



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Integrated Education Bill: Committee Report

24 November 2021

NORTHERN IRELAND ASSEMBLY

Committee for Education

Integrated Education Bill: Committee Report

24 November 2021

Members present for all or part of the proceedings:

Mr Chris Lyttle (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Ms Nicola Brogan
Mr Robbie Butler
Mrs Diane Dodds
Mr Harry Harvey
Mr Daniel McCrossan
Mr Justin McNulty
Mr Robin Newton

The Chairperson (Mr Lyttle): I remind members that, as the Committee Stage is about to conclude, the Committee's report must be agreed today. I advise members that we will proceed through the report by section, and I will ask the Committee whether it is formally content with the report.

Are members content with the contents page as drafted?

Members indicated assent.

The Chairperson (Mr Lyttle): Are members content with the "Powers and Membership" section of the report as drafted?

Members indicated assent.

The Chairperson (Mr Lyttle): Are members content with the list of abbreviations and acronyms that are used in the report as drafted?

Members indicated assent.

The Chairperson (Mr Lyttle): Are members content with the executive summary of the report as drafted?

Mr McNulty: Chair, just going back to the list of abbreviations and acronyms, put in "EFM".

The Chairperson (Mr Lyttle): Thanks, Justin.

Returning to the executive summary, are members content with that section?

Members indicated assent.

The Chairperson (Mr Lyttle): Are members content with the introduction section as drafted?

Members indicated assent.

Mr Butler: Chair, the executive summary — we have moved on, but I did not turn the page over — has a couple of paragraphs that, I suggest, should be adjusted for balance and efficiency. I have an alternative form of words for paragraphs 2 and 3.

The Chairperson (Mr Lyttle): The executive summary starts at page 54 —.

Mr Butler: Yes, but go to page 55, paragraphs 2 and 3.

The Chairperson (Mr Lyttle): The paragraphs are not numbered as such, but I get what you are saying: you are talking about the second paragraph on the page, which starts "A range of views".

Mr Butler: Yes. I propose that we put that in to one paragraph and adjust the wording to read as follows:

"A range of views was reflected in the clause-by-clause consideration. Members expressed a range of support, qualified support or no support for the clauses and amendments as proposed. Further work, adjustment or advice has been asked for in relation to the Bill in some instances."

and then take away the third paragraph.

The Chairperson (Mr Lyttle): I appreciate the proposal. I will maybe seek some clarity from the Clerk. As I discussed previously, reference to "supporting" the clauses is a technicality; it expresses that the clauses are proceeding without opposition.

Mr Butler: Yes, I get that.

The Chairperson (Mr Lyttle): Clerk, do you want to give us a response in terms of whether that form of words adequately reflects the technicality of what happened or is happening?

The Committee Clerk: I have the first line of it, Robbie:

"Members expressed a range of support, qualified support or no support for the clauses and amendments".

You then have a line about further consideration.

Mr Butler: Yes.

"Further work, adjustment or advice has been asked for in relation to a number of clauses and amendments."

That is probably the definition of what "qualified" means, to be fair. It means that all the members are in the same paragraph in the import of their support, amendment or lack of support, and then you do away with that next paragraph. It just brings it all into one paragraph about where the Committee was and what happened with it.

The Chairperson (Mr Lyttle): Read your first paragraph again slowly, Robbie.

Mr Butler: The first words do not change:

"A range of views was reflected in the clause-by-clause consideration. Members expressed a range of support, qualified support or no support for the clauses and amendments as proposed."

Then the next bit is possibly just defining what "qualified support" means:

"Further work, adjustment or advice has been asked for in relation to further support for the clauses or amendments."

The Chairperson (Mr Lyttle): Maybe, to clear the technicality, that could change slightly to:

"Whilst a majority of members supported the clauses" —.

Well, no. I am all right with the text as it is, to be honest with you, but without —.

Mr Butler: I agree that it is that position in the executive summary piece, because it gives a bit more detail as it goes on. I get that, Chair, too. However, I think that what I have offered is probably a more accurate reflection, given that maybe a majority of clauses needed attention, shall we say? That would be *[Inaudible.]*

The Chairperson (Mr Lyttle): I guess that the language as it stands says:

"a majority of members supported the clauses and proposed amendments either entirely or subject to further work on adjustments, advice and clarifications."

I do not know whether the two phrases are markedly different, Robbie. However, I will circle round everybody else for you here. I appreciate the genuine effort being made.

Pat: as it stands or Robbie's amendment?

Mr Sheehan: I honestly do not see any substantive difference between the two. If members are happier with a change of words, I am happy to go along with it. However, I am also happy if members agree with those words as they sit.

The Chairperson (Mr Lyttle): I appreciate the effort; I mean that genuinely. I just think the first form of words might be slightly technically more efficient but OK.

Robin?

Mr Newton: Thank you, Chair. I thank Robbie. He adds a little clarity to it, and that is not to take away from the work of the Committee Clerk. Leaving in the next sentence would add even greater clarity, Chair.

The Chairperson (Mr Lyttle): So leave in the sentence starting, "A number of Committee members"? That is my view too. OK.

Daniel?

Mr McCrossan: I have been listening to this, Chair, and the paragraph that Robbie refers to, before he amends it, just does not sit comfortably with me either. It says:

"A range of views was reflected in the clause by clause consideration",

but it goes on to say that the clauses and amendments were supported:

"either entirely or subject to further work."

I do not believe that that is balanced. There were only a couple of statements, as I remember, yesterday at the end that were supported in their entirety, and they were not matters of great substance, as you know. I do not believe that the paragraph leaves an accurate impression. It needs to convey that there was concern about a number of the statements and that they needed substantial work and amendment.

The Chairperson (Mr Lyttle): OK, so what about —.

Mr McCrossan: I do not think that Robbie's version goes far enough, but I do not think that the current statement is reflective either. It is not balanced. Concerns were expressed throughout yesterday. I point that out not to be awkward but to give a clear reflection that there were concerns on a wide range of clauses. There was a view, particularly from my perspective, that we would proceed subject to legal advice and amendment. I said that consistently yesterday on a number of clauses.

The Chairperson (Mr Lyttle): OK. Whilst I am content with the wording, I will endeavour to be helpful in terms of amendments. So in

"of which a majority of members supported the clauses and proposed amendments",

if we remove "either entirely", and just go with

"a majority of members supported the clauses and proposed amendments subject to further work on adjustment, advice, clarification and amendment",

does that help you, Daniel?

Mr McCrossan: Yes, that is better.

The Committee Clerk: Come again, Chair?

The Chairperson (Mr Lyttle): Maybe you remove "either entirely or" — those three words — and it then reads:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments subject to further work on adjustments, advice, clarification and amendment."

Mr McCrossan: That covers it much better, I think.

The Chairperson (Mr Lyttle): I am keen to make sure that this is consistent with what we technically need to reflect. Clerk, does that do any injury to what we need to reflect?

The Committee Clerk: No, I do not believe it does. It is for members to set the balance. I do not have figures and I do not have party positions, so for you to calibrate this, as you are doing, is helpful and *[Inaudible.]*

The Chairperson (Mr Lyttle): It is just this one paragraph, to be fair:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported" —

"Supported" reflects known opposition. "Aye" or "No" in the Assembly Chamber is binary. "Support/oppose" are the technical binaries in terms of what you do on this, then you can try to qualify it thereafter. If me conceding "either entirely" helps the report to pass, so be it. Hansard reflects my wide-ranging support and other people's qualified comments. Those are there for everybody to see. So:

"proposed amendments subject to further work on adjustments, advice and clarifications" —

yes, there will be further work.

Robbie, I realise that we have not entirely allowed your proposal to pass.

Mrs Dodds: Chair, are you bringing in other members?

The Chairperson (Mr Lyttle): Yes, of course.

That is my alternative proposal, Robbie.

Mr Butler: *[Inaudible.]*

The Chairperson (Mr Lyttle): For good order, let me allow your proposal to go round here and then maybe return to my clarification work with Daniel.

Mr Butler: I want to make something clear: I made the proposal on the basis of the discussions that we have had and to assist. I did not have a huge issue with it before, but I recognised that there were some who did. If the other proposal was to stand [*Inaudible owing to poor sound quality*] I do not mind. I genuinely do not mind. It has been a helpful discussion so far.

The Chairperson (Mr Lyttle): Daniel, conclude on the form of words that is there on page 55, and then I will move round.

Mr McCrossan: Chair, I am happy with what you suggested at the end.

The Chairperson (Mr Lyttle): OK. I will go round other members on the words as they are for now.

Mr Butler: If the others are content and do not have an issue with it, I am content with that, Chair.

The Chairperson (Mr Lyttle): OK, just to clarify: the words as they stand on the page are:

"A range of views was reflected in the clause by clause consideration" —

true —

"of which a majority of members supported the clauses and proposed amendments" —

true, technically, in terms of it passing; it was not opposed.

It currently reads "either entirely" — OK, there were some clauses and amendments passed entirely in support:

"or subject to further work on adjustments, advice and clarifications"

and amendments. I think the Clerk used all those words to make sure that everyone's qualifications were reflected as much as possible. Sorry: "amendments" is not in there at the moment; it is "and clarifications". Although I am entirely content with the current form of words, in an effort to be helpful, I suggested that we could remove "either entirely", so that it reads:

"a majority of members supported the clauses and proposed amendments, subject to further work on adjustments, advice, clarifications and amendments."

I may have superseded your original suggestion, Robbie, in the flow of going round. Daniel is comfortable with my proposal, but I am happy to go around everybody else to see where we are.

Mrs Dodds: We are in a sad and sorry state, proposing amendments at the last minute without seeing them written down, without them having been sent to members and without anybody giving them a second's thought. I have been in many positions in my political lifetime, and I have never seen this done. I want that on the record. This is a terrible process.

I will take members back to the last bit of the sentence at the top of the page to again make the point that I made at the start of the meeting:

"the Committee had come to an overall position of qualified support for the clauses of the bill as drafted".

If anybody was at the same meeting as I was yesterday, they will know that that does not reflect the position of the Committee. Expressing no —.

The Chairperson (Mr Lyttle): If you —.

Mrs Dodds: No, no. Let me finish. No. I am going to finish.

The Chairperson (Mr Lyttle): OK. Go ahead.

Mrs Dodds: In this context, expressing no opposition is now taken to be support, and not forcing a vote is taken to be support.

The Chairperson (Mr Lyttle): If you read that —.

Mrs Dodds: I do not think —.

The Chairperson (Mr Lyttle): OK, sorry. Go ahead.

Mrs Dodds: I do not think that that is an accurate reflection of what happened yesterday. The only person who accepted clause 7 in its entirety when it was presented to us yesterday was you, Chair.

The Chairperson (Mr Lyttle): That is not even an accurate reflection of what I said, by the way, but other clauses were supported in their entirety.

Mrs Dodds: Those were the name of the Bill — the short name, the long name etc.

The Chairperson (Mr Lyttle): OK.

Mrs Dodds: Yes, they were supported in their entirety, but they have no material impact on the substance of the Bill. I mean, I am just —.

The Chairperson (Mr Lyttle): I am happy to respond, but I want to let you finish, Daniel — sorry: Diane.

Mrs Dodds: I do not know whether that is —.

The Chairperson (Mr Lyttle): I know. Sorry. *[Laughter.]*

Mrs Dodds: I genuinely do not.

The Chairperson (Mr Lyttle): Apologies.

Mrs Dodds: I have made my point. We are on a slippery slope towards providing a report that does not reflect what happened yesterday.

The Chairperson (Mr Lyttle): OK, I will respond. Reading the sentence that you referred to, which is one sentence out of a 60-plus-page report, you do not get an accurate reflection of the meeting. That is not surprising, because it is one sentence. The paragraph immediately thereafter is the one that we speak about. It refers to "a range of views" and qualifies that the support is subject to advice and amendments. The paragraph immediately after that states, in stark clarity, that:

"A number of Committee members did not agree with the clauses as drafted or with the ... proposed amendments, or with the Committee's amendments."

I do not know how anybody could be left in any doubt that there are members of the Committee who do not support the clauses, the sponsor's amendments or the Committee's amendments. OK?

We will move on.

Ms Brogan: Your proposal of removing "either entirely or" is spot on. I am happy with that.

The Chairperson (Mr Lyttle): Thanks, Nicola.

Mr McNulty: I am happy with what you have proposed, Chair. When you are ready to move beyond this point, I want to go back a couple of paragraphs.

The Chairperson (Mr Lyttle): No problem. Is that in the executive summary, Justin?

Mr McNulty: Yes.

The Chairperson (Mr Lyttle): OK. I will come back to you once I finish this.

Mr Harvey: While I appreciate your work, Aoibhinn, as you know, it is up for a wee bit of chat here.
Page 55:

"A range of views was reflected in the clause by clause consideration".

My feelings about the meeting totally — after that, I would put a full stop. My reading was that a majority of members did not support the clauses as read. I felt that we did not support the clauses as read and that either amendment or removal of them was required. Would that not be more reflective? I am happy for there to be comments.

The Chairperson (Mr Lyttle): OK. We need to deal in specifics here, folks, and we have to agree. If it needs to go to a vote on these sections, it can go to a vote. This is the executive summary section. There were members who were content with the section. A minority of members — anybody who wishes to disagree with me can do so — were not content, and some people expressed specific concerns. Whilst I am entirely content with it, there is a proposal to amend the paragraph slightly to read:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments" —

"either entirely" is entirely accurate. Daniel and Justin, are you inclined to vote against the wording as it is, without the removal of "either entirely" and the addition of "amendment"? [Pause.] Is Daniel around? [Long Pause.] OK. Hopefully, Daniel can return.

I will recap what he suggested that he was content with, which was:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments, subject to further work on adjustments, advice, clarification and amendments."

Daniel, I seek clarification that you do not support the wording as it is; that you would vote against it; and that you would support and be content with removal of "either entirely or" and the change to the final part of it to read:

"subject to further work on adjustments, advice, clarification and amendment."

Can you confirm that, please?

Mr Butler: He was frozen. Now he is back, Chair.

The Chairperson (Mr Lyttle): Daniel? We have got movement. Daniel, can you clarify?

Mr McCrossan: Yes?

The Chairperson (Mr Lyttle): I am trying to help out here. A minority of members, it seems, was against the section, and a number of members seemed to be content with the wording. I am just checking whether your position is against the current wording and you are —.

Mr McCrossan: No. I have concerns, but [Inaudible owing to poor sound quality] the mood of the meeting —.

The Chairperson (Mr Lyttle): You broke up there, Daniel. Go ahead.

Mr McCrossan: I have concerns that it is just not a proper reflection. The suggestion that you originally made, before I briefly left the room, tidied it up significantly. It just provides further clarification. That is what needs to be done. It is not entirely accurate in its current form, but those slight amendments are helpful.

The Chairperson (Mr Lyttle): OK. I am just trying to check. If we have to vote on those sections, we can.

Mr McCrossan: Was it Diane who said that, in the first paragraph:

"the clauses of the Bill, subject to legal advice and amendment"

might be helpful, as opposed to "as drafted"?

The Chairperson (Mr Lyttle): OK. The paragraph would read:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments".

Are you saying that you could live with

"and proposed amendments either entirely or subject to further work on adjustments, legal advice, clarification and amendment."?

Would that work?

Mr McCrossan: Yes. That would work.

The Chairperson (Mr Lyttle): OK. Here is the final proposal, folks, for that paragraph. Robbie, hopefully you are content with this, because I appreciated the effort that you made originally to navigate us through it. Clerk, you can advise me whether you are content with this as well:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments either entirely or subject to further work on adjustments, legal advice, clarifications and amendment."?

If we need to vote on that, if there are members who are just opposed to that language, we can vote on it. I will do a quick circle. I am content with the —.

The Committee Clerk: *[Inaudible]* Robbie's proposal?

The Chairperson (Mr Lyttle): Sorry?

The Committee Clerk: Are we ceasing to consider Robbie's proposal?

The Chairperson (Mr Lyttle): Yes. Robbie, is it OK if I respectfully cease to consider your proposal in favour of mine?

Mr Butler: I will suck it up. No problem, Chair.

The Chairperson (Mr Lyttle): Sorry about that, Robbie. I am trying to get as much consensus as I can. It would be regrettable not to do so. I am content with my proposed amendment.

Mr Sheehan: I am content with that proposal also, Chair.

The Chairperson (Mr Lyttle): Thanks, Pat. I think we are on yes or no here, folks, in lieu of other proposals.

Mr Newton: Content, Chair. Just for clarification, does the second sentence, which starts, "A number of Committee members", remain?

The Chairperson (Mr Lyttle): Yes. That makes sense, Robin. Absolutely.

Daniel?

Mr McCrossan: Sorry, Chair. I had a call from someone else there. Give me two seconds.

The Chairperson (Mr Lyttle): No problem. Are you content with the amendments that I have made there?

Mr McCrossan: Yes. I heard before [*Inaudible.*]

The Chairperson (Mr Lyttle): Thanks very much.

Mr McCrossan: Chair, while I have your attention, briefly — I have to go to another Committee meeting — I want to seek clarification, and we can talk about it later, on what the bottom element of that means. It says:

"However, no proposal was made that the Committee should oppose the question that a clause should stand part of the bill at Consideration Stage."

I do not know. I just want to know what:

"a clause should stand part of the bill at Consideration Stage"

means. I am a wee bit confused.

The Chairperson (Mr Lyttle): It just means that no proposal was made that a clause should be removed at this stage or opposed at Consideration Stage. It is hard to explain that differently from how it is written, Daniel.

The Committee Clerk: There is an explanation of the Consideration Stage and the "clause stand part" issue at the end of the report, because it is a funny phrase. It is a bit odd, so I thought it was worthy of explanation. You can have a look at that.

The Chairperson (Mr Lyttle): OK. Thanks for that.

Diane?

Mrs Dodds: The same as Robin.

Ms Brogan: I am happy with that, Chair.

Mr McNulty: Yes.

Mr Harvey: I will follow the lead, Chair. Yes.

The Chairperson (Mr Lyttle): Does that makes sense for you, Clerk?

The Committee Clerk: Yes. It now reads:

"A range of views was reflected in the clause by clause consideration, of which a majority of members supported the clauses and proposed amendments either entirely or subject to further work on adjustments, legal advice, clarifications and amendment.

A number of Committee members did not agree with the clauses as drafted or with the Sponsor's proposed amendments, or with the Committee's amendments."

The Chairperson (Mr Lyttle): Yes. OK.

The Committee Clerk: Is everybody happy with those two sentences?

The Chairperson (Mr Lyttle): Are members content to agree the executive summary section? Agreed?

The Committee Clerk: Justin wanted to come back in, Chair.

The Chairperson (Mr Lyttle): Sorry, Justin. Apologies. Go ahead.

Mr McNulty: I go back to the second-last paragraph of the previous page of the executive summary. It is the first page of the executive summary, which is page —

The Chairperson (Mr Lyttle): Page 54, yes.

Mr McNulty: — 54. It says:

"The Committee sought to extend its Committee Stage a second time given the complexity of the legal framework and outstanding uncertainties as to the impact of the proposed clauses and amendments."

I suggest changing it to:

"The Committee sought to extend its Committee Stage a second time given the complexity of the legal framework and outstanding uncertainties as to the legal, financial and area planning impact of the proposed clauses and amendments."

The Chairperson (Mr Lyttle): I have no objection to that. It might be worth me noting on the record that I did not see a need for extension, but I do not need that to be written in a report. I can say that when it needs to be said.

Are members content with Justin's amendment?

Members indicated assent.

Mr McCrossan: Chair, I think that you have enjoyed this process. Do not deny it.

The Chairperson (Mr Lyttle): I will enjoy getting it finished now. Do members agree the executive summary section as amended?

The Committee Clerk: Can I check that Diane does not want any amendments to that in-between paragraph?

The Chairperson (Mr Lyttle): I think that you are on mute, Diane.

Mrs Dodds: Sorry. How could I ever be on mute, Chris?

A phrase that appears throughout the report is:

"a position of qualified support for the clauses of the Bill as drafted".

I do not think that there was qualified support for the clauses as drafted. In many instances, there was not a lot of support for the clauses as drafted. If we could get alternative language that would reflect that better, that would be useful. That would genuinely and honestly reflect that the Bill, as drafted, really was not supported in many instances as we went through the clauses. We are taking a lack of a vote not to support as qualified support. Is there another way of expressing that?

The Committee Clerk: It is not only that the Committee did not vote against the clauses; it did not oppose them either. Those are two negative positions that it did not take. Do you want to say that the Committee has taken an overall position of uneasy qualified support? Is there some wording that you suggest?

The Chairperson (Mr Lyttle): At this stage, given the time that is available for the Clerks to change it and for us to have to agree it now, there would need to be specific proposed amendments. I know that you expressed concern about that earlier, Diane, but that is the nature of a report-agreeing process at this stage of the Committee Stage. It is drafted and has been agreed, so we need to have alternative text now to agree now.

The Committee Clerk: "Qualified", I suppose, means "conditional", and then it specifies below what those conditions are. There is further work, and —.

The Chairperson (Mr Lyttle): Is the removal of the phrase "as drafted" a way to tidy that up, Clerk or Diane?

Mrs Dodds: It is more accurate.

The Chairperson (Mr Lyttle): The problem is that that is a technicality, I guess, because that is what we are dealing with now. The amendments are proposed.

The Committee Clerk: Yes, the purpose of Committee Stage is to come to a position on the clauses of the Bill.

The Chairperson (Mr Lyttle): I get your point, Diane. It is a technicality, I suppose. The phrase "the Bill as drafted" is a technicality, "support" is a technicality and "opposition" is a technicality. I am content that members' positions on this are adequately reflected. They will become even clearer as the Assembly process progresses. I do not think that this text will do injury to that. I will have to press for specific alternative text here.

Mrs Dodds: This is the problem with getting everything at the last minute, is it not? That is not the Clerk's fault. It is probably as much our fault as everybody else's. I do not know the technical language for it. I suggest that the people who draft the Bill should think about that and come back to us before the end of the process that we are going through. We have a lot more to go through.

The Chairperson (Mr Lyttle): If you come up with an alternative text in the meantime, we can return to that.

Are members otherwise content with the executive summary section?

Members indicated assent.

The Chairperson (Mr Lyttle): Thank you. The introduction section is at page 56 of the tabled papers. Are members agreed with that section of the report as drafted?

Mr McCrossan: This is a slight technical thing: in paragraph 3 of page 56, the word "promotion" is evident. Can we change that to "support"?

The Chairperson (Mr Lyttle): OK. Paragraph 3 of page 56 states:

"The objectives of the Integrated Education Bill are described in the EFM as follows: to make provision about the promotion and provision of integrated education, and to provide for reform and the expansion of integrated education."

That is the text of the EFM. We do not get to amend that.

Mr McCrossan: That is OK, Chair.

The Chairperson (Mr Lyttle): Is that fair enough? It is not our language.

Mr McCrossan: I picked that up [*Inaudible.*] That is fine.

The Chairperson (Mr Lyttle): No problem.

The Committee Clerk: I know that we were looking at the EFM that accompanied the Bill as introduced. If the changes are made at Consideration Stage, the EFM will change to say "support" instead of "promotion".

The Chairperson (Mr Lyttle): It is not Committee language, Daniel, so you are grand in that regard.

OK. To recap, are members content with the introduction section at page 56?

Members indicated assent.

The Chairperson (Mr Lyttle): The "Consideration of the Bill" section is at pages 62 and 63 of the tabled papers. Are members content with the "Consideration of the Bill" section?

Members indicated assent.

The Chairperson (Mr Lyttle): The "Clause by Clause Scrutiny of the Bill" section is at page 65 of the tabled papers. Are members content with the "Clause by Clause Scrutiny of the Bill" section as drafted?

Mr McNulty: Chair, can we back up to paragraph 11?

The Chairperson (Mr Lyttle): Paragraph 11 is in the introduction section on page 58.

Mr McNulty: That needs to reflect the Department's concerns around judicial reviews (JRs), financial implications and area planning.

The Chairperson (Mr Lyttle): Paragraph 11 states:

"Officials told the Committee that the Department had concerns that the Bill may elevate".

Do you have a specific proposal on the text that you want to insert?

Mr McCrossan: This text needs to be included in that paragraph: "The Department expressed concerns around JRs, financial implications and area planning". The Department's concerns need to be included there, because they were evident.

The Chairperson (Mr Lyttle): That is similar to the text inserted previously. OK. Where would you insert that? At the end, after:

"Officials also expressed concerns regarding the requirement for every new school that is established to be an integrated school"?

and —?

Mr McNulty: "the potential for judicial reviews, the financial implications and area planning".

The Chairperson (Mr Lyttle): OK. Are members content with the insertion of that text in the introduction section of the report as drafted, and are they content to agree the introduction section?

Members indicated assent.

Mr Butler: I have one technical point, Chair.

The Chairperson (Mr Lyttle): Go ahead, Robbie. Can you tell me what it pertains to?

Mr Butler: It pertains to paragraph 30, I think, and it speaks to the start of the document. It mentions "bodies", and then we have definitions of the bodies.

The Chairperson (Mr Lyttle): OK. Let me clarify that for you. We are returning to the "Consideration of the Bill" section. We will try to avoid jumping back and forth as much as we can, but I am also keen to let members contribute.

The title "Consideration of the Bill" is at page 62. and the paragraphs start at page 63. Robbie, you are referring to page 63, paragraph 30. Go ahead.

Mr Butler: If we include the Council for the Curriculum, Examinations and Assessment (CCEA) in there as one of the bodies defined in the Bill, we need to include it in the abbreviations at the very start of the report. It mentions "bodies". On clause 6 in particular, I raised the issue of CCEA's inclusion and

the impact that that might have. If it is OK, can we include CCEA in there and then define it in the earlier part?

The Chairperson (Mr Lyttle): So, in paragraph 30 of the "Consideration of the Bill" section of the draft report on page 63, in which the Committee identified its main issues with the Bill, you propose that after:

"perceived conflict between the existing statutory role of CCMS",

we should add "and CCEA"?

Mr Butler: I think so. Yes. *[Inaudible owing to poor sound quality.]*

The Chairperson (Mr Lyttle): OK. Are members content with the "Consideration of the Bill" section of the draft report, as amended by Robbie?

Members indicated assent.

The Chairperson (Mr Lyttle): OK. We will turn to the section that deals with the clause-by-clause scrutiny of the Bill at page 65 of the draft report. Are members content with that section of the report as drafted?

Members indicated assent.

The Chairperson (Mr Lyttle): Thank you. OK. Are members content with appendices 1 to 9, which start at page 67?

Mr Sheehan: Agreed.

The Chairperson (Mr Lyttle): Thank you. I am trying to move in a way that allows members to respond, but that agreement appears to be there.

Mr Newton: Sorry, Chair. My screen has frozen. I cannot get any movement with it at the minute.

The Chairperson (Mr Lyttle): OK. I can specify it for you, Robin. Appendix 1 contains the printable version of the report. Appendix 2 contains the memorandum and papers from the Department. Appendix 3 contains the memorandum and papers from others. Appendix 4 contains the already agreed minutes of proceedings. Appendix 5 contains the Minutes of Evidence. Appendix 6 contains the written submissions, Appendix 7 contains the research papers, Appendix 8 contains the other documents relating to the report. Appendix 9 contains the list of witnesses who gave evidence to the Committee. Are members content to agree those appendices?

Members indicated assent.

The Chairperson (Mr Lyttle): OK. Can I seek agreement to order the report on the Integrated —.

Mr McCrossan: Chair, I know that you are keen to get to the finishing line, but I noted a few things. To revert to page 63, does the statement:

"the operational impact on education bodies"

cover CCEA? Do we need to reflect that? We need to clarify that.

The Chairperson (Mr Lyttle): Yes —.

Mr McCrossan: I have also —.

The Chairperson (Mr Lyttle): Daniel, I will bring you in on that, but let me keep order. I am showing a fair bit of grace in returning to issues that were addressed. It is probably within my prerogative not to return to them, but let us be cooperative.

You are returning us to page 63. Let me just make sure that everybody is clear. That is the "Consideration of the Bill" section of the draft report. Do you know what the number of the paragraph is that you are referring to?

Mr McCrossan: I have a number of issues, Chair. It is paragraph 30.

The Chairperson (Mr Lyttle): We will take them in turn. Paragraph 30 on page 63. Go ahead.

Mr Butler: To be fair, we covered that and the CCEA, Chair.

The Chairperson (Mr Lyttle): Let me just check. Go ahead.

Mr McCrossan: There are issues that we probably need to include. One is that there is no mention of some of the duties that will be required of the Department that may be duties that Northern Ireland Council for Integrated Education (NICIE) should provide, for example, promoting and producing a strategy and report about integrated education. Another point that may be considered is the potential impact of the Bill on social services and playgroups. Does that need to be recorded? The following are major issues. Should the problem with the presumption that all new schools would be integrated be recorded? Finally, there are the Education Authority's (EA) concerns about how it could perform its role if it had to promote or give the integrated sector preferential treatment. Should we note those things in the considerations, given that they were fairly heavily considered?

The Chairperson (Mr Lyttle): OK. Again, I need specific proposals about where you want to insert, remove or amend text. Do you want to try that again?

Mr McCrossan: Just another point, it is not clear —.

The Chairperson (Mr Lyttle): Wait, wait. I am trying to be helpful to you.

Mr McCrossan: Yes, but I am just —.

The Chairperson (Mr Lyttle): Wait. We could all list things all day long, but I need you to make specific proposals to amend the draft report.

Mr McCrossan: Yes, I just want to finish on this point. I made scribbles throughout the document. The advice that we obtained from the Department of Education and others pointed to the significant potential for judicial review. We also need to include that a concern was raised about that. It is just to make sure that we take a fair and reflective approach. I need to think of the form of the words, Chair. I have been thinking about that as I wrote them down.

The Chairperson (Mr Lyttle): OK.

The Committee Clerk: That has been added into the section on the Department.

Mr McCrossan: Yes, paragraph 30.

The Chairperson (Mr Lyttle): I think that the last comment that you made, Daniel, was addressed by Justin in another section of the report. Is that what you are saying, Clerk?

The Committee Clerk: Yes. Under the stakeholder description of what the Department said, there are a number of issues, but those are the main issues that the Committee found with the Bill. It is trying to prioritise which issues were most concerning for the Committee.

The Chairperson (Mr Lyttle): Yes. Daniel, is quite a bit of what you referred to not covered by this phrase:

"the operational impact on education bodies"?

Mr McCrossan: I am just reading the wording:

"the operational impact on education bodies and the resource implications for other sectors of the Bill's implementation".

Yes. Social services and playgroups need to be included as well. That is not recorded.

The Committee Clerk: I think that you and Robin spoke about that yesterday in the clause-by-clause considerations. It is certainly in Hansard. Do you want to elevate it to a main issue with the Bill for the Committee?

Mr McCrossan: Yes, but they are not educational bodies.

The Chairperson (Mr Lyttle): OK. Do you want:

"the operational impact on the education bodies, social services" —?

Mr McCrossan: "Social services and playgroups", please.

Mr Newton: I suggest that Daniel may want the word "negative" in there.

Mr McCrossan: Yes.

The Committee Clerk: Is it "the negative operational impact"?

The Chairperson (Mr Lyttle): You are proposing the "negative operational impact". I do not know if that really changes it, but OK. What do you think of:

"the negative operational impact on educational bodies, health and social care bodies"—?

Mr McCrossan: Yes, that is perfect. Yes, thanks. That is helpful.

The Chairperson (Mr Lyttle): I am glad to be of assistance to you, Daniel.

The Committee Clerk: I do not think that that was an issue with the Bill for the Committee. That has emerged very recently, in the last couple of days.

The Chairperson (Mr Lyttle): Yes. We are proposing:

"the negative operational impact on education bodies, health and social care bodies and the resource implications for other sectors involved".

Are you content with the "Consideration of the Bill" section, Daniel?

Mr McCrossan: Yes.

The Chairperson (Mr Lyttle): OK. I apologise to have to ask for this again, but, for full clarity —.

Mr Newton: Chair, may I come in?

The Chairperson (Mr Lyttle): Yes, Robin.

Mr Newton: Page 66 —.

The Chairperson (Mr Lyttle): Let me just make sure that we are agreed on that section as amended, and then I will bring you in, Robin.

Are members content with the "Consideration of the Bill" section of the report as amended?

Ms Brogan: Sorry, which paragraph did the change that Daniel made apply to?

The Committee Clerk: Paragraph 30, members. I will read out the amended paragraph. There were two amendments. The first added "CCEA", and the second was Daniel's amendment. Paragraph 30 now reads:

"The Committee identified as main issues with the Bill:

definitional issues; the extent of proposed duties on the Department in respect of Integrated Education as compared with other sectors; perceived conflict between the existing statutory role of CCMS and CCEA and the proposed duties of the Bill; the extent of current integration in other sectors; the negative operational impact on education bodies, health and social care bodies and playgroups and the resource implications for other sectors of the Bill's implementation; and the nature and scrutiny mechanisms for the regulation-making powers in the Bill."

The Chairperson (Mr Lyttle): Thank you for that, Clerk. Are members content to agree the "Consideration of the Bill" section, as per those amendments?

Members indicated assent.

The Chairperson (Mr Lyttle): Robin, you wanted to come in about page 66, which is the "Clause-by-Clause Scrutiny of the Bill" section.

Mr Newton: That is it, Chair. I refer to the fourth paragraph on page 66, which commences with "However". It says something similar to what appeared before, if we can get some form of words for it. We started with a proposal by Robbie to reflect the views of the Committee more accurately in that paragraph. As Diane said —.

The Chairperson (Mr Lyttle): OK.

The Committee Clerk: Those two paragraphs are the same, so we can make the same changes as we did in the executive summary.

Mr Newton: The Committee Clerk read my mind.

The Chairperson (Mr Lyttle): That is good observation, Robin. We will amend that paragraph as per the amendment to the form of words in the previous section. Are members content to agree the clause-by-clause scrutiny section of the report as per that amendment?

Members indicated assent.

The Chairperson (Mr Lyttle): Are members content to order that the report on the Integrated Education Bill be printed as the first report of the mandate?

Mr Newton: Maybe this is comes under the overall context of the Assembly's work, but are we allowed to express our concerns at the whole process, including how it was rushed and its timescale? I do not have a form of words here, but can we express our concern at the work that was done and the manner in which it was handled? Are we able to include those thoughts in the report?

The Chairperson (Mr Lyttle): I am not entirely clear on what you mean, Robin. If you want to attempt a form of words, the Committee Clerk could advise where it might be put. In my summation of the clause-by-clause process yesterday, I referred us taking over 100 days. You need to suggest a form of words.

Mr McNulty: Chair?

Mr Newton: I give way to Justin.

Mr McNulty: Going back to what Daniel proposed, can we change "negative" to "potentially adverse"?

The Chairperson (Mr Lyttle): It feels like splitting hairs, but are members content with "negative" being changed to "potentially adverse"?

The Committee Clerk: So the report would refer to the "potentially adverse operational impact on education bodies", which was one of the main issues with the Bill.

The Chairperson (Mr Lyttle): Yes. Just to be clear, we are talking about the "Consideration of the Bill" section at page 64, paragraph 30:

"the negative operational impact on education bodies, health and social care bodies and playgroups."

The proposal is to change "negative" to "potentially adverse" in that sentence. Justin is amending your text, Daniel. Are members content with that change?

Members indicated assent.

The Chairperson (Mr Lyttle): I return to Robin. Apologies, Robin: that was not consistent with the concern that you were raising, so I will let you put it again.

Mr Newton: I do not have an exact form of words, but I am trying to reflect that many of us felt that we were under extreme pressure. For example, we received the report last night at 11.45 pm and started to agree it this morning at 9.30 am. In terms of good scrutiny and deliberation, we have been moving at a pace that potentially has — what were the words that Justin used there?

The Chairperson (Mr Lyttle): Potentially adverse.

Mr McNulty: Potentially adverse.

Mr Newton: The pace we have been moving at has potentially adverse implications for the Bill.

The Chairperson (Mr Lyttle): OK. Those comments are on the record.

Mr Newton: If my comments are on the record, I will take advice via you, Chair, from the Committee Clerk on whether —.

The Chairperson (Mr Lyttle): OK. Clerk? I do not want to be in conflict with you, Robin, but that would not reflect —.

Mr Newton: There is no conflict, Chair.

The Chairperson (Mr Lyttle): No. That would not reflect my experience or perception of the process, but I am content to ask the Clerk on your behalf whether and where there is a place for that to be inserted, potentially, and then to seek members' views in that regard. Clerk?

The Committee Clerk: Members, I would have to check with the Business Office whether there was any potential to add narrative like that when laying the report in the Business Office. It does not seem like a logistical observation in ways. I will find out and advise the Committee. If that is not an option, I suppose that the Committee could write to Mr Speaker or make it clear at Consideration Stage.

Mr Newton: I am content with the Clerk's explanation, Chair.

The Chairperson (Mr Lyttle): Thanks, Robin.

OK, members. I shall return then to seek agreement to order the report on the Integrated Education Bill to be printed as the first report of the mandate. Are we agreed?

Members indicated assent.

The Chairperson (Mr Lyttle): Thanks, members. I will now seek agreement for a copy of the minutes of today's meeting, which can reflect those comments, to be included in the report. Are we agreed?

Members indicated assent.

The Chairperson (Mr Lyttle): Thanks, members.

The Committee Clerk: Did everyone have a chance to read the minutes and agree them?

The Chairperson (Mr Lyttle): Sorry: I will return to that as well then, Clerk. I will seek agreement that an electronic copy of the Bill report be published on the Committee's web page and sent to all organisations that provided evidence to the Committee on the Bill. Are we agreed?

Members indicated assent.

The Chairperson (Mr Lyttle): Thank you, members. I advise members that that concludes the Committee Stage of the Integrated Education Bill. As discussed, legal advice on sectoral bodies etc will be considered at next week's meeting. Obviously, there will be many more opportunities for engagement on the Bill during its other stages in the Assembly. Thank you for that, members.