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Northern Ireland Assembly

Tuesday 10 March 2015

The Assembly met at 10.30 am (Mr Speaker in the Chair).

Members observed two minutes' silence.

Executive Committee Business

Special Educational Needs and Disability Bill: Second Stage

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. Iarraim cead an Bille seo a mholadh. I beg to move

That the Second Stage of the Special Educational Needs and Disability Bill [NIA Bill 46/11-16] be agreed.

Fáiltím roimh an deis labhairt libh inniu faoi mo mholtaí le hathruithe a dhéanamh ar na socruithe le tacú le páistí le riachtanais speisialta oideachais. I welcome the opportunity today to speak about my proposals for changes to the current arrangements for supporting children with special educational needs (SEN). The Special Educational Needs and Disability Bill represents the first component in delivering the change required in that area. It will be followed by new regulations and a revised statutory code of practice. The Bill, therefore, sets the foundations for the much-needed change to the current policy framework for special educational needs.

The basis for the existing framework dates back to 1986. Although the Education Order 1996 and the Special Educational Needs and Disability Order 2005 made some important changes to the inclusive aspects of that framework, I need to recognise and overcome the barriers imposed by the framework initially developed some 30 years ago.

We now have the opportunity to move forward with a modernised approach so that schools and the Education Authority are certain about the duties and responsibilities that they carry, and that, together, they can provide a more responsive, effective framework of support for children with special educational needs.

We need to move from a past system that recognised inherent difference as being something unusual, where children with special needs in ordinary schools were the exception and not the norm, and where, often, the child was viewed as the problem. I intend that the framework will truly promote improvement and inclusive practices so that schools and the authority can make effective decisions and to ensure that all schools have the capacity to develop a whole-school acceptance of SEN children in the work and life of the school.

In 2005-06, over 54,000 children had special educational needs, of whom almost 12,000 had statements. Compare those with current figures, which show that there are almost 74,000 children with special educational needs and almost 16,000 with statements. These are significant increases in anyone's terms.

While the number of children educated in special schools has risen by almost 500 to just over 5,000 in the same period, the most significant increase has been in the number of children educated in mainstream schools. Children with statements of special educational needs now represent 4.9% of the total school population. We have ample evidence of the geographical integration of pupils in mainstream schools, but I recognise that not all schools operate fully inclusive practices and, therefore, legislation is required to ensure that all can make special education provision at the highest standards of the best. We all must recognise the rights of children with special needs, along with society's increased expectations of inclusion, and we must rise to the challenge of providing the correct teaching and learning environments for every child regardless of their circumstances.

Moving forward, the wider education system needs to embrace diversity and to recognise that while we all have different learning styles and challenges, we still enjoy the right to education. Throughout the course of the review of special educational needs and inclusion, there has been extensive consultation with parents, children, young people, educationalists

and many other interested parties. In my summary report of the responses to the formal consultation in 2012, I reflected on the broad spectrum of opinions expressed. The fact that people with differing experiences of and perspectives on special educational needs expressed diverse views and opinions is not, in itself, unexpected or surprising, but it presents real challenges in moving forward to shape the changes to existing policies.

As have others, I have been much saddened by the views expressed by some parents about the battles that they face in order to get the right support for their children. The challenge for me has been in trying to arrive at proposals that will provide the right support for children, meet the needs of schools and reduce the administrative burden associated with the current framework. While my proposals place an emphasis on support for children in mainstream settings, they do not dilute in any way the important role played by special schools in meeting the needs of many SEN children.

Let me reflect on the reasons for undertaking the review of SEN and inclusion. The review was undertaken because of the inconsistencies in provision, delays in assessment, significant increases in children recorded with SEN, increasing numbers of children with complex needs, and evidence of increasing pressures on parents, teachers, schools and boards. The principles that underpin the review aim to address these issues. The review has never been about saving money or reducing budgets but has had a strong focus on promoting efficient and effective systems within the resources available. Throughout the review, I have also been mindful of the complexities of the existing legislative framework, and I recognise that agreement may be difficult to achieve. However, by presenting the Bill to the Assembly for scrutiny, I hope to move the debate forward.

In reaching this point, I have already placed a strong emphasis on working through the issues with colleagues in the Assembly and the Education Committee, and I hope that this approach can continue. I have listened to stakeholders' views and have made some considerable revisions to the original proposals. I have also looked to the changing environment in other jurisdictions and have tried to incorporate into domestic legislation key elements called for in the United Nations Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. I believe that we can produce an Act that is fit for purpose and meets the needs

of pupils, parents and schools in today's modern society.

I turn now to the contents of the Bill. There are 16 clauses and one schedule. Clause 1 places a duty on the Education Authority to have regard to the views of the child. Clause 2 places a duty on the authority to publish a plan of its arrangements for special educational provision and, in particular, a description of the resources and advisory and support services to be made available. Regulations will outline the content of the plan and the procedures that the authority will follow in preparing the plan.

Clause 3 places a duty on the boards of governors of grant-aided schools, including a requirement for a personal learning plan for each child on the school SEN register and to raise awareness of those involved in supporting pupils. A revised code of practice will provide guidance on the format and content of, and arrangements for a review of, the personal learning plan. Clause 3 also ensures that teachers take the necessary actions to actively identify and provide for the needs of SEN pupils. This clause also places a duty on schools to designate a teacher as a learning support coordinator with responsibilities for coordinating provision for SEN pupils. Regulations will provide for the experience and qualifications required for a learning support coordinator.

Clause 4 places a duty on the authority to request help from a health and social care body in all cases where it considers that the body could help in the exercise of its functions.

Clause 5 contributes to the wider policy aim of reducing the time frame for the completion of statutory assessment and the issue of a final statement by the authority from the current 26 weeks to 20 weeks. It reduces, from 29 days to 22 days, the period during which evidence can be provided to the authority and sets out circumstances that allow the authority to proceed with the statutory assessment before the expiry of the 22 days. Revised regulations will achieve the remaining reduction of five weeks.

Clause 6 provides a new right of appeal to the special educational needs and disability tribunal following a decision of the authority not to amend a statement following an annual review.

Clause 7 provides a new right of appeal to the parent of a child under the age of two against the contents of a statement or the failure to make a statement.

Clause 8 places a duty on the authority to provide an independent mediation service to a person who intends to make a SEN appeal to the tribunal and for the authority to participate should that person wish to pursue mediation. Regulations will set out arrangements for the issue of notices, time limits, advocacy provision and the qualifications of mediators.

Clause 9 confers on a child over compulsory school age who has special educational needs rights within the SEN framework previously exercisable by a parent. That includes the right to request a statutory assessment and the right to appeal to the tribunal against certain decisions of the authority. The clause also provides for regulation-making powers for a case where a child over compulsory school age lacks or may lack capacity to exercise the new rights. Regulations will also make provision for the assistance and support of the child.

Clause 10 confers on a child over compulsory school age the right to make a claim to the tribunal that a school or the authority has unlawfully discriminated against him or her on the grounds of disability. That right was previously exercisable by a parent. The clause also provides for regulation-making powers for cases where a child over compulsory school age lacks or may lack capacity to exercise the new right.

Clause 11 provides a power to the Department of Education to establish and conduct a pilot scheme for children who have not reached the upper limit of compulsory school age to make a SEN appeal or disability discrimination claim to the tribunal.

Clause 12 provides a power to the Department of Education for children who have not reached the upper limit of compulsory school age to make a SEN appeal or disability discrimination claim to the tribunal. The Department cannot exercise that power until a pilot scheme established under clause 11 has been in place for at least two years.

Clause 13 makes provision to allow the authority to maintain a SEN statement until the end of the school year following the child's 19th birthday.

Clause 15 makes provision for the commencement of the legislation, and clause 16 provides the short title.

The schedule makes amendments to the 1996 Education Order in relation to the child who is over compulsory school age. In particular, it transfers rights exercisable within the existing

SEN framework from the parent to the child over compulsory school age. Those rights include the right to request a statutory assessment and to make representations to the authority. The schedule also imposes duties on the authority to serve notices on the child instead of on his or her parent, to provide advice and information to the child, and to make arrangements for avoiding or resolving disputes that arise between the child and the authority or his or her school.

I believe that the Bill, combined with the development of associated regulations and a statutory code of practice, will bring forward a rounded and considered package of proposals to improve the management by schools and the authority of children's special educational needs. I commend the Bill to the Assembly.

Miss M McIlveen (The Chairperson of the Committee for Education): I will speak initially as Chair of the Education Committee and later as an MLA.

The Committee received briefings on the special educational needs and inclusion consultation about two and a half years ago. A significant number of concerns were identified by stakeholders, and those manifested themselves in a sometimes lively exchange between them and the Department.

On 18 February, the Department provided an update briefing on what is now the Special Educational Needs and Disability (SEND) Bill. The Committee has received further written clarification from the Department. Members are looking forward to more extensive departmental briefings after Easter, assuming of course that the Bill proceeds as expected today.

10.45 am

The Minister has helpfully set out the content of the Bill and referenced the relevant context. During the debate, we may well hear more about the latter than the former. I am sure that Members will share a great deal of detail regarding the numbers involved and a lot about the importance of special educational needs provision. The numbers are quite stark. The Department's most recent figures show an increase in the number of children with special educational needs from around 16% of the school population 10 years ago to 22% now. Those figures mean, incredibly, that there is a total of 73,000 children with special educational needs, of which about 16,000 have a formal statement. A recent report also showed that the number of pupils presenting with autism

spectrum disorder has increased by 67% in around five years.

So, what is going on in our schools? Certainly, some of this increase is down to an improved capacity in schools to identify and correctly route children with SEN. This improvement is a positive thing. If the issues that prevent or limit our children's access to the curriculum are caught early and addressed, this is very much to be welcomed. There have been a number of excellent programmes: Sure Start, community education initiatives, and the extended schools programme. It is also worthy of note that all of the above and some SEN budget lines have been cut back in the 2015-16 Department of Education budget. This is disappointing in the context of what we are dealing with today. The growth in demand for SEN support services has placed a considerable burden on the budgets of the education and library boards. The boards have also struggled with the interface with the health and social care trusts, which provide many of the supporting services. The Committee has previously taken evidence about the unsatisfactory relationship between Health and Education and will do more work on this in the coming weeks.

At one time or another, most MLAs will have been contacted by constituents with problems relating to obtaining a statement of special educational needs for a child, the content of such a statement, or the nature of the SEN provision. It is self-evident that the statementing process is complex, confusing, overly bureaucratic and, therefore, ripe for reform, as referred to by the Minister. Ideally, that reform will lead to a welcome reduction in some statementing timescales. However, I note that the Bill before us only reduces the timescales for parents' participation in the statement assessment process. I understand that other changes will be made in secondary legislation affecting the Education Authority, the overall idea being to simplify and speed up the whole process. These aspects of the Bill and the other anticipated changes to secondary legislation, which I understand are to deal with statementing, appear to be well-intentioned, though, in the absence of the necessary detail, it is not completely clear.

As well as statementing and changing the role, qualifications and title of the special educational needs coordinator (SENCO), the Bill intends to do a number of other things. In line with international accords and new legislation in other jurisdictions, the Bill will require relevant authorities to have regard to the views of the child in respect of SEN provision. There is also a requirement to undertake a pilot project to

allow for appeals and claims by children below compulsory school age. Additionally, children and young people above compulsory school age will acquire rights that previously resided with their parents or carers.

The majority of Committee members may well wonder about the value of much of this. Obviously, we all want children to get the best start in life through a good education. I am not sure, however, that these proposals will significantly change that. I suspect that they might entertain lawyers and, more worryingly, add to the general Department of Education bureaucracy. I understand that a similar pilot scheme has been completed in another jurisdiction and that almost identical legislation has been passed elsewhere. That being the case, I anticipate that the Committee may well feel that the Department should simply study the results in those other places and seriously evaluate whether these pilot schemes provisions are actually necessary at this time.

The Bill also places obligations on boards of governors and on the Education Authority in respect of special educational needs. I am a member of a number of boards of governors, and I declare an interest at this time in respect of my membership on the boards of governors of Castle Gardens Primary School in Newtownards, Killinchy Primary School and Nendrum College in Comber. My experience and, I am sure, that of other school governors in the Chamber, is that obligations on schools and even the education and library boards are all very well. However, to make a difference, appropriate support and guidance will be required for SENCOs, teachers and school leaders. Statutory agreements between the Education Authority and the health and social care trusts will also be needed.

The Committee welcomes the work that has done in improving teachers' SEN capacity. It has also noted the ongoing reviews of the multidisciplinary support teams and the allied health professionals. Members look forward to a standardised regional SEN support service, which will give more certainty to parents and children on the help that they can expect to receive.

The Bill also proposes changes to the appeals mechanism for SEN. In particular, an independent mediation service has been proposed, and I expect that the Committee may take the view that the intervention of a trusted and informed third party may prove to be a boon to would-be appellants and might help them to resolve disagreements more efficiently and effectively. The Committee will, of course,

wish to study the detail and, in particular, the relevant regulation-making powers that the Department seeks.

I have mentioned the lack of clarity and the absence of the anticipated secondary legislation a number of times. While the debate is about the principles of the SEND Bill, it is timely to reference the balance between the primary legislation that is before us, the anticipated secondary legislation, and the consequent impact on the statutory SEN code of practice that the House might not see until the next mandate. It is difficult for us to debate the principles of the Bill when its impact cannot be fully set out and cannot yet be fully understood. It will be even more difficult to put the Bill through its amending stages without that clarity.

The Committee may also struggle to accept the very wide-ranging regulation-making powers that the Department is seeking in the Bill. It is hoped that, during the anticipated Committee Stage, the Department will fully disclose all the planned ramifications for statementing and all the other parts of the SEN framework. As Chair of the Committee, I am concerned about the absence of clarity and the balance of the Bill. I would like to hear reassurance from the Minister that my concerns and those of stakeholders will not simply be brushed aside.

I would now like to add a few words as my party's spokesperson on education. A major problem hangs over the Bill, and I am concerned about the absence of detail in the absence of the secondary legislation that will flow from it. The Chamber is being asked to take a leap in the dark. That is an unsatisfactory situation, and while I support the general principle of the Bill, in that I recognise the real need for the reform of SEN in Northern Ireland, I will need clear direction from the Department about what will come next. It will be no good if the Bill merely moves the deckchairs on the Titanic. Its purpose and outcome must be to address the needs of children.

The number of children who need assistance is increasing; the Department's statistics are a clear indication of that fact. That may be down to good work in identifying and diagnosing, but we must assume that the Bill is about moving forward and improving the provision for children with special educational needs. In saying that, we are seeing cuts to the very bodies that identify and remediate those needs and the Department is not creating a supportive environment. We can pass all the legislation we want, but unless adequate funding is in

place for the purposes of diagnosing, supporting and addressing those needs, it will seem that we are merely shuffling those proverbial deckchairs.

The weighty, over-bureaucratic and lengthy statementing process is ripe for reform, but the question that must be asked and fully investigated is how the Bill proposes to sort out that problem. It is difficult to make an assessment of that from the Bill and, while there is a proposed reduction in the waiting period from 29 days to 22 days, following the decision of the board to undertake a statutory assessment, it appears rather arbitrary simply to reduce it by seven days. Why not reduce it to 14, seven or no days? That period is to allow parents to make representations about whether or not they are content for an assessment to take place, but it is a concern where parents are not willing to engage when the child has a clear need. A reduction of seven days merely tinkers around the edges when one considers that the average length of time for the assessment of a child is six months. As the Bill moves into Committee Stage, that period will have to be looked at carefully, particularly in the context of placing the needs of the child first. Is there more that could be done to streamline the process to ensure that the child is receiving the assistance and support that he or she needs more quickly?

One of the major problems to date has been levels of inconsistency in policy across the five boards. Hopefully, that will be eradicated as a result of the creation of the Education Authority. That pre-existing inconsistency caused greater confusion and, in some cases, higher expectancy. The movement towards consistency will undoubtedly encounter similar difficulties.

The Bill brings into legislation rights for children and young people that previously rested with their parents or carers. It is important, however, that those rights are balanced against those of teachers, carers and parents. It is even more important that those rights do not detract from addressing the paramount needs of the child.

In conclusion, to continue the Titanic theme, at present this appears to be iceberg legislation. The majority of it, which is yet unseen, is contained in the forthcoming secondary legislation. The potential dangers of what lies hidden are of the greatest concern, and I ask the Minister and the Department to provide the clarity needed as we go into the Committee Stage of the Bill.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. As a member of the Education Committee, I welcome the opportunity to speak on this stage of the Bill. It is suggested that the Special Educational Needs and Disability Bill will give effect to the legislative changes necessary to support the revised SEN and inclusion framework.

It is important to reflect on the steady increase in the number of our young people with SEN over the last 10 years. The Minister alluded to some of the statistics, but it is worth reflecting that, in 2014-15, 74,435 pupils had special educational needs, and 15,972 had a statement. As the Minister pointed out, children with special educational needs now represent 4.9% of the total school population. Therefore, we must rise to that challenge.

It is important to reflect on two of the principles of the Bill. The first is the enhanced duties for boards of governors, which will be required to prepare and keep under review a personal learning plan for each pupil with SEN. The Bill also places a duty on boards of governors to designate a teacher, as the Chair said, as a learning support coordinator. That role is currently filled by special educational need coordinators.

One of the key pieces of the proposed legislative framework requires the Education Authority to request help where it believes that the Health and Social Care Board could help in the discharge of duties. This is an important area, and I certainly want to explore that principle in more detail. A survey in 2010 found that just 14% of teachers thought that there was a coherent approach across health and social care, and education. Whilst we recognise that no single Department can impose a duty on another, I would welcome the Minister's thoughts about how we can explore increased cooperation or coordination or how the system can be streamlined.

Three quarters of teachers who responded to the survey — again, I ask the Minister to comment on this — indicated at the time that they did not have the expertise to take on additional responsibilities relating to SEN, and they stated that schools do not have the resources.

I think that, given increasing need and the rise in the number of pupils with SEN, we have the opportunity through this Bill to modernise the approach taken so that schools, and educationalists generally, are clear and certain about their duties.

11.00 am

Mr Rogers: I welcome the opportunity to discuss the Bill today and look forward to its coming to the Committee. At the outset, I thank the Department for the extra briefing that it provided us with last week.

The number of children and young people with special educational needs and statements is rising, and, with it, the number of concerned parents. With the new Education Authority coming into place on 1 April, this is an opportunity for us to enhance education for all our children and young people. As I said, the number of people on the SEN register and those with statements has increased since 2009-2010. In fact, even when school numbers were declining, the number of students with special educational needs was on the rise. Improvements in the methods used and approach taken for pupils with special educational needs have helped ensure that children with those needs are identified. The challenge now is to ensure that the right support is there. Pupils with special educational needs cannot be left behind. Early intervention is vital.

At this stage, I am largely in support of the Bill's policy intention and the number of proposals. As a previous contributor to the debate said, it is important that the system be transparent and that we see the whole package. It is particularly important that it is navigable for parents and young people. That is important in the light of proposals that pupils who are over the compulsory school age will have rights conferred on them that were previously exercised by parents. I must say that I hope that the Committee will fully scrutinise the pros and cons of that proposal.

I am broadly supportive of the legislation, which will help to support our young people. However, there are a number of clauses that I feel could be improved. I note that clause 5 involves reducing from 29 days to 22 days the period during which the relevant evidence can be provided to the authority. I understand the policy intention behind that, which is to reduce bureaucracy and tackle delays in the system. I sympathise, but I also worry that it will put extra pressure on the SENCOs, or learning support coordinators, who are already under strain. The shortened period may prove to be even more challenging, given all the new changes that the Bill may bring. I hope that, as the Bill progresses, the Minister and the Committee can consider the best ways in which to address unnecessary delays in the process while

avoiding putting extra strain on schools and staff.

I would welcome some clarity on how the added duties will impact on schools' boards of governors. I declare an interest as the chair of the board of governors of Grange Primary School. Last week, we attended fantastic child-protection training to upskill us all. You have to think of all the other committees, and so on, that school governors are on, whether they concern finance, selection, recruitment or whatever, and the training that they require. That is being added to, so we need a lot of clarity on how it will impact on boards of governors.

When we look back on the responses to the consultation on Every School a Good School around three years ago, we can see that the themes that emerged then are still very relevant today. One was funding and the concerns that we have about that. The Minister's announcement at the Committee meeting last week about special educational needs funding is a concern, even though he says that £10 million more is going into the Education Authority. However, that £10 million cannot fix everything. The reduction in the number of classroom assistants by 1,000 will have a major impact on effective special educational needs provision in schools.

I am also worried about the capacity of the school workforce. The widely held view is that it does not have the capacity at this particular time and that the increased workload will be put on learning support coordinators and principals in nursery schools and, in particular, small schools. Again, boards of governors will ask how they are to deliver all of that. The increased responsibility and accountability for schools that is being experienced by boards of governors is already a problem. Some mainstream teachers, particularly in early years, do not have the necessary knowledge and skills to make adequate provision for children with special educational needs.

It talks about a programme with training and development. Where will we get the trainers to do that, with the depleted Curriculum Advisory and Support Service (CASS) that we have at the minute? Where will the teachers get the time to be trained? You have to get into the shoes of the classroom teacher in, maybe, a typical, small, rural primary school that has a composite class of 30 children, a number of whom have special educational needs, and, maybe, one or two classroom assistants. You have to consider the day-to-day management in that situation. Previously, I taught in the post-

primary sector as a mathematics teacher. You have to prepare your work if you are going out for the odd day for a course or whatever, but think about preparing the work for a primary composite class of 30 children with different levels of ability and giving line-by-line instruction to the classroom assistant for the child with special educational needs. Following your one- or two-day course, you then come back to pick up the pieces and so on to ensure that learning has progressed. Let us get into the shoes of our teachers who will become the learning support coordinators — the key people at delivering this.

I am also concerned about the level of collaboration between the health and education sectors. We all know that a multidisciplinary approach works, but the learning support coordinator is going to have to coordinate as well as teach a full timetable to their 30 P3s, P4s or whoever. I would like to see more statutory duty placed on the health sector. I know that the Department of Education cannot put a statutory duty on the health sector, but I think that is what we need.

I think we all agree that early identification and intervention is key. As the SENCO moves to the new role of a learning support coordinator, they will carry out various tests and so on, but we need to devise a comprehensive training programme in the field of testing and data analysis, thus empowering them. They need to be up to speed, but they need to come back to their school and bring the rest of their staff up to speed as well. That is not an easy job.

There are concerns about diagnosis and assessment in schools. Schools see that as the remit of health professionals, such as educational psychologists. Schools are concerned that that might attract legal challenges when the learning support coordinator takes on the role.

On the same theme, the new plan is opposed to a statement. Parents and carers have expressed concern about that. The coordinated support plan means a reduction in the legally enforceable rights for the provision. I think that is a key point.

I want to move on to a few other things. Everyone's priority should be the welfare of the pupil and ensuring that pupils' special educational needs are given the highest standards of tailored support possible. The best way to do that is to work with the people who will be responsible for the realisation of the proposals, through meaningful engagement, robust training and real support. Yes, the

legislation is very important and, as Members who have spoken previously have said, we need to get this right, but the proof of the pudding will be in the eating. I look forward to the outworkings of this very, very important Bill and seeing where it will have a real impact on what is happening in our classrooms, where we will have effective early intervention and where it can be managed by the learning support coordinator, the principal and the board of governors.

Mr Swann: Mr Speaker and, I suppose, Minister, I come at this not as a member of the Education Committee but as Chair of the Employment and Learning Committee. I am sure that the Minister is aware that we are currently undertaking an inquiry into post-SEN provision and the effects that that will have on what is there. I am looking for clarity on how this legislation will have an effect on our inquiry, because, at a number of the stakeholder events that we have had, some parents have stated that they would, ideally, like the opportunity to extend their children's statements beyond the age of 19. I suppose that really relates to clause 13 and the definition of a child. I wonder whether the Minister will have any opportunity to engage with the Minister for Employment and Learning to look at that definition to see whether there is the possibility of extending the statement for a small number of pupils who are attending special schools where their parents, and possibly their teachers, would see the benefit in increasing that age to 23 or, in some cases, to 25.

Part of my concern comes from the evidence sessions that we already had. Work is already being done in our primary schools to prepare children with special educational needs. However, once they hit 19 years of age and the transition process, the lack of current provision is a real problem. We see schools building up young people only for them to have nowhere to go and nowhere to keep that will for learning or the advantage that they gained in the school. I want to ensure that there is a cross-departmental approach from Education, Health, and Employment and Learning to make sure that there is a complete package for the large number of children we now see diagnosed with special educational needs. I want to ensure that provision. However, my real thrust, coming at this from the Employment and Learning view, concerns clause 13 and whether there is any option or opportunity to extend the definition of a child.

Mr Lunn: I thank the Minister for presenting the Bill to the House. Like others, I thank the

Department for its very useful briefing last Friday. It was useful indeed.

For anyone who believes that the child, whatever their circumstances, should be at the heart of the education provision, this is a good day. We all have to look forward with some trepidation to what the regulations and the code of practice will say, but it is a step forward along the way, and it is to be welcomed. I do not intend to go through the Bill line by line at this stage, as I think that that is for Committee Stage, but I want to touch on one or two things.

The first is clause 5 and the reduction in the statementing time frame from 26 weeks to 20 weeks. That is very welcome. Everybody who presented to us wanted that process to be quicker. It is important that, following the change, we monitor the actual time taken to ensure that 20 weeks becomes the limit and not the standard. The proposal to establish an appeal mechanism for children under the age of two on statementing is also welcome. I think that that is in clause 7. There are a number of proposals to ensure that the child's particular needs are taken into account. Clause 1 requires the authority to listen to the child's views. I imagine that that was in previous legislation in some form or other, but if it needs to be said, there it is.

Clause 3 requires the board of governors to have a requirement for a personal learning plan for each pupil with special educational needs and to keep it under review. That is another very welcome change. I declare an interest as a governor of Barbour Nursery School. That clause also looks at the learning support coordinator and the teaching staff. Mr Rogers dwelt on that at some length. I always listen to Mr Rogers with interest on these matters, because he has the edge over us in experience, having taught in a school. I think that it is only him and perhaps the Chairperson who have that experience, and I fancy that Mr Rogers has the edge through length of experience. He can announce the teaching profession's concerns on this, so I listened with interest. I will listen with even more interest when we come to the Committee Stage. There is no doubt that the demands on our teachers seem to grow every year, and they are certainly not going to lessen as a result of this. It is important that it is properly managed and that we try to, as Mr Rogers put it, walk in the shoes of our teachers, which he did in his previous existence.

I share the concern, which virtually everybody voiced, about what is coming down the line in secondary legislation, the regulations and the

code of practice. This is just the beginning. Hopefully, we will have some more detail on those matters before the end of our Committee Stage. I am not quite sure how we could possibly form a real view on all this unless we have that information.

11.15 am

I welcome clause 8, on mediation. Clause 9 grants a child over compulsory school age rights that were previously exercised by the parent. If the child is over the compulsory school age, that seems like a very reasonable thing to do; as is the case with clause 10, which makes the same change in relation to disability discrimination claims. Those two clauses go hand in hand. They are to be welcomed, but, again, we will see the devil in the detail.

I do not have much more to say about this Bill at this stage, but I make a point that I have often made in the past, on the odd occasion that we actually have some education legislation: there is only one schedule, but it incorporates about 80 amendments, and, within those 80, there are subsections which probably double that figure. I think that the Minister said that the Bill starts off with the 1986 Order, amends the 1996 Order and also gives some attention to the Special Educational Needs and Disability (Northern Ireland) Order 2005. I just wonder whether, at some point, given that we do not now write our legislation with quill pens — it is a lot more digital than that — we might rewrite the Order, rather than continually overlap and overlay new amendments. It would be so much easier for people to understand and follow. I do not imagine that it will happen on this occasion, but I will keep plugging at it because I think that, some day, we will have to come to that conclusion. For now, I leave it at that.

Mr Craig: No one here questions the need for this new Special Educational Needs and Disability Bill. I look at the figures and see a 67% rise in autism alone in the past few years, so I think that no one here argues against the idea that the provision for special educational needs in our education system needs to be looked at or overhauled.

I welcome the Member who spoke previously into the digital age. It is good to see that he has got there, and I understand his wish to see all this legislation completely rewritten and embedded. However, that is something for the Department to look at.

There are quite a few things in the proposed Bill that have some merit. Clause 1 places a new duty on the Education Authority to have regard to the views of the child in relation to decisions being taken for them. That is something which, we almost think, states the obvious but, time and again, has been overlooked in existing legislation, where the views of parents and educational specialists were paramount and the child, to a large extent, was left out of the discussion that was taking place about them. I welcome the fact that the child's views will now be taken on board.

Clause 3 extends the existing duties of boards of governors in relation to SEN. That is something that I warmly welcome. I welcome the fact that there will be a pupil profile built in there and that we will have the learning support coordinators built in, not only to our education system but for the board of governors. It is long overdue that we recognise that governors have a good insight into how those with special educational needs are dealt with in the schools. How do they get someone to aid them? What is that provision supposed to be? How does that work out from day to day in the classroom? More importantly, is it seeing an improvement in learning on the part of the individual in question? Because, at the end of the day, that is what the school is supposed to be about: educating our children, even those with special educational needs. That is a welcome step forward.

Clause 5 changes from 29 to 22 the number of days that we have to get supporting information. Like the Chair of the Committee, I understand why that is there: it is to reduce the time it takes to get a statement. I have come up against this in dealing with and supporting individuals with their cases. However, my only word of caution is that other outside information sometimes takes longer to get coordinated. Will that exclude some outside information from the likes of health or whatever that does not come in on time or will allowances be made for that in the system? I hope that the Minister will think about that to see how it will work out.

I welcome clause 8, which makes provision for the establishment of an independent mediation service. That is long overdue. A lot of mediation was probably done by many Members and by many outside bodies. It is good to see that formalised in the Bill.

Clause 9 gives to those over compulsory school age the right to appeal and to make statutory assessments. That is a fascinating one because there are two aspects to it. Children with special educational needs who go into

mainstream education are clearly deemed to be competent to do so. If they are over the normal school age, that is quite right. It is absolutely right that they have a huge say in their own special educational needs treatment. Sadly, when you move into other aspects of educational needs, that does not necessarily follow through. I will watch that with great interest.

The thrust of the Bill is to speed up how we deal with special educational needs and get statements put on children. That is to be welcomed. The word of caution in all this in my own mind was mentioned by the Chair of the Committee: that this Bill needs a lot of transitional arrangements. It needs subordinate legislation underneath it all.

The role and duty of the Committee is to scrutinise the impact that a Bill is physically going to have on the ground. There is a need for us to have sight of the subordinate legislation so that we can understand what its impact will be. Otherwise, the job of the Committee will be made incredibly difficult. I appeal to the Minister to give the Committee insight into that area if he can because that is where the in-depth scrutiny takes place, not in the Chamber.

All this legislation may well help us in how we treat those with special educational needs in the education system. It may well put all the structures into place, and we may well pat ourselves on the back and think that we have done something great. One thing that I have discovered in all legislation is that implementation is critical; how it is carried out in a school or classroom is where it counts. We may well get all the building blocks in the right place, but the wall itself might collapse because of how the legislation is implemented.

Whatever the impact of these changes, there is a job of education to be done with regard to those who will have to carry this out, whether boards of governors, teachers or special needs assistants. All need to understand how this is meant to help the child. Like many Members, I have seen some appalling examples of how statements are carried out. One child in my locality fought for years to get a statement. They got one, and it was inevitable that they would because they have limited sight and are registered blind. Despite having a classroom assistant to aid their education and despite all the statement being put in place, where was the first place that child was put in the classroom? The very back seat, so they could not see what was on the interactive board. Common sense has a large role to play. While we may pass the

legislation and try to improve the system, the training of those who have to fulfil this will be critical. With that, I will sit down.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the Bill, which presents a platform for change. We have talked at great length in the last number of months and years in this House about modernising our education system, be it through area planning or the establishment of the Education Authority, and it follows suit that we need to modernise our special educational needs facilities.

Every Member will have horror stories about processes of statementing and inconsistencies across the North. In my locality of the Mourne, where two boards meet, a young child with autism at one end of a road can be granted every service required to meet their needs, whereas the parents of a child with autism at the other end of the road may have to pay thousands of pounds to meet that very same need. The situation has not been fair, which is another reason why this legislation is very welcome.

The last Member spoke of the 67% rise in autism cases. Indeed, the rising need in special educational needs across the board is alarming. A multi-causal approach is needed to decipher what exactly is causing that rise. Again, that highlights the need to modernise our system when it comes to special educational needs.

A point that we have all touched upon today is the interface with health authorities, and I welcome the reference in the Bill to strengthening that. The interface is often sluggish, to the great frustration of parents, schools and those in the education sector who are trying to deal with the issue. We need to build an agreed inclusive pathway. I was speaking to a colleague before I came in here who described it as a "battle". Too often, parents have had to engage in a battle to get the services that their children deserve and are entitled to. Parents and children should never have to engage in a battle to receive the services that they need. I hope that that is what can be achieved with this legislation.

The Minister talked this morning of a whole-school acceptance, which I welcome. We need to build special educational needs into the fabric of schools; it should not be just an add-on. The inclusivity of the process is very important. In light of that, I welcome the fact that there has been over the past number of years a very intensive and engaging process

with parents, children, stakeholders and schools. It is that empowerment of children and of families that is very important. Even a cursory glance at clauses 6, 7, 8 and 9 suggests that there will be that empowerment of parents and families. The Chair talked about mediation and the right of appeal, which will be very important. I look forward to digging down into that at Committee Stage.

A big driver will be the Education Authority, not just in standardising services across the North to provide support for children but also in the training, support, advice and guidance from boards of governors and schools and around what we term the SENCO, namely the coordinating teacher. It will be very important, as the last Member to speak said, in addition to getting the building blocks in place, to make sure that the nuts and bolts are all in place and that the system will work.

It is important that we do not get bogged down today in each clause. I welcome the Bill, and I look forward at Committee Stage to digging down into it and, as other Members have said, to the further scrutiny of the secondary legislation to come.

11.30 am

Mr Newton: Like others, I welcome the general principle of the Bill and thank the Minister for bringing it forward. It becomes a bit of a cliché and can be said too often, but society is often judged by the way in which it treats the most vulnerable in society. In this case, we are talking about children and young adults, many of whom have very complex needs and some of whom have less complex needs. Nevertheless, the purpose of drafting legislation is to provide betterment and to improve the position of the people whom the Bill is targeted towards. In this case, it is those who have a vulnerability: children with special needs. They are among the most vulnerable in our society and, in many cases, comprise a section that needs as much support as society can offer. We are dealing with legislation today, but we need to remember that, at the very heart of that legislation, are children and families. Indeed, in the professional way in which support is offered, we need to address the legislation towards teachers and support staff and to improve the holistic package that is offered to all of them.

In the Chair's initial remarks, she very adequately indicated the position. The Department's most recent figures show that the percentage of children with special needs has risen from what we thought at one stage was around 16% of the school population. That

figure was taken 10 years ago and, in the intervening period, has risen, so that 22% of the school population are children with special needs. Included in those figures are 73,000 children with special educational needs, 16,000 of whom have been identified as having no formal statement of their needs.

An increasing number of parents are coming to my constituency office with autistic spectrum disorder issues, and a number of children with autism have come to me for work experience. I can well understand the concerns of those parents. In five years, autistic spectrum disorder has increased by about 67%. Those are phenomenal figures, and I do not think that society in general appreciates them. It is our children whom we are dealing with, and the legislation needs to be addressed towards their needs. The Chair said that it is self-evident that the statementing process is complex, confusing and overly bureaucratic, and I know that from parents who come to the office. Even with support staff, it is difficult for me to find my way through it. Parents get confused, and that often leads to frustration, which is not good for the family atmosphere, for the child or for other children.

Last week, the Minister spoke to the Committee about where he was going to orientate his budget, about services that are being offered and where he would have to reduce services and budgets. Indeed, many will be disappointed that the very services that offer support will be targeted in the 2015-16 budget and will receive cutbacks. We are looking to bring in legislation to improve the situation for children while, on the other hand, we are looking at cutbacks to the budget that provides the support services for them.

I have a few remarks to make about the Bill in its totality and a little bit about what it does or should do for our children, their parents, and the teaching profession which deals with them. I was invited to Glenveagh Special School a number of weeks ago. I walked around the school with the principal and one of her staff, and I do not think that I could have been more impressed by a school that is probably at the more extreme end of the spectrum for children with very complex needs. I could not have been more impressed by the way those children were being taught, and being trained in many cases. I had the opportunity to see them in the classroom and coming in from work experience, and you only had to look at the staff to see their dedication.

The point has been made already about the need for this Bill to ensure that the education

system and health provision are joined up. In the case of the pupils at that school, and, I imagine, across the board, we need to see Education and Health joining up in the provision of support for the professional staff in that school in particular.

As I was leaving the school and saying, "Thank you" to the two professional teaching staff, I remarked to them that I had never seen a school with more smiles in it. The principal said that that comment is often made by people who come to visit Glenveagh Special School. They notice the smiles of the pupils as they are going around the school. It is the professional staff who support those pupils whom we need to support through this legislation.

I will talk a bit about the children. This legislation has to target the children, in the sense that it helps to build their confidence in their future and their abilities to survive beyond the normal school environment. That needs an approach that is child-centred — if that is not too much of a cliché — an approach that supports the child in their school environment and prepares the child for life beyond their school years. Mr Swann made some comments about the reaction by DEL in that area, as the child goes on to further education. This is about building the confidence of the child as a pupil in the school and maximising the full potential of the child to enjoy a quality of life beyond the school years that any of us would want for any of our children as they travel through school and into manhood or womanhood.

I will say a few words about the parents. I have already said that parents who come into my office looking at the early stages of statemented needs find the situation confusing and frustrating. Too often — this point has already been made — the parents find themselves battling against bureaucracy. If this Bill does not help in that battle against bureaucracy, we will have failed those parents in many ways, certainly in the very early years. What we need to think about is a simple, joined-up approach, so that all the support mechanisms that can be brought to bear for the parents are brought to bear for them. The system should be designed to benefit the parents, and therefore benefit the children in their journey through life — in many cases, a very difficult journey through life.

I do not want to say any more than that. The Chair has already made some comments regarding where we, in the DUP group, will be expressing concern. We are looking forward to working on the Bill and hopefully making the situation — in legislative terms — better for the

children, the parents and the professionals who work in this field.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak in this debate today. As has been stated, the current arrangements date back to 1986, albeit that there have been some changes in the intervening period. It is well past the time for us to introduce a legislative framework that is fit for purpose for the 21st century. This Bill gives us the opportunity to build that framework and to deal with the increasing number of children with special needs. Today we have heard chapter and verse about the vast increase in the number of children being diagnosed with special educational needs, and that is something that the legislation has to take account of.

The rising number of children with special needs has been accompanied by delays in carrying out assessments, and I, for one, welcome the commitment of the Minister and the parts of the legislation that will lead to a reduction of the period for assessment from 26 weeks to 20 weeks. I hope that 20 weeks is going to be the upper limit, rather than a minimum period, in which assessments can be carried out on those children who have special needs.

It is vital that schools — I include the boards of governors in that — and the Education Authority are clear about their responsibilities. Hopefully, this Bill will also bring about clarity in that regard.

While over 5,000 children with very complex special educational needs are in special schools, the overwhelming majority are in mainstream schools. The challenge facing us, as legislators, is first to ensure that children with SEN are provided with the best possible learning environment. It may be that some children with particularly complex needs need a bespoke environment, but, for the vast majority, mainstream schools will be the environment in which they go through the education system. In that light, schools must be welcoming, diverse and provide for the challenges presented by having an inclusive system, so that children are not discriminated against and, just as importantly, that there is no perception that children with special needs are discriminated against within our education system.

I welcome the duty that the Bill places on boards of governors, including the requirement for a personal learning plan for each child on the school's SEN register.

11.45 am

One of the good things about speaking towards the end of a debate is that most of what you planned to say has been said. I will conclude by welcoming the legislation. Hopefully, it will bring modernisation and greater consistency to the system.

Mr Ramsey: I am not a member of the Education Committee, but I declare an interest as chair of the all-party group on learning disability and the all-party group on disability. I welcome the Minister's announcement on the Special Educational Needs and Disability Bill. I believe that the Bill, if properly implemented, will make legislative changes to support the revised general educational needs and inclusion framework. I support the policy intention of the Bill, which is to ensure, as many Members have said, the early intervention, identification, assessment and provision for children who have special needs.

In order for children to achieve their full potential, they must be placed firmly at the centre, as Robin Swann said. Parents clearly have to be involved in the process, and I will come back to the parents. All the figures have been mentioned and, when you reflect on them, they are alarming. The 67% increase in autism is most alarming. We had the Autism Bill here, but I do not believe that we are getting to a conclusion that is giving more comfort or peace of mind to many parents, because we do not have the most effective cross-departmental approach that is seen in Scotland and possibly in Wales as well.

I note the themes coming from the Department in the review of SEN, one of which is an inclusive framework that raises the standards for all. This is important. Pat Sheehan mentioned discrimination, but it is not even as much as discrimination. A child is vulnerable at an early age when it is noticed that there is something particular about that child that needs assessment, and it is important that we move away from the postcode lottery to ensure that, whether it is a speech and language issue or the need for a classroom assistant, we identify those needs and get them on the table as soon as possible.

Seán Rogers identified some issues with clause 5, which is about reducing the time provided to the authority from 29 days to 22 days. That would put additional pressure on learning support coordinators. We have to examine that, and I am sure that the Minister will do so.

We do not want it to be a bureaucratic paper chase for a lot of people who are working on it, particularly learning support workers.

I previously asked the Minister about how much collaboration has taken place with the Health Minister on the review, and I was very content with his response that he will have the fullest support. In any review of special needs, it is important that the Health Department and health trusts are involved from the early stages. We have all met the parents, and we are parents ourselves. Bringing up a child is a trial and tribulation, but there is nothing worse for a mother, in particular, to find out that her son or daughter has challenging or special needs — challenging to the extent that access to the system has to be made easier.

In recent times, Minister, a number of parents in my constituency got a formal statement and wanted to challenge it; but it is most difficult to make efforts to do that individually. In fact, they ask Assembly Members to make the intervention in order to try to secure a meeting because there is a sense, or belief, in the community, whether it is true or not, and particularly with the education and library boards under increasing pressure, that even determinations on whether a child needs a classroom assistant are being reduced because they cannot afford to do it. I am not asking the Minister to comment on that, but that is the perception amongst parents. I have attended meetings representing parents of children with special needs and we have won the case by articulating an argument. However, we have to find a method that ensures the right outcome without such representation. People said that children need to be at the centre: they have to be. The only people who can articulate the needs of a child of five or six are the parents or carers, especially the mother; and we have to find a way of making that possible. A child's development should never be stymied because of financial considerations; they cannot be left behind.

Robin Swann, as Chair of the Employment and Learning Committee, noted earlier and correctly that we are presently hearing from the post-19 lobby. We have gone through nearly every constituency exhaustively looking at best practice. Robin Newton referenced the smiles in special needs classes: it does anybody's heart good to visit the special needs schools across Northern Ireland, where the children are so full of joy and happiness; joy and happiness that are then brought back to the families and communities in which they live through the bond and love they have.

Mr Swann: Will the Member give way?

Mr Ramsey: Yes.

Mr Swann: Does the Member agree with my earlier point that this has to reach into DEL provision? The Member knows the facilities we have visited and the concerns of the parents we talked to that, once their children reach 19, the smiles quickly disappear along with the support provided by schools.

Mr Ramsey: I concur with the Chair of the Committee.

Health is crucial, but it is clear from the inquiry that parents have identified failures at primary and post-primary level affecting the development of their children. A number of parents — and it would be good to hear the Minister's comments on this — have articulated a very strong argument for retaining the formal special educational needs statement until a young person is 25. That happens in Britain; in fact, the Committee will be visiting Manchester tomorrow to inform itself of models of good practice.

As we come to the end of the Committee inquiry, we will look to bring forward some proposals that are relevant to educational need. I quote the following statistic regularly, and it is something that we have to be clear on: someone with a learning disability in Northern Ireland is four times less likely to secure employment. That is a damning indictment of our system. A lot of effective work goes on in colleges in Northern Ireland for those with learning disabilities, and yet, as I have just noted, non-accredited courses for such children leaving special needs or mainstream schools will no longer be funded. That is a matter for the Committee to take up with the Minister.

The language now used by parents is of individually tailored plans and career pathways, which will put children in the best place as they leave the education system. We have to ensure — and many Members are using the term — a platform for change to take advantage of this. As someone who has a personal, but also political, interest in the needs of young people with disabilities and special needs, I think we have to do better, we have to be more purposeful and we cannot leave people behind. Many of those who fall into the not in education, employment or training (NEET) category have disabilities or special needs. We have to ensure that those areas of education are protected and that there is greater investment in special needs at the early years.

Health, again, is so important. In our Committee inquiry, and at my constituency office, I have witnessed the frustration, anger and tears of parents. At an event here last year, older parents of children with special needs told us, very emotionally, that they hoped their children would die before them, as they would be abandoned by the state. I know that this does not directly refer to the Minister of Education, but their biggest point was this: their son or daughter should have had a greater opportunity, at school age, to develop their independence and become more fit to seek employment and live on their own. That is where we need to get it better. We need to ensure that the individually tailored plans for children from age 5 are purposeful and that they concur with what the parents believe.

I believe that the parents' wishes and desires are ignored at times because specialists believe that they know better than the mother. They do not. It is very simple: they do not know better than the mother. We have to find a way of ensuring that the mother's, parent's or carer's voice is on the level when special educational needs are being assessed, progressed and developed. That is the only way we can make a difference with the Bill.

Mr Kinahan: I welcome the Bill. I have been on the Committee for two and a half years, and it is good to see legislation on special needs coming in front of us.

I also welcome the Bill's intention to include increased transparency and reduced bureaucracy and to focus on early intervention. I welcome the latter especially, as all the studies that we see seem to indicate that, the sooner a child's special needs are identified, the sooner we can deal with matters and help them with their education. As members of the Education Committee, we must remember that the key is to ensure that they get the excellent education that all of us deserve. We must also remember that, in what we are trying to do, various things, especially their welfare, must be looked after.

I have concerns about the Bill. It seems to be over-bureaucratic in places. It sets up costly and time-consuming procedures. At times, it seems to place an unsuitable burden on governors and possibly an even more burdensome role on some of the teachers when they are already appallingly overburdened. I do not want to be negative all the way through, but those are some of my major concerns. I am also concerned that we are relying that much more on the Department and the Education Authority when all the cuts are coming into

place. We may well be losing many of those with experience.

The Bill is part of the solution. I think that we have a great deal of work to do to make sure that it works and puts in place the basis for a really good, thorough solution in the future. Others already touched on this, but we need a good cross-departmental approach. It intrigues me that the Bill places a duty on the Education Authority to request help from the Department of Health and Social Services if it believes that the health and social care bodies could help in the exercise of the Education Authority's functions. That is useless if such a duty is not reciprocated by the Health Department. I was intrigued to hear that there has obviously been some discussion between others and the Minister. It seems that the Department will do that, but I would like to hear that from it.

I realise that this is just the Second Reading and that we should be dealing with the Bill's general principles, but I would like to explore some matters in more detail. We, as a party, are happy for the Bill to proceed, but we look forward to hearing about that detail. I feel that there should be more consultation with the public, the parents and the children as the Bill proceeds. There is a general feeling amongst those who practise the teaching of special needs that the Bill is a cover for reducing the spend on special needs. I know that the Minister has said that it is not, but that is something that we are going to have to deal with, as it is very much out there. If you extrapolate the graph that we were given in our excellent brief, you will find that it was intriguing to see that we could be looking at 25% of our pupils having special needs by 2020. So, yes, it is right that we streamline and look at better systems, and I think that it is probably right that we look at how we spend our money better.

12.00 noon

I am sure that every MLA in the Chamber has had to raise special needs issues with their library boards or the Department because parents were not happy with the initial provision, with the school or with the board and what it offered, with the speed of statementing or even with the final provision that is decided on. We must remember that each child has only that one shot at education, and they deserve the most accurate, efficient and correct process possible to ensure that they receive the excellent education that I hinted at. We have to find something that has no delays and is quick, well informed and, most importantly, well resourced. I hope that the Bill will help to get us there.

The consultation was in 2009, some five years ago. At that time, the Education Committee referred to:

"a groundswell of concern and anxiety about the proposed changes".

The main concerns were about a dilution of the protections and resources. We are now seeing the detail of the changes that will come about. I hope that it will not just be the Committee that sounds out everyone on where the changes will be. We should look at consulting in some way.

When it comes to the bureaucratic procedures, I welcome the wish to have a more transparent system but ask whether the introduction of appeals and mediations without time limits or timescales is the best and most cost-effective way to do things. It seems right that parents, children and, where suitable, independent advisers should be able to challenge decisions within these mechanisms, but has anyone really thought through the practicalities of legislating or assessed the financial cost or the cost in time and hours put in by teachers, parents and governors? We need to question those matters as we go through the Bill.

If a child is to have more say, does that have to be given a legal basis? I am told by those who practise at the moment that children's wishes are already part of the process and that it works extremely well. By giving it a legal basis, I am concerned that we are, as ever, giving more work to lawyers and putting in place an expensive delaying system that will mean that children will not get the fast service that we should give them.

I am also concerned about the burden being placed on governors. I remember going to a governors' meeting in Hillsborough two years ago, when we were discussing the ESA Bill, and they were incensed by the extra work that we were expecting of them. Many governors give many hours and evenings of their life as they battle with budgets, teacher appointments and redundancies and with inspections and their aftermath, yet here we are loading even more on them. I have been a governor and was appalled to find myself legally bound to decide a principal's future without ever being shown the evidence. I hope that no governor is ever put in that position again. In the Bill, we must be careful about placing a legal duty on people who do not have control of every aspect of information or the skills needed to make their decisions.

Under the Bill, we expect the governors of a school to inform all those involved about a

pupil's special needs. We expect them to maintain a learning plan for every pupil with special needs, to ensure that a teacher is designated as a learning support coordinator and to ensure that everyone is aware of the arrangements for dispute avoidance and resolution. We are putting a great deal on governors' shoulders. I am sure that most of them are able for it, but we need to think about it.

When you think about it, the trained learning support coordinators will need to keep the governors right, but will they? Just as today, principals keep governors right on teachers and pupils, and the person on the board of governors who is skilled in finance also advises, but where will we go when we do not have the support, the Curriculum Advisory and Support Service (CASS) or the resources? We are relying on the governors making the decisions without necessarily having been given all of the right support.

Another area is the concern about training and the continual capacity of the teachers themselves. I met some principals last week who told me that morale was at an all-time low. The General Teaching Council for Northern Ireland (GTCNI) has asked whether teachers have adequate time and resources to take on the new roles on special needs. Last year, the vice principals showed in a survey of their own staff that they were overworked. The principals whom we spoke to during the inquiry — in fact, during most of the things that we have dealt with on the Committee — have shown more and more being loaded on the teachers. When we went to one school, it showed us that there were 36 consultations, surveys and other forms that it had to return. We were told recently that there are now over 70. We need to think about how much we load on to our teachers. John McGrath said that they will always cope: we have fantastic teachers, and, yes, they will always cope, but at some point we are pushing everyone towards breaking point.

There is much more in the Bill that we should discuss. That will all be clarified as we go through it in Committee, but I am concerned, like others, about the other regulations and guidelines that will come in on the back of the Bill. I look forward to seeing where they are and understanding them in detail before we, as a party, give the support that we need.

I would also like to raise the same concerns as my colleague Robin Swann brought in about making sure that we can extend it past 19, and I take on board those who have suggested that we should look further, up to 25. Although it is

not necessarily this Minister's role, it is always concerning when you meet so many parents who are now the sole carer for their child once they have left school.

We need to find a new way forward. The Bill has so much going for it. I have highlighted the areas that I am concerned about, and I look forward to seeing it in Committee.

Mr McCausland: I welcome the opportunity to contribute to the discussion on the Special Educational Needs and Disability Bill. It is important that we identify children with special needs at an early stage and that the needs of those children are addressed. That is good for the child, for the parents, for the family from which they come and for society as a whole.

The figures that have been presented to us this morning by the Chair of the Committee and have been referenced by others in regard to the scale of the situation are indeed stark. From a situation 10 years ago where 16% of the school population had special educational needs — one in six — we are now, 10 years later, at a figure of 22%, which is one in five and not far short of one in four. When you look at those figures and the scale represented by them — 73,000 children with special educational needs — it leads on to this question: is that simply a reflection or result of better identification of children with special educational needs, or are there other issues here underlying it? The careful analysis and examination of the background is important. How does it compare with other areas of the United Kingdom and with other countries? What are the comparisons across the Province?

The issue of budget has already been mentioned. Of course, that has to be very much in our minds. It is therefore important that, in the thinking of the Department, there is recognition of the importance of money being allocated in regard to SEN. There are many things that we might want to do and that might seem desirable, but there are certain things that should be seen as priorities, and this is certainly one of them. Yet the growth in the demand for SEN support services has undoubtedly placed a considerable burden on budgets for the education and library boards, and it will do so in the future for the Education Authority.

The need to improve the special educational needs situation is, I think, in the mind of most Members. We all have constituents come into our office with concerns about problems that they have encountered in obtaining a statement of special educational needs for a child or, thereafter, in ensuring that the child receives

the appropriate provision. It is clear to us all from those experiences that the current situation is complex and that parents can often find it confusing, difficult and bureaucratic. There is a recognition across the Assembly that there is a need for change. Of course, the question then is what the nature of that change might be. Our desire is that there should be a reduction in statementing timescales and that the process should be simpler and quicker than it is currently. I hope therefore that what is eventually brought into law is not overly and unnecessarily bureaucratic.

In that regard, the changes to the appeal mechanism are welcome. The proposal of an independent mediation service is a good development that will help to resolve disagreements more effectively. An informal mediation system of the sort that we currently have is helpful, but it is clearly desirable that that be put on a more formal, independent footing.

We also have to keep in mind the balance between the primary legislation that we are looking at today and the anticipated secondary legislation. Beyond that, there will be a consequent impact on the statutory SEN code of practice. I know that the Committee will get briefings on the secondary legislation and so on after Easter and will have a better understanding then of where that is going. There is a concern that we are seeing only part of the picture at this stage: we really need to see the bigger picture. I hope that what is presented to the Committee after Easter will help provide that better understanding and better picture. It is that absence of detail that makes the current situation somewhat difficult for us in the Assembly today and somewhat unsatisfactory for the Committee. Although I totally support the general principle of the Bill, principle has to be followed by detail.

There is another point that I want to acknowledge. Postcode lotteries and inconsistencies across the five boards have been mentioned. The creation of a single authority should address and improve that situation in part, but the pre-existing inconsistencies have certainly caused a degree of confusion among parents.

As I said, I support the general principle of the Bill. It is good, and it is moving in the right direction, but the detail that needs to follow is hugely important. We need to know exactly what is proposed and what the implications are. Committee Stage will be hugely important.

Mr Agnew: The Minister and I have engaged on my private Member's Bill, which calls for a statutory duty to cooperate. I am conscious that, if I paraphrase the Minister and get him wrong, he will call me out on it, so I will try to be accurate in my description. I think that he is, at best, ambivalent about my Bill and the need for legislation. Perhaps I have not provided him with sufficient examples of why I believe that my Bill is needed. If he needs a further example, it is his Bill.

As other Members said, this is a key issue and it is important that we get it right. There are too many examples, not so much of what is in the Bill — I do not think that I have any major objections to that — but of what is not.

12.15 pm

I am delighted that the Chair of the Committee for Employment and Learning spoke because he highlighted one of the problems. Where is the post-18 and post-19 SEN provision in the Bill? Indeed, where in the Bill are the duties on the Department of Health? The problem with the Bill is not its content but that it is a Department of Education Bill when what we need is a cross-departmental Bill to properly deal with the issues that affect children with special educational needs and their families. If we are to get it right, we need those three Departments' input. Whilst I have no doubt that there has been consultation, it is apparent that there has not been cooperation and collaboration, because we are left with a single departmental Bill when SEN provisions stretch across at least three Departments and perhaps more.

A number of Members highlighted the issue with clause 4 and the duty on the Education Authority to request health and social care bodies' help in cases where possible special educational needs have been identified. However, there is no reciprocal duty. We are effectively being told that the Department cannot legislate for that, as one Minister cannot legislate for the other. I understand that. We need a cross-departmental Bill, and, if that is not possible, we need to look at our systems of governance. What appears to be the case and what many Members alluded to is that the Minister cannot do that, so the House will have to. In my view, that is not good governance. If it is clear that there is an omission from the Bill, it should have been resolved between Departments in cooperation at Executive level before the legislation was brought to the House.

I have seen examples of very good multidisciplinary work in the diagnosis of SEN. Again, it appears that that work happens within the Department of Health and that there is potentially less scope for it within the Department of Education or, at least, within schools. I am sure that there are counter-examples, but, in my experience, that joined-up working between the Department of Education and the Department of Health still seems to have some way to go.

In the research for my Bill, I came across a great quote in which one parent defined integrated services as not having to repeat yourself 30 times in 30 different contexts. If we are to really improve timelines, we need the services to wrap around the child and the family, rather than them having to go to each assessment and each practitioner to get the various assessments while explaining the child's experiences each time, repeating themselves and duplicating effort.

This goes back to the need for joined-up working between the Departments and some of the issues that Robin Swann raised, but another great omission from the Bill is transitions. We have had the Northern Ireland Commissioner for Children and Young People report on transitions for many years. It highlights the parallel approach for transitions planning of the Health Department and the Education Department. We all find transitions difficult, but children with autism will find them particularly difficult. We are sometimes multiplying those transitions because the Health Department will have one plan for the transition from child to adult services, and the Education Department will have another plan. That increases the challenges for a child, when surely our government structures should be mitigating the challenges that those children face.

An issue that has recently come to my attention, which ties into this, is the experience of blind and partially sighted children. I absolutely have to give credit to the Education Department because the evidence is that blind and partially sighted children do well in education. Their educational performance is on a par with their peers, yet, post-secondary education, there is a significant dip in further and higher education and employment. Again, that is why a SEN Bill that comes solely from the Education Department cannot and will not — arguably, it is not the policy intention — solve these problems. It is regrettable that we have a SEN Bill that does not address those issues. It is a missed and wasted opportunity if

we do not propose to address the issues of transitions and of SEN post-19.

Clause 5 deals with the time that it takes for diagnosis, and anyone would welcome any reduction in the time frame. Constituents have come to me with their experiences, as has happened to many Members. Certainly, one case appeared in the press, on which I asked a number of questions. It appears that things are improving, but there was a particular problem in the South Eastern Education and Library Board area, where I think that it is fair to say that the timelines were unacceptable. However, as I said, I welcome the improvements that have been made.

Maybe it is not a place for legislation, but it is worth putting on record that, when problems are identified, it is important that we do not wait for the assessment process to make interventions. I have seen good practice in schools, where, on the identification of a problem, support is put in place rather than waiting for the assessment process to complete its course. When a problem is recognised, the interventions are in place and the five-stage approach, as it stands, gives schools and teachers the powers to act quickly. The evidence is that those interventions, rather than the statement or a decision not to impose a statement, make the difference for a child. However, as a lot of the legislation stands, the statement becomes important for access to some services and resources for schools. I am not negating the importance of statements in the context of our system, but they should not be the be-all and end-all. When needs are identified, a child should receive the interventions as soon as is practicable.

A lot of this comes down to investment in the early years. We have the evidence that shows that this is where we can have the biggest impact with the most efficient use of resources. That will be particularly true, or certainly no less true, for children with special educational needs. Again, that is why we need a cross-departmental Bill. Some of the interventions that are required potentially will be before a child will come into contact with the formal education system, whether at nursery or primary school. Again, that early identification and support is very necessary to ensure the best outcomes for these children.

I have to say that my experience is that, currently, provision is mixed across schools and across boards. I have said on occasions that it is about making good practice common practice. I have to give credit to my son's school, Bangor Central Integrated Primary

School, where I have seen some very good practice. I am not saying that it is perfect, but some of the interventions that have been shown to work with children with special educational needs are actually being rolled out across the school. A child with special educational needs is not being taken aside and given special provision — if that is necessary, that is fine — but some of that which would have been deemed to be special provision is actually being generalised; for example, the use of visual cues rather than solely verbal cues. It has actually been found to be of benefit to all children. That is a model of good practice. I do not have sufficient experience to say how widespread that practice is, but I certainly think that we need to take those positive examples of good practice and learning between schools and indeed, as I say, across board areas until we move to the single Education Authority, because it is clear that provision is mixed and that children's experiences differ from school to school and board to board. As I say, the school that I have most experience with has been very positive. I want to put that on record. There is good practice, and it can be built upon.

As I say, I believe that the issue with this Bill is not what is in it but very much what is not in it and indeed the fact that it comes from one Minister. Ultimately, this is a Bill that had to be agreed at Executive level and should be cross-departmental in its scope and provisions because, if we are going to properly address the problems with special educational need provision in the system — and there is good practice, but more needs to be done — the only way in which we can do that is through cooperation across Departments and cross-departmental legislation.

Mr A Maginness: On a point of order, Mr Speaker. I just want to apologise because I crossed by Mr Agnew when he was speaking. I really do apologise.

Mr Speaker: Thank you for that. I think that this would be an appropriate time to suspend the debate. The Business Committee has arranged to meet immediately after the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time. The sitting is, by leave, suspended.

The debate stood suspended.

The sitting was suspended at 12.29 pm.

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

2.00 pm

Oral Answers to Questions

Social Development

Mr Principal Deputy Speaker: Questions 10 and 14 have been withdrawn. We start with listed questions.

Owner-occupier Dwellings: Grants

1. **Mr Elliott** asked the Minister for Social Development to outline the criteria used to decide on the award of grants provided by the Northern Ireland Housing Executive for owner-occupier dwellings. (AQO 7762/11-15)

Mr Storey (The Minister for Social Development): A range of private-sector housing repair, improvement and adaptations grants is available to owner-occupiers. There are seven grants, including two mandatory grants, namely the disabled facilities grant and the repairs grant, and five discretionary grants, which are for renovation, replacement, houses in multiple occupancy, home repairs assistance and common parts.

One main aim of the current grants system is that resources should be targeted at those who can least afford to pay for works to their properties, with a particular focus on mandatory grants. The disabled facilities and repairs grants must be paid on referral by an occupational therapist or on receipt of certain statutory notices. Disabled facilities grants are designed to support people with disabilities to live independently in their own home. The repairs grant is available to landlords, agents and tenants towards the cost of repairing houses following the issue of statutory notices by the local council.

The Housing Executive has the discretion to make available the other grants, subject to the availability of sufficient budget. Applications are means-tested. That means that the total amount that the Housing Executive awards for a grant is the total approved cost of the work less the amount that the applicant can afford to pay.

My Department provides other grants to improve the energy efficiency of owner-occupied dwellings. They are the warm homes

scheme, which is available to households in receipt of certain qualifying benefits; the affordable warmth scheme, which actively targets low-income households considered to be most at risk of fuel poverty; and the boiler replacement scheme, which assists households with the installation of a new, more energy-efficient, boiler.

Mr Elliott: I thank the Minister for that information. Does the Minister find that, on occasions, if statutory notices are put forward, there may not be the funding, particularly in the repairs grant, which is mandatory, to carry out repairs? Are they all approved?

Mr Storey: I thank the Member. There is always the issue of a correlation between the money that you have available and the requirement and duty placed on you. Obviously, there is always a challenge for me and, I think, the Housing Executive to meet our statutory requirements and all our obligations. The reduction in discretionary grants has been necessitated by a significant budget reduction since the economic downturn, for example. However, I would like to think that we will still give priority to schemes where there is a requirement to be applicable and to be found to bring in line the requirement for a statutory order.

Magherafelt Town Centre

2. **Mr Milne** asked the Minister for Social Development what action his Department plans to take to regenerate Magherafelt town centre. (AQO 7763/11-15)

Mr Storey: The regeneration of Magherafelt town centre has been an ongoing commitment of my Department. Since June 2012, DSD has committed funding of £529,493 for regeneration projects, including the Queen Street revitalisation scheme, at £150,000; funding of £100,000 for the marketing and branding of Magherafelt and the associated town centre Wi-Fi project, which continues to evolve; a funding contribution of £37,000 for the gateway art features to be installed at the end of March 2015; £90,000 to fund the consultancy team to develop the Magherafelt public realm scheme up to detailed design stage; and funding of £152,493 for the regeneration of Rainey Street, with works scheduled to complete by 31 March 2015. My Department continues to work with Magherafelt District Council and the new Mid Ulster council to deliver as much of the Magherafelt town centre public realm scheme as possible before the DSD funding and powers

transfer to the new Mid Ulster council from 1 April 2016.

Mr Milne: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as a fhreagra go dtí seo. Thank you for your answer thus far. Will the commencement of the new Magherafelt bypass have any impact on your plans for the regeneration of the town?

Mr Storey: I hope that that will not be the case. There have been discussions between those who have been carrying out the work on the master plan and DRD. We often talk about how government works together, and it would be a huge challenge if we did not have a joined-up approach to what may be the implications of the proposed bypass. I am certainly aware of conversations that have been had by DRD and those who are looking at the master plan to ensure that Magherafelt gets the best possible outcome. We have outlined the schemes and the various elements of the schemes. I visited Magherafelt some time ago, and it is certainly a very strategic town in mid-Ulster. I am confident that the funding that has been allocated will continue to enhance and improve Magherafelt in the weeks and months ahead.

Mrs Overend: As part of the master plan that was commissioned in 2011, a strategic target was that vacant units would be occupied and the town centre would have further established itself as a lively leisure hub with a thriving evening economy. Will the Minister advise how the DSD regeneration function will work in partnership with the new local council that will shortly have responsibility for planning?

Mr Storey: Another important element in all of this is making sure that that happens. The Member will be aware that the issue of area plans and community planning becomes an integral part of the new regime as of 1 April. I am keen and have asked for a meeting with the Environment Minister to further discuss the issues. It is not enough for us as Ministers to believe that what may be on a piece of paper in a master plan or scheme will ultimately always come to fruition. The partnership panel, which is the coming together of the local authorities and central government and which I, along with my ministerial colleagues sit on, will discuss those very issues. I would like to think that, when it comes to how we roll out the plans, we do it in conjunction with the councils. The Member may be aware that I have already commenced the process of meeting the new councils so that it is a partnership, rather than an imposition of how we move forward in the future. With regard to the responsibilities that

we have, I am very determined to ensure that my Department works with councils and not against them. At a strategic level, that will include how we ensure the delivery of master plans and all the relevant schemes that are currently in the system.

Mr I McCrea: I welcome the Minister's commitment to Magherafelt by providing the funding of — I think he said — £152,493 for the Rainey Street project. The work is ongoing, and already we see the benefits. Alongside that funding, can the Minister advise the House what money will be provided to the new Mid Ulster council when the funding package is provided to councils?

Mr Storey: I thank the Member for his supplementary question. It might be useful to outline for him the benefit that it has been to the town centre of Magherafelt. You referred to Rainey Street. The new Mid Ulster District Council indicated that it is committed to delivering three new public realm schemes — Magherafelt, Cookstown and Dungannon phase 2 — at an estimated cost of over £8 million. The Mid Ulster council has assessed that it can deliver £4.5 million of these works in the 2015-16 financial year, subject to DSD providing this level of funding. All Departments, including DSD, have had to take difficult decisions, as you know, on how to allocate their reduced resources, but I have today signed off letters to all 11 councils that outline their funding allocations. I will also send copies to the Minister of the Environment and ensure that copies are placed in the Library so that Members will be able to see them. That will probably not happen until the end of this week so that councils have the opportunity to see their allocation first.

This has been a difficult budgetary process. Members have heard me say before that it is a huge challenge to ensure that we meet all our demands as a Department, and we then have the issue of how we should continue to fund local government. It was very important that we did not send out to local authorities any indication that we somehow felt that they were unworthy of being given the support that they deserve. As someone who came from local government to the House, I am very supportive of our councils. I wish the new councils well in the commencement of their work on 1 April. It was vital that, the budget —

Mr Principal Deputy Speaker: I ask the Minister to bring his remarks to a close.

Mr Storey: Yes. Thank you, Mr Principal Deputy Speaker. While it will not be as the councils expected, it will not be as adverse as they initially thought it would be.

Mr McGlone: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mo bhuíochas leis an Aire as an fhreagra chuimsitheach sin. I thank the Minister for his wide-ranging answer. Given the diminishing funding streams for urban development, what facility or resource does your Department have to help potential developers or councils to identify other EU or private access funding streams?

Mr Storey: I thank the Member for that question. I also discussed this issue with his colleague the Minister of the Environment. You will be aware that his budget was under pressure due to environmental elements. In my Department, we previously had the urban regeneration grant. That funding stream came to an end before I came into post, and we are now just at the end process.

I have given serious consideration to what we could do to bring back something that is similar to the urban regeneration grant. I will give the Member the rationale for that. A number of towns across Northern Ireland, especially those that benefited from urban regeneration grants, became the catalysts for other investment, so they were not the sole funder of a particular project. I can think of one such case in my own town, Ballymoney, in Main Street. Had it not been for the urban regeneration grant and money that came from the DOE, the property owner would not have been incentivised to proceed. One of his challenges in proceeding was that his building lay in a conservation area, which brought additional costs. If anyone visits the premier town of Ballymoney — *[Laughter.]* — I say that without prejudice and with a straight face — you will see how a building has been transformed, which in turn has transformed the town centre and Main Street. I am looking at what can be done about that, but, given the budgetary constraints, it will be a challenge for us.

2.15 pm

Ulster University: Belfast Move

3. **Mr Dallat** asked the Minister for Social Development how his Department is helping to facilitate the move by Ulster University from Jordanstown to the Belfast city centre campus. (AQO 7764/11-15)

Mr Storey: My Department is helping to facilitate the move by Ulster University from Jordanstown to Belfast primarily through its role in the strategic advisory forum. My Department leads and coordinates the forum, which is a cross-departmental, high-level body that considers strategic issues including planning and public realm, transportation and car parking, student housing, skills, employment and business outreach as well as community engagement.

The forum has been instrumental in supporting the progress of the new campus, which is in construction phase and is on schedule to open in 2018. Examples of that support are the successful outcome of the decision to award planning permission for the Frederick Street car park, which was pivotal to the university's move to Belfast, supporting the introduction of social clauses in construction contracts and collaboration and advice on engaging with businesses, communities and neighbourhoods in the immediate vicinity of the new campus.

Significantly, my Department also adjusted its Belfast Streets Ahead programme, bringing forward phase 3 so that this major public realm investment of around £35 million can complement and support the development of the university's new campus.

Mr Dallat: I thank the Minister for a comprehensive answer. Could he give us his assessment of the impact that this move may have on social housing? I am thinking about not just the students but the increasing number of young people who depend on the Simon Community and on other organisations for a roof over their heads.

Mr Storey: I thank the Member for the supplementary question. I have had a concern and I will outline it in this way. The Member will also be aware of the proposal in relation to Northside and the concerns expressed by communities there about the impact it would have and that, by this move, we would create another challenge to a local community from student accommodation and create another Holylands. I am aware of those concerns, but I believe it is better to have an agreed plan rather than the current situation, which is that permission has already been given for a number of developments that are sporadic and where there is no central control of how that will be managed.

I take the point that he makes about the Simon Community. I am conscious of those concerns and that we do not do anything that exacerbates that situation. The other concern

that I have, and I think it only right to say this to the House, is that there needs to be greater coordination between all the Departments in relation to this. We have the strategic advisory forum, but I do not believe that it has buy-in from everybody at a high enough level. We have DOE issues, DARD issues, Department of Justice issues, DEL issues and DSD issues. Let us remember that this campus is coming and that progress is being made. To try to take all that into account, I have asked my ministerial colleagues to come together and have further discussion as to how, strategically, we ensure that one of the largest investments in Belfast in many years, at over £1 billion, is coordinated. It has to be planned so that we deliver the best possible outcome for everybody involved.

Ms P Bradley: As a representative of North Belfast, I thank the Minister for his answers. What exactly has the strategic advisory forum achieved?

Mr Storey: I thank the Member for her question. As I said, the forum has representation at high level across government. It is, therefore, able to at least supply solutions as problems arise over the period of this scheme.

An example of that was when the strategic advisory forum was instrumental in securing the successful outcome to the planning application for the Frederick Street car park. If that had not been secured, we would be in a completely different situation. As a condition of the university's planning permission, it had to acquire a car park with 350 spaces within 400 metres of the university's main building. Following analysis of the local car parks, the Frederick Street site was identified as the only viable option in terms of regeneration of the area and meeting the university's car parking requirements. My Department and DRD were able to assist the university in acquiring the car park. That is one example of what could be done, but I go back to the concern that I have about the momentum of this forum. I have had discussions with the university and the council, and let us remember that Belfast City Council plays a hugely important role in the issue. I want to make sure that everybody — government, council and university — is engaged in a way that delivers the best possible project.

Mr Dickson: Minister, thank you for the information that you have given the House so far on the University of Ulster's project at York Street. Can the Minister tell us what action he has taken with the university to ensure that this

important development includes a genuine opportunity for shared space in that part of north Belfast? On cross-cutting issues, what action has he taken with the Regional Development Minister to encourage the Yorkgate interchange?

Mr Storey: I will deal with the last question first. The Member made a very important reference to the interchange. If we are to transform that part of the city, one of the elements that will be pivotal to that will be the transport infrastructure. For example, we need to be sure that the railway connection to York Street is tied in to the project. I have a concern about that strategic thinking. We have seen phenomenal growth in the railways, and, if we are to encourage its use by students, who are good at using the railway system, by providing access to the university, surely a key component will be the location of York Street station. That is why I have asked for a meeting with the other ministers. I worry that there is almost a sense of "Well, we know this is coming in 2018", but it is not as organised and strategic as I think it should be.

On the first point about shared provision, the very nature of the university is one of shared provision. The campus is not for any particular section of the community, so the university in itself is the essence of shared provision, and it will bring the experience that it has from delivering in Jordanstown to this part of Belfast.

Public Realm Works: Lisburn

4. **Mrs Hale** asked the Minister for Social Development to outline the investment in public realm works in Lisburn since 2011. (AQO 7765/11-15)

Mr Storey: My Department has invested approximately £3.2 million in public realm works in Lisburn since April 2011. That investment, which includes new granite paving, new street furniture, enhanced lighting, tree planting, a spectacular event place and resurfacing works, will result in significant improvements to the main thoroughfares of Market Square, Market Street, Bow Street, Market Lane, Graham Gardens and Haslems Lane.

The aim of the scheme is to substantially raise the quality of the environment to enable Lisburn city centre to diversify and create modern office accommodation to attract business and leisure activities that will help to sustain activity in the city centre outside traditional business hours. The investment in Lisburn city centre is considered to be fundamental to delivering the

economic regeneration of the city to ensure it remains vital and viable for years to come.

Mrs Hale: I thank the Minister for his answer. Lisburn welcomes the investment that has gone into it. What impact does the Minister expect that investment to have on the city centre when it is eventually completed and what are the expected outcomes for the scheme?

Mr Storey: As I have said about other schemes, such as the one in Magherafelt and those in other places, the scheme plays an important role. If we had not been making that investment in our towns, we would have seen a far worse situation. Let us remember that many town centres right across the United Kingdom are in a dire condition. The investment that we have put in has made a substantial improvement to some of our towns. It is an improvement in this way: it is designed to rejuvenate. Lisburn is a historic city, and the investment will ensure that high-quality public realm schemes provide a better platform for investment in the city. It is always challenging, and I know that there are public realm schemes that issues are raised about. There are always problems and difficulties, but I think that, where we have worked our way through them, we have seen a benefit.

The measurable objectives of the scheme are to enhance the retail expenditure by 10%, to reduce vacancy rates by 15%, to increase footfall by 10% and to increase city-centre living in the project area. An evaluation of the completed scheme will be carried out a year after the completion of the outcomes of the measurable objectives.

Neighbourhood Renewal Funding

5. **Mr Douglas** asked the Minister for Social Development for an update on the future of neighbourhood renewal funding in Belfast. (AQO 7766/11-15)

Mr Storey: The transfer of urban regeneration powers and responsibilities to councils has been deferred for one year, until April 2016, as Members know. That means that my Department will continue to be responsible for administering urban regeneration and community development in 2015-16. Neighbourhood renewal provides services to people living in our most deprived communities. In this difficult financial climate, I am seeking to protect projects that demonstrate most effectively that they are meeting the objectives of the programme. The process of assessing

applications on the basis of evidence of need and impact of each project is currently ongoing.

Mr Douglas: I thank the Minister for his answer, and I thank him for coming to the lower Newtownards Road these past few months. Can he give us an update on the refurbishment of the Ballymac Centre?

Mr Storey: I thank the Member for the invitation to visit the lower Newtownards Road, and I was delighted to be able to make that visit to see it at first hand. That is always the part of the job that I enjoy most. There are other parts that, I can assure you, are not just as enjoyable and are more challenging and demanding than going out to see at first hand the impact and the benefit that even an announcement of funding can have. We are going through the process to appoint the contractor. A shortlist of contractors will be compiled, and those contractors will be invited to submit bids for the project. I was able on that occasion to give an assurance to the local community and local representatives, including the Member and Gavin Robinson, that the money had been secured. Given the raft of organisations that use the Ballymac Centre and the huge impact that those organisations can have in their local community, I was delighted to be part of that announcement. I look forward to going back to the lower Newtownards Road when the facility is officially opened.

Mr Brady: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Will the Minister outline if and how his Department will continue to engage with local government following the transfer of neighbourhood renewal policy and funding?

Mr Storey: I thank the Member for that question. It is important that is not just a case of us saying, "I can't wait until April 2016, when we transfer the powers, the functions and the money" and then it is "Well, we'll see you some time in the future". I want to ensure that there will be continued working between the councils and central government, through my Department, so that we are there collectively to address the issues. This will be a learning curve for local authorities. The Member may have heard me say that that is why I have now set about a process of meeting each of the local authorities to discuss their budget and priorities and how we will continue to work in the future. Another part of that is the partnership panel that has been set up. That is also important so that local government has the confidence that central government is there to help, to support and to be there so that, whatever the issues, we

can collectively get a solution to those problems.

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move on to topical questions.

2.30 pm

Welfare Reform: Sinn Féin Concerns

T1. **Mr A Maginness** asked the Minister for Social Development whether Sinn Féin expressed any concerns about welfare reform during the meetings that it was suggested that he had with its representatives over the course of last week, particularly given the extraordinary political gymnastics performed by Sinn Féin over the past number of days. (AQT 2241/11-15)

Mr Storey: I thank the Member for the question. To say that we were shocked would be to put it mildly. What happened in the House and in the Building yesterday was monumental for the future of these institutions. I think that it was clear from what happened yesterday that other agendas are at work. I do not think that they are all down to concerns about welfare.

Let me place it on record that I met Sinn Féin last Thursday after the Executive meeting, when concerns had been expressed. Those concerns about how we implement the Stormont Castle agreement have been going on over a period of time. Let us remember that we had an agreement, or we thought we had an agreement. It was a five-party agreement that set out the terms and conditions and the funding for how we would move forward on welfare reform. When I brought all those issues to the House through Consideration Stage and Further Consideration Stage, we underlined the importance of the regulations and of the schemes that would introduce the supplementary payment fund and the other four schemes. The scheme on universal credit was approved at the Executive on Thursday. I have given my commitment, which is on public record, a number of times —

Mr Principal Deputy Speaker: I remind the Member of the two-minute rule.

Mr Storey: — that I will work with those who have issues of concern and that they will be brought to the House. The meeting took place, and concerns were expressed.

Mr A Maginness: I thank the Minister for his very detailed response. During that meeting on Thursday, was there a point when the Sinn Féin representatives expressed the view that there was a red line on supplementary payments that they could not go over and that they would, in fact, reject the Welfare Reform Bill?

Mr Storey: I got no indication that there was going to be a bombshell dropped on Monday. It was then left that we would give further consideration to the clarification that would be needed. I am extremely disappointed by the comments that have been made about officials in my Department. An aspersion has been cast on them that they somehow misled people and gave dud information.

I stand by my officials. I stand by their integrity and their impartiality. They were asked, prior to Christmas, to do a huge amount of work in very challenging circumstances. I have to say that it is extremely disappointing. I have big enough shoulders. I am a politician, and I can take criticism and all that it brings, but there are those who have gone on to the public airwaves in recent days with the aim of criticising my officials, and I will not tolerate that.

On Thursday, we were asked to get further information on how much it would cost to have existing and future claimants in the supplementary payment fund. That was the information that we have subsequently gained. The only comment that was made was that one —

Mr Principal Deputy Speaker: Can I remind the Minister —

Mr Storey: I think this is important, Mr Principal Deputy Speaker. One comment was made, which I will not attribute to any individual because I think that would be unfair, that we were against the wire. I still do not know what wire that was. I know the wire that republicans have been against in the past, and it normally was in a prison context. I have to say that I was not made aware of any wire. Maybe it was an issue raised at their conference at the weekend, but that is an issue for others to answer, not an issue for me.

Mr Principal Deputy Speaker: The Member listed to ask topical question 2 has withdrawn his name.

Welfare Reform: Disputed Figures

T3. **Mr Dunne** asked the Minister for Social Development to give an assurance about the figures provided by officials to the five party leaders during the Stormont Castle discussions before Christmas, the credibility of which Sinn Féin questioned in yesterday's shock announcement. (AQT 2243/11-15)

Mr Storey: Yes, and I thank the Member for giving me the opportunity to do this. I made reference to that in my answer to the question posed by Mr Maginness. This will be recorded, and I not only want people to hear it, but I want them to really listen to what I am going to say. For clarification: any figures provided were not provided by the DUP but by senior DSD officials; officials who are totally impartial and independent and have no political axe to grind. The figures that were worked up by senior officials were given to Sinn Féin and the DUP at the same time. The same figures were then given to the leaders of the five parties, and this was followed by a discussion with the five party leaders, senior DSD officials and the head of the Civil Service, in which the figures were explained.

I cannot allow this to pass without making comment about the integrity and the service provided by my senior officials during the Stormont Castle discussions. These officials went beyond the call of duty in the time that they gave to the issue. I will not stand by and watch Sinn Féin say what they have said to save their own blushes or watch the incompetence that they have displayed in relation to this issue when trying to pass the blame to others.

Mr Dunne: As a DUP Minister for Social Development, does the Minister continue to stand determined to work to find a solution to resolve the matters and to move Northern Ireland forward?

Mr Storey: When I came into office, it was abundantly clear that there was a problem and that there were issues in relation to welfare. I challenge the Members opposite, the Chair of the Committee for Social Development and his party, to prove that I have, at any stage, been dishonourable, dishonest or have tried to mislead anyone about the issue of welfare. This is not about my integrity but about the future of people in Northern Ireland. What we saw yesterday was shameful and disgraceful, and I will continue to work on whatever needs to be done to ensure that we, to the letter of the law, implement every line, every dot and every figure in the Stormont Castle agreement. That is what the five parties signed up to, and it is

time that Sinn Féin recognised that. I also call upon Sinn Féin today to apologise to my officials for the disgraceful comments that have been made and the slur that has been cast upon them in relation to the process.

Repossessions Strategy

T4. **Ms Fearon** asked the Minister for Social Development how the repossessions strategy will unfold and whether it will offer assistance for people to stay in their homes. (AQT 2244/11-15)

Mr Storey: The Member will be aware of the repossessions task force. This is a very difficult and challenging issue, and no one should underestimate it. People have gone through trauma and difficulties, and there is a need for us to do everything that we possibly can to assist those in that position. The repossessions task force has set out a number of recommendations for us. We will want to move forward quickly on some, and others will, I think, take some time to work through the system.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answer so far. The Minister alluded to the hugely traumatic impact that losing their home could have on a person or a family, and there is a huge cost, not just in financial terms but in human suffering. Has the Minister considered a mortgage-to-rent scheme to allow people to stay in their homes?

Mr Storey: We should not rule out what is possible. I have raised concerns about where this all sits in relation to the banks. Every possible avenue and every scheme that I think would bring benefit to addressing this problem needs to be considered as we move forward.

Welfare Reform: Sinn Féin Position

T5. **Mr G Kelly** asked the Minister for Social Development whether he accepts that, on numerous occasions, members of Sinn Féin, publicly and to his party, said that the intention and the agreement at Stormont House was to make sure that those on benefits who are under the jurisdiction of the Assembly and the Executive would not be worse off after the signing of the agreement, albeit that I have listened to the Minister's recent comments and should point out that, in fact, Sinn Féin was not blaming the officials but, in fairness, was blaming the DUP and is glad that the Minister, as head of the Department, is taking responsibility for the position. (AQT 2245/11-15)

Mr Storey: There has been a fixated excitement by Sinn Féin over the last couple of days to trawl through everything that has been said, and it has not been able to find anything of substance that this Minister has said about the implementation of the deal. We can tell the House what the Chair of the Committee for Social Development said in the House on Tuesday 24 February about the Welfare Reform Bill. He said:

"For the record, no one in Sinn Féin ever said that no one would ever lose out as the result of the Welfare Reform Bill." — [Official Report, Vol 102, No 4, p89, col 2].

Are Members opposite going to do as they have always done and be partial and pick out elements of what has been said to try to misinterpret it? I think that it is time to be truthful, if it is within the capabilities of the organisation known as Sinn Féin to do that. We will see tonight on 'Spotlight' how truthful it really can be. Let us deal with the issue at hand, which is this: does Sinn Féin really know what it signed up to in the Stormont Castle agreement?

2.45 pm

Mr G Kelly: Gabhaim buíochas leis an Aire go dtí seo. I thank the Minister for his answer. Since he is talking about truth and is quoting from other people, does he agree with this quote from himself? He said on 12 January:

"I think that we need to build on the achievements of the Stormont House Agreement. There is a huge amount of work. I have given an undertaking to the Assembly in relation to the information that we will bring to the Assembly, in terms of the guidance notes and how the Bill will make its passage through the House. That will be subject to a paper that, I trust, I will be able to bring to the Executive shortly, so that we can progress the issue". — [Official Report, Vol 100, No 5, p22, col 2].

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

Mr G Kelly: I have asked a question, with respect. I am quoting this, and I want to ask whether the Minister stands over it. If I could finish — *[Interruption.]* I am not challenging the Chair; I am merely pointing out that I am asking a question.

Mr Principal Deputy Speaker: I ask the Member to take his seat.

Mr G Kelly:

— "I trust, I will be able to bring to the Executive shortly" —

Mr Principal Deputy Speaker: I ask the Member to take his seat.

Mr Storey: Mr Principal Deputy Speaker, if I knew what the question was — *[Interruption.]* Despite all that Sinn Féin has tried to do in the last 24 hours, it is abundantly plain to all who want to see that this is not about welfare reform: this is about some other political agenda. I will let Sinn Féin know that it will not use me or my party to unpick or undo what we agreed at Stormont House. We stand by every letter and every figure that the five parties agreed to. That is what I will faithfully implement as the Minister responsible for welfare in Northern Ireland.

Justice

Mr Principal Deputy Speaker: I inform Members that questions 1, 2, 4, 5 and 8 have been withdrawn.

Magilligan Prison: CJINI Report

3. **Mr Ó hOisín** asked the Minister of Justice for his assessment of the recent Criminal Justice Inspection report 'An Unannounced Inspection of Magilligan Prison 27 May - 5 June 2014'. (AQO 7779/11-15)

7. **Mr Eastwood** asked the Minister of Justice what action will be taken to implement the recommendations of the Criminal Justice Inspection report 'An Unannounced Inspection of Magilligan Prison 27 May to 5 June 2014'. (AQO 7783/11-15)

Mr Ford (The Minister of Justice): Mr Principal Deputy Speaker, with your permission I will take questions 3 and 7 together.

Criminal Justice Inspection (CJI) reports are based on four healthy prison tests: safety, respect, purposeful activity and resettlement. I am pleased that Magilligan prison was assessed positively in three out of the four tests. In the area of resettlement, Magilligan was assessed as providing good outcomes for prisoners. This is the first time that has ever been achieved by the Prison Service, and it must be commended for that.

However, the prison was also criticised in a number of areas, specifically the nature of its accommodation and the level of purposeful

activity for prisoners. I can confirm that a number of recommendations have already been actioned and implemented and that the management team is developing an action plan to address the remaining recommendations, which I will publish in due course.

The Prison Service has produced the outline business case for the development of a new prison on the existing site, and this has been accepted, subject to finances being made available. It is important to recognise that the planned rebuild of Magilligan will address a number of criticisms in the report, especially the provision of in-cell sanitation for all prisoners.

There are plans in place from April 2015 to outsource the learning and skills function by forming a partnership with North West Regional College. It is expected that this will improve learning opportunities for prisoners in Magilligan.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. I thank the Minister for his answer. Does the Minister agree that a substantial section of the report exposes a backward and retrograde movement at Magilligan? What steps will he put in place to ensure that there is no further slippage?

Mr Ford: I thank Mr Ó hOisín for his question, but I do not agree that a substantial section of the report relates to matters going backwards. Certainly, there is one section that is definitely acknowledged to be going back, which is why I referred to the action plan being put in place to deal with those matters, the ongoing work on the potential capital rebuild and, in particular, the short-term work to improve the opportunities for learning and skills training in conjunction with the North West Regional College. Those elements of work, and a lot of work that has already been done, show that the report is being noted and that action is being taken to ensure that the prison improves.

Mr Ross: The CJI report on Magilligan highlighted the level of drug use as being high, and there were no disciplinary consequences for positive drug tests. Does the Minister wish to comment on that, and what action can he take in conjunction with the Prison Service to tackle the high levels of use of illegal and prescription drugs in our prisons?

Mr Ford: I thank Mr Ross for the question, which highlights a key problem. The specific issue of prescription drugs is largely for the Prison Service's partners in the South Eastern

Health and Social Care Trust to deal with. A lot of work is being done on issues like supervised swallow for the most vulnerable prisoners and the most potent drugs to ensure that those are not misused. Other work is being done, including initiatives with the PSNI to address the potential for smuggling in. There have been a number of successful prosecutions of individuals caught seeking to smuggle contraband into prisons. Work is being done on an intelligence-led basis, as well as the routine work of searching people. Drug dogs are also used when people arrive at the prison. Those are all examples of work that is being taken forward. Clearly, there is a problem with drugs in this society, and prisons are not immune.

Ms Sugden: I recently visited Magilligan. The report's recommendations are not unfounded, and they need to happen as soon as possible. Does the Minister have a timeline for when the refurbishment of Magilligan will take place?

Mr Ford: The key problem in addressing Ms Sugden's question relates to capital availability. The outline business case has been submitted and approved, but there are clearly major issues for such a significant capital investment. That will need to be addressed as we look at the budget in the coming period in conjunction with the Finance Department.

The rebuild will be done on a phased basis, which will allow work to be carried through on the kind of scheme that does not require an enormous amount of capital at any one time, but we all know about financial difficulties and the problems that arise. It is clear that there is an urgent need to address the living accommodation in particular in Magilligan.

Mr Dallat: The Minister may be aware that, in the distant past, the dreaded Public Accounts Committee singled out Magilligan for its excellent education programmes. What on earth has happened since he took control of it? When will he put badly needed investment into that prison?

Mr Ford: I thank Mr Dallat for his question. I am not sure whether it was entirely referring to education matters when he talked about investment. I have just highlighted the problems with capital investment. An issue has been highlighted about the way in which the Prison Service, prior to my time, adopted a policy of partnership with the South Eastern Trust in health and social care matters. There is an advantage in partnership with local FE providers to ensure that there is a better way for prisoners to undertake courses in prison and

then be transferred to external courses when they are discharged in a way that better meets their needs than simply trying to employ teachers in the prison system. That will make very significant differences not just in Magilligan but, most particularly, in Hydebank Wood, where work is being done on transformation.

Barristers: Fees

6. **Mr Spratt** asked the Minister of Justice how he intends to address the situation that, in publicly funded cases, barristers are expected to represent vulnerable members of society for a fee that would not equate to the national minimum wage. (AQO 7782/11-15)

Mr Ford: The Bar operates on a competitive basis, and it is the case that some barristers are not able to attract a caseload that would equate to a full-time job. However, that does not mean that, if they are performing efficiently and effectively, they are working for below the minimum wage for the cases that they are involved in.

Criminal fees in Northern Ireland have been benchmarked against fees paid in England and Wales. Even following the latest round of reforms, they will remain competitive in comparison. I have consulted on reform to the fees paid in civil and family courts. My officials are finalising fee proposals for family and children proceedings that will reduce baseline costs by approximately 20% overall. I plan to introduce a new structure that will provide for standard fees in the majority of cases, reduce the level and complexity of the administration of civil legal aid and contribute to reductions in costs.

The new arrangements are intended to provide standard fees based on specific case types. They are based on an accepted swings-and-roundabouts approach. They reflect the fact that cases will be put into bandings, and fees will reflect the work required. The proposals are still the subject of discussion with the Bar Council. It is incumbent on me to ensure that the legal aid budget is used effectively and delivers value for money. I have already delivered reform of fees in criminal cases, and I am taking forward reform of civil fees. There is no evidence that the reforms will result in fees that equate to the minimum wage.

Mr Spratt: Does the Minister accept that many young junior barristers are working for the minimum wage in cases? Some of those bright young barristers will be driven out of the profession as a result of some of the cuts that

the Minister has already made to legal aid. The additional level of 15% on fees will drive young people out, which will create a problem for the future of barristers at the Bar. The Minister must accept that.

Mr Ford: No, the Minister does not have to accept that. It is not the case that people are working for below the minimum wage. It is clearly the case that there are many more barristers per head of population in Northern Ireland than in neighbouring jurisdictions and it is clear that not all of them can obtain full-time work. That is not my fault; that is the reality of a profession that is operating on a competitive basis as, indeed, happens in other professions and businesses. My job is to ensure that there is access to justice for those who need justice; it is not the role of the DOJ to provide an employment service for solicitors or barristers.

In the context of the cuts that are being imposed on my budget, it is simply not possible to say that it will be easy to manage without making further cuts to the legal aid budget as we also cut the budgets of every other spending area across the justice system.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. I note that, in his answer, he made no reference to the 15% levy. Does he now accept that it is fundamentally unfair and, therefore, fundamentally flawed to go forward with that type of levy?

Mr Ford: The levy was very much on a par with the existing arrangements, which allowed for reductions in payments on those cases that were assessed by the Taxing Master. Since the proposal was put forward initially, there has been a specific decision of the Supreme Court relating to a case involving the Welsh Assembly Government, which has raised questions about the viability of such a proposal. I am closely examining the implications of that with my officials.

Mr Cree: Does the Minister have any idea of the number of barristers who are working for less than the national minimum wage and, if that number is significant, will he consider, perhaps, a redistribution or restructuring of the fee system?

Mr Ford: I have an absolutely precise figure for those who are working below the national minimum wage. For the benefit of Mr Cree and anybody else who did not hear it, there are no

barristers working for below the national minimum wage. There may be barristers who do not have enough cases to obtain enough fees to equate to an annual salary that would be the equivalent of the national minimum wage, but for the employment that they are engaged in and paid for from the legal aid fund, none of them are receiving less than the hourly rate of the national minimum wage.

Mr A Maginness: I thank the Minister for his answers. Last week, I received a bundle of letters from young barristers, male and female, who were struggling at the Bar and who were certainly earning less than the minimum wage. Will the Minister now like to apologise to those young men and women for his dismissive and ill-informed remarks about their income?

Mr Ford: The rates that are set for the employment of solicitors and barristers do not fall less, on an hourly basis, than the national minimum wage. What is clear is that there are so many barristers in Northern Ireland relative to other jurisdictions that they cannot all receive a living from the legal aid fund alone, given the fact that there are those in more senior practice who earn very substantial sums from the legal aid budget. It is not my job to distribute the fees; it is a matter for the Bar as to how it regulates its profession and it is about how cases are allocated. That is not my responsibility. Those who do the work are paid the fee for the work that they do.

Mr Allister: Has the Minister given any thought to the consequences of his crusade on legal aid in respect of family courts and civil legal aid and the removal thereof in many instances? Has he given any thought to the explosion in the number of personal litigants that that is going to create in our courts, in consequence of which we are going to see our courts clogged up with personal litigants? Has he given any thought to the consequences of that?

Mr Ford: As ever, Mr Allister starts arguing from a false premise. I am no more on a crusade against lawyers paid from legal aid than I am on a crusade against prison officers, police officers, probation officers, those who work in the courts and youth justice and those in every other spending area of the justice system that has had to be cut because of the Budget cuts imposed on my Department. When Mr Allister uses words like "crusade", he is simply not recognising the reality of the budget that I am faced with.

3.00 pm

He asks what the implications are. There are no suggestions from the evidence that I have seen that, by reducing some elements of scope where money is in play, or by avoiding some people using legal aid as a battering ram against an ex-partner who is ineligible for legal aid over family cases, we will vastly increase the number of litigants in person. The question is to ensure that there is basic funding for key hearings, but, where family cases are at play, people should not be allowed to abuse the legal aid system to punish an ex-partner over minor trifles like variations in the time of access.

Mr Principal Deputy Speaker: Mr Colum Eastwood is not in his place.

Máiría Cahill: PSNI/PPS Conduct

9. **Mr B McCrea** asked the Minister of Justice what investigations are under way into the conduct of the PSNI and Public Prosecution Service with regard to the Máiría Cahill case. (AQO 7785/11-15)

Mr Ford: I am advised that a complaint has been received by the Police Ombudsman's office and the matter is currently under investigation. The Public Prosecution Service is entirely independent of my Department; however, the Director of Public Prosecutions has commissioned Sir Keir Starmer to conduct a review of the prosecution of three interlinked cases involving sexual abuse and terrorist-related charges. I have asked for early warnings of Sir Keir's review of any issues that would impact on the support provided to victims across the justice system.

Mr B McCrea: Does the Minister accept that there is a danger, in having a number of independent reviews, that one organisation may blame the other and we will not get to the bottom of it? Does he accept that the time has now come for him and his Department to have an overarching investigation into that sorry state of affairs, or would he prefer to see trial by media, as, apparently, we are going to see tonight on 'Spotlight'?

Mr Ford: Mr McCrea may make a point about trial by media, but I do not control the BBC or many another thing. There are a number of issues in the cases highlighted by Máiría Cahill and others that require individual agencies of the justice system in Northern Ireland and individual agencies of the justice system in the Republic to conduct their inquiries, do their work and carry out their investigations to see whether there are opportunities for prosecution.

I have discussed the issue on a number of occasions, most recently in the last week of February, with my colleague Frances Fitzgerald, the Minister for Justice and Equality. We have looked at the options for wider reviews, but setting up a cross-border review, as has been suggested by some people, would be a very complex issue. At this stage, the important thing is to allow the relevant agencies to conduct their work and then, after ensuring that there is no interference with the justice system, see that an appropriate way of examining matters further is looked at, whether that is a specific inquiry in Northern Ireland, a related cross-border inquiry or whatever. We are open to see what is appropriate at that stage, but, at this stage, we have to allow the work of the ombudsman, the Garda Síochána, the PSNI and the DPP to be carried through.

Mrs D Kelly: Whilst there may be questions for the justice system to answer, the biggest questions should be directed at the provisional republican movement and its institutionalised, systematic cover-up of sexual abuse.

Minister, what assurance can you give to families, particularly those living along the border, where sex abusers were moved routinely over the last number of years, that you, the gardaí and the Justice Minister in the South are sharing and cooperating fully in relation to the movement of and sharing of intelligence about those abusers?

Mr Ford: I appreciate Mrs Kelly's point. I am not sure that I am in the business of sharing information. It is my job to ensure that the justice system is properly funded and properly run. I have certainly encouraged and understand that there has been sharing of information both ways between the PSNI and the Garda Síochána. There is work being done on a general cross-border basis, some of which falls under the general heading of the intergovernmental agreement on criminal justice cooperation. There is work being shared on support for victims and work being done on specific criminal investigations. All of that is being done to see that we do our best to, first of all, find out the facts, then see whether prosecutions are appropriate and, in parallel, support the victims of whatever abuse may have occurred. I believe that that is being done properly in both jurisdictions at present, and Frances Fitzgerald and I are committed to ensuring that that remains the case.

Mr Campbell: Sexual abuse is a horrible crime. Can the Minister join me in expressing the hope that people who have any information about

sexual harassment or sexual criminal activity, particularly if it was at the hands of illegal terrorist organisations and given the fear around coming forward, will receive whatever reassurances, succour and support they need from his Department to get to the truth of any allegations that they may have?

Mr Ford: I am happy to agree with Mr Campbell's point. Anybody who has any information about any crime should report it. Sexual abuse can, at times, be a hugely complex issue, whether it involves family relationships or allegations about a particular organisation. There are ways in which people can come forward, receive help and assist in prosecutions, whether they contact the police or social services or go through other agencies. The important point to make is that information should be passed on so that victims can be supported and action taken against the perpetrators.

Young Offenders: Early Interventions

10. **Miss M McIlveen** asked the Minister of Justice how effective the current early intervention measures are for young offenders. (AQO 7786/11-15)

Mr Ford: Primary intervention and prevention is best achieved through ready access to a comprehensive range of universal entitlements, such as education, health and social services. In the justice system, the term "early intervention" refers to targeted services for children and young people who are assessed as being at high risk of first-time offending or who already display early signs of criminal or antisocial behaviour.

The principal aim is to keep those children and young people out of the formal justice system where appropriate, with many of them needing little assistance to grow out of that behaviour. Research shows that overall life outcomes for such children are improved if their involvement with the justice system is limited at that early stage. To achieve that, my Department provides a range of support and funding aimed at diversion through, for example, the funding of policing and community safety partnerships including the Priority Youth intervention programme and the asset recovery community scheme.

My Department has also established a system of youth engagement clinics to assist in the identification of and early intervention in cases that are deemed suitable for diversion from the

court system. Efficient application of the youth engagement process speeds up case processing and gives the fullest consideration to diversionary processes. The early intervention scheme brings together the Public Prosecution Service (PPS), the police and the Youth Justice Agency with the young person and their family so that joint and informed decisions can be made. The scheme has processed approximately 700 referrals to date.

Miss M McIlveen: I thank the Minister for his answer, in which he referred to youth engagement clinics. How effective does he believe those to have been in diverting young people away from the courts?

Mr Ford: I appreciate the question. As I said, the key issue is early intervention and engagement to ensure that people are presented with the options, including, in some cases, a restorative option or additional support, to ensure that, at the engagement clinic, young people get the chance to hear about the disposals likely to be directed by the PPS and the options that are then open to them so that they can seek a better way forward. In the 700 cases so far, something like 98% of the young people involved have accepted a diversionary disposal that removes them from the formal system and, if they are a first offender, gives them, in effect, a second chance and an opportunity to make amends, understand the consequences of their action and be supported away from the potential for engagement in criminal activity on a more intense basis.

Mr McCarthy: Does the Minister believe that raising the age of criminal responsibility would help the efforts to avoid criminalising young people?

Mr Ford: I thank my colleague for that question. There is clearly a polarised view in the Assembly on the issue of the minimum age of criminal responsibility. The youth justice review recommended that it should be increased from 10 to 12 and potentially to 14. I certainly believe that there is justification for increasing the minimum age of criminal responsibility to 12, given that the tiny number — generally a couple of dozen in any year — of 10- and 11-year-olds who become involved with the justice system are, almost overwhelmingly, dealt with by a care process rather than a criminal sanction. There are real dangers if we get young people involved in that part of the criminal justice system at such an early age. Clearly, the important issue has to be to divert

young people from a path of crime, on whatever basis it operates.

PSNI: Injury on Duty Scheme

11. **Mrs Cameron** asked the Minister of Justice for an update on his Department's review of the PSNI's injury on duty (IOD) scheme. (AQO 7787/11-15)

Mr Ford: Following the Scofield report, my Department agreed to review the policy and regulations underpinning the police injury on duty scheme. That work is well advanced, and it is hoped that draft regulations will be published for consultation this spring. The Department also agreed to provide guidance on reassessments that was issued to the Policing Board on 19 December last.

Mrs Cameron: I thank the Minister for his answer. He mentioned the Scofield report, and obviously changes to legislation and regulations are required for the scheme. When specifically does the Minister anticipate bringing forward his proposals to implement the recommendations?

Mr Ford: I appreciate Mrs Cameron's point, but it is, in fact, an issue on which work is to be done between my Department and the Policing Board. The specific responsibilities for administering the scheme lie with the board. My Department merely has the role of looking at guidance, and that has been issued. I am happy to continue to work with the Policing Board on how that guidance is implemented and to ensure that we get the regulations right. I certainly hope that that will happen within the next few weeks.

The key issues are to ensure that the Department and the board each play their part appropriately and that we get a better system than was the case in recent times. That will allow us to deal with the very significant numbers of PSNI officers who have made IOD claims.

Mr Allister: The Minister referred to providing guidance to the Policing Board three months ago, I think he said. In light of that, is he satisfied that the Policing Board is addressing the issue with the expedition that it deserves, given the many long years that this has straddled without resolution?

Mr Ford: I am not sure whether Mr Allister has any specific points that he wishes to make to suggest that the Policing Board is not carrying out its statutory duties. I am concerned to see

the Department and the board working together as effectively as possible, recognising the distinct responsibilities that the two agencies have. After the court cases in England, the important point is to get the situation back on track to ensure that injured officers' needs are met.

Access Northern Ireland: Efficiency

12. **Ms Sugden** asked the Minister of Justice for his assessment of the efficiency of the current Access Northern Ireland system. (AQO 7788/11-15)

Mr Ford: Access NI issues all applications for standard and basic checks within three to five days, and over 70% of enhanced applications are issued in six to eight days. Given that 125,000 applications are made to Access NI each year, I believe that that is a good indicator of efficiency. That said, some cases take longer. Those are cases that are referred to the police for consideration. The vast bulk of those are also turned around efficiently, but I acknowledge, as does the PSNI, that delays are occurring and that they can be significant at times.

Mindful of the impact on applicants who are unable to secure positions of employment without an Access NI check, my officials are working closely with the PSNI to reduce the delays being experienced by a small minority of applicants. The PSNI has approved additional resources for that work, but it will take time to effect the necessary improvements and reduce the current backlog.

Ms Sugden: I thank the Minister for his answer, but I was actually referring to the inefficiency of having to get a new Access NI form for every organisation that you are involved with. That is ridiculous, and it places a heavy burden on the community and voluntary sector in particular. In light of that, how has the Minister consulted the community and voluntary sector?

Mr Ford: I entirely agree with Ms Sugden. Before the change of the last Westminster Government and during the first year of the devolution of justice, work was being done to look at a portable check. However, that was changed because of changes in the Home Office that meant that we could not proceed on the timescale that we had hoped.

We have included provisions for the introduction of a portable check in the Justice Bill, which is at Committee Stage. Perhaps Ms Sugden would like to ask the Chair of the

Committee how speedily he will progress that. It is clear that we need to move to a portable check as soon as possible, although it may not be available until some time during the next calendar year because of the issues that need to be addressed to tie the system to the available resources.

We will also look at the charges. In England and Wales, it costs £13 to be annually registered, which is somewhat less than the current one-off fee in Northern Ireland. However, it will continue to be free for those who use the check purely for volunteering purposes.

I would hope that we would see progress arising from the work that is being done by my officials in parallel with the progress of the Bill, but, clearly and unfortunately, it will be 2016 before we see it in place.

3.15 pm

Mr Principal Deputy Speaker: Mr Trevor Lunn is not in his place.

Mr McCarthy: I am delighted that the Minister continues to answer questions briefly and succinctly because it brings us up to question 14.

Community Planning

14. **Mr McCarthy** asked the Minister of Justice how Policing and Community Safety Partnerships will contribute to the new community planning model being introduced through local government reform. (AQO 7790/11-15)

Mr Ford: I am not sure what Hansard will make of that, Principal Deputy Speaker.

On 25 February, I met chief executives, members of the Policing Board and heads of statutory bodies who are designated members of policing and community safety partnerships. We considered a range of issues relating to the partnerships, including measures to maximise their impact on local policing and community safety priorities and to ensure that they play a key role in the new community planning structures. This meeting followed ongoing discussions between officials from the DOJ and the Policing Board, chief executives and other key stakeholders in preparation for the new community planning structures.

The recent CJINI report and the recommendations that it made provided the opportunity to address a broader range of strategic and operational issues and to reshape the partnerships accordingly. CJINI's recommendation that PCSP action plans should feed into community plans and that alignment with the aims of the statutory partners and other central government strategies should be explicit will, when implemented, further strengthen the links between PCSPs and community plans. The joint committee will provide guidance to the reconstituted PCSPs on a range of PCSP-related business, including how to prepare their action plans, and will include advice that the plans should feed into community plans.

Mr Principal Deputy Speaker: Order. Time is up. That ends the period for listed questions. We will now move to topical questions. Mr Pat Sheehan is not in his place.

Historical Investigations Unit: Legislation

T2. **Mr Allister** asked the Minister of Justice why he lobbied for and secured agreement that the legislation to introduce the historical investigations unit (HIU) would not pass through this House but would pass through Westminster, consequently denying this House the opportunity to scrutinise that legislation. (AQT 2252/11-15)

Mr Ford: There are significant issues on the timing of the legislation, and the fact is that there will be elements of the HIU that might relate on a UK-wide basis and would therefore have to be considered by the Westminster Parliament anyway and to ensure that we got the HIU into place as soon as possible, subject to other discussions over the last 24 hours.

Mr Allister: Is the truth not that the Minister was running scared of scrutiny in this House on issues such as how you would recruit the HIU, whether gardaí members would be eligible or whether investigative officers from the PSNI maybe or, dare one say it, the RUC, would not be admissible as those who could be recruited? Is it the scrutiny of matters such as that that the Minister was running scared of?

Mr Ford: If Members of this House who have not sat at the party leaders' meetings on Monday afternoons saw what happened inside that room to proposals that were being put forward by anybody, including by me as Minister and officials from DOJ, they would not

suggest that there was no scrutiny in that gathering.

Legal Aid: Access to Justice

T3. Ms Sugden asked the Minister of Justice for his assessment of how the reform of legal aid will affect access to justice for the most vulnerable, when it is likely that the cuts will mean that solicitors will not be able to provide existing services. (AQT 2253/11-15)

Ms Sugden: I scored a hat-trick here, Principal Deputy Speaker.

Mr Ford: I am afraid that I have to disagree with the premise on which that question is based, because what we are looking at are reforms that will, to some extent, alter scope around things like money damages, continual applications on family matters for access and so on, but will fundamentally preserve a fee that is similar to that which applies in England and Wales and is generally in excess of that fee for work that is done in ongoing cases.

The reality is that we have to live within the budget, and the budget for legal aid has been exceeded every year since some time before devolution. That is no longer possible. Therefore, cuts have to be made, but a lot of work has been done so far to ensure that there is no reduction in access to justice. That will continue to be my aim, but the reality is that fees in Northern Ireland have traditionally been paid at a more generous level, which slightly contradicts the kind of view that is put forward by bodies like the Law Society when it suggests that external bodies could come in and provide back office legal services because the costs of running a business in Northern Ireland are lower than elsewhere in the Western World.

Ms Sugden: I thank the Minister for his response. I do not accept that we are comparable with England and Wales. We have specific social circumstances, so I reject that rationale. How has the Minister consulted the public on how this might affect them if the reforms are put in place?

Mr Ford: The rationale that I gave was not mine; it was the rationale put forward by the Law Society when it talked about costs being less. So if Ms Sugden thinks that I am wrong, I suggest that she take it up with the Law Society, which I was quoting.

She asked about consultation. Frankly, everything that the Department of Justice has done since I became Minister has been the

subject of public consultation, although, clearly, in many cases, it has been only those with specific interests who have commented on them. There has been a public consultation process that has included everything that has been proposed or everything that will be proposed in the future.

Mr Principal Deputy Speaker: The Member listed at topical question 4 has withdrawn his name.

Armagh Courthouse

T5. Mr Boylan asked the Minister of Justice how much has been spent on the refurbishment of Armagh courthouse in the last number of years, how much will be saved if the courthouse closes, and whether he has any plans for the future use of the building. (AQT 2255/11-15)

Mr Ford: The simple answer to a question as specific as that is no, I cannot tell the Member how much money was spent on refurbishment before my time as Minister, and I cannot say how much the current running costs are. All those figures, excluding, possibly, the refurbishment costs, but the ongoing costs and the anticipated savings are available in the consultation document that was circulated by my Department and which is readily available to anybody, not just to MLAs.

The future use of the courthouse is not an issue for my Department. If any building is redundant from the use of my Department, it is offered to other public bodies and then put on the open market for sale.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. What assessment has the Minister's Department taken on the impact that the closure will have on the most vulnerable in the area? How will they access justice in future? Can he confirm that the facilities that are to remain open after the consultation will be able to deliver the same services that Armagh courthouse has been delivering?

Mr Ford: Again, Mr Principal Deputy Speaker, I refer Mr Boylan to the consultation document, which makes clear information on the transfer of business to the significantly better buildings that we have in the more modern parts of our estate, which are better able to meet the needs of 21st-century justice, and how that will be carried through to ensure continuing access to justice, including access to court sittings. In the

review of the closure of Bangor courthouse and the transfer of business to Newtownards, I notice that business was seen to proceed more efficiently on the amalgamation of the two courts. So there is no reason to suggest that there will be any restriction on access to justice.

John Pat Cunningham: Murder Investigation

T6. **Mr F McCann** asked the Minister of Justice whether he is concerned that the family of John Pat Cunningham has stated that it has no confidence in the PSNI to carry forward the investigation into his murder by the British Army in 1974. (AQT 2256/11-15)

Mr Ford: Clearly, I would be concerned if I thought that there was any issue about public confidence in the PSNI in general. However, when we look at issues that happened 40 years ago, so many matters come into play that it is a long way from my responsibility to ensure confidence in the work of the PSNI, as they police 2015 and not 1974.

Mr F McCann: I think that the Minister has opinions on all other agencies carrying out investigations. Does this point up the need for the creation of the HIU to address legacy issues, particularly murders carried out by state forces?

Mr Ford: We need to be very careful before we talk about "murders carried out by state forces" in the plural; if the Member can say "allegations of murders carried out by state forces", it might be slightly accurate. Yes, I fully support the concept of the HIU. That is why the DOJ has been doing a lot of work since 23 December to establish the HIU to ensure that it can operate in a way that provides confidence, deals with the past and separates the PSNI today from the toxic issues of the past.

National Crime Agency: Implementation

T7. **Mr Craig** asked the Minister of Justice to give a date for the full implementation of the National Crime Agency and to state whether he has any idea about the numbers involved in the civil case backlog. (AQT 2257/11-15)

Mr Ford: I am afraid that I cannot give Mr Craig an exact date. The best answer that I can give is two months from the point when the necessary order is passed at Westminster. I have not seen that specifically timetabled, though my understanding is that it is due in the

next week or 10 days. The intention is that the necessary measure will be passed through both Houses at Westminster in advance of the dissolution of Parliament for the general election. The timescale is two months from that date. As to the specific issue of civil backlog, I do not have the details in front of me at the moment, but, when we were debating the issue, I pointed out that we had had something like a 70% reduction in the number of civil cases that could be considered. Clearly, that can now be stepped back up again.

Mr Craig: Is the Minister at all surprised to learn that that backlog now stands at the astonishing figure of almost £14 million and growing? Can the Minister confirm that there is also growing evidence that serious crime groups are basing themselves in Northern Ireland because of the lack of the National Crime Agency? The sooner we get it implemented the better with regard to that aspect of crime.

Mr Ford: I am quite prepared to accept Mr Craig's figure. If he says that it is £14 million, it is very similar to the understanding that I had a few months ago. I am not sure how much evidence there is, but there is certainly a concern on the part of the police and other agencies that, if we had not proceeded to pass the order to allow the legislation to pass at Westminster to make the NCA fully operational here, there would have been a very significant risk of international crime groups establishing here. If Mr Craig is suggesting that that had already begun to happen, that is all the more reason to see that we get the NCA operational and fully supported by public representatives in the House in the important work that it will do in fighting that kind of crime.

Roe House: Separated Regime

Mr McElduff: Tá ceist agam don Aire.

T8. **Mr McElduff** asked the Minister of Justice for his assessment of the current situation with the separated regime at Roe House in Maghaberry prison. (AQT 2258/11-15)

Mr Ford: The separated regime in Roe House operates as it has done for a significant time; it long predates the devolution of justice. As ever, there have been continuing difficulties at times with some of those within the separated regime. Following on from the stocktake report by the assessment team, work has been done to seek to create a better atmosphere. Prison Service staff have done a lot of work, including some measures to improve the supervision

ratios that have been seen from the prisoners' point of view, while still ensuring the safety and security of prisoners, but there is no doubt that some prisoners and some of their supporters outside the jail continue to threaten and intimidate both personally and by the use of social media.

Mr McElduff: Following on from the Minister's reference to the stocktake report, does he agree that, essentially, the stocktake report was a missed opportunity to resolve the issues central to the dispute in Roe House?

Mr Ford: No. I believe that the stocktake report was a genuine assessment of the situation that we were in. I am extremely grateful to the team of independent assessors for the work that it has done. The Prison Service continues to seek to build on that through things like the prisoner forum and other measures to make the situation as normal as possible, given the fact that separated prisoners are in an abnormal position.

3.30 pm

Fine Enforcement Service: Modernisation

T9. **Mr Beggs** asked the Minister of Justice to outline the schedule for modernising our fine enforcement service to better match good practice elsewhere in the United Kingdom, given that find-the-fault enforcement is expensive for court time, legal aid costs, police enforcement costs and prison costs. (AQT 2259/11-15)

Mr Ford: Again, I do not have the details of the schedule in front of me, but the answer is that work is being carried forward as urgently as possible, recognising the very significant issues, as the Member said, of court time, prison time and the completely unexpected judicial decision that it was not possible to place in custody fine defaulters without a further court hearing. A lot of court time has been taken up in addressing those issues. A very large number of those cases have gone through satisfactorily.

Clearly, there are issues as we look to civilianise fine enforcement and take it away from being a burden on the Police Service. As we seek to ensure the additional methods by which fines will be paid, whether deductions from earnings or whatever, there is a better chance that, in a year or so, we will have a

much better system in operation than has been the case for a number of years.

Mr Beggs: Given that consultation is already under way, the savings that could result and the huge pressure that his Department is under, is the Minister surprised that his officials have indicated that it could be up to two years before new legislation is introduced and delivered on the ground?

Mr Ford: I am not sure where Mr Beggs gets that figure from, but it is certainly my expectation that we will see legislation in this Assembly mandate, which has little more than a year to run. It will then be a matter of ensuring that all the necessary measures within that, with, if necessary, supporting secondary legislation, are in place as soon as possible. Yes, it is unfortunate, but the reality is that the legislative process takes time if it is to ensure that the matter is got right. We are trying to fix a problem, and there is no point in doing something rapidly that will not stand the test of time and produce a viable solution for the future.

Mr Principal Deputy Speaker: Time is up.

Question for Urgent Oral Answer

Employment and Learning

European Social Fund: Application Process

Mr Principal Deputy Speaker: Mr Pat Ramsey has given notice of an urgent oral question to the Minister for Employment and Learning. I remind Members that, if they wish to ask a supplementary question, they should rise continually in their place. The Member who tabled the question will be called automatically to ask a supplementary question.

Mr Ramsey asked the Minister for Employment and Learning to update the Assembly on the latest delay in the European social fund application process.

Dr Farry (The Minister for Employment and Learning): The assessment of applications for funding to the Northern Ireland European social fund programme for 2014-2020 has been continuing. A total of 134 applicants entered the phase 1 assessment process. Of those, 101 will progress to phase 2; 24 applicants will not progress at this stage; and a further nine are providing clarification on the information that they have submitted in respect of the financial capability assessment. Any applicant who has been rejected will be allowed five working days to appeal the decision.

The Department will be issuing letters this afternoon to notify applicants of the outcome of the phase 1 assessment process. Appeals will be considered by an independent panel comprising three individuals who have not been involved in the selection process. It is anticipated that the appeals process for phase 1 will be concluded by 23 March. The aim is to complete the assessment process by the end of March to allow funding to be made available to the successful applicants by 1 April.

Mr Ramsey: I thank the Minister for his response. There was some useful information; at least some contact is being made with the groups. Will the Minister be kind enough to reflect on the whole process, given the pain, suffering, concern, anger and frustration among so many groups across Northern Ireland and the concern over not only the loss of jobs but the capacity that a lot of the groups have been able to deliver — from women's groups and youth groups to disability groups across

Northern Ireland — and the fear and trepidation that they have at present?

Dr Farry: Mr Ramsey packed a lot in there, but I do not recognise many of the characteristics that he has described for the process. Let us be very clear: this is a live, ongoing application process. There is no absolute guarantee that any organisation will be funded. Indeed, we are 1·8% oversubscribed in terms of the value of the value of bids compared with the money that is available. Processes are still ongoing, and no decisions have been made on who will be funded and who will not. That will happen at the conclusion of phase 2 of the process. There is no immediate threat to any organisation, nor is there any guarantee of continued funding. Just because an organisation has delivered in the past, that does not necessarily mean that it will receive funding in the future

There has been a particular and discrete issue in relation to understandings around the submission of management accounts that has been addressed. I think that the issue of fear and disorder in applicants is way off the mark. We have a process that is live and ongoing according to the process that was set out and explained to all groups. I dare to suggest that, if that is the situation that is emerging in the eyes of some Members, everyone has a duty to act responsibly and not to feed the misunderstandings but to act in a manner to correct those misunderstandings.

Mr Swann: Minister, I recognise Mr Ramsey's description of the organisations that have been through this, because they have been in front of our Committee a number of times. I know that the Minister has not engaged because we were in a selection process, but I can assure you that the description that Mr Ramsey has put in front of us is fair and accurate.

The Minister is well aware of the interest of the Committee for Employment and Learning and the time it has given to the issue. Voluntary and community organisations have staff on notice, programmes on hold and participants at this minute who do not know where they are going. To be very specific, there has been a great change in the number of applications now through phase 1 —

Mr Principal Deputy Speaker: I ask the Member to come to his conclusion.

Mr Swann: Can he provide additional detail on the appeal process for phase 1 and phase 2? Will the appeals be available solely on process,

or will organisations be able to supply additional or supplementary information? Is the Minister still as confident that this process is not open to legal challenge?

Dr Farry: Again, Mr Principal Deputy Speaker, there is a lot in there. I will do my best to cover the points that have been made.

There was a discrete issue in relation to management accounts that has been addressed. If we find a situation where groups are uncertain of funding or of the ability of participants to continue, that is, regrettably, a product of the fact that we are going through a competitive process in relation to European funding. Groups should have been clearly aware that the current programme was coming to an end on 31 March and that there would be a fresh process for the next round of ESF funding. Sadly, it is part and parcel of the process that groups will have to place staff on protective notice.

Let us be clear: my officials are working tirelessly to ensure that we can deliver a refreshed programme from 1 April this year and that, where groups are continuing, there is no break in coverage or what they do with participants or staff. The situation in Northern Ireland stands in sharp contrast to that in many other regions across the European Union, including England, where they have yet to receive approval from the European Commission for their operational programme, so they will see a break in coverage. That will not be the case in Northern Ireland, subject to us being able to complete all phases of the process by the end of March, which is our intention.

In terms of the appeals process, there will be an appeal panel of departmental and independent representatives. It will meet over the coming days to assess the appeals that are taken forward. The grounds for appeal will be as follows: the outcome was a decision that no reasonable person would make on the basis of the information provided in the application and/or there was a failure in adherence to procedure or systems. In terms of the timescales, we anticipate that appeal panels for phase 1 will be convened between 20 and 23 March. We will then issue notification in relation to phase 2. The closing date for phase 2 appeals will be in the region of 21 to 25 March. It is likely that appeals in relation to phase 2 will be convened on 25 March and notifications issued as soon after that as we can.

Mr Principal Deputy Speaker: I remind the Minister of the two-minute rule.

Mr Buchanan: I do not want the Minister to miss the mark, but the difficulty lies in how the Department handled this whole issue from the start. You may or may not be aware that my colleague Diane Dodds has already raised this with the European commissioner. Have you had any contact with the European commissioner? If so, what was the nature of that contact?

Dr Farry: Members are making comments about the process not being properly handled. I must stress that that is a perception that has been fed by many people rather than being addressed by many people. There has been a particular discrete issue about understanding management accounts, but Members are not giving specifics to me so that I can address their wider concerns with the process, albeit that we have heard comments about breaches in coverage, which I have already sought to address. I made the point that we are doing better than other regions.

I have discussed our outgoing programme and our new programme with the European Commission. This is European Union money that is coming to Northern Ireland, and it is based on EU rules. If anything, the EU stressed the importance of checks and balances and the audit requirements for the programme. We do not have discretion over those things; if we want the money, we have to adhere to those requirements. That is why there has to be such discipline with management issues and financial capability assessments.

Ms McGahan: Go raibh maith agat. I thank the Minister for coming to the Chamber. Does he acknowledge the distress that the delays in the funding process are causing employees and service users alike? I have been lobbied, as you know, by the First Steps Women's Centre in Dungannon, which is the only women's group west of the Bann, an area with the highest rates of economic inactivity in the North.

Dr Farry: It would be inappropriate for me to make comments in the Chamber about an individual application. People have made points about delays, and we are behind with different aspects of the assessment process because we have a revised process for the receipt of management accounts. However, there is no delay in our target date for taking decisions on the allocation of funds, which remains the end of March. That was our

timetable at the beginning of the process, and it remains our timetable. In that respect, there have not been delays in the awarding of funds that would give people any credible reason to be distressed by the pace of the decision-making process in the Department.

Mrs D Kelly: I am grateful to my colleague Pat Ramsey for tabling the question for urgent oral answer. Given that one of the priorities is social inclusion and bringing people closer to the labour market, will the Minister give the House an assurance that women's groups, which do such tremendous work, will be a priority in the application process criteria?

Dr Farry: All applications will be assessed on their individual merits. As the Member will appreciate, there are a number of subcategories through which funds will be allocated. We will be mindful in ensuring that we have a reasonable and proportionate outcome that reflects all aspects of how people can better access the labour market or overcome barriers. I very much appreciate the work of a number of women's groups across Northern Ireland. While I cannot give commitments to organisations that they will be in receipt of funds, I am seeking to endeavour that we have proper coverage to support the women's sector.

Ms Lo: Obviously, the application process did not go very smoothly at the beginning. What is the ESF's added value in supporting training and employability outcomes?

Dr Farry: I again stress the importance of the European social fund to Northern Ireland. In the absence of the European social fund, we would struggle, with only our local resources for the degree and depth of coverage in employability and skills interventions. The ESF allows us to provide and resource on a much bigger scale, so it is an advantage that comes from our membership of the European Union. We have to appreciate that it is not our money, and we must ensure that we act in accordance with the rules that it sets out.

Ms Sugden: Unsurprisingly, the Minister is unwilling to acknowledge the farcical process of the European social fund. That is part of a bigger picture of mismanagement by the Northern Ireland Executive when it comes to implementing funds like early years, the European social fund and neighbourhood renewal. As the Minister has overarching responsibility for DEL, can he tell me how he is supporting the community and voluntary sector

instead of standing by the officials who have made mistakes?

3.45 pm

Dr Farry: I am not standing by any officials. I am here to set out the position of the Department on the approach that we are taking. I am not going to entertain notions that the process has been somehow farcical. We have made comments about the point around management accounts, and, if Members have wider concerns about other aspects of the process, please set those out to me rather than making unfounded claims without any evidence to back up what they are saying.

Again, I stress that there has been a process under way. The process is fair and objective. Where there has been some cause for concern that we may not be able to maintain full objectivity in the process, we have acted in a corrective manner to ensure that we have restored the integrity of the process.

Mr F McCann: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. The Minister spoke about perceptions, and there are perceptions out there that this whole process has been skewed to the advantage of statutory bodies, departmental bodies and major groups and against the smaller groups that cannot meet some of the regulations that not only Europe laid down but his Department laid down. If there is an undue impact on the women's sector, would the Minister not be better calling an equality impact assessment to ensure that we do not lose this sector altogether?

Dr Farry: I dare suggest that, if we were to jump through unnecessary hoops in relation to equality processes, the effect of that would be to delay this process beyond the beginning of April and would create a situation where we could not allocate funds and would end up with the discontinuation of programmes, with staff being made redundant. No doubt, that is outcome that the Member wishes to avoid.

On his first point, no doubt the Member has acted to try to dampen those misperceptions rather than feeding them. There has not been any skewing of this process to favour any particular organisation, any size of organisation or organisations from any particular sector, never mind any individual organisation. This is an entirely above board, fair and objective process that will have an outcome that is based entirely on merit.

Mr Principal Deputy Speaker: Order. That concludes this item of business. Members will take their ease while we change the top Table.

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

Executive Committee Business

Special Educational Needs and Disability Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Special Educational Needs and Disability Bill [NIA Bill 46/11-16] be agreed. — [Mr O'Dowd (The Minister of Education).]

Mr McCallister: It is at least refreshing that we are here debating legislation and that there is not yet a petition of concern in sight, although I warn the Minister that it is early stages. It is useful to think that we might have some legislation that might form a useful, strategic, streamlined and coordinated approach in dealing with helping to find the right services to help support children with special educational needs.

I turn to clauses 2 and 3, and my concerns come from experience of dealing with constituency issues. How do we get a joined-up approach between the board of the new Education Authority and boards of governors or schools?

That is something that I am sure many colleagues have had to deal with at times. There is almost an emphasis on protecting a budget line and people say, "We are not going to pay for that". It can almost become a bartering match between the school and the education board as to who pays for what; who buys what support; how many hours a classroom assistant is required for, if that is the appropriate course of action; how much time is bought in and who should pay for it. When we put a duty on the authority to deliver, that is something that I want to see. I want to make sure that those lines become very much about delivering outcomes for the child and not defending budget lines. Too often, this place has been mainly about defending budget lines and not about delivering real support for a child.

Colleagues touched on other parts of the Bill. Of particular concern to the Assembly is how we make sure that health and social care buys into it. The Minister will probably respond by saying that he cannot bring legislation that puts a statutory duty on another Department. If that is the case, surely the Bill, which has been approved by the Executive, should have been

worked on with the Minister of Health and the Department of Health and had buy-in from other Departments as to how we develop those services. That applies not just to Health, I suspect.

Mr Swann's earlier contribution around how we extend provision past the age of 19 would also encompass the role of DEL. How do you make that mean something, and how do you get other Departments to buy into it? It goes to the core of all that is wrong with this Executive. We had a very stark reminder of that in the last 24 hours, where we have no sense of collective purpose or vision. That is my concern around the aspects of health in the Bill. Can we link in to other health issues, such as speech and language therapy?

A few years ago, we lost the brilliant I CAN facility in Ballynahinch Primary School because it fell between two stools. Health stood ready to put speech and language therapists into it, Education was putting money into the board and the board decided to spend it somewhere else. We lost that facility and lost the services and the work that was being done to deliver speech and language programmes for children. Everyone in the Executive and the Assembly should hang their heads in shame that we lost a facility of that quality because we could not coordinate government properly.

It probably comes back to the need for Mr Agnew's Bill to come forward. If we are struggling to get the linkages made between the Departments of Health and Education at this level in the legislation, we come to the point that Mr Agnew has been making, not only in his Bill but earlier in the debate, that it is high time that we had that level of cooperation and coordination between Departments when it comes to children.

Health is particularly important because, as has been pointed out and the Minister will, no doubt, be aware, Health, in a number of cases, may also be the lead Department in government that touches the lives of children before Education even comes on the scene. If we are serious about early intervention, early diagnosis and having places, statements and support in place for children, we will need Health to be at the table. We will need it, in some cases, identifying that and flagging the issue up with the education system before the child has even entered school. That is what a joined-up system would look like. I hope that the Minister is prepared to take that suggestion on board and look at it, and, if amendments come to mind, to go back to the Minister of Health and other Ministers and say that he wants to come

here as an Executive Minister promoting an Executive policy to improve outcomes and the lives of children. That is what is at stake here. We need that coordination and those early diagnoses, and we need to get the support in. That needs to be done in, as I said, a coordinated way, and to be done across the board. In welcoming the Bill, I very much hope that it does that. When I look at some of the failings in the systems that we have at the minute, I am not always seeing those linkages.

Autism has been mentioned by colleagues. The Assembly's approach to autism is that the Minister financially supports a centre for autism in Middletown. My understanding, from the previous time that the issue was discussed, is that the Department of Health does not contribute to the centre financially, does not use it and does not buy in any services from it, and neither, I think, does DEL, although I am happy if the Ministers want to correct me.

There is no sense of coordination in the Northern Ireland Government's policy on getting support for autism. Is it the centre at Middletown, or is it whatever the Department of Health, DEL or the Department of Education wants? There is no coordinated approach, and, sadly, what is lacking so much across government is that we do not have a government approach to dealing with special educational needs. We have a Minister who wanted to bring forward a Bill. He brought forward this Bill and is doing his level best to move it forward.

What many of us want to hear is that this Bill, and this Minister, speaks for the Executive of Northern Ireland — the entire Executive, including the Minister of Health — and that the Bill will have a coordinated role to play so that we do not always have to depend on people such as Mr Agnew to bring forward separate legislation to make sure that Departments talk to one another and work together to deliver the best outcomes for children. I will be interested to hear in the Minister's reply whether he is minded to take a coordinated government approach to helping as many children as we can deal with having special educational needs, to putting in place the support that they need and to making a real difference to the lives of our children and young people.

Mr B McCrea: I hope not to detain the House for too long. I rise for a specific reason, which is to deal with an issue that has arisen in my constituency to do with a young man who came from Kent. I will, by way of example, dwell on the details.

I apologise to the Minister for not catching his opening remarks, but I do have the benefit of the Official Report. I was taken by the fact that he highlighted the point that the reasons for the review were:

"inconsistencies in provision, delays in assessment, significant increases in children recorded with SEN",

among other things.

The particular case that I want to bring to the Minister's attention, and that of those who will consider the Bill in Committee, is that of Joshua Awujoola from Dromore. Joshua's parents moved to Northern Ireland in late 2014. He is on the autistic spectrum, and, of course, he had a detailed statement from his previous place of residence in the Kent County Council area.

Kent County Council had given him a SEN statement and had provided all the details with regular updates. However, when he tried to get a place in the primary school in Dromore, despite it being very keen to take him, those existing comprehensive assessments were not deemed satisfactory. I had two letters, one from the Minister saying, "This is all very well, but this is for —

4.00 pm

Mr O'Dowd (The Minister of Education): On a point of order, Mr Deputy Speaker. I respect Mr McCrea's right to represent his constituents, but I am not sure that the Second Reading of a Bill is the place to discuss constituency issues.

Mr Deputy Speaker (Mr Beggs): I ask Mr McCrea to link his contribution specifically to the Bill, rather than to simply relate his experience. It must be linked to the Bill, please.

Mr B McCrea: The specific point that I was going to get to is that I would like there to be consideration in the Bill of a process whereby special educational needs statements granted in full in other parts of the United Kingdom are treated as temporary for the provision of services when that person comes to Northern Ireland. You could extend that to proper, bona fide statements of educational need from other jurisdictions in the European Union.

I did not mean to antagonise the Minister; I was only trying to set it out that there is a case for that. I was merely making the point that I have a letter from the Minister in one hand saying, "This is for the library board", and in the other a letter saying, "This is down to legislation, and

we are now considering how we might change legislation to streamline processes". I am making the not unreasonable point of asking whether that could be taken into consideration when we look at the Bill.

Having made my point, I will leave it at that. I look forward to further engagement with the process as the Bill proceeds through the next stage.

Mr O'Dowd: Go raibh maith agat, a LeasCheann Comhairle. Bhain mé an-sult as an leithead agus an doimhneacht sa díospóireacht inniu, agus fáiltím roimh an spéis atá le feiceáil go sonrach i measc Comhaltaí. I very much appreciate the breadth and depth of the debate today and welcome the interest that is very evident among Members.

It is important that issues relevant to the Bill are raised, and, as would be expected, there are many differing views and thoughts on how to move forward in trying to improve policy in what is clearly a very sensitive area. I recognise that some of the issues raised are about problems in the current framework or with the way in which the framework has been put into operation by schools or the education and library boards, but it is worth putting it on the record once again that, in 2013-14, 71,582 children were assessed as requiring assistance with special educational needs. As a constituency representative, I am aware that the system does not always work properly. Down through my years as an elected representative, I have had to make representations on behalf of families and to act as an advocate for families on many occasions. That is part of our role and function. It is also worth noting that, last year, across all areas of SEN, there were 100 appeals. On 100 occasions, the system reached the stage where it had to go to appeal. We have 71,000 children who use SEN provision. The system is far from perfect, and many families experience difficulties with it, but it is also worth noting that, in many cases, services for young people are being met through the SEN services.

We are now at the Second Reading of the Bill, and Members are quite rightly asking questions about aspects of the journey of the Bill and what they are being signed up to. Indeed, Miss McIlveen, the Chair of the Education Committee, made the very valid point that Members are being asked to endorse a Bill without knowing what regulations or code of practice will come afterwards. However, very important safety measures are built into the legislation. This is the primary legislation, which will go through Committee Stage and

Consideration Stage. I have no doubt that many amendments will be proposed, and I am happy to work with Members and the Committee on them. I am on record as saying that I want the Bill to turn into an Act that all Members of the House are comfortable with and that will improve outcomes for our young people with SEN and the delivery of SEN services in schools.

The regulations that will follow the legislation, if and when passed, will be drafted in consultation with the sector and the Committee, and they will have to go out to full public consultation. They will then come before the Committee and, depending on the decision of the House, will be in the form of either negative or affirmative resolution. I am happy in either circumstance. I will have no difficulty with the Assembly taking the view that they should be approved by affirmative resolution, because I can understand why Members might want assurance that the regulations are consistent with the Bill and will deliver positive changes to SEN services. This is the first step in the legislative process. The role of the Committee and of the Assembly will continue, and regulations cannot come into force unless the Assembly has had its say one way or another. The code of practice will also be drawn up in consultation with the sector and the Education Committee.

Miss M McIlveen: Will the Minister give way?

Mr O'Dowd: I will give way.

Miss M McIlveen: Can the Minister give us a timescale for when we will have sight of both regulations and the code of practice?

Mr O'Dowd: They will be very detailed documents, and, obviously, we have to draw them up in line with the legislation. I cannot give you a definitive time frame for when they will be complete, but I can assure you that, at every stage of drafting, my officials will engage with the Education Committee on the direction of travel. They will, however, be very detailed documents and will take months, at least, to complete. They also have to reflect the Bill and the consultation. There is considerable work left to be done on the regulations, but, as I emphasised, they cannot come into force unless the Committee, through either negative or affirmative resolution, and the Assembly approve them. There are a number of steps to take place in relation to that secondary legislation moving forward.

Members raised other concerns, particularly in relation to resourcing SEN. I accept, as do Members, that the education budget for the next financial year has been very difficult. At the Education Committee, I said that we were among the sacred cows. The education budget has been reduced year on year for five years, and I have to make savings in areas that normally I would never go near to make reductions. The savings in SEN, however, are approximately 1%. I will instruct the new Education Authority that the SEN budget will have to be ring-fenced against further cuts and will be protected. I also accept that programmes in relation to extended schools etc face reductions and pressures, but my budget is what my budget is. I have done everything in my power to protect front-line services, particularly in relation to SEN. The average cut to the Education Department is 5%; those affecting SEN are in and around 1%, with the rest to be ring-fenced.

There has been investment in SEN over the last number of years in preparation for the changes. Members raised concerns about the roles of boards of governors and teachers and the preparation for new responsibilities in those areas. The Department has invested £14.5 million in a capacity-building programme since 2011-12 in our schools for the preparation of SEN. We will continue that investment moving forward in preparation for the changes to SEN, and we are confident that the continued investment will allow our teaching workforce and our boards of governors to take on the responsibilities for the delivery of a new SEN framework that will roll out from the final Bill, if and when accepted.

Members also referred to the burden on the boards of governors. There will be new responsibilities on boards of governors — I accept that — but the shape of our education legislation is clear: our boards of governors are responsible for running our schools; they are the managing authority in the schools.

It is only right and proper that the boards of governors are also responsible for the provision of SEN at the various agreed levels when, hopefully, the legislation passes. It is only right and proper that our boards of governors have that responsibility built into the management of the entire school as they manage those schools.

The Bill will be scrutinised by the Committee, including the reasons for reducing the 29 days to 22. Members have different opinions as to whether that is a good or a bad idea; perhaps some think that we should have reduced it even

further. I am more than happy to engage with the Committee as it drills down into the matter. If it comes back with recommendations that it should be reduced or should stay the same, I am happy to work with the Committee on it. It is open to deliberation and further interrogation and investigation.

There were some comments about the pilots on the rights of appeal by a child. I understand that a single pilot has taken place in Wales and that they then moved on to legislation. While I understand that England has the power to run a pilot or pilots, it has not run any yet, so the experience from there is not available to us. Although I am keen to reduce any unnecessary bureaucracy or expenditure coming out of the legislation, I want to get the appeals mechanism right for children. We will certainly learn from the Welsh example. If there are any further lessons to be learnt from the English example, we will learn those as well. The legislation gives us the authority to set up a pilot, run it and then introduce the appeals. I have no doubt that the Committee will interrogate that matter further, and my officials will work with it.

I think that most Members accept that we need to make change to our SEN provision, and they want to see positive change, as do I. Several Members raised concerns about the role of the Health Department in the future legislation. I cannot impose a statutory duty on another Department. However, throughout this process, the work of the Health Minister and his officials has been first-rate. It is not accurate to say that Departments do not talk to, work with or engage with one another; they do. There is a healthy working relationship between my Department and the Health Department on SEN issues and how we move forward on them. The Committee will examine the matter further. If Members have different views, or if amendments come forward, the Health Department will have to express a view.

Mr McCallister: I am grateful to the Minister for giving way. If he had permission from the Health Minister, could he then include it in the legislation?

Mr O'Dowd: Yes. There would have to be an agreement with the Health Department. I am not going to speak on behalf of the Health Minister or his Department. There are different opinions about the effectiveness or necessity of a statutory obligation on the Department of Health. There is legislation that governs the relationship between Health and Education on SEN matters. Let us allow the Committee to examine and investigate the matter further. I

am willing to work with the Health Department on that matter. I have no doubt that the Health Department is willing to work with my Department and with me to address any concerns that there may be about SEN working frameworks.

I cannot make provisions on behalf of the Employment and Learning Minister. In 2012-13, there were discussions with him about having a statement in place up to 25 years of age. However, the Minister for Employment and Learning and his Department felt that that was unnecessary. There have been some discussions with officials in the intervening period. I am more than happy to raise the matter with the Minister for Employment and Learning again to see whether there has been a change of views or whether his Department believes that statementing up to 25 is appropriate and will deliver benefits for the young people involved, which is the most important thing.

4.15 pm

Mr Ramsey: Will the Minister give way?

Mr O'Dowd: Yes.

Mr Ramsey: Will the Minister consider looking at other areas across Britain where special needs statements up to 25 have been introduced? They seem to be the models of best practice.

Mr O'Dowd: I am more than happy to learn best practice from anywhere. You have to remember that the Bill has been in consultation since 2009-2010, and there were over 3,000 responses to the consultation document. We then made changes to the original proposals, and we engaged with the sectors and advocacy groups. We brought a policy paper to the Executive and engaged with the Executive to bring that forward. Even since 2012, we have been engaging with the various sectors and have been involved in capacity building, as I pointed out earlier. The legislation that we have brought forward is, I believe, the best way forward for getting agreement on the specific issues around education under my Department's control and working in a relationship with the Health Department.

I understand that the legislation in England is different and is governed under a different mechanism. This covers Mr McCrea's point as well: I was not annoyed at him raising it, but there is a time and a place for issues to be raised. The Second Stage of any Bill is not the

place to respond to or discuss constituency matters. If Mr McCrea has specific concerns, I am more than happy to engage with him again on those points or clarify points that I covered in my letter to him. England, Scotland and Wales have different legislation for SEN provision, and it does not automatically marry across to our legislation. However, I have no doubt that, as the debate goes on in relation to provision of statementing up to 25, Mr Ramsey and others will continue to raise the matter and there will be a healthy debate in and around it. Where we can make changes that are for the betterment of service delivery to our young people, I am more than happy to support them.

I welcome the fact that, I think, we will be able to move the Bill beyond Second Stage. The engagement at Committee level will only prove to be beneficial to improving the outworkings of the Bill. Everyone is focused on the needs of the young people involved, and what we want to have at the end of this is a piece of legislation that improves the lives of our young people and their family members and ensures that the system and bureaucracy, as much as possible, is reduced, that people have advocacy and appeal rights built in, that everyone knows what their entitlements are, and that some of the most vulnerable people in our society are protected.

Question put and agreed to.

Resolved:

That the Second Stage of the Special Educational Needs and Disability Bill [NIA Bill 46/11-16] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Special Educational Needs and Disability Bill. The Bill stands referred to the Committee for Education.

Mr Eastwood: On a point of order, Mr Deputy Speaker. I apologise to you and the House for missing a question during Question Time. I was in a meeting with the Secretary of State.

Mr Deputy Speaker (Mr Beggs): I thank the Member for putting that on the record.

Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2015

Mr Durkan (The Minister of the Environment): I beg to move

That the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2015 be affirmed.

The regulations will implement an EU directive that deals with the compulsory wearing of seat belts and restraints by children in motor vehicles. They are made under article 24 of the Road Traffic (Northern Ireland) Order 1995.

I will briefly set out the background to the legislation. In February last year, the European Commission adopted a regulation that aims to provide additional safety benefits for child restraints over and above existing safety standards. Regulation 129 will be introduced in three phases. This legislation deals exclusively with phase 1. It is intended that, once all three phases have been completed, old-style child restraint systems will gradually disappear from the market. Although no date has been set for that, it is unlikely to be before 2018. In the meantime, old-style and new-style child seats can be sold alongside each other.

The purpose of the regulations is to give legal effect in Northern Ireland to the new safety standards. Once they are in place, the regulations will ensure that consumers in Northern Ireland have an extra option to choose from when buying a child car seat. As I have stated, the regulations are needed to implement the requirements of an EU directive. Britain is also moving to amend its legislation, and similar regulations came into operation in the South in September last year.

What is the rationale for the new safety standards? While most parents will have used car seats at some point in time, I am certain that many will admit that they are sometimes unsure whether the child car seat is fitted correctly or is suitable for their child and/or their vehicle. The new standards should make it easier for parents and others with responsibility for children travelling in their cars to choose the correct seat and to fit it with more confidence.

The main aim of regulation 129 is to make provision for a child car seat that is anchored to standard plug-in points in the car's structure. This will safeguard children to the maximum degree possible in the event of a collision by limiting the mobility of the child's body.

Regulation 129 introduces a new classification of child car seat called i-Size. Seats are categorised according to standing height and maximum permissible combined weight of the child and the child car seat. This should give parents and carers greater certainty that they are using the correct seat. The i-Size seats will also be more rigorously tested before going into the marketplace. The introduction of a side-impact test will lead to better protection of the child's head, especially for younger children, should they be involved in a side-impact collision.

Another key change will be the requirement to carry very young children in a rearward-facing child restraint system until the child is at least 15 months old, instead of nine months as permitted under current safety standards. Initially, this will be recommended practice, but it will ultimately become a mandatory requirement.

As I have indicated, the new and existing standards will remain legal for some time yet. That is the position across Europe. There is, therefore, no need or obligation for consumers to rush out to replace their current child seat for a new i-Size model at this time.

Of course, child car seats must always be properly used to be effective. My Department has encouraged parents and carers to use the appropriate restraint through a number of educational measures, underpinned by the core message "No seatbelt: No excuse". That has reinforced all seat belt wearing campaigns over the past 13 years. However, we should not take it for granted that that message is getting through. The 'Northern Ireland Survey of Seat Belt Wearing 2014' reported that 5% of children travelling in the back of a car were not restrained. Similar figures were reported in 2013, so, unfortunately, not everyone is listening.

One of the benefits of the new i-Size system is that the new child seats should be much easier to install and fit into any i-Size position in a car, regardless of make. This should reduce the risk of incorrect installation. Not all cars are currently compatible with the new standard. Naturally, it will take some time for older cars to be replaced and the car fleet in the North to be refreshed. It will therefore be important for those using child restraint systems to continue to make sure that any ISOFIX or i-Size seats that they use are approved for use in their car. This will mean checking the specifications of their car and the manufacturer's instructions for the car seat.

Regulation 129, in its first phase, has been in place since 2013. Parents can already buy an i-Size child restraint system. Once affirmed, our regulations will ensure that the new safety standards are formally recognised in legislation here. In moving this motion today, we continue to ensure the safety of our children as passengers in cars. I commend the motion to the Assembly and ask that it affirms the regulations.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his very detailed explanation of the background and purpose of this affirmative statutory rule. The Committee first considered the SL1 proposal at its meeting on 13 November 2014 and was briefed by departmental officials on the rule at its meeting on 26 February 2015. Officials outlined how the rule will implement UNECE regulation 129 to introduce new safety standards with the aim of providing better protection for children travelling in cars. Members questioned officials about the timetable for implementing the legislation and were reassured that parents would not need to replace existing seats until at least 2018, when it is expected that most cars will have the necessary ISOFIX points to meet the new standard. The Committee also discussed how the changes would be promoted and would like the Department to make sure that the changes to the safety standards are widely publicised to assist parents with the choice of appropriate car seats. Accordingly, the Environment Committee has agreed to recommend that the motion is affirmed by the Assembly.

Mrs Cameron: I thank the Minister for outlining the purpose of this statutory rule, and also the departmental officials who briefed the Committee recently. This rule is bringing the safety standards to a new level that will eventually see all cars fitted with the necessary ISOFIX points for the fitting of the appropriate child safety seats. Of course, none of us is going to argue that the safety of children in our cars is not of paramount importance. I welcome the fact that the current child seats will not need to be replaced until at least 2018 and trust that the retailers will continue to promote the use of ISOFIX points and the actual seats and booster cushions where appropriate. I urge the Department to ensure that all relevant information is made available to retailers and parents. On behalf of the DUP group, I am content to agree that the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2015 be affirmed.

Mr Durkan: I thank the Chair and Deputy Chair of the Committee for their contributions. I actually watched the Committee session on these regulations, which is not something that I make a habit of doing by any means, and saw and heard many questions being asked — many of which I have asked myself. Mrs Cameron hit the nail on the head when she said that this is about increasing the safety of our children as passengers in cars and that that safety is paramount. In conclusion, I ask the Assembly to affirm the regulations.

Question put and agreed to.

Resolved:

That the Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2015 be affirmed.

Rates (Regional Rates) Order (Northern Ireland) 2015

Mr Deputy Speaker (Mr Beggs): As the motion refers to a statutory rule that impacts on the Northern Ireland Consolidated Fund, section 63 of the Northern Ireland Act 1998 applies and cross-community support is required.

4.30 pm

Mr Hamilton (The Minister of Finance and Personnel): I beg to move

That the Rates (Regional Rates) Order (Northern Ireland) 2015 be affirmed.

As Members will be aware, the order is brought forward annually and stems from the Executive Budget agreed in January.

The regional rate helps to supplement Northern Ireland's share of national taxation allocated through the Barnett formula for public expenditure. It provides a supplement of between 5% and 6%, helping to fund departmental expenditure on hospitals, roads, schools and other essential public services and investment. To underline the significance of the rating system, well over £1 billion is now collected in rates — regional and district, domestic and non-domestic. Taken together, the domestic and commercial regional rate is forecast, as part of the Budget, to raise in the region of £650 million in the forthcoming financial year.

In the specific breakdown of rates bills, the regional rate represents just over half the typical bill, with the other half made up of the district rates that were set independently by the new councils. Since 2010, the Executive have frozen the regional rate in real terms to provide certainty and stability for businesses and households to plan and manage their finances.

I am proud of the fact that household bills in Northern Ireland are the lowest in the United Kingdom. In 2014-15, the average household bill in Northern Ireland was £825. That is almost half that in Wales and £622 less than in England. Since 2011-12, the non-domestic regional rate in Northern Ireland has increased by 9.3% in comparison with the uniform business rate in England, which has increased by 13.9% over the same period. The economic outlook is improving, but there are still many challenges ahead. My Executive colleagues and I want to do whatever we can to make sure

that the conditions for economic recovery and growth are in place in Northern Ireland.

The real-terms freeze is adjusted for the effect of inflation. We continue to use the Treasury gross domestic product (GDP) deflator, as it is known, as determined in the 2015-16 Budget. The legislation before us for approval is the simple outworking of that important Budget decision. It will fix two regional rates in the pound for 2015-16: one for households and one for business ratepayers. The new rates in the pound represent a small increase of 1.4% in the regional rate for the 2015-16 rating year for households and businesses. That real-terms freeze is critical at a time when the system is changing as a result of local government reform and non-domestic rates revaluation, both of which come into effect on 1 April this year.

The Executive wish to continue the commitment of ensuring that household and commercial budgets are protected, given the continuing economic difficulties being faced across the board. Alongside the extension of small business rate relief, industrial derating, the empty shops rates concession, a district rate convergence scheme that is worth up to £30 million and the retention of relief for rural ATMs — all of which were brought forward this year by my Department — the order represents the best that we can do to balance the interests of ratepayers and the demands of public expenditure. Some argue that the regional rate should be higher: I disagree. The economic pressures of recent years have been unprecedented, but I firmly believe that the Executive have taken a sensible and measured approach.

Allow me to move on to the more technical matters covered in the order. Its main purpose is to give effect to the decisions that were made in the 2015-16 Budget. Article 1 sets out the title of the order and gives the operational date as the day after it is affirmed by the Assembly. Article 2 provides that the order will apply for the 2015-16 rating year through to 31 March 2016. Article 3 specifies 31.86p in the pound as the commercial regional poundage and 0.4042p in the pound as the domestic regional rate poundage.

Members may note that the non-domestic poundage has decreased from last year. That is an effect of the recent revaluation of non-domestic properties, which takes into consideration the growth in the overall value of the new valuation list. When the Executive agreed to undertake the revaluation in 2012, it was on the basis that the exercise would be revenue-neutral. Indeed, there is a downward

adjustment in the regional rate every time there is a general revaluation to correspond with the higher values. The calculation of the new non-domestic rate has reduced in light of the 7.94% growth in value from the current regional rate figure and then increased by 1.4% for the inflationary rise. This represents a clear and technical outworking of the difficult decisions made by the Executive as part of the Budget. I look forward to hearing Members' comments. I commend the order to the Assembly.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle.

I thank the Minister for his opening remarks. As outlined, the purpose of the proposed statutory rule is to set the domestic and non-domestic regional rates for the year ending 31 March 2016. The order will stipulate the regional rate for domestic and non-domestic property, expressed in terms of "pence per pound", that will apply for the 2015-16 rating year. The poundages laid out in the proposed rule will reflect the Executive's budget for domestic and non-domestic properties.

No consultation took place on the text of the order, as it is technical and routine in nature. The regional rate increases were consulted on as part of the public consultation exercise associated with the draft Budget. That consultation closed on 29 December, and the order will reflect the final uplift agreed by the Executive.

The policy proposals contained in the statutory rule were considered by the Committee. It had no issues to raise in respect of the policy proposals at that time. The Examiner of Statutory Rules had no points to raise in the technical scrutiny of the rule. The Committee agreed to recommend that the order be affirmed by the Assembly. On behalf of the Committee, I support the motion.

Mr Girvan: I, too, speak in favour of the motion as a member of the Committee for Finance and Personnel.

There have been winners and losers in the process that we have gone through on the revaluation of non-domestic property. I can say only that, as far as I am concerned, it was vital that we did not increase the rate overall. As the Minister mentioned, Northern Ireland's rates are the lowest in the United Kingdom. The average rate in Northern Ireland is £825, as the Minister says, while, in England, it is £1,447. We are definitely not a party to increase taxation. I appreciate that it has been Executive policy to

freeze the regional rate and ensure that £650 million is raised from the regional rate component. I think that, in total, we raise somewhere in the region of £1.1 billion through rates collection. As a consequence, it is vital that we marry that up with the spend that we put through in the Budget. I appreciate that there are some who feel that the Executive have been working, in some way, to ensure that we save money in certain areas but waste it in others. Some people feel that there has been a Trojan Horse at work on that in recent days. That could create some difficulties in trying to balance the Budget throughout the process.

Understanding that we have the lowest rates, we continue to have the small business rate relief scheme in place for the next year. It is vital that those businesses take advantage of it. I appreciate that a small number of businesses in town centres fall outside the scheme. During the revaluation of the non-domestic rate, it was identified that some premises would benefit from the process and others would probably be made to pay more. I appreciate that petrol stations in some areas seem to have been hit with an increase. Most petrol stations have now become mini-supermarkets, and effectively that has added to it. It is vital that, as banks have been withdrawing from rural communities, there was an intention to ensure that ATM providers in those rural communities could avail themselves of the rate relief. Therefore, those who want to put an ATM in a petrol station, in place of having a bank on a village high street, will take advantage of having a small area in their shop zero-rated, which can ultimately be used to attract people into the shop. I support the motion as presented for the Rates (Regional Rates) Order (Northern Ireland) 2015.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle, I also support the motion. The good news for the Minister is that, when we get the rates revaluations wrong, it is usually the small businesses that come to the Committee first to voice their concern and anger about non-domestic rates. Already, we have had some small businesses, especially petrol stations, come to our Committee because they are concerned that they maybe carry too great a burden at this time. That said, we have made a decision as a Committee to try to collate the evidence, bring it forward, try to have quicker revaluations and try to respond to the complaints and concerns of, in particular, non-domestic ratepayers in businesses and small businesses.

A series of reliefs for businesses and manufacturing businesses already exists. We

need to avoid the situation that was created, especially in places like Belfast city centre, where the rates bill became so onerous that businesses no longer wanted to locate there and moved. The recent revaluation has brought business back into some of those areas in the core of the city. People are now able to estimate what their rent and rates will be, decide whether they can afford it and bring businesses back to the city centre. As the burden is spread, I hope that the scale of the rates increase in other areas of Belfast city does not make business there untenable. I think in particular of the Cathedral Quarter, where there has been an increase. I hope that the businesses continue to flourish in the time ahead.

As we adopt the motion today, the main thing is that we need to return more swiftly to look at the effect of the rates and rates increases on business in the time ahead. If I caught the Minister right, inflation is 1.4%.

Mr Hamilton: Yes.

Mr Ó Muilleoir: I would love to claim credit for that. That is probably the biggest help and assistance that we can give to businesses. Inflation, at present, is low and staying low. We have done a good job of maintaining the rate increase at inflation-only. I know that many of our councils have frozen their rates again. I look forward to working closely with the Minister in the time ahead through the two Committees that I am on — the economy Committee and the Finance Committee — and to hearing the response to rates, especially from business.

Mr McCallister: Like colleagues, I welcome the Minister bringing this to the House. Some bits of it, certainly, are good and welcome news. He will know of my support for the small business rate relief scheme and industrial derating. I hope that the Minister will continue with that long into the future. It is a vital link in supporting manufacturing. I would hate to see anything put manufacturing under even more pressure than it is under already.

The Minister will, no doubt, be aware that the Committee had a powerful presentation from small businesses and the Northern Ireland Independent Retail Trade Association (NIIRTA) last Wednesday about the revaluation of non-domestic rates. It was very powerful because of the figures that were involved, the size and variety of the businesses and their location in the towns and small towns. The Minister represents a constituency that has many towns and small towns that, I have no doubt, will have

been struggling over the past seven to eight years. They will have had difficulty, and they need and will continue to need the support of the Assembly and Executive. That is where the small business rate relief comes in. I welcome the fact that, for his part, with the revaluation, the Minister has taken that into account, but, as Mr Girvan said, revaluations give winners and losers. Certainly, some of the people who gave evidence to the Committee last week felt that they fell into the excessively losing side of that equation.

The Minister has probably done as much as he can to lessen that burden. It certainly swings to councils to see what they can do to make sure that no one suffers excessively or no business has to close because of the burden of rates that falls on it.

Smaller towns, rural communities and larger town centres have been struggling to attract people to open shops, and that has been a real difficulty and a real challenge over the last few years.

4.45 pm

We have been debating the rating package very much as if it were business as usual, even though the events of yesterday mean that the entirety of the Minister's Budget could be completely blown out of the water, rates included. If we are raising £1.1 billion in rates, I am not sure whether we will soon need to raise more to pay for welfare reform, or where that all stops. That should worry and concern us all. That uncertainty will certainly concern the people who presented to our Committee last week. Can the Administration hold the line on setting regional rates policy or will pressures as a result of welfare reform, failure to move anywhere on the voluntary exit scheme, failure to draw anything down on shared education and all the other parts of the Stormont House Agreement make the Assembly limp on for the few months until June when the Minister has to come back? That is the real challenge that the Administration face. I am not sure that I can offer the Minister many answers, but let us hope that he can provide some for me.

Mr Hamilton: I thank all the Members who contributed to the debate. Mr McCallister raised a range of issues that are troubling my mind and that will continue to trouble my mind for a number of days. The financial consequences of where we are now in not proceeding with welfare reform will have an impact on our Budget. I continue to hope to clarify over the remainder of today and further

days the extent of the financial impact that it will have, but it will have a bearing on our Budget. I am absolutely clear that it does not matter what it is to pay for, because our citizens are paying enough through taxation and the rating system. I do not wish, for any purpose, to put a further burden on the citizens and businesses of Northern Ireland.

Sometimes it does not feel like it, but I think that we have much to celebrate, particularly when it comes to our rates system. I say that in the full knowledge that no one likes to pay their rates bill. However, as an Assembly, we should be proud that, in spite of all the various challenges that we have faced fiscally over the past number of years, and continue to face, we have managed to keep household bills in Northern Ireland at the lowest level in the whole of the United Kingdom. This represents the fifth year in a row in which we will be freezing, in real terms, rates increases for domestic and non-domestic ratepayers.

Sometimes, the concentration is on domestic ratepayers. Rightly, most of the debate today has been around the impact of rates on our businesses. Again, that is an area in which there is much to celebrate in how the Executive have supported business. Industrial derating remains in place, offering around £60 million worth of support each year to many of our businesses, and not just manufacturing businesses, although a lot of them are. That has kept over £300 million in those businesses since the decision was taken in the early days of devolution back in 2007-08 to keep that policy in place. We introduced a small business rate relief scheme, which is offering around £20 million worth of support for businesses each and every year. To date, 33,449 businesses have benefited from the small business rate relief scheme and the reduction of 20% in their rates bill that comes with that.

We have had the extension of the rates relief policy for rural ATMs, which the Assembly passed last week. In the lifetime of that policy, we have seen the number of ATMs in rural wards increase from 37 to 76. We have been innovative, and the rest of the UK has followed our lead on the empty shops rate concession, which has so far seen 375 new businesses open across Northern Ireland and avail themselves of what is, in effect, a 50% rates holiday in the difficult first year of business.

I am sensitive to the comments that were made about rates revaluation. Several Members made the very valid point, which I have made consistently, that the first principle in rates revaluation is rates neutrality. We are not trying

to raise more rates in total through a revaluation; we are trying to get a fairer distribution of the rate burden. Members identified that there will be some winners and some losers and that there are many who will more or less be in the same position.

I think that some of the shock that some businesses will have felt is probably down to the fact that it has been 13 years since we did our last revaluation. I think that that is far too long. There were very valid reasons why the revaluation was delayed. I do not think that we should allow ourselves to get into that position again, and I want to see regular, five-yearly revaluations, irrespective of the prevailing circumstances. Many of those businesses that are experiencing large increases in their revaluation do not necessarily experience large increases in their rates, because that depends upon what we and, indeed, councils are doing. Mr McCallister is right to identify that we are only one half of that equation. Certainly in the past, many councils have not kept the same degree of rigour and discipline as the Assembly in keeping rates low.

As I say, there will be some winners and some losers. That 13-year gap will perhaps have amplified the increases that would have happened over say, two or three revaluations, and people in businesses will have seen much more clearly the increases that would have been taking place in their valuation over that period.

Mr Ó Muilleoir talked about getting it wrong. There is, of course, a methodology that is employed in a revaluation. If valuations are wrong, for whatever reason, there is an appeal mechanism, and I encourage any business that thinks that its valuation is wrong to appeal and to go through that process. If it is wrong, that will be reflected in an adjustment to its valuation.

The particular issue of petrol stations was raised. I am not saying that this is the case in every instance, as there will be quirks and nuances in every business, but describing them as "petrol stations" perhaps ignores the evolution of the petrol station over the last 13 years. Many of them are now quite substantial small or medium-sized supermarkets. That will, obviously, be reflected in an increase in their valuation. The significant investment that many of those types of business have put in will also be reflected in their revaluation.

I take some solace from the idea that we have got it right overall, even though there will be some losers. On the day that the valuations list

was first published, the chief executive of the Northern Ireland Independent Retail Trade Association went on the public record to say:

"We welcome the outcome of the rates revaluation and are particularly pleased that Finance Minister Simon Hamilton has addressed the unfair imbalance of large out of town multiple retailers paying less rates per square foot than many of our members in town centres."

Mr Roberts, the chief executive, went on to say:

"This is a win-win for our independent retailers and town centres."

I appreciate that, in a revaluation, there are always those who feel that they are losing out. I encourage those who feel that they are unfairly losing out to appeal. However, comments like that suggest to me that, by and large, we have got it right.

In conclusion, I trust that Members will be able to support and back this order and help to keep the rates burden for our citizens and businesses at a minimum. Thank you.

Mr Deputy Speaker (Mr Beggs): Before we proceed to the Question, I remind Members that the motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Rates (Regional Rates) Order (Northern Ireland) 2015 be affirmed.

Mr Deputy Speaker (Mr Beggs): As there are eyes from all sides of the House and no dissenting voices, I am satisfied that cross-community support has been demonstrated.

Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015

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

That the draft Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015 be approved.

This draft statutory rule is one of four regulations we will be debating today to commence civil legal services under the 2003 order and transfer the functions and staff of the Legal Services Commission to an executive agency of my Department. This provides a timely opportunity to move the legislation governing civil legal aid on to a modern statutory platform.

Under the Access to Justice (Northern Ireland) Order 2003, as amended by the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014, my Department is responsible for making regulations to establish a procedure for appeals against decisions on applications for funding by way of civil legal services. It is also responsible for the appointment of independent appeal panels.

It may be helpful if I explain how the current arrangements will change. The Legal Services Commission is responsible for granting legal aid under the civil legal aid schemes, and there is a right of appeal against decisions taken by the commission. When the legal services agency is created on 1 April, the function of granting or refusing funding in civil cases will transfer from the Northern Ireland Legal Services Commission to the director of legal aid casework. Decisions on the award of funding or further funding will be based on the relevant statutory provisions and the requirements of the scheme.

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

Members will recall from our debate on the Legal Aid and Coroners' Courts Bill a few months ago that decisions in individual cases will be taken on the merits of the case. Safeguards have been put in place to ensure that those decisions are not influenced by external interference or political considerations. The appeals mechanism is one of those safeguards to protect the independence of individual decisions on the grant of civil legal aid. Individuals will have access to a robust and independent appeals mechanism to consider appeals against individual decisions.

The principles of the appeals process are as follows: appeals will be considered on the basis of the relevant statutory test, depending on the subject matter of the appeal. The appeals panel will comprise three people drawn from a wide pool of suitably qualified people from a range of professional backgrounds, with a legally qualified presiding member, all recruited through the public appointment process. The new approach will be more open and transparent than the current arrangements, with written reasons provided by appeal panels on their decisions.

I thank the Justice Committee for its careful consideration of the draft regulations and its swift scrutiny of the revised regulations in recognition of the time pressures involved in bringing forward this suite of legislation necessary to commence civil legal services. It is with the Committee's support that I bring this draft statutory rule before the House today. I commend it to the House.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak on this motion on behalf of the Committee for Justice. Before I turn to the Committee's consideration of the statutory rule, I wish to draw attention to the Committee's dissatisfaction with the Department's management of the four statutory rules before the Assembly. The Committee considered and agreed that it was content to approve the four statutory rules at its meeting on 18 February. However, the Department relaid them in the Business Office five days later, with an explanation that it had made minor changes to the rules following suggestions by the Assembly's Examiner of Statutory Rules. This required the Committee to consider and agree to approve the four statutory rules for a second time, on 4 March 2015. As much as we enjoy statutory rules, we do not enjoy them so much that we wish to do them twice. Although the Minister will be relieved that we are not calling for his resignation at this time, the Committee agreed that it would write to the Department to say that this was managed in an unsatisfactory way. To avoid duplication of work, we ask that the Department communicates better with the Committee when changes are made.

Now back to the rule in question. In September last year, the Department advised the Committee of the suite of legislation that was required to implement civil legal services. That included the requirement for a statutory rule to establish a procedure for appeals against decisions on applications for funding by way of civil legal services and provide for the establishment and composition of independent

appeals panels. At that time, the Committee was content for the Department to undertake a targeted consultation on the draft statutory rule.

At the meeting on 14 January of this year, the Committee considered the responses to the Department's consultation and the detail of the new appeal process proposed by the Department, which had been revised as a result of the consultation responses. The Committee noted that the appeal panel will comprise three people drawn from a wide pool of suitably qualified people from a range of professional backgrounds and appointed through a public appointments process and that there would be a requirement for the presiding member of the panel to be a lawyer.

At that meeting, the Committee agreed that it was content with the Department's proposed statutory rule. As I outlined, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly at its meetings on 18 February and 4 March and therefore supports the motion.

5.00 pm

Mr A Maginness: I welcome the statutory rule and the Minister's statement on it. It is good to see progress being made on the administrative reform of legal aid. We welcome that, because it is important that we make progress. The Committee, as the Chair indicated, has been supportive, and the work that was done with the Committee, the Minister and the Department to get this new arrangement for appeals has been productive and very helpful. That is an indication of the good relationship that there usually is between the Committee and the Department.

I would like to see the new system in action in order to make a judgement on it. It is probably going in the right direction, as it is important that there be a legally qualified person presiding over the appeals. It is very important that appeals be as transparent and independent as possible in the circumstances. I hope that those who are attracted to the panels will obtain the confidence of the community at large, not just the applicants but those involved in the legal services at large: barristers, solicitors and so forth. It is a good step forward, and I welcome it, as, I think, do most in the legal profession. However, we have to wait and see how the new system will work. I wish it well.

I want to make one further point that is relevant to the legislation. The Department has embarked on legal aid reform, which is

important. I support that, my party supports it and, I think, most parties in the Assembly support it. However, the Department and the Minister may be going a step too far with some of the reforms. I encourage the Minister to listen very carefully to all stakeholders in the justice system so that we do not damage access to justice. I make those points in a non-adversarial manner and offer them as advice to the House and the Minister. I hope that we can avoid damaging the system with reforms that are ill thought-out or are imitative of reforms in Britain that have proven to be a complete disaster. If you do not believe me, you should read the Public Accounts Committee report on the matters that are before the House. I will leave it there, but the Department must take that on board.

Mr Dickson: Mr Deputy Speaker, if you will permit me, I will reference the four regulations that are in front of us rather than make four separate speeches.

I welcome the developments that the new regulations bring to our legal system in addition to the safeguards built into the system. For example, decisions on funding will be based on individual cases, and additional safeguards will be put in place to ensure that those decisions are not influenced by external interference. For appeals, people will have access to a robust and independent appeal mechanism to consider appeals on an individual basis. Finally, the Criminal Legal Aid (Disclosure of Information) Rules will include a safeguard that ensures that the director and the Department cannot disclose information if it relates to the defence of an individual or may be used for the purposes of a prosecution.

I believe that the regulations will produce a more efficient, user-friendly and sensible legal system for the people of Northern Ireland. Safeguards have been included to ensure that the system functions effectively and in response to the comments made through consultation. I welcome the changes, which do have and will have an effect on how our legal aid system is developed in the future. I am sure that the Minister will agree that Mr Maginness may be reading Public Accounts Committee reports from the rest of the United Kingdom but, in Northern Ireland, you, Minister, have been working hard to ensure that the reforms that you will make to legal aid are nuanced and are not slavishly following what is happening in the rest of the United Kingdom.

Mr Ford: In my customary way in these short debates, I thank all the Members who have contributed to it.

I noticed that Alban Maginness, with his usual good humour, referred to the generally good relationship between the Committee and the Department, and he even managed to go completely off-message in criticising the process of legal aid reforms and was allowed to by you, Mr Deputy Speaker. I trust that I may respond briefly to that point. I am well aware of some of the problems that have arisen over legal aid reform in England and Wales. There is no issue of slavishly following, but there is the issue that budgets have to be dealt with. Mr Deputy Speaker, I visited your constituency last Friday night and voluntarily subjected myself to attend the annual dinner of the local solicitors' association and be lobbied by some on the issue. I can certainly assure the House, as I assured members of the Coleraine and Ballymoney Solicitors' Association last Friday night, that I am not slavishly following the disaster of England and Wales.

These regulations are, of course, absolutely nothing to do with the amount of legal aid but are to do with ensuring that we get matters right. I note in particular the Chair's opening comments. As he acknowledged, defects in the rules that were originally laid were pointed out by the Examiner of Statutory Rules, and I think that we can all agree that it is important that we get it right. It is a question of getting it right at the right time in the right way, and I apologise to the Committee that we did not do that on this occasion. I appreciate the good humour with which the Chair referred to it and the fact that the Committee was prepared to reconsider the rules a second time. I trust that, as future things come up, we will not need to.

In closing, I commend my colleague Stewart Dickson for his ability to make four speeches in one, thereby saving the time of the House somewhat later on. It is clear from the quality of the debate that those who have taken an interest in this are fully supportive of the process. I believe that this will significantly improve the operation of the legal aid system by the provision of a new procedure for appeals. I commend the draft regulations to the House.

Mr Deputy Speaker (Mr Dallat): I am sure that Members will be extremely pleased that you made four speeches in one and that you were not held hostage in Ballymoney or Coleraine.

Question put and agreed to.

Resolved:
That the draft Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015 be approved.

Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015

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

That the draft Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015 be approved.

Under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, my Department is responsible for the administration of criminal legal aid. These rules ensure that the provisions regarding disclosure of information in respect of civil legal services should apply equally in respect of criminal legal aid.

The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, as amended in 2014, makes it an offence to disclose information, except as may be allowed under rules. The draft rules provide the circumstances in which the Department, any court, tribunal or other person or body, in connection with the case of a person receiving criminal legal aid, can disclose information. Those circumstances are: where it is in accordance with the law of Northern Ireland; where it is for the purpose of court proceedings; where it enables or assists the Department, a court, tribunal or other person to discharge their functions under the legislation governing legal aid; for the purpose of investigating or prosecution of any offence; and for the purpose of facilitating disciplinary functions by a tribunal. There is a safeguard that ensures that the director and the Department cannot disclose information if it relates to the defence of an individual and may be used for the purposes of the prosecution of that person in that case.

At this stage, I wish to thank the Justice Committee for its careful consideration, as ever, of the draft rules and for its swift scrutiny of the revised regulations, in recognition of the time pressures involved in bringing forward the complete suite of legislation to commence civil legal services. I thank the Committee for its support and commend the statutory rule to the House.

Mr Ross (The Chairperson of the Committee for Justice): I will be very brief once again. As already outlined by the Minister, the Criminal Legal Aid (Disclosure of Information) Rules make provision for the disclosure of information that is furnished to the Department of Justice or any court in connection with the case of an

individual seeking or receiving representation under a criminal aid certificate.

The Committee considered the proposal for the statutory rule in September last year and agreed that it was content for the Department to undertake a targeted consultation on its proposals. At a meeting in January this year, the Committee reviewed the consultation responses and agreed that it was content for the Department to progress its proposed statutory rule. The Committee then considered the draft statutory rule laid by the Department at its meetings on 18 February and 4 March. On both occasions, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and, therefore, supports the motion.

Mr Ford: You see the advantages of making four speeches at once, Mr Deputy Speaker. As the Chair has acknowledged, the Committee approved the regulations both times they were laid before it. That also followed consultation with the offices of the Lord Chief Justice and the Attorney General. I should point out to the House that the rules require the approval of the Department of Finance and Personnel before they can be made, but, on the basis of support from the Committee and no dissent from the House, I happily commend the draft regulations.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Question put and agreed to.

Resolved:

That the draft Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015 be approved.

Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015

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

That the draft Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015 be approved.

Under the Access to Justice (Northern Ireland) Order 2003, my Department is responsible for the administration of what is currently termed civil legal aid. On commencement of parts of the 2003 order, civil legal aid will become civil legal services.

The Access to Justice Order (Northern Ireland) 2003 makes it an offence to disclose information, except as may be allowed under regulations. The draft rules provide the circumstances in which the Department, any court, tribunal or other person or body, in connection with the case of a person receiving criminal legal aid, can disclose information. Those circumstances are: where it is in accordance with the law of Northern Ireland; where it is for the purpose of some civil court proceedings; where it enables or assists the Department, a court, tribunal or other person to discharge their functions under the 2003 order for civil legal services and the 1981 order for criminal legal aid; for the purpose of investigating or the prosecution of any offence; and for the purpose of facilitating disciplinary functions by a tribunal. There is a safeguard that ensures that the director and the Department cannot disclose information if it relates to the defence of an individual and may be used for the purposes of the prosecution of that person in that case.

5.15 pm

At this stage, I again wish to thank the Justice Committee for its careful consideration of the draft regulations and its swift scrutiny of the revised regulations, allowing us to bring the matter forward as speedily as possible. It is, again, with the Committee's support that I bring the draft statutory rule before the House today and commend it to the House.

Mr Ross (The Chairperson of the Committee for Justice): I notice that the numbers have increased in the Chamber. I do not know whether the bells have led to an element of excitement but I am quite sure, now that people

have arrived in the Chamber, that they may be sorely disappointed.

As already outlined by the Minister, the Civil Legal Services (Disclosure of Information) Regulations make provision for the disclosure of information that is furnished to the Department of Justice, or any court, in connection with an individual seeking or receiving civil legal services. The regulations also require the provision of information from suppliers to the director of legal aid casework and waive the rules of privilege and confidentiality. The Committee considered the proposal for these regulations in September of last year and agreed that it was content for the Department to undertake a targeted consultation on its proposals.

At a meeting in January of this year, the Committee reviewed the consultation responses and agreed that it was content for the Department to progress with its proposed statutory rule to bring the regulations into effect. At its meetings on 18 February and 4 March, the Committee considered the draft statutory rule laid by the Department. On both occasions, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly and therefore, again, it supports the motion today.

Mr Ford: I thank the Chair for his support, along with all the Members who have spoken in the debate and those who have come in to ensure that we have a quorum for the vote shortly. The details have been given by me in the opening speech, and also by the Chair. It is clear that, as we seek to move legal services into an executive agency of the Department, it is appropriate that we should modernise the legislation under which civil legal aid is administered. These regulations are part of that, and I commend the draft regulations to the House.

Question put and agreed to.

Resolved:

That the draft Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015 be approved.

Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015

Mr Deputy Speaker (Mr Dallat): The next item on the Order Paper is a fourth motion from the Minister of Justice to approve a statutory rule.

Mr Ford (The Minister of Justice): Mr Deputy Speaker, I note a sense of relief in your voice at this stage. I beg to move

That the draft Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015 be approved.

These rules are, specifically, a further part of the suite of subordinate legislation to set out the limit on costs ordered against an assisted party and to prescribe the periods during which cost protection applies and does not apply. Cost protection applies in respect of costs incurred by the unassisted party in relation to funded proceedings, costs incurred after the issue of a certificate and costs incurred up to the date that funding is withdrawn. Cost protection does not apply if a funding application is subsequently revoked.

I thank the Committee for its careful consideration of this, as with the other rules. It is with its support that I bring this draft statutory rule to the House and commend it.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak very briefly on the final motion today. Given that we have had swift agreement on the previous three, I hope this is an example of speeding up justice and anticipate that this will be a similarly quick motion.

As already outlined by the Minister, the Civil Legal Services (Cost Protection) Regulations make provision for the circumstances in which cost protection will apply — and when it will not apply — in civil cases in which legal aid has been a feature. The cost protection regulations set out the periods in which the limit on liability, under an order for costs against a person receiving funded services as part of civil legal services, apply.

The Committee considered the proposal for this statutory rule in October of last year and agreed that it was content for the Department to undertake a targeted consultation on its proposals. At its meeting on 14 January of this year, the Committee considered the post-consultation report and noted that minor

drafting amendments had been made to the draft regulations as a result of the consultation responses received. The Committee agreed that it was content for the Department to progress with its proposed statutory rule.

At its meetings on 18 February and 4 March, the Committee considered the draft statutory rule laid by the Department. On both occasions, the Committee agreed to recommend that the statutory rule be affirmed by the Assembly, and therefore it supports the motion today.

Mr Ford: Again, I thank the Chair and the Committee. It becomes something of a joke in the House when regulations go through so speedily, but I wish to acknowledge that, even if regulations are presented formally to the Committee only once, it involves a fair deal of work on the part of the Committee. I am grateful for the ongoing positive relationship that was highlighted by Alban Maginness and the Committee Chair in the way in which this business has been handled. I am genuinely pleased about the good work being done between my officials, the Committee and the Committee staff. We should acknowledge that much work is done in this place, not in the Chamber but in the Committee rooms, which means that we have a better justice system for the people of Northern Ireland. I commend the draft rules to the House.

Question put and agreed to.

Resolved:

That the draft Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015 be approved.

Motion made:

That the Assembly do now adjourn. — [Mr Deputy Speaker (Mr Dallat).]

Adjournment

Lisa Dorrian: Tenth Anniversary of Her Disappearance

Mr Deputy Speaker (Mr Dallat): The proposer of the topic will have 15 minutes, and all other Members who wish to speak will have approximately four minutes.

Mr Weir: I suspect that the topic of today's Adjournment debate will find a fair degree of consensus around the Chamber, but all of us approach it with some mixed emotions. I express gratitude that the Business Committee has allowed the debate to be selected today on the closest opportunity that we have had to the tenth anniversary of the disappearance of Lisa Dorrian. I also commend the Justice Minister. I suppose that he can take advantage of a commendation when he gets it. It is rare enough in the House.

Mr Ford (The Minister of Justice): Especially from you.

Mr Weir: Especially from me. He has been very generous in helping to facilitate the debate, given that it is largely an operational matter. I also understand and appreciate that, because of the nature of that, while it will not in any way dampen the fervour with which the Minister will speak on the subject, it will by definition limit the scope of any remarks that he can make on the subject. That is understood by all those involved.

I have mixed feelings. On at least two grounds, it is, in many ways, a shame that we have to have the debate. It is a shame on the grounds that, 10 years on from the disappearance of Lisa Dorrian, the case remains unresolved, but, above all, it is a shame that the matter needs to be debated at all, because the disappearance and assumed murder of Lisa Dorrian is a terrible tragedy that should never have been inflicted on the Dorrian family. It is just over 10 years since Lisa disappeared. Lisa should be with us today. If Lisa Dorrian was alive today, she would be 35 years old. At the time of her disappearance, she was 25. She was a bubbly girl who grew up in a very loving family in Conlig, and our thoughts today are mostly with her family: her father, John, her mother, Patricia, and her sisters, Joanne, Michelle and

Ciara. Indeed, it is poignant that, shortly after her disappearance — it should be a salutary reminder to us — her father said that one of the most difficult things he ever had to do in his life was to tell Lisa's then eight-year-old sister Ciara that her sister was not coming back and that her sister was dead. No father should have to face that.

As all of us do, Lisa made mistakes in life. All of us have been in that position. In her last few years, she fell prey to evil people who were involved in criminal actions, particularly drugs. She had also taken active steps to sort out her life. One of the great tragedies of the Lisa Dorrian case is that, at the time of her death, she had recently received a significant amount of compensation for injuries. That would have enabled her to fulfil her plans to start a new life in Spain or the Canaries and open a business there. Unfortunately, her life was cut short before she had that opportunity.

Lisa Dorrian disappeared in the early hours of 28 February 2005. She had been attending a party in a caravan in Ballyhalbert. What is known directly about the disappearance of Lisa Dorrian is that, in the early hours of the morning, she got a call on a mobile and left the caravan, clearly to meet someone. The assumption is that the people she met led directly to her death. There has been speculation that she was attacked, beaten up, killed and then dumped and buried somewhere, but, unfortunately, one of the major problems is that speculation is what we are left with.

Since her disappearance there have been many false trails and false hopes. Suspects have been highlighted, particularly those from a loyalist paramilitary background. For the family, in particular, it is less significant who carried this out; the central question is where Lisa is today. That is what people need to focus on.

I praise the work of the police. Over the last 10 years, there have been, at various stages, eight arrests, none of which led ultimately to charges. There have been 275 searches, and, at various stages, intelligence suggested that Lisa's body had been dumped at locations in County Down or at sea. Sad to say, 10 years on, the body has not been found. The police, to be fair, have interviewed around 4,000 people in connection with the case. They have taken a very proactive approach, and they deserve our praise. Ten years on, however, the Dorrian family still do not have closure.

I am sure that most of us in the House have lost a close relative. A lot of us have lost a mother or father and know the heartache that that

brings. Losing a child is much more poignant and sad, because it goes against the order of things. It is difficult for any of us to imagine a situation where not simply has a child been lost but the family does not even have the opportunity to give the child a Christian burial or a moment at which they can grieve and a location either by way of a grave or an urn that they can look at and say, "Those are the remains of Lisa Dorrian". That has been denied to the Dorrian family for far too long.

The Dorrian family have been active in trying to ensure that the name of Lisa Dorrian is kept alive through a number of initiatives, be it the blue ribbon campaign, a range of debates, balloon releases and services in their local church — all to highlight the case. Yet, despite the good work of the police, one thing has been missing: those who know what happened to Lisa have not come forward. The most recent campaign to mark the tenth anniversary has been boosted by a reward from the family of £10,000 and a reward from Crimestoppers of £5,000 for information on the whereabouts of Lisa. There is an opportunity, at the very least, for someone who may well be fearful to give that information confidentially. What the family seeks above all is knowledge of the whereabouts of Lisa's body. I quote her father John:

"The justice thing can take care of itself afterwards, but we would like to find Lisa to give her a Christian burial... All they have to do is listen to their conscience."

Whether it is their conscience or the reward money, I do not think we care particularly about what people are motivated by. Let us bring some peace and closure to the Dorrian family, and send out a signal that the Assembly has not forgotten Lisa. Justice has still to be done for the Dorrian family.

5.30 pm

Mr Cree: I rise in support of the sentiments of my North Down colleagues and to bring public attention to the fact that this cruel crime — committed, it is hard to believe, 10 years ago — remains unsolved. I applaud the local police, who have joined Lisa's parents, Patricia and John, and her sisters, Joanne, Michelle and Ciara, in renewed investigation to find out what happened to their loved one when she disappeared without trace on 28 February 2005. As a political representative, I use this opportunity to appeal to the general public to let the police know anything they feel may help to

complete the missing links of what happened on that fateful day.

I cannot begin to imagine what the family must go through every day of their life, knowing that Lisa is out there somewhere. They cannot grieve or find rest until they find her remains. As with all victims of our Troubles, the family is left to suffer in the not-knowing place of such crimes. Her memory cannot be laid to rest until she is found or someone comes forward with substantial evidence that will satisfy police investigations. Until that happens, the Dorrian family cannot find closure.

I am pleased to note that extensive press coverage has been produced that gives detailed accounts to date of police evidence obtained by the serious crime branch. Detective Chief Inspector Justin Galloway said:

"The initial response to the tenth anniversary appeal for information about Lisa's disappearance and murder has been encouraging, both in terms of the volume of calls we have received and the quality of the information being provided. It shows that people care and there is information in the community which could make a crucial impact."

He advised that:

"on PSNI social media platforms alone, 50,000 people read the renewed appeals."

It is important that that message is delivered by as many people as possible to try to bring to book the perpetrators of this heinous crime. Someone out there knows what happened. I appeal to the conscience of those who do to come forward and help to put closure to the Dorrian family's pain.

In closing, I take the opportunity, as a resident of north Down and a public representative, to reinforce my previous call for those with information to contact the police at the incident room in Newtownards or anonymously through Crimestoppers.

Dr Farry: I thank my colleague Mr Weir for arranging this Adjournment debate to coincide with the tenth anniversary of the very sad disappearance of Lisa Dorrian. I echo the comments that were made by both of the Members who spoke previously. I also share in the comments that, no doubt, will be made by others during the debate.

Obviously, our thoughts are very much with the family of Lisa Dorrian, who have gone through a tremendously difficult decade with a huge degree of dignity. They have also been very tenacious in ensuring that they have kept the case of Lisa Dorrian very much in the public eye. They have always sought and continue to seek the truth and, following that, in due course, hopefully, justice in relation to her disappearance and, sadly and inevitably, her death.

There are two points that I want to make to build on the comments that have been made to date. The first is to reinforce the point that there are people out there who know fully what happened to Lisa Dorrian and where her remains lie today. Hopefully, with the passage of time over that 10-year period, the perspective and attitudes that maybe pertained in the head of someone 10 years ago have moved on significantly and one or more people out there today have this case very much preying on their conscience. They have many avenues through which they can make that information known. In doing that, not only would they give huge comfort to Lisa Dorrian's family; I suggest that they would benefit from getting what is, no doubt, a very important thing weighing on their conscience into the proper light to ease their own burden, even if that person is a perpetrator in the case.

Hopefully, over time, the circumstances will change in the head of those with information that will lead to that information coming to light.

Others have made known the different avenues that exist for bringing information to light. I want to make a further point, which is that Lisa Dorrian is perhaps as much one of the disappeared as the victims of republican violence who are more traditionally associated with the concept of the disappeared. We have had many debates in the House over the past number of years about the disappeared and talked about the importance of information leading to the recovery of remains. There have been some successes that have brought a degree — I stress the word "degree" — of closure for many families who have been suffering for many years.

Sadly, the remit of the Independent Commission for the Location of Victims' Remains is prescribed by law and by treaty, only covering the period up to 1998, but one possible route might be to encourage the British and Irish Governments to consider extending the commission's remit to include Lisa Dorrian's case. That would provide one more mechanism by which information leading to the

recovery of her remains could be pursued. Doing that would never take justice itself off the table, but, as Mr Weir pointed out, there are two different aspects here: one is the closure that would be given through the location of the remains; while the other, in due course, is that of justice.

Mr Easton: Lisa Dorrian was 25 and from Bangor, and she went missing in the early hours of 28 February 2005 after attending a party at a caravan site in the seaside town of Ballyhalbert. She had recently separated from her boyfriend of four years and was hanging about with a new crowd. It is widely believed that she was abducted and murdered by criminal elements with possible paramilitary links. Her body has yet to be found, but police believe that she was murdered.

The investigation into Lisa's disappearance and murder has been substantial. As my colleague has already said, the identification of more than 4,000 witnesses has taken place and statements have been taken from 571 people. There have been 275 searches, 194 of them in caravans and outbuildings, and there have been eight arrests on suspicion of murder and a number of unrelated drug offences. Despite extensive land and sea searches, Lisa's body has never been found. Police have made several arrests, but no one has ever been charged with her murder.

The Dorrian family have tried a number of initiatives since she went missing, including linking up with Snow Patrol singer Gary Lightbody and releasing a short film at local cinemas. A £10,000 reward, as has already been mentioned, was also offered by the family for information leading to the recovery of Lisa's body. Police and the Dorrian family have launched a renewed appeal for information about the missing Bangor woman in the week of the tenth anniversary of her disappearance. The anniversary appeal coincides with a new reward of up to £5,000 from the independent charity Crimestoppers and an outdoor advertising campaign in Bangor and parts of greater Belfast to promote the campaign.

A video appeal made by Lisa's family and the police will be shown in a number of cinemas in the coming weeks, as well as being available to view online on the PSNI website, YouTube and Lisa's website. A social media campaign, @letsfindlisa, has been started to enlist community support for the tenth anniversary appeal. Several cinemas have also kindly agreed to show Lisa's appeal video in their premises over the coming weeks. The police and the Dorrian family gratefully acknowledge

the cooperation and generosity of those organisations in showing the video appeal free of charge.

There are individuals who have knowledge of how Lisa died and where her body has been hidden. By holding on to those secrets, they prolong a grieving family's agony. The family have received a number of confidential messages, however, and the quest for the conclusive piece of information continues. Investigations into Lisa's disappearance are ongoing and will not be concluded until her body is found. Those individuals who harbour the secrets that could free the Dorrian family from their living nightmare should take no comfort from the passage of time. I ask them to do the right thing and talk to the police.

If anyone has information, please contact Crimestoppers immediately. The smallest of details could be a vital link to catching those responsible and lead to the whereabouts of Lisa's body, giving the Dorrian family the closure that they deserve.

Mr Dunne: I, too, welcome the opportunity to further the debate, and I commend my colleague Peter Weir for bringing the topic forward tonight.

There is no doubt that Saturday 28 February 2005 was one of the darkest days in the lives of the Dorrian family and one that will never be forgotten. It was the night that Lisa never returned from a night out in Ballyhalbert. Sadly, Lisa has not been seen since that fateful night, and we all share in the family's pain today. However, our pain pales into insignificance compared with that of the Dorrian family, who have had to live with that empty chair for over 10 years since Lisa's disappearance.

It is important that we continue to raise awareness of the campaign. As the family recently stated, someone out there knows something about Lisa's disappearance. I pay tribute to the bravery and courage that the Dorrian family have shown since the day of Lisa's disappearance. Lisa's parents, John, who I have known for a number of years, and Patricia, along with sisters, Joanne, Michelle and Ciara, have shown incredible bravery and determination. That is a real testament to Lisa. As has been said, the family want closure and the right to a family, Christian funeral. Justice, as they have said, can wait.

There has been considerable police input to the investigation over the years. For example, there have been statements from 571 people, 275 searches and so on, with eight arrests.

However, given that no one has been brought to justice, I believe that that needs to continue. The police need to continue their efforts, redouble their investigations and do all that they can to help that grief-stricken family in their time of need. It is important that the police review all actions taken, all the processes that they have gone through and all their files and carry out a stringent review of the evidence and statements to date.

I have no doubt that the family will continue with their campaign. We must salute them in their hour of need. I reassure them that they have our full support and that we will continue to remember them in our thoughts and prayers.

Mr Agnew: As I rise to speak, I have a picture of Lisa Dorrian in front of me, along with images of her family during the recent appeal. Lisa was my age, and it is hard not to put yourself back 10 years. Where was I? I, like Lisa, was partying. I was without responsibility — I did not have children at that time — and no doubt I was irresponsible at times. I suppose, in my own context, I was largely safe and had the advantage of being male. That is unfortunately still an advantage in this society. Violence against women is still all too prevalent. It is very much still a scourge and an issue that we have to deal with, whether it is domestic violence within the privacy of a family home or this violent act that we understand has been committed and that we have yet to fully discover the truth of.

It is 10 years on, and I am fortunate to have children of my own. That is a future that was denied to Lisa. I can only imagine, as a parent, how Lisa's family must feel — her parents, John and Patricia, and, indeed, her sisters, Joanne, Michelle and Ciara. I can only speculate how that tragedy has impacted on their lives. I extend my sympathy to them, as my North Down colleagues have done today.

All I can do is echo the appeals that have been made. There are people out there who know what happened. Whether for right or for reward, they should bring forward that information. If needs be to protect them from any fear of persecution, they can do that confidentially through Crimestoppers.

As has been stated on a number of occasions in this debate, the family want to find Lisa's body. They want to give her the burial that she deserves. I call on those with information to let their consciences rest, let the family have peace and bring forward this information to help this family to move on.

5.45 pm

Mr Hazzard: Go raibh maith agat, a LeasCheann Comhairle. I welcome the opportunity to speak in this Adjournment debate; if, indeed, "welcome" is the right term. I was just starting university when this occurred, and I remember the blue ribbon appeal. I did not know Lisa, and I do not know Lisa's family, but, when you read the local papers and stay in touch through the news, the heartbreak that this family has endured is evident. Indeed, there is heartbreak with all the disappeared. Reference has been made to other families who still suffer with the terrible heartbreak associated with such incidents.

Like many in our society, Lisa was a young person with her life ahead of her when such a crime was inflicted upon her. Coming out of the conflict, this is something that far too many families have had to deal with. It is heartbreaking for the family, not simply because they have lost their daughter, a daughter whom they no doubt loved, but because they do not have the body and a grave and have not had the Christian burial that they very much want.

I apologise that I did not hear all of what Peter Weir had to say, but I caught the end and the talk of the extent that the PSNI has gone to. It is quite clear that the PSNI has gone to some considerable extent, with over 4,000 interviews and massive searches on land and at sea. The real crux of the problem is that the wall of silence remains. Despite the fact that somebody somewhere knows something, nobody is coming forward to give the evidence that is very much needed. Stephen Farry touched on a salient point that perhaps it would be worthwhile if the purview of the Commission for the Location of Victims' Remains could be extended past 1998. Steven Agnew also touched a very important point: the often hidden problem of violence against women in conflict. That is something that we must bear in mind.

I really just want to echo the calls that other Members have made. Somebody somewhere knows something. There is nothing that is too insignificant if it can help in this case. If anybody knows anything, they should come forward and help. There is a family whose hearts have been breaking for 10 years, and, unless somebody comes forward, that could be the case for another 10 or 20 years.

Mr A Maginness: I thank Mr Weir for bringing forward this debate. It is very appropriate and timely given the tenth anniversary of the disappearance of this young lady who is now

presumed to be dead as the result of murder; there seems to be very little doubt that that was her end.

To the Dorrian family, in particular to John and Patricia Dorrian, I give my party's support and solidarity in their difficult time. I say this to them: do not give up. I repeat that: do not give up. The families of the disappeared, who were kidnapped and murdered by republican terrorists and buried in unknown graves, did not give up. They mounted a very successful campaign to try to find out where their remains were and have those remains returned. It has not been completely successful, but there have certainly been successes, so I say this: do not give up.

The suggestion by Mr Farry about the commission for the disappeared being extended to this incident is a good one. The reason why I say that is because, under the terms of that commission, information can be given in full confidence without any penalty. Further to that, any evidence derived from the discovery of the remains of an individual victim is not permitted to be used in any criminal proceedings. That is important because it gives a degree of immunity to those who may have been associated with the dreadful disappearance of Lisa Dorrian.

From what Mr Weir and his colleagues have said, the family do not seek prosecutions; their first desire is the return of the remains, and, for them, justice is secondary. It is important that an encouragement of that sort be given to those who have an intimate knowledge of what happened and who may have been involved in the despicable actions that led to Lisa's death. It is important that we emphasise that in the hope that we can encourage people to come forward and give information to the PSNI or, as I have said, the commission. I would hope that that would be successful. It is so important for a family to find closure on the disappearance and death of a loved one.

All of us in the House lend our support to the encouragement that Mr Weir has given to those outside the House who have information —

Mr Deputy Speaker (Mr Dallat): The Member's time is up.

Mr A Maginness: — to bring it to the PSNI. I will end there, but I simply say: do not give up.

Mr Ford: I am grateful to Peter Weir for bringing the debate to the House, and I am personally grateful and appreciate his

acknowledgement of the limitations of my role as Minister in this context. Just as it is entirely appropriate that the matter should be debated shortly after the tenth anniversary of Lisa's disappearance in a debate in which all six Members from North Down, and two representatives of parties that are not represented in North Down, have taken part, it is also appropriate that I, as Minister, should respond, even though my role in the area is very limited. It is important that the Dorrian family should have the sympathy of the House and the Executive on record.

Our thoughts have to be with her parents, John and Patricia, and her three sisters, who so movingly and courageously helped to relaunch the appeal. It must have brought back, in an even more difficult way, what they have lived with for 10 years as they have dealt with it.

As Minister, I commend the good work being done by the police. That has been highlighted by other Members, and I do not need to repeat the statistics of the number of interviews, potential witnesses traced and all that has been done with searches. That showed a significant effort on the part of the police. It is also clear that we have seen a significant and imaginative renewal of the campaign with the work that is being done on social media, the video that will be shown in local cinemas, the advertising on billboards and so on. That all shows a family facing that difficulty with great courage because of their desire for their daughter to be given a Christian burial. Very good work is being done by the police in support of that, and I understand that there has been a significant response to that work over the last couple of weeks, with a number of people coming forward. It is not just the number of people who have brought information to the police; detectives believe that there is a significant quality to some of the information that has been brought forward. That must give hope that it is possible that Lisa's body can be recovered and that her family can have the comfort of giving her the Christian burial that they so clearly crave.

I noticed the references, which Stephen Farry made first and others have made, about the potential to treat Lisa as one of the disappeared and to bring her within the remit of the commission. That may or may not be possible, but what is absolutely clear is that the campaign that is under way, involving the family, the police and others, must be given the utmost support. The opportunities must be given in order to bring forward the information that will finally bring closure to that family.

Regardless of whether it is possible to make that legislative change, much needs to be done in the interim. Certainly, I would hope that those who know something — because there are people who know a lot, which they have never brought forward, and there may be others who know a little, which they have never brought forward — will listen to the appeal from the family, recognise the trauma that they are still subjected to and come forward. If they are unwilling to contact the police directly, there are other agencies, principally obviously the Crimestoppers charity, and other ways in which information could be brought forward to allow the recovery of Lisa's body. Certainly, as Justice Minister, I would wish to see justice, but it is clear what the family wants most of all.

On that basis, I can say little more about the operational matters that affect the police, but I urge whoever may have any information whatsoever to come forward. I commend Lisa's family for the courage with which they have put forward their case in recent days, as indeed they have done over 10 years. I wish them every sympathy as they deal with their continuing loss.

Adjourned at 5.56 pm.



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