells: The Minister has identified the fact that there has been remarkably little public engagement in this process up to now. I think

that debate will only really start when names are attached to the reduction or increase of services. What is his view on the Patient and Client Council's suggestion that a leaflet be distributed to every household in Northern Ireland to explain why he felt that 'Transforming Your Care' was necessary and why we need to implement the policies that John Compton outlined in his report?

Mr Poots: I am happy to discuss any proposals around engagement with the public with the Patient and Client Council given its role, the work that it does and the expertise that it has developed. It is important that we seek to ascertain the views of the public for significant change in a very meaningful way, given that we have a budget that represents well over 40% of the public spend here in Northern Ireland, we have 725,000 going through our emergency departments each year and that everybody in Northern Ireland needs this service at some point in their life. I will be very happy to work with others, including the Patient and Client Council, which has a key role to play in this, to ensure that we get meaningful feedback from the public.

Mr McCallister: I welcome the Minister's statement. I think that the refusal of the £18 million funding in the June monitoring round is a setback to driving this agenda forward, and I hope that the Minister will make a commitment that, if he does have to make any further cuts to meet that demand, they will not be from front line services or a failure to fill staff vacancies.

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

Mr McCallister: The Minister talked at length about looking after people at home, particularly the elderly and people with learning disabilities or dementia. Will he give a commitment that he will also support the carers of those people with adequate respite services?

11.45 am

Mr Poots: I very much welcome the fact that a number of bids were met, including £10 million to deal with outstanding surgery and the backlog that has existed for a considerable period. I am delighted that we have made huge progress in the past year in some areas concerning outpatients, such as endoscopies, for example. We have made fantastic progress in reducing the backlogs that existed there, and we want

to work very hard on doing likewise in surgery and in ensuring that people receive prompt responses to their care. I am very glad that that has happened.

I think that the Finance Department's case is reasonable. It has established £30 million funding for an invest-to-save initiative. We, along with other Departments, are entitled to bid for that, but we are entitled to do so only when we have ensured that we have made the savings that need to be made in our Department. That is a course of work that I will continue to engage in. It is not about cutting front line services. In fact, last year, we had more nurses employed than we had in the previous year. So we have not been running about, cutting front line services. Let us dismiss that; let us deal with that myth. We have been working every hard on ensuring that waste that exists within the £4.5 billion budget is reduced, and I think it would be morally wrong for us in the Department of Health to continue to say that we want more money but not deal with the waste where it exists. Anybody who says that waste does not exist within a budget of £4.5 billion is living in a world of delusion. Waste is still taking place in the health service. We have not got to it all, and we need to continue to work on it. I look to Members to assist us in identifying that waste, and I will certainly respond to it where it is identified.

Mr McDevitt: One of the fears or, perhaps, unintended potential consequences, of the necessary reform of services away from centres and towards the community and the patients could be the accidental privatisation of many community services in the years ahead. In other jurisdictions, they have legislated around their reform programme in order to protect and defend against unintended privatisation. Will the Minister give a commitment that he will legislate here in Northern Ireland to do the same and ensure the NHS remains the people's property and not some private enterprise's property?

Mr Poots: Absolutely not; that would be providing legislation not to deliver value for money. In my role as Minister, I have a responsibility to deliver value for money. The concept of the NHS is to provide healthcare to all who need it, free at the point of need. That is the important concept of the health service. In respect of domiciliary care and residential care, Mr McDevitt perhaps wants to go back to the days of the long wards in the Royal where

people were kept for many years in geriatrics. I much prefer the nursing home model. Although none of us would look forward to entering a nursing home, it is considerably better than the geriatric beds, for example.

Many people with a learning disability have been taken out of such places as Muckamore and Downshire and been rehabilitated in other much better facilities, which are run by the private sector. This nonsense that the private sector is bad and wrong and that those who are involved are only in it for money, and that we should take absolutely nothing to do with it, is exactly that — nonsense. I want to ensure that we provide the best quality of services at the best value for money, and I will ensure that that is the case, no matter who is providing it.

Mr McCarthy: I thank the Minister for his statement. Paragraph 5 acknowledges the increase in senior citizens that there will be in the years ahead. Can the Minister indicate how those population plans will improve the services for those senior citizens and carers and ensure sufficient respite facilities? There has been an increase in such chronic conditions as heart disease, strokes, diabetes, etc, and, already, concern has been expressed at the shortage or cutback in resources to tackle those conditions. Can the Minister assure the House that adequate funding will be provided for those chronic conditions?

Mr Poots: Well, in terms of chronic conditions, it is about adequate care as opposed to adequate funding. Of course you need the funding to support the care, but we need to use our funding more wisely. Our budget is set to rise to £4.65 billion by 2015, but were we not to change anything, the actual requirement would be £5.2 billion. So, really, 'Transforming Your Care' is an absolute necessity. Imagine if I was to come to this Assembly and say, "I actually need £5.2 billion just to maintain what we have, given the rising needs, so I want other Departments to surrender £550 million to enable us just to keep the thing going". Yesterday, the Department for Regional Development was looking for more money for that Department; the Department for Employment and Learning wants more money to employ to help employ people; and so forth. I suspect that I would have great difficulties achieving £550 million over the next three years, so it is absolutely critical that we do things differently. That is why we have invested

money in telemonitoring, for example. People say, "Why are you investing £18 million in something like that?" The difference that it will make is that it will keep people who have chronic obstructive pulmonary disease, diabetes, asthma or other chronic conditions out of hospital, which will reduce our costs. It will keep people out of your emergency departments, which will reduce our costs, and it will provide a better service and better care for those individuals, because if their condition can be managed and we can respond to them more quickly, before that condition deteriorates to the point where they need hospital care, that is a win-win both for the individual and for us financially.

The Member raised the issue of respite care, and I think someone else raised it. It is a very important issue. Respite care, in my view, is fundamental to how we do things. As individuals, carers do a course of work that we could never hope to pay for and that we could never hope to replicate within the system. So, if we do not support carers, including the provision of respite care so that carers themselves do not fall into ill health, that will be completely negative and completely backward and will have serious implications for the services that Health and Social Care delivers. I am absolutely committed to providing respite care for carers and for the people that they care for.

Ms P Bradley: I, too, thank the Minister for his update on 'Transforming Your Care'. Minister, in your statement you said that it was essential that children be given the best start in life. Can you possibly tell us what plans there are to enhance early years provision with a view to improving long-term outcomes?

Mr Poots: I thank the Member for the question. In terms of early years, I think that parenting is critical. We in Northern Ireland have a growing problem: a growing problem in our justice system, and a growing problem with young people starting families who are ill-prepared to start families and do not have the support to do it. Therefore, we require more intervention. Now, I come from a background of not believing in state intervention unless it is absolutely necessary. In this instance, it is absolutely necessary. We have too many children who are brought up and not provided with the proper nurturing, the proper educational support, the proper nutrition or the correct boundaries within life. The parents who are bringing those children into the world need help and support, and we will roll out and

extend services such as family nurse partnerships to assist, because the investment that is made in those early years will bring significant and tangible benefits in later years.

All the evidence indicates that investing in early years and early intervention will deliver far more. For example, a child who ends up in a care home costs us around £1,500 per week. We can avoid those situations. We can help parents. If we can actually ensure that children get a better start in life, where they do not have those serious adverse incidents happening in their homes, we will avoid suicides and children ending up in the justice system, and we will reduce the vicious circle that is continuing to grow. That is something that we are committed to doing, and we believe that the family nurse partnerships are of significant benefit, and we intend to extend them further.

Mr Molloy: I thank the Minister for his statement. How will 'Transforming Your Care' impact on children with palliative care needs? What safeguards will be put in place to ensure that end-of-life decisions are taken in full consultation with families so that everyone understands the procedures?

Mr Poots: Palliative care is critical. The role that the families of children with palliative care needs play in decision-making is crucial. There is nothing worse than having a child who has a terminal illness. Therefore, it is wholly appropriate that the parents have every opportunity to understand all the issues, what is available to them, including the clinical procedures and the drugs that might be available, and the potential benefits and negatives. Negatives can often be associated with some of the treatments. Parents and the families of loved ones or, in the case of older people, those people themselves should be allowed to make the choices that are best for them.

It is important that we can offer more palliative care in the home and community setting, away from the hospital. It is important that when people reach the point at which they know that the end of their life is coming quite soon, they can make the appropriate choices and die with a degree of dignity.

I do not see any dignity when a person who is in his or her own home or a nursing home is taken into hospital, goes through the admissions process, goes into a hospital bed and dies within 48 hours. That is not a dignified way to

die. There is no dignity in removing people from their own facility, moving them in an ambulance and putting them through all the processes, diagnostics and tests for them to die only a short time later. We have to look at these things again. There is an opportunity to do that, working closely with our GPs and the community to ensure that people have the most dignified death possible.

Mr Dunne: I thank the Minister for his statement and the work on 'Transforming Your Care' to date. Will the Minister advise on any plans to improve access to the most up-to-date treatments for heart attacks?

Mr Poots: We are delivering better results in respect of heart attacks, but we can do better again. The draft strategic implementation plan intended investment to ensure that everyone has 24-hour access to safe, sustainable cardiac catheterisation laboratory services. That includes the introduction of an emergency primary percutaneous coronary intervention (PCI) service, as required by the Programme for Government, with an associated investment of £8 million over the next three years.

With cardiac catheterisation, a very thin plastic catheter is passed into the heart chambers or coronary arteries. A coronary angiography is the most common test using a cardiac catheter. The procedure shows up the structure of the coronary arteries and detects any narrowing. The catheter can also be used to perform operations in the heart, including the insertion of balloons to widen narrowed coronary arteries, which is known as angioplasty. PCI, which is often referred to as primary angioplasty, is a treatment for heart attack patients that unblocks an artery carrying blood to the heart. The real benefits of that, as opposed to just injecting people with thrombolysis drugs, is that it reduces the muscle damage to an individual. The evidence is that if you had to wait for six hours as opposed to having this treatment within the first hour, it would take six years off your life as opposed to one year. So, having 24/7 availability across Northern Ireland for the 1,000 people who require such a service will save lives and also extend considerably the lives of those who recover from a heart attack.

That we intend to make that investment and deliver on a 24/7 basis is a very positive story coming out of Transforming Your Care today. It is

good news for people who may suffer a coronary incident.

12.00 noon

Mr Gardiner: I thank the Minister for his statement and welcome it. When does he intend to go public, so that the public can have a view and a voice on his statement that he could communicate back to the Department if necessary?

Mr Poots: Obviously, we will not go through the process in July and August, because we would be rightly criticised for engaging in a consultation process over that period. However, the documents will be made available at that point so that people can have their early considerations heard. We will quality-proof the documents before opening the public consultation in September.

As I indicated, it is critical that the consultation be meaningful and that we hear meaningful responses from the public. It would be unfortunate if we were to get caught up in discussion about this residential home or that one. Those are issues, and we certainly must listen to opinions, but there are far wider issues in the document that we need to listen to the public on, such as the creation of integrated care partnerships; the role of those integrated care partnerships; the role of GPs, in association with allied health professionals, in preventing people from moving into the secondary care sector; and the shift of budget from the hospital sector to the community and primary care sector. Those are all issues on which we need to hear from the public. Therefore, I want the process to be meaningful.

Mrs D Kelly: Minister, I join you in commending the staff and commissioners involved in meeting the tight deadlines for the population plans.

You referred to mental health services and population health and well-being, saying that they are crucial elements of 'Transforming Your Care'. In the past two weeks, there have been four deaths through suicide in my constituency. The youngest person to die was 14 years old. Will you expand on how suicide will be tackled under 'Transforming Your Care', recognising that a collaborative approach will be needed to support families bereaved through suicide?

Mr Poots: Suicide is one of the more significant causes of death in Northern Ireland. Sadly,

almost 300 people took their own life last year. There was a reasonable reduction on the previous year's number. Nonetheless, far, far too many people still choose to take their own life, for whatever reasons. Around 75% of those who commit suicide are men, a lot of whom belong to the younger generations.

I referred to parenting. For example, where youngsters have three or four severe adverse incidents in the first few years of their life, they are 10 times more likely to self-harm or attempt suicide in their teenage years. Those are all things that we need to look at in the long term, but there are measures that we need to take in the short term to highlight the fact to people that there are better options. We are looking at creating places of safety. Those will not be in hospital emergency departments, because we do not think that emergency departments are the most appropriate places to treat people who have mental health issues and suicide ideation. We want to do a series of things. For example, we want to look at how we might use sportspeople to get messages across. Sportspeople are not immune to mental health issues. In fact, we saw that recently with the death of a young football manager in England. We need to use people who have a high profile and can reach out and speak to young people in particular about the other options.

I appreciate the support that I am getting from Ministers in other Departments. We met last week to discuss the issue. I have met all the Ministers on a one-to-one basis about the issue. This is certainly a course that we need to continue on. Minister McCausland, for example, is assisting us with the minimum pricing of alcohol. I heard what the 'Belfast Telegraph', for example, said about many people not agreeing with us on a minimum price for alcohol, but all the evidence from psychiatrists indicates that alcohol makes a major contribution to suicide. So, we need to listen to all the evidence that is available and to work very closely together in our efforts to reduce this awful thing called suicide, which has taken so many of our young people's lives

Ms Brown: Thank you, Mr Deputy Speaker. I also thank the Minister for his update on TYC. Obviously, changes will be required throughout the health service, and I assume that that would include the likes of the Ambulance Service. How are ambulance services anticipated to change in the years ahead?

Mr Poots: In the statement, I identified that there was the potential for, I think, 40,000 additional responses to 999 calls. That would put huge pressure on the Ambulance Service, which is delivering better in reaching its eight-minute response time and so on. The draft strategic implementation plan outlines proposals for the way in which our Ambulance Service would continue to develop new protocols that support the right care in the right place at the right time and with the right outcome. Our focus will be on ensuring that patients have access to services that meet their emergency and urgent care needs. All parts of our health and social care system, including the Ambulance Service, will have to work together to achieve that goal. Protocols need to be outcome-driven, reflect best practice and provide alternatives to hospital attendance that support and enable people to manage their health safely in their home when appropriate. They should also mean that, when necessary, patients can be taken without delay to the most clinically appropriate destination. So, very often, an ambulance will drive past one hospital to get to another that is the most appropriate for the delivery of that care. We just talked about PCI. Those interventions will not be available in every hospital, but it is critical that we get people to the right facility so that such a situation can be dealt with and the best outcomes delivered.

We need to work closely with the Ambulance Service on ambulance care and support and on matters such as people waiting for handover times and so on. I do not think that it is a good use of the Ambulance Service for ambulances to wait for hours before an emergency department can take a person off their hands. We can do so much more and we can do so much better to ensure that the ambulance care that is provided is the most efficient possible.

Mr Campbell: I welcome the report. In the Minister's statement, he outlined the 23,000 extra hospital admissions, the 48,000 extra outpatient appointments and the 40,000 extra ambulance responses to 999 calls that there would be over the next two years. Does he accept and understand that his population plans indicate that, on the Causeway Coast, an additional pressure is created by the tens of thousands of visitors over the summer period? Will he take that into account and ensure that the Causeway Hospital has an improved service, rather than speculation that the service will be reduced?

Mr Poots: In spite of all the speculation, the report indicates that there is no intention of closing the facility at the Causeway Hospital. As far as the future configuration of services is concerned, there will be implications for individual hospitals, but our aim is to provide safe, resilient and sustainable services that can focus on an individual rather than on institutions. We have identified the need — the Northern Trust proposes this — for the trust to manage Antrim Area Hospital and the Causeway Hospital as one hospital on two sites, ensuring that there is 24/7 cover and that doctors are always available at both sites. So, given the speculation that arose some time ago, I think that that is positive.

I must make it very clear that it is critical and essential that the services that are provided at Antrim Area Hospital and the Causeway Hospital are safe, resilient and sustainable. That puts a huge onus on clinicians in those hospitals to ensure that that is always the case. I do not want the royal colleges deciding at some stage that they are not prepared to support that service. Those decisions should remain in the hands of the Northern Ireland public, through the Assembly, the Health Committee and this Minister or whoever holds this office. Therefore, it is incumbent on those who manage the system and the clinicians who provide that service to ensure that the system is always robust. Those who access services in the Northern Trust do not deserve anything less than a robust, safe, sustainable and resilient service. I will seek to ensure that that continues to be the case.

Mr Rogers: Thank you, Minister, for your statement. Places like Mourne Stimulus in Kilkeel do fantastic work on a shoestring for people with severe learning disabilities. Will the Minister reassure the House that adequate respite care will be provided locally for those people?

Mr Poots: I have had the privilege of visiting Mourne Stimulus. The Member is absolutely right: it is a fantastic service. Great work is done by the local community, and great fundraising work is done by the local community to further develop that service. We need to support those people. They raised the issue that many in the south Down area have to travel to Dungannon, for example, for respite care. That is an issue. We recognise the nature of the problem and need to look at how that can be addressed.

Given the location of Mourne Stimulus, the South Eastern Trust and the Southern Trust may need to work together to address that issue, as Newcastle falls into the South Eastern Trust area. It may be appropriate for both trusts to work together to deliver a solution for people in the south Down area so that they do not have to travel such long distances for respite care. It is a particular problem if someone goes into respite care and something goes wrong. Someone may have just travelled an hour to Dungannon and an hour back, and a couple of hours later they get a phone call to say that something has happened and they need to go back and collect their family member. They then have to make that trip again. We recognise that that is a problem and need to continue to address it.

Mr Allister: I return the Minister to the subject of the Causeway Hospital. He just said that there was no threat to the facility, and I want to tease out what exactly he meant by that. Did he mean that there is no threat at all to the A&E acute facility at the Causeway Hospital, either in the hours that it is open or the range of facilities that it covers? Is that the assurance that he is giving? Is there no such threat to those services now or in the future?

Mr Poots: In a previous statement that I made in response to the Member for doom and gloom, I encouraged the people in the Causeway area to take some hope after Mr Allister had made particular predictions because he has a very strong track record of getting his predictions wrong.

Mr Allister: Just answer the question.

Mr Poots: The Member does not like the answer, and it is obvious why.

Mr Allister: You have not answered the question.

Mr Deputy Speaker: Order.

Mr Poots: He has also got this prediction wrong. The Causeway A&E is not closing. I have made that very clear, and it is in the report and the document around the population plans. It is very clear that that is not the case. What I have said is that, for the long-term future — this applies not just to the Causeway Hospital but to every facility in Northern Ireland — it has to be safe, sustainable, resilient and robust. It is for the clinicians in those areas to ensure that that is always the case. I can reflect and look back to when services were withdrawn, for example, in

Dungannon: no Minister or public representative had any say in that whatsoever. It is incumbent on clinicians, wherever they are, to ensure that they identify the system that is right for that area and deals with the issues in that area.

12.15 pm

Mr Campbell, rightly, pointed out that there is a huge influx of people into the Causeway area right across the summer. On Friday, I travelled back home from the successful golf event in Portrush, and it took 45 minutes of driving at the speed limit — I was not driving, by the way — to get to Antrim hospital. I recognise that, in an ambulance that is maybe restricted to 50 miles per hour and contains someone who is quite ill or is bleeding profusely, such a journey can be very significant and last for over an hour. It is always important to get people to the right place, but there is also the issue of supporting quality services in an area where an already large population is enhanced during the summer. It is incumbent on the Northern Trust management, with local clinicians, to ensure that that service is sustained. There is no political will or desire whatsoever to reduce that service; it is in the hands of the local people who manage and run the Causeway Hospital.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I welcome the statement, in which you said, Minister, that you:

“remain committed to improving the quality of life and support for carers”.

As you know, carers save the health service huge amounts of money every year. Have you had any engagement with fellow Ministers, particularly Minister McCausland, to ensure that carers get access to the meagre benefits to which they are entitled?

Mr Poots: Clearly, benefits are the responsibility of DSD. There are various measures out there to better inform the public of what benefits are available. I tend to agree that you will never be rich on the benefits that are around. Many people who provide care are scraping through and no more, so it is important for DSD in particular to ensure that people have all the relevant information. We in the Health Department are happy to distribute such information through GP surgeries and so forth and to have it readily available for carers, who often have enough stress without worrying about financial stresses at times.

Mr Dallat: I, too, thank the Minister for his statement. I am sure that he will not feel irritated if I momentarily go back to the Causeway Hospital issue. I am sure that the Minister will agree that someone such as him, in perfect health and travelling in a top of the range Superb car, will have no difficulty getting from Coleraine to Antrim. However, for somebody who has just suffered a stroke or a heart attack, any degree of consultation will not shorten the long and torturous journey between the furthest extremes of the Causeway area and Antrim hospital, which I understand to be the preferred choice of the health trust. Will the Minister please stop the speculation about which he complains by telling the people of that area that the 24-hour A&E department in the Causeway Hospital is safe and that we, as politicians, will have the say on behalf of the population of 150,000, rather than the bureaucrats or the clinicians making the decision?

Mr Poots: I assure the Member that I am neither grumpy nor irritable today, and I will not become so now. I am in fine fettle, in fact. It has been made very clear that there is no intention whatsoever of closing the emergency department at the Causeway Hospital. It has also been made clear that every hospital in Northern Ireland has to ensure that the services that it provides are safe, sustainable, resilient and robust. That is something that the royal colleges will expect; they will not put their staff into or allow their members to engage in a service that they do not believe meets those standards. It is incumbent on everyone to ensure that that is the case, but there is no political will to reduce services at the Causeway Hospital.

I should say that a person with a heart attack will, more than likely, not be going to the Causeway or to a series of other hospitals in Northern Ireland. That is because the PCCI services to which I referred will not be available in the Causeway Hospital. They will more than likely travel to Altnagelvin Hospital. As a consequence, they will have a better chance of having their life saved, and, if they get treatment, they have a better chance of having their life extended because they are getting the appropriate treatment. I have often referred to the individual from Ardglass who was taken past the Downpatrick hospital and treated at the Ulster Hospital for a stroke. That person walked out of that hospital a week later, because they got the appropriate treatment in that facility.

It was much better for that person to have travelled the extra 40 minutes to receive the appropriate treatment than to have come out of the Downe Hospital three months later having suffered the full impact of a stroke because the thrombolysis was not available. It will be the same with heart attacks. So, it is about having the appropriate services at the appropriate hospitals to meet the needs of the population of 1.8 million in Northern Ireland.

Housing Executive: Contract Management

Mr McCausland (The Minister for Social Development): With your permission, Mr Deputy Speaker, I wish to make a statement on the Northern Ireland Housing Executive's management of response maintenance contracts. I am aware that the issue has recently attracted significant media attention, and it is right and proper that it is in the Assembly that I make my position on it clear.

There has been a long record of concerns about the Northern Ireland Housing Executive's contract management regime. Those concerns stretch back to the previous Administration, and, indeed, they culminated in my immediate predecessor, Alex Attwood, commissioning on 7 October 2010 a review of governance in the Housing Executive. That review followed a series of internal and external investigations into the Housing Executive that raised concerns that its governance systems were not sufficiently robust. On 25 January 2011, he informed the House of the many recommendations that were to be implemented following the governance audit and gateway review. He advised that:

"a new discipline and rigour should be applied to contracts. That is necessary to protect tenants' needs, the Housing Executive's authority, the interests of the Department for Social Development (DSD), and government expenditure." — [Official Report, Bound Volume 60, p187, col 2].

The then Minister also welcomed the endorsement of the reports by the chairperson and acting chief executive of the Housing Executive. He advised that the Housing Executive board:

"must ensure that implementation occurs expeditiously and faithfully." — [Official Report, Bound Volume 60, p189, col 1].

On taking up post, however, and on foot of a briefing on the governance review findings and implementation, as well as on the issues leading to the termination of the Red Sky contract in July 2011, I expressed my concerns about contract management. I wrote to the chairperson of the Housing Executive board at that time asking for assurance that robust and focused contract monitoring arrangements were in place for all response maintenance contracts. I was assured that the monitoring arrangements for response maintenance

contracts were very thorough. However, in the light of my continuing concern that the issues that led to the termination of the Red Sky contract by the Housing Executive could be present in other contracts that had not been the subject of any full investigation, I asked for a forensic investigation of a sample of Housing Executive maintenance contracts to provide me with assurances about the other contracts, the quality of services to tenants and the proper use of public funds.

That work began in October 2011 and considered: the quality of the workmanship that was undertaken; whether the invoices that were submitted by the contractors and paid by the Housing Executive were appropriate in the context of the work that was requested and that that was actually carried out; whether the inspection regime in the Housing Executive operated as expected; and whether the key controls to manage contracts and ensure that the quality of works undertaken was monitored and that the price variations were identified, valued and approved, were adequate and operated effectively. The work also considered a classification of any financial anomalies that were identified during round one and round two inspections, which related to the contractors that were assigned Red Sky contracts and to other contractors respectively; and an extrapolation of any findings from round one and round two to determine the possible level of any overcharging or errors.

The investigation was to be carried out in two phases, with phase 2 to be taken forward only if the phase 1 findings provided cause for concern. I was advised that that was the case, and phase 2 began on 13 March 2012.

I am also aware that, in the wake of significant concerns having been raised by whistle-blowers, MLAs and the media, the Northern Ireland Audit Office decided to examine the Housing Executive's management of response maintenance contracts in view of the seriousness of the problems identified in the management of specific contracts and the potential for important lessons to be learned across the public sector.

The Audit Office report, to be published in the autumn, will cover the management of response maintenance contracts and the termination of the Red Sky contracts; the inspection of repairs and maintenance work; the handling of

complaints and whistle-blower allegations; and contract management and governance.

I am aware that the Comptroller and Auditor General has also raised concerns relating to the Housing Executive's management of contracts as part of his audit of the 2011-12 accounts. I understand that those concerns will be included in his report on the accounts when the accounts are laid in the Assembly later this week.

During this period, my permanent secretary, who had chaired the oversight group that was set up to ensure the effective implementation of the recommendations from the governance review, advised me that he had concerns about the effective implementation of the recommendations that were made in the 2010 governance review on the management of maintenance contracts. In particular, he was concerned that the Housing Executive was not making full use of its internal assurance regime to improve contract management.

In view of his concerns, he asked for copies of all outstanding reports from the Housing Executive's internal assurance team. Those indicated significant issues with contract management and considerable time delays in agreeing the reports with managers, which also meant delays in the timely implementation of the recommendations. For example, of 12 reports by the repairs inspection unit, two were finalised, and of the 10 inspections outstanding, two have been outstanding from November 2011, four from January 2012, and the remaining four were issued on 9 May 2012. In all, 11 of the 12 reports contained a negative rating and highlighted poor workmanship and inaccurate charging.

The permanent secretary then asked the Department's head of internal audit to undertake an independent review of the Housing Executive's actions to implement the recommendations in the 2010 governance review that related to the independent inspection of maintenance contracts, and specifically to determine the reasons for the delay in the agreement of reports from the repairs inspection unit.

Taking account of all the factors together, including my initial concerns, the findings from phase 1 of the forensic investigation and the fact that the Audit Office had sufficient concerns to investigate the Housing Executive's management of response maintenance

contracts, that caused me sufficient disquiet that I brought my performance review meeting with the chair of the Housing Executive forward to discuss the issues fully and to gauge the will and determination of the board and the senior management team to effect the change that is required. I asked the board to consider a number of issues that I raised, and I received its response on 29 June 2012.

I wish to consider further the detail of the response. Although it states that significant progress has been achieved, it acknowledges that more needs to be done. On the basis of the evidence that I have received to date, however, I cannot be assured of the board's conclusion in the letter that there is a clear demonstration of the board's commitment to addressing the issues raised in an effective and timely manner.

12.30 pm

On 29 June 2012, I received the draft report on the forensic investigation that I commissioned. As it was received only in the past few days, my officials and I need time to consider it in detail. Nevertheless, I am very concerned that the findings and evidence clearly demonstrate that there are considerable issues in relation to the Housing Executive's management of response maintenance contracts. The key findings in the report cover the quality of workmanship; invoices submitted by contractors; completion of work on a timely basis; Northern Ireland Housing Executive inspections; the ability to recover overcharging; and duplicate schedule of rates codes.

What does that mean for tenants in their homes? Many poor workmanship issues were covered. For example, in one change of tenancy, a back door was so badly fitted that it had to be removed, planed and rehung. A new door to a bathroom failed to lock. A handle to a cistern came off. Redecoration was of a very basic standard. Two new doors that were fitted to a newly fitted kitchen were off within nine months of installation. A blocked gully to a rear yard was still partially blocked and backing up, and the gully cover was missing. A socket for a washing machine was faulty. Other examples include more doors being claimed for than existed in a house. A new fan was fitted in a kitchen, but the new fan and a non-existent bathroom fan were serviced. Fire doors were fitted to a kitchen and living room where they were not required. A door was fitted with an excessive gap. Extensive

work was done to a front door, but screws were missing from the hinges. Floor tiles were poorly laid, and there were lifting tiles. A gutter and downpipes were provided to the wrong side of a party line and were considered unfit for purpose.

I should point out that the report consists of three large lever arch files. It runs to several thousand pages, and there is page after page after page of such examples. There are many more examples, but I do not need to go into them. They clearly indicate that tenants are not getting the services that are expected or being paid for by the taxpayer.

The findings in the draft forensic investigation report give me grave cause for concern in relation to the Housing Executive's management of response maintenance contracts and its ability to respond to the issues, particularly as the Housing Executive disburses and is accountable for huge sums of public money: some £600 million a year, of which over £170 million is spent on maintenance. That reinforces the types of concerns that were noted in the Northern Ireland Audit Office's work, the Department's examination, and, most importantly, the findings of the Housing Executive's internal assurance teams. I will copy this draft report to the Housing Executive for comment, and I will ask it to consider the issues raised and respond to me by mid-August.

I have also received a report from the Department's head of internal audit, who completed the independent review of the actions undertaken by the Housing Executive to implement the recommendations of the 2010 governance review relating to the independent inspection of maintenance contracts and specifically to determine reasons for the delay in the agreement of reports from the repairs inspection unit. Once again, although officials will wish to consider the report in detail, its overall conclusion is that senior management in the Northern Ireland Housing Executive have not acted quickly enough to resolve the issue of the agreement of the draft reports from the repairs inspection unit. In expending so much effort in debating the methodology used in producing the reports, the Housing Executive has failed to focus on the reports' significant findings. Time that could have been better spent addressing the issues identified has instead been lost in protracted internal debate.

Taking all those factors together, I believe that the Northern Ireland Housing Executive, as an organisation, has, to date, failed to demonstrate the required response to known shortfalls in contract management in a manner that either recognises the importance and significance of the issues or demonstrates an unequivocal determination to address the matters with the necessary pace and urgency. I feel that tenants and the taxpayer are not getting the quality of service that they have the right to expect.

Let me also point out that this sequence of events relates only to the management of response maintenance contracts. I, therefore, have to assume that those types of problems may also be evident in the way in which the Housing Executive manages other contracts, such as planned maintenance contracts on which it spends £92.5 million a year.

The board has taken some actions very recently to start to deal with the issues, but I do not believe that they address the root cause of the matter. I continue to have major concerns about the culture in the organisation and the level of aspiration in the Housing Executive to deliver a quality service to tenants. I also need much more assurance that there is the necessary drive, determination and capability in the Housing Executive to effect the required change.

I must, therefore, take immediate action to ensure that the Housing Executive deals effectively with the issues and that the situation does not continue, particularly following the awarding of new contracts on 1 August 2012. I intend to introduce, with immediate effect, special accountability measures that must bring about improvements efficiently and effectively. The measures will significantly enhance the current oversight arrangements between my Department and the Housing Executive.

I will ask the Housing Executive to put a comprehensive work plan in place immediately. It will focus on the areas that I specify in which action must be taken to ensure the provision of quality services to tenants and the proper use of public funds. That will be informed by the findings from current reports and investigations. The work plan will be subject to my approval, and the Housing Executive will be required to provide me with fortnightly reports on the issues of concern.

In view of the fact that there have been significant delays in the implementation of

the recommendations in internal audit and repairs inspection unit reports, particularly when those have been critical, I will also require that my Department has sight of all draft internal audit reports and repairs inspection unit reports as soon as they are produced, along with a timetable to ensure that the reports and recommendations are agreed and implemented immediately. Those reports are an important management tool. If many of the recommendations in the outstanding draft reports had been taken forward and implemented by management in a timely, effective manner, we would not be in the position that we are in today.

There will also be an increase in the number of accountability meetings between my Department and the Housing Executive. They are currently held quarterly but will now be monthly. The meetings will focus on the areas about which I have concerns. I will advise the board of the Housing Executive of the details of my special measures. I intend to keep all this under review over the coming weeks, and if I do not see improvements, I will consider whether any further action is needed.

Among the critical questions that I will be asking is this: how did these failings occur? What was the culture and practice in the Housing Executive that allowed this to happen and, indeed, to continue for so many years? I also undertake to report to the Assembly again in the autumn to provide an update.

I think that it is important that I comment on the resignation of the chairman of the Northern Ireland Housing Executive, which was tendered on 29 June. The chairman's decision to resign at this time was entirely a matter for him. My concerns have always been the management of contracts; ensuring value for money for the public purse; and, most importantly, ensuring quality service for tenants. It is a challenge to the board and the management team to show the required leadership, drive and determination to deal with the issues.

Finally, we need to look to the future. As you know, my predecessor commissioned a fundamental review of the Housing Executive. I have been considering this review and further analysis that I commissioned. I hope to make a statement when the Assembly returns that will set forward my vision for new housing structures in Northern Ireland that will improve delivery and

services for tenants and the taxpayer. One thing is clear to me: it is time for change, urgent change.

Mr A Maskey (The Chairperson of the Committee for Social Development): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his comprehensive statement. I, Mickey Brady and the Committee Clerk met the Minister and his officials this morning to go through the report. Departmental officials will give a further briefing to the Committee for Social Development on Thursday morning.

Clearly, the report makes for gloomy reading, and I presume that it will have perhaps quite a negative impact on the overall workforce in the Housing Executive. That needs to be addressed urgently. I appreciate that the Housing Executive will have a number of weeks to respond to the report.

In the Minister's statement, he raised the question of how these failings occurred. I repeat what I said in our private meeting: we will await the full response from the Housing Executive on this and the further reports into this matter. We are concerned that we are dealing with the quality of workmanship carried out in people's homes and the expenditure of vast amounts of public money. All of that has to be protected, and the Minister will have our full support in the quest to ensure that that happens. There has been a culture in agencies and, perhaps, some Departments of the responsibility never seeming to lie anywhere. Can the Minister assure the House that when the reports are developed and worked through, we will get to the bottom of where the responsibility lies in the agency and, if need be, the Department, in respect of any culpability over not ensuring that public money was spent wisely? If the reports were commissioned but sat on someone's desk, where were the trigger mechanisms to ensure that they were dealt with as a matter of urgency?

Mr McCausland: I thank the Member for his question. I assure him that, as I said in the statement, we are getting to the point where we can see the overall picture. We need to know how that situation arose and how it prevailed in the Housing Executive over such a number of years. I will want to know how that happened. We need to get to the bottom of it and see where responsibility lies. I will pursue that to the very utmost of my ability.

Mr Deputy Speaker: I remind Members that the Chair of the Committee gets some latitude

for his question. Quite a lot of Members have indicated that they wish to ask a question, and I ask them to be concise.

Ms P Bradley: I thank the Minister for his statement, and I welcome that accountability measures have been put in place to maximise the provision of quality services. Is he now satisfied that the adjacent contractors who took over the Red Sky contracts did not have the same issues as Red Sky?

Mr McCausland: I thank the Member for her question, which is an important one. When I came into the Department, one of the first matters that I had to deal with was the ongoing issue around the Red Sky contracts. At that time, the action of the Housing Executive was to take contracts away from Red Sky, where there clearly were issues and problems, and shift them to other contractors. At the time, I asked the Housing Executive whether it could assure me that we were not taking work away from a company with problems and giving it over to another company with the same problems. The evidence that I now have from the various reports that I have referred to, including the draft report from ASM, indicates that there are significant issues and that those issues have been identified across all the contractors examined and a wide range of Housing Executive offices. These issues relate to payments for substandard work, work not carried out and poor quality of workmanship. However, these are contractual issues and due process must be followed. The Housing Executive has to be allowed the opportunity to respond and, indeed, to take up any relevant matters with their contractors through the normal process.

I assure you that I will return to the Assembly when that process has been completed. My focus has been on tackling contract management failings wherever they lie. If you are looking at the broad scheme of things: yes, there were issues in Red Sky. However, there were also issues with the other contractors. If you are looking at the scale of the issues, there is not much difference.

12.45 pm

Mr Copeland: I, too, welcome the statement, which must have been difficult for the Minister to bring to us this morning. Many years ago, I served my time, not in the sense usually associated with this place, but as a maintenance

joiner. It is a difficult job to quantify, and it was within my own family. Is the Minister content that the way in which the contracts were written in the first place priced the jobs properly so that they could be done or was there a suggestion that the companies had priced them so tightly that they basically could not make enough money and they went for the extras? Could I also —

Mr Deputy Speaker: I think that the Member has asked his question.

Mr Copeland: — ask whether he has any evidence of fraud on one side or the other?

Mr McCausland: With regard to the Member's first point about contracts, those start on 1 August. Those new contracts are different to the previous contracts. More work has to be done to look at how those previous contracts were originally written, managed and monitored.

With regard to the Member's second point, if somebody claims that they installed 12 doors in a place but installed only eight or, as in an earlier example, paved a garden that did not exist, something rather strange is going on to say the least. The Member, I think, is nodding and, in fact, using the word "fraud" himself.

Mr Durkan: I thank the Minister for his statement. It has to be noted that the Northern Ireland Housing Executive has transformed housing here in Northern Ireland for the better over 40 years. However, shoddy workmanship and poor performance is unacceptable to tenants and taxpayers. The examples given in the statement, to use the Minister's own words, are not much different in nature or scale to the failures of Red Sky. Given that, can the Minister explain why he attempted to derail the termination of Red Sky contracts this time last year?

Mr McCausland: I think, perhaps, Mr Durkan failed to understand what I said earlier. Would Mr Durkan advocate, or does he think that it is a good idea, to take work away from a contractor who is performing inappropriately and give it to another person who is doing virtually the same thing? That is the question that he needs to answer.

Mr Easton: I thank the Minister for his statement. Minister, were you surprised by the resignation of the former chairman of the Northern Ireland Housing Executive on the day that you received the ASM Howarth forensic audit report?

Mr McCausland: The resignation of the chair was entirely a matter for him to decide. However, I was somewhat surprised at the timing, as I met the chair and put forward my concerns to him last Tuesday, many of which he should already have been aware. The issues that have given me cause for concern have been present in the organisation for quite a number of years. They have been systemic and endemic over the past eight years. Clearly, there are significant questions to be asked around the role of the board and the chair, who has led the board since 2004, in seeking a resolution to those ongoing and prevalent significant issues. In the near future, the further reports that I have referred to will raise even more questions, which must be answered.

Mr Brady: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his statement. Sometimes, Minister, the perception is that these problems occur in the large urban areas and in the larger Housing Executive offices. Do you consider that these problems are endemic throughout the Housing Executive, particularly in the smaller towns and rural areas that the Housing Executive deals with?

Mr McCausland: I have not had the opportunity to go through the several thousand pages, because we got the report only the other day. However, the information that I have been given from an initial study of the report is that it occurs across all the areas and all the contractors who were inspected so far.

Ms Brown: I thank the Minister for his statement. Given that you stated that you have been considering the review, and given everything that we have heard today, does that not place even more emphasis on implementing the long-awaited, fundamental review of the Housing Executive?

Mr McCausland: I thank the Member for her question. The review of the Housing Executive was initiated under my predecessor. The PricewaterhouseCoopers report was brought forward. We have looked at that and done some further work. I hope to bring forward recommendations as soon as possible. However, that does emphasise the importance of moving forward with the review of the Housing Executive.

Mr Ross: The Minister said that he will now be copying the draft report to the Housing Executive for comment and that it will be

responding to him by mid-August. When does he anticipate that the full, finalised report will be published? Is he confident that the public will have confidence that there will be value for money in those sorts of contracts in the future?

Mr McCausland: I have only just received the report in the past few days. It is extremely detailed, and my officials and I will need some time to consider all its implications. There is an issue around aspects of the report that are classified as commercial in confidence. However, I am committed to releasing as much information as possible in due course within those confines. We need to have openness, honesty and transparency about all this. We are dealing with one of the largest public sector bodies in Northern Ireland. We are dealing with hundreds of millions of pounds a year. It is important that the general public and taxpayers — as well as tenants — have confidence that they are all getting value for money.

Mr Campbell: Towards the end of his statement, the Minister referred to the culture and practice in the Housing Executive that allowed these things to happen. There is an elephant in the room, Mr Deputy Speaker, and somebody needs to identify the elephant. The Minister has just got the document. If he cannot respond to my question today, I will be content if he responds after the summer. What was the distinction between the Housing Executive's treatment of the Red Sky contract and the other contracts? What was the distinction? What was the underlying emphasis that made that distinction by the Housing Executive possible?

Mr McCausland: On the issues involved, there is very little difference between Red Sky and other contractors. The problems were across the board. Different areas, different contractors, but the same issues: overcharging and poor workmanship. At this point, I cannot answer the question as to why one particular contractor was selected for attention at that time and others were ignored, even though it was pretty obvious, from even the most cursory inspection, that this was a wider issue. I cannot answer that question at the moment. In due course, we need to get to the bottom of that sort of issue.

Mr Givan: I thank the Minister for his statement. In looking at the culture and practice in the Housing Executive, will the Minister, when he has read the document, be able to assure the House that there are no discriminatory

practices in the Housing Executive, whose workforce is under-representative of the Protestant community? In my constituency, the Housing Executive built houses in Twinbrook and Poleglass, while the Protestant community was neglected. Minister, when you have had time to read the report in full, we will need an assurance that no discrimination is taking place in the Housing Executive now.

Mr McCausland: I certainly will want to ensure, as I think we all would, that there are no differences drawn and no discrimination, and that everything is done on a fair, honourable and equitable basis. I welcome the opportunity to put that on record. It is absolutely essential that we move forward in Northern Ireland, not just with this but with every issue, in a way that is fair and equitable. That should be the desire and commitment of everyone, and I am sure that any efforts that are undertaken to ensure that that happens will be welcome.

Mr I McCrea: I thank the Minister for his statement. Like others, I think that there are some shocking elements in it, and, no doubt, there will be more to come. Does the Minister feel that the Housing Executive is capable of managing the culture change in the organisation that he is referring to?

Mr McCausland: The whole issue of how we move forward is important. I believe that the organisation has failed to respond to known shortfalls in contract management either in a manner that recognises the importance and significance of these issues or in a manner that demonstrates an unequivocal determination to address these matters. The board has taken some actions to deal with the issues, but I do not believe that, to date, those address the root cause of the matter. I still have major concerns about the culture within the organisation and the level of aspiration in the Housing Executive to deliver and to provide me with an assurance that there is the drive, determination and capability within the organisation to effect the change that is required. I need answers to these issues, and that is what I will be focusing on.

As we move forward, that places tremendous responsibility on the board and on the senior management team. I met the former chairman earlier in the week, and I put forward my concerns to him. Many of those concerns should not have been new to him or to the board members because they have been causing me

concern for some time. As we move forward, there are significant questions to be asked about the role of the board — including the chair, who was, in fact, in post from 2004 — in seeking a resolution to these significant issues. As we move forward and other reports are produced, those are questions that are going to be asked over the next number of months. I am sure that the questions that I have raised today will be asked again by others, and they are questions that will have to be answered.

Mr Allister: I carry no torch for the Housing Executive. I have seen enough shoddy work and had other experiences to cause me to share the anxiety of many. However, I want to ask the Minister about the process that he has followed. He has arrived at the point of a pre-emptive strike, whereby he is introducing a form of direct rule of the Housing Executive by his Department on the basis of a draft report that he has just told us he has not fully read and that the Housing Executive has never seen, if I understand him correctly. Therefore, it has had no opportunity to comment on it or to correct, if that were appropriate. Does he think that that process is sufficiently natural justice compliant to arrive at the point that he has arrived at?

Mr McCausland: I am absolutely confident that the way in which we have handled the issue has been the right approach. It has been a measured response, and it has been the correct response. The issues that are identified in the ASM report are not new. They are issues that have already been identified in a forthcoming report from the Audit Office and in the Housing Executive's internal reviews. Its own inspection unit identified those issues, but, as I said earlier, the reports sat on desks, perhaps from November last year, for six or seven months. It is only now that questions are being asked that these things are being extracted. In fact, they were only extracted when one of our departmental officials was put in the Housing Executive to do some work. It was only then that these things emerged. Therefore, there is the evidence of the internal inspection unit in the Housing Executive, and there is also evidence from the work being undertaken by the Audit Office and from this work. There is a pattern here.

It is not a single, pre-emptive issue. A whole series of bodies of evidence have emerged. That is why it was important that I came to the House at the earliest opportunity, given the importance and scale of the issue and that, ultimately and

as the Member stated, the Housing Executive is a matter of real concern for every Member. On that basis, it was essential that I came here. I will return to the matter at the earliest opportunity in the autumn. Indeed, as I said, others will also return to it.

1.00 pm

Mr Lyttle: It is, indeed, of great concern that we are failing to provide some of the most vulnerable people in our society with the fundamental right of good shelter. This is a concerning statement, and it will take the Assembly some time to digest the reports. Will the Minister publish all the reports in conjunction with the statement? Also, why was the work of Red Sky staff not part of the wider review of Housing Executive contracted maintenance work?

Mr McCausland: As I said, the report fills three large lever-arch files and has several thousands of pages. Some of the material is in commercial confidence, but something can certainly be made available in due course. I want to be as open and transparent about this as possible. I think that that is crucial. So, we will look at that over the next while to see what can be done.

A year ago, the Housing Executive had a review of Red Sky. We then simply repeated that process with the other contractors. So, when you put all this together, you get the overall picture. I cannot answer your question about why the work did not initially cover the other contractors, in addition to Red Sky, particularly when contracts were taken from Red Sky and given to the others. That question needs to be put to others. When I came into the Department, I was determined to make sure at the earliest opportunity that the same questions were asked so that everybody and every contractor was treated fairly and equitably. I do not discriminate; I want this done fairly.

Mr F McCann: I thank the Minister for his statement. I am a bit concerned that, in the midst of dealing with what is obviously a very important matter, the whole issue has been sectarianised. I was one of the people who complained about Red Sky after I stood in homes that had been badly repaired. Many hundreds of other people in west Belfast did the same. Can the Minister guarantee us that there will be no political or sectarian approach to the outcome of this?

Mr McCausland: I thank the Member for his question. I welcome the opportunity to put this on the record. The same issues that apply in one area apply in another, and the same issues that arose with one contractor, which, in this case, is Red Sky, have arisen with others. That is my point. I am not making any distinctions or qualifications. We are being open and frank about this. It is a widespread problem that impacts on people, whether they live in a unionist or a nationalist area. No matter what their background is, they deserve a good-quality service. The report has uncovered that the quality of workmanship is unsatisfactory in many areas.

It is quite clear from the review that there were anomalies in about half the jobs. The word “anomalies” covers substandard work, overcharging and a range of other things. Many of the jobs were substandard, and that is just not good enough. I am sure that the Member agrees that that is simply unacceptable.

The scale of this issue is very large. The figures for response maintenance, planned maintenance and grounds maintenance are £50 million a year, £90 million a year and £20 million a year respectively, and £170 million is the round figure for the total contracts budget. I touched on the fact that we were looking here at response maintenance. There are now some suggestions of issues with planned maintenance as well, which costs an even larger amount of money. In fact, there is some evidence of that. The Housing Executive has a major role in the management of contracts. It is core to the business and must be done properly.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. I also deeply resent the air of sectarianism that was introduced, and Mr Givan has disappeared from the Chamber. Those houses at Twinbrook and Poleglass were built on the basis of need in the face of flagrant discrimination over years; that has to be placed on the record. Wherever houses are needed, be it Twinbrook and Poleglass or north Belfast, that is where they should be built on the basis of need.

I return to the original point teased out by Mr Allister in regard to the report itself. It is established good practice that reports into important matters, such as this important and sensitive issue, are shared, for the purposes of factual accuracy, with those people or bodies into which the reports have been commissioned,

especially if the performance of those people or bodies is being called into question. Will the Minister confirm that he shared the ASM Horwath report with the Housing Executive to ensure fair progress and natural justice and to check factual accuracy? If he did not do so, does he consider this to be a fair and proper way to progress?

Mr McCausland: The report arrived in its final form on my desk in the Department on Friday. The Housing Executive will be given a number of weeks — to mid-August — to respond to it. The contractors will also get an opportunity to raise issues. However, the scale of the anomalies is such that half the jobs were affected. You might be able to explain away one or two anomalies here and one or two there. You will not be able to explain away anomalies in half the jobs. We now have a pattern of internal inspections in the Housing Executive — I brought this to the attention of the House for the first time today — which were carried out by the Housing Executive’s own people and which identified problems. However, those reports simply got buried and bogged down in the bureaucracy of the organisation and sat there. People argued about whether it was 29, 30 or 31 on a particular page, rather than saying, “There is a problem here; let us deal with it.”

The internal reports, which should have been brought to the attention of the board at the earliest opportunity, are part of the emerging body of evidence. So we have the Audit Office report that will emerge in the autumn, we have the Housing Executive accounts that will come from the auditor later this week with comments on those matters, and we have this report. New contracts will be in place on 1 August, so it is important that we get the air cleared and that people are aware of the background to the issue. All this material needs to be out as soon as possible, and I would have been very much criticised by Members of the Assembly had I not brought forward a statement today to get the information out there as soon as possible. It is important that Members are given their proper recognition and place and kept fully informed.

Mr Agnew: I thank the Minister for bringing the matter to the House. He mentioned that claims were made for work done that was never carried out. What efforts have been made to identify the total number of such cases? Is there some sense of how much it has cost the public purse? What will be done to recover money

from contractors who claimed for work that they did not do? Will compensating the Housing Executive for work not done be a condition for those contractors being able to apply for future work?

Mr McCausland: New contracts have already been awarded that will start at the beginning of August. With regard to overcharging and other anomalies, the ASM Horwath people have gone through sample contracts for each contractor, which can then be scaled up to get a fuller picture. Although they have been working intensively since the later part of last year, they have been unable to go through every single docket of every contractor for every job throughout Northern Ireland over the past eight or nine years. It would not be possible to do that. What they have now is a sense of the scale of it. However, where it has been identified that claims were made that were fraudulent, unfounded, inappropriate and improper, yes: the Housing Executive should be chasing after people. We are talking about public money and people should not be getting away with wrongdoing.

Local Government: Severance Arrangements for Councillors

Mr Attwood (The Minister of the Environment):

I thank the Business Office for making time available for this statement. I am today confirming that I am bringing forward proposals and shall table regulations for a councillor severance scheme in the rundown to local government reorganisation. This statement recognises that the people we serve will, rightly, ask challenging questions about this proposal. However, it also recognises that there are people who served our citizens and communities greatly, who have earned our respect and whom we should support as they leave political life. There are long-established councillors with decades of service and constituency work who represented the essence of good politics of local service for local people on local issues of daily life and human experience. This statement is about them.

We live in a time of stability, devolution and a united stand against terror. Those achievements came at an enormous cost — lost hopes, lost opportunities and, most of all, lost lives. My view is that this new order of things came, first and foremost, from those who held the line against violence from all its sources. Others now tell us that acts of reconciliation were worked at for decades. The first and bravest people of peace were all those, in all walks, at all times who held to the values of democracy. Counted among them were elected representatives, councillors, who spoke up for people and causes, with little financial recognition and significant personal and family costs — people now in their tenth, ninth and eighth terms in councils, stretching back to the 1970s. We are here today because of their resilience then.

In making this statement on councillors' severance, I have, first, recognised and acted on some practices among elected representatives that cannot be defended and that a well-informed public do not wish to be defended. That is why, first, I proposed to Executive colleagues last November — and fellow Ministers agreed — that with local government reorganisation, there would be a ban on double-jobbing. Councillors will not also be MLAs.

Secondly, in recognition that that ban would need new law before entering into place — I may yet accelerate the commencement of that

law with regard to its double-jobbing provisions once the Assembly has passed the legislation over the next year — I then also reduced the allowances paid to councillors who are also MLAs by two thirds as of April this year. As of this month, July 2012, the remaining one third allowance will be further reduced by half as a result of the independent review of MLAs' salaries.

It is also my view that there are enduring issues around the pay and conditions of public and other officials who are paid fully, substantially or in part through the public purse. As Department for Social Development (DSD) Minister, I pursued the issue of salaries of senior staff in housing associations. The fact that the vice chancellors of Queen's University and the University of Ulster earn extravagant salaries, with no government oversight, when government makes such a major contribution to university moneys, also needs to be rectified. I will also take forward in the coming months the issue of salary levels at senior levels of merged councils.

That is the broader context in which I am bringing forward a councillor severance scheme. First, addressing double-jobbing, senior salaries and payments to MLAs who remain as councillors. Secondly, recognition of people who served Northern Ireland, Ireland and these islands with conviction in dark and turbulent days.

Since I went to the Environment Committee on 15 December 2011, which was a public session, and on a number of occasions since, I have asserted my view that a proper councillor severance scheme is appropriate. I repeated that view during the recent debate on the Local Government (Boundaries) Order. The Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 provides an enabling power for the introduction of severance arrangements for councillors. I now intend to rely on that provision.

1.15 pm

When the previous Executive considered the planned reduction in the number of councillors, they agreed to provide severance for outgoing councillors. However, some fundamental things have changed since that time, which affect the nature of any severance scheme. That is reflected in the proposals and principles that I am bringing forward today and over the next short while. First, it was originally envisaged that there would be a dramatic reduction in the number of councillors under the new review

of public administration (RPA) arrangements, thus justifying in one way a broad severance provision. The Executive have now decided that the reduction in the number of councillors will be much more modest than originally envisaged. I therefore think that a more focused severance scheme is an appropriate response.

Secondly, all of that was prior to the economic downturn and the pressure on the public purse. The changed financial environment; the terrible pressures facing people, workless and working; the prospect of further London baseline budget cuts; and the scale of welfare change and cuts to family incomes have led me to the proper conclusion that a cap is necessary on severance schemes. That is one of a number of principles that will inform my proposals on the severance scheme, a draft of which shall be consulted upon over the summer. A cap means that councillors applying will not receive the severance payment that some might have previously suggested was proper. I believe that that is the right approach. People who served over a long time will receive recognition, but it will be more moderate than has previously been talked about.

There are a series of core principles that will inform the severance regulations. There will be a minimum eligibility period; namely, three terms of council service. It will not be a lesser period, although I am prepared to be convinced that it should be a four-term period — not a four-year term period. *[Interruption.]* That proves that I write my own statements. That is further recognition that longer terms of service and longer-serving councillors are at the heart of the scheme. In deciding on the three- or four-term rule as a condition of entitlement to the severance, I will do so mindful of the increasing councillor basic allowances payment since April 2001, which was £4000 at that time. Prior to that, from April 1998 it was £2500, and before that it was lower again. There are many councillors in the North who remember the days when it was much lower than even the £2,500 figure that was introduced at that time.

The severance amount payable will therefore not be on the basis of a fixed sum for each year of service. The original proposal was £1,000 a year for each year of service. Rather, the severance amount will be calibrated, with entitlement to lower sums per year for those with lesser years of service and with graduated payments per year for those with longer periods

of service who worked for many years without anything like the remuneration available to councillors in more recent times. That calibration is to emphasise the principle that councillors with the longer periods of service are being treated in a fair and proportionate manner. Modelling has been, and is, taking place on how that will work in practice, and will form part of the consultation on the regulations. I am working through what the amount and the multiplier effect will be, but I can say to people that, for those who might be entitled to severance, in the early years of their entitlement, the multiplier per year will be a small amount, graduating to a higher amount for those who have served many long years of service.

As indicated above, there will be a cap on the total severance payment. As noted, modelling on severance options is ongoing. However, the consultation will be on the basis of a cap of no higher than £30,000. I may decide that it should be lower. The figures that were previously talked about were a cap of around £38,000 or £38,500. I do not think that is appropriate, sustainable or right and, consequently, I will consult on a figure of up to, and certainly no higher than, £30,000. As I said, that amount is proposed to assist the longest-serving councillors, some of whom have been serving as long as their council has been in existence, and the payment per year will be calibrated on that basis. I anticipate that it is only councillors whose service stretches back to the 1970s who will receive the higher severance amounts.

Clearly, only councillors in office at the time of the commencement of the scheme will be entitled to benefit under the scheme.

There is an ongoing debate about the funding of RPA. The Executive decided in November 2011 that there would be no central assistance with the upfront costs. In June 2012, a monitoring round bid from my Department to assist with costs was unsuccessful. I shall renew and expand that funding bid, because I believe that central government should contribute a percentage of the costs for a severance scheme.

Councillors who are also MPs, MLAs or MEPs will not be entitled to councillors' severance. A provision will exist to enable an applicant councillor to nominate a person or persons to receive the award in the event of the applicant councillor's death prior to the award being made.

Councillor applicants who receive a payment will be disqualified from being nominated for a council election or by-election. That is consistent with section 4(1)(e) of the Local Government Act (Northern Ireland) 1972, as amended by the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010. Any year in which a councillor receives a salary from the public purse for an office as an MP, MLA or Member of the European Parliament would not be a contributing year for the purposes of the severance scheme.

The severance scheme will be available quickly after the regulations are confirmed. It is intended that the scheme will run once and for the cut-off date for applications to be a significant period in advance of shadow council elections in 2014. I hope that it will run in September 2013 at the latest. The intention is that that date will be the maximum feasible one consistent with the timely and proper management of the severance scheme.

Introducing the severance scheme early and not waiting until later in 2015 will allow parties to manage vacancies through co-options and will give the new councillors the opportunity to gain experience of being a councillor before additional powers are transferred to the new councils. It will also ensure that councillors who are likely to be members of the new councils can lead the change and convergence to them. It will mean that any capacity-building for those new powers will be undertaken by the councillors who intend to seek election to the new councils.

Following the reform of local government, councillors will be taking on more work, as they will be serving larger councils and have an increased range of functions. Their remuneration should be reviewed to assess the proper level required and to recommend changes, if any. I believe that elected representatives, whether in councils, in the Assembly or at Westminster, should receive reasonable allowance for performing their duties. I appreciate that councillors perform an important civic role, and it is one that will, through the additional services that councils will be responsible for delivering from 2015, have a greater impact on the day-to-day lives of people.

I therefore intend to set up an independent panel to conduct a review of councillors' remuneration and to advise me on the

system and level of allowances that would be appropriate for the new councils. The Local Government Finance Act 2011 provides an enabling power for the establishment of an independent panel. The regulations needed to allow the panel to be established have already been consulted on, and I propose to have the regulations made by the autumn to allow the panel to be set up as soon as possible. The panel will be appointed using the public appointments procedure. I also propose to seek the advice of the panel on the allowances that should be paid during the shadow period.

As Members know, I have reservations about the 11-council model. I believe that a 15-council model would better reflect local identity, reduce upfront costs and ease the complex management of reorganisation. This afternoon, I will meet Fermanagh business representatives anxious about debt burdens, rate differentials and the consequences of merger. There was a different way to do RPA. It has not prevailed.

Finally, I know there will be some criticism of anything that looks like payments for politicians. I prefer to regard it as I believe many will regard it: as recognition for unsung heroes. It is also an essential part of our reform programme. That having been said, radical reform should prevail on RPA, prisons, housing and across public policy sectors. That radical reform should also be the benchmark for local councils. As we move forward, it is important to respect those who have served for so long in harsh times, under threat and upholding democratic values, while giving body and soul to the introduction of a new order of things: our councillor colleagues.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his statement. He mentioned the minimum eligibility period being three or four terms. When and on what basis will he make a final decision on the number of terms, and will he consult on that?

Mr Attwood: I thank the Chair of the Committee for her question. I spoke to her prior to making the statement in order to indicate to her my thinking. As I said in my opening remarks, today I am outlining a proposal that, in order to qualify for severance, you will have had to serve at least three terms, but I am prepared to be convinced that it should be four terms. I am in that range because, if you examine the pattern of payments to councillors, you will see that, prior to 1998, they were paid less than £2,500

a year. That is what they were paid prior to 1998 for public service and the accompanying scale of responsibilities. From 1998 to, I think, 2003, it increased to £4,000. Since then, it has increased, and increased disproportionately, relative to the increases in the years prior to 2003. My judgement is that, in those periods, after 1998 or 2003, councillors were receiving better recognition for the services for which they were responsible. Therefore, in my view, given that shift in the pattern of allowances being paid, that is the time frame in which a councillor's severance scheme might kick in.

Yes, we are going to consult on the details of the regulations in order to drill down and find out what is the appropriate time frame in which severance should kick in and whether it should be three or four terms. Even when it kicks in, the payment calibration for those who serve three, four, five or six terms as a councillor will be at a much lower threshold than those who have served seven, eight, nine and 10 terms. There are people across parties who have served 10 terms in council life, going back to 1973. That is a lifetime ago. Many people in the North were not born when those people fulfilled their democratic service to the people of the North. They served in a year that was arguably the single worst year of terror and tragedy in the North of Ireland over the years of conflict, yet they stepped into the breach to uphold democratic values in moments of great turbulence, threat and difficulty. There are Members who know people who were threatened, and there are a few of us who know people who were murdered as a consequence of the conflict. This has been calibrated to, first and foremost, recognise those councillors who served the most over the longest period in the worst moments and to recognise, but recognise more moderately, those who entered political service later during those years, and to not recognise at all those councillors who have enjoyed somewhat better recognition as councillors in more recent times.

Mr Hamilton: I thank the Minister for an interesting statement. The second sentence of the statement accepts the prevailing public opinion that payments of any kind to politicians are not a popular thing at this moment in time. I am reminded of the advice of Sir Humphrey to Hacker when he said, "Very courageous, Minister".

The fifth core principle of the Minister's statement restates the Executive's current position that the centre should not be paying for the costs of the RPA. Given, therefore, that locally raised rates will pay for some of this, as the situation stands, what would the Minister say to those who would say that it would be better to spend that money on council services than on a severance scheme?

Mr Attwood: When I hear politicians saying that something is interesting, I do not know if that is support or lack of support. Perhaps some of your colleagues would like to indicate later whether that is support. I remind people that it was the view of the Executive and the parties in the Executive previously that, in principle, a severance scheme was something that should be taken forward. Circumstances have changed; I recognise that.

This is a difficult call; there is no doubt about it. However, we are at the point of change in council life in the North of Ireland, and I think that there is an argument to be made and won that people who fulfilled their democratic responsibilities, stretching back to the 1970s and 1980s, need to be recognised when leaving the democratic council stage.

1.30 pm

I think that they are in a stand-alone category from many other categories of politicians. I would be dishonest to my own conscience, and I do not think I would be honest as a politician or a Minister if I did not say that I think those people deserved more recognition then, and deserve some recognition now. It may well be that that argument does not prevail in this Chamber in the different circumstances that we have now, but I think that that argument on behalf of those people that I am talking about is one that I have a responsibility to put forward, defend and, hopefully, convince people of. When comment is made on this, be it within or outside the Chamber, we need to put ourselves back in the position of those people in 1973 and subsequent years, and make an assessment about what is the proper and fair thing to do for them.

Yes, there are issues and choices to be made about how this gets funded and what the consequences might be for other services, but I have to say to the Member that the total cost of this scheme would be a fraction of the money that is in the current budget for the social

investment fund. That is an £80 million budget line, and this scheme would cost a fraction of that. If the Member is saying to me that we have to make a choice in what we fund — I accept that we have to make a choice between what we fund centrally and what councils have to fund locally — then that principle should be escalated to assessments of other ongoing funding streams involving much more money within government as we speak: moneys that are not getting spent.

I have to say to the Member that although politicians may not be the most favoured species in many walks of life in the North, there is in local communities some greater appreciation of local councillors and the local service and duty that they have fulfilled over many years.

Mr Boylan: Go raibh maith agat, a LeasCheann Comhairle. Seeing as I only got the statement 10 minutes before the Minister came in, I will neither welcome it nor thank him for it. I just want to ask him, in relation to his point about making a new bid for moneys, whether he can indicate what percentage he believes central government should pay for the severance. Failing obtaining any of the money from central government, how does he propose that this scheme will be taken forward?

Mr Attwood: You did receive the statement in advance of hearing it. I remember occasions, Mr Boylan, when Ministers not very far from your own party were making statements in the House and there was not even a statement for Members in the House, so maybe you want to reflect on that.

Mr Boylan: Maybe you will answer the question.

Mr Attwood: I will certainly answer any and all questions you want to ask me.

I regret very much that the Executive did not endorse a June monitoring bid for £2.3 million for two dedicated streams of work around council reorganisation, both to build local resource and change-management capacity and to build up capacity around community planning. I regret that, but when the Minister of Finance advised the Executive that that was his view, I said that I would very quickly come back to him with a further paper, which will escalate the bid and the approach that I am going to take in terms of funding local government reform, on two levels. First, there is probably a need

for more money to go into councils in the short term, and, secondly, we need to guarantee funding over the lifetime of RPA change. My argument, which I will present to the Minister of Finance in a letter before the Twelfth holidays, will be that we now need to work out how we are going to provide assistance, not just out of monitoring rounds but on a rolling basis between now and the creation of the new councils in May or June 2015. It will be an argument that will be made in full recognition of the funding situation at Executive level.

Two weeks ago, the Cabinet Secretary in London said that there will be cuts for 10 years. That was not him thinking wistfully off the record; he was sent out to send a message to people and to the devolved Administrations that, in his view, 10 years of cuts are coming. He did not get much of a denial from the Chancellor, who, within hours, said that he could talk only about the lifetime of the present Government.

So, there is probably bad news to come. That is why, in every conversation that I have had with local councils, and there have been many such conversations over the past four or five months, I have told them that although I will make an argument for central funding to help with the cost of RPA, the funding for it will have to come from a family of sources. It will come from loans, reserves, the disposal of surplus assets and, possibly, from moneys from a mutual bank. Some chief executives go as far as saying that RPA funding can be a self-financing business case and that it can all be funded by local councils. I do not buy that argument, but a number of chief executives maintain that that is the case.

How do we fund RPA in the circumstances that we face and in the more difficult circumstances that we may be about to face? We negotiate, work it through and exhaust all possibilities. On the far side of that, I think that we will come to a settled place about where the funding will come from. However, whatever its scale, an element of it will have to come from central government.

Mr Weir: I declare an interest as a member of North Down Borough Council. However, judging by the Minister's statement, that is not a financial interest.

I thank the Minister for his statement. He rightly identified that councillors were very lowly paid, particularly in the 1970s and 1980s. On a point of accuracy, I should say that the references

to the basic allowance in the late 1990s and early 2000s are slightly misleading because, during that period, councillors also received an attendance allowance. Indeed, when the switch was made to abolish the attendance allowance, the remuneration for councillors went down.

Will the Minister clarify whether, prior to making the proposals that are in the statement, he consulted with the National Association of Councillors? If not, does he intend to do so before he brings forward more detailed proposals?

Mr Attwood: I acknowledge and accept the point about the basic allowance. It is a fair point, and I should have covered all sources of income to ordinary councillors. Peter Weir has clearly demonstrated that his motivation for his political responsibilities must not be financial, given that he continues to be a councillor.

I should point out that I eventually hope to have the Executive's support to commence the ban on double-jobbing earlier than 2015. If the Assembly passes the Local Government (Reorganisation) Bill during the next year, I would like the Chamber and my Executive colleagues to endorse the commencement of a double-jobbing ban that would be effective for the shadow elections of 2014. I would like it to happen then, rather than a year later, which is when the new councils will go live. I hope that people understand that I will seek that early commencement to ensure that, even in the twilight period between the shadow elections and the new councils going live, there will be no double-jobbing.

The Member asked whether I have discussed the statement with NAC and NILGA. It would be more accurate to say that they discussed it with me. Indeed, they have been urging me to move in that direction since last summer. I refused to do that, and they were not at all happy. However, they can speak about that for themselves. If we are to have a proper understanding of why this is a correct intervention at this time, and if we are to reflect the work of those way back in history who served political life in the North, my view was that some issues needed to be addressed so that a proper understanding of the proposal could be created. Those issues were double-jobbing, senior salaries and councillor allowances for those who choose to double-job. Given that two out of those three are being definitively addressed and, I hope, will become even more definitively addressed over the

coming time, I think that that is the right context in which to build understanding and support for this intervention.

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. Does the Minister have an idea about how many councillors will be affected, and will he expand on the projected costs involved?

Mr Attwood: I thank the Member for his question. In answer: how long is a piece of string? I do not know how many councillors will apply for severance payments. It is up to them to decide whether to apply. Councillors may decide not to go for severance but to stay on until 2015 and then retire; or they will not go for severance and will take their chances in the 2014 shadow elections. However, those who do not take up the option of severance while the application period is live will not have a second opportunity. It is a one-off offer that will be made in advance of the shadow elections. It will not arise after the shadow elections for councillors who have unsuccessfully continued to seek election. I cannot speculate on how many will or will not take up the opportunity. My assessment is that it may not be as many as people think. People will assess whether they would rather stay on and fulfil their democratic mandate until 2015 and receive the allowances over that period. Rather than take severance and go early, their sense of political duty or their own calculations may lead them to that conclusion.

There was talk — I will write to the Committee about this — that the previous £38,500 scheme, with a rate of £1,000 a year, would have cost a projected £4.5 million. I think that those figures are correct. I have a more moderate ambition than that for the scheme. I am reducing the cap, having graduation and far from £1,000 a year will be available to those who apply for severance and have not served for longer terms.

Mr Allister: I welcome the statement, and I join in the tributes paid to many councillors who have given several decades of service. Will the Minister clarify a couple of points? First, it is quite clearly the ambition on double-jobbing that, come 2015, it will not be possible to sit as a councillor and an MLA. That being so, what possible logic or sense could there be in such a double-jobber being able to stand in the 2014 shadow elections? Political expediency is the only answer: to try to get elected so

that the electorate is not electing the person who will serve them but someone who will be substituted. Does the Minister agree that that would be wrong? Secondly, when he talked about three or four terms, did he factor in that, on at least one occasion that I can think of, the term was more than four years? Therefore, would he not be better to refer to 12 years or whatever?

Mr Attwood: As questions on my statement come to a conclusion, I welcome and share the sentiments of the Member's opening remarks. Many councillors paid a heavy price. A member of my party who was a Senator in this Building was murdered. Councillors and MPs were murdered, as were members of other political institutions. Last week, I was at Queen's University to speak to Indian academics about marine management, and I recalled the murder of Edgar Graham, a matter of yards from the administration building there. A close friend of mine who became known as "witness A" in the subsequent inquest witnessed that murder. So this debate arises from the horrible prices that were paid and the pain that was endured by the many families whose members are or were committed to politics and the political process. That is the true backdrop and true motivation behind this statement.

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

Mr Allister tempts me, and I wonder whether I should take up the temptation. There is something incongruous — let me put it that way — for any party to use the option of secondment into councils in 2015 as a political strategy. For a party to deploy the use of secondments to reshape the life of council groups for its own particular interest would be incongruous. That would be held up to public ridicule, and I hope that that would not arise. However, because of the risk that that situation might arise, because I have been corrected by a leader of a political party about when double-jobbing kicked in, and in order to live up to the spirit of the principle on double-jobbing, on the far side of the reorganisation Bill being presented to the Chamber, we will try to commence the double-jobbing ban requirement in advance of the 2014 shadow elections and the 2015 councils going live. Let us create certainty, and let us not have any political meddling on the principle of double-jobbing to sustain bad practice.

Mr Allister is right that there is an issue with not all council terms being four years. That will be conclusively addressed in the consultation and regulations.

1.45 pm

Mr Kinahan: I thank the Minister and welcome his recognition of the unsung heroes and his action on double-jobbing. If you take that matter further forward and look at the dysfunction and lack of joined-up government that we are often criticised for, what is the Minister planning to do to link councils to the Assembly so that there is a formal linkage between the two? Once you remove councillors from doing both jobs, you have taken away one of the formal links in making sure that we have better joined-up government between the Assembly and the councillors.

Mr Attwood: That is a very important question, because it conveys that we are going through a process of reform. As I see it, the more radical the reform, the better. On the far side of the reform, if the function of government centrally and locally has not been raised, what is the point of it? We would be letting down the citizens, communities and ratepayers. That is why the question is very valid. It probes the complexity of local government reorganisation and asks, "Are we going to get this right or get this wrong?"

Let me give you an example: on the far side of RPA, community planning will be a big function of local councils. As the planning powers get devolved, the concept of community planning will arise as a statutory function of local councils. If, on the far side of RPA, councils have a community planning function and there are no requirements for all the relevant agencies and Departments to sit in the room with local councils as they work through community plans with local communities, the whole thing will fall in on itself. Departments need to be less territorial, less defensive and more forthcoming in how they work together now and how they work together with councils on the far side of planning devolution.

I know that because I convened a meeting on planning issues in north Belfast a number of months ago, which fell in on itself. It fell in on itself because, even though a lot of Ministers were in the room, there was some territoriality going on. That is probably inevitable when it comes to north Belfast land issues. The

consequence of that is that we have not got proper planning or joined-up thinking between Departments. The University of Ulster is moving to York Street, recognising the Carrick Hill residents, and sees the development of the lands behind the Belfast Telegraph in a proper manner rather than as a commercial grab for student accommodation by some big developers. If all that is not integrated into the Royal Exchange proposal, on which there will be an announcement in the very near future, the point will be that we have not joined up, things will not be much different to how they were, and we will have missed the opportunity. The point is valid, and it is something that we need to get right over the next two years.

Mr Principal Deputy Speaker: I remind Members that we are trying to finish questions on the statement before Question Time. There are still a couple of questions to go, and I do not want to have to interrupt the Minister of Justice.

Mrs D Kelly: I welcome the Minister's statement and his particular recognition of the bravery of many councillors over many years, when they were targeted by republican and loyalist terrorists. Indeed, when our party colleagues first stood up for the policing reforms, their meetings were interrupted and disrupted by Sinn Féin and other members of the Provisional republican movement.

Will the window of opportunity for councillors to take up the severance proposal be time-limited, and does the Minister have plans to introduce such a measure?

Mr Attwood: I concur with Mrs Kelly's comments. It is not just about the people who served in public life in the 1970s. Even when all parties had signed up to democratic elections, there were councillors who, for the reasons that Mrs Kelly gave, still lived in the shadow of the past.

The severance proposal will be a time-limited, one-off opportunity and will, for the reasons that I have outlined, be quite moderate. It may well be that some councillors in the North will feel that the scale of the proposal is disappointing, but my judgement is that the configuration is right and justified. Councillors will not have for ever and a day to make up their mind about taking up the severance option. They will have to do so in good time and in advance of the shadow elections. There will be no second chance and no severance scheme after the shadow elections.

Mr Lyttle: I put on record the Alliance Party's recognition of the decades of service of some of our councillors in the most difficult of circumstances, including the roll-out of the new policing arrangements. I had the pleasure of working with them on district policing partnerships (DPPs), taking policing arrangements into areas where that had not been possible before and under some extremely intimidating circumstances. It is important that we put that on record.

My party welcomes the Minister's plans for double-jobbing because we have taken proactive measures to rule it out. However, is he satisfied that he can justify severance payments on those scales?

Mr Attwood: I concur with Mr Lyttle's remarks and wish to broaden his theme. The policing change that was envisaged by Patten did not have anywhere to go until politicians and civilians joined the Policing Board and the DPPs. In a sense, the politicians knew what they were getting into because they had experienced difficulties in the past, but it was the community representatives who stepped into the breach and who were, in some places, demonised and attacked physically and with bombings during that period. They were not from a political background and did not have a political pedigree, yet they served equally on the Policing Board and on the DPPs with those from a political background. Their role was enormous, and the contribution that they made to serving the policing structures between 2002 and 2007 is something that we have only too quickly forgotten in the context of subsequent developments.

I welcome the Member's comments about double-jobbing. I will justify the scale of the severance proposal. Indeed, I would not have made the statement unless I thought that I could justify it. The proposal is not on the scale of a scheme that was proposed heretofore; it is more moderate. It is not a one-size-fits-all scheme as was proposed before. It is a model of a scheme that clearly favours those who have served the longest, in the worst times and with the least recognition during those times. Therefore, the ethics and principles around this are the right ones. There may be adverse political or other comment, but I have not been shy since December in saying that this, in all conscience, is the right thing to do

in a moderate way to recognise people whose contribution was far from moderate.

Mr Principal Deputy Speaker: As Question Time is due at 2.00 pm, rather than interrupt the Minister of Justice in his opening address on the Second Stage of the Criminal Justice Bill, I propose, by leave of the Assembly, to suspend the sitting until 2.00 pm. The sitting is, by leave, suspended.

The sitting was suspended at 1.55 pm.

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

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Mr Principal Deputy Speaker: Questions 2 and 6 have been withdrawn and require written answers.

City of Culture 2013

1. **Mr Kinahan** asked the Minister of Culture, Arts and Leisure to outline how the £12.6 million funding will be utilised for the cultural programme for Derry/Londonderry UK City of Culture 2013. (AQO 2313/11-15)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): My Department has committed £12.6 million over the next two financial years to the City of Culture 2013 cultural programme. That £12.6 million includes £9 million for the cultural programme of events; £1.6 million for marketing; and a £2 million optimism bias to manage unforeseen costs.

The contribution of the Department of Culture, Arts and Leisure (DCAL) will be spread across an agreed list of events and activities in the run-up to and during 2013. It will contribute to costs such as events management, technical and production costs, artists' fees and venue hire. The funding has been allocated to achieve specific and measurable outcomes for the city and, indeed, the wider region in respect of the economy, health, education and social inclusion, with a lasting legacy for local people.

Mr Kinahan: I thank the Minister for her answer. Will she outline the benefits of the funding for not just Londonderry but the whole of the north-west?

Ms Ní Chuilín: I thank the Member for that question. It is accepted that the region has been underfunded over decades. This will help to generate the local economy, provide employment and develop skills that will hopefully make local people employable well beyond the year of the City of Culture. As well as that, you have hotel beds, restaurants and local companies involved in design and production.

You have tourism and local transport. The All-Ireland Fleadh is also coming. It is estimated that well over €30 million has been spent. The GAA will hold its annual convention there as well, and that will bring in a substantial amount of money.

The social legacy is also very important. It will help to build and develop good relations among the people across the city and, indeed, the north-west. It will feed into the border counties and surrounding areas, which can only be good. The Executive's contribution to this is quite substantial.

Miss M McIlveen: I understand that the Culture Company still has to secure £7.75 million for marketing and programming and that it hopes to secure part of that through sponsorship. If it is not secured, does DCAL plan to make up the shortfall? If so, will the Minister give an assurance that any further funding required will not come as a result of a further pillaging of the Ulster-Scots and museums budgets?

Ms Ní Chuilín: I will take the last point first. Those budgets were not pillaged. When people do not spend their money, it is brought back into a central fund. It is a disgrace that the Ulster Scots did not spend their money, because that community loses out. I am on the record as having said that before. If that continues to happen, I will look at the future arrangements. It just cannot continue to happen. Museums got a big uplift in their budget the last time. The money was used to pay for libraries, so it had nothing to do with the City of Culture.

The Culture Company and Derry City Council have told us that they are confident that they can get the remainder of the sponsorship. Indeed, there was an event in London organised by Hugo Swire to help to secure additional sponsorship. I am reluctant — I think that the Executive are reluctant — to go above and beyond what we have already paid for. That is only fair. Almost £20 million of Exchequer money is going into Derry City of Culture 2013. It is incumbent on Derry City Council and the Culture Company to secure the remainder of the sponsorship.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin agus as an mhéid airgid a gheobhaidh Doire ag an bhomaite. I thank the Minister for her answer. On behalf of the people of Derry, I also thank her for this well-

needed boost to City of Culture funding. Does she agree with me that not only will this have a great impact on the city's employment and cultural product but it will have a longer-lasting cultural legacy?

Ms Ní Chuilín: I do, and I thank the Member for his question. The legacy is one of the important issues for the Executive. In response to the question asked by Danny Kinahan, the economic legacy will bring investment to a part of the North that has been deprived of investment for decades. It will also bring local employment and employability skills. Above and beyond that, it will help to promote a part of the North that has a brilliant cultural hub anyway and leave a richer and greater legacy. The Peace One Day concert was attended by between 8,000 and 10,000 people. All the people who attended spent money, but not all of them were from the city of Derry. It is important that people from Belfast, people like me, get on the bus to Derry, which leaves Belfast every half hour. Derry has a lot to offer.

Mr Durkan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answers, and I thank her even more for her financial commitment to the City of Culture. I look forward to seeing her many times at events in the city over the next couple of years. What proportion, if any, of the £12.6 million will be utilised for the cultural programme, community engagement and cross-community development?

Ms Ní Chuilín: I thank the Member for his question and his comments. To be honest, if I spend any more time in Derry, I will have to look for lodgings.

Mr P Ramsey: You will get that too.

Ms Ní Chuilín: Yes, I will. I hear that you do competitive rates, Pat. The programmes and events bidding for the £9 million have to demonstrate not only that there is community engagement around the City of Culture but that it will endure beyond the 2013 initiative. I do not have a percentage figure, but we are working on the basis that, in the granting of the £9 million, community engagement has to be demonstrated. It also has to be demonstrated that there is a wealth of diverse programmes that reflect the rich cultural nature and heritage of the city and, indeed, the north-west. If percentages are attached to that, I am not aware of them. Our Department is working with the Culture Company to ensure that that

happens across our £9 million for the events and initiatives.

Mr Principal Deputy Speaker: Question 2 has been withdrawn.

Fishing Rights

3. **Mr Hazzard** asked the Minister of Culture, Arts and Leisure to define the control of fishing rights in waters other than those controlled by her Department. (AQO 2315/11-15)

Ms Ní Chuilín: The owners of fishing rights may lease these to other parties, such as angling clubs, to manage the operation of the fishery. Constituted angling clubs and other interested bodies that manage fisheries may nominate members to be appointed private water bailiffs by the courts, for example. This empowers them to protect the fishery and ensure that any persons fishing on that water comply with all requirements. Access to private fishing waters is usually granted in the form of a permit or a day ticket upon production of an appropriate licence issued under the Fisheries Act and payment of the determined fee. In many cases, the owners of fishing rights are unknown, and, under the Fisheries Act, the Department has powers to allow persons or organisations as well as the Department to develop such derelict waters for angling. This not does entitle the developer to claim ownership of the fishing rights; rather these are held in trust should the rightful owner be identified and provide evidence of ownership.

Mr Hazzard: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her answer. What is the procedure that must be followed by an applicant who wants to develop derelict water?

Ms Ní Chuilín: The procedures that need to be followed regarding the development of derelict water are defined under sections 3 and 4 of the Fisheries Act (NI) 1966. One aspect is when a person who is entitled to fishing rights to those waters cannot be found, and the second is whether the Department is satisfied that the water should be developed for angling. The Department will publish a notification at least twice in one or more publications, including local gazettes, of the intention to develop waters under a derelict water application. The Department will also investigate any objections and claims of entitlement received in respect

of an application. In all cases, if proof of title is provided, support from the Department regarding a derelict water application will be withdrawn and water will no longer be considered derelict.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra go dtí seo. Tá ceist bheag agam di: an aontaíonn an tAire liom gur maith an rud é go mbeadh clár lárnach de chearta iascaireachta ann? I thank the Minister for her answer. Does she agree that a central register of fishing rights would be a useful addition?

Ms Ní Chuilín: Go raibh maith agat. Aontaím leat go hiomlán. I totally agree. A central register would be of benefit, particularly to angling clubs. The Member may be aware that, during the last Question Time or the one before that, I stated my intention, along with my colleagues in the Irish Government, to try to pursue centralisation of fishing and permits because it makes it a lot easier. With DCAL in the North, it is much more complicated and complex than it is elsewhere. It is our job, collectively, to make it easier for people who take part in a sport and get involved in inclusion programmes through angling and fishing clubs, instead of making it more difficult. It seems to be at a stage where it is more complex than straightforward. I want to make it straightforward.

Lord Morrow: I declare an interest as a member of an angling club. What assistance does the Department give to angling clubs that wish to engage bailiffs to police rivers?

Ms Ní Chuilín: That is a very good question. Along with members of my Department, I met some angling clubs and some bailiffs recently about how to have a better working relationship and a better partnership. The anglers are almost the natural guardians of the waters and rivers. In the past, I think my Department took them for granted and did not give them the value and the respect that they deserved and did not include them as much as it should have. I assumed that that was due to a lack of understanding of the role that angling clubs and bailiffs play in securing our waters. There will be a greater relationship where there is the demand for it. I look forward to meeting more angling clubs to talk about how those relationships can be further developed.

I think, if I take the Member up correctly, that he is saying that, when the relationship is

good, it needs to be recognised, and, when the relationship is poor, there needs to be better communication. Everybody has the safety and sustainability of the rivers and waterways at heart.

Mr Gardiner: Does the Minister agree that clubs and individuals who hold fishing rights for Northern Ireland waters have made a significant contribution to maintaining the habitants of those waters?

Ms Ní Chuilín: I cannot give a yes or no answer, and I am not dodging it. As I said to Lord Morrow, I have met angling clubs. They fish all over, regardless of who owns the water. The feedback is that it is completely varied. Waters that do not belong to the public angling estate are a burden on the state one way or the other. The people who own waters need to take responsibility for those waters themselves. The Environment Agency and the Rivers Agency have been brought in and, at times, my Department has been brought in to give advice, and that will stand. However, there is a difference between giving advice and maintaining private waters. I am not in favour of maintaining private waters for landlords. I am in favour of maintaining private waters for citizens, who should have the right to fish and the right to enjoy the rivers.

Community Festival Grants

4. **Mr A Maskey** asked the Minister of Culture, Arts and Leisure to outline the policy for the distribution of community festival grants by the Arts Council. (AQO 2316/11-15)

Ms Ní Chuilín: My Department has responsibility for the community festivals fund, which is delivered through district councils. A sum of £450,000 has been allocated each year since 2008-09 to the community festivals fund. Allocations to councils are calculated using population and deprivation measures for each council area. Councils are required to match fund the allocation from the Department. In addition, the Arts Council provides some funding for the arts element of community festivals under a number of its funding programmes, including the annual funding programme, the lottery project funding programme and the small grants programme. Applications to each programme are assessed under the criteria relevant to that particular programme.

2.15 pm

Mr A Maskey: Go raibh maith agat. I thank the Minister for that reply. Is she in a position to elaborate on the criteria that her Department uses for awarding such funds to councils?

Ms Ní Chuilín: The amount that is brought forward is based on population and deprivation measures. The criteria that have been forwarded to local councils are fairly clear, in that the funding has to be for community festivals. Therefore, population and deprivation measures are used for each of the areas, and councils are required to match that. It really has to be based on how councils interpret our policy that the fund is purely for festivals. Some have said that the council fund be used for commemorations and marking significant events. However, that is specifically from our Department to councils.

Mrs Hale: The Committee is aware that uptake of the community festival fund is better in some areas than in others. Although that may, in part, be due to the match funding required from the councils, will the Minister advise what her Department can do to better promote it and to encourage councils to avail themselves of the fund?

Ms Ní Chuilín: I am meeting council chief executives to talk about that and other issues. It is not fair for groups in a council area to lose out because some councils are reluctant to put up match funding to the Department's offer. There are many, many activities happening in small towns, villages and big cities that some councils feel that they are not in a position to match fund. I think that those groups are done a disservice. So, I am encouraging better uptake from local government. I hope that we can come back in October or November to monitor any progress. That will be with a view to trying to get better uptake and to make sure that match funding is awarded. Local people will lose out if that does not happen.

DCAL Waters: Restocking

5. **Ms Maeve McLaughlin** asked the Minister of Culture, Arts and Leisure what is the annual cost and extent of the annual restocking of departmental waters. (AQO 2317/11-15)

Ms Ní Chuilín: The Department stocks farmed brown trout and rainbow trout into approximately 30 public angling estate waters throughout the North. They are produced at the Department's

fish farm located at Movanager, near Kilrea. The waters are primarily reservoirs and lakes with minimal opportunity for fish to escape, which ensures that the farmed fish are isolated from wild fish stocks in feeder streams and rivers. From January to December 2011, over 91,000 brown trout and over 41,000 rainbow trout were stocked in DCAL waters. The total cost of stocking departmental waters during that period was almost £133,000.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Minister for that update. Will she outline the economic and social benefits of angling to the North?

Ms Ní Chuilín: I suppose that goes back to Dominic Bradley's question about making sure that the system for angling is much more straightforward and less complex. If that was done, there would be a better uptake than there is from people who are considered angling visitors. In a survey in 2005, it was established that over £3.5 million was put into the local economy from angling alone. The assumption is that the people who are involved will be looking for accommodation, transport and tourism. People spend money in our towns, villages and shops. We need to go back to the 2005 survey so that we can try to upgrade that. There are certainly economic benefits to making sure that we promote the best possible angling tourism and potential for the North.

Mr Rogers: Will the Minister detail the level of fishing stock that has been lost due to pollution in the past three years?

Ms Ní Chuilín: I do not have that information to hand, but I am happy to write to the Member. If there is anything specific that he wants to know, I can see him afterwards to give him that information.

World Police and Fire Games

7. **Mrs Overend** asked the Minister of Culture, Arts and Leisure what actions she is taking to ensure that small and medium-sized enterprises are involved in the supply of goods and services for the World Police and Fire Games.

(AQO 2319/11-15)

Ms Ní Chuilín: I am keen to ensure that local small and medium enterprises are involved in the supply of goods and services to the 2013 World Police and Fire Games and that the games target and deliver real and tangible

benefits to people living in areas of greatest objective need. I have made that clear to the World Police and Fire Games company on several occasions. The company recently distributed an expression of interest across a range of suppliers and service opportunities and engaged directly with almost 90 potential suppliers who attended a related information session. The company should have a high-level procurement plan in place at the end of this month.

Mrs Overend: Does the Minister accept that the World Police and Fire Games can play an important role in boosting the economy? Does she agree that there are many small and medium-sized enterprises in Northern Ireland that can contribute to the overall success of the games?

Ms Ní Chuilín: Absolutely. That is why we have encouraged the World Police and Fire Games company, and, in fairness, it agrees with that, so it is not as if we are imposing something on it. The company also sees the potential and the benefits, particularly for small and medium enterprises across the North. To that end, it has been very proactive. As I said, almost 90 potential suppliers have been brought together in an information session to make people aware of potential opportunities that may arise as a result of the games.

Mr Humphrey: I thank the Minister for her answers so far. I declare an interest as a member of Belfast City Council. Does the Minister agree that it is important that, when the World Police and Fire Games leave the city of Belfast after the competition is concluded, there must be a dividend? Does she agree that there should be interaction and outreach by the World Police and Fire Games organisation to communities across the city, particularly deprived, hard-pressed, working-class areas? Is she working with Belfast City Council to ensure that that happens?

Ms Ní Chuilín: Belfast City Council won the bid. It is hosting the games and is part of the World Police and Fire Games company. I agree with the Member that it is really important. I have already met some of the services, and they are saying that they are leaving things such as gym equipment to deprived areas. We are also hoping to attract children, young people and others from surrounding areas to become volunteers as part of the games, so that they build up relationships with each other and build

up skills and, hopefully, get those skills and their volunteering accredited so that it helps towards their employability. With an opportunity such as this coming to Belfast, it is really important that the areas we represent are not on the outside looking in. That does nothing but cause resentment, but I am confident that it will not happen.

Mr Sheehan: Go raibh maith agat, a Príomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagraí go dtí seo. I thank the Minister for her answers up to now. Will she elaborate on one of the earlier supplementary questions in respect of the economic benefits to the North from the World Police and Fire Games?

Ms Ní Chuilín: I love the way Members say “up to now” as if you are going to disappoint them.

It is estimated that the economic benefit to us is around £21.7 million. The first estimation was around £15 million, so it has increased already, and I hope that it will increase again. Some 15,000 athletes and 10,000 visitors will come to Belfast next year. That is quite substantial. Almost £1.5 million has already been secured through bookings and accommodation. We are assuming that people will stay in local hotels, eat out in local restaurants, go to local bars, hire cars and visit places not just in Belfast but elsewhere. Therefore, as far as the Executive are concerned, the games have the potential to further demonstrate our capacity for hosting and holding major events, which we hope will increase visitor numbers to our shores in the long term.

Intercultural Arts Strategy

8. **Ms Lo** asked the Minister of Culture, Arts and Leisure for her assessment of the impact that the intercultural arts strategy may have on ethnic minorities. (AQO 2320/11-15)

Ms Ní Chuilín: The Arts Council launched its intercultural arts strategy in Parliament Buildings on 13 June. The strategy aims to meet the creative and social needs of ethnic communities through a set of strategic themes and objectives. Those themes include intercultural engagement; developing the minority ethnic arts infrastructure; using the arts to develop community cohesion; using the arts to increase awareness of diversity; and developing programmes that use the arts to

develop good relations as a vehicle for tackling racism. The Arts Council plans to invest an initial £300,000 of lottery funding over the next three years to promote cultural diversity, using the arts to help develop good relations, and, importantly, to help tackle racism and deliver a better future for everyone. I am confident that those measures will have a positive impact on the lives of ethnic communities living in the North.

Ms Lo: I thank the Minister for her response. I must say that I was absolutely delighted to see this long overdue strategy materialise, as well as the funding stream to go along with it. I know that the work of local arts organisations in partnership with ethnic minority arts groups is important and valuable, but does the Minister agree that, through the strategy, the focus and the priority needs to be capacity building for ethnic minority groups?

Ms Ní Chuilín: It is my understanding that this strategy is about just that. As well as supporting local artists, it is about supporting artists from minority ethnic communities, providing more long-term sustainability and creating new artists. That will ensure that there is a longer-lasting legacy for communities. We must make sure that we use the intercultural arts programme to enhance community relations, tackle racism and promote diversity. It is really important that it is used in a way that leaves a long-lasting legacy for communities.

Mr Dallat: Can the Minister tell us whether the strategy has been shared with the Department of Education's diversity service? Perhaps she could tell us something about how she intends to monitor and evaluate the delivery and outcomes of the intercultural arts strategy?

Ms Ní Chuilín: I cannot tell you that offhand, but I will get you the information. I know that there is a steering group under OFMDFM, and there is a consultation as well. I assume that the body that the Member referred to is on that steering group but, to be honest, I do not know. I will get him that information.

2012 Olympics: Torch Relay

9. **Mr I McCrea** asked the Minister of Culture, Arts and Leisure for her assessment of the benefits of bringing the Olympic torch to towns and villages across Northern Ireland.

(AQO 2321/11-15)

Ms Ní Chuilín: Sorry. I have lost my answer, but in terms of the —

Mr Hamilton: Make it up.

Ms Ní Chuilín: No, it is OK. I will just take it from this, rather than being prompted by what is in my file. It will be more honest anyway, Ian; it will be more natural. Maybe other Ministers can watch and learn.

In relation to assessing the benefits of bringing the Olympic torch to towns and villages across the North, I have to say that this was one of the most enjoyable and worthwhile things that I have been involved in since becoming Minister. I think that the torch relay was a huge success for towns and villages and increased awareness of the games and of physical activity. It brought people from different parts of the city to different parts of the North. For example, a torch-bearer who lives in Belfast might have run through Cookstown. I know that that was the case on many occasions. We will hopefully garner the same support and participation when the Paralympic torch comes to our shores at the end of August.

Mr I McCrea: The Minister arrived in Ballyronan via boat with Lough Neagh Rescue. Obviously, that was an important event for the organisation. I believe that she then went to Magherafelt and saw the world record bid. Does the Minister accept that such events are important to people in Northern Ireland — for some, it was a once-in-a-lifetime opportunity — because they get to see the benefits of the Olympics and, indeed, take part in world record attempts.

Ms Ní Chuilín: I do not know whether you were in Ballyronan or whether it was you who said, "Look at her. She is like your woman out of 'Titanic' coming across in that boat". [*Laughter.*] I was not in Magherafelt; I was trying to get to Ballyronan to get to the other side of the lough. Congratulations to the children and young people who broke the world record. It was really important for towns, villages and councils. Local councils did a really good job. It is not often that they get credit. I thought that they did brilliantly. Some did better than others because of their resources. They used the Olympic torch route as an opportunity to provide local festival-type activities and promote participation. I thought it was nothing but good.

Cookstown is certainly one of the councils, and Magherafelt in mid-Ulster is another, which will

have a Paralympic torch and be involved in that relay. So, in mid-Ulster, you should really keep it lit.

2.30 pm

Employment and Learning

Mr Principal Deputy Speaker: Questions 4 and 12 have been withdrawn and require written answers. Mr Kelly is not in his place.

Engineering Skills Working Group

2. **Mr Boylan** asked the Minister for Employment and Learning for an update on the work of his Department's engineering skills working group.
(AQO 2328/11-15)

Dr Farry (The Minister for Employment and Learning): I thank the Member for his question. Over the past few months, employers within this sector have raised concerns about a potential shortage of engineers. As a result, I asked my adviser on employment and skills, Bill McGinnis, to meet relevant employers to discuss their specific skill needs. His findings will form part of a wider study that will include a thorough analysis of the supply side, encompassing universities, colleges and apprenticeships. That report is being finalised.

On 25 June, I held an event in the Stormont Hotel to bring together employers, government officials and representatives of colleges and universities to discuss the skills issue in more detail. At that meeting, I established an advanced manufacturing and engineering services working group of all stakeholders. That group will develop an action plan to address the specific skill challenges faced by the sector. It follows a similar process used to develop the action plans for the information and communication technology (ICT) and food and drink industries. Both of those plans were launched last month and are available on my Department's website.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire. I thank the Minister for his answer. Is he confident that this situation can be turned around and that a better match between young people's qualifications and related job opportunities in the engineering sector can be achieved in the short term?

Dr Farry: I thank the Member for that supplementary question. He is right to put his finger on the core challenge that we face, not just in engineering but in other sectors, of ensuring that we accurately match supply with demand and that we do not, as a consequence, miss out on opportunities. This is a very diverse sector with a range of different needs. I am very keen to tease out all the subtleties and particular issues that we need to address. I hope that the working group that has been established will be the forum in which that can be addressed and taken forward.

Mr P Ramsey: In respect of the engineering skills working group, what considerations and input did it have in the production of the NEET — not in education, employment or training — young people's strategy?

Dr Farry: I thank Mr Ramsey for the question. The two issues are separate but, obviously, there is an overlap in that we endeavour to get people who are unemployed or who fall into other categories of NEETs into employment. I have had discussions with employer representative bodies, including the Confederation of British Industry (CBI) and also some engineering representative bodies, all of which express very strong interest in the youth employment measures that we have been taking forward. A lot of the work in matching skills for the sector, but not exclusively so, will focus on the particular training and education of young people. In that sense, there is a very strong interface with this work.

Mrs Cochrane: The Minister mentioned the ICT working group. Will he outline what lessons he has learned from that group?

Dr Farry: I thank the Member for that supplementary question. We are now developing a tried and tested methodology for making interventions in key priority skill sectors of the economy. The ICT working group is the most recent example of that. The key lesson from that is that if we bring together the key partners, whether it be government — not just my Department but others — the universities, colleges and business representatives, we must have a very focused timescale in which to make our deliberations. We can then have a very hands-on approach to addressing the needs of the various industries. Under devolution, we have the opportunity to be very hands-on because we are much more directly

in touch with the constituents whom we serve. I believe that the working groups that we have established will make a real difference, and I share those hopes for the engineering group that will commence shortly.

Mr McCallister: I welcome the Minister's replies so far, particularly the fact that he is determined to ensure that we can match the demands of industry over the next five years. Does he think that industry could do more to promote engineering as a valued career and entice more young people into the sector?

Dr Farry: I thank Mr McCallister for his supplementary. It is worth stressing that it is not just industry that brought those concerns to me and my officials but a number of elected representatives, and I thank them for that. Mr McCallister makes an important point. Government will do what we can. I certainly give a commitment, and I know my Executive colleagues share this, that where we can and have a duty to intervene, we will. However, not all the answers will lie in the hands of government, and we cannot be in the situation of industry looking to government for all the answers. There will be times, particularly on a collaborative basis, when we can identify actions that industry itself can take forward and where self-help can be the means to address certain issues. That has been the case with other action plans and I expect that to be the case with the future engineering action plan.

Tuition Fees: Scotland

3. **Mr Weir** asked the Minister for Employment and Learning for an update on discussions with the Scottish Executive in relation to university fees charged to Northern Ireland students.

(AQO 2329/11-15)

Dr Farry: Under current student finance arrangements in Scotland, eligible Scottish-domiciled students studying full-time undergraduate courses in Scotland qualify for free tuition. In accordance with European Union law, eligible European Union nationals studying in Scotland must also receive free tuition.

Although I have had no direct discussions with the Scottish Executive, my Department was advised by colleagues in the Student Awards Agency for Scotland that Northern Ireland students who hold Irish passports may, but are not required to, apply to Scottish higher

education institutions as European Union nationals. Applicants who choose to apply as European Union nationals can also apply to have their tuition fees paid, provided that they satisfy the eligibility requirements of the Student Awards Agency for Scotland.

I understand that some Northern Ireland-domiciled students are reapplying to Scottish universities as European Union nationals. Scottish Government colleagues have advised that it is too early in the application cycle to say whether there will be any issues with the availability of European Union places for such students. As this is a matter for the relevant Scottish authorities, Northern Ireland-domiciled students who also hold non-UK European Union nationality are still advised to contact the Scottish higher education institution where they intend to study and the Student Awards Agency for Scotland to clarify, respectively, their fee status and eligibility for tuition fee support.

Mr Weir: I thank the Minister for his answer and appreciate that, in many ways, those decisions are being taken by the Scottish Executive, but it does leave a lot of Northern Ireland-originating students in a degree of limbo through a lack of certainty. Have the Scottish Executive indicated a timescale within which they will be providing people with a definitive answer as to how their applications will be treated?

Dr Farry: This is an important issue and I want to give as much clarity as I possibly can from the Northern Ireland perspective. Ultimately, however, the best and only real advice that we can give students is that they, on an individual basis, need to talk to the Student Awards Agency for Scotland and the institution to which they are applying. There is a danger in anyone drawing any generalities from this or coming to any assumptions regarding their personal circumstances that may flow from what happened with somebody else.

Of course, this situation arose from the Scottish authorities taking their own decisions on free tuition for Scottish-based students. We did something similar in Northern Ireland with our freeze on tuition fees. This is what happens under devolution. Decisions that both took were done with the best of reasons but anomalies will arise from that and distortion to student flows, and we have to act to mitigate those.

I understand that the Scottish authorities are looking at ways to address the situation and

there may well be discussions in the very near future between officials from the devolved regions and the Department for Business, Innovation and Skills in London.

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra shuimiúil sin. Tá ceist agam air i dtaobh mic léinn ón Tuaisceart ar mhaithe leo staidéar a dhéanamh in ollscoileanna sa Phoblacht. In light of changing funding models in the Republic for students from Northern Ireland, what modelling has the Minister's Department carried out?

Dr Farry: I thank Mr Bradley for his question. To some extent, it strays into a question tabled by Mr McElduff, which is question 15, although I am not sure that we will get to it on this occasion.

There are changes in the funding arrangements in the Republic of Ireland, where there has been an increase in the registration fee that has been put forward in recent years. It is still lower than the fees that are charged by our universities for local students in Northern Ireland. I have recently made a number of announcements about the fee support that we will give to Northern Ireland residents studying in the South of Ireland. Those have closely followed recommendations made to my Department by Joanne Stuart back in 2011 and recommendations in the Irish Business and Employers' Confederation (IBEC) and Confederation of British Industry (CBI) report on North/South student flows. We have significantly increased the scale of the maintenance support as well as the eligibility criteria for students wishing to study in the South of Ireland. We have also changed what was essentially a grant to pay the registration fee to a loan. We are ensuring that we have a consistent approach as far as possible right throughout these islands so that we have a level playing field for students from Northern Ireland. I believe that that is in the interests of fairness on a North/South basis and also right across the piece.

Mr Principal Deputy Speaker: I remind Members that if they want to be called, they must continue to rise in their place at the time.

Mr Gardiner: What impact does the Minister think that Queen's University's £200 million investment will have on students' choice of university?

Dr Farry: I welcome what Queen's University is doing. It is important that universities continue to make investments. They are, of course, autonomous bodies. They have autonomy from my Department, even though it significantly funds them. Of course, the University of Ulster is also making significant investments in an expanded campus in Belfast. It is not for me to recommend any particular choice of university to students, but I nevertheless welcome the fact that we are investing — whether it is my Department or universities themselves — in the future of higher education in this region.

Mr F McCann: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. First of all, I apologise for being late. I was dealing with a constituency query before I came down.

Does the Minister not accept that, in relation to the Scottish example, his Department has failed many students who carry Irish passports by not offering them prompt and accurate information and advice on this matter?

Dr Farry: I do not accept that at all. I think that I have been very clear on this. It is a matter for the Scottish authorities. Northern Ireland residents are entitled to apply to universities anywhere. My responsibility is in relation to local higher education provision. However, we are very clear in the advice that we are giving to students, which is that they have to take individual advice from the Scottish awards authority and the higher education institutions in Scotland. It is also important to recognise that people who hold Irish passports can continue to apply as a UK resident. They do not have to apply as a European Union national. They have that choice. There will be pros and cons no matter what option they choose. If you apply as a UK resident, you will obviously become eligible for the higher level of fees in Scotland, but you will not be counted as part of the overall control that many institutions will apply to the number of places. The danger is that if you apply as a European Union national, you will be entitled to the same free tuition to which Scottish residents are entitled, but the potential risk is the lack of a guarantee on the number of places. Students need to look at the issue on an individual basis and have those discussions with the Scottish awards authority and the relevant institution. As a Department, we cannot give general advice: we do not have the standing to do that, and it would be dangerous for us to give advice on a third-hand basis.

2.45 pm

Mr Principal Deputy Speaker: I remind Members that questions 4, 7 and 12 have been withdrawn.

Disabled People: Vocational Training

5. **Mr G Robinson** asked the Minister for Employment and Learning what plans his Department has to maximise the number of individuals with a disability engaging in training or retraining in vocational subjects in the forthcoming academic year. (AQO 2331/11-15)

Dr Farry: I am fully committed to supporting individuals with a disability to engage in training or retraining in vocational subjects. My Department aims to ensure that the specific needs of people with disabilities are identified and addressed in an appropriate way to ensure that they can obtain maximum benefit from education or training. To that end, programmes and services either specifically target those with a disability or facilitate access to more mainstream services, including employment support, careers, training and further and higher education. Careers advisers attend transition planning meetings at year 10 for pupils with a statement of educational need and also subsequent annual review meetings. That continues until the young person leaves post-primary education to help them to make informed decisions about education and training.

The disability employment service delivers a range of pan-disability employment services and programmes that target and support people of all ages to progress towards, move into and sustain meaningful paid employment. Financial allowances are available to students, further education colleges and higher education institutions. The allowances can help to meet the cost of a non-medical helper, items of specialist equipment, travel and other course-related costs. The facility is also available to those on the Department's Training for Success programme, which is open to young people up to the age of 22 who have a disability. Specialist providers such as Disability Action, Sensory Learning Support and the Cedar Foundation work in conjunction with training providers to support young people on Training for Success.

Mr G Robinson: Does the Minister agree that ensuring that people with a disability maximise

their talents would benefit Northern Ireland's economy in the medium to long term?

Dr Farry: I thank Mr Robinson for that supplementary question. He makes an important point. We are seeking to unlock everyone's potential, and I firmly believe that every citizen in this society and elsewhere has the potential to make a contribution to society and to the economy, and to have their personal life as well. However, people often need support and interventions to ensure that they are able to reach their maximum potential. We get some very positive feedback when we talk to employers and review our programmes that support people with disabilities about the contribution that those people make in the workplace. They prove to be dedicated and diligent workers who add to a business's bottom line.

Mr Dallat: I thank the Minister for his comprehensive answer, which appears to be in line with the principles of the Good Friday Agreement. Does he share my frustration that many people with disabilities, particularly those in the hard-to-reach category, have not found meaningful employment and gainful wages?

Dr Farry: I accept what Mr Dallat says. The programmes and policies are in place, but there is an ongoing challenge to engage with people and to maximise our activities to assist people into sustainable work. I draw particular attention to the recent NEETs strategy that the Executive agreed. We are seeking to maximise the number of young people who engage with opportunities for work, and we recognise the fact that people wish to work but are held back by various barriers and that, in some circumstances, those barriers can be disabilities.

Mr McElduff: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What is the Minister's Department's assessment of the range and quality of courses provided at Parkanaur College, which members of the Employment and Learning Committee were happy to visit some time ago? Does the Department intend to increase funding for that college to meet the needs of an even greater number of students who have a disability?

Dr Farry: I thank Mr McElduff for his question. I am not sure whether he has been stalking me over the past week. I had the privilege of visiting Parkanaur last Friday for its annual graduation and prize-giving ceremony. The college is certainly very effective, and it is making a real

difference to a number of young people's lives. The Department funds 15 residential places at Parkanaur. That covers a range of areas, such as business, administration, horticulture, catering and upholstery. Some of the young people are very good at multitasking and are achieving qualifications in a range of subjects. Where appropriate, our careers advisers in the jobs and benefits offices will direct people to Parkanaur, if that type of situation is appropriate for them. The numbers that we are supporting in Parkanaur have increased over the past year.

UCAS: Ireland

6. **Ms Ruane** asked the Minister for Employment and Learning what action his Department can take to encourage the UCAS system to provide fuller information about higher education provision throughout the island of Ireland.

(AQO 2332/11-15)

Dr Farry: UCAS is an independent organisation that provides subscribing UK higher education institutions with a student application service. For those students wishing to study at institutions outside the UK, the UCAS website provides contact details and weblinks to a number of international admissions services, including the Central Applications Office (CAO) in the Republic of Ireland.

As it is the responsibility of individual higher education institutions to promote available courses, my Department has no remit to encourage UCAS to provide fuller information on higher education provision. However, my Department's Careers Service, in partnership with UCAS, organises an annual higher education convention in Belfast. This year, in addition to universities in England, Scotland and Wales, exhibitors included representatives from higher education providers throughout the island of Ireland. Those included the National University of Ireland in Galway and Maynooth, the Dundalk Institute of Technology, Dublin City University and Dublin Business School. Some 8,500 students from 98 schools in Northern Ireland attended.

Ms Ruane: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a chuid freagraí go dtí seo. I thank the Minister for his answer. Does he agree that his careers advice needs to be updated and expanded? He mentioned Dundalk and some of the IT institutions, but my information

is that there is not enough advice available on the full degree courses in Sligo, Dundalk and Letterkenny. Partnership is partnership. UCAS should be working with CAO because there is a lack of information from UCAS. Does the Minister agree that that could be an obstacle to mobility on this island?

Dr Farry: UCAS works with CAO at present, and, of course, the Member will be well aware that we have an IBEC/CBI joint report, which highlighted a full set of recommendations to be addressed, whether by Departments or by institutions in both parts of the island, to remove barriers to student flows.

If there is an issue with the accuracy of the information that the Careers Service has, I will ask it to look at it and update it. I am keen to ensure that the Careers Service is there to provide information and advice. It is not its responsibility to steer students in any particular direction or to push any particular institutions. I want to ensure that we have a level playing field and that the fullest information is available for young people to make the best choice for themselves and their future career.

Mrs Overend: Does the Minister accept that although attracting international students is advantageous for universities and the wider economy, visa restrictions mean that the numbers of such students is capped? What steps is he taking, in conjunction with Her Majesty's Government, to address current difficulties with student visas?

Dr Farry: I thank the Member for that question. It is worth stressing that our international student profile has been depressed over the past 30 years compared with that in a lot of other areas and higher education institutions. That means that we are playing catch-up on that. Of course, immigration rules and visas are not devolved to Northern Ireland, but it is nevertheless in our interests to maximise the number of people who can come to study in our local universities. I certainly have raised that with David Willetts, the Minister with responsibility for universities in the Department for Business, Innovation and Skills.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Just picking up on that point so that the Minister can develop it a wee bit further, what discussions has he actually had with his counterpart in Dublin about streamlining third-level education services?

Dr Farry: I would not necessarily say that we have had discussions about streamlining those services, but I had a meeting, most recently at the North/South Ministerial Council, with my counterpart, Ruairí Quinn, the Education Minister in the Republic of Ireland. He and our respective officials have studied the IBEC/CBI report and have looked at the recommendations. Where we can act, we are committed to addressing those. There is also spillover into the responsibilities of my colleague the Minister of Education, and some of the recommendations touch on areas that are his responsibility. I understand that he has also had similar bilateral discussions with the Minister of Education in the South.

Mr Principal Deputy Speaker: Question 7 has been withdrawn.

Employment: Bureaucracy

8. **Mr Ross** asked the Minister for Employment and Learning what steps he has taken to reduce the bureaucratic burden on employers in relation to employing new members of staff.

(AQO 2334/11-15)

Dr Farry: My Department gives very careful consideration to the needs of business in developing employment law, policy and legislation in line with the principles of better regulation. In the Executive's economic strategy, I have committed to a review of employment law that will seek to:

"stimulate business confidence whilst maintaining the rights of individual employees."

On 1 May 2012, I launched a discussion paper on the review of employment law. That paper seeks views on a range of issues, including early dispute resolution, tribunal reform and measures to reduce the regulatory burden of existing employment legislation. The discussion period ends on 20 July. I will then develop policy proposals with a view to consulting on them by the end of the year.

I will shortly announce a pilot review of employment regulations that will look for opportunities to reduce the regulatory burden on the business community. That pilot will examine three substantial sets of employment regulations that relate to the working time directive, the conduct of employment agencies and the rules that govern the Industrial and Fair Employment Tribunals. The Department will liaise with the key employer and employee

stakeholder bodies to ensure that the review is informed by what is happening in the workplace.

In reviewing those regulations, my Department will consider the necessity of the provision. For example, does it strike the right balance between employer and employee needs? Can the provisions be improved or simplified? Is there a non-regulatory way of achieving the same purpose through, for example, better guidance? The pilot exercise will be conducted in line with better regulation principles, and the outcomes will inform the full review of employment law regulations, which is to be completed by 2015.

Mr Ross: The announcement that FG Wilson made yesterday shows the uncertainty and, perhaps, lack of confidence in the business community. It highlights how important it is that government helps businesses and employers by making hiring staff easier. The Minister will be aware that the national Government have already brought in a number of employment changes. I acknowledge that his Department is looking at doing the same in Northern Ireland, but does he have any concerns that because we are now out of step with the rest of the United Kingdom, Northern Ireland is a less attractive place for inward investment and that it is going to be more difficult for us to attract employment opportunities for people here?

Dr Farry: I thank Mr Ross for that supplementary question. This is obviously a very large and, in some respects, potentially controversial area, and it has certainly generated a lot of debate in Great Britain so far. Those discussions are still under way, and I do not think that we are necessarily falling out of step with what is happening in Great Britain.

3.00 pm

Obviously, when you talk to business representatives, employment law and regulations are among the top concerns that they raise. Recently, I held a series of meetings with all the representative bodies, and they all raised that as an issue. We are exploring those issues in the discussion document, and I hope that we can reach interim policy conclusions on the way forward in the very near future. In doing so, it is important to recognise that, although decisions on investment and the growth of business may be informed by employment regulations, there are other factors. The Executive are also turning their attention to those.

Northern Ireland Assembly Commission

Assembly: Working Hours

1. **Mr Agnew** asked the Assembly Commission what consideration has been given to offering staff the option of a shorter working week in order to meet the Commission's efficiency review targets. (AQO 2342/11-15)

Mr Weir: I thank the Member for his question. Following the outcome of the Budget 2011-15 process, the Assembly Commission agreed, as part of its approach to the spending review 2010, that a business efficiency programme should be established. The programme is intended to help the Assembly to seek to deliver effective services to Members while delivering the savings that are set out in the spending review.

To date, a number of reviews of individual business areas have been undertaken, including Security and Ushering, the Research and Information Service, and Clerking. All business areas across the Assembly secretariat will be reviewed. On the basis of the work that has been carried out to date by the business efficiency programme and the potential efficiencies that have been identified, it has not been necessary to consider a shorter working week at this time.

Mr Agnew: I am aware that there are targets in the business efficiency review for a reduction in staff. As the Commission seeks to save money from the public purse, I ask that it remembers that Assembly staff are, equally, our constituents, our workers, our parents, our families and people who require employment. I ask that we bear that in mind when making any decisions about a reduction in staff numbers.

Mr Weir: I am not quite sure what the question was. The Member seemed to make a statement. The position of Assembly staff is very much in our minds. Although the programme was designed to make the level of efficiency savings that were required, we felt that it was reasonable. The Commission does not see a need for any form of compulsory redundancies, and the reduction in staff numbers is, effectively, being managed by way of vacancy control and the rejigging of posts. A target was set to reduce staff numbers from 410 at the start of the process to 375. Without any redundancies whatsoever, we are ahead of

target. The target for the end of this year was 390, and we are about nine months ahead of schedule with a staffing level of 391.

We envisage that we will be able to meet the requirements of the efficiencies and ensure that we have a smaller staff without the need to make any form of redundancies. Consequently, the need for other measures such as a shorter working week would not need to be considered, so long as we continue to meet the targets we have set. It looks clear that we will meet those targets.

Mr Mitchel McLaughlin: On the basis of a reference in that answer, the Commission does not appear to have ruled out compulsory redundancies as an option. Could I press you on that issue and ask you to give that assurance?

Mr Weir: There is no desire to have compulsory — there will be no compulsory redundancies. We do not envisage there being any compulsory or, indeed, voluntary redundancies. It is, essentially, a question of vacancy control, which has been very successful. As I indicated, we are ahead of our target in that area. I cannot say for certain what will happen in the future, but the Commission does not envisage any compulsory or voluntary redundancies.

Mr Gardiner: Has the Assembly Commission considered the security risks in reducing staff or staff hours as part of the business efficiency programme?

Mr Weir: As I said, we are not looking at a shorter working week for staff. In the efficiency reviews, security is uppermost in our minds, as is what is practical and workable. Consequently, we have gone through each review with a fine toothcomb and have, for example, sought the advice of parties, staff and Commission members on what is practical and workable. There is no point in producing an efficiency saving that will create further problems for the Assembly. We have to balance that against the overall need to live within our budget, but not at the expense of risking security.

Mr Lyttle: How will the differing working hours for ushers and security staff be rationalised if their roles are amalgamated as part of the business efficiency review programme?

Mr Weir: The Commission has yet to finalise its position on the security aspects of the report. We will try to ensure that we achieve

maximum efficiency while protecting security. To some extent, finalising such details is a work in progress. We may be in a better position to answer in the near future.

Parliament Buildings: Roof

2. **Ms Lo** asked the Assembly Commission for an update on the roof project in Parliament Buildings. (AQO 2343/11-15)

Mr P Ramsey: I thank the Member for her question. The procurement exercise to appoint a design team for the roof project is under way, and the five teams shortlisted from the pre-qualification stage have now been invited to tender. It is anticipated that the successful design team will be appointed in August this year, when work will commence on developing an outline scheme proposal into an agreed design scheme.

Ms Lo: I thank the Member for his answer. Is the Commission considering how to increase the energy efficiency of the new structure?

Mr P Ramsey: Energy efficiency will be a key consideration. We will look at new technologies, including solar panels, but all that will depend on costing. Major investment on the roof is badly needed. In the past two years, we invested in the region of £90,000 in maintenance and repairs because of serious water penetration of the third and fourth floors, so it will certainly be a good investment.

Mr Durkan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. What capital spending commitments have been identified by the Commission for the rest of this Assembly mandate?

Mr P Ramsey: I thank the Member for the question. Over the remainder of the mandate, the Commission has earmarked a total of £6.3 million for capital projects, including improving accessibility to Parliament Buildings. During the summer recess, one major capital investment that will go ahead to make the Building more disabled-friendly is the construction of two ramps at each side entrance, which will be hugely important for so many wheelchair users seeking access. People with muscular dystrophy are today attending an event in the Long Gallery, but we must continuously improve the Building. I am one member of the Commission who has championed the needs of disabled people, and we are constantly improving.

Mr Copeland: It goes almost without saying that leaks are common in all forms of government. Unfortunately, the leaks that we are discussing are in the roof, and I have seen buckets sitting on the floor upstairs. Are there any plans to take environmental advantage of work on the leaking roof — assuming that the leaks are fixed — by installing solar panels, photovoltaics or any other available options to improve the Building's efficiency?

Mr P Ramsey: That is an important point. The Commission is always trying to improve environmentally the product that we provide. It is looking at installing solar panels on the roof. The design team will be required to investigate and specify appropriate environmental technologies that will improve the Building. However, the repairs are essential because, as I said, £90,000 has been spent on remedial work since 2009. That included work to the parapet walls and repairs that we have seen for ourselves, and I invite any Member to have a look at the roof in its proper context. We are talking about one of the most historic buildings in Northern Ireland. It is important that we maintain and retain it, so it is necessary to invest in it.

Mr Principal Deputy Speaker: Question 3 has been withdrawn.

Assembly: Trade Union Official

4. **Mr McCallister** asked the Assembly Commission how paying a full-time trade union official based in Parliament Buildings from public funds represents value for money. (AQO 2345/11-15)

Mr Weir: I thank the Member for his question. The Assembly Commission does not allocate direct funding to any trade union. However, the Assembly Commission recognises the Northern Ireland Public Service Alliance (NIPSA) for consultation and negotiation purposes, and reasonable provision is made for staff of the Commission to engage in trade union activities connected with consultation and negotiation on staffing matters.

Funding for a full-time union representative is in line with practice across the Northern Ireland public sector. The Commission is committed to the maintenance of the highest standards of industrial relations with our trade union partners,

and the provision of funding for a full-time trade union representative assists in that process.

Mr McCallister: How many NIPSA or trade union representatives are permitted to undertake trade union activities during the normal working day? What is the approximate cost of that to the Assembly?

Mr Weir: The cost is spread among a number of people. The Assembly Commission meets the salary costs of one full-time equivalent member of staff who is seconded to NIPSA to assist with the development of effective industrial relations. The salary band for that staff grade is £29,543 to £33,446, and we pay associated employer costs, such as pension contributions and national insurance costs.

Mr Agnew: Does the Member agree that Assembly staff, like staff in all other sectors, are entitled to trade union representation, particularly at a time when the Commission's efficiency review is taking place, which will have an impact on staff?

Mr Weir: Yes, the Assembly Commission differs from no other body in the public sector in that regard. Consequently, the processes that we operate for trade union membership and representation tend to be the same. The idea of the business efficiency review is to move forward in a way that ensures that we have that efficiency but that is also industrially harmonious. The engagement that has taken place between the Commission and NIPSA on that issue has meant that we have been able to achieve the required savings, particularly on staff costs, without the need for redundancies. That perhaps shows the value of a productive relationship on that front.

Childcare Voucher Scheme

5. **Mr Beggs** asked the Assembly Commission for an update on the implementation of a revised payroll system so that Members' staff can benefit from the tax-efficient childcare voucher scheme. (AQO 2346/11-15)

Mr Weir: It seems to be my turn today. I thank the Member for his question. The payroll system in use to process salary payments for Members and their staff does not fully support the operation of an integrated childcare voucher scheme that would be recognised by Her Majesty's Revenue and Customs (HMRC). The exercise to procure and install a new payroll

system, which will facilitate the administration of such a scheme, is at an advanced stage, and it is anticipated that the system will be fully tested and operational before the end of this financial year, ie, by 31 March 2013. The introduction of a new payroll system will not, in itself, remove the requirement on a Member to establish a HMRC-compliant childcare arrangement. That can only be done by a Member in consultation with HMRC.

Mr Beggs: I thank the Member for his answer. When I pressed the issue some 10 years ago, we were told we could not have the scheme because of the outdated Assembly payroll system. Why is it going to take a further nine months before a new system is introduced? The Civil Service has had such a system for a number of years.

Mr Weir: I suspect that people have not been just as visionary as you, Mr Beggs, in pressing for this change. All I can say is that none of us can deal with what has happened in the past. There is a process in place that will bring this about for the next financial year. Hopefully, that is something that will be fully operational. It may well be something that should have happened a long time ago, but I can only give the Member the assurance that it is happening now.

Mrs McKeivitt: I thank the Member for his answers so far. Has a cost analysis been carried out on implementing a new payroll system to allow Members' staff to access the childcare voucher scheme?

Mr Weir: We are looking at the financial situation to make sure that everything is cost-efficient. I can get some more detail to the Member. There is still a requirement on Members to make sure that the scheme that they have in place for their staff is compliant with HMRC. At present, the childcare payment is subject to tax and national insurance and Members would be required to pay the employer's national insurance contribution, but we try to make sure that everything is as compatible as possible. We will provide the Member with a more detailed answer to her supplementary question.

3.15 pm

Mr Lyttle: Could the implementation of the childcare voucher scheme for MLAs and Assembly Secretariat staff save as much as

£240,000 a year for the public purse, and will it be taken forward?

Mr Weir: I am not in a position to comment on the savings that could be realised. We will look to see what is the most efficient system. We also have to realise that we are dealing with public money. We must ensure that we get the best value for public money and that the system that we use is compliant.

Assembly: Education Service

6. **Mr I McCrea** asked the Assembly Commission what plans are in place to encourage more schools to engage with the Education Service and visit Parliament Buildings. (AQO 2347/11-15)

Mr McElduff: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Member for Mid Ulster for his question. The Education Service designs resources on the work of the Assembly and, crucially, delivers education programmes in Parliament Buildings and in schools. From June 2011 to June 2012, 463 schools received education programmes in Parliament Buildings or in their individual settings. That benefited 14,548 young people.

The Education Service encourages schools to engage in a variety of other ways. Every September, schools are contacted directly via letter and e-mail about opportunities to book an inward or an outreach visit. Schools also received an e-newsletter in April and June 2012 and will again in September.

The Education Service website, which was launched in autumn 2011, was developed in partnership with the Council for the Curriculum, Examinations and Assessment (CCEA) and includes resources for pupils and teachers. Believe it or not, other resources include comics and a DVD on the work of the Assembly.

Mr Weir: You kept the comics to yourself. *[Laughter.]*

Mr McElduff: I allowed that momentary pause so that that could happen. *[Laughter.]* All resources are designed to meet the needs of the curriculum.

Of course, videoconferencing is another method of engagement. This is, perhaps, an area for expansion, because, so far, 10 videoconferences have been held involving 25 Members and 15 schools. We could probably

envisage an increase in that, even with the sharing of this information today. Recently, a primary school art competition attracted 2,000 entries from across all the education and library boards.

Mr Principal Deputy Speaker: Time is up. You should not have paused. *[Laughter.]*

Mr I McCrea: The Member will be more than aware that my constituency, like his, is predominantly rural, and it is not always easy for schools in those areas to get access to this Building. Does he agree that the Education Service is an excellent way of allowing schools to see what we do up here and impresses on young people the importance of what goes on in the Assembly? Would the Commission consider liaising with the Department of Education to ensure that funding is made available to allow schools to get access to Stormont?

Mr McElduff: How long have I got? I thank the Member for his supplementary question. Sometimes, I think that Ian McCrea is even more parochial than I am, because he mentions Mid Ulster quite a bit around here.

There were 23 inward visits from your constituency in the past year, involving 711 participants, and two outreach visits, which involved 126 participants. Obviously, the Assembly benefits from the enthusiasm of the individual Members, such as Mr McCrea, who is enthusiastic about the Education Service.

No travel subsidy is available to visiting groups. There is in the Assembly Commission, as I am sure the Member will appreciate, an atmosphere of diminishing budgets. That said, I think that it is a good idea for us to contact and to be in dialogue with the Department of Education about ways and means of encouraging more schools to take up the invite.

I am reliably informed that 95% of the schools have taken up the Education Service either directly by coming here or by having its work delivered in their school. However, that leaves 5%. The Assembly Commission is looking at that, because records are maintained on a database, and we want to look specifically at how to engage those schools that have not done so.

Mr Sheehan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Is the Education

Service able to accommodate Irish-medium schools fully?

Mr McElduff: Ba mhaith liom mo bhuíochas a ghabháil le Pat as ucht na ceiste sin. I thank the Member for his question. The Education Service obviously has a duty to accommodate all schools from all sectors. It has had a number of visits from Irish-medium schools in the past. The service has not been as satisfactory as it should be, in the sense that, as I understand it, it is delivered fully through the English medium. I understand that one of the Education Service officers is undertaking a Gaeltacht immersion course to refresh language skills so that they are able to offer the type of visit trí mhéan na Gaeilge — through the medium of the Irish language — that those schools envisage. The service will want to specify in the letter of invite in September that that facility is available to visiting schools. It is all the better if MLAs also engage directly, particularly those who have a command of the language. The Building has to be open and has to accommodate a fáilte for all schools.

Mr D Bradley: Go raibh míle maith agat, a Phríomh-LeasCheann Comhairle. Caithfidh mé a rá go molaim go hard an tseirbhís oideachais atá a chur ar fáil do pháistí scoile ag an bhun-leibhéal agus ag an mheán-leibhéal sa Tionól. Ba mhaith liom a fhiafraí den bhall den Choimisiún, i gcomhthéacs an mhéid a dúirt sé faoi Ghaelscoileanna, cad é an dul chun cinn atá déanta ag an Choimisiún ó thaobh polasaí Gaeilge don Tionól a fhorbairt. I have a lot of experience of the Education Service, and I can only but praise it for the excellent work that it does. In the context of Mr McElduff's answer about the Irish-medium schools, what progress has the Commission made in establishing an Irish language policy for the Assembly?

Mr McElduff: Go raibh maith agat arís, a Phríomh-LeasCheann Comhairle. Ba mhaith liom mo bhuíochas a ghabháil le Dominic as an cheist sin. I thank the Member for Newry and Armagh for his question. Every party is represented on the Assembly Commission. It is looking in a meaningful way at the whole issue of equality and language policy. One of the officials in the Assembly Commission has asked for written submissions on the matter from each of the parties. It was dealt with quite substantively a couple of Commission meetings ago. It is work in progress, and speaking personally, I can say that I would like to see

significant and substantive progress in the time ahead.

North/South Parliamentary Forum

7. **Ms Ruane** asked the Assembly Commission for an update on the Commission's efforts with the Oireachtas Commission to establish a forum for dialogue between MLAs, MPs, MEPs and TDs on a North/South basis. (AQO 2348/11-15)

Mrs Cochrane: I thank the Member for her question. In their role as members of the North/South parliamentary forum working group, the Commission members were tasked with exploring the options for a forum for dialogue between the Northern Ireland Assembly and the Houses of the Oireachtas. MPs and MEPs were not considered in the process. The House will be aware that the Assembly's North/South parliamentary working group and the Oireachtas working group have been working together to take forward the ideas and actions that were generated at the North/South parliamentary forum conference in the Slieve Donard Hotel in October 2010.

In addition to the working groups' meetings, we have consulted with parties on their views on the role and format of a North/South parliamentary forum. Following the receipt of final responses from parties, the Northern Ireland Assembly working group met on 19 June this year to discuss and agree the arrangements for the operation of such a forum. At that meeting, it was also agreed that a joint working group meeting would be held prior to summer recess to discuss and formally agree the future arrangements and a proposed outline for meetings of a North/South inter-parliamentary association. I can inform the House that that joint working group meeting, chaired by the Speaker and the Ceann Comhairle, will take place tomorrow.

Ms Ruane: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. Will you outline the issues will be on the agenda?

Mrs Cochrane: The issue on the agenda tomorrow will be formally finalising the agreement and operation of the working group.

Mr Allister: Now that this further piece of the Belfast Agreement architecture is being put in place, courtesy of the DUP's rolling over on the matter after many years, can the Member tell us why it states in the agreed working group

paper about the operation of the forum that its meetings are to be in secret and members of the public are to be excluded? What is there to hide? Why has the working group recommended that?

Mrs Cochrane: I thank the Member for his question. The Member will appreciate that, as I highlighted, the joint meeting of both working groups will take place tomorrow to formally agree the final arrangements for the forum. It would, therefore, be inappropriate for me to provide a detailed answer at this point. However, I am happy to write to the Member following the meeting, once we have clarified exactly how the meetings will take place.

Parliament Buildings: Energy Efficiency

8. **Mr McClarty** asked the Assembly Commission what plans it has to make Parliament Buildings more energy efficient.
(AQO 2349/11-15)

Mr P Ramsey: I thank the Member for the question. The Assembly Commission recognises the need to reduce the Assembly's impact on the environment and, as such, appointed an environmental services manager to the facilities directorate with specific responsibility for sustainability. Since the start of the current mandate, the Commission has sought to proactively reduce energy consumption and improve energy efficiency. For example, detailed energy surveys have been carried out throughout Parliament Buildings as part of the wider sustainable development strategy. The aim of the surveys was to identify a series of measures to reduce energy consumption and increase energy efficiency.

In addition, environmental awareness training has been provided to Assembly secretariat staff and party support staff to increase awareness of energy consumption and to suggest steps that they can take to improve energy efficiency. Plans to further improve energy efficiency include the installation of an effective monitoring and targeting system; the replacement of inefficient equipment; and the assessment of the feasibility of installing appropriate environmental technologies such as solar panels during the roof refurbishment.

Mr McClarty: I thank the Member for his answer. The Member will be aware of the antediluvian-type radiators that we have in this Building, which have a wide range of

temperature outputs and are, therefore, very inefficient. Will those be replaced with much more modern and efficient radiators some time in the future?

Mr P Ramsey: No; I am not aware of any plan to modernise or refurbish the radiators. However, now that the Member has raised the matter, I will certainly bring it to the attention of the appropriate directorate.

Mr Agnew: It is often said that there is a lot of hot air in the Chamber. There is certainly a lot of wind outside and maybe even inside. Has any consideration been given to investing in a wind turbine for Parliament Buildings?

Mr P Ramsey: No; that has certainly not been on the agenda. However, I want to say to the Member that there are plans to install solar panels in Parliament Buildings as soon as the design team puts in place what we believe to be appropriate measures to improve the environmental product. We hope that solar panels will be the start of that.

Parliament Buildings: Childcare Provision

9. **Mr Flanagan** asked the Assembly Commission to detail the childcare provisions that are in place for MLAs and all staff who use Parliament Buildings.
(AQO 2350/11-15)

Mr Weir: Financial assistance in respect of childcare for Members is provided in the Assembly Members' salaries, allowances, expenses and pensions determination 2012 as issued by the independent financial review panel in March 2012. Childcare assistance for staff of the Assembly is contained in a scheme that has been agreed by the Commission. It is worth noting that, while the two arrangements share many common features, they are different. A Member is free to set the terms and conditions of employment for his or her staff to include provision for childcare costs if the Member so desires.

As noted, the Members' scheme is enshrined in a determination of the panel, while the scheme for secretariat staff is a Commission-initiated initiative.

3.30 pm

At present, under both schemes, the entirety of the allowance is paid to the claimant and is

subject to personal income tax and national insurance contributions. The Commission bears the cost of employers' national insurance contributions for both schemes. The childcare provider must be a person permitted by law to look after children; for example, a registered childminder, someone who runs a private nursery, a nanny in the home or a close relative other than a partner. The paid carer must be aged 16 or over. The rates of assistance are marginally different for the two schemes. For Members, the rates payable are £40 a week for a child under five or not at school and £20 a week for a child over five but under 14. For staff, the corresponding rates are £37·40 a week and £18·70 a week.

Question for Urgent Oral Answer

Ulster Bank

Mr Principal Deputy Speaker: Mr Phil Flanagan has given notice of a question for urgent oral answer to the Minister of Finance and Personnel.

Mr Flanagan asked the Minister of Finance and Personnel for an update on his discussions with senior management of the Ulster Bank about the ongoing crisis within that organisation.

Mr Wilson (The Minister of Finance and Personnel): Yesterday, I met Sir Philip Hampton, the chairman of the Royal Bank of Scotland (RBS) group, to discuss the ongoing situation in the Ulster Bank and to emphasise to him directly the untold problems that the current situation is causing individuals and businesses across Northern Ireland. Those problems have been identified through my constituency work, through Members of the Assembly and through direct contact with the Department by businesses. In particular, I relayed to him two things. First, the disappointment that, despite several public assurances about deadlines inside which the system would be fixed and normality restored, all the deadlines had been missed and no definite date had yet been fixed. Secondly, I relayed the disappointment about lack of response, at least initially, from the Ulster Bank to find ways of dealing with customers' requirements for cash.

Yesterday, I was assured by the response from the Ulster Bank that a further 10 branches would be open late in the evenings to facilitate people coming home from work to get into the bank for cash, as well as at weekends. It goes without saying that I will continue to monitor the situation closely. From the first week, I have been in touch with the Ulster Bank fairly regularly, and I have sought to ensure from it that everything was being done that could be done to bring the crisis to a quick conclusion.

Mr Flanagan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for taking the time out of his busy schedule to come here to answer the question and to provide us with an update on this very important matter.

The level of discontent among wider society from all levels of the community about the

ongoing crisis in the Ulster Bank is palpable. From listening to any media programme, you get the sense of anger and frustration that exists. Perhaps the Minister will be happy to hear that the Assembly's Statutory Committee for Enterprise, Trade and Investment is due to have representatives from the Ulster Bank appear before it on Thursday morning. We as a Committee will be able to keep up that level of engagement with the bank.

Mr Principal Deputy Speaker: Ask a question.

Mr Flanagan: As part of his discussions with the chairman of RBS, did the Minister receive any information on when the group expects this debacle to be resolved? Does he have any plans to keep up that level of engagement in the coming days and week?

Mr Wilson: I have plans to continue to engage with the Ulster Bank. Over the past two weeks, I have received a number of assurances on when the situation will be resolved. The one point that I made to Sir Philip yesterday was that I believe that the bank has probably done itself some damage, as well as increasing problems for individuals through its drip-feed approach. The bank initially said that the problem would be fixed by Monday, then on Monday that it would be fixed by Friday, and on Friday that it would be fixed by next week. It might have been better for the bank to have been up front and say that the problem would take two or three weeks to sort out.

I have to say to the Member and to the Assembly that, even after the conversation with Sir Philip, I am still not clear as to when the problem will be sorted. It will certainly not be sorted this week; they have made that clear. They are talking about next week, although they would not say whether that was the beginning or the middle of the week, simply that they hoped — they hoped — to have it resolved by next week.

Mr Principal Deputy Speaker: As Mr Stewart Dickson tabled a similar question, I call him to ask a supplementary question. I will then move to the other names on the speaking list.

Mr Dickson: I thank the Minister for coming to the House and speaking to us today on the matter. Minister, you met Sir Philip Hampton yesterday, and he gave you information. What demands did you make of him to keep customers informed? I am a customer of the Ulster Bank, and I speak on behalf of hundreds

of thousands across Northern Ireland and, indeed, in the Republic of Ireland. Exactly what demands did you make of him to resolve the debacle? Many people are highly distressed. Have you made arrangements to speak to the Chancellor of the Exchequer and the Minister of Finance in the Republic of Ireland to see what can be done about this disgraceful banking mess?

Mr Wilson: I want to inject one word of caution into the debate. This is a technical issue. I got into trouble on 'Talkback' today for calling those who have to fix this, "geeks". Of course, it is the computer buffs who have to get this sorted out. It was meant in the best possible way, and it was not a derogatory term. I have to make it clear that neither jumping up and down by the Finance Minister in the Assembly nor intervention by the Chancellor or the Finance Minister in the Republic will resolve what is, basically, a technical issue.

The Member wanted to know what I asked of Sir Philip. I asked Sir Philip three things. First, I asked him to at least be honest with people if it was going to take some time, and if it is going to take two or three weeks, or whatever it happens to be, let people know. In that way, they can make some preparation and will have some foresight as to what problems are likely to happen. For example, many people thought that it was going to be sorted out before the end of the month, so they were not too concerned about their pay being put into the bank. Of course, they found that that did not happen.

Secondly, I asked for the bank to do what it could to facilitate customers in the interim period. For example, if they had to manually withdraw cash, they could get into banks during non-working hours, etc. That is a big logistical problem, and it means big demands on the staff of the bank.

Thirdly, I asked him whether, if there was a failure in the system — I did not ask him to explain what the failure was because I would probably not have understood the answer anyway — have they identified how that failure occurred and what investment will be required to make sure that it does not occur again? The one thing that customers of the bank will be concerned about is this: if it could happen once, could it happen again? From the point of view of customer confidence and for the long-term interest of the Ulster Bank, it needs to assure

customers that it is prepared to invest money to address the problem that it has encountered.

One other question that I asked is this, and I am sure that Members have heard this from people who have been affected: what happens if payments have not been made and my credit ratings are affected? What does Ulster Bank intend to do to ensure that I am not disadvantaged when it comes to future loans because of the impact on my credit rating due to direct debits not being paid? I have been given the assurance that the Ulster Bank will make contact and will work with the credit agencies to ensure that it is made clear that any problems are the fault of the Ulster Bank and not the fault of the customer.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers so far. What further steps can he take to ensure that the local community here is given equal priority to other customers in the Ulster Bank, the Royal Bank of Scotland and Nat West? Customers here are not second class or third class, and they should never have been left at the back of the queue, as they have been in this case.

Mr Wilson: It was not just with Sir Philip that I raised this yesterday. In the very first conversation I had about this issue with Ian Jordan of the Ulster Bank, which was now nearly two weeks ago, I asked the very question that the Member has asked: are we being treated as second-class citizens? Is Ulster Bank simply regarded by RBS as an annex that will, therefore, be treated eventually? I have been assured that there are reasons for the sequence. I can only take the assurances that the Ulster Bank and RBS have given me. The reason for the sequencing is nothing to do with priorities as regards who its most important customers are or what its most important market is. The system failed in a certain way and in a certain sequence and had to be repaired in a certain sequence. Since Ulster Bank is at the end of that sequence, it will be the last to be dealt with, and because it is the last to be dealt with, a bigger backlog of transactions has built up in the Ulster Bank. As I understand it — this is how it was explained to me — at present, the design of the system finds it difficult to accept any transactions that are historic rather than current. Therefore, since those transactions will not be accepted

automatically, they have to be fed in. The system has to be persuaded to take them. That is why it is a slow job. If you do it too fast, the system will break down again. It is a slow job. Of course, while historic transactions are slowly being put into the system, more transactions are building up because of direct debits, payments and demands for money coming in. That is why it has taken so much time. It is also one of the reasons why the Ulster Bank says it cannot give me a time for when the backlog of transactions will be put on the system so that it can start operating smoothly again.

Mr Ross: The Minister will be aware that there has been substantial speculation that one issue is that the RBS system was hacked into. Was the Minister able to raise that with Sir Philip at the meeting yesterday? Given that the issues in RBS and NatWest have largely been resolved and we have been told that it could be several weeks before the Ulster Bank issues are resolved, is the Minister confident that they actually have found what the glitch in the computer system was and that that has now been resolved? Is he confident that the Ulster Bank is not trying to hide the fact that it still does not know what the issue is?

Mr Wilson: Again, I am no computer expert. I can only take the assurances that I have been given by RBS. Yesterday, we went through a range of scenarios as to what the possible causes could be. Of course there has been speculation as to where and how the problem originated. I have been assured by RBS that it knows what the problem is and knows that the system is going to have to be changed to fix the problem and ensure that it does not happen in the future. RBS said that that will cost a fairly hefty sum of money. It is prepared to put the investment into the system to ensure that, now that it has spotted the problem, it is fixed and there will not be a repeat. However, that will not be done immediately. Adjustments and technical specifications are required to change the system.

Mr Cree: I thank the Minister for coming to answer questions on a problem that is not of his making. The Minister referred to speculation. I wonder whether he has heard the speculation that the breakdown in software followed an outsourcing of the bank's IT function to India. Will he perhaps comment on that?

Mr Wilson: As I indicated in an earlier answer, we went through a number of scenarios. That was one of the scenarios. I have been assured that that is not the case. Speculation about anything to do with banking and a loss of confidence and trust are very, very damaging. I am not holding up a torch for any particular bank, but we have a fragile enough banking system in Northern Ireland without unfounded speculation making that worse and reducing confidence. We have discussed problems with the banking system in this Assembly time and time again. It is important to our economy, but it is not working properly at present. This is another blow to that, and I do not think that we should make it any worse by simply repeating or giving credence or currency to rumours, which can damage the system further.

3.45 pm

Mr Agnew: Obviously, the Assembly is not responsible for banking but we are responsible to individuals and businesses in Northern Ireland. In that regard, what discussions has the Minister had with the Chancellor to ensure that we have contingency measures so that we can act quickly in the future if there are further banking crises?

Mr Wilson: Over the past number of months in the Assembly, I have said that I have met Treasury Ministers and I have met the head of the Bank of England. I spoke to Hugo Swire today about the issue and I am meeting the Treasury Minister again tomorrow. There is continual engagement with government. My main concern in the long term is about how we get a banking structure in Northern Ireland that is competitive and gives people choice. If people do not get the service that they want from one bank, or they cannot get the money that they want from one bank, they have an option of alternative sources of finance. That is what we need to get our economy working properly again. There is no easy answer to that. We have seen that even the Treasury in England does not have a great deal of control over banks that they have poured billions into, but it is something that, as a country, and not just as a region, we have to grapple with, because without a functioning banking system, we will not have a functioning economy.

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I welcome the fact

that we have the opportunity to discuss this today. I put it down as a Matter of the Day on 25 June, but, apparently, it was not considered to be urgent then, so how times have changed. I would like to begin by condemning the armed robbery of the Ulster Bank in Castlewellan today and the trauma that the customers and staff had to endure and, no less than yourself, Mr Deputy Speaker, I condemn all bank robberies, whether it is the Northern Bank, the Ulster Bank or whatever.

Anyway, to get back to the point in question, I welcome the fact that SDLP MPs and DUP MPs are meeting the senior management of RBS tomorrow in London. Did the Minister raise the possibility of compensation for individuals and companies who have suffered a direct loss due to the crisis in the Ulster Bank?

Mr Principal Deputy Speaker: I think, Mr Bradley, we need to make sure that the Speaker's Office is not drawn into your political commentary. The commentary that you are just after making I do not understand, but I also want to make sure that you do not include me in that particular commentary.

Mr Wilson: Sorry, Mr Deputy Speaker, I thought that you wanted to get a response from the Member on that. The Member was obviously a prophet when he put down the discussion as a Matter of the Day, and it was not regarded as urgent at that stage. It has acquired an urgency, and he has been unusually far-seeing on this occasion. *[Laughter.]* On other occasions, I have accused him of not being in touch, but he has been in touch on this one.

I raised the issue of compensation at a very early stage because it was clear that costs were being incurred by people who found that they could not withdraw money, and businesses are being affected on a daily basis. I have been told that some businesses are hitting liquidity problems and because of that, they cannot get supplies, and because they cannot get supplies, it is affecting their business. I have to be honest with the Member: I do not have any clear indication from the Ulster Bank as to how it intends to deal with that.

The bank has done two things. It has said that it will reimburse individuals for direct costs. By that, I think that it means charges as a result of direct debits not being paid. Beyond that, what compensation will be made available in cases in which there has been what could be called a

subjective assessment of the damage done to a business and, indeed, in cases in which third parties — I raised this — have been affected by the inability of others to make payments to them? The answer I have been given is that the bank will have to look at those issues, and criteria will have to be drawn up. However, that is not a priority for the bank at the moment. Its priority is to get the system up and running.

I have absolutely no doubt that, once this situation is sorted out, the next range of discussions and the next blow to hit the Ulster Bank will be when people start to come forward with stories of the damage done to them as a result of what is happening at present.

Executive Committee Business

Criminal Justice Bill: Second Stage

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

That the Second Stage of the Criminal Justice Bill [NIA 10/11-15] be agreed.

As Members will know, there are three discrete strands to the Bill. It will change the law on sex offender notification provisions; introduce new offences aimed at preventing and combating human trafficking and protecting its victims; and establish a new legislative framework for fingerprints and DNA samples and profiles.

The first four clauses deal with sex offenders and the law on sex offender notification, more commonly known as the sex offender register. The aim is not only to address a ruling of the Supreme Court on compatibility with the European Convention on Human Rights (ECHR) but to introduce measures to increase public protection and strengthen the notification regime. The provisions address a number of areas.

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

First, in response to a ruling of the Supreme Court in April 2010, the provisions introduce a review mechanism for periods of indefinite notification. Secondly, the law will be updated to remove notification from offences that have been abolished. Thirdly, the law will be strengthened by streamlining the procedure for notification of offenders who come to Northern Ireland with convictions from outside the UK. Lastly, the scope of sexual offences prevention orders will be widened.

Some Members will, I am sure, recall the background to the first of those provisions, the review process for indefinite notification. They were initially debated by the House during passage of the Justice Act last year but did not gain the support of the Assembly. I said at that juncture that I would consult on the policy and bring back what would have to be similar proposals in the new mandate. The Department duly issued a consultation document on a number of proposed changes to the law on sex offender notification, a number of which are in the Bill. The Bill also tidies up an outstanding issue where notification still attaches to individuals who were found guilty of offences that, since the introduction of the Sexual

Offences (Northern Ireland) Order 2008, are no longer offences.

I want to turn now to the first provision, the review mechanism for indefinite periods of notification. The current law, set out in the Sexual Offences Act 2003, attaches notification requirements for an indefinite period to offenders who have been sentenced to 30 months or more for a sexual offence. The judgement of the Supreme Court found that that indefinite period of notification, without the prospect of any review, is incompatible with article 8 of the ECHR, the right to private and family life. A change to the law in all jurisdictions of the UK is, therefore, required to meet our convention obligations by allowing offenders to seek a review of their period of notification.

Scotland legislated for that by the process of an urgent remedial order in October 2010. I understand that legislation is now being updated at Westminster for England and Wales. The provision will allow relevant offenders to apply to the police to discharge the notification requirements after a period of 15 years from the date of release from prison, or eight years if they were under 18 years of age at the time of conviction. Those are the same periods proposed across the UK. The police will not discharge the notification requirements if they are of the view that it is necessary, in the interests of public protection, that the notification requirements continue. If the police decide not to discharge the requirements, the offender has a right to apply to the Crown Court. In Scotland, the offender can appeal to the Sheriff's Court and in England and Wales they propose to have an appeal to the Magistrate's Court.

Members should be aware that public protection continues to be the driving force. No offender who continues to pose a risk that justifies notification will find that their application to discharge has been successful. At the same time, we have to be mindful of our obligations, and I am content that this legislative change fully meets the requirements of the Supreme Court judgement.

Other aspects of this part of the Bill seek to increase public protection through the effectiveness of the notification regime. A number of proposals were included in the consultation paper, and two of those have been further developed for inclusion in the Bill. The first relates to the way in which notification

attaches to offenders who come to Northern Ireland with convictions from certain countries outside the UK. In such cases, the present law requires the police to apply to the court for a notification order. The provision in the Bill removes the need to apply to the court and makes the person statutorily obliged to notify, as is the case with a domestic offender. However, the provision as it stands has been limited to those with convictions from within other countries of the European Economic Area. That is as a result of concerns expressed to me by the Attorney General, who felt that a wider application would not be compatible with article 6 of the European Convention on Human Rights, on the basis that some persons may arrive in Northern Ireland with unsafe convictions from states with poor human rights records and suspect justice systems. However, the limited application of the provision did not find support from members of the Executive when I asked for approval to introduce the Bill. I have, therefore, given a commitment to work with the Attorney General and the Justice Committee during the passage of the Bill to bring forward an amendment to allow for a single, enhanced process for attaching notification.

The other strengthening measure in the Bill applies to sexual offences prevention orders. The current law allows the police to seek from the court an order to place prohibitions on a sex offender in the interest of protecting the public from serious sexual harm. I am proposing that those orders should also be extended to allow the court to place positive conditions on an offender in the interest of public protection. The other proposals recommended in the consultation paper will be processed in due course by way of secondary legislation, as allowed for in the Sexual Offences Act 2003. This part of the Bill will also amend schedule 4 to the Sexual Offences Act, which sets out the procedure for ending notification for abolished offences. That change is a consequential amendment, outstanding since the introduction of the Sexual Offences Order 2008. What we see in this package of measures on sex offender notification represents not just a necessary change to the law to meet our ECHR obligations as determined by the Supreme Court, but a drive to increase public protection by making adjustments to the law, where possible, which will develop further the effectiveness of the notification regime.

The second strand of the Bill introduces new offences for Northern Ireland to comply with the EU directive on preventing and combating trafficking in human beings. My primary objectives are to support victims, bring the traffickers before the courts and raise awareness of the issue. It is shocking to realise that traffickers operate here because there is demand for the services that victims are forced to provide. There would be no sexual slavery if men were not prepared to pay for so-called services, and there would be no cases of domestic servitude or labour exploitation if men and women were not prepared to exploit and abuse other human beings, including children. I know that Members share my abhorrence at that situation and I welcome the cross-party support that has been evident recently.

Two offences respond to the international dimension of human trafficking and ensure that those operating across international borders are not immune from prosecution. The first of those creates an offence where a person is trafficked anywhere outside the United Kingdom for sexual exploitation by British citizens, habitual residents of Northern Ireland and bodies incorporated under the law of a part of the UK. The offence will deal with the abuse of trafficked victims at all stages of their journey or ongoing travel. The second creates a similar offence to allow for the prosecution of a person who has trafficked someone anywhere outside the UK for labour or other exploitation. In both cases, the maximum sentence for someone found guilty in the Crown Court is 14 years' imprisonment.

Under those two new offences, a UK national who has trafficked someone anywhere outside the United Kingdom — a UK national who has trafficked a person from Mexico to Brazil — is guilty of an offence. In addition, a further amendment provides that an offence is committed where a United Kingdom resident, who has not previously been trafficked into the UK, is trafficked for labour or other exploitation within the UK, for example, from London to Belfast. That is already an offence for sexual exploitation. The creation of those offences received overwhelming support in the consultation that my Department carried out on the EU directive, although I am aware that some Members consider that those amendments do not go far enough.

4.00 pm

Suggestions for further legislative change were put forward by Lord Morrow and others who responded to the recent consultation on the EU directive. I will consider those in detail. My priority at this stage is to make provision for these amendments to the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to ensure that the law in Northern Ireland complies with the criminal aspects of the EU directive and that we meet the deadline for its implementation in April 2013.

The third strand of the Bill deals with DNA and fingerprints. Since 2001, the law has allowed the police to retain indefinitely the fingerprints and DNA sample and profile of anyone arrested for a recordable offence, whether later convicted or not. In 2008, however, the European Court of Human Rights found that the legislation breached article 8 of the European convention — the right to privacy and family life. The court was specifically concerned with persons suspected but not convicted of an offence and concluded that the current regime failed to strike a fair balance between the competing public and private interests, constituted a disproportionate interference with the individual's right to respect for private life and could not be regarded as necessary in a democratic society. Those considerations of balance and proportionality have been key in formulating the new retention framework.

The court made specific and positive reference to the current law in Scotland, so we took that as our starting point, as did England and Wales. In the new framework, retention periods will depend on a number of factors. Its main features are as follows: the police will continue to be allowed to retain indefinitely biometric data from persons convicted of a recordable offence — essentially, one punishable by imprisonment. However, where the offender was under 18 years old and has not gone on to reoffend and the offence was relatively minor, data may be retained for between five and 10 years only, depending on the length of sentence. That should benefit around half of young offenders. If the offence is more serious or attracts a custodial sentence of five years or more or in the event of a second conviction, the material may be retained indefinitely. In all cases, data from any person arrested for a recordable offence will be subjected to a search

against the relevant databases. That means that those who have committed crimes in the past and left their DNA or fingerprints at the scene will not escape justice.

The biggest change, of course, will be in respect of those not convicted. If an individual is charged with a serious offence but not subsequently convicted, fingerprint and DNA data may be retained for three years only, with the option of a single extension for two years, subject to judicial approval. The same is true of an individual arrested for but not charged with such an offence in certain limited prescribed circumstances. This is a departure from the Scottish model, but the police made the case for retention where the victim is a juvenile or a vulnerable adult or is associated with the suspected offender, perhaps a family member. These are circumstances in which the victim is more likely to be susceptible to pressure not to give evidence. Such retention will be subject to independent approval. Data will not be retained from persons arrested for but not charged with a serious offence unless these prescribed circumstances apply or from persons arrested for but not convicted of a minor offence. Those persons will have their fingerprints and DNA profile destroyed as soon as possible. In addition, I have asked that arrangements be put in place to completely decouple analytical records retained by Forensic Science Northern Ireland for accreditation purposes from the original sample, so that individuals who have had their material removed can be confident that no trace remains.

I believe that this framework provides a proportionate response to the wider needs of society while minimising unnecessary interference with the rights of individuals. It provides targeted retention based on risk, giving the police the tools they need to protect the public without keeping the DNA of a large number of innocent people on the database.

The Bill addresses three discrete areas of law where action is urgently required to address a ruling of the Supreme Court or a European directive. I am grateful for the support for the principles of the Bill that I have received from the Justice Committee and the Executive. I commend the Criminal Justice Bill to the House.

Mr Givan (The Chairperson of the Committee for Justice): As the Minister has just outlined, the Bill covers measures to provide for a review

mechanism for periods of indefinite sex offender notification; replaces existing provisions that allow for the indefinite retention of fingerprints and DNA samples and profiles from anyone arrested for a recordable offence with a new legislative framework aimed at complying with article 8 rights to privacy; and introduces new offences in line with the EU directive on preventing and combating trafficking in human beings and protecting its victims. Although it is a reasonably succinct Bill, focusing on three distinct strands rather than having the usual mix-and-match of policy areas and tidying-up clauses that we see in other Justice Bills, I do not think that the Committee will find the scrutiny of its provisions any easier during Committee Stage, given that members have a range of issues with the proposals on each of the strands.

I will start with the clauses that relate to the EU directive on preventing and combating trafficking in human beings and protecting its victims. The Committee supports the creation of offences where a UK resident who has not previously been trafficked into the UK is trafficked within the UK and to allow for the prosecution of a UK national who has trafficked someone anywhere outside the UK. We were first briefed on the proposals earlier this year, prior to the Department undertaking a consultation exercise on them. The Committee indicated at that stage that it was content in principle for the provisions that would create those offences to be included in the Criminal Justice Bill. From briefings by the Organised Crime Task Force, the Committee is aware of the growing problem of human trafficking in Northern Ireland, particularly in relation to sexual exploitation, and it believes that all necessary steps that need to be taken should be taken. We had previously asked the Department whether further legislative changes were needed to tackle this growing problem.

The Committee recently received a written briefing paper from the Department outlining the responses to the consultation. The responses were supportive of the introduction of the legislative amendments. However, they raise questions about whether the Department of Justice has adopted a minimalist approach to implementing the EU directive and to stopping human trafficking. A number of organisations and individuals want to see more innovative and progressive legislation for Northern Ireland. The Committee will, no doubt, wish to explore that further during Committee Stage, and I am sure

that all Members will want to ensure that the legislation addresses the problems that exist, rather than simply ensuring that Northern Ireland is technically compliant with the EU directive.

The Committee was briefed in November 2011 on the final policy proposals for the sex offender notification requirements, although there have been recent adjustments. The provisions that strengthen the law on notification to increase public safety are to be welcomed. However, the proposals for a review mechanism for periods of indefinite sex offender notification raised a number of questions when the Committee considered the policy, including whether they were achieving the right balance between public protection and complying with article 8 of the European Convention on Human Rights; how they compared with mechanisms in other jurisdictions, particularly the English and Welsh model; and whether the proposed model complies with the Supreme Court ruling and the European Convention on Human Rights. Members will wish to give further consideration to those questions when scrutinising the clauses during Committee Stage.

I move on to the legislative proposals for the retention and destruction of DNA and fingerprints. The Committee was briefed in September 2011 on the final policy proposals for the introduction of a new framework designed to be compatible with article 8 requirements. Again, however, there have been recent modifications to the proposals. It is clear from the consideration of the policy proposals and the more recent briefing last week by departmental officials on the principles of the Bill that Members have differing views on the issue. Some view the proposals as perhaps not going far enough, and others prefer to make as little change as possible from the current position of retaining indefinitely fingerprints and DNA samples and profiles that have been taken from anyone who has been arrested for a recordable offence, regardless of whether they have been convicted.

When the final policy proposals were presented back in September 2011, Members took the opportunity to explore with officials the reasons why they differed in some areas from the retention framework in Scotland and that in England and Wales. Members also raised issues regarding the balance that is to be struck between public safety, the protection of wider society and the rights of the individual and

asked whether the Department was adopting a proportionate response, a minimalist approach or a maximalist approach. No doubt we will return to those issues during Committee Stage. As I have outlined, there are clearly issues with the Bill that will need to be looked at in much greater detail, and we will require further discussion and consideration on them during Committee Stage.

Speaking just as an MLA, I want to comment on the human trafficking element of the Bill. I welcome the commitment and the work that is being brought forward to deal with the EU directive on the issue. Human trafficking is a scourge on this society. It is modern-day slavery, and much work needs to be done to eradicate it. The Minister and I attended an event at Stormont to mark human trafficking awareness week. We spoke at that event and commented on the issue. Many people in Northern Ireland are disturbed by human trafficking, both those of a religious faith and those of none, but those within the Christian community have become particularly active in this area, recognising that much work needs to be done to protect those who have been brought into this type of slavery through sexual servitude.

I want to be assured when we look at these legislative proposals that we are not just taking a minimalist approach and will do whatever we can in this place to ensure that the legislation that is brought into being will effectively deal with this problem. The police have indicated to the Committee that they believe that the legislation to give them the necessary powers exists, but we have heard from different organisations that that is not the case and these proposals do not go far enough. I know that the Minister will work with us on this, and my colleague Lord Morrow will have more to say on the issue. The Committee wants to focus on this particular area to ensure that we do everything we can to deal with this problem in our society.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an Bhille atá os ár gcomhair an tráthnóna seo. I thank the Minister for presenting the Bill to the Assembly. As the Chair outlined, the Committee was briefed on the principles of the Bill last week, and we look forward to Committee Stage. Previous experience, particularly with the Justice Bill in the previous mandate, has demonstrated

how co-operation between the Committee and officials allowed the previous Bill to be shaped in a particular way. The Committee took a degree of satisfaction from that.

I will point out some of the issues that Sinn Féin will bring to the discussion at Committee Stage. Indeed, some issues that I will raise today are ones that the officials will already be familiar with from the Committee meeting last week. In particular, we have issues with DNA and fingerprint retention and with the disproportionate build-up of the database. The presumption of innocence is also, in our opinion, being undermined, and there is a divergence from the Convention on Human Rights. As I pointed out at the Committee last week, we are concerned that the database is constantly growing. It is growing because, in the past, it was nearly unchecked, and it was only this ruling that put some form of brake on it. When you consider that, pro rata, the database here is 10 times bigger than in the United States and five times bigger than the European average, you can see why people have concerns. It was noticeable that the court described a blanket approach to the taking and preserving of DNA. That is one of the issues that we will address.

In relation to the types of profiles that are retained — again, these are issues that I have no doubt officials will address and respond to at Committee Stage — it is estimated that perhaps one in five people whose profile is on the database are not convicted. In our opinion, that means that DNA profiles are being kept because, some time in the future, a person might commit an offence. In our opinion — I think the court has said this as well — it undermines the principle of the presumption of innocence. On top of that, many people who are still on the database left prison many years ago. Indeed, many people would be subject to spent convictions now, but under this legislation, their DNA profile can be retained.

4.15 pm

Mr Beggs: Will the Member give way?

Mr McCartney: Yes.

Mr Beggs: Does the Member accept that in many instances, such as sex offender cases, many of those who have abused children would have been discovered much earlier if DNA had been retained?

Mr McCartney: It is difficult to speculate on what is merely a “What if?” proposition. So in this instance, I do not accept the Member’s point. When you talk about principles, you should bear it in mind that it was your party colleague who, at a Committee meeting in September 2011, made the point that, if the courts rule that a person is innocent, the people who retain DNA profiles are saying that the opinion and the courts do not matter. It is in that sense that you take this forward. If there are instances in which that is the case, we need to hear about them, and they can inform opinion. It does not serve anybody well when you are taking this forward. There has been a live ruling. We are now trying to create the circumstances in which any future decision taken by this legislature will not be subject to a court ruling after we have had the opportunity to correct what was deemed improper in the past.

I move now to the divergence from the convention. As the Minister said, the provision, as it was when it went before the court, was deemed by the court to be not necessary in a democratic society. It used the words “blanket” and “indiscriminate”. As a legislature, we should not allow that to remain. Whatever we do in the future, we have to address those issues. What is now in front of us raises some concerns for us. As we go through Committee Stage, officials will be set the task of addressing the issues that we raise.

A number of minor points need to be addressed at Committee Stage, one of which is the retention of photographs. It is accepted that some photographs are held. In fact, officials informed the Committee that it was a PSNI matter and that a legal challenge is awaited. Rather than create the circumstances in which there is legal challenge after legal challenge, we have, in the framing and passage of the Bill, the opportunity to ensure that we are not in front of the courts unnecessarily.

One proposal is the introduction of a biometric commissioner. In our opinion, the courts should be the arbiter of what should and should not be retained, not some third party. We will take the issue forward in that way.

The Minister and the Chair outlined the need to address human trafficking. Some people might describe it as a loophole, but the EU directive demands that the Minister address the matter. Issues have been raised by the Chair,

by Members and in the consultation. There may be a feeling that there is an opportunity to strengthen and shape the legislation, when it goes through Committee, in a particular way and that we can become leaders rather than followers when we frame legislation on human trafficking.

The final aspect is sex offender notification. The Minister rightly pointed out that that was in the previous Justice Bill. We would have supported it. Again, a court ruling needed to be addressed. In our opinion, the Bill from the previous mandate went some way to addressing that. There were some improvements at Committee Stage, and some of the issues that the Minister outlined today will also help to improve the situation. We look forward, and we want the Second Stage agreed so that the Bill will come to Committee Stage.

Mr Hussey: I welcome the opportunity to speak on the Second Stage of the Criminal Justice Bill. Although I am not a member of the Justice Committee, I have an interest in many of the areas that the legislation deals with, not least through my work on the Policing Board. The vast majority of the Bill is enacting changes that are necessary due to events taking place in Europe, whether that is Council directives or cases going through the European courts. We need to take account of those changes, and I therefore commend the Minister for introducing the Bill before the summer recess.

First, I want to deal with the issue of human trafficking. Good work has been done in Northern Ireland. For example, the issue has been raised a number of times in the Assembly, first through a private Member's motion by the Ulster Unionist Party in September 2010. There is already a focus in the Policing Board, especially on the human rights and professional standards committee. We also had Operation Pentameter 2, which was a UK-wide operation co-ordinated by the Home Office and the Association of Chief Police Officers. A Department of Justice paper on the closely associated subject of prostitution provided important Northern Ireland-specific research, and the successful Blue Blindfold campaign was effective in raising awareness. As recently as April, we saw the first conviction for human trafficking in Northern Ireland, but, given the scale of the problem, there is still much to do.

The Chair of the Committee referred to this crime. In many instances, it is an unseen crime. It is an appalling crime, whether you have a firm religious belief, whether you are an atheist or whether you are just someone who is living in Northern Ireland trying to live your life from day to day. It is an unseen crime. It is something that we are really not aware of. Being a member of the Policing Board and having been to some of the events in the House, I believe that I have had my eyes opened to what is actually happening.

The provisions in the Bill stem from the UK's decision to sign the Council of Europe Convention on Action against Trafficking in Human Beings. As a result, this aspect of the legislation is necessary to create an offence where a UK resident is trafficked within the UK, as well as an offence to allow for the prosecution of a UK national who has trafficked someone outside the UK. It is certainly the hope that the new provisions will result in further convictions for this type of organised crime.

Secondly, I want to refer to the retention of DNA and fingerprints. The legislative framework is contained in the Police and Criminal Evidence (Northern Ireland) Order 1989, as amended by the Police (Amendment) (Northern Ireland) Order 1995, the Criminal Justice and Police Act 2001 and, subsequently, the Criminal Justice Act 2003. This has resulted in the current situation, where DNA and fingerprints can be held indefinitely from unconvicted individuals. The judge in the case of *S and Marper v United Kingdom* in 2008 ruled that the blanket and indiscriminate retention of DNA was contrary to article 8 of the European Convention on Human Rights. Therefore, it is clear that some change is needed in order to comply with the European decision. This is why the Minister has brought forward clause 7 of and schedules 2 and 3 to this Bill.

The basic rule that is being brought forward by the Justice Minister is that all fingerprints, DNA and samples must be destroyed, provided they do not fall within the circumstances outlined in new articles 63C to 63J. That is the simple underlying principle that is set out in the Bill. However, the Ulster Unionist Party strongly believes that the police must have the ability to use all means that are necessary and appropriate in order to tackle crime. Therefore, it is important that the retention of material relating to the eight areas outlined is subject to differing standards. It is vital that

adequate consideration is given to the eight areas to ensure that they adequately cover all eventualities, which should be subject to differing standards rather than a basic rule. Whilst the Minister has consulted on the retention of the materials, I ask what specific consultation there has been with the PSNI, which is the key stakeholder in this exercise.

I also ask the Minister to explain the rationale behind the appointment of a commissioner to be known as the Northern Ireland Commissioner for the Retention of Biometric Material, who will be paid as the Department determines. In the current economic climate, the Minister will understand the concerns around the creation of titles of this nature without any details of the remuneration to be offered. This is no doubt an area of the Bill that the Ulster Unionist Party will express some concern about. While I understand that not every grievance around the retention of material of this nature should be subject to protracted and potentially costly court proceedings, further details of what the Minister has planned for this commissioner would be welcome.

Last is the somewhat sensitive issue of notification arrangements for sexual offenders. The police have certain powers in relation to sex offenders, including the ability to hold information about their whereabouts. That is done through the signing of the sex offender register, or what is officially known as notification requirements for sex offenders. There are two main concerns that the Minister should address at Second Stage. First, although indefinite notification requirements have been deemed unlawful, why has he chosen to apply the eight-year level to under-18s and the 15-year level to all other sexual offenders? It is important that the Justice Minister explain his reasoning, given that the European judgement does not specify a time before a review should take place. Potential concerns centre around the fact that the Justice Minister should not be unduly lenient to sex offenders. Secondly, the arrangements set out in the Bill will undoubtedly place an extra burden on the Chief Constable. In paragraphs 2(7) and 2(8) of new schedule 3A, it is evident that the onus is on the Chief Constable, when in receipt of an application, to make a determination. As well as that, in paragraph 3(2) it is clear that he must take a host of issues into account. Has the Minister any indication of the time and cost implications of those reviews for the PSNI? If there are to

be additional costs, have they been factored into budgetary requirements? That is important, given the efficiencies that the PSNI is already expected to deliver.

In conclusion, I welcome the Second Stage of the Bill and look forward to the debate as the Bill passes through the legislative process.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. From the SDLP's point of view, the Criminal Justice Bill is largely concerned with updating legislation to ensure that it meets current standards on human rights, as set out in rulings by the UK Supreme Court, the European Court of Human Rights and the Council of Europe Convention on Action Against the Trafficking in Human Beings. These are challenging issues, and, during the long gestation of the Bill, Members will, at times, have asked whether some of the measures being put in place are too lenient. However, it is important to remember that we are legislating to protect the rights of individuals. It is essential that, if we are to err on one side or the other, we should err in favour of the individual over and above the state. For the most part, the Bill appears to do that.

I want to deal with a number of issues, particularly human trafficking, which has already been mentioned. Many of us will have received briefing documents that broadly reflect feelings about the Bill. One of the main themes that run through those documents is that, although, on one level, the proposals seek to copy England and Wales in the substance of the change, the arrangements are much more complicated here in the North. There appears to be a minimalist approach in the Bill to tackling human trafficking, which I feel is a missed opportunity. We should be a pathway and a leader on these issues, which are increasingly becoming a feature of our modern world. There are also missed opportunities to comply with aspects of all parts of the directive. We will go into those in more detail in Committee, but they include areas such as penalties, investigations, prosecutions, assistance and support for victims and, particularly, provisions for child victims — the most vulnerable in society who have been subject to human trafficking, particularly its more abusive aspects.

Similarly, the measures on sex offender notification, such as the right to a review in the case of offenders subject to notification for an

indefinite period, follow a UK Supreme Court ruling on compliance with European Court of Human Rights obligations. Some of us may aspire to a situation in which the particular Supreme Court's ruling did not apply, but we are where we are. In any event, the human rights obligations would probably still exist.

DNA retention is a very pertinent issue that came up in Committee when we were initially discussing these matters. The measures in the Bill that relate to the retention of fingerprints and DNA profiles result from a 2008 European Court of Human Rights ruling that the blanket and indiscriminate nature of the power of retention in England, Wales and the North was in breach of article 8 of the European Convention on Human Rights, which is the right to privacy and family life.

Those regions of the UK and the North were found to be the only ones in the Council of Europe to permit the systematic and indefinite retention of DNA profiles and samples of persons who had been acquitted or against whom criminal proceedings were not enacted.

4.30 pm

The new measures in the Bill seek to specify in what circumstances and for how long biometric material, fingerprints etc can be retained. However, I remain unconvinced that it is appropriate to allow the retention of the fingerprints and DNA profile of someone who, although arrested, has not been charged with a serious offence or, if charged with a serious offence, has been found not guilty by the courts. We could have the ridiculous situation where, in these pressing and trying financial times, someone winds up in jail through defaulting on their bill payments or whatever and their DNA and fingerprints could be retained for three years, as set out by the Bill, with an extension of two years available on application to the courts.

Even the fact that the qualifying offences for the retention of biometric material are deemed serious — they broadly cover serious violent, sexual or terrorist offences — is not particularly relevant. If someone has been found not guilty by the courts, they should have the right to be treated by the state as innocent of that crime. If, at the conclusion of the police investigation, no charges are brought against an individual, that individual should also have the right to be treated by the state as innocent. The Bill does not do that.

During the Committee Stage, Department of Justice officials defended this retention, because there would have been, at some point prior to acquittal for example, "sufficient suspicion of an individual". I find that argument, too, unconvincing. It is doubly worrying that there is no possible appeal against retention in such cases. I have no problem in accepting the need to take into account the protection of the public, but if we compromise the rights of the individual to do so it must be based on more than simply a "suspicion". That is particularly the case when that suspicion has been tested in the courts and found to be a suspicion that is without foundation. I am not concerned about a mere matching of legislation in other jurisdictions. When it comes to human rights, we should be setting our own standards and they should be the highest possible.

Subordinate legislation is expected to be introduced in the Assembly to prescribe the charges covered by this measure, and we expect additional debate on that. At this point, from my party and me, Mr Deputy Speaker, go raibh míle maith agat.

Mr Dickson: I support the Criminal Justice Bill at its Second Stage. I appreciate that we, in the Committee, have been kept well informed as the Bill has been formulated. There has been a great deal of consultation and discussion around the issues addressed and the specific measures detailed in the Bill.

The central contention of my remarks is that we should all be able to agree on the principles of the Bill at this stage. We should all agree that the proposed changes to sex offender notification are either necessary due to EU requirements or desirable due to weaknesses identified in our system. Indeed, the Supreme Court ruling renders our current legislation incompatible with our human rights obligations. Therefore, it is imperative that any proposals must protect the public while ensuring that we satisfy those obligations, and the Bill does that.

The Bill allows offenders only to make an application for a review of their notification requirements. There is no ability, under these terms, to have one's requirements automatically removed. They can be removed only by the police and courts after careful and comprehensive assessment of any risk posed.

Some concerns were raised in Committee about the status of the police as the first level

decision-makers, and the question of whether all cases should be dealt with by the courts was asked. However, I am confident that, taking account of any multi-agency risk assessment, the police are best placed to decide on the risk necessary for them to retain information on an offender. Moreover, having a court process in all cases would undermine our Minister's efforts to speed up our justice system. Mandatory processes are unnecessary and would be time-consuming, costly and out of line with other UK jurisdictions.

In keeping with the theme of reducing delay, I also welcome the changes to the notification procedures in respect of offenders coming to Northern Ireland from another European country with a conviction for a relevant offence. That will save our police officers time, as they will not have to make applications to the courts for notification orders, and will provide the public with greater protection. The Minister has committed to doing further work on that aspect of the Bill as we proceed.

The changes to prevention orders are also to be welcomed. Strengthening orders to contain positive conditions as well as prohibitions is not just a minor consequential change. It is important that it is not just seen as a footnote but as a measure that will make a positive difference in communities by enabling greater flexibility in how the risk of serious sexual harm is managed and dealt with.

In Committee, we considered this legislation and the legislation in other jurisdictions, and I am satisfied that the proposals being brought forward are strong.

On the subject of human trafficking, again, I welcome the measures detailed in the Bill. Human trafficking is the third most profitable illegal organised trade in the world. It is a form of modern-day slavery, as others have said, that profits from human suffering, and it abuses in the most despicable of ways. It denies the fundamental human right of freedom. Human trafficking is one of the great evils faced by our society, and victims can be male or female and can be children.

Various reports and campaigns have raised awareness of the fact that the practice is a problem in Northern Ireland, which is a country of both transit and, sadly, destination. Many victims are subject to sexual and labour exploitation and are left traumatised for the

rest of their lives by those experiences. It is clear, therefore, that the legislative changes are desirable as well as necessary under our European obligations. The message is unambiguous: if you traffic someone within the UK or anywhere internationally, Northern Ireland will not be a safe haven for you.

I welcome the launch of the all-party group on this issue earlier this year and the huge support it has received from all political parties in this Assembly. With this legislation, we take another step forward in our fight against trafficking and continue to progress our status as an Assembly that is leading on the issue.

On DNA and fingerprint retention, it was clear when the Committee discussed the issue that, although some members find the changes undesirable, others have concerns that they do not go far enough. Again, we should be able to agree at this stage on the principles behind the proposals. We obviously have European obligations that need to be adhered to, but we also have a responsibility, as legislators, to come up with a position that strikes an appropriate balance between protecting individual liberty and individual rights and providing the public with the appropriate and necessary protection. Those principles underpin the proposals brought before the Assembly. Each individual wants assurance that they will be treated properly, while the public as a whole want to be sure that the correct mechanisms and protections are in place to protect our society.

Accordingly, on conviction, we will have the same robust policy that is in place in England, Scotland and Wales, with indefinite retention. For those charged with but not convicted of a serious offence, there will be retention for three years, with the possibility of a single extension of two years. It should be noted that, although that is more liberal than the Scottish model with its rolling two-year extensions, we were advised in Committee that no extensions have been applied for since they were introduced in 2007. From that, some may wish to argue that it is not necessary to make any provision for an extension. However, again, the proposals achieve a balance between concerns on both sides.

For those arrested but not charged with qualifying offences, there will be a possibility, in prescribed circumstances, that the same time frame will apply. I also welcome the

measures detailed for dealing with the DNA and fingerprinting of minors. It is important that under-18s who are first-time minor offenders are not indefinitely branded with retention. However, the legislation quite rightly makes provision for indefinite retention following conviction for a serious offence or any second conviction. Again, it is about striking that important balance. That is why I encourage Members to support the Bill at its Second Stage. I understand that some Members may have differing views about the proposals relating to notification requirements on DNA. However, as I have argued throughout my remarks, we should at this stage be able to agree the principles behind the Bill.

The measures are necessary, of course, to meet our European requirements. However, I would argue that whether they are about protecting the most vulnerable people being trafficked within and across borders or about seeking to find a balance between the rights and liberties of individuals and the protection of society, the measures are also desirable. I look forward to further discussion of the Bill at Committee Stage.

Lord Morrow: I welcome the opportunity to speak in this debate. I am very glad to see that offences related to human trafficking feature in the Bill, but I have major concerns about their limited scope, as I hope to explain.

The Bill's explanatory notes say that the provisions:

"are required in order to comply with the EU Directive on trafficking in Human Beings".

It is encouraging to see that Northern Ireland is making progress towards implementing the obligations of the European directive against human trafficking, through clauses 5 and 6, but I would not wish Members to think that these clauses alone meet our obligations under the European Convention on Human Rights, because they do no such thing. The Bill falls far short of full implementation of the varied requirements of both international instruments.

I hope that, by the end of my speech, Members will agree that we have, so far, missed an opportunity to lead the way in the United Kingdom in how we can prevent and prosecute human trafficking crimes, and protect victims. Furthermore, we have fallen behind England and Wales, where new provisions on legal aid for trafficking victims have recently been

introduced. I know of no plans to introduce similar provisions in Northern Ireland. I think that Members will come to agree that we should have a specific human trafficking Bill, the purpose of which would be to make Northern Ireland fully compliant with our international obligations.

Members will be aware that, on 6 April, the Department of Justice launched a consultation, the stated aim of which was to:

"comply with EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims."

The consultation was rather short, and ended on 31 May. It was disappointing not to see the exact legislative proposals in that consultation, as it would have been helpful to have some dialogue around the approach that the Department has decided to adopt and on whether other options might have been available. It is also very disappointing that the Minister rushed ahead and published the Bill without publishing the Department's analysis of the consultation responses. That necessarily impoverishes this debate and does not seem to be particularly good practice.

Members who have read the helpful Assembly research paper 'Human Trafficking in Northern Ireland', which was published on 12 June, will know that, in Westminster, the same extraterritorial powers requirements have been met through legislation that was introduced via the Protection of Freedoms Act 2012.

Under those proposals, there will be one new trafficking offence in England and Wales for sexual exploitation, and one new trafficking offence for labour and other exploitation, replacing the previous multiple offences. The approach for Northern Ireland that is proposed in the Criminal Justice Bill is to create additional offences, specifically on trafficking for exploitation committed by UK citizens or habitual residents of Northern Ireland while they are abroad.

Let me make this clear to Members: in England and Wales, there will be one offence under section 59 of the Sexual Offences Act 2003 for trafficking for sexual exploitation. In Northern Ireland, there will be four offences, under sections 57, 58, 58A and 59 of the 2003 Act, covering trafficking in the UK, within the UK, outside the UK, and out of the UK respectively.

I would be grateful if the Minister could set out the rationale for his approach and say whether he considered making trafficking for sexual exploitation a new offence in the Sexual Offences (Northern Ireland) Order 2008. I know that, when jurisdiction for many of the sexual offences moved to Northern Ireland legislation, it was considered difficult to envisage making fundamental change to offences that have a UK-wide context. However, if we now choose an approach on trafficking for sexual exploitation that is different to that in England and Wales, what are the merits of the legislation staying in the Sexual Offences Act 2003? Could we not take the trafficking provisions into Northern Ireland legislation, just as Scotland has done?

4.45 pm

Similarly, with the asylum legislation, which covers the whole of the United Kingdom, Northern Ireland will have four offences, like Scotland, whereas England and Wales will have one. Did the Minister consider the same approach that was adopted in the Protection of Freedoms Act 2012? If so, why does he feel that the approach in the Criminal Justice Bill will better suit the needs of this jurisdiction? Furthermore, does the Minister foresee any of those changes impacting the prosecution of trafficking offences in the Province?

On 8 June, the Public Prosecution Service (PPS) launched a consultation document, 'Policy for Prosecuting Cases of Human Trafficking'. Will there be any impact through that policy on prosecution for those offences? How will it be decided where a UK citizen who has committed a trafficking offence abroad will be tried? Will he be prosecuted in the UK, since there are different offences in different UK jurisdictions? In particular, what factors will make it more likely that an offence is prosecuted in Northern Ireland? How will prosecutions occur in Northern Ireland for offences that are committed overseas? More generally, will we see a much-needed increase in prosecutions as a result of that change and of the PPS consultation?

I am sure that Members will be pleased that, following our debate on combating human trafficking in February, the Government are taking measures to improve our legislation. However, all that has been proposed is that we follow England and Wales in their extraordinarily minimalist attempt as of January this year to become compliant with the directive. Since

then, they have enhanced their efforts to become compliant through provisions in their Act on legal aid. As far as I am aware, we do not propose to do that. Rather than do the bare minimum, which is what the Bill that is before us requires, we should build on our proud tradition of standing against slavery and seize the opportunity to lead the way in the UK. If the Bill is our attempt to become compliant with the EU directive, which is what the consultation and, indeed, the explanatory notes rather suggest, it is a big missed opportunity for the people of Northern Ireland.

I will highlight a number of aspects of our non-compliance with the directive. I wonder whether the Minister has considered taking the opportunity to extend the asylum Act further and ensure that forced begging and the exploitation of criminal activities are included in the section 4 definitions of "exploitation" to bring us into line with the European directive definition of "exploitation" in articles 2 and 3. Will he consider setting out the aggravating factors that are listed in article 4 of the directive and article 24 of the convention and that should be taken into account in sentencing for human trafficking offences so that we can ensure that they are part of the sentencing guidelines for our judiciary? The consultation document on prosecution policy refers to giving support to victims who give evidence in court. It states that:

"Public Prosecutors will make applications for special measures in all appropriate cases."

Surely we should have legislation that automatically ensures that trafficking victims will have special measures applied to them. Victims of trafficking for sexual exploitation are victims of sexual offences for the purposes of receiving special measures under the Criminal Evidence (Northern Ireland) Order 1999, but there appears to be no similar legal provision for victims of labour or other exploitation. This Bill is an opportunity to put that right and meet all our obligations under articles 12 and 15.

Fourthly, I am pleased that the PPS is suggesting that it will take into account the fact that a person has been trafficked if that person commits a crime as a result of being exploited. However, that is only a policy statement of good intent. We should consider looking at it further so that we can remove any doubt from a victim's mind in these cases. I refer Members to article 8 of the directive, which is non-prosecution or

non-application of penalties to the victim, and article 26 of the European convention, which is non-punishment provision. Both of those were fully supported in a recent document by the United Nations on the EU directive.

Fifthly, will the Minister consider legislating to ensure that prosecution of a human trafficking offence is not dependent on reporting or accusation by a victim, and allowing criminal proceedings to continue even if the victim has withdrawn his or her statement, thus meeting our obligation under article 9(1) of the directive?

Sixthly, article 18 of the directive and article 5 of the convention require action against the demand for trafficking. I would like to ask the Minister how he intends to meet that requirement. Has he considered introducing measures that go beyond the provisions introduced by the Policing and Crime Act 2009 and an offence beyond the current offence of paying for the sexual service of a prostitute subject to force? Should we not consider introducing a new offence of paying for sex regardless of whether the individual has been subjected to force?

Since the Swedish Government introduced a zero tolerance approach in 1999, the police have intercepted phone conversations between traffickers who said, "Do not bother sending women to Sweden; it is not worth it." Moreover, the new offence has resulted in the number of men in Sweden paying for sex falling from 13.8% in 1996 to approximately 8% today. At this point, I should add, in parenthesis, that the Dáil is considering introducing such an offence in the Irish Republic. If it does and we do not, our laws will be softer. We could expect an increase in people coming to Northern Ireland to buy sex because of our softer laws.

I hope that Members will agree from the list of initiatives that I have suggested that we need to do more than introduce these two clauses to ensure that Northern Ireland is fully compliant with the EU directive and the European convention. In preparation for the report on the UK's compliance, the monitoring unit for the European convention known as GRETA, the group of experts on action against trafficking in human beings, recently visited Northern Ireland and met various officials. GRETA will publish its report this autumn. I hope that the Minister will be able to assure Members that its recommendations will be taken to heart, as

policies and practices cannot continue to be developed.

When the extraterritorial provisions were debated in the House of Lords in January, the Minister committed to writing to Peers with an outline of how other measures would be introduced to ensure compliance with the directive. A letter setting out the other things that would be done in England and Wales to achieve compliance through secondary legislation was placed in the House of Lords library. I have a copy of that letter with me today. Does the Minister have plans for secondary legislative changes to achieve compliance in Northern Ireland? I would also like the Minister to inform Members how he plans to monitor ongoing compliance. Will he set up the equivalent of a national rapporteur for Northern Ireland?

Even if Members were willing to bring some of the measures that I have suggested into the Bill as it goes through its different stages, there should be no room for complacency. It appears from PSNI and Department of Justice figures that the number of people identified as trafficked is increasing. Those individuals — men, women and children — need support and care. We should be at the forefront of providing a victim-centred approach in the UK. As I said, England and Wales have recently stolen a march on us by defining legal aid services for trafficking victims in the Legal Aid, Sentencing and Punishment of Offenders Act 2012, but I hope and think that we can catch up. I look forward to introducing a private Member's Bill on human trafficking to fill in the gaps that are left in this Bill.

I have another engagement, and, due to the slippage in the indicative timings, it may not be possible for me to remain to hear what the Minister has to say. I make it clear that that is not in any way a slight. I am very interested to hear what other Members and the Minister have to say, but it may not be possible. I look forward to reading that in Hansard.

Mr A Maginness: In general terms, I welcome the Bill. It is a necessary piece of legislation that will strengthen safeguards for citizens in this jurisdiction. It is interesting to note that at least two thirds of the legislation arises out of judicial decisions, both here and in the European Court of Human Rights. It is a good example of how judges can assist us, as legislators, to provide safeguards for our

citizens and strengthen the law. We should welcome the judicial intervention that, at least in part, has brought about this legislation. Further to that, the influence of the European Union on another part of the legislation is to be welcomed. With that intervention by the European Union through directives, we are in a happier position to assist, in particular, the victims of trafficking. That is an important observation to make because it shows the value of European institutions, including institutions under the European Union and the European Court of Human Rights, which, of course, is not a European Union institution but one that stems from the European Convention on Human Rights. I wanted to make those general points at the beginning, and I reiterate that there is a value in judicial scrutiny of what, in effect, is public policy.

Most of us will consider the issue of retention of fingerprints, DNA samples, and so on, in a rather detached and academic way, and feel that we should not get too exercised about it. In my experience, when people have encountered the situation of their DNA samples or fingerprints being kept indefinitely, they feel that their rights as citizens have been violated. Therefore, it is not surprising that the European Court of Human Rights has intervened in this matter in the case of *S and Marper v the United Kingdom* in 2008. In that case, the European Court of Human Rights ruled that the provisions in the Police and Criminal Evidence Act 1984 for England Wales permitting the indefinite retention of DNA and fingerprints of unconvicted individuals violated article 8, the right to privacy, of the European Convention on Human Rights. That has a knock-on effect in Northern Ireland.

It is timely for us to look at that. In its description of the power, the court described it as “blanket and indiscriminate” to retain material irrespective of the nature or the gravity of the offence with which the individual was originally suspected or the age of the suspected offender. What is happening here is a restriction, but it is a proper restriction on the retention of such material. We should look at that very carefully. I am not going to go into the details of the thing. That remains to be done at a further stage in the proceedings of the House.

5.00 pm

The court pointed to the current retention policy in Scotland as a model. I think that we should

look at that very carefully, and I know that the Minister and his officials have looked at it. I think that what is proposed for Northern Ireland is removed from that model in its detail. Certain aspects are not on par with the Scottish system, but I think that the Scottish system should be followed, perhaps in greater detail.

To go back to a point that I made earlier, it is only when it happens to you or one of your constituents, where the citizen is, rightly, outraged by indefinite retention, that you really understand that this is an issue of some importance. Of course, you have to balance that against protecting society from those who could reoffend or who have offended. In those circumstances, it is right and proper that retention for a period is made. I have no argument with that, but the important aspect is getting the balance right.

I move on to trafficking. It is important that we give protection to those who have been victims of trafficking. The fact is that we now have to comply with the European directive. We need to create an offence where a UK resident is trafficked within the UK and in this jurisdiction. The Bill also creates an offence that allows for the prosecution of a UK national who has trafficked someone anywhere outside the UK, and it is right and proper that people should be brought to book for that evil exploitation of others. I welcome that. Any strengthening of the law in that respect is important.

The last area relates to the notification requirements for sex offenders. It is important, in light of the Supreme Court decision in the UK, that we look at this and that we change the law as it stands. Again, it has to be proportionate. We have to protect the public, but, at the same time, there are rights involved, and it is proper that the highest judicial authority in the UK has brought this to our attention as legislators. The Minister is on the right lines with this. I am not going to go into the details. We have had quite extensive discussions in the Chamber on this previously. I have made my view and that of the SDLP known during those discussions, and we will return to that at a later stage. I welcome the Minister's initiative, even though it may be repackaged from a previous occasion. I am sure that we can arrive at a system that not only protects the rights of those involved but protects our society from those who seek to reoffend. That is the proper way to proceed. I welcome the Bill in general terms. We will return

to the details at a later stage, but it is a good step forward.

Mr Wells: At any given time, there are between 170 and 180 victims of sex trafficking in Northern Ireland. I congratulate those who were responsible for the campaign No More Traffik on Our Streets. I attended an event in the Long Gallery about three weeks ago. Sometimes, such events pass over your head, but at other times, what you hear hits you between the eyes and you never forget it. Those of us who sat through that lengthy meeting will never forget what we heard about the victims of trafficking in Northern Ireland.

Beneath the quiet exterior of parts of Belfast, Newry and Londonderry, young women are being locked in rooms, some of them not even knowing what country they are in. Those women are forced to have sex with 20, 30 or 40 men a day. A representative of the Police Service of Northern Ireland showed a graphic picture of a disgusting, filthy room, which was almost a cell. On the wall were the marks left by a young woman who had frantically tried to scratch her way out of the living hell that she was in. The police took DNA samples from those scratch marks and were able to identify the woman. They know that she was trafficked into Northern Ireland and that she was removed very quickly from that room, but they have no idea whether she is alive or dead.

This nasty, evil practice is going on on our doorsteps. Unfortunately, the vast majority of the clients of those sex slaves are men. If those men knew what they were paying for and supporting, they would be ashamed for the rest of their lives. If there was no demand for those services, there would be no sex trafficking in Northern Ireland. What Lord Morrow said is absolutely right. We should extend the law to make it an offence to pay for sex in Northern Ireland because it is leading to the misery that is being imposed on many defenceless women from the Far East, eastern Europe and Africa.

I know that the Minister is listening, and I say to him that he will never be criticised in the Chamber for being too draconian in any laws that he brings in to stop sex trafficking or any form of human trafficking in Northern Ireland. Perhaps he will go down in history as the person who introduced legislation that made Northern Ireland the most difficult place in the United Kingdom or Europe for trafficking.

We have to take this opportunity. Therefore, it is disappointing that the legislation that is being introduced seems to take a minimalist approach. It seems that officials have looked at article 10 of the relevant European directive and adopted the absolute minimum legislation to bring us into line with that. They do not seem to have seen the benefits of the legislation in England and Wales, in which multiple offences have been replaced by a single offence for trafficking leading to sexual exploitation and a single new offence of labour exploitation. It seems that the Northern Ireland approach is simply to add offences to the Sexual Offences Act 2003 and the Asylum and Immigration Act 2004. Minister, that is not good enough. Perhaps it is fortunate that we have had this very successful campaign in Northern Ireland over the past few weeks. Like many other MLAS, I have signed up to that campaign.

Our country has a Christian ethos and a proud tradition of opposing slavery, which it did in the 19th century when it was part of Britain and Ireland. We must carry on that tradition now by introducing legislation to stop this evil practice. In the 19th century under Wilberforce, slaves were traded for the equivalent of \$40,000 each. Today, there is reliable evidence to indicate that people are being trafficked into Northern Ireland for sexual slavery for less than \$100 an individual. That is how cheap human life has become in this society.

I know that the Committee is exercised about this, and we heard some of its members' views. I am on the Committee for my sins, so I will be sitting through debates on the legislation. All I want to say in what could be a very lengthy debate today is that I am determined, as I am sure other Committee members are, to table amendments that deal with this terribly serious issue. It would be far better if the Department would, in fact, bring forward its own changes or agree to changes in advance. I do not believe that the Committee should divide on the issue. I think that we are absolutely unified in saying that this is an evil activity that must be stopped and made incredibly difficult.

The Swedish example is a clear indication that action can be taken to cut out demand and make it difficult for those who supply that demand. I call on the Minister to go back to basics on the issue and come up with something that makes it much more difficult for evil individuals to traffic people for sex and

labour — we have to remember that as well — and to bring people into Northern Ireland for that wicked trade.

Mr Anderson: I will speak on the Second Stage of the Criminal Justice Bill as a member of the Justice Committee. First, I thank the officials who briefed the Committee on the Bill last Thursday. I am mindful that we are limited today to remarking on the broad principles of the Bill as it is presently drafted and presented to the House. The Bill deals with three separate and distinct issues: sex offender notification; human trafficking; and the retention of DNA and fingerprints.

We are told that the Bill is necessary because we are out of step with certain convention rights that the European Court of Human Rights and the Supreme Court have identified. I fully appreciate that we operate under European constraints. Although some of what is proposed will help to tighten the law, we must take the opportunity through the Bill to protect the innocent and to make life more difficult for sex offenders, human traffickers and all criminals. We must also make sure that we do not go any further than we have to in implementing those EU requirements, which might weaken our legislative base in our efforts to tackle crime robustly.

The UK has a track record of gold-plating EU directives and rulings. So, let us go no further than we absolutely have to unless, by doing so, we will help to protect our society further. If something helps to protect society further, I am all in favour of going that extra mile. As we get into further scrutiny of what is proposed in the Bill, we will look at all the issues in much greater detail at Committee Stage and in the House.

I now want to make a few comments on the three policy objectives that are in the Bill. Where sex offenders are concerned, the Supreme Court has ruled that if there are no review mechanisms for those on licence, indefinite notifications are a breach of article 8 of the ECHR, which concerns the right to family and private life. That said, the proposals in the Bill for a review mechanism raise a number of concerns in my mind and will, no doubt, be the cause of much debate in future Committee meetings. On the other hand, I welcome the proposals to tighten up on notification where a person offends outside the UK and then arrives in Northern Ireland.

Human trafficking is a major concern, and it is an issue on which I chose to make my maiden speech in the Chamber when I came to the Assembly in 2010. I welcome any effort to robustly tackle this disgusting business. The Bill must ensure that those who promote trafficking face the full rigours of the law. Although the proposals will help to further combat the trade of human trafficking and offer better protection to the victims of that appalling form of modern-day slavery, do they go far enough? I am not so sure that they do, and that is something that we will probe in much greater depth at Committee Stage. The concerns and issues raised by my colleague Lord Morrow before he left the Chamber will give cause for much debate at Committee Stage and during future stages of the Bill. My colleague Jim Wells has put forward a great case for the Minister and the Department to look further at this disgusting trade that is going on within our land and make every effort to ensure that whatever is included in the Bill measures up to what is required. The message from my party is to strengthen the measures to do whatever is needed and to seek agreement across the Committee and the Assembly for that.

5.15 pm

On the retention of DNA and fingerprints, I welcome the fact that there is an intention to retain samples if there is any chance that they might be of use in the future investigation of crime. That is absolutely vital, not only in the interests of justice, but for the protection of victims. We must tread very carefully to ensure that the judicial process is not compromised in any way. I share police concerns about the raising of the threshold from arrest to charge for retention of DNA and fingerprints. It is important that the police should be able to retain samples for as long as is necessary to ensure that criminals are brought to book.

The Bill as drafted leaves many issues for debate but it will deliver for law-abiding members of society only if victims, not perpetrators, are placed at the forefront of our minds. One thing is beyond doubt: the Bill will ensure that the Committee will not be idle over the next session of the Assembly. Thank you.

Mr D McIlveen: I will keep my comments brief as I am conscious that the indicative timings have slipped somewhat today.

I speak as the vice-chair of the all-party group on human trafficking. It is fair to say that a disproportionate amount of time in the debate has been given to that subject, but I make no apology for that. I believe that human trafficking is one of the greatest human rights challenges of our time and, therefore, we should put a huge focus on it and try to do whatever we can to ensure that it is dealt with, clamped down on and, if possible, completely eliminated from our society, because it is a scourge and a blight on the very society that we live in.

The Bill broadly succeeds in complying with the European convention against human trafficking. It complies with what it was asked to comply with. However, like my colleague Lord Morrow and others, I have to say that we have perhaps missed an opportunity. We could have taken it a step further. Not to disappoint my colleague Mr Maginness, but I assure him that the view of Members on these Benches on the interfering and meddling of European judges in UK law has not changed one iota and is not likely to in the future. However, in this particular instance, we feel that the legislation could have gone a little further. I would like to give a couple of indications as to what I would have liked to have seen in the Bill.

I had the fortune to meet Eva Biaudet a couple of weeks ago in Helsinki. She is the Finnish rapporteur on the trafficking of human beings. Eva has done some fantastic work on the scale of human trafficking in Finland. Northern Ireland could have used legislation such as has been used in Finland in order to improve its current position within the UK. I have here a thick booklet of nearly 200 pages that has been produced by the rapporteur in Finland. In her introductory remarks, she says that the rapporteur strives to bridge the gap between the authorities and the non-governmental organisations. That is one of the greatest challenges that has faced those involved in the fight against human trafficking: the issue of co-ordination. How do we bring all the interest groups together to ensure that we are all moving forward in one direction? As the Bill stands, we will follow the UK position, which fulfils the UK obligation under the convention. However, the current reporting mechanism is not independent of government and the ministerial group that reports back does not produce public reports. A completely independent national rapporteur, with a clearly defined and powerful role and who can report back to the public at large, would surely

create a much more realistic view of the scale and extent of human trafficking in this country. I would like to have seen that in the Bill.

One country apart from Finland that has followed that approach is Holland. It is widely believed that the quality of information available to government is vastly improved and the profile of trafficking and traffickers in their parliaments has been raised considerably as a result. One thing that has shocked me as I have spoken to other parliamentarians about the issue of human trafficking, particularly throughout Europe, is that, in many instances, there is almost a denial that this issue even exists.

We have to accept and be honest in this Chamber that the issue of human trafficking, broadly speaking, will not win us any votes. There are very real issues on the ground around housing, education and health — the list goes on — that we know we have to represent our constituents on. However, sometimes, and this is one instance, we have to put votes to the side and come back to doing the right thing. This is purely an issue of doing the right thing where people are coming into this country — as my colleague Mr Wells said, sometimes they do not even know the country they are in — and are being forced into the most terrible conditions that any of us could imagine. As human beings, we have to take a stand and say that that is happening, it is wrong and it has to be dealt with as effectively as possible.

I was relieved to hear a number of my colleagues mention the issue of legislation around people who pay for sex. That is an elephant in the room and something we really have to get our heads around to ensure that every deterrent is put in place when it comes to the trafficking of victims. We have to wake up to the fact that unless we start targeting the users of that so-called service with the most robust legislation possible, it will be very difficult to clamp down on the demand or create a deterrent for the majority of men who are using those services.

Those are just a few thoughts. I will happily pass my personal copy of the rapporteur's document to the Minister if he wishes to see it as long as he gives it back because it is the only copy I have. I would gladly do that, and I hope that maybe these comments will be taken on board.

Mr Weir: Unfortunately, I did not have the opportunity to hear a lot of the debate as it clashed with the Assembly Commission meeting, but as a member of the Justice Committee, I felt that it was important to say just a few words about the Bill.

As indicated, I think, by some of the Members who spoke — at least from what I heard — a sort of cocktail of measures are dealt with in the Bill. Obviously, it falls into the three particular areas. It has also been indicated that we look at those with varying levels of enthusiasm. Clearly, some of the Bill is in response to court rulings on the retention of records from the point of view of the fingerprint and DNA side of it and also from the point of view of the issue of the sex offenders register. It is important, in progressing the Bill, that we get the detail correct. There can be good legislation here. Despite the fact that the Bill is not the lengthiest of Bills, it touches on important subjects. As such, the Committee Stage will be particularly important.

There may well be aspects of the court rulings that, as individual Members, we do not particularly like. Some of us may have a particular view on one side of the argument or the other. It is important, though, to recognise that, while ensuring that we get the detail correct, as a Committee and an Assembly, we have to be responsible in responding to those court rulings. Indeed, where there have been court rulings, it is important that we as an Assembly live up to those and abide by them. It is important that there is detail in the regulations about the limited circumstances in which records can be expunged so that barriers are not created to arresting criminals at a later stage. It is important to get that right.

A lot of good police work has been done on the sharing of information. It would be worthwhile to make advances on the notification of sex offenders to ensure that records are moved between jurisdictions so that we offer the maximum level of protection to children and vulnerable adults in particular. A few years ago, I dealt with a constituent whose brother was an abuser who moved between jurisdictions. He had committed offences in Northern Ireland, was convicted of offences in the Republic of Ireland, and when he was released, he moved to Liverpool. The case was reasonably profiled at the time. It is important to pool and share information to ensure the proper monitoring

of offenders. Some of the provisions for the sharing of information are useful.

The Member who spoke previously, and other Members, raised the issue of human trafficking. We are all united on this issue, and the House speaks with one voice. We must have stringent regulations. I commend the work of the all-party group on human trafficking in highlighting the issue. Too many people in Northern Ireland believe that human trafficking simply happens in another part of the world. Those people certainly do not believe that it happens in their constituency. Unfortunately, human trafficking is on our own doorstep, so it is worthwhile bringing our legislation into line with that in other parts of Europe and the rest of the UK.

I commend the work of David McIlveen and Lord Morrow. Lord Morrow did a considerable amount of work prior to the Bill being introduced. He was considering a private Member's Bill, but that has been overtaken by events.

As we scrutinise the Bill at Committee Stage, we must ensure that we raise the gold standard for Northern Ireland on the issue of human trafficking. It is not simply a question of us following parity with other regions. We must have the most stringent of standards. It is an important step in combating human trafficking, and improving the law on that is very welcome. I am sure that the Minister will have our full support. However, as mentioned by the Member who spoke previously, it may not be the whole solution. Although those who are directly involved in trafficking need to be targeted — they will be via the legislation — I share that Member's view that, given that much human trafficking in Northern Ireland involves the sex industry, we should target those who use the sex industry, particularly the men, and make them more culpable.

When we think about prostitution, we tend to think of brothels and prostitutes rather than users. Users must be targeted, and the issues need to be seriously considered with some gravitas. There is no instant solution, but we need to give strong consideration to the better targeting of those who use sex workers. We must clamp down because it is one of the great scourges of humanity. Human trafficking is an evil that has existed in various forms since time began. We look to ancient times and see forms of slavery that are human trafficking by another name. It is important to have a united

voice in the Assembly against such evil action, and we can add substance to that through legislation. The Committee will have a crucial job going through those aspects of the Bill. We will scrutinise in detail to get these important issues right. I welcome that work because I believe that the legislation is important for Northern Ireland.

Mr Ford: I am grateful to the Members who attended this afternoon, given that it is now evening rather than afternoon and well into the final day of this session before recess.

On the basis of what has been said, I certainly think that we can all look forward to some fairly lively discussions in Committee and, no doubt, when the Bill comes back to the House, assuming that it passes Second Stage today. I will attempt to respond to the variety of comments made, although I wish Sydney Anderson had pointed out before Lord Morrow spoke that we were supposed to be discussing the broad principles of the Bill rather than the fine details of what was not in the Bill.

5.30 pm

I genuinely acknowledge the positive relationships between the Committee and my officials as the work has been advanced on the policy matters that have led to this Bill. That is the form of words that people are sometimes inclined to use, but, as far as I am concerned, it is not a form of words. The issues that the Justice Committee has to deal with are frequently complex and often divisive as we look at the history of this region. The fact that we have such positive engagement between the Committee and the Department is a very positive statement on the way we are moving forward, although, as Peter Weir has just emphasised, these issues are likely to create difficulties for us as we examine them in detail.

I suppose I should start off by pointing out that it is perhaps inevitable that much of the comment dwelt on human trafficking issues rather than the two issues that have been around for longer, but I will deal with the issues in the order in which they appear in the Bill.

The primary concern around sex offender notification has to be to ensure the continued protection of the public from any risk posed by sex offenders in the community alongside a considered response to the Supreme Court judgement. That also involves additional

measures to make the notification process even more effective than it currently is. There seems to be some suggestion, although it was not particularly referred to in the House this afternoon, that the changes being proposed may mean that we are being soft on sex offenders. I believe that it is absolutely the opposite. We are seeking to provide a rigorous review process that ensures the continued protection of the public, and that is essential as we look at the guidance we have from the Supreme Court.

The simple position is that offenders who continue to pose a risk will not be discharged from the commitment to notify, and the other measures included in the Bill will ensure a more effective process. Offenders who come to Northern Ireland from EEA countries other than the UK will be treated as if they had been convicted here, and I am committed to seeking during the course of the Bill a single enhanced process for offenders coming from any state outside the UK. I believe that we will see better risk management achieved through widening the remit of sexual offence prevention orders.

The key element of this section of the Bill was illustrated by the Chair and the Deputy Chair in the two opening speeches. This issue is something of a balancing act to ensure that we balance the rights of individuals against protection of the public. It is not always going to be easy, but, as Stewart Dickson said, the changes are either necessary to comply with the Supreme Court ruling or desirable to strengthen the powers of public protection.

Ross Hussey asked specifically whether the police have been consulted. Funnily enough, yes, they have been. They are content that something that is likely to refer to potentially 20 cases a year is unlikely to make a significant demand on their resources. I believe that police officers are best placed to determine the risk that any individual offender poses. Mr Hussey also asked about the period of 15 years, or eight years if someone was under 18 at the time of the offence, that would have to pass before someone could seek removal from the register. The simple reason for that arrangement is that it is identical to what happens in Scotland, England and Wales. We have maintained unanimity across the UK in that respect. It also highlights the point that Peter Weir has just made about the dangers of individuals moving between the different jurisdictions and the need to ensure that

we maintain sex offender notification in the tightest possible way. I believe that that part of the Bill represents a considered response to our obligations under human rights law while allowing for a more effective process of notification and risk management that ensures that public protection remains key.

If we were not already aware from the many discussions and debates that have happened in the Chamber of Members' concerns about the issue of human trafficking, they were highlighted yet again during the debate this afternoon. It is clear that, overwhelmingly, the House shares my revulsion at this crime. I am grateful for all the work that is being done on a cross-party basis in the Committee and in the all-party group on human trafficking, and those concerns have been expressed today. It is obvious that a number of Members believe that more should be done in the legislation.

Let me give a couple of examples as to why the Bill is as it is, while accepting that the Committee may well wish to put forward alternative proposals. As I said in my opening speech, suggestions have been made for further legislative change, but, at this stage, my priority is to ensure that we comply with the EU directive within the timescale of April next year.

I also intend to add trafficking for non-sexual purposes to the schedule of offences referable to the Court of Appeal on the basis of undue leniency, because trafficking for sexual exploitation is already covered. Members will know that provisions in respect of this Bill have to be within the scope of the Criminal Justice Bill, so the clauses in relation to human trafficking are required to ensure compliance with the EU directive and to be compatible with the principles of the Bill. I suspect that a number of the other suggestions that have been made this afternoon may well fall outside the scope of the Bill, although there is no doubt that a number of Members have put forward what they consider worthy suggestions.

Mr Wells: Will the Member give way?

Mr Ford: Certainly.

Mr Wells: I hear what the Member says, and I can understand the constraints he is under, but can he give the members of the Committee and, more generally, the Assembly, an indication of his stance on this issue: is he prepared to work with the Committee to produce stronger

legislation on this evil practice, which remains within the terms of the Bill and article 10 of the relevant directive, or is he going to die in a ditch over the particular wording that he has put forward? In other words, is there a halfway house that would meet the concerns of many Members, particularly Lord Morrow, who made a very powerful speech on the issue, but which does not adopt the minimalist approach that many believe he has given us this afternoon?

Mr Ford: I fear that Jim Wells has anticipated about two pages of my speech, as he frequently does on these occasions. In answer to the simple question, I do not think I have ever stood here as Minister intending to die in a ditch over precise wording. If it is possible to find ways of strengthening the Bill, in line with remarks made this afternoon, but still be in compliance with the overall principles of the Bill as introduced, I will certainly be prepared to look at them.

I have no doubt that my officials will be as helpful and considerate to the Committee in its consideration as they generally are, because those issues have tended to be around wider areas. Lord Morrow has just been highlighted. He articulated most cogently some of those points. However, the point of the Bill, as it currently stands — and I say that, being cautious about it — is that it is designed to deal with the criminal law issues relating to human trafficking and the EU directive. There are a number of other issues that do not require primary legislation, some of which do not require any legislation around policy matters and others which may be dealt with by secondary legislation. I think the Committee will need to consider carefully the appropriate way in which some of those issues are addressed, and the Department will co-operate. However, I think that the wider suggestion that Lord Morrow made, which, effectively, amounted to criminalising prostitution, will almost certainly be outside the scope of the Bill as it stands.

A couple of other points that were made around that included Lord Morrow's suggestion that we should have something akin to the national rapporteur operating in Northern Ireland. I am aware of the concerns that people have that the current national rapporteur arrangements do not go as far as they could. I am a member of the inter-ministerial group that is led by the Home Office, and I argued for wider involvement of NGOs when I went to the sole meeting that I have been invited to so far. It is clear that, at

present, Home Office Ministers have determined that the inter-ministerial group is appropriate to carry the national rapporteur mechanism.

Members may think that the Minister of Justice in Northern Ireland has a certain amount of power, but, in the context of the wider way in which policy is run within the UK, I believe it is difficult to argue, in the absence of any directive, that the inter-ministerial group is inadequate. It is difficult to argue beyond an attempt to persuade, which has so far not succeeded. Members will also be well aware that part of the consultation that we conducted recently involved the issue of the arrangements between the Department and relevant NGOs. I remain committed to working with our local NGOs.

I want to tweak what Jim Wells said, ever so slightly. He talked about the role of William Wilberforce in the abolition of slavery. Never mind the 19th century. Mr Wells should not forget that, in the 18th century, the citizens of this city ensured that Belfast did not become a slave port at the time when Liverpool and Bristol were taking the easy way out to earn utterly immoral earnings. We may not agree on what happened to the United Irishmen after that, but surely we can all rejoice on what was done prior to that. I will give way.

Mr Wells: That is a very useful point. Does the Minister accept that that is a very good reason why Northern Ireland should be the most difficult part of the United Kingdom in which to ply this evil trade? We should, for once, be showing an example to the rest of the nation, rather than lagging behind with a very minimalist approach.

Mr Ford: No, not for once but for twice, on the example I have just given. I hope it can be taken that I have said that the Department and I will work as best we can to strengthen this, whether through this Bill or through other actions or through other legislation. I know that Lord Morrow is hoping to introduce a private Member's Bill; I am certainly determined that we will be an exemplar of good practice in this.

I will certainly be taking David McIlveen up on the offer of the loan of his copy of the rapporteur's work. I suspect we may have a little bit of difficulty catching up with Finland and the Netherlands to be an exemplar of good practice in Europe, but we can at least hope to be an exemplar of good practice within these islands. As the Chair of the Justice Committee recorded, a few weeks ago he and I were here

on a Saturday for an event which involved a number of ladies — including, I believe, his wife — driving tractors around the estate to highlight the issue of trafficking. That is one example of many events where I have been involved in work with different NGOs to highlight the issue of trafficking. Many of the events are run by churches and other faith groups. It is clear that there is a huge moral stance in this society against trafficking, and the Department will do what it can to assist.

I do not think that I need to list some of the things that we have been doing recently. They have been highlighted in so many other debates. I mean, Blue Blindfold has been mentioned; the "Visitor or Victim?" poster should have been mentioned; the work being done with Amnesty to develop information for victims — all of those, I believe, are examples which show the positive work that we are doing around the human trafficking issue, which goes way beyond the scope of this Bill. But we will look to see what is within the scope of this Bill, we will look to see what is needed in policy work and in secondary legislation, and if there are further proposals for primary legislation, then I am certainly open to consideration of them.

I turn finally to the third element of the Bill, the issue of DNA and fingerprint retention. The new framework responds directly to the judgement of the European Court in the Marper case and fulfils our obligations under the European Convention on Human Rights. It will see the deletion from the Northern Ireland DNA database of over 23,000 profiles from people who were not convicted. That is over 20% of the database. It will also see the removal from the database of juveniles convicted of a single minor offence whose retention period has lapsed, and it will provide mitigation in respect of such offenders in the future, recognising the need to treat convicted children and young people with leniency to promote their development and integration into society. However, the police will be able to retain on the database approximately 84,500 DNA profiles from convicted individuals and may continue to add to it those convicted of a recordable offence in the future. They will be able to retain, for a limited period, material from individuals arrested for, but not convicted of, serious violent or sexual offences. Further, if the police believe that there are sufficient grounds to justify the retention of such material expressly for the protection of some of the most vulnerable, even

in cases where it has not been possible to bring charges, they will be able to apply to retain it for a limited period, subject to independent approval.

Now, it is clear that there were concerns on the part of a couple of Members — Raymond McCartney and Patsy McGlone in particular — about the issue of the presumption of innocence, and those were balanced by Ross Hussey's comment that all means available should be used by the police in dealing with crime. Let me just quote a little bit from the research evidence, which shows that those arrested but not convicted have a significantly higher risk of being convicted of a future offence than otherwise similar individuals who have not previously been arrested. And that risk does not become the same as that of the general population until a period of three to four and three quarter years has elapsed. It is on that basis that we propose a retention period of three years, extendable to five on application to the courts, for individuals arrested for, but not convicted of, serious violent or sexual offences. I believe, Deputy Speaker, that that is an appropriate balance. It is clearly one of those issues where different Members of this House will take slightly different views, but I believe that three years extendable to five is an appropriate balance, which I trust will find support, but the Committee will have to go through the detail of that.

Those arrangements are in keeping with a recommendation of the Committee of Ministers at the Council of Europe, which emphasises the need to discriminate between different kinds of case, and for the application of strictly defined storage period for data, even in the more serious cases. They provide a targeted retention system, based on risk, and I believe that that will provide the police with the means to protect the public, without contravening the European convention.

5.45 pm

In conclusion, it is clear that many issues will have to be teased out in Committee around all three strands in the Bill. I suspect that it is likely that the Committee will propose amendments to the Bill, which will be back in the House at Consideration Stage. To some extent, because of our past, the issues have highlighted serious differences between parties and individual MLAs, and elements, such as the issue of biometrics retention, go to the

heart of divisions in this society. I welcome the constructive engagement that the Committee and other Members have had with my officials. I look forward to the Assembly passing the Bill at Second Stage and taking it forward in Committee.

Question put and agreed to.

Resolved:

That the Second Stage of the Criminal Justice Bill [NIA 10/11-15] be agreed.

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

Budget (No.2) Bill: Final Stage

Mr Wilson (The Minister of Finance and Personnel): I beg to move

That the Budget (No. 2) Bill [NIA 8/11-15] do now pass.

The passing of the Final Stage of the Budget (No. 2) Bill by the House will enable Departments to continue to use resources and spend cash on public services for the remainder of this financial year. Of course, as I have said on many occasions, the Budget position is continually moving. Monitoring rounds, including the June monitoring round, the result of which I announced last week, will amend the opening position that is reflected in the Bill. I will bring a further Bill to the House in February to authorise the final position for 2012-13.

The public expenditure issues in the Bill and the interaction that I have had with the Committee have been debated fully over the past two weeks, and, as I am sure you will be pleased to hear, I do not propose to repeat anything my opening remarks. Suffice it to say that the Bill represents the second year of Budget 2011-15, which was agreed by the previous Assembly in March 2011. Members will be aware that there have been a number of changes to the position since then, and those have been agreed by the Executive and brought before the Finance and Personnel Committee for scrutiny in advance of this debate.

I want to take the opportunity to highlight briefly the review of the financial processes. It is an issue that relates to the expenditure plans that we are approving in the Bill, and one that I have brought to the attention of the House in previous debates. In my opinion, the review is an opportunity for the Assembly to reform the process, which has been much criticised by Members throughout the Chamber. I encourage all parties to bring forward that review expeditiously.

I want to turn my attention to the reminder of this financial year and the challenges that lie ahead. As the recent June monitoring round demonstrated, there is always a demand for additional resources, and those demands are wide-ranging and worthwhile in their own ways. The monitoring round simply highlights the need

for each and every Minister and public body to manage prudently the resources available to them throughout the remainder of the year. As an Assembly, we must ensure that every penny that is spent on the provision of public services is spent wisely and on high-priority services. With that appeal, I bring my remarks to a close and ask Members to support the Bill.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his opening remarks.

During previous Assembly debates, my predecessor and the Deputy Chairperson of the Committee have voiced concern that Statutory Committees are not afforded sufficient opportunity to scrutinise the Estimates that relate to Budget Bills, as there is generally only one week between those complex documents being laid and the subsequent debate in the House. Departmental officials have advised that changes to the Budget 2011-15 positions are notified through monitoring rounds and other statements to the Assembly. However, that does not give an overall picture of the cumulative effect that such changes might have.

The issues that Assembly Statutory Committees and Members face regarding financial scrutiny and the Budget process have been well rehearsed in Assembly debates and in reports by the Committee for Finance and Personnel. At its meeting tomorrow, the Committee will consider responses to its discussion paper, 'Maximising the Assembly's Contribution to the Budget Process'. I expect that that work, which is being taken forward in tandem with the Executive's review of the Budget process, will ultimately lead to a much-improved Budget process: one that is more transparent, provides greater accountability and meets the needs of the Assembly. In the meantime, I support the motion that the Budget (No. 2) Bill do now pass.

Mr Hilditch: I support granting the Bill its Final Stage. As in recent years, tough challenges are ahead in this, the second year of the budgetary period 2012-13. Members have engaged in and given their views on the process over the past few weeks at Committee level and on constituency issues. This year, like last year, much of the focus during the Bill's progression surrounded the need to review, update and modernise the financial and budgetary processes. I welcome that work, which began

in the previous financial year, and the valued contributions of many key stakeholders. We look forward to its conclusion, hopefully within this mandate, and to putting a local governance footprint on a process that demands transparency, clarity and accountability.

This is the second year of a four-year Budget, and that, in itself, brings significant external economic and financial challenges in this period and beyond, which are added to by the crisis in the euro zone and the banking sector. Although most Departments appear to have performed decently, we do not deny the difficulties that they face in the year ahead. They seem to be focusing more on the core issues; for instance, average admin expenditure has fallen by 6% across Departments, despite no targets being set. Hopefully, that suggests that a determination exists to cut unnecessary bureaucracy and to encourage a culture of belt tightening.

I previously welcomed some outcomes of the Budget that directly affected my constituency, and I do not wish to cover that ground again. However, I welcome some of the departmental initiatives, such as small business rates relief, to help businesses during the current downturn. It appears that 8,200 businesses through all constituencies will benefit from this year's extension of the programme.

Will the Minister clarify the situation regarding the PSNI staff equal pay claim, an issue that is raised on an ongoing basis? Week to week, there again appears to be a lot of confusion, misunderstanding and, indeed, misinformation out there on the issue. Further to that, is there Budget cover for any potential settlement and who is responsible for dealing with this matter?

Mr Cree: It is good to see that we may be at the end of the road in this Budget negotiation. However, I first remind the Minister that the review of the financial process is a very important issue. In the Bill's Second Stage debate, the Minister confirmed what we all believe, which is that the whole purpose of the exercise is to make the process transparent and easily understood. Indeed, in the Minister's own words:

"it is designed to streamline the whole system of scrutinising the Budget." — [Official Report, Vol 76, No 1, p 79, col 2].

It is vitally important. The Minister stated that he was planning to meet the Education Minister to

discuss this issue after our previous discussion on the Budget. Perhaps he will be in a position to update the House in a positive manner.

The next two years' Budgets will be particularly challenging. I treat them as individual Budgets, and I am right to do so as that was confirmed by legal opinion that we received on the issue. We should be able to put this year's Budget to bed without any more recrimination. However, several queries have not yet been addressed, and I ask the Minister to do so this evening. First, what is the situation in respect of the moneys that were expected to be raised from the Belfast Harbour Commissioners? Secondly, is it intended to include a figure in this year's Budget for the cost of the historical abuse inquiry? Thirdly, will the Minister confirm whether all the moneys held at the centre will be included in the credit balance that is brought forward?

Mr D Bradley: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Tá an-áthas orm páirt a ghlacadh sa díospóireacht thábhachtach seo ar an chéim deiridh den dara Bille Buiséid. As the Member who has just spoken said, we have reached the Budget (No. 2) Bill's Final Stage. I suppose, if I listen carefully enough, I will be able to hear a collective sigh of relief from the tens of MLAs — well, the 13 — that are assembled here.

I was thinking back over the process to date. You will probably remember that we began two years ago with no Budget, due to a dispute over policing and justice powers. Then, we had a Budget, but we had no Programme for Government. We eventually got a Budget and a Programme for Government, which were not necessarily interconnected or related. The Minister then discovered that quite a number of Departments were underspending and initiated a review of departmental spending to try to align more closely the aims and objectives of the Programme for Government and the spend. That is to be welcomed. So, gradually, the Budget is being made to fit around the Programme for Government 2011-15, and I hope that strategic policy will increasingly drive financial allocation, and not the other way around.

I would like us to get to a situation where resources are set against the actions of the Programme for Government, so we can see what progress is being made and what success has been achieved by individual Departments in reaching the outcomes set by them and,

in some cases, for them. The Department of Finance and Personnel (DFP) says that that is not possible, but surely measures that bring greater transparency and accountability to the financial process are not only desirable but necessary. The Minister has said that he is a champion of transparency and accountability, and he has the opportunity on this particular issue to prove that.

We had another crease in the process recently, when relationships between the Committee and the Minister were not what they should have been, due to some difficulties over papers arriving. At one stage, the gloves were taken off, and it looked like there was going to be open warfare. Thankfully, Mr McLaughlin played Cupid, and we all got together again and kissed and made up, as Mr Allister so eloquently said. The Minister came to the Committee and explained the delay, which was something to do with the double bank holiday around the Jubilee celebrations. We do not want to pour any cold water on that particular occasion, given recent events. It would not be appropriate to reopen old wounds, but I am sure that we will all learn lessons from that episode.

The Minister has said on a number of occasions that the Budget is not set in stone. Indeed, corrective action has been taken when the need has arisen, not always through vision or insight but sometimes through force of circumstances. If the Budget is not set in stone, last week's events showed that it is not set in concrete either, looking at the flooding episodes in Belfast. Sometimes, Mother Nature can be a more eloquent speaker in this Chamber, and comment on spending priorities in an even more devastating manner than Mr Allister. We cannot ignore recurring problems such as flooding. It is not good enough to say that it is a freak occurrence that will not happen again when we have seen it happening over and over again in Belfast, Newry, Strabane, Beragh, Armagh, the glens and other locations. It is not good enough to say that we mopped up and compensated quickly. We must prioritise the issue and ensure that everything is done so that our people do not suffer the misery that they have in the past week. The Minister will undoubtedly ask, "Where is the money going to come from to do that?" However, we have been in other situations where we found the money, and on this occasion we must make every effort to ensure that there is a continual investment in infrastructure that avoids this sort of situation occurring again.

6.00 pm

I was going to speak about the Ulster Bank situation, but we had the opportunity to air that issue this afternoon. Many questions are left unanswered, not least the question of compensation, which I mentioned earlier. That is something that the Ulster Bank needs to clarify. Government have a responsibility to weigh in on the side of citizens and to ensure that there is clarity around the situation.

I will return to budgetary issues. During the Bill's Second Stage, the Minister said that I was somewhat confused about the difference between capital receipts and asset sales. Indeed, he pointed out that the asset management unit's sales increased from £1.3 million back in February, I think, to the current figure of around £2.8 million. The other source of capital receipts is sales made by Departments. After the Minister's visit to the Committee, he very kindly sent me the breakdown of those figures. It is interesting to note that the capital receipts are made up of departmental surrenders, Housing Executive house sales, the usual business and some asset sales. So, they have increased. I think that the target was £142 million, and it has increased to £171 million. That is certainly beneficial.

Sometimes the impression is given that all that money is new money coming into the system, whereas, in fact, only a small amount of it is new money. A lot of it comes from normal business that would occur during the normal course of the financial year, with Departments making surrenders and agencies such as the Housing Executive selling off houses. It is important to make that distinction, as the Minister did the last time we talked about this. The Minister has a somewhat baffled look on his face. Perhaps he will explain that to us in due course.

During the debate on the Supply resolution, I raised the issue of the £4 billion in capital that was promised to us by the previous Administration at Westminster. To date, we have not received that sum. The Minister informed me on that day that there were still disagreements about figures between the Executive and himself and the Treasury. Can the Minister give us an update on that issue, and can he tell us whether that resource will be

available to us or whether it is, in fact, dead in the water?

I welcome the departmental spending review that the Minister has initiated. There was obviously an underbelly of spend that needed to be trimmed away. Perhaps there is more to come. No doubt the Minister will wield the knife there again in the future, if necessary. I will finish at that.

Mr McNarry: I do not wish to be misunderstood in saying that the Finance Minister has, in this mandate, been guilty of doing a good job. However, he has, and I think that that should be recognised, and this is the time to do so. I will also say, because I suspect that he knows, that the really tough times have yet to hit hard. No matter how competent the Minister proves to be, this Bill is not a panacea that can offer total recovery, albeit that its intention is to signal steadiness, pointing to growth and holding confidence. I think that that is reflected in the Bill.

Events beyond the Minister's control could conspire against the Budget. Even the past few days have shown how outside influences may alter the shape of the Budget in the months ahead. It does us well to remind ourselves of the type of Budget the House could have been receiving and passing had the Minister been free from the austerity actions taken in London and the causes for which we now find ourselves picking up the cost. We would also do well to remind ourselves that the public punishment of initiating the enabling criteria to save the nation had to be based, it would seem, on saving the banks first.

All in all, I cannot see a good reason why anyone would vote against the Final Stage of the Bill. However, the subject matter demands the raising of concerns. Parts of the Bill as projected will not be realisable in the short term. What we term pressures and inescapables may have to be reviewed and added to in light of decisions taken elsewhere. As the Minister takes us through this period of financial turmoil and combats public frustration, he will have to demonstrate leadership to bring about much-needed public understanding. I have to say that understanding is in short supply when it comes to receiving explanations, which, to begin with, sound at best like excuses that few except bankers believe. Ordinary people will look at the Bill and hope that we have got it right. Few will analyse it in the way in which it will be done

here or drill down on the Bill's delivery. I suspect that they will not get overexcited or overawed, but, boy, if this gets worse, they will know whom to blame. People will blame this institution because the banks are seen as untouchable.

The Budget Bill carries forward the carrying of the can for the past flamboyancy of banks that played at the casino with our money. Then, taxpayers' money rescued them; it bailed them out. As the Budget shows, this is how the cost must be met. However, new revelations about goings-on with the banks and another joyride by cavaliers are not factored into the Bill. How could they be? They happened only within the past number of days. The repercussions of what one newspaper headline called the:

"Demand for inquiry into the City's 'corrupt elite'"

lit another touchpaper as the record fine paid by Barclays for rigging — another word for cheating — a key interbank lending rate was further exposed. That has put RBS, Lloyds TSB and HSBC in the same dock.

No finance Bill or Budget can be made in a bubble, insulated from the harsh realities of the United Kingdom's overall economic situation. We cannot allow ourselves to forget that. It is repeated and repeated by the Chancellor of the Exchequer when he is trying to defend his policies and strategies. We cannot forget it here.

Today, we will pass the Bill, but surely we will be mindful of the fact that if Westminster stay true to form, they will tighten the screws on our block grant because they will not, and have no desire to, deal decisively with the bankers. The word in the City more than speculates that £50 billion is being sought by way of further reductions to find a way around new and growing pressures on the Treasury — additional pressures that are likely to be exerted on us for collection in the months ahead.

Invariably, dodgy dealings in the banks will level out to impact on Budgets such as that which we will pass today. That is why I do not need to tell the Minister that, on the basis of what we know and what we can predict, there are dangers in making assumptions. By that, I mean that there will be massive reliance on him to take us through very tough times.

Of course, when those times come, no Department can escape a reworking of its priorities, particularly the Department of

Health, Social Services and Public Safety, the Department of Education and the Department for Regional Development. Alterations, further restrictions and impediments set by government all lie ahead. That potentially puts at great risk the priorities currently identified in those three Departments. We should be on amber alert in anticipation of extra pressures being brought to bear that affect this Budget. Therefore, I will use my favourite word, which the Minister also loves: contingency. I trust that under the Minister's persuasion, plans are under way to initiate flexibility into budgetary preparations to adjust the top-listed priorities of those three Departments as necessary, adaptations that will not escape either pain or anger in different dosages.

The Bill, allied and attached to how Departments are expected to perform, would in normal circumstances — indeed, in the circumstances that prevailed when it was put together — be sufficient to succeed, even allowing for normal minimum slippage on delivery. However, that is not the case. My point is that we may think that all that we can do is watch and follow the whiplash of events as they unfold and upset our plans, events caused by things happening elsewhere. To do so, however, will be met with public hostility. The public are fit to be tied over their own economics and their own budgets. It does not matter whether that is the home budget or the school budget. What matters are the things that affect them, and the public are fit to be tied out of sheer and utter frustration. They will not tolerate much more of it, unless it can be explained.

Unless we are willing to operate priority flexibility and convincingly explain to the public why we are having to do so, and given that we are willing to do so — that is important — the exercise of passing the Bill will, in a relatively short time, bring us to a point at which public meets politician. It has not happened yet, but I predict that it is soon to happen. It is happening in our constituency offices and when we are out and about on business, but the worst is still to come. Unfortunately, this Budget is coping for what we thought was coming — what we see over the horizon. As I cautioned, please do not make assumptions.

On that basis, I commend the Bill, but I do so on the understanding that flexibility on priorities is open to action and that full and proper explanations, as appropriate, are given to the

public. On that note, I wish the Minister well in the difficult times fast approaching him.

Mr Dickson: I apologise to the House, Mr Principal Deputy Speaker, for being absent when my name was called earlier. I welcome the opportunity to speak to the Final Stage of the Budget (No. 2) Bill. As has been well evidenced in the Chamber by my colleague Judith Cochrane, who is on other business, and others, Northern Ireland's budgetary position is ultimately bound by the Westminster purse strings. Although that does not always reflect the divergence in need associated with an economy in social recovery and shouldering the added cost of division, it is the hand that we have been dealt, and it is up to us to choose how to play it. If there is discontent and discord about cuts and reductions, it is our responsibility to seek to mitigate the impact of any perceived inequalities by pursuing new and innovative ways to promote internal revenue generation and encourage local enterprise and maximise efficiencies.

6.15 pm

Although the Bill requires our support today, owing to our responsibility to ensure funding arrangements for the next financial year, we must also ask searching questions about our public finances and priorities, and we must look at what we might need to change as we move forward. In particular, I have an interest as a member of the Committee for Regional Development, and given last week's floods, we must again address the issue of our water and sewerage infrastructure and how we can improve it, and then, in turn, how we pay for that investment.

At present, people are, naturally, angry with the authorities, and perhaps the last thing that some would wish is to contemplate paying more. Given the poor level of service, the priority at this time has to be to improve the information and crisis response in that service and others that were less effective last week. Nevertheless, we cannot simply talk about how we could better react to or contain disasters each time a crisis occurs. Whether it was the big freeze/thaw of December 2010 or the floods of June 2012, we have to act to reduce the risk of repetition. Many experts have pointed to the underinvestment in our water and sewerage infrastructure, which has been blamed on many years of direct rule, but 14 years after the Good

Friday Agreement, surely we need to take this matter into our own hands.

So far, the Alliance Party is the only party that is prepared to be frank with the people of Northern Ireland about water charges, which are in place in every other region of the United Kingdom. It is true that we already pay for some of the cost of water and sewage services as part of the regional rate — an estimated £160 per household — but alongside all other aspects of local expenditure, these contributions do not cover the full cost of running that service. The level of payment is considerably below that paid by others elsewhere in the United Kingdom and fails to cover the cost of service delivery, resulting in an annual cost of some £200 million. This deferral is not funded through the block grant, and, therefore, the subsidy for water results in money being directed from public services or investment in our infrastructure to cover it — money that could be spent on hospitals and schools. Experts have told us that the extra cost incurred under current Treasury rules, resulting from Northern Ireland Water's reliance on subsidy, could be costing each household £800 a year indirectly.

I appreciate that the Executive have ruled out water charges for the next Programme for Government. Nevertheless, we have to ask whether that decision needs to be revisited or, at least, whether water charges should be considered from 2015 onwards. If that is to be the case, the discussion on the way forward, on the financial arrangements and the governance model, needs to start now.

We know that £100 million a year after 2015 — the long-term investment level in the draft investment strategy — is lower than the level that the regulator suggests is needed for investment in water. Departmental officials have said that the current arrangements are not ideal for delivering efficient services in the long term. The company was established with the assumption of separate water charges, but, instead, it remains a company entirely funded by the state. We can either pay for it through diverting primary capital resources from elsewhere or by raising additional revenue.

The Alliance Party believes that the introduction of water charges is consistent with a progressive approach to revenue raising. However, we appreciate that families and households are under financial pressure, and,

therefore, payment must be supported by an efficient and timely service. It must also be fair and linked to the ability to pay and relative usage.

In conclusion, although the Alliance Party lends its support to the Bill today, we must also consider the wider financial issues that face our society and how we might seek to tackle these as we move forward in a progressive way.

Mr Wilson: I will try to wind up as briefly as I can, because a lot of the points that have been raised were probably dealt with on other occasions in the debate.

I thank Members for the contributions that they have made. I look forward to working with the new Chairperson and the members of the Committee in the future. I am sure that we will have a very harmonious relationship, and if not, I am sure that Cupid can be called into action again, as Mr Bradley suggested, to heal any rifts that may occur advertently or inadvertently in the future. The Chairman raised the issue of transparency in the Estimates. I welcome the fact that the Committee is still focused on that. I have made the point time and again that I am keen to see greater transparency in the financial process. If we are to have a proper debate about these issues and if Committees are to scrutinise budgets properly, that should happen.

As I have made clear in the Assembly time and again, it is not my fault that this process has been held up. We produced papers and proposals. They have not yet been cleared. Perhaps the Member, as I implored the previous Chairman of the Committee to do, can prevail on his party colleagues to get this cleared. I suppose that that responds to Mr Cree's question about how much progress I made in the discussions with the Education Minister. The answer is not a lot, so we are not too much further forward on the issue.

Mr Hilditch raised the issue of PSNI equal pay. A number of other Members have raised that on other occasions. I want to make something clear. First, we fought to get money included in the police budget. There is £26 million for any equal pay claim that can be justified. Secondly, that was not spent, so we sought to persuade the Treasury to allow us to carry it over to this year. That was successful. Thirdly, when we talked about the equal pay claim and dealt with it in relation to the Civil Service, the trade unions accepted that it was not part of the Civil

Service agreement and negotiations. That is why it was not included in the final settlement for the Civil Service when it was brought to the Assembly and paid out. It is for the police to determine whether there is a legitimate claim. The whole issue of whether the Civil Service decision applies to police staff or whether a separate and distinct claim needs to be made for the police will be determined in the courts. That has been held back; it will not be determined until September. That is where it rests at present. At the end of the day, it is a legal issue. We will not stand in the way of any legitimate claim. Indeed, we have ensured that the money is there if a claim can be proven.

Mr Cree raised a number of issues in his contribution — I have lost my notes. The first one was about the financial process, which I mentioned. He asked where we are with the Belfast Harbour Commissioners and the £20 million in each of the past two years that was to come from it. His Minister has to bring forward legislative proposals to enable us to get that money, or he has to negotiate with the Harbour Commissioners, who, of course, come under the Department for Regional Development. If he does not succeed in progressing that, it will create a pressure on the DRD budget. He is working on that at present. It is under constant review by the Budget review group, so it is not an issue that we have not dealt with.

Mr Cree also raised the issue of money held at the centre. Perhaps Members believe that there is some golden egg that I, as Finance Minister, hold on to, and, suddenly, when pressures arise, I simply produce it and say, “Hey presto; there’s the answer to the problem.” This is an accounting exercise that allows us to overcommit money. The Department had an overspend in this year of £30 million in its departmental expenditure limit and £30 million in capital spending. Those are minuses that have to be held somewhere. There are also Executive funds that are held at the centre. We do not have a hidden fund, if that is what the Member was suggesting.

Mr Cree did, however, raise a very important point about whether there is any provision in the Budget for the inquiry into historical institutional abuse. The answer is no. No business case has yet been made to the Department, so I really cannot comment on what funding will be made available for the inquiry. However, the Executive have made a commitment to have

the inquiry. There will be cost implications, but it is an unfunded cost at present. There are a number of other unfunded costs that will have to be dealt with. It is my responsibility as Finance Minister to draw those things to the Executive’s attention continually. OFMDFM will eventually have to submit a business case for that inquiry. I suppose that it is difficult to submit a case at the minute because the costs are undetermined.

Mr Bradley and some other Members raised the issue of the Programme for Government in the Budget. Although we try to align the objectives that are set in the Programme for Government with the Budget, it is not always possible to do so. Some are high-level objectives, while some overlap, because that is the nature of the programme’s work. Different parts of the Budget for a particular objective will be found in different Departments. However, in the interests of transparency, where it is possible to attach a Budget figure to a particular target, that should, of course, be done.

Mr Bradley also raised the issue of asset sales, which is one that he comes back to continually. He said that a lot of this is normal departmental business, and, as such, it is not new money. Of course it is. Let me take one of the issues that he mentioned; namely, Housing Executive sales. He is quite right that it is a normal part of the work of the Department for Social Development to sell public sector housing. In one way, it is a normal part of the way in which the Department raises money. However, it is new money nevertheless. When a house is sold, new money is available for us to spend on some other capital project. It is the same with other disposals of land assets. If we decide that we no longer have any use for a piece of land and it is worth money to somebody else, we will sell it. It is also a part of the normal business of Roads Service to sell off bits of land here and there. It does that every year, but it brings in money that we can then put into other capital projects, instead of having assets that are idle and not earning us anything just lying there.

Mr D Bradley: I accept, to some extent, what the Minister says about the Housing Executive’s sale of assets. However, at the beginning of this budgetary process, the impression was given that an attempt would be made to identify assets over and above those that are part of the normal annual business and to bring in extra

revenue in that way. My anxiety is that those targets are not being achieved.

Mr Wilson: The Member may be referring to some of the additional assets that the asset management unit was supposed to identify. It did identify assets. The target for this year was £2.5 million, and as the Member pointed out, the unit actually sold £2.8 million worth of assets. The target is £100 million over the lifetime of this Budget. The first year was probably used mostly to identify the assets, but we should now see sales picking up. I have to add that there is always the question of what is possible in the current market conditions. However, as we have shown, we will not baulk at selling assets that appear to be quite cheap if we believe that that is the best price that we will get for them and there is an opportunity to spend that money on something that is more of a priority, such as on flood prevention, which Mr Bradley and other Members mentioned.

I thank Mr McNarry.

When he sat over here, he traded vitriol with me. I do not know whether moving along the Benches has moved him in his view of me as a Minister, but it was a welcome and refreshing start to his speech.

6.30 pm

Mr McNarry: Will the Minister give way?

Mr Wilson: I will give way. Maybe he wants to retract what he said. Maybe I should not give way.

Mr McNarry: I will put you at your ease. Over there, I had to do what I was told.

Mr Wilson: I am glad to hear that his past views of me were not his real views and were only his party's views. I thank him for his remarks. He raised a number of important issues, and he talked about the need for flexibility and whether there should be a contingency fund. We have had this debate many times. Having a contingency fund means that you tie money down. If an emergency arises, you have the money available. It is a question of how long you hold on to it, and do not forget that we have only limited ability to carry money over from year to the next. If you hold on to it for too long and cannot spend it, or if an emergency does not arise, the danger is that the money could be lost. However, we seek to keep flexibility in the Budget, and Ministers are now getting the message, perhaps more so than in the past,

that, if they are not going to spend the money, they must declare it early so that it can be used for exactly the kind of purpose that the Member described. If a new development were to arise or there were a new twist in how the economy was going, the money would be available for that. I think that is the best way of doing it, but it requires Ministers to be co-operative and responsible in giving up money early and not leaving it to the last moment, as some of them tend to do. When that happens, I have to barge in here about the way in which they manage their budgets.

Mr D Bradley: Will the Minister give way?

Mr Wilson: I will, yes.

Mr D Bradley: I hope that the Minister can put me out of my misery on the issue of asset sales, and so on. At the start of the process, there was quite a shock when we knew that there would be a £4 billion cut to the Budget here. I remember that Caitríona Ruane as Minister of Education said not to worry so much about that because £1.6 billion had been identified in possible assets that could be realised. The Minister of Finance and Personnel then told the House that Caitríona had not got that quite right. He said that there was only £842 million that could be realised and that that had been built into the Budget. Where is this coming from? When I look at the capital receipts, I see, for example, £6 million beside the Lisanelly site. Presumably, that is a surrender by the Department of Education. How did the Minister predict that he could achieve £842 million or thereabouts in assets realisation back then? In the present context, that does not seem to be the case.

Mr Wilson: First, I caution about any financial advice that was given by the former Minister of Education; I will not stand over any of that. Across the years, capital receipts for the assets management unit and other revenue streams include money from the Belfast Harbour Commissioners and from housing associations. That £800 million included a whole range of things, and we are realising some of them already. It includes the reduction in grants to housing associations and their leveraging more money in through borrowing, which does not score against our block grant. We are only one year into the Budget. The figure that he gave of £800 million was the kind of picture that we had painted over four years, and, so far this

year, we are on track to meet it. Of course, from one year to the next, things will vary. The state of the market will have an impact on all of that, but, at any early stage where there are warning signs, the one thing that the House knows is that I will not hide the facts from Members. They will be brought to them, and they will know if we are in those kinds of problems and how we will address them. It is one thing that we have got to be aware of, and we cannot bury our heads in the sand.

That brings me to another point about Mr McNarry. He has pointed out that economic times are changing and that shocks could come to the system that we cannot predict or know about. We have to factor in how we deal with those in the future. He is right, but all we can do is use the tool that has been handed to us, which is the Budget that we have, and try to make it as flexible as possible, whether that is through monitoring rounds or the budget review, where we look at the performance of Departments in the past year, the surrenders, the out-turn, whether the allocations have been made in the first place and whether they were appropriate allocations. Of course, I will bring a paper to the Executive and, eventually, to the Assembly on the outcome of the review and how it will affect individual Departments. That is the only way in which we can deal with the kind of issues that he has raised.

Mr Dickson raised the issue of flooding and the whole infrastructure. The Executive intend to look at that this week. To me, there are three issues. First, when there are difficulties, how do we ensure that people can make contact with the relevant Department? I have made it quite clear — I have always said this — that I will not pretend that something has worked well if it has not worked well, even if it is in my Department and it brings attention to the way in which we have handled things. The flood helpline did not work well. It was inundated with calls, and 75% of people could not get through. I have already spoken to my officials about how we address that, what we have to spend to address it and how we make the helpline work more efficiently.

Secondly, when a flooding incident occurs, how can we respond to it? A lot of work has to be done there. Despite all the resources that we have, it is my view that there are still Departments and sections of Departments that are defending their own ground, rather than saying that they have a resource that other

people could use and which could be made available to other places. They could even be subservient to some other sector because it is better placed to deliver things on the ground. That is an issue that the Minister for Regional Development and the Minister of Agriculture and Rural Development, in particular, need to address. Also, there is the issue of how they work with the likes of Belfast City Council, which seems to have a better mechanism for dealing with such issues than even some of the Departments.

Lastly, of course, we cannot forever stick sticking plasters over places. We have identified some of the black spots where flooding occurs regularly, and we have to look at what capital investment we put in there. There is no instant remedy for that. Do not forget that some of those schemes take a long time to plan and get on the ground, etc. We have to get the capital for it. The Executive have taken a decision in this mandate not to go down the route of water charging. The Member has highlighted one of the difficulties: how can you charge people for water when they feel that they are getting a second-rate service at present? Nevertheless, a choice has to be made: if we want to spend capital on one project, it cannot be spent on something else. That is a discussion that Executive Ministers will have to have on Thursday when they meet.

In conclusion, I thank Members for their interest in the Bill. I thank all those who, at various stages, have contributed to it, whether that was in Committee or during debates in the Assembly. I beg to move that the Bill be accepted. Support for the Bill will enable it to receive Royal Assent by 31 July, which will ensure that public services can continue uninterrupted during the remainder of the year, and that is something that Departments and the public will appreciate.

Mr Principal Deputy Speaker: Before we proceed to the Question, I remind Members that, as this is a Budget Bill, cross-community support is required.

Question put and agreed to.

Resolved (with cross-community support):

That the Budget (No. 2) Bill [NIA 8/11-15] do now pass.

Local Government Finance Bill: Legislative Consent Motion

Mr Wilson (The Minister of Finance and Personnel): I beg to move

That this Assembly agrees, in principle, that the UK Parliament should consider amendments to the Local Government Finance Bill, as introduced in the House of Lords on 22 May 2012, to make provisions for HM Revenue and Customs to supply information for purposes of rates in Northern Ireland.

I see that there is vast interest in this issue at this stage of the evening. The motion seeks the agreement of the Assembly in principle to Westminster legislating for the supply of information from Her Majesty's Revenue and Customs (HMRC) for rates purposes. The Local Government Finance Bill was introduced in the House of Lords on 22 May. It deals mainly with a range of localisation measures for English local authorities on non-domestic rating, council tax in GB and grants. Although most of that is not relevant to this Assembly, the Bill contains data-sharing powers that are relevant locally.

From April 2013, the current system of supporting households with rate payments will be taken out of the social security system and will become a relief that is funded from the block grant. That change will apply equally to other devolved Administrations, local authorities and the localisation of council tax support schemes. The Westminster Bill contains powers that will allow GB local authorities to have direct and indirect access to information from HMRC for council tax purposes. The primary purpose for that will be for assessing the support levels under the new localised council tax support schemes. A similar provision is needed here in Northern Ireland to ensure that rate support for vulnerable households can be assessed.

I assure the Assembly that those powers are necessary to ensure that the rate rebate scheme and any long-term alternative can run smoothly following welfare reform. If the amendment to the Westminster Bill is approved, it will enable HMRC to provide information to my Department through, namely Land and Property Services, and to the Northern Ireland Housing Executive for rates purposes. It would align us with the equivalent provisions for the rest of the UK for council tax purposes.

The powers would also be similar to the information-sharing provisions in the Welfare

Reform Act 2012 and the provisions that are to be brought forward through the Northern Ireland Welfare Reform Bill. The type of information that is likely to be provided would relate to a person's income, capital, savings and entitlement to tax credits, etc. Members will wish to note that, as I understand it, the Northern Ireland amendment relating to data sharing has been tabled today. The Northern Ireland clause is similar to the GB provisions, which have been tabled for council tax purposes.

Turning to the detail of the provisions, HMRC will be able to provide information for rates purposes. Those rates purposes will be prescribed in regulations by my Department. Those will focus on providing rates support and improving take-up of rate reliefs and allowances, and they will be subject to the Assembly's negative resolution procedure. Members will appreciate the sensitivities surrounding the sharing of information, so provision will be made in the Westminster Bill to protect the data where information is supplied for rates purposes, and a person will be guilty of an offence where they unlawfully disclose information. The unlawful disclosure offences will be subject to a fine or imprisonment or both.

The Northern Ireland provisions, once approved, will come into force on Royal Assent of the Local Government Finance Bill. In asking the Assembly to agree to Northern Ireland being included in the scope of the Westminster Bill, I will emphasise that this is a routine matter. It is necessary to ensure that those applying for rates support do not have to provide information to government twice, because, from next year, rates support will no longer be a social security measure. The provisions will allow information that is already held by HMRC and that is used in determining the level of rates support to be supplied, so that stops any duplication.

Before summing up, I wish to briefly advise Members both on why Northern Ireland cannot legislate on this matter and on the timing issues that have been associated with bringing the changes forward. Some Members may question why the Assembly does not legislate for this matter itself.

However, UK legislation does not allow the Northern Ireland devolved Administration to do that. An Act of the Northern Ireland Assembly, or regulations under it, cannot provide a data-sharing gateway with HMRC. As a result, the

legal gateway must be provided through the Westminster Act. Regulations making powers to prescribe rates purposes in Northern Ireland will subsequently be conferred on my Department. As I said, those regulations will be subject to negative resolution.

6.45 pm

I now turn to the issue of timing. The development of the Northern Ireland provision has been a long, drawn-out process, involving officials and legislative counsels across the UK. The need for a data-sharing provision was first brought to my Department's attention prior to Easter. Previously, it had been considered that welfare reform legislation would be sufficient to allow data sharing, but that is not the case, and separate provision is, therefore, needed. However, sequencing of the Northern Ireland amendment at Westminster alongside the timing of the motion in the Assembly has not been an easy process.

Following finalisation of the Northern Ireland clause, an issue arose about extending the information-sharing powers for appeals purposes. My Department considers that that is a non-issue that can be covered by separate legislation outside the Westminster Bill. There was also the technical matter relating to the Northern Ireland clause and its alignment with the associated GB provision. All that toing and froing to finalise the exact wording of the clause with Westminster resulted in a delay in the Northern Ireland amendment being tabled. That was not of my Department's making. In reality, all of that meant that the normal process got a little out of sequence. As I already noted, the Northern Ireland amendment was, I understand, tabled in Westminster today.

In relation to timing, I would particularly like to thank the Finance Committee for the way in which it accommodated the consideration of this matter in advance of the Northern Ireland clause being finalised. I understand that the Committee, the Department for Social Development and the Social Development Committee do not have issues with the legislative consent motion.

In conclusion, I assure Members that the motion provides for a technical change that is important in ensuring that we deliver rates rebates to people. It will also ensure that people do not have to supply information twice and that, if they perhaps fail to do so, they do not lose out on

benefits they are entitled to. For those reasons, I ask Members to support the motion before the House.

Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel):

Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Éirím ar an ócáid seo leis an rún a mholadh ar son an Choiste Airgeadais agus Pearsanra. On behalf of the Finance and Personnel Committee, I support the motion. The Committee initially received correspondence from the Department of Finance and Personnel (DFP) on 11 May, advising that the rates element of housing benefit would be abolished with effect from 1 April 2013. In addition, it advised that related funding would be cut by 10% and would no longer be treated as annually managed expenditure but would instead be classified in the departmental expenditure limit. That mirrors changes to council tax benefit in GB. DFP also advised that localised schemes to provide council tax support would be provided by the other devolved Administrations and, indeed, English local authorities.

The Northern Ireland Executive agreed to continue with the current rates support system in the short term. To do that, however, it will be necessary for the Housing Executive and Land and Property Services to have access to relevant data information from HMRC. As the Assembly cannot pass legislation that affects HMRC, the Finance Minister wrote to the Committee on 17 May to advise that it was proposed that amendments to the Local Government Finance Bill, currently passing through Westminster, would make the necessary provisions in respect of access to HMRC data. That would require a legislative consent motion to be agreed by the Assembly in advance of the summer recess.

As the Minister said, the amendment to the Local Government Finance Bill has been tabled at Westminster today, and the Assembly is being asked to agree, in principle, that the provisions are made. The Committee seeks to facilitate the Minister in seeking the Assembly's consent within the short time available by undertaking its consideration of the this issue in advance of the memorandum being laid and referred to it under Standing Order 42A(6). Additionally, the Committee prepared a short, informal report, which was issued to all MLAs within just a few days of the memorandum being laid. That report set out set out the Committee's deliberations,

and I shall summarise the key points now for Members and for the record.

In the light of the role of the Housing Executive in this matter, views on the proposed legislative consent motion were sought from the Committee for Social Development. That Committee subsequently confirmed that it was content with the provisions. The Finance and Personnel Committee first took evidence from DFP officials on 6 June, when the officials advised that the proposed changes are considered “non-controversial” and “benign” and that they were being sought to:

“ensure the smooth running of a support scheme; to ensure that claimants are not required to fill in new forms; and to ensure that there is a free flow of information from HMRC.”

Members heard that both the Housing Executive and Land and Property Services (LPS) currently have access to some forms of information. However, the welfare reform changes mean that those sources are not sufficient, and it will be necessary to source information directly from HMRC. The types of data required will include income, savings and information such as entitlement to tax credits. Assurances were given that appropriate protocols would be put in place to protect that sensitive customer information.

Following that briefing, DFP subsequently notified the Committee on 19 June that HMRC and the Westminster parliamentary counsel considered that the amendments to the Local Government Finance Bill should provide for the sharing of information for appeal purposes. As a consequence, the draft amendment that had been shared with the Committee would have to be reconsidered. In oral evidence the following day, DFP officials advised that it was not expected that the clause would be materially changed, apart from the inclusion of the appeals issue where necessary.

It is not normal procedure for the Assembly to debate a legislative consent motion in advance of the amendment to the relevant Westminster legislation being tabled, but we have learned that, in fact, it has been tabled today. However, to ensure that the necessary Assembly consent is received in advance of the summer recess, on behalf of the Committee, I commend the motion to the House.

Mr Hilditch: I, too, support the motion. As a member of the Finance and Personnel Committee, I confirm that we received the briefing as outlined by the Deputy Chair, and I understand that the consent motion will allow for Westminster to legislate for the supply of information from HMRC for rating purposes. There is a consequence relating to welfare reform and the removal from the social security system of the means of supporting households with rates payments. Whatever one thinks of welfare reform, this is a necessary change. The provisions intend to ensure that the relevant information on income, savings, entitlements, etc, can pass from HMRC to the LPS and the Northern Ireland Housing Executive for rating purposes. Failure to do that would complicate issues in Northern Ireland and could result in low income families having to provide evidence to obtain rates support, perhaps resulting in delays in the most vulnerable getting rates assistance. The provision will not disadvantage anyone and the rest of the issues have been well covered by the Minister and the Deputy Chair of the Committee. I support the motion.

Mr Cree: I support the motion on behalf of the Ulster Unionist Party. We have been kept well advised. In fact, I have in my hand the communication from the Minister’s Department. It is dated 3 July, which makes it right up to date and explains the necessity for the change. I was intrigued to find out that we may need enabling legislation because part of the original plan was that this was outwith our authority but could be done at Westminster, and that was the end of the story. However, I understand that that may be just a technicality. So, I have no difficulty in supporting the motion.

Mr Beggs: Thank you for calling me, Mr Principal Deputy Speaker. I had not realised that I was on the list, but I, too, wish to indicate my support for the motion. It makes sense that the Assembly approves the motion so that we can assist those who may need the appeal mechanism in the future. Therefore, I am happy to support the motion.

Mr Wilson: I think Mr Beggs felt a bit like the amendment as well. He did not know it was going to get called at this particular time.

I thank Members for their contributions to this short debate. It is a technical issue, as I indicated. It is unfortunate that, because of timing and froing, we are debating it after the

amendment was tabled at Westminster today. However, the Deputy Chairman of the Committee summed it up when he said it was technical and non-controversial, and I thank the Committee for rushing through the report on it so that we could get to this stage. I do not want to prolong the proceedings. I just want to thank Members for their support, and I now invite them to give the motion their support in their vote in this Assembly.

Question put and agreed to.

Resolved:

That this Assembly agrees, in principle, that the UK Parliament should consider amendments to the Local Government Finance Bill, as introduced in the House of Lords on 22 May 2012, to make provisions for HM Revenue and Customs to supply information for purposes of rates in Northern Ireland.

Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012

Mr Principal Deputy Speaker: I call the Minister of Employment and Personnel — or Learning.

Dr Farry (The Minister for Employment and Learning): I beg to move

That the draft Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012 be approved.

Thank you very much, Mr Principal Deputy Speaker. That is a very pleasant merging of myself and my colleague, the Minister of Finance and Personnel.

It may be helpful if I outline very briefly for Members the background and context of the Order. During 2009-10, my Department carried out a comprehensive review of the systems for resolving workplace disputes. The review involved an extensive public consultation that was taken forward by a consultation steering group that included representatives of the Confederation of British Industry (CBI), the Federation of Small Businesses, the Northern Ireland Committee of the Irish Congress of Trade Unions, the Labour Relations Agency and the Equality Commission. I want to put on record my appreciation of the work of that steering group, which ensured that the public consultation was informed by the experiences of all parties involved in the field of employment relations.

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

At an early stage, the consultation steering group established a set of core principles, which continue to inform my Department's work in relation to all aspects of employment law. Those principles included the promotion of good employment relations; the provision of strong employment rights; effective mechanisms to prevent and resolve disputes; statutory bodies that provide effective prevention and disputes resolution services to all those involved in workplace disputes; and access to non-adversarial alternatives to the tribunal system. The final point about providing access to non-adversarial alternatives to the tribunal system is the reason we are having this debate.

A consistent message from the public consultation process was the need to provide a viable alternative to formal litigation through

employment tribunals. That is not a criticism of the tribunal system, which will continue to play a vital role in Northern Ireland's employment relations system, but a recognition that not all disputes require or are suited to a formal legal determination. I was struck by the feedback from the independent advice sector that many employees are unwilling to go through the stress of a formal legal process because of its adversarial nature. However, many of those same employees do not trust their employers' internal appeal processes. They are simply looking for an independent person to consider and make a decision on the merits of their grievance, and that is what arbitration is designed to achieve.

Employers, particularly small and medium-sized enterprises (SMEs), are similarly challenged by formal litigation in terms of the time away from their core business and the cost of legal representation.

Arbitration offers a non-adversarial alternative to an employment tribunal. Parties to a dispute agree that an independent arbiter reviews evidence provided by both sides and reaches a legally binding and enforceable decision. Arbitration is an entirely voluntary process. However, when both parties agree to go to arbitration, they waive their rights to have the case subsequently reconsidered by an employment tribunal.

7.00 pm

Where the parties agree to enter into arbitration, the Labour Relations Agency will appoint an arbiter to hear the case. That arbiter will be from a panel of arbiters who are appointed by the LRA but are independent of it and are acknowledged experts in employment relations issues. The benefits of arbitration are numerous. It is quick. A hearing will typically take place within two months and normally last for less than a day, with a decision being issued within a further two weeks. It is less legalistic and more informal, aspects that will appeal to vulnerable persons and microemployers who have had little experience of the tribunal system. It is not adversarial, which is particularly helpful where there is expected to be a continued working relationship between the parties after the process ends. The speed and informality of the arbitration process is likely to prove considerably cheaper for both parties, which is of particular importance given the

prevailing economic climate. It is less stressful than the tribunal process. It is confidential, with hearings held in private and no publication of outcomes. It is also flexible. If an opportunity arises for a conciliated settlement, if both parties agree, proceedings can be suspended at any time to facilitate it.

The Labour Relations Agency currently administers two statutory arbitration schemes covering unfair dismissal and flexible working. Uptake of the schemes has been limited. In reality, most disputes are multijurisdictional, and hence it is unsurprising that parties are unwilling to seek redress of one aspect of their grievance — for example, unfair dismissal — via arbitration and then have to pursue the remaining elements — for example, allegations of unlawful discrimination — through a tribunal. That situation has proven to be a significant obstacle to the delivery of arbitration as an effective alternative to tribunals. Indeed, the great majority of arbitrations conducted under the auspices of the LRA have been concluded outside the narrow statutory framework by agreement between the parties. Arbitration has, therefore, been a process at the margins of Northern Ireland's dispute resolution system.

The new statutory arbitration scheme that is before the House today seeks to address that by expanding the range of employment rights jurisdictions to which the statutory arbitration may apply. In that context, I today seek the Assembly's approval for the draft jurisdiction order, which lists the employment rights jurisdictions to be covered by the new arrangements. That will ensure that the new scheme is able to deal with the full range of employment rights disputes that can currently be taken into an employment tribunal. Arbitration, therefore, would present a real alternative to formal litigation.

Finally, I turn to the matter of appeals, which has been the subject of significant debate. A number of stakeholders have argued for a wider appeal mechanism to be included in the proposed arbitration scheme, the rationale being that the current appeal mechanism will be a deterrent to uptake of the scheme. The Committee for Employment and Learning also raised the issue during its consideration of the new arbitration scheme. It is important to remember that arbitration is intended to provide a relatively quick and informal consideration of a dispute. The founding principles of

arbitration are that it offers a final and binding determination and the parties agree to waive their rights to formal litigation. The informality and speed of the process is intended to be one of its attractions, which may be eroded if it is viewed simply as a staging post to a further judicial process. The proposed scheme as currently constituted includes safeguards against any impropriety on the part of an arbiter. In addition, appeal rights are provided on the grounds of serious irregularity as well as on points of human rights and European Union legislation.

Having made those points, I am conscious of the need to ensure that arbitration does not provide a viable alternative to a tribunal process. Consequently, I am happy to reaffirm today the commitment that I have already given to the Employment and Learning Committee that the scheme will be monitored during its first 18 months of operation with a view to determining its effectiveness.

The new LRA arbitration scheme will be established through the making of two statutory rules. One of them, which is to define and govern how the scheme is to operate, is subject to the negative resolution procedure. However, since it establishes requirements for the arbitration process, I covered some of its key features in my opening remarks. The second statutory rule, which is subject to the draft affirmative resolution procedure, stipulates the employment rights jurisdictions to which the new scheme will apply.

I am grateful to the Committee for Employment and Learning and the Examiner of Statutory Rules for their scrutiny of this rule. I hope that I have provided the House with sufficient explanation of the purpose of the draft order and of the arbitration scheme more generally, and I will of course respond in my closing remarks to any points that Members make.

Mr Buchanan (The Deputy Chairperson of the Committee for Employment and Learning): I will speak briefly on the motion this evening. On 16 May, the Committee was briefed by departmental officials on proposals for an affirmative resolution statutory rule to establish a single and substantially expandable Labour Relations Agency scheme to provide a voluntary alternative to the employment tribunal process. The Committee generally welcomed the introduction of the order, which will define and

govern the working arrangements of the new scheme, while revoking the existing, narrower arbitration arrangements for unfair dismissal and flexible working.

Although it welcomed arbitration as an alternative to the employment tribunal process, the Committee raised concerns that the absence of a facility to appeal a determination of an arbitrator at an employment tribunal could reduce the uptake of the new service. The Committee therefore sought assurances from the Department that the scheme will be reviewed after a period to ensure that its uptake is at an appropriate level, and it has been advised by the Department that the scheme will be monitored during its first 18 months of operation with a view to determining its effectiveness. If it is determined that the arbitration process is not providing a viable alternative to employment tribunals, the Department will consider alternatives.

The Department has now laid the statutory rule and, having noted that there have been no changes to the policy content since the proposals were submitted to the Committee and that the Assembly's Examiner of Statutory Rules has no issues to raise on the technical aspects of the rule, the Justice Committee agreed at its meeting on 13 June 2012 that it was content with the rule. I therefore support the motion on behalf of the Committee for Employment and Learning.

Mr F McCann: I support the motion, which is about setting up a single, expanded Labour Relations Agency arbitration scheme to provide a voluntary alternative to legal proceedings before an industrial or fair employment tribunal. This statutory rule stipulates the broad employment rights areas to which the new arbitration scheme may apply. In that sense, I believe it to be straightforward, as those areas are the same as the jurisdictions that can currently be dealt with by such tribunals.

Reading the explanatory notes forwarded to the Employment and Learning Committee by the Department, I noticed that the proposed statutory rule has not been subject to a full equality assessment. There may be valid reasons for that, but, I would like the Minister, in his closing remarks, to explain why it has not been subject to a full equality impact assessment.

It appears to me that single parents whose time and resources might be limited by family commitments may see the development as a welcome alternative to a tribunal. Others not wanting or able to cope with confrontational legal proceedings will also see arbitration as a better way and a less stressful option.

Dr Farry: I thank both Members who contributed to the debate. First, I want to correct something on the record, as I may have introduced a rogue “not”. I want to clarify that arbitration is there to provide a viable alternative to the tribunal process. That was very much reflected in the comments made by both Members who spoke.

I turn first to the comments of the Deputy Chairperson of the Committee. I place on record my thanks to the Committee for its consideration of the process. It is fair to say that we share a desire to see a process that is effective for employers and employees in Northern Ireland and delivers effective results that are viewed as fair outcomes. I am happy to provide a reassurance to the Committee on the review after 18 months. That was a specific request that the Committee made, and it reflects other comments that were made by stakeholders. I am happy to put formally on record, once again, the commitment that a review will take place.

I also thank Fra McCann for his comments and his support for the statutory rule this evening. Again, that reflects the consensus that this is the way forward in achieving an alternative means of resolving disputes. He asked about the equality impact assessment, and I will clarify that for the record. The proposed statutory rules have not been subject to a separate equality impact assessment, as they serve to fulfil objectives that already have been subject to a full assessment as part of the Department’s review of workplace dispute resolution systems. That assessment identified modest benefits to those who did not have the time, resources or willingness to enter into a full legal process. Therefore single parents — predominantly women — whose time and/or resources are limited by family commitments may see alternative dispute resolution as a welcome alternative to a tribunal. The same is likely to be true of those suffering from a psychological disability or other health conditions, such as a stress-related illness or depression, who find it more difficult to cope with a confrontational legal process. Furthermore, arbitration is a

cheaper and less stressful option for those who wish to avail themselves of it. Hopefully, that addresses the concerns that were expressed by Mr McCann and the sections of society that he mentioned. We have assessed that the scheme will be more beneficial to their viewpoints.

On the basis of those comments, I ask the House to support the statutory rule, and, once again, I reiterate the commitment to review this. If the evidence proves that we need to make further amendments or adjustments, I certainly give a commitment to come back and do those.

Question put and agreed to.

Resolved:

That the draft Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012 be approved.

Local Government Best Value (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2012

Mr Attwood: I beg to move

*That the draft Local Government Best Value
(Exclusion of Non-commercial Considerations)
Order (Northern Ireland) 2012 be approved.*

The order is being made under section 2(1) and 2(2) of the Local Government (Best Value) Act (Northern Ireland) 2002. Section 2(4) of that Act provides that a draft of the order must be laid before and approved by a resolution of the Assembly.

The purpose of the draft order is to remove certain restrictions imposed on councils in relation to their public supply or works contracts under article 19(1) of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992. The order will permit councils to consider, among other things, the inclusion of social clauses in their contracts. The Department consulted on the draft order and proposed guidance in September/October 2011. The Department received 11 responses, none of which opposed the proposals. The legislation has been brought forward at the request of councils, which advise that they want to be able to consider using social clauses in their contracts. The order will remove restrictions that have already been removed in Scotland, England and Wales by similar legislation.

7.15 pm

At the risk of annoying Lord Morrow in his absence, I intend to move off-script and just to scope out the importance of social clauses in terms of procurement, both at central and local government level. This order will enable councils to go into places where they have not been able to heretofore in terms of social clauses, but this should become mainstreamed into the procurement life of central and local government. Last year, when I was Social Development Minister, I changed the social clause threshold when it came to housing contracts and urban regeneration contracts, reducing the threshold to £500,000 of labour value in an effort to build social contracts into the spend of DSD. We need to explore in government how we build social clauses more into the life of procurement centrally, including

extending opportunities under EU sustainability principles to build that into procurement. The EU understanding of the sustainability principle is to favour small and medium-sized enterprises. I have instructed my officials, through the move towards RPA, to look at green procurement as a model going forward. That model has been recently adopted in the South through a report issued by their Office of Public Works. We need to look at opportunities for all-Ireland procurement in order to secure best value going forward.

In my Department, I believe, more can be done, which, I think, can be modelled in other Departments by providing opportunities to employ the long-term unemployed, offer placements to graduate trainees and create Steps to Work training opportunities. My Department has made available 180 Steps to Work placements, 51 of which have been filled already or are due to commence in the coming weeks. Work is ongoing with lead contractors to fill the remaining placement opportunities on an ongoing basis. The Department is also considering how a number of those Steps to Work placements could be aimed at young people who are not in education, employment or training, working with the Gerry Rogan Initiative Trust (GRIT) in association with Opportunity Youth, the main delivery agent for the GRIT programme. My Department has also made available 10 programme-led apprenticeship (PLA) placements and facilitated three special skills bursary apprenticeships. In addition, my Department has made available 14 placements through the graduate acceleration programme, five of which have already been filled, and has facilitated six undergraduate placements. In this way, you can build into the architecture of Departments training opportunities at Steps to Work, graduate and undergraduate level — in my Department, scaling that up to up to 200 a year. If that was replicated across Departments, we would see throughout government up to 1,800 or 2,000 placements every year — government using its own resources to provide training and work opportunities in times of economic need.

(Mr Speaker in the Chair)

As I mentioned, this legislation is a forward step, allowing councils to consider using social clauses in their contracts. I hope that councils will follow the example of government by building into their architecture Steps to Work, graduate and undergraduate training opportunities above and beyond social clauses.

Mr I McCrea: Will the Minister give way?

Mr Attwood: I will.

Mr I McCrea: This is an important issue, and it is something that councils should do. The Minister did not say, if I picked him up right, that councils “should”; it was that they “should be able to”. I hope that it is more the case that councils should introduce social clauses. Maybe he can clarify that point.

Mr Attwood: Well, my powers are limited. I do not have the power of instruction, much though I would like it, over councils, including one or two councillors. I will not name them on the Floor of the Chamber tonight; that is for another day quite soon, I can assure you. The point is a valid one. Councils should embed social clauses as part and parcel of their contracts and should do so at a threshold that results not in a very small number but in a larger number of work opportunities being provided. That is what I tried to do in DSD last year, and I would like to think that other Departments would follow in the wake of what DSD now does with the provision of social clauses in contracts.

In my view, social clauses should not be restricted to building and regeneration contracts; they should be part and parcel of contracts for supplies, services and consultancy. That is a matter that DFP has to take forward; I do not have competence for that either. We would build social clauses into all public spend, across all Departments and in all aspects of government spend. That is the responsibility that I think we should have. I have said that to the Minister of Finance and Personnel, and I have raised it at Budget subgroup meetings. That is where we need to go, as we remodel procurement in the interest of social clauses, social enterprise and social opportunities generally. Councils should be no different. In addition to social clauses and to that model, government, government agencies and councils should embed in their architecture the training opportunities that I outlined — Steps to Work, the graduate acceleration programme and undergraduate placements. That is an example of government using its spend to assist social enterprise and social opportunities for those who are out of work at a time when so many are workless. I ask the Assembly to approve the draft order.

Ms Lo (The Chairperson of the Committee for the Environment): It is my pleasure to speak on behalf of the Committee for the Environment on

the Local Government Best Value (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2012.

During its scrutiny of the Local Government Finance Bill in November 2010, the previous Environment Committee was keen to see the introduction of social clauses in the contracts that local government awards. The economic downturn had started to bite, and the Committee was keen for councils to be able to consider certain workforce measures when entering into public supply or works contracts. During those discussions, the Department advised the Committee that current regulations prevented the inclusion of such clauses but that it intended to lift the restrictions through the Local Government (Best Value) Act (Northern Ireland) 2002. The Committee welcomed that course of action and urged the Department to bring forward the necessary changes as soon as possible.

The Department drafted the relevant legislation and associated guidance and consulted all interested parties, including the Committee, in October 2011. The Committee received a synopsis of responses to that consultation at its meeting of 16 February 2012. The majority of the 11 respondents welcomed the proposed order and guidance, and the Department agreed to take on board suggestions that the Equality Commission put forward for improving the guidance. The Committee welcomed that, and it urged the Department to progress the necessary legislation as quickly as possible.

The Department presented the draft order for consideration by the Committee at its meeting of 7 June 2012. The Committee was diligent in its scrutiny of the legislation. It noted that the nature of the draft order meant that certain restrictions on what councils might consider when awarding a contract could be lifted but it did not compel councils to include social clauses in their contracts. Consequently, the Committee felt that it needed further information from the Department on how it would ensure that not only could councils introduce social clauses should they want to but that they would actually be delivered. The Department acted swiftly in answering the Committee’s queries and explained that, although under current law, it could not require councils to include social clauses in their contracts, it had brought forward the legislation at the request of councils, which had advised

that they wanted to be able to use them. The Department also noted that the use of social clauses in contracts depends on the scale and nature of the contract and that councils themselves are best placed to decide how they should be applied. Councils will also be able to ensure that social clauses are fulfilled through contract monitoring arrangements that will be developed with contractors and agreed within the terms of the contract. The Committee was satisfied with this information and felt that the order would help to strengthen the procurement process as a whole, with the aim of improving economy, efficiency and effectiveness, thereby putting the interests of the public first. As a result, the Committee agreed to recommend that the draft order be approved by the Assembly.

Finally, the Committee welcomes the fact that the Department has drafted associated guidance on the proposals that will issue by way of a local government circular. It also welcomes the Minister's encouragement to councils to consider what further scope they have to offer work, trainee or placement opportunities in their entire spend, along with his commitment to identifying how social clauses and related initiatives might be developed by his whole Department. As Chairperson of the Committee for the Environment, I recommend that the Assembly approves the draft statutory rule.

Mr Boylan: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fáilte a chur roimh an ordú seo, agus ba mhaith liom cúpla focal a rá faoin mholadh. I welcome the draft rule and will say a few words about it. Before I do, I thank the Minister for bringing it forward. I particularly thank his officials because, over the past two years, I have tortured them about this matter. This is a welcome addition to local authority powers. I pay tribute to councillors. This is the second statement to the House today on local authorities, and, in my experience on councils, they have done a lot of good work in relation to contracts down through the years. However, this gives them an additional tool.

The Minister mentioned trainees and apprenticeships, and he expanded to refer to services, the long-term unemployed and consultancies. I agree that there is an opportunity, and I recognise that, in some councils, whether we can use this type of model depends on the scale of the contracts involved. However, I agree that it should be used across the board.

Although I support the rule, I have questions for the Minister. Is there an opportunity to or has he considered how he will monitor the process to ensure that it is used as much as possible? He indicated that he may not be able to do that, but has he given it any consideration? That would be welcome, and, if introduced properly, social clauses will benefit the ratepayers, the people, the long-term unemployed and apprentices. So, in supporting the rule, I would welcome the Minister's response to that.

Mrs D Kelly: I welcome the Minister's proposals and congratulate him on his proactive approach to the introduction of social clauses, the Steps to Work scheme and programme-led apprenticeships in his Department. I hope that local councils follow his leadership on these issues. If possible, will he indicate what places are available through other Departments? At this time of difficulty in finding work, particularly for young people and the long-term unemployed, it is critical that government provides opportunities where it can.

Is there any risk of the use of social clauses being seen as a cheap alternative to full-time employment? What measures does the Minister have or hope to have in place to ensure that that does not become the case? Many people are anxious about that. I also hope that the Minister will be able to give us further detail on the monitoring of social clauses and how they are used across local councils.

He referred to some of the legislation and the framework within which local councils should operate. Perhaps he could say a wee bit more on that.

7.30 pm

Mr Attwood: I thank all those who contributed. As Anna Lo indicated, the Committee was diligent in monitoring and assessing these matters. That is the character of the Committee. I have said it before, and I will say it again: it is a very diligent Committee. It is a great Committee, it has a very good Chairperson and it fulfils its scrutiny role. Last Thursday, I was with the Committee for an hour or two. Unfortunately, Anna was not there that day because of the flooding in south Belfast. It is a very strong Committee that holds me to account, and the more the better. It sets good standards that other Committees might want to look at for best practice.

This is an important measure to enable councils to embed social clauses in their contract awards. Given that there are 26 councils and given the various scales of business that they are involved in, it is best to leave it to them to work through how social clauses will be applied. However, as I indicated earlier, guidance will be issued. I will ensure that that guidance also recommends best practice so that this does not go back into a council vacuum and so that people are advised on what might be best practice when it comes to the operation of social clauses.

I will ask officials to conduct a workshop, probably at a meeting of procurement officers from councils. Council procurement officers, who take the lead in taking forward procurement practice in councils, meet regularly, not least to look at opportunities to roll out the ICE programme and for sharing and collaboration among councils in an effort to get best value and reduce costs. A workshop at a meeting of procurement officers would present a number of opportunities, not just to establish best practice when it comes to social clauses but to find out how to embed in the life of the council what I am trying to do in the life of the DOE, namely scale up Steps to Work opportunities and graduate and undergraduate opportunities. I ask officials to take that forward. In that way, Mr Boylan's point about assessing where social clauses and other opportunities might go in the life of councils might be taken forward. Further to that, if the procurement group conducts a workshop, working with DOE, I would ask the councils to report back to DOE through the procurement group on how the roll-out of social clauses is or is not being achieved. I do not want to create a new architecture. I would rather use the existing mechanisms to have some reporting back through the DOE on how all of this is working.

Going back to Mr Boylan's point, social clauses should be deployed across the life of government spend for IT, supplies, services and consultancy, as well as capital projects that involve newbuilds or urban regeneration. In that way, we use the money that we have, especially in times of austerity, to create opportunities for people through public expenditure.

Dolores Kelly asked what other Departments are doing. That is a question for other Departments, but it might be interesting to table an AQ before the summer recess to find out how other Departments are embedding the Steps to

Work opportunities that exist. Fifty-one people have been identified. I am working with DEL on that, and I acknowledge its intervention. However, we are still 109 short — no, my sums are not right; it is 139 or 129 short — of the 180 target that we are aspiring to. I have a Steps to Work person in my private office. I think that Steps to Work persons should be working in all the private offices, because if I, as Minister of a small Department, can have 180 placements through Steps to Work, other bigger Departments will have a lot more opportunities than I have. In that way, we will use the architecture of government to help people who are in need. The same goes for undergraduates and graduates.

I hope that I have dealt with some of the questions that have been raised. I commend the draft Order to the Assembly.

Question put and agreed to.

Resolved:

That the draft Local Government Best Value (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2012 be approved.

Committee Business

Criminal Justice: Victims and Witnesses of Crime

Mr Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for this debate. The proposer will have 15 minutes to propose the motion and 15 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

Mr Givan (The Chairperson of the Committee for Justice): I beg to move

That this Assembly approves the report of the Committee for Justice on its inquiry into the criminal justice services available to victims and witnesses of crime; and calls on the Minister of Justice to implement the recommendations contained in the report as part of the new five-year strategy for victims and witnesses of crime.

As Chairperson of the Committee for Justice, I am very pleased to present this report for the Assembly's endorsement. It represents a very important piece of work undertaken by the Committee and aims to reform the services provided to and the treatment of victims and witnesses of crime.

I want to thank the members of the Committee for the detailed work that they undertook in relation to this inquiry and their contributions to it. I also want to thank the Committee staff for the work that they did to produce the report. In particular, I want to mention the Committee Clerk, Christine Darrah, and the Assistant Committee Clerk, Roisin Donnelly, who have spent weeks working on the report. It is a tribute to the work that they have put in that we have been able, finally, having launched the inquiry at the start of this Assembly session, to bring it to a conclusion. Christine and Roisin can, rightly, be proud of the work that they have done.

The Committee recognises the crucial role that witnesses, many of whom are also victims of crime, play in the criminal justice system. Their willingness to give evidence is vital to achieving convictions and ensuring that justice is seen to be done. Although work has been taken forward in recent years aimed at improving the services to and the experience of victims and witnesses who encounter the criminal justice system, including the introduction of a code of practice for victims of crime, revised guidance on

achieving best evidence in criminal proceedings and additional provisions for the use of special measures for vulnerable and intimidated witnesses in the Justice Act (Northern Ireland) 2011, it was clear to Committee members that fundamental issues and problems still existed.

The Committee, therefore, decided to conduct the inquiry that has resulted in the report before the Assembly today and in which the Committee makes 30 recommendations. The development of a new five-year strategy for victims and witnesses by the Department provides the opportunity to take forward the Committee's recommendations and make the substantive changes that are undoubtedly required in the criminal justice system.

During the inquiry, the Committee heard from and spoke to a wide range of advocacy and victims' representative groups and the main criminal justice organisations. We also spoke directly to individuals and families who have had first-hand experience of the criminal justice system. In addition, to inform its deliberations, the Committee took account of existing relevant reports and research papers and commissioned research from the Assembly Research and Information Service on particular aspects of the services that are provided to victims and witnesses.

Committee members visited a number of courthouses across Northern Ireland to view the facilities that are available to victims and witnesses. We also visited the West Yorkshire witness care unit to see the services that such units provide in England and Wales.

I want to put on record the Committee's thanks to all those who participated in the inquiry through the provision of written and oral evidence and the hosting of visits. In particular, the Committee wishes to acknowledge the invaluable contribution that was made by individuals, including victims of crime, family members of victims of crime and bereaved families, who agreed to take part in the process. The evidence that we received brought home to us the extremely difficult experiences of those who, under very unfortunate and sad circumstances, found themselves gaining direct experience of the criminal justice system in Northern Ireland. Members very much appreciated the fact that individuals were willing to recount their experiences for the benefit of the inquiry, even though it was often distressing

for them to do so. There is no doubt that hearing statements such as:

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

and:

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

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

The Committee recognises and values the crucial contribution that is made by Victim Support NI, the National Society for the Prevention of Cruelty to Children (NSPCC) young witness service and other voluntary sector organisations in steering victims and witnesses through the system and providing support and assistance when it is most needed. The collaborative approach that those organisations adopt with the statutory criminal justice agencies is excellent. The system would be a much colder place for victims and witnesses without them. However, despite assistance from voluntary organisations, victims and witnesses, particularly bereaved families, face significant difficulties with the criminal justice system and the criminal justice agencies, and, as is highlighted in the report, their experience of the process is often frustrating, demoralising and, on occasions, devastating.

The inquiry identified a number of key issues that clearly impact on victims and witnesses. They include the lack of status that victims and witnesses have in the criminal justice process, with little or no input or rights; the lack of dignity and respect that is shown to victims and witnesses during the process; difficulties for victims, witnesses and families in understanding the process; difficulties in obtaining information about their case; feeling unprepared for what lies ahead; the lack of support that is required to give evidence; the lack of emotional and psychological support services and practical assistance; the lack of a joined-up approach among criminal justice agencies; the lack of continuity of service in criminal justice agencies; poor facilities in courthouses; and the length of time that cases take to reach a conclusion, during which victims and victims' families lives are put on hold.

The Committee agrees with the view that was expressed by one individual:

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

Much more needs to be done to redress the balance in the criminal justice system and to ensure that the services that are provided to victims and witnesses and their experience of the criminal justice system are improved.

As I said, the Committee has made 30 recommendations that are intended to deliver the radical changes that we think are necessary. In the time that remains, I want to highlight a number of key recommendations. Engaging with the criminal justice system as a victim or witness or as a bereaved family is a daunting experience. When appearing before the Committee, the criminal justice organisations stated the importance of victims and witnesses and outlined the information and services that are provided for them. However, the rhetoric clearly does not match the actual experience of many victims and witnesses, as is illustrated by the evidence that we received from the advocacy and victim support groups and individuals.

The Committee recognises the fact that victims and witnesses have individual needs and that some will require much more support and information than others. However, fundamentally, all victims and witnesses are entitled to be treated with dignity and respect and to be provided with the appropriate level of information in a timely manner. As the criminal justice agencies have been unable to achieve that to date, the Committee wants a victim and witness charter that provides statutory entitlements to information provision and treatment to be introduced in the next available justice Bill, and we have set out the minimum entitlements that it should cover. We also recommend that the same statutory entitlements be afforded to bereaved families. These recommendations should assist to redress the balance in the system and ensure that the criminal justice agencies place appropriate priority on providing the services that victims and witnesses require and should be entitled to receive.

7.45 pm

There is also a need for all staff in each criminal justice organisation who interact with victims

and witnesses to clearly understand the impact that crime and the criminal justice system can have on them and to develop the skills and abilities to deal with them in an appropriate manner. We have, therefore, recommended mandatory training in the care and treatment of victims and witnesses for such staff. This is particularly necessary in the Public Prosecution Service (PPS), which, based on the evidence presented to us, in our view, requires fundamental cultural reform.

I now move to witness care units. The Committee members who visited the West Yorkshire witness care unit were very impressed with the approach adopted by staff in that unit and the resultant improved experience of witnesses. The Committee fully supports the introduction of witness care units in Northern Ireland, viewing them as an opportunity to provide a single point of contact for victims and witnesses in relation to their case, including co-ordination of support and services and the provision of timely information, which should greatly improve their experience of the criminal justice system.

Although it welcomes the Minister's commitment to establishing these units in Northern Ireland, the Committee has concerns about the proposed timescale and believes that it should be reviewed. The Committee does not want to see any delay or inertia, particularly by the PPS, which has the lead in implementing the units. The Committee has, therefore, recommended that witness care units covering all the court regions should be established by December 2013. The Committee also believes that witness care units should provide the single point of contact for as much of the process as possible. Consideration needs to be given to how provision can be extended from before the point of a decision being taken to prosecute to beyond the conclusion of the court case to include appeal and post-conviction information and support.

One of the major concerns that recurred throughout the inquiry was about how the criminal justice organisations communicated with victims and witnesses and about the quality and timeliness of the information provided in individual cases. The Committee heard many examples of failure in communications, with victims and witnesses left feeling confused, frustrated and ill-informed or not informed at all about the process in general and their

particular case. The manner of some of the written and verbal communication that did take place resulted in victims and witnesses feeling undervalued, sidelined and an inconvenience to the process. That is simply not good enough, and the Committee has, therefore, recommended the establishment of clearly defined communication procedures for each criminal justice organisation that set out the information that must be provided to victims and witnesses and the timescales for the provision of it. Key to this is the requirement for the organisations to adopt a proactive approach to the provision of the information; to tailor the information to meet the needs of individuals; and to provide opportunities for individuals to seek clarification and further information throughout the process.

The Committee is also determined that each criminal justice organisation accounts for the delivery of the services that they are required to provide, which is currently lacking. For this reason, the Committee has recommended that corporate and business plans should reflect the organisations' commitment to, and actions for, improving the services provided to victims and witnesses. Measurable standards and mechanisms to monitor and assess delivery and satisfaction levels on an annual basis need to be introduced.

I now turn to the facilities for victims and witnesses in court. It is clear from the evidence we received and our observations when we visited various courthouses that many of the court buildings are not conducive to the needs of victims and witnesses. Difficulties faced include lack of facilities; lack of privacy; proximity to the defendant and/or their supporters; in some courts, overcrowding due to the volume of business being conducted; and the lack of a proper system for scheduling the timing of witness attendance.

Although we recognise that there is unlikely to be large amounts of capital funding available to deliver wholesale physical changes to courthouse layouts or to build brand new buildings, the Committee believes that improvements can be made to the facilities and rooms provided for victims and witnesses. Clearly, improvements can also be made to the scheduling of witness attendance. We have, therefore, recommended that an evaluation of the facilities provided for victims and witnesses in all courthouses is carried out as part of the

review of the courts estate, which was recently commissioned by the Minister, with the aim of identifying specific improvements that can be made to provide comfortable and fit-for-purpose facilities.

We also want to see the introduction of a maximum waiting time for witnesses; the undertaking of an examination of the current management of the facilities; whether the dependence on volunteers is appropriate and properly funded; and how a collaborative approach with the witness care units can be developed.

The adverse impact that the length of time that it takes for cases to go through the criminal justice system has on victims, witnesses and bereaved families, many of whom are unable to move on while they wait for the criminal justice process to be completed, was an issue that was consistently highlighted. Although delay is a common complaint about the entire criminal justice system process, one of the key frustrations for victims and witnesses is the length of time that court cases take and the number of postponements or adjournments that frequently occur. The Committee shares that frustration and believes that the implementation of our recommendation that case management be placed on a statutory footing in the next available justice Bill will assist the judiciary in ensuring that cases are effectively progressed and will have a positive effect on addressing delay and, ultimately, on the experiences of victims and witnesses.

The Committee disagrees with the Department's approach of waiting to assess the impact of the Lord Chief Justice's practice direction for case management in the Crown Court before considering the option of legislating. Delay has been ongoing for much too long, and substantive action is required now. There is no excuse for the example that we heard from a bereaved family, where it took two years and 10 months for the verdict to be delivered in the case of the murder of their mother. On the same day in England, the verdict was given in a murder case that had occurred 10 months previously. I hope that the Minister will support that recommendation.

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

Mr Givan: Hopefully, I will get an intervention from someone, and I will be able to conclude.

There are another couple of points that I had hoped to make. It was a nine-month report.

Mr Ford (The Minister of Justice): Will the Chair give way?

Mr Givan: I will give way if I am allowed.

Mr Ford: I am happy to give the Chair the assurance that he was seeking about looking at the principle, although he might be a little bit cautious about expecting too much detail.

Mr Speaker: I appreciate where the Member is coming from, but he does not have an extra minute. Hopefully, we can move on very quickly. I have some sympathy for the Member.

Mr Lynch: Go raibh maith agat, a Cheann Comhairle. If the Chair gives me his notes, I will use them.

As a member of the Committee, I support the report. I thank all those who participated, particularly the victims and the representatives of victims. For some of them, it was not easy to take part in the process, and I put on record my and my party's thanks for that. I also thank the other Committee members and the officials, who put together a fairly heavy programme of work, with events and meetings over a short period. I thank them for putting together a fairly comprehensive and well-done report. From a personal perspective, it was one of the best pieces of work that I have been involved in since coming to the Assembly 14 months ago. The inquiry was a real eye-opener, and it brought home to me the experiences of victims and witnesses of crime, and it showed the imbalance that there is between one side and those people who have been affected by crime.

One statement resonates with me, and it goes back to the first meeting that we had with a family whose mother was murdered slightly before Christmas. The family had been told that they had no role to play in the justice process. We could have written the complete report based on the two hours that we spent talking to that family. All that is wrong with the justice system for victims and witnesses of crime came out in that meeting. We heard that there was no communication, that a lack of dignity and respect was shown and that the different agencies had a silo mentality. We heard of badly laid out court buildings and of delays in the case. That family found out information only because they were persistent and would

not say no. They got quite a bit of information because they built relationships with particular people, and some people in the justice system felt compelled to give them some information. Families and victims of crime should not have to do that. The system should support families. In many cases, their experiences and traumas were compounded by what happened when they were confronted with the justice system. It was very unfortunate that most of them found themselves in that position. Those were sad circumstances; it was only when the reality came that they realised the difficulties.

I support most of what the Chair has said about the report and its recommendations. I support the introduction of a charter for witnesses and victims, which needs to be given a statutory footing. I went over to Bradford with the Chair and other members to see the work of one of the witness care units. I came back with the view that it is essential that witness care units be established soon. I know that the Minister has given a commitment, but he needs to move immediately and implement those units. We visited Laganside Court, which is a new building, but it is badly laid out. We were not there when court proceedings were going on, but somebody said that it was like a cattle mart.

With regard to delays in the justice system, that particular family could not understand how, in the case of Joanna Yeates in England, within 10 months of the crime happening, the person had been convicted and sentenced and the case was over. Over here, it took two and a half times that. One of the big difficulties that we find in the criminal justice system in the North of Ireland is delay. One reason for that delay is the silo thinking between the different agencies. I ask the Minister and his Department to take a hands-on approach and bring about —

Mr Speaker: The Member's time is almost up.

Mr Lynch: — greater and proper joined-up thinking. I ask the Minister to implement all the recommendations.

Mr Hussey: I am pleased to speak on the last piece of business of the Assembly before the summer recess. My colleagues Basil McCrea and Tom Elliott have been involved in the progression of the Justice Committee's important inquiry into criminal justice services available to victims and witnesses of crime in Northern Ireland, and it is my intention to draw out some of the points highlighted in the report.

Before doing so, I commend the Committee and the officials, as well as the numerous organisations and individuals who contributed to the production of such a detailed piece of work.

I firmly believe that our criminal justice system should adopt a victim-centred approach from the time a crime is reported, through the court process, and beyond. To that end, I am pleased to note that much work is being undertaken to ensure that victims and witnesses of crime are given sufficient help and support while they are involved with the criminal justice system.

The work of Victim Support Northern Ireland should be highlighted, given the high level of assistance that it provides to victims and witnesses. That charity offers a free, confidential and independent service to approximately 30,000 people affected by crime every year. The breadth of service offered by Victim Support Northern Ireland should not be underestimated, as it deals with victims by offering emotional support, information or practical help. It also helps victims who are going through the stressful experience of court.

A positive development is the code of practice for victims of crime, which was introduced in 2010 following a consultation by the Department of Justice. It is important that the various criminal justice agencies and organisations have minimum standards to comply with, which means that victims and witnesses can have reasonable and informed expectations of the criminal justice system.

Revised guidance has been issued on achieving best evidence in criminal proceedings. That ensures that, for example, police officers, social care workers, legal representatives and therapists have the appropriate support and comprehensive guidance so that they achieve best practice within the context of criminal proceedings.

The Justice Act, which was passed towards the end of the previous Assembly mandate, included a number of measures for victims and witnesses, such as the introduction of an offender levy to resource a victims' fund to be used exclusively for funding services for victims of crime, as well as extending a number of special measures for the giving of evidence by vulnerable and intimidated witnesses.

Despite some of the obvious good work that is being done, the report also highlights a

number of areas where change is necessary. The main area that I want to comment on is the delay within the criminal justice system. The report clearly recognises the major impact that that has on victims and witnesses, and the Justice Committee is of the view that any avoidable delay between an incident occurring and the conclusion of a case must be tackled as a matter of urgency. A statutory case management scheme was mentioned in the report as a potential remedy to that problem. However, I note that the Committee expressed its disappointment in the report that the Department of Justice has declined to accept that. Perhaps the Minister will use the opportunity today to explain the rationale behind his decision.

8.00 pm

Provisions in the courtroom setting also play an important part in ensuring that victim and witness needs are met. One of the issues raised in the report was the fact that court buildings are not up to an adequate standard, and given the difficult economic climate, that is a challenging situation for the Minister to deal with. However, I ask him to outline what his plans are to address that lack of facilities.

In conclusion, it is difficult to set out all the issues contained in the report in such a limited time. However, again, I commend the Committee for its work.

Mr A Maginness: I commend the report to the House. I thank the Chairperson for his leadership in relation to this report. He gave a particular drive to the inquiry, and it is important to note that. I also thank the Committee staff, in particular, the Clerk, for her Trojan work in relation to the report. Besides this report, the Committee produced a mini report in relation to the Northern Ireland Judicial Appointments Commission and a formidable amount of work in ordinary session. Therefore, the Justice Committee did a tremendous amount of work. The Justice Committee is an outstanding Committee in this House, second only to the Enterprise, Trade and Investment Committee — *[Laughter.]* — which, as you know, Mr Speaker, is the best Committee in the House.

Much of the evidence gathered by the Committee was moving and, at times, heart-rending. It was reflective of the experience of victims of crime, who were bewildered by the

system and were lost in the system, and if you read the report carefully, you can see that.

This is a very important report, and I say that as an ex-practitioner in the criminal courts. I think that the problem is — or was, because I think that the circumstances have changed now — that victims were not seen as central to court proceedings. They were seen as being “over there”. They were mentioned but there was no real focus on them. This very fine report puts a focus on the victim and witnesses, but, in particular, the victim. It is a very important report from that point of view. Many of the recommendations are common sense and are not particularly radical or novel, but the genius of the report is that all the information has been gathered together, the experiences of witnesses and victims have been collated into one document, and the recommendations have been consolidated so that we have a very clear narrative of what needs to be done to assist victims and witnesses in our court system.

Victims and witnesses will never be central to the administration of justice, because it is an adversarial system where you have the state, the prosecution and the defendant. Of course, the defendant's rights must be protected, and the rights of society must be protected in respect of the prosecution, and so forth. However, victims have a very important role within that system.

What the report does is emphasise the importance of recognising victims in the system. It has to be said that the central proposition here is a statutory charter for victims. It is important that the various elements in the charter be recognised because they are very important. One is dignity, and another is receiving information. That is hardly earth-shattering, but people were not getting information. I think that things have changed, and the PPS and other agencies have recognised that in recent years. I do not think that it is just a rhetorical commitment to helping victims and witnesses. I think that they really intend to do that. The report very sensibly outlines the things that need to be provided, such as the single point of contact, which Mr Lynch referred to; timescales for information; special measures; flow charts; and facilities in courthouses. I have to say to the Minister in particular that I am unconvinced that we really have the capacity for all those things.

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

Mr A Maginness: I pointed that out to the Minister during the discussion about the extension of the County Court jurisdiction.

Mr Speaker: The Member's time is gone.

Mr A Maginness: I commend the report to the House.

Mr Dickson: Like others, I begin by thanking the Committee Chair, the Deputy Chair, the Clerk, the staff and those in the Research and Information Service for the hard work that went into making the report possible. Without that support, it would not have happened, and we would not be here with the report tonight. We are also grateful to everyone who came and gave evidence, who wrote to us and who hosted our visits.

It is certainly clear from the various evidence sessions that there is a lot of good work and good practice by voluntary sector organisations such as Victim Support, by statutory agencies and by individuals in both those groups who often go above and beyond the call of duty. The progress of recent years was also apparent. This report in no way denies or denigrates the positive changes that have already taken place. However, what was clear is that our criminal justice system remains a very difficult place for victims and witnesses.

It was sad to hear, as is mentioned in the report, that the trauma of being in court for whatever reason is often exacerbated by the system. The system should be regarded as a place of refuge for victims of and/or witnesses to crime. It should be a place where they are shown dignity and respect, kept well-informed, given appropriate levels of support and, at all times, made to feel comfortable. There are obviously many points that I could touch on this evening, but as time is restricted, I will just mention a few.

I am delighted at the first recommendation to have a victim and witness charter with statutory elements that will provide certain rights and will, hopefully, improve experiences of the system in the future. I have advocated a statutory charter. It is something that I have been working for and championing during my time on the Justice Committee. I look forward to seeing further progress on that recommendation.

Secondly, I want to welcome the recommendations with regard to delay in the criminal justice system. During the inquiry, it became apparent that there were many instances of avoidable delay that had a negative and devastating impact on victims and witnesses. I know that the Minister is keen to see that problem remedied as part of his wider objective of speeding up the justice system, in aid of which he has already taken a number of very positive steps.

I would like to make a final point about one of the recommendations in respect of the provision at courthouses. A few months ago, while accompanying a witness to court, I experienced at first hand some of the problems that exist in our newest courthouse at Laganside, where it was difficult to separate the witness from the accused. It was also virtually impossible to leave the court by a separate entrance. All that happened in a new building that was designed to be a modern courthouse in Northern Ireland. How much more difficult is it for victims and witnesses who attend some of our older courthouses?

I once again want to thank all those who were involved in putting this report together. It was a pleasure, and also a deeply moving experience, to meet many of them as they spoke to us and told us their stories. I was delighted to meet a number of them again this afternoon. It is now over to the Minister and the Department to take those recommendations forward. I look forward to what the Minister has to say to us.

Mr Wells: It always very useful to follow Mr Dickson because he has the ear of the Minister, and, therefore, you get a very clear indication of how the Minister is going to react because Mr Dickson tends to be the warm-up act. So, I suspect that the Minister will enthusiastically accept the report, and we have had an indication of what is coming.

The judicial system needs witnesses. Without them, it would collapse. There is very little prospect of prosecutions in many cases without witnesses being prepared to come forward and be helpful to the Police Service and the judiciary. Victims and witnesses must be treated with dignity and respect. I suppose that I have had the unique experience of being someone who has been prosecuted, prosecuted someone else, and also, on other occasions, been a witness. Therefore, I have had very direct involvement in the court process. I have to

say that, even with my background, I found the whole process extremely intimidating. Now, if it is intimidating for me — and, I suppose, even my worst enemy would not call me a shrinking violet — what must it be like for a younger person or an elderly gent or lady who has been asked to give evidence in a court case? It must be absolutely terrifying, and, therefore, we must have a system that puts witnesses at their ease and encourages them to come forward, rather than the normal process whereby they have to be dragged, screaming and kicking, to the court case.

Mr Girvan: Will the Member give way?

Mr Wells: Certainly.

Mr Girvan: I thank the Member for giving way. The area that he now speaks about concerns the final point that I wanted to raise. The Committee made six recommendations around that area, and I know that the Member is aware of that. They include the introduction of:

“a comprehensive formal assessment process ... to identify the needs of individual victims and witnesses in relation to special measures and other support requirements at the earliest stage and the assessment revisited and revised as necessary as the case progresses.”

Another recommendation was:

“In relation to serious crimes resources should be provided for practical support services including trauma counselling. These should be available from the crime occurs, throughout the process and beyond if necessary.”

The types of measures that we recommend will ensure that witnesses can give their best evidence and also that victims will get support throughout the process. So, those recommendations, in conjunction with all our other recommendations, will go a long way to ensuring that we have a new system that will support victims and witnesses.

I am grateful to the Member for giving way.

Mr Speaker: The Member has a minute added onto his time.

Mr Wells: Mr Speaker, there is nothing to beat a spontaneous interjection during my speech.

Witnesses and victims should clearly know what is happening. They cannot be left out on a limb or sidelined. Like other members

of the Committee, I visited Bradford to see how the West Yorkshire Police dealt with that issue. I must say, we all came away extremely impressed with the witness care unit that we saw in action. We could see that they had taken things to a totally different level compared with this part of the United Kingdom. We could learn from that best practice. I would like the Minister to indicate that he is prepared to go down that line. In fact, I know that is coming because I have heard it from Mr Dickson already.

I also agree with Mr Dickson, on this occasion, about courthouse architecture. Most of our courts were built at a time when the needs of victims and witnesses were at the very bottom of the ladder. Some of the older buildings, like that at Downpatrick, simply do not lend themselves to good treatment of witnesses. It is regrettable, and I agree with Mr Dickson, that the state-of-the-art, multi-million pound facility in Chichester Street in Belfast seems to have been built, at vast expense, with absolutely no regard whatsoever for the needs of witnesses. I have been in that court on several occasions, and I must say that it is like a Turkish bazaar, with witnesses and those who are being prosecuted milling around. Of course, in that situation, there is often a large retinue of supporters of the criminal in court, and that can cause great problems for witnesses who feel desperately intimidated by what is happening.

8.15 pm

I support entirely the proposal for a statutory framework for case management and a charter for witnesses and victims. I would like to think that, by the time this process is finished, someone will feel that there is no impediment whatsoever to their coming forward and giving evidence and that they will feel relaxed, informed and valued. The result of that will be that more criminals will be put behind bars, because people will feel free to come forward.

I have experience in my constituency of constantly trying to get people to come forward to give evidence. They have heard all the horror stories of people being confronted by witnesses from the other side and by supporters of the person who has been charged. We need to put that situation to rest. We need a modern system where people feel valued in the court system.

I am sure that the Minister will be impressed by the unanimity of the report. I should add that I am on the Committee, but you may notice that

I am not listed in the report as being on it. That may suggest a prophesy that I am about to be removed from the Committee, but I assure the Minister that I am on it, and that, like every other member, I support the report.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. I was one of those members who, unfortunately, came to the Committee rather late. However, I have incorporated some of my thoughts into the observations that I will make today. Obviously, my colleague articulated his view of how well and thoroughly the Chairperson chaired the Committee, and I thank him for that.

The Justice Committee's report on the inquiry into the criminal justice services that are available to the victims and witnesses of crime in Northern Ireland may have just missed the opportunity that the most recent Justice Act has provided. The inquiry's first recommendation, which is for a victim and witness charter, should be progressed as soon as possible. The practical measures that the report recommends to ensure that that charter is followed are sensible and thorough. The aim of the Committee's inquiry was:

"to identify the outcomes that the Department of Justice's proposed new strategy for victims and witnesses of crime should deliver and make recommendations on the priorities and actions that need to be included in the plan to achieve these."

I believe that the Committee has been successful in that aim.

It should be noted that the Committee recognised the valuable work that has been done by Victim Support NI, the NSPCC young witness service, as well as other voluntary sector organisations, in steering victims and witnesses through the system. Despite those organisations' best efforts, the issues that the Committee identified on the status and treatment of victims and witnesses are, and remain, of serious concern.

That victims of crimes and their families felt like by-products of the system is a damning indictment of the criminal justice services. That is perhaps the core message of the report, and in reforming and modernising criminal justice services, we need to focus our attention on that area. One individual who is quoted in the Committee's report said:

"The defendant has rights, and that is how it should be. The defendant has a right to a fair trial,

and I am fully in favour of the rights of defendants, but that should not entirely exclude some rights for victims and the families of victims. That is really important. It is not an either/or, it is a both."

As Victim Support NI told the Committee, the organisations that are involved need to demonstrate more emotional intelligence when dealing with victims and witnesses. That means treating victims and witnesses with dignity and respect, maintaining consistent levels of contact and communication and providing timely and appropriate information through the process of investigating and prosecuting a case. It also means identifying the needs of, and providing the appropriate support for, individual victims and witnesses of crimes. It seems clear from the Committee's work that a system has been allowed to develop in which the detail and quality of the information that is provided to victims and witnesses is inconsistent and ad hoc across the organisations that are involved. Indeed, I experienced that very recently through a constituent. There is also confusion over responsibility for communicating that information. As the report states:

"it is apparent that there is no clear understanding of the level of service that victims and witnesses are entitled to and who has responsibility for delivery."

That needs to change.

One worrying aspect of the criminal justice services that the inquiry uncovered concerned the provision of witness care units. It was generally acknowledged to the Committee that those one-stop shops will be key in managing the early identification of vulnerable and intimidated witnesses, securing appropriate support services and ensuring that information is communicated more effectively to victims and witnesses, thus improving the services that are provided. In fact, Criminal Justice Inspection recommended just such an initiative in its 2005 report 'Improving the Provision of Care for Victims and Witnesses within the Criminal Justice System'. As the Committee's report notes, it was to be:

"a single point of contact to the criminal justice system to assist victims and witnesses with information on progress of cases and referrals to bodies for specialised support."

By December 2011, despite the recommendations being accepted and included in strategic action plans, the initiative had still not been progressed.

The Minister of Justice has now committed to taking forward the work on establishing witness care units. That is to be welcomed. However, despite that commitment, a pilot scheme for a witness care unit to deal with Magistrates' Courts, youth courts and County Courts in the Belfast region will not be commenced until autumn this year. Rolling that scheme out for the Crown Court in the Belfast region will take until March 2013. Surely that timescale needs to be reviewed.

Mr Speaker: The Member's time is almost up.

Mr McGlone: If the Assembly approves, let us ensure that we do not see similar delay in implementing the recommendations in the Committee's report.

Mr Weir: I join others in welcoming the report. First, I add my congratulations and thanks to both the Chair of the Committee and the Committee staff. Perhaps the only criticism I could make is that, as highlighted earlier, through some collective amnesia, the Committee seems to have omitted Jim Wells's name from the foreword to the report. I had a fear when that was pointed out that Jim had somehow joined a witness protection programme, but, obviously, his presence today shows that it is a mere clerical error and that Jim is alive and well and with us in full body and spirit.

The report is very extensive. I urge Members not simply to read the report but to read the background evidence as well. It shows how far we have come within the justice system and a lot of the good work that is being done. It also highlights a range of areas in which there is further progress to be made. Above all, it highlights the advantage of having a Department of Justice in local hands, because the opportunity to have a debate like this, to have a Committee scrutinising this, and to have a Minister responding on it, and, indeed, to progress and implement many of the recommendations, simply would have been lacking a number of years ago, when, essentially, we would simply be a discordant voice crying towards a direct rule Minister. That highlights the significance of this.

I am the first to acknowledge that there has been a lot of progress in the right direction as regards changes. I take on board what Mr Maginness said earlier: that, given the nature of our adversarial situation — like Mr Maginness, I am also a former barrister — it is impossible

in many ways to put the victim absolutely at the centre of the legal judicial system. The key message coming from the report is that we need to be much more sensitive to victims' needs.

As was stated earlier, I doubt whether anybody will find anything in the recommendations that is rocket science or anything that will startle people from outside. However, there is a large pool of common sense within the report. The one thing that cries out from it is that we are hearing the authentic voice of the experience of the victims. The Committee took a long period and many opportunities to hear directly from victims about their personal experience. In the many years that I have been involved with the Assembly, I cannot think of a report that so authentically reflects the voice of people at the front line, which is what this does.

Turning to a few of the recommendations and highlighting the needs of victims, placing a victims' charter on a statutory basis was welcomed across the Committee, and that can, hopefully, place the needs of victims at a higher level. Similarly, one of the first sessions that we had, which struck me, was on the issue of delay in the criminal justice system. We met relatives of a murder victim. It was a very telling statistic that their case had been brought to a conclusion on the same day as a high profile case in England. The difference was that the dates of the murders were exactly two years apart, with the case in Northern Ireland obviously taking a lot longer. I know that considerable work has been started by the Department of Justice to try to speed up the process.

I urge the Minister to look at the recommendation made by the Committee and the Criminal Justice Inspection (CJI) that, if we are going to consider statutory time limits, albeit with protections for the criminal justice system, a case management system should also be placed on a statutory footing because the two go hand in hand. It is important to provide justice in an appropriate timescale.

The Committee also felt that greater clarity and certainty is needed around participation, and the Department of Justice has embraced that. The victim impact statements and reports that have been developed in recent years have been quite useful. However, there is a feeling that they need to be more clearly focused in the future. That is one example of an area in which there has been good progress, but further

work remains to be done. Above all, we must ensure that there is a flow of information to victims. They must not be seen as secondary or superfluous to the overall system but kept well informed. That was a consistent criticism —

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

Mr Weir: There is plenty of meat in the report, and I urge Members, albeit at this late hour, to take it away, read it and ensure that we get full implementation. I commend the report to the House.

Mr Speaker: I call on the Minister to respond to the debate. Minister, you have 15 minutes.

Mr Ford: Thank you, Mr Speaker, although I suspect that at this late hour, it would be appreciated if I did not take the entire 15 minutes. I welcomed the decision by the Justice Committee to conduct the inquiry into the services for victims and witnesses of crime, and I was pleased to take receipt of the Committee's report on what is clearly an extremely important piece of work, as shown by the attendance in the Chamber even at this hour of our last sitting day. The issue resonates with all parts of our society. How we treat those who have been harmed by crime is the ultimate test of a criminal justice system, and I commend the Committee's thorough approach to its work.

The Committee consulted widely and looked carefully at all available evidence in developing its conclusions. Its work has been informed by the thematic inspections undertaken by the Criminal Justice Inspection while the inquiry was under way, as well as research that was originally commissioned by my Department. The report quite rightly acknowledges the invaluable contribution made by those individuals who talked about their personal experiences, some of whom, as we heard, endured absolutely traumatic and difficult circumstances. I also thank all those who gave evidence and told their stories to the Committee, because those personal testimonies will be vital as we look to improve the services available to all victims and witnesses.

Prior to the Committee's decision to undertake the inquiry, my Department had started work on a new strategy for victims and witnesses. I asked for that work to be put on hold while the Committee completed its inquiry, and I gave a commitment that the Committee would help to shape the new strategy for the Department.

I am pleased to see that the main themes in the Committee's report are very close to the preliminary work that had been done in the Department. Of course, that should not come as any great surprise to us, since we have been drawing on the same evidence base and meeting the same stakeholders. I have also received many letters from victims of crime and have met some of them personally, but it is reassuring to know that the wider exercise carried out by the Committee has shown that the work done in the Department to date is focusing on the right issues for all of us.

The clear message from the report is that all victims of crime need to be treated with dignity and respect. I absolutely agree. That should be part of the normal business of all front line agencies; it should not be something that is merely tacked on to the existing job of another member of staff. Another strong theme was the need for better communication with victims and witnesses. Again, I entirely agree. I want a seamless criminal justice system in which all victims and witnesses get the information that they need when they need it and in which they are able to participate as fully as possible in criminal proceedings. That must include, in particular, those who have been bereaved through crime. No one chooses to become a victim of crime. For many, the experience can be difficult; for some, it can be absolutely traumatic. Engaging with the criminal justice system should not add to their distress unnecessarily.

I welcome the fact that the report makes a number of recommendations on how those and other important issues should be addressed. In the time available since the report was passed to me, I have not been able to reach firm views on all its specifics. The Committee has packed a lot into the report's 54 pages, and I have not been near the CD yet to read the supplementary evidence and the 30 recommendations.

Many of the ideas put forward will need to be discussed with delivery partners in every part of the criminal justice sector, but I am certainly happy to give an undertaking of my support for the general thrust of the report.

8.30 pm

I am also happy to honour the commitment that I gave previously that the report will be used substantially to inform our new strategy for victims and witnesses of crime. Indeed, some of

that work is already under way. Preliminary work on establishing witness care units, improving the use of victim impact statements and reports and enhancing the support available to vulnerable victims and witnesses, for instance, is under way. I believe that we have made a good start since devolution, but it is absolutely the case in this area that we can always do more.

I will turn briefly to some of the points that were made. You will be pleased to know that I will not go through all 30 recommendations. Recommendation 1 called for the establishment of a charter for victims and witnesses on a statutory basis. I can certainly accept that in principle because I think that that fundamentally underpins every other part of the report. However, with the forthcoming EU directive on the rights of victims, we will need to be careful that we ensure that we have something that carries through properly. In the context of being held to task by Stewart Dickson and Jim Wells, it is absolutely essential that I should give the commitment to recognise that.

I can sympathise with what was said by those who have experience of courts, from my professional background as a social worker and my experience of giving evidence as a witness. It can be extremely traumatic for anyone, even when you are simply involved in a civil case. We need to ensure that we provide the best possible experience. Remember the point that was made by Alban Maginness and echoed by others: in a criminal prosecution, the victim can never be entirely central to the process. However, we must ensure that the victim is as near to the centre as can possibly be arranged, and we must ensure that the victim is treated much better than has been the case so often in the past. That will involve such things as the single point of contact, which Seán Lynch mentioned, and the provision of witness care units to ensure that we maximise the value of what is being done there.

We also need to ensure that the needs of victims are taken into account in the points highlighted initially by the Chair, in particular, and then by other Members, around the court estate, the difficulties that we have there and the wider strategy that we are currently working on to develop the court estate. We also need to recognise that we are working at a time of extreme financial stringency and that we cannot wave a magic wand and provide all the facilities that we want in every courthouse in Northern

Ireland. So, we will need to ensure that we do what we can do as fast as possible and as well as possible. I think that that is another example of where opportunities are arising.

Ross Hussey mentioned, and the Chair highlighted, statutory case management. I want to put on record that I have not rejected the concept of statutory case management. The reality is that that came up in a thematic report from CJINI in December of last year, just at the point when the Lord Chief Justice had announced his own initiative. At that stage, when we had no legislative vehicle to look to statutory case management in the immediate future and when there was an initiative under way involving the judiciary, it would have been rather dubious to suggest that we were embarking immediately down the statutory route. I have, however, continued to discuss the issue of statutory case management with the Lord Chief Justice, and I discussed it earlier today with the director of access to justice. We are looking at how that might work in conjunction with the work already being done by the Lord Chief Justice. It is, therefore, certainly not an issue that has gone away; it is certainly not an issue that I have rejected. I think that that is an example of the kind of partnership we need around these issues.

I believe that we have seen very significant progress over the past couple of years. There is clearly much more to be done on the sort of issues that people have highlighted about speeding up the justice system, which remains a problem, despite significant effort. I believe that the fact that we are now looking at statutory time limits for young people is an example of where progress is starting to be made. There will be initiatives announced around that, but it is an issue on which people will want to see greater progress. The concept that a case can take two years and 10 months to come to trial in Northern Ireland, when the equivalent case in England and Wales takes 10 months, as has been highlighted by a couple of Members, is something that we must all seek to avoid if we are to help reduce the trauma suffered by victims in those circumstances.

Today, around the Chamber, we have clearly heard the voice of the victim. In the Committee's report and, I hope, my response to it, our commitment to seeking to listen to that voice and to ensuring that we make progress in the experiences of victims and witnesses has

been absolutely clear. I am fully committed to continuing to work collaboratively with all those who have a role to play in the Assembly; very specifically, the Committee; the various leaders across the justice sector, such as those who are now working as victims' champions across the agencies; and our partners in the voluntary sector, particularly in Victim Support and the NSPCC. I am committed to responding positively to that call from Members. The Department will continue to analyse the report over the summer, and we will draw on its findings to prepare the draft five-year strategy for victims and witnesses of crime. The report may not be unique in what it says, but it does very carefully draw together, in a short, coherent and cogent document, the lessons that have been drawn by the Committee that will closely inform the work of the Department.

I plan to launch a consultation on the new strategy in the autumn, and I am happy that officials continue to engage at an early opportunity with the Committee as to how the detail of that work is being carried through, building on the work that the Committee has done in the report. I also add my thanks to the Committee, the Chair, the Deputy Chair and the other members, and in particular the staff, who on occasions like this have done all the work, as well as my staff — four of them sitting in the box at this time of night — to show that their work to improve the experiences of victims and witnesses is absolutely real. It is a commitment by the Assembly, the Committee and the Department. As Peter Weir said, we have an unprecedented opportunity to show that devolution is working for the people of Northern Ireland, and I am determined to build the partnership that makes that happen.

Mr Speaker: I call Raymond McCartney, Deputy Chair of the Justice Committee, to conclude the debate. The Member has 15 minutes.

Mr McCartney (The Deputy Chairperson of the Committee for Justice): Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom fáilte a chur roimh an tuairisc seo. I commend the report to the Assembly.

Although this may be the last piece of work of this Assembly term, I have no doubt that it will inform not only the Justice Committee but, I am sure, the Department and indeed the Assembly and wider society as we take forward the need to address the issues in the report.

As stated earlier by the Chairman, the report is the result of much detailed and painstaking work and, indeed, poignant testimony. I add my thanks, and indeed the Committee's thanks, to the Committee staff. The Chairman has already mentioned the good work of Christine Darrah and Roisin Donnelly, who sometimes are the hidden people when these reports hit the Floor of the Assembly.

Alban Maginness acknowledged the role of the Chairperson, Paul Givan, and I want to do so again, on behalf of the Committee, because he provided leadership and drive. The first draft terms of reference were set by the Committee on 29 September, so it was early in the new mandate. This is the type of work that will carry us forward.

As other Members acknowledged, it would be remiss of us not to acknowledge the valuable contributions of those who gave evidence to the Committee. In particular, the many agencies that we spoke to gave us their professional perspective, but all of us stand in awe of, in particular, those who were victims of crime — or who were bereaved and whose family members were actually victims of crime — because they described in very articulate terms the effect that their encounters with the justice system had had on them. Indeed, the report illustrates the nature of those encounters, which was all too often frustrating and demoralising.

I heard phrases being used here tonight to describe such testimony. It was simple things: they felt lost in the system, bewildered, left out and ill informed. Indeed, the demands that they were making and the demands that they felt — demand may be too strong a word — but the things that they felt should have happened that did not happen were simple things also. They wanted to be informed; they wanted to feel part of the process. Many times they argued — that is why we were impacted and why it is one of our recommendations — that there should be a single point of contact.

Seán Lynch and Peter Weir made that point in their contributions. All of us came away from the first evidence session knowing that many of the issues raised by the witnesses at that first encounter could have set the parameters. Seán Lynch said that we could have nearly written the report after that first encounter. I think that that is a fair point, and it stands in good testimony to those who contributed to that first session

and how they articulated their encounters and experience in a very modest yet very forthright and informing way.

The report makes a number of recommendations — I think there are 30 in all. However, for me, the first four recommendations encapsulate the main thrust of what we are trying to achieve. The case has been made very well in the report for the need for a victims' charter. It is compelling, and I welcome the fact that, in his contribution, the Minister accepted that in principle. On Thursday, the Committee will get an outline of the faster, fairer justice Bill, and I note that there is a recommendation from the Department for the code of practice — not a victims' charter — to be put on a statutory footing.

Earlier this afternoon, the Minister addressed some of the issues in the Criminal Justice Bill, and he made the point about the good relationship that exists between the Department, departmental officials and the Committee. That good relationship also existed between the Committee and those who contributed to the report. It is with, perhaps, that spirit in mind that the challenge for us in September and onwards will be to try to find an agreement in principle. The Committee's view is that there should be a victims' charter, and the Department wants to place the code of practice on a statutory footing. Perhaps we can come up with a way forward that will ensure that both of those things can be delivered. That is important.

I do not intend to itemise each and every thing that Members said during the debate. I want to thank all those Members who spoke tonight, and particularly Ross Hussey, who is not a member of the Committee. It was easy for all of us to pick out the individual items that had an impact on us. It was very noticeable that, if you were to marry all the speeches together, there were very obvious constant themes.

I want to thank the Minister for his constructive and supportive comments. That does for us and gives the Committee a sense of recognition. However, we also recognise that much more needs to be done, and many of the things that were outlined today will guide us in the future.

We have to ensure that victims and witnesses receive the support and services that they need and deserve, and we look forward to the Minister's detailed response — we heard some of that tonight, but the rest will come over the summer and into September. He outlined that

the Department is working on one particular strategy, and we want to see how this report can be used.

In summing up, I, again, want to thank everyone who spoke in the debate tonight. I also want to offer thanks on behalf of the Committee to all those who contributed to the inquiry, particularly those who found themselves as witnesses to the inquiry through circumstances over which they had no control and which, I am sure, they never thought they would be in. I know that some of the witnesses were in the Assembly today and that some are here tonight.

The Committee Chair and Alban Maginness referred to the report. I have been a member of the Justice Committee since it was formed, and I feel that it is one of the hard-working Committees. I do not say that as a form of self-praise, but it is certainly one of the Committees that does a lot of detailed work. I have absolutely no doubt that, in the time ahead, the report will be seen as one of the landmark reports that I and other members will regard as a piece of work that they will feel glad and privileged to have been part of.

On behalf of the Justice Committee, I commend the report to the House.

Question put and agreed to.

Resolved:

That this Assembly approves the report of the Committee for Justice on its inquiry into the criminal justice services available to victims and witnesses of crime; and calls on the Minister of Justice to implement the recommendations contained in the report as part of the new five-year strategy for victims and witnesses of crime.

Adjourned at 8.45 pm.



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