



Northern Ireland
Assembly

Public Accounts Committee

OFFICIAL REPORT (Hansard)

Inquiry into Special Educational Needs:
Mr Gavin Boyd

19 November 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr William Humphrey (Chairperson)
Mr Roy Beggs (Deputy Chairperson)
Mr Cathal Boylan
Ms Órlaithí Flynn
Mr Harry Harvey
Mr David Hilditch
Mr Maolíosa McHugh
Mr Andrew Muir
Mr Matthew O'Toole

Witnesses:

Mr Stuart Stevenson	Department of Finance
Mr Gavin Boyd	Former Chief Executive, Education Authority
Mr Kieran Donnelly	Northern Ireland Audit Office
Mr Kyle Bingham	Northern Ireland Audit Office

The Chairperson (Mr Humphrey): Members, Mr Boyd is here in front of us — I thank him for giving us his time — to answer questions around the issues for when he was responsible; he is not here to answer questions on the issues that are live and that have unfolded subsequent to his departure from Academy Street. I make that clear to Members.

It is disappointing for the Committee to find that the unacceptable issues that were raised by the Northern Ireland Audit Office (NIAO) in the 2017 special educational needs (SEN) report persist in 2020, as we near the end of this calendar year. The 10 recommendations that were made in the 2017 report have not been fully implemented. It is evident that the performance has deteriorated since 2017 and that many children have been failed.

I welcome Mr Gavin Boyd to the meeting. After Mr Boyd's opening statement, if he wishes to make one, I will open the Committee up to questioning, and each member will, in turn, be called to question.

Mr Boyd, good afternoon. Do you wish to make an opening statement, Gavin?

Mr Gavin Boyd: Yes, please, if I may, Chair.

First of all, I welcome the opportunity to assist the Committee in whatever way I can. You will be aware that it is the responsibility of the accounting officer to account for an organisation, both in the present and the past; indeed, in my 19 years as an accounting officer, I have, on a number of occasions, accounted for issues that arose in an organisation before I was in post. Therefore, it is relatively rare

for a retired accounting officer to be asked to give evidence, except in a number of clearly defined circumstances. I thank you, Chair, for your clarification at the start.

I do not have any data that is not in the possession of the current accounting officer. Since I retired on 31 March 2019, I cannot comment on anything after my retirement from the Education Authority (EA), and that includes the 2020 NIAO report. However, having read the transcript of the evidence given on 15 October, it seems to me that I can be of assistance to the Committee in giving my views on the position of the education and library boards (ELBs) shortly before the transition into the Educational Authority, transitional arrangements for EA, the governance arrangements within EA, and the response to the 2017 NIAO report.

I will be happy to give the Committee an insight into the enormous challenges of managing the transition from five ELBs into a new organisation; the challenges of starting to develop a new organisational culture, when there had previously been at least five; the challenges of introducing technological solutions where there had previously been few; the challenges of data and using it to inform management decisions where that not very often been the case; and the challenge of developing and supporting a new governance regime. This was the biggest reorganisation of public services in a generation. Due to the political sensitivities, the transitional team was precluded from engaging with the legacy organisations until the legislation received Royal Assent, three and a half months before its implementation.

There is one final point that I want to make. When I talk about special needs, in my mind, I am not talking about systems or processes, but I am thinking about individual children, their needs and how we support them and their families. I know, from direct personal experience, the frustration that a parent feels when they believe that the bureaucracy is not responding to the needs of their child. I also know, at first hand, the enormous gratitude that a parent feels when their child is supported by teachers to realise their potential. Chair, I am very happy to take your questions.

The Chairperson (Mr Humphrey): Thank you very much for your opening statement. Very candidly, Mr Boyd, were you aware of problems around special educational needs when you were chief executive of the Education Authority?

Mr Boyd: I can contextualise this, Chair, and say that there were significant issues in drawing together the practices and the data from the five different education and library boards. I should also make one other contextual point. The plan to transition from the education and library boards to the Education Authority meant that the existing management practices, the existing staff and the existing processes continued for the first year of the Education Authority. So, actually, we did not start to put in place the new management until 1 April 2016. We had sight of transitional proposals from the existing staff in the boards at the end of 2015, and those transitional proposals highlighted the real challenges that there would be in bringing a unified and consistent approach to the delivery of special educational needs across Northern Ireland going forward. Chair, the simple answer to your question is that I had correspondence and feedback from individual parents, and we knew that there were challenges in this area.

The Chairperson (Mr Humphrey): As a member of the Education Committee, I have heard that perhaps the five boards, which became one under the Education Authority, were dealing with this somewhat differently. As the first chief executive of the Education Authority, what actions did you take to address these issues?

Mr Boyd: The 2017 Audit Office report highlights the fact that there were difficulties going back over many years. In fact, if I remember correctly, the 2017 report identifies the fact that, around 2008 or 2009, there were instances of children waiting for up to two years to get a statutory assessment and for a further period after that to get a statement. So, historically, there were very significant issues. One of the challenges that we faced, which the board of the EA was very aware of, was the different processes and approaches that were taken in the five ELB areas and the fact that children who were presenting with exactly the same needs could be getting different support, depending on where they lived. So, a process was set in place to try to get to a consistent regional approach to supporting them as children. That started to go in place from the tail end of 2015.

The Chairperson (Mr Humphrey): You say that that started at the tail end of 2015. By the time of your departure, how far had that got down the track?

Mr Boyd: Consistently, the reports that were coming to the children and young people's services committee, which was the board committee that oversaw that delivery, said consistently that good progress had been made in bringing consistency. There were two major takeaways from the 2017 Audit Office report, as far as I was concerned. Those were, first, that the Department and the Education Authority were not capable of demonstrating value for money in the very significant expenditure, and, secondly, that there were delays in processing statements.

I will deal with the first issue first. At the outset, I have to tell you that I have difficulty when talking about value for money in the context of supporting children with special educational needs. I understand my responsibilities as an accounting officer and, indeed, your responsibilities as a Public Accounts Committee dealing with value-for-money issues, but we do have to remember that we are dealing in some instances with the most vulnerable of children with the most profound difficulties. In addition, we have a legislative context that says that we will do all that we possibly can for these children, and then there is a financial context that does not back that up. Maybe we will get the chance to return to that, Chair, because I feel very strongly about it.

My second takeaway from the Audit Office report was the delay in processing statements. As far as I am concerned, every day that is delayed in intervening to support children is a tragedy and should not be allowed to happen. However, the reporting from inside the Education Authority was exactly the same as it had been inside the ELBs, which was that the undue delays in preparing statements for children were, almost exclusively, caused by delays in getting information from the health service.

The Chairperson (Mr Humphrey): I agree with you about the stress that is placed on the family from children having to wait two years, particularly the stress that is placed on the young person but also that which is placed on the mother and father. Also, as you know, it places stress on the school principal, the teachers, the classroom assistants and the other young people who are in the child's class and has a huge negative effect on all of the people who I have mentioned. I think that you said that you had read the transcript of your successor's evidence in Committee on 15 October. Is that right?

Mr Boyd: Yes.

The Chairperson (Mr Humphrey): One of the points that I put to Ms Long was that I felt that there was a deep-rooted, systemic culture in the organisation, and she agreed. Is it fair to say that you felt that that was the case when you were there?

Mr Boyd: I was surprised to hear those comments, and, no, I do not believe that that is the case. Let me explain. In my entire time in working in education, I never came across a single individual who did not want to do their best for children. There was never any instance that I came across where people were not motivated to do their best. However, my clear view is that the systems and processes were simply not fit for purpose and had not been fit for purpose for some time. I did spend a little bit of time working in two of the education and library boards, and my observation was that we simply had not adopted technology to improve processes. Too much time was spent chasing pieces of paper. Too much time was spent reacting to issues rather than proactively dealing with them, and, therefore, I agree, and the evidence is there, that there were long-standing systemic problems. However, I cannot agree that there was a cultural approach that said that we were not going to try to do our very best for children.

The Chairperson (Mr Humphrey): I want to ensure that I quote you correctly. There is a stark admission that "the systems and processes were not fit for purpose". That is quite a statement to make. Thank you very much for your answers.

Mr Harvey: Thank you, Mr Boyd. There appears to have been very little progress made from 2017 to 2019, subsequent to the 2017 report. What was the reason for that?

Mr Boyd: All I can tell you, Mr Harvey, is, first, that I welcomed the 2017 report. I thought that it was a really good piece of work, and, from my position, it gave us the starting point. I referred to the fact that we did not start to implement management changes until 2016. The data for the 2017 report was gathered in 2016, and it set out very clearly and independently where we were sitting at that time. In my view, the 2017 report was a very good one and a very thorough one. The Department took the lead, as was appropriate, and created a programme board to oversee the responses to the 10 recommendations in the Audit Office report.

From my perspective, the first, really big recommendation for the EA was that it put in place a finance system that could accurately record expenditure on special educational needs. If my memory serves me correctly, the new finance system was implemented at the end of 2016, and the data that was available around financing the costs of special educational needs significantly improved after that point.

The second big recommendation that I was concerned about was that the authority would put in place proper IT systems to gather the data on statements. That system, I think, was probably put in place towards the end of 2018. We would have liked to have seen it in place more quickly, but the truth of the matter is that the authority was upgrading IT support systems all over the place. I referred to the new finance system that was put in place. That was a huge system, but, at the same time, there were other efforts going on like, for example, online applications for transport and online applications for school places. There was an enormous amount of activity going on, right across the Education Authority, to upgrade the technical responses. As far as I was concerned, the best data that was available to me, by the time I left, was that we had implemented an IT solution for finance and we had put in place the IT systems that would give better data for monitoring statements.

Mr Harvey: Mr Boyd, in previous evidence, we were told that significant expertise was lost during the amalgamation of the ELBs. Do you agree that that had a bearing on the deterioration of SEN provision?

Mr Boyd: To take the second part of your question first, Mr Harvey, I have no evidence to suggest that there was a deterioration in SEN provision over that period. Let me explain. The 2017 Audit Office report points to instances where, 10 years previously, there had been real concerns about SEN provision. Let me be clear: I am not defending the provision that was made, and I think that it could have been significantly better, but there was no evidence of deterioration. Indeed, the fact that the Department had started a review of SEN 10 years previously shows that there was a level of dissatisfaction. That is the first point.

The second point is that a huge amount of expertise was lost, effectively from 2010, if not before 2010. Let me be clear. I am using shorthand, and this is maybe not the most diplomatic way to put it, but the boards were starved of oxygen for a number of years. There were vacancy control policies in place that meant that they could not recruit people from outside the system. They were being steadily run down and had lost a lot of ability, and, to be perfectly honest, they were, in my opinion, a shadow of their former selves by the time the transition to the Education Authority took place.

Mr Hilditch: I will come on to some of your own points in relation to the reports. Mr Boyd, I put it to Ms Long at the outset of my questioning at the last evidence session that, to the layperson, there would appear to have been a degree of poor leadership and governance in place, a blame culture, a Civil Service culture of old days and a systematic failure to deal with change. We all know how difficult that can be. What is your response to that?

Mr Boyd: With all respect, I profoundly disagree. The reason that I disagree is because most of my career has been spent in the management of change. I know how difficult that is, particularly when you are dealing with cultures in organisations, and, bear in mind, there were at least five cultures in the ELBs, and there was no culture in the Education Authority. How could there be? It was a new organisation.

As regards governance, in legal terms, the Education Authority is made up of 20 members of the board and the chair. They are the authority, so everything comes from them. When the members of the board met for the first time and over the first few months, we sat down with them and discussed how they would like the governance structures to be set up for the new authority. The members decided that they wanted officials to report through a series of committees. That is what was done, and if you look at the particular committee that was in charge of that area, you will see that it was very active. It did a lot of work. It received a lot of proposals from officials, and if you look at the committee's minutes, you will see that the members regularly challenged officials and challenged the information that was given to them.

If I can make one further point, the constitution of the board was decided by the Assembly. It is made up of all the key interests in education. You will know that it includes eight political Members, including three representatives nominated by your own party, eight church representatives and other key interests. So, there was vast experience and expertise, and any review of the work of that committee will show that it worked very diligently.

Mr Hilditch: Thank you, Mr Boyd. I put it to you, then, that you claim that it was a new organisation, but the same people who were involved over many years were involved in that new organisation. That culture would have come with those people. Do not get me wrong: I understand the difficulties with change in an organisation and difficulties addressing significant cultural change, but there appears to have been at least one outstanding issue in the organisation, and that was around communication. How did you, as chief executive, address that?

Mr Boyd: Thank you for making the point again about culture and the difficulties. In this context, and we are talking specifically about special educational needs, culture probably meant that if I were sitting in Omagh doing a job to the best of my ability for 15 or 20 years, I would not want to change the way that I was doing that. That is writ large right across Northern Ireland. It is absolutely the case that there were legal protections to make sure that employees retained their jobs, so there was no question of clearing all the decks and starting again. You would not have wanted to do that anyway because those were all good people doing their very best.

Secondly, the risk to business continuity would have been just awful. It is not correct to say that it is all the same people, because the fact of the matter is that when we recruited the five directors to lead the organisation, four out of the five came from outside education. That was a sad commentary, in some ways, on how far the education system had been run down, but it also introduced a lot of fresh blood and new thinking to the organisation.

As the new structure has been populated, at assistant director/head-of-service level, we have seen new blood being introduced alongside very good people who have come up through the system. So, I am confident that we have the right balance of expertise, fresh thinking and good experience. However, going back to the previous question, a lot of corporate memory was lost over the previous four or five years.

Mr Hilditch: I tend to agree with you, particularly when you broke the news to me that four were from outside education, and Ms Long is in charge now, even though it is temporary, but she is from a nursing background.

Did any recommendations in the 2017 report come as a surprise to you?

Mr Boyd: None of the recommendations came as a surprise, but the one that troubled me most was the headline about being able to demonstrate value for money. I have already explained that I, as accounting officer, accept the challenge of looking after public money, but there are circumstances in which, despite my believing that it is the right thing to do and the law telling me that it is the right thing to do, supporting a child will not be possible because of value-for-money issues. I apologise for even raising that issue. It was a real challenge for me and the members to demonstrate that what we were doing represented value for money. Bear in mind that, the whole time that we were being told that, special educational needs in Northern Ireland was running at about twice the level that it was running at across the water. That was a big challenge for me.

Mr Hilditch: Without going back to Mr Harvey's questions, how many of the 10 recommendations were actioned?

Mr Boyd: The Department put in place a very good programme board to ensure that all of the recommendations were taken forward. They did not all apply to the Education Authority, but I took great assurance from the work that the Department was doing and the regular update reports that we received, which stated that all of that work was progressing and was in hand.

Mr Hilditch: Why do you think that there was an increase in appeals, and why are they leaning in favour of the applicants? Some of the appeals were given up before they reached the appeals system. The numbers seem to indicate that something was not going correctly at the outset of every application; that was why so many people appealed. Of course, the Department then gave up on the appeals, and the applicants won. There was also a high percentage of wins at appeal. That makes you wonder why people had to go right through the system, at times, just to get that outcome.

Mr Boyd: This is not relevant to your question, but, a couple of days ago, I heard someone on the radio say that, in England, they were spending £90 million a year on defending tribunal appeals, most of which they lost. It is not a problem specific to Northern Ireland. My memory of my time is that the number of appeals that went to tribunal was no more than about 20 or 30 per annum. My memory might be defective, but it is that tribunal cases were running at about 20 or 30 per annum. That is a

very small proportion of the total number of statements that were being requested, which might have been about 3,000 or 3,500, and a small proportion of the number of statements that were refused, which might have been running at 1,200 or 1,500 or so a year. If you are turning down 1,200 or 1,500 people and only 20 or 30 are going to a tribunal, that feels to me like a relatively low number.

Mr Hilditch: OK. We will try to turn up the actual figures, Mr Boyd. Thank you.

Mr Boyd: I hope that my memory is not defective. I would not try to mislead you.

Mr Hilditch: No problem at all.

As the chief executive starting out on the road of the new authority, did you seek guidance, experience or information from any of the other devolved jurisdictions of the United Kingdom? Was best practice sought, or was it all just internal to Northern Ireland? Did we go ahead with what we thought was best without looking for some external guidance?

Mr Boyd: I will take that in easy bits. I was recruited many years ago as the chief executive designate of the Education and Skills Authority, which never came into being. That provided a bit of an opportunity to look at how we might do things. Secondly, I was supported through the transitioning process to the Education Authority by the Strategic Investment Board (SIB), which provided really good project management skills and access to other expertise, and that was incredibly valuable. The last 25 years of my career have been spent managing transitions in organisations and managing mergers and that sort of thing, so I know a reasonable amount about it. Most of the outside validation that we looked for was about trying to understand whether we had the right sort of services doing the right sort of things. For example, I knew that we had 130 or 140 educational psychologists. I knew that there was a problem with getting access to psychologists, but I did not know what the right number of psychologists for Northern Ireland was, and we looked elsewhere to get that information.

Mr Hilditch: Thank you, Mr Boyd.

Mr Boylan: Gavin, you are very welcome. Thanks very much. Gavin, I want to go over some of the processes to get a better understanding. I did not sit on the Education Committee, but I met you when you were the chief executive of one of the boards. When was the change from the ELBs to the EA first mooted? I do not mean the time frame for the legislation, but when was it first mooted?

Mr Boyd: The rationalisation of education administration was first mooted in 2005 as part of the review of public administration. At the time, that was done by direct rule Ministers with a plan to implement a new education and skills authority in 2008. With the return of the devolved Administration, that date was put back to 2009, and, although it was included in a number of Programmes for Government, it was never implemented. In practice —. Sorry, go ahead.

Mr Boylan: I am sorry to interrupt you. I am trying to understand at what point the ELBs knew that there was going to be a transfer. From the evidence in the Audit Office report, there is no doubt that the old boards operated in silos. When the five boards moved to one authority, what new system did you bring to the table? You have talked about waiting for governance and about new technological solutions, and that is part and parcel of the process of any changes in the modern day. I am trying to find out what understanding and expertise of SEN you brought to the new authority.

Mr Boyd: I will go back over the timetable for a second. The political consensus to create the Education Authority came about, to my knowledge, in late summer 2014. The legislation passed through the Assembly in September 2014 or thereabouts. It was only at that point that it became absolutely clear that change was going to happen. As I said at the outset, the sensitivities were such that I was precluded from engaging with the ELBs until the Bill had achieved Royal Assent in the middle of December. My entire focus from the middle of December to 1 April was to get the 40,000-odd staff transferred to the new authority, because they had to have an employer, and to ensure that the authority could pay the wages and bills. My instructions from the permanent secretary were to ensure that, on day one, the electricity went on, the bus services ran, the meals were cooked and all lessons took place. The entire focus was on business continuity. In other words: keep doing the things that are being done, whilst we get the change lined up after that.

Mr Boylan: OK. You said that you faced enormous challenges in the transfer. On the other hand, you said that you were putting the children first. My real question is this: when you took over and the new system started, what were your priorities?

Mr Boyd: The first priority was to ensure that the existing supports for children all happened, whether that be in the classroom, bus services or school meals. If we did not have appropriate systems in place on day one — for example, if we could not pay people and did not have bank accounts in place — all of that would have fallen apart. There was very much a risk-based approach that said, "What is it that we can do on day one? What is it that we will have to take a bit of time on afterwards?". What did we know specifically in relation to children with educational needs? I have already said it: we knew that children presenting with the same issues would get different levels of treatment depending on where they lived. One of the first things that the new committee put in place was a regional panel to ensure consistency in the approach to the statementing of children. That regional panel was in place after the summer of 2015. Therefore, within a few months of the Education Authority coming into being, that regional panel was put in place to start working towards consistency in the statementing of those children.

Mr Boylan: Tell me this, then: you said that there were problems dating back to 2008-09 in relation to statementing and the two years. Going by the report, 10 years later and after you had left, 80% were still taking longer than 26 weeks. That came in under the new regulations and legislation. You said that, in your time and in the transfer, expertise was lost from 2010. Did you have the expertise to roll the programme out in 2015-16 when you started?

Mr Boyd: That is not a question for me to answer; that is for others to answer. I had the job of ensuring that the programme was rolled out.

I need to pick up on a really important point that you made. I want to reiterate that the Audit Office report in 2017 told us that a significant proportion of statements were not being made within the 26-week period. That is terrible, because it means that there have been delays in children getting the support that they need. However, the Audit Office report also said that the reason for 80-odd per cent of those delays was late reports coming from elsewhere, particularly the health sector. It does not matter to the child or parent who is responsible for the delay. They still suffer the delay, and we should never lose sight of that. However, if we go back to the 2006 guidelines, we see that they recognise that there will be delays for what they call "valid" reasons. Although the legislation clearly states that statements should be delivered within 26 weeks, the guidance acknowledges that there can be a whole range of reasons for that not happening. To be perfectly honest with you, some of this makes me feel that it is a bit disingenuous to say that you can expect to get a statement in that period of time.

Mr Boylan: I have two final points. I know that other members want to ask questions. Has the transition hindered the roll-out of SEN provision?

Mr Boyd: I am absolutely clear that it has created the conditions whereby we will achieve a much better, regionally consistent system for children. However, I need to make a point that I feel very strongly about. Over the last number of years, we have seen a consistent increase in the number of children presenting with special educational needs. We see difficulties emerge now that we simply did not see 20 years ago; things like behavioural problems and autism, which we have a much better understanding of now. Thank God that there are children surviving to school age now who simply would not have survived 20 years ago. There is huge pressure on the system, but this huge pressure on the system is happening at a time when resources have been reduced by 10% or 12% in real terms over the last eight or nine years. I am sorry to say that there is an inevitable consequence of that. If there are increased demands for services and fewer resources to meet them, the quality of service will diminish.

Mr Boylan: Finally, do you think that there was still a silo mentality from the time of transfer before the end of your tenure?

Mr Boyd: What I can say to you is that all of my experience in merging businesses in the private sector, in taking over businesses in the private sector and in merging public-sector authorities is that the best way to get rid of interfaces is just to push organisations together. Interfaces are always difficult. We have just spent a bit of time talking about the difficulties of the interface between Health and Education. My experience is that it is always the other guys' fault. Education will say, "It is Health that is holding us back", and Health will say, "Education is not giving us the information". I put a considerable amount of effort into bringing the new team of directors together every week to sit down

and discuss the issues collectively. That is why we called it a "corporate leadership team". That was done specifically to get away from a silo mentality. I hope that that work is continuing.

Mr Beggs: Thanks for appearing in front of us to give us your knowledge on what went wrong over this period. To begin, I want to go over the waiting list in the statementing process. One of the key bottlenecks has been in the assessments by educational psychologists. You indicated that you introduced a new system early on to monitor the cost of special educational needs; you felt that that was important. Why has there been no standard method of recording centrally the number of pupils who schools wanted to refer to an educational psychologist? They were allocated a limited number of hours based on the size of the school. They were added to the list held centrally only if there were hours available within the allocation to the school. To a certain extent, you were going in blind in respect of the demand that was there. Why did you not introduce a system to record that?

Mr Boyd: First, a system was brought into being that was capable of gathering up all the data and ensuring that it was then easy to get at the data to manage the challenges. The point that you make about the potentially unmet need in schools is a really good one. I am sorry: I do not have an answer for that. I do not know why that was not considered, although I do know that we had difficulty in gathering financial information from schools about precisely those sorts of issues. It is a very good point. I do not know why that was not done at the time. The system would have been considerably better had it been done. The other point that I would like to make is that I was always very uncomfortable with models of allocating psychologists' time to schools, and that is because, no matter what way you do it, it is rationing.

Mr Beggs: You said that you do not know why it was not done. Did none of your senior management team or the board members ever think to ask or question why it was not done, especially if you had the technical capability in your new system to do it? Were you ever challenged on it?

Mr Boyd: I can only say that I simply would not have been into the detail of that. All of that process was driven from within the children and young people's services directorate. They were the people with the expertise. They were the people who were dealing with the issues. It was entirely reasonable of the board to expect that the proposals coming forward would be leading-edge proposals. I acknowledge your point, and I think that I heard you make a similar point at the previous evidence session. I think that that was a failure.

Mr Beggs: I move to the growing costs of SEN. When you began, the budget was a very significant one of around £200 million a year. During your tenure, there were very significant increases. In 2017-18, there was a very significant increase from the previous year, so this ought to have been on your radar. Did you ever think to assess the effectiveness of the money that was being allocated and of what you were getting for it? If you were listening earlier, you will know that the particular concern that has been reported to me is that multiple classroom assistants, particularly in post-primary schools, were standing at the back of the classroom and were not intervening unless there was a behavioural problem or something specific. How effectively do you think that that money was being used, and did you ever think to do an assessment of what the outputs were?

Mr Boyd: Those are very good points. The first thing that I need to say is to remind us that, once a statement goes into place, it is subject to an annual review, and the annual review usually involves the principal of the school and the parents. It does not necessarily involve, or it did not historically in my time, involve EA staff. My memory is that about 80% of statements every year remained the same, so I am very disappointed if I hear stories where schools are saying that there are too many classroom assistants there and they do not need them, when the school is a pivotal point in making a decision on whether that statement should continue to have that classroom assistant associated with that child. That is the first point. The second point is that I absolutely understand the difficult position that a school principal is put into with their special educational needs coordinator (SENCO) or with their staff if they are sitting down with the parent and saying, "Jane or John has made such good progress that we are going to take away this level of support". That is a difficult conversation to have, particularly in cases — I have seen examples of really good practice — where classroom assistants have built up superb relationships with the children who they have been looking after. They are almost part of the family. Thirdly, the jury is out on the effectiveness of classroom assistants. The research is very varied, so, yes, it is a big concern. Fourthly, do you know what? Highly motivated parents want to do the best for their children, and they are right that the achievement of a statement and the achievement of having a classroom assistant is, very often, a measure of tangible success that they have done their very best for their child.

There is one further point that, I think, is really important. Over the past number of years, school budgets have been squeezed to death. Those of you who are on boards of governors and those of you who have schools in communities will know that schools have been really squeezed. You will know that schools are supposed to make provision for special educational needs up to the old stage 3. As their budgets have been squeezed, they have been less and less able to make that provision. Therefore, there is an incentive for them to try to garner as much additional resource from the centre as they can get.

Mr Beggs: To be clear, I was not referring to a school saying that it did not want a classroom assistant, nor was it the parent. The information that came to me was from a very experienced primary-school classroom assistant, who loved her job and got great satisfaction from it but was hugely frustrated and eventually resigned because she felt that she was not able to contribute while working at a secondary school, where she stood at the back of the classroom. My question to you was this: what assessment was made about the flexibility and the output? Is there a need to change how that resource, which should be helping children in need, is utilised in the school, rather than its simply following a child and getting to a situation where multiple classroom assistants are standing at the back of a classroom not doing anything?

Mr Boyd: You are absolutely right, and one of the issues that was highlighted in the 2017 Audit Office report was that the system needed to be much more tuned into identifying the effectiveness of very large amounts of money that were being spent. You may recall that there was specific work for the Department to engage on with the Education and Training Inspectorate (ETI) to try to monitor the effectiveness of that expenditure. I took great comfort and pride from the significant improvement in educational outcomes for children with special educational needs over a period of years. We can demonstrate that kids are doing better. We now expect kids with SEN to get five good GCSEs. However, your point is an excellent one, and we need to make sure that we are not trying to paint the wall by throwing buckets of paint at it. We can probably do better going forward.

Mr Beggs: Was there ever any assessment of perhaps concentrating that resource on basic numeracy and literacy skills in either one-to-one settings or in very small groups where the classroom assistant could have a greater involvement with the child and provide more assistance? Was there ever any thought about or assessment of that type of process?

Mr Boyd: I am sorry to say that you are getting into a level of detail that I do not really feel qualified to comment on, but there was a very clear understanding that there should be a limit to the number of adults in a classroom.

Mr Muir: Thank you, Mr Boyd, for joining us out of retirement. It is appreciated. I have two strategic questions. You were appointed as the interim chief executive of the Education Authority and then took over as the chief executive when the Education Authority was established in 2015, as I understand it. The change that was required to meet the needs of young people with special educational needs and wider issues related to the Education Authority seems to have been extremely slow, and it has been reflected in the Audit Office reports on the failings for people with special educational needs. Why was that change so slow and ineffective during your time as chief executive?

Mr Boyd: First, my time as chief executive ran up to March 2019. I have said that the Audit Office report of 2017 effectively marked the start point for us, because we were taking over a system that simply was not working as effectively as it needed to work. Therefore, 2017 was the start point. The Audit Office made really good-quality recommendations, a system was put in place to implement those recommendations and, as far as I was concerned — indeed, as far as all the report-backs that I and the board were getting were concerned — the work was in hand to deliver those recommendations in a timely manner.

Mr Muir: The Education Authority came into being in 2015. Why do we have a situation where, in 2015, 2016 and 2017, there was essentially no progress on the change required? It seems startling to me that we have a situation where the changes that are required to meet the needs of young people with special educational needs take so long to be effected.

Mr Boyd: First, I have to disagree with your premise. I think that progress was made. I have already explained that year 1 of the Education Authority was a transitional year in which the absolute focus was on business continuity and making sure that existing services continued. We only started to implement change from April 2016. It was clear to me that we needed to create a single regional

service to support children. If you think through the logistics of that, that means that you have to design what that service looks like, to identify the posts and jobs in that service, to write the job descriptions, to work out the salaries for those posts and to go through recruitment processes. I could bore you to death with it, but it takes a long time, certainly in the public sector, to move the change process along, because we follow proper processes and procedures. The fact of the matter is that it takes time.

Mr Muir: Do you think that there should have been a greater allocation of resources to and focus on the process of change management? We can look at, for example, the change that occurred in the Police Service of Northern Ireland. We are dealing with the situation now. I accept that you are no longer the chief executive, but there is still a great need to transform the Education Authority. On reflection, do you feel that there should have been a greater focus on managing the change?

Mr Boyd: First, the organisation that is not developing and changing is the organisation that is dying. In other words, my experience of 30 years of running businesses and organisations is that there is constant change. Secondly, we need a reality check here. There was not enough money to run the education system; there just was not. I spent the last two years of my tenure telling anybody who cared to listen that we did not have enough money to run the education sector. In those circumstances, the board made that clear. I would have loved to have £2 million, £3 million, £4 million or £5 million to run a change-management programme. The context that we were in meant that that money would have had to come out of somewhere else in the budget. There was no way that I was going to advocate taking that money away from schools.

Mr Muir: Would it be fair to say that the lack of financial resources from the Department of Education and, higher up, from the Executive was one of the major contributing factors to the reports that we are considering?

Mr Boyd: That would be too easy a get-out for me. My view of the 2017 report is that it highlighted issues that had existed for years and that needed to be dealt with. It is too easy to say that money would have resolved the problem, because there was a process issue and the processes could and should have been better. I have a concern that, even if the processes were super smooth, the sector was under such financial strain that there would have been problems.

Let me make a very simple point: if you have an increasing demand for special education and the same resource year after year, you will end up with a problem. It is just like the emergency department at the hospital: if you have more people presenting at the front door and the same number of nurses and doctors, you will have a queue.

Mr Muir: This is my final question. You retired as chief executive, and I appreciate your attending the Public Accounts Committee. Do you have any regrets that, during your time as chief executive of the Education Authority, you could have done more to address the needs of young people with special educational needs?

Mr Boyd: At the outset, I said that I have direct personal experience of the frustrations that a parent can have, but I also have tremendously warm feelings for those who helped young people to achieve. I wish that we had been able to do more. There was never a day when I did not regret the fact that we could not do more for children. I was full of admiration for the work that I saw going on, particularly in our special schools. However, let us be real about it: our special schools are full to overflowing. We do not have enough space in our special schools. Do I believe that that is in the best interests of those children? No, I do not. Could we do more? Yes, we could.

Mr McHugh: Tá fáilte romhat anseo inniu, Mr Boyd. Many of my questions have been covered in so many ways. I want to make a few points on your evidence. I am glad that you said that it was not a case of more money. That was said in evidence that was given to the Committee previously. It was felt that it was not a case of money per se but that maybe it was a reflection of the culture and that organisations in the system needed to be improved. I feel that the education and library boards were a logistical failure that required a logistical solution. How accurate an assessment is that of what you have done to date?

Mr Boyd: I do not want to make it appear as if I am being critical of really good people, both staff and board members, who, I know, worked very hard in the education and library boards. Right? They were good people who were very committed.

The failure that I could see, particularly with special educational needs, was the failure to implement IT systems that could have taken a lot of the burden of chasing pieces of paper about the place. So much time was wasted chasing pieces of paper.

When I went to act as chief executive of the Southern Education and Library Board a number of years ago — it was a really good and well-run board in many ways — a young man came to see me with a lever arch file full of proposals for new IT projects, none of which had been implemented. They had not been implemented not because they were not good ideas but because the board was running out of steam. It was losing good people. There was no appetite for change and no money for change. That young man has gone on to implement excellent IT solutions such as the transport app in the Education Authority. I do not want to blame people because that would not be fair, but it was like 10 years were simply lost when the world was moving forward. We could have taken so much strain off people if we had put the right technology in to support them.

Mr McHugh: Given that there was such a long run-in time — I know that because I was a member of the Western Education and Library Board at the time — was a lot of the preparation not in place for the amalgamation so that people could respond quickly to inadequacies in the system as it existed?

Mr Boyd: I am afraid not, because, for perfectly understandable reasons, the boards looked after their own interests in the way that they believed was appropriate. There was very little traction around preparing for a single new regional authority. That is not a criticism; it is an observation — an observable fact. That is what happened.

Mr McHugh: You mentioned health services and the responsibility that they bore for delays in the system. Is it not still the case that health services are there as another partner in the system? To what extent did you address that issue as the chief executive at the time you took up your post?

Mr Boyd: One action that came out of the Audit Office report and was part of an improvement plan in the Education Authority was to build new relationships with the health sector. In my time there, new relationships were built up. In fact, I chaired some project boards that included representatives from the health sector, who were really important.

You will see in the records of the committees in the Education Authority that tangible progress was made in the health sector. However, the feedback that the Department received on its proposals to reduce the length of time that individuals were waiting for a statement included a bit of pushback from the health sector, which said, "Hold on. We don't think we can do some of this as quickly as you would like us to do it".

We have to be careful not to be disingenuous about this. We should recognise that some of these issues take time. We should just recognise that.

Mr McHugh: Thank you, Mr Boyd, for your answers.

Mr O'Toole: Thank you for giving evidence today. Earlier in your evidence, Mr Boyd, I think you said — correct me if I am wrong — that it was your view that it was the primary responsibility of the Education Department to implement reforms following the 2017 report. Is that right?

Mr Boyd: I did not say that it was its primary responsibility. I said that the Education Department took the lead. The permanent secretary set up a programme board, chaired by one of his deputy secretaries, and it took responsibility. I thought that that was entirely appropriate because it is a major issue and is fundamentally important to the Department.

Mr O'Toole: What was the Education Authority's role in that programme board?

Mr Boyd: At least one of my colleagues — possibly, a number of colleagues — sat on the programme board.

Mr O'Toole: Did the programme board continue to exist until the end of your tenure?

Mr Boyd: I believe that it did. I will have to check that, but my memory is that a number of the work streams were closing down towards the end of my tenure.

Mr O'Toole: Sorry, do you mean that some of the work streams on the board were closing down towards the end of your tenure?

Mr Boyd: Yes. In other words, if my memory is correct, that means that the programme board believed that it had taken forward the work sufficiently.

Mr O'Toole: Did you believe that?

Mr Boyd: I placed great reliance on the programme board's work, and also on the work that was being done internally. The two sets of reports matched up.

Mr O'Toole: I am not being spiky, but I want to get a sense of where you thought that things were. Given that you were setting up a new organisation, you had a lot of other things going on; that is entirely understandable. Was it your view that, as of 2019, sufficient work, led by the Education Department, had been done to take forward the 2017 NIAO recommendations?

Mr Boyd: It was my clear view that all that work was in hand and that significant progress was being made in putting in new finance and records management systems.

Mr O'Toole: OK. We have talked a fair bit about the creation of the EA and the amalgamation of the boards. You said that the best way to manage change and break down silos is to force the organisations together. It sounds as if you were not able to do that in its entirety or that work had not been completed by the time you retired.

Mr Boyd: Absolutely right. It takes years to create a culture, and that started with the board setting out its key values. The board initiated a considerable piece of work that set out its values, which said, "This is the way we want this organisation to do its business. Whatever you did in the past does not matter. This is the way we want this organisation to do the business". Setting something out on a piece of paper in that way does not change the culture. I have a lot of experience of working in the territory of change management, and people look at your lips, they listen to what you are saying, but they pay much more attention to your feet and your actions, and that takes time. The reality is that it just takes time.

Mr O'Toole: You talked about the work that had been done to overhaul the IT systems. Can you give a couple of examples of the specific IT projects that were necessary?

Mr Boyd: Yes. I do not like to admit it in polite company, but I am an accountant and, therefore, I pay particular attention to financial systems. On two occasions, I was the acting chief executive of a board. To be perfectly honest with you, I was startled by how poor the finance systems were. They did not compare favourably with what I had operated 15 years previously in the private sector. Again, that is no condemnation of the people; it is just the way that it was. The systems were effectively used to tell us how much money the board had spent at the end of the year rather than the proper management accounting system that I would have like to have seen. That was the biggest priority for the Education Authority. A new finance system was introduced in 2016, 16 months after the creation of the authority. That was an enormous piece of work. If you know anything about the successes of public-sector IT projects, you will know that there are not that many of them about. That was a huge success. I referred to the online application for transport. That has been a huge success and is an international prize-winning application.

I will take up one minute of your time to talk about the online application for school places. Members will be familiar with the UCAS system of applying for university places; young people apply for places, they get their A-level results, and, within a matter of hours, their five or six university choices have been whittled through by the computer system, and they get their place at university. Historically, in the boards, it took up to four months to handle the transfer from primary to post-primary school as pieces of paper whizzed about the countryside. That has all changed. That was a huge IT project with enormous benefits.

Mr O'Toole: This is not about assigning blame, but the impact report — the NIAO people here can correct me if I have got this wrong — highlights the fact that there are still legacy IT issues; one legacy board or geographical area could, for example, be using Sage while another is using simple Excel. It seems as though there are still fairly big clunky differences in IT between different geographical areas.

Mr Boyd: I do not know what the situation is today. However, I can confirm that there are many different systems, which have to be replaced by new systems. That is in hand, as I understand it. I believe that the Capita One system was introduced across the board in 2018. Somebody else can confirm that. However, that will not sort out historical information *[Inaudible]* information going forward.

Mr O'Toole: You said that, although you are a trained accountant, and, clearly, you are very able at it, you do not like talking too much in accounting terms about special educational needs. You also talked about the finding in the NIAO report that caused some commentary, which was that the cost was not viable, and you said that there simply had not been enough money to pay for the education system writ large, including special educational needs. In your view, having managed that system for several years, what, in broad terms, is the solution? Is it simply a bigger education budget, or is it much better management of existing resources? If the jaws continue to widen between resource and special educational needs, there will surely have to be some kind of reckoning or change. What do you think that it should be?

Mr Boyd: It is both. It is incumbent on the new authority to continue to develop systems to operate in the most effective and efficient way possible. However, the fact of the matter is that, if more children continue to present with special educational needs, it will, ultimately, take resource.

Mr O'Toole: OK. Thank you for your evidence.

Ms Flynn: Thanks, Gavin. I go back to a point of Mr Muir's about the Department of Education. You stated earlier — it has been referenced a few times since — that some of the big core problems that you faced when you came into post in the new Education Authority model were technological problems and resource and finance issues. Some of those were worked through. In your words, the boards that the Education Authority was replacing were run down and a shadow of their former selves. On top of that, in the North, you were dealing with a much larger number of children and young people who required special educational needs support. As the chief executive, how often did you have to flag up those concerns with the Department — with the Minister in 2016 and, from 2017 onwards, with the permanent secretary? I am wondering about the lines of communication between you, as chief executive, the Minister and the permanent secretary. Do you feel that your organisation received sufficient support from the Department, or could improvements have been made?

Mr Boyd: I had excellent relationships with all the Ministers whom I worked with, the permanent secretaries and the senior officials in the Department of Education. A day would not have gone by that I did not speak either to the permanent secretary or one of the deputy secretaries in the Department. As far as I was concerned, there was a completely free flow of information between departmental officials and me. I pay tribute to the work of departmental officials in fighting for additional resources for education and, particularly, for special educational needs. They fully understood the budgetary pressures, and, on a number of occasions, they went into battle at monitoring rounds towards the end of the year. They did an enormous amount of work and were largely very successful in getting us additional resource. The downside of that is that resources coming in at the end of the year, particularly in special educational needs, has probably already been committed because the members of the authority were crystal clear that they did not want to deny resources to children with special educational needs. Would I say that the Department could have done more? I was very grateful for the moral and financial support that I received in my time from the Department — from Ministers or, when there was no Minister, the permanent secretary.

Ms Flynn: Thank you, Gavin. My second question is on the same issue of resource and the level of need. The records of pupils who have applied to receive a statutory assessment are kept at school level. That means that we do not have an overall picture of how many pupils have asked for assessments and have not received them. Is it a good idea that the Education Authority has access to that type of information? If we do not know how many assessments have been applied for and have not been carried out, is that setting us back on the level of need? It could put us in a much worse situation than we are in currently.

Mr Boyd: That is a really good question. I will kick it to touch because I am concerned that there might be data protection issues, issues about the protection of personal details of children and that sort of thing. I just do not know. I will go in a slightly different direction with your question. I do not know why the level of special educational needs here is so much greater than it appears to be, for example, in England. I would like to have a better understanding of that. If you are pointing out that we do not have a full appreciation of the whole story, I agree with you.

Ms Flynn: Thank you, Gavin.

The Chairperson (Mr Humphrey): Mr Boyd, may I come back to one issue? In a few minutes, we will hear from the chair and a member of the Education Authority board. During your tenure, until your retirement in March 2019, how much did the board know about day-to-day issues in the Education Authority, particularly the day-to-day issues of special educational needs and the challenges?

Mr Boyd: A very large subcommittee of the board oversaw that area. I have taken the opportunity to re-read the minutes of that subcommittee, which met typically 10 times a year. It went into a wide range of issues in a considerable amount of detail. I did not attend all the meetings, but my memory of the meetings that I attended and my reading of the minutes tells me that the members of that subcommittee were very diligent in challenging what was coming forward and applying their experience and knowledge; they were all very experienced people.

Specifically on the delays in statements being issued, the consistent message that was given to the subcommittee and the board was that virtually all, or a substantial majority, of any delays in the issuing of statements were the fault of somebody else. Let us call it health. The issue was raised on a number of occasions, but the information that came forward was that issues that were outside of the control of the Education Authority were causing the delays.

The board members were well informed of progress in dealing with the NIAO report. The report was discussed at subcommittees, the action plans were discussed and feedback was taken.

I would like to say a couple of other things. There were a number of issues with individual children. When an issue was highlighted in the media or by a specific complaint and it came to the attention of members, members were very proactive in investigating issues, challenging what officials told them and trying to ensure that the very best was being done for children and young people. That said, there was concern that that area of activity was not working as well as it might. I very clearly remember my final board meeting, at which the board agreed that my successor would review the operations of the directorate.

The Chairperson (Mr Humphrey): You broke up when you were discussing the subcommittee. How many times a year did it meet?

Mr Boyd: It would typically meet 10 times a year.

The Chairperson (Mr Humphrey): OK. The subcommittee would meet 10 times a year, but it then fully informed the full board, did it?

Mr Boyd: The minutes of the subcommittee would have been reported to the board, and the board could have a full discussion about any of those issues. It is also important to make the point that any board member could attend any subcommittee meeting. Some people clearly identified as members of that subcommittee, but every other board member was entitled to attend.

The Chairperson (Mr Humphrey): The board appoints subcommittee members with specialisms, but all board members could be ex officio members of subcommittees if they want to attend.

Mr Boyd: Absolutely.

Mr Hilditch: Chair, that was exactly where I was trying to go with what the board knew, what the relationship was and how it interacted with the 2017 report.

The Chairperson (Mr Humphrey): Sorry.

Mr Hilditch: The only other thing, Gavin, is appeals. There were 145 in 2016, but that number has grown to 408.

Mr Boyd: Are those appeals to tribunals or through the dispute resolution process, Mr Hilditch?

Mr Hilditch: I am not sure.

Mr Boyd: I accept the correction. I hope that I did not mislead you, but I will go back and check the facts.

Mr Hilditch: Thank you.

Mr Boylan: Gavin, define your role for me, please. This was a major transition.

Mr Boyd: It was a huge transition. My role was as the accounting officer for the Education Authority, so I was responsible for all the expenditure and the day-to-day activity of the organisation. In particular, I saw my role as putting in place the structures that would start to take the new organisation forward. Bear in mind that I initially thought that I was going to be there for two years at most. What I expected to do was to get the new directors appointed and their teams shaped up, and then it would pass on to a new chief executive.

Mr Boylan: Your contribution was in using all your experience to formulate a way forward. What did you leave there that people could continue? What did you hope to leave?

Mr Boyd: I hope that what I left was a team and a structure in place with five directorates, with a number of very competent people heading them up, and with having worked through, with the board, the governance structure. In fact, the board had to agree that because the board decides the structure, but I worked through with the board what the structure was and what the structure of its governance was because the board is ultimately responsible in law.

Incidentally — this is a small issue — statements have to be approved by the board members. Only board members can make a statement.

We put structures in place to support the board members to deliver their statutory duties. What I hope will happen from this point onwards is that those structures will be used to develop the new organisation, but with a clear view in my mind that that will take another seven, eight, 10 years.

Mr Boylan: You were tasked for that role, yes?

Mr Boyd: Yes.

Mr Boylan: Do you believe that the structure that is now in place is fit for purpose?

Mr Boyd: I do believe that. Part of my self-justification, if you like, is that, when I last looked at the figures, the Education Authority has delivered savings of £80 million a year. It did that by driving out additional administration costs and through more efficiencies. That £80 million has effectively gone to schools or to support children with special educational needs. That simply would not have happened without the creation of the Education Authority.

Mr Boylan: OK. I appreciate the Chair letting me in for my final question. Throughout your evidence and in your responses, you talked about a lack of funding over a number of years.

Mr Boyd: Yes.

Mr Boylan: That says to me that, unfortunately, at the bottom of the pit were people with SEN. They were the children who were losing out. Is that a fair assessment?

Mr Boyd: It is not a fair assessment, but it is my worry. I will tell you why it is not a fair assessment. The area in which the Education Authority overspent every year was special educational needs. Right? That was the one area in which we clearly and consistently overspent. That was because members took the view that they were going to do their very best for those children. However, I have to say that, although we always did our best, I have a real concern as to whether we could have done better.

The Chairperson (Mr Humphrey): OK. That concludes the questions that I have received from members for the open session. Thank you, Mr Boyd, for your attendance this afternoon.

Mr Boyd: Thank you very much, Chair.

The Chairperson (Mr Humphrey): Apologies for interrupting your retirement, which, I hope, is going well. I appreciate your cooperation.