



# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 18 January 2022

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

*Members observed two minutes' silence.*

## Assembly Business

### Single Use Carrier Bags Charge (Amendment) Regulations (Northern Ireland) 2021

**Mr Speaker:** I remind Members that, for procedural reasons, the Minister of Agriculture, Environment and Rural Affairs will not be in a position to move the motion on the Single Use Carrier Bags Charge (Amendment) Regulations later today. There will therefore be no debate on that item of business.

### 17 January 2022

**Mr Speaker:** The first item of business is the consideration of business that was not concluded on Monday 17 January.

## Private Members' Business

### Integrated Education Bill: Consideration Stage

*Debate resumed.*

#### **Clause 3 (Advisory body)**

**Mr Speaker:** We now come to the second group of amendments for debate. With amendment No 10, it will be convenient to debate amendment Nos 11 to 14, amendment No 16, amendment Nos 18 to 22, amendment No 31, amendment No 36, amendment No 39, amendment No 48, amendment Nos 58 to 60 and the opposition to clauses 4 and 5 stand part. In group 2, amendment No 11 is mutually exclusive to amendment No 10; amendment Nos 13 and 14 are mutually exclusive to amendment No 12; amendment No 31 is mutually exclusive to amendment No 30; and amendment Nos 36 to 39 are mutually exclusive to amendment No 35.

I call the Minister of Education to move amendment No 10 and to address the other amendments in the group.

**Miss McIlveen (The Minister of Education):** I beg to move amendment No 10: In page 2, line 9, leave out from "its" to "must" in line 10 and insert—

*"any functions relating to integrated education the Department of Education may".*

*The following amendments stood on the  
Marshalled List:*

No 11: In page 2, line 9, after "functions" insert "in relation to integrated education".— *[Ms Armstrong.]*

No 12: In page 2, line 10, leave out from "any" to end of line 13 and insert —

"—

*(a) any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education, or*

*(b) any other body the Department of Education considers appropriate.*— [Miss McIlveen (The Minister of Education).]

No 13: In page 2, line 11, leave out "support and".— [Ms Armstrong.]

No 14: In page 2, line 12, leave out "promotion of" and insert "support for".— [Ms Armstrong.]

No 16: In clause 4, page 2, line 18, leave out "promote" and insert "support".— [Ms Armstrong.]

No 18: In clause 4, page 2, line 23, leave out "promote" and insert "support".— [Ms Armstrong.]

No 19: In clause 5, page 2, line 25, leave out "the promotion of" and insert "support for".— [Ms Armstrong.]

No 20: In clause 5, page 2, line 26, leave out "increase" and insert "meet".— [Ms Armstrong.]

No 21: In clause 5, page 2, line 29, after "to" insert "aim to".— [Mr Lyttle (The Chairperson of the Committee for Education).]

No 22: In clause 5, page 2, line 30, leave out from "(including" to end of line 32 and insert —

*"(including examining evidence of expected future demand)".*— [Mr McCrossan.]

No 31: In clause 8, page 3, line 12, leave out "promotion" and insert "support for".— [Ms Armstrong.]

No 36: In clause 8, page 3, line 16, leave out "promote" and insert "support".— [Ms Armstrong.]

No 39: In clause 8, page 3, line 23, leave out "promotion" and insert "support for".— [Ms Armstrong.]

No 48: In clause 10, page 5, line 18, leave out "promote" and insert "support".— [Ms Armstrong.]

No 58: In clause 11, page 6, line 8, leave out paragraph (b).— [Mr Allister.]

No 59: In clause 11, page 6, line 9, at end insert —

*"(1A) The Department of Education must—*

*(a) lay the guidance, and each revision, before the Assembly; and*

*(b) publish the guidance in such a manner as it considers appropriate.*"— [Mr Lyttle (The Chairperson of the Committee for Education).]

No 60: In clause 11, page 6, line 10, leave out from "any" to "education," in line 11 and insert "integrated schools".— [Mr McCrossan.]

**Miss McIlveen:** We now begin our group 2 debate on advice, guidance and support, with the amendments covering the substance of clause 3, which is on the advisory body to be consulted with by the Department of Education, and the very significant substance of clauses 4 and 5, which relate to the promotion or support of integrated education and what that means. We will decide on some amendments to clauses 8 and 10, although not the substance of those provisions, and on departmental guidance in clause 11.

Whilst I will elaborate on the issues in the clauses at the relevant amendments, suffice to say that clause 3 will bring the Department of Education to a standstill while it consults on every function with an integrated body representative. Clauses 4 and 5 will not achieve the intention of promoting integrated education to a level playing field but will decimate the Education budget for as long as the legislation applies.

Those clauses will not give any oversubscribed integrated school a say on whether meeting demand is manageable for them or on how quality education will be provided in those circumstances. The clauses bring a very high risk of tipping existing schools in every other sector into being unsustainable, and they will leave the Department of Education in the courts rather than focusing on delivering for children. I will return to the issues with those clauses, but they are significant, and the amendments that I have tabled provide a better alternative at each point.

On the advisory body, the Office of the Legislative Counsel (OLC) has drafted amendment No 10 to clause 3 in order to provide that the Department may consult a

relevant body on integrated education only. Members may recall that that clause would require the Department to consult such a body in exercising any function — a burdensome, inappropriate and unwieldy requirement. OLC has, at amendment No 12, tied the definition of who the body might be to the existing wording of article 64 of the Education Reform (Northern Ireland) Order 1989, which provides the power under which the Department funds the Northern Ireland Council for Integrated Education (NICIE).

The Bill sponsor stated at Second Stage that she expects the Department to continue to engage NICIE, acknowledging at the same time that my Department does that anyway. I therefore return to the words of Mr O'Dowd, who asked why the Bill was necessary. Both Members acknowledged that that is done anyway, and I do not see clause 3 as necessary. NICIE is involved at all stages of planning for education provision and is formally represented at every level. It sits on the area-planning local groups, which operate at a grassroots level, in exploring the needs of local communities. It sits on the area-planning working group, which is at an operational level, and it actively works to populate the action plans for making changes to provision across local government districts. It also sits on the area-planning steering group at chief executive level, representing its sector on strategic planning issues.

I appreciate that the Bill sponsor has tabled amendment No 11, which seeks to ensure that any consultation requirement relates only to integrated education. While I see the clause as unnecessary, I can only reiterate that I consider the OLC-drafted amendment to be the best guarantee that the Assembly has of having absolute legal accuracy. Taken together, the OLC-drafted amendment Nos 10 and 12 provide a coherent and clear provision that is consistent and workable alongside existing legislation.

I will turn to the promotion of integrated education. As part of this group of amendments, we will start to address clauses 4 and 5, which relate to the Department of Education promoting integrated education and what that means. The Bill sponsor has tabled amendment Nos 14, 16, 18 and 19 in order to change references to the word "promote" to "support", yet she has not significantly changed the associated definition of integrated education. In effect, the Bill sponsor's amendment of that word is meaningless in law and amounts to nothing more than a cosmetic exercise in semantics. However, as Minister of

Education, it is my duty to alert the House to the significant implications of this part of the Bill. Members must not be mistaken about the impacts of clauses 4 and 5, which, even with the amendment, are far-reaching.

Taken together, the implications of clauses 4 and 5 are too significant for every other sector in our education system, and their repercussions on the public purse will also be too significant. If, for example, we were to meet unfettered demand, and, taking costs to be around £4,500 per pupil in a post-primary school, for a school taking even 20 additional children, that could result, over seven-year cohorts, in a £650,000 gain for one school but a £650,000 loss for another. Regardless of sector, that is a significant loss that could result in staff redundancies and a reduction of provision and quality of education in the affected school, which would have a knock-on effect on the children in that school through absolutely no fault of their own. That is not fair.

You can imagine the knock-on effects of meeting the unfettered demand, of over 200 additional children a year, in the school previously mentioned by the Bill sponsor. I would argue that that would also be disadvantageous to that school in sourcing teaching and non-teaching staff in the short period between children being allocated places at the end of May and taking them into the school in September. Let us be practical; where would those children then be placed?

**Mr Lyttle:** I thank the Minister for giving way briefly. Will she accept that the extent of the oversubscription in some schools — I believe that Lagan College, which has been mentioned, is one of the most oversubscribed schools in Northern Ireland — is an indication that assessing, identifying and aiming to meet demand, or area planning to ascertain parental and pupil preference, for integrated education is not working?

**Miss McIlveen:** Of course, there are processes in train to enable that to be done. As we look through the amendments, we will see that proposed new clause 5A, in particular, will look to ascertain that demand.

These clauses are not set within the context of any existing legislative provision, and have the potential to undermine and interfere with the important principle of parental preference. Parents have a legitimate expectation to express preferences in the education of their children. However, I remind Members that, even despite the upset caused by the cancellation of last year's tests, around 99% of

children were placed in a school of their preference at primary and post-primary level. Integrated education stakeholders have unanimously stated that they support parental preference and want to see provision planned for on the basis of which sector parents want access to rather than the schools that are currently available to choose from. That is the overall intention of these clauses and what they seek to lead to.

In order to protect equity and with a focus on delivering parental preference, as outlined by the aforementioned stakeholders, OLC has drafted an amendment that provides for that preference to be ascertained to inform the strategic planning of education provision, without creating any hierarchy or presumption that places one sector above another. If an integrated solution is what is sought, amendment No 23, which introduces new clause 5A, provides for that. Equally, if parents seek a controlled, maintained or Irish-medium solution, amendment No 23 allows for that to be reflected in strategic planning whilst remaining within the scope of the Integrated Education Bill.

Amendment No 23 is an excellent example of the expertise of OLC drafting. It sets out a legal requirement that meets the stated intention and is workable in practice. That amendment sits in another group, unfortunately, so it will be voted on following the debate on the amendments in group 3 rather than now. I say "unfortunately" because that is a procedural point. In order for me to move amendment No 23, which would bring in the new parental preference clause 5A, which OLC has drafted, I will oppose clauses 4 and 5, as introduced or with the related tabled amendments having been made, standing part of the Bill. We cannot vote on amendment No 23 until the group 3 amendments are debated. However, to allow me to move the new parental preference clause, I urge Members to oppose clauses 4 and 5, as introduced or with the related tabled amendments having been made, standing part of the Bill.

In this section of the debate, I urge Members to agree that clauses 4 and 5 do not stand part of the Bill. We can then provide a workable legislative requirement that makes ascertaining parental preference — whatever type of school that preference may be for; whether in the integrated or any other sector — an explicit duty in primary legislation. It is an example of the complexities of legislation generally, and this Bill specifically, that those absolutely interlinked clauses 4, 5 and proposed new clause 5A will be voted on at different times. Each represents a different piece of the jigsaw that is being put

together today. In my view, considering them separately in the way that they have been grouped brings a considerable risk of Members not being in a position to make a well-informed decision. I consider it my duty to emphasise the importance of new clause 5A.

I will explain how new clause 5A, at amendment No 23, would work. It would sit alongside, rather than contradicting, the existing legislative power that provides legal cover for the Education Authority (EA) to plan efficiently to provide sufficient places to meet parental and community needs. That is why the duty is placed on the Education Authority. That duty would explicitly require the Education Authority to ascertain parental preference. It would, staying within the scope of the Integrated Education Bill, enable the Education Authority to ascertain whether that preference is for integrated education in a controlled or a grant-maintained integrated school or in a school that is not, such as a controlled maintained Irish-medium school.

#### **10.45 am**

The OLC drafting has ensured that the provision on parental preference works in the Bill and with other legislation, such as articles 5 and 6 of the Education and Libraries (Northern Ireland) Order 1986, which ensure that efficient and sufficient places are available; article 14 of the 1986 Order, which provides for proposals to be made to meet demand; article 44 of the 1986 Order, which provides for children to be educated in accordance with the wishes of their parents; and article 9 of the Education (Northern Ireland) Order 1997, which provides for parents to express a preference about the school that they wish their child to attend. To do anything other than ensure that the Bill that we are debating today complements the wider legislative landscape for education would be folly. We simply cannot arrive at a situation in which legal inconsistencies exist, and, as legislators, we have a responsibility to prevent such a scenario.

Amendment Nos 16, 18, 19, 20, 21 and 22 relate to clauses 4 and 5. I welcome the fact that they seek to manage pressure on the education budget and the education system as a whole. I have already stated that changing "promote" to "support" throughout the Bill, including in amendment Nos 31, 36, 39 and 48, would not have any material effect, as it is tied to the definition in clause 5. While aiming to meet demand is certainly an improvement on an unfettered requirement to meet it, such an amendment still falls short and sits within requirements to provide sufficient places in

integrated schools. Measures of future demand ignore the religious demographics of an area and the number of existing places in integrated schools.

Members will no doubt recall that the Bill's sponsor referred to parents being refused places at integrated schools and said that integrated schools had fewer available places than schools in other sectors. Let me clarify that with facts. Looking at available places as a proportion of approved enrolments, we can see that integrated schools are similar to those in other sectors, with around 20% of available places compared with their approved enrolment. While that will vary at individual school level, it is no different from other individual schools across all sectors that are oversubscribed. Schools do not refuse children; they admit children up to their approved admission and enrolment number, in line with their legal duty. Where that is exceeded, schools can, if they wish, come to my Department for a variation. For the integrated sector and in line with the duty on my Department, that will be granted if there are no other available places in an integrated school within a reasonable travelling distance. By and large, almost all requests for temporary variations (TVs) in the integrated sector and, indeed, the Irish-medium sector are granted. As I have already stated, the overwhelming proportion of children are placed according to parental preference: it is almost 99%.

I mentioned the currency of the consultation on the Bill. Had the Bill sponsor refreshed her consultation, she might have been aware of the collaborative structures that now exist in planning and the working relationships that have been built up over the past five years to ensure better planning to meet community needs. NICIE has been involved in all aspects of that. Work has commenced on designing an exploratory plan that will take account of community need. Again, had the sponsor engaged, she would be fully aware of that and would not need to put in such clauses on parental preference and demand, as work is already in train to explore that at a strategic level. Of course, all those involved in strategic planning, as well as many others, including school leaders, other Departments and the universities, are taking part in the Innovation Lab in a matter of weeks to design that exploratory plan. It will accompany the operational plan under the next strategic area plan, which is on the cusp of being launched for consultation.

The founders of integrated education fought hard to secure the rights of parents to instigate

change in the education system, and those rights are enshrined in the existing education Orders. As a caution to Members, I will say that clauses 4 and 5, as introduced and if amended by the Bill's sponsor and the Committee Chair, could see that right diluted somewhat, given the proposed departmental strategic input. The OLC-drafted clause 5A would retain that right for parents in the sector and leave with them the power to bring forward proposals for change. While some in the sector see that as a disadvantage, others see it as an advantage that they cherish and wish to safeguard.

Nonetheless, if Members mean what they say about supporting parental preference, this point in the debate represents the time for them to stand up, be counted and vote against clauses 4 and 5 and the associated amendments. After the debate on the amendments in group 3, they then need to vote to support the new clause, which will enable the Education Authority to ascertain parental preference.

Area planning has been a real challenge but is becoming easier, because all those involved have worked collaboratively to learn from their experiences and have reviewed and reshaped the practices and processes that have led to the development of the new strategic area plan. The consultation on the new strategic area plan provides an opportunity for everyone to have a say in the planning of education for the next five years.

I turn to "Guidance" at clause 11 and the amendments included in group 2. I express concern about what purpose amendment No 59, tabled by the Chair of the Education Committee, serves. The Department of Education can lay guidance before the Assembly, but to what purpose? Guidance on the final form of the Integrated Education Bill will be mainly for arm's-length bodies and schools; amendment No 60 makes more sense in that regard than the Bill as introduced. It means that proper, substantial guidance, for example in the form of a letter or circular to schools, will be published on the Department's website, a method of guidance that is familiar to our schools and all those involved in education.

Essentially, our schools have enough to cope with, especially in view of the challenges that we, as a society, have faced over the past two years. Many principals whom I have met and spoken to have told me about the administrative pressures that they are under. Do we really need them to have to look for guidance laid in the Assembly as well? I do not wish to place any further unnecessary administrative pressures on our schools, particularly when



those additional pressures would reap no reward for our children and young people's education. The more departmental time is tied up in procedure, the less departmental time is available to deliver for the children and young people in our schools.

Therefore, I urge Members not to vote for amendment No 59 and not to use the legislative process as a means of placing meaningless actions in law that provide no tangible benefit. The law should not be used in that way, and to do so makes a mockery of our role as Members of the legislative Assembly. We must remember that, however we piece the legislative jigsaw together, it must make sense and work as a whole, and children and young people must be front and centre in benefiting from the final legislation that we produce.

**Mr Lyttle (The Chairperson of the Committee for Education):** The Education Committee proposes two amendments in group 2. The Bill sponsored by Alliance MLA Kellie Armstrong seeks to ensure parental and pupil choice for integrated education and that it be assessed, identified and met. It included, at clause 4, a duty to promote integrated education; "promotion" is defined in clause 5. The Education Committee agreed on the revision of the wording of "meeting demand" in clause 5, requiring instead that the Department should "aim to" meet demand. Accordingly, the Education Committee proposes amendment No 21.

The Committee took advice from a range of sources, such as Assembly Legal Services, Assembly Research and Information Services (RaISe), the Examiner of Statutory Rules, the Bill Office, the Speaker's Office and the Education Committee secretariat. That advice gave rise to the Education Committee's amendment No 59. The proposal is simple and derives from the basic tenets of transparency, awareness and effectiveness. In the amendment, the Committee proposes that each iteration of guidance made under clause 11 should be laid before the Assembly and published by the Department.

Speaking in my capacity as Alliance education spokesperson, I express my disappointment that other parties were not willing to support a legislative duty on the Department of Education to promote integrated education, but I acknowledge and recognise that a lot of work has been done with the Bill sponsor and, indeed, on a cross-party basis to resolve that matter. There is disappointment, however, particularly given that there is an existing duty to promote shared education and that the

Department of Education commissioned an independent review of integrated education that clearly recommended legislation to place a duty on the Department of Education and a power on all other arm's-length bodies to:

*"encourage, facilitate and promote integrated education".*

I regret that Peter Weir MLA is not in the Chamber today, because his contribution yesterday on that Department of Education-commissioned independent review of integrated education was really quite concerning. I believe that he referred to it as being "not truly independent". I ask Peter Weir MLA in what way it was not truly independent, and, indeed, in what way the independent review of education is independent where the independent review of integrated education is not. I think that it is profoundly unhelpful for a former Education Minister to refer to a review of that nature, which has made substantive recommendations, many of which have now been forwarded for consideration by the independent review of education, to make that assertion that it was "not truly independent". I think that it would be helpful for those comments to be clarified.

It is for other parties to make the case as to why promotion of integrated education in Northern Ireland does not merit legislative provision, though I acknowledge the extensive cross-party work that gone on to try to overcome that particular challenge.

**Mr Weir:** Will the Member give way?

**Mr Lyttle:** Yes, I am happy to give way.

**Mr Weir:** I appreciate that. I have been following the proceedings. The Member referred to the fact that I was not physically in the Chamber. Obviously, that was to do with the restrictions on numbers. The Member referred to me with regard to the report on integrated education in 2016. While many worthwhile things came out of that, we should bear in mind that it was published and written by two people, and one of the authors was the president of NICIE. To my mind, that suggests that, in terms of pure independence as opposed to someone making a strong argument for a particular sector, you have to query how independent that was. Many worthy things were produced by that report, but it is not the same as somebody looking objectively from outside. That has to be borne in mind as a caveat. It became a wish list, as well as identifying issues that everyone could genuinely embrace.

**Mr Lyttle:** I thank the Member for his intervention. I am not sure how helpful it was, and I am not going to dwell on it. It may be something that we will return to.

The Member acknowledged that there were two co-chairs of the independent review, one of whom has extensive experience in integrated education and another who is an extremely capable professor, I believe, at Queen's University Belfast. The independent review of education contains similarly experienced and skilled people who also have experience in particular sectors with particular interests. I still hold that I think that the assertions regarding the independence of the review have been extremely unhelpful. Once members are appointed, there has to be a degree of trust placed in the work that they are going to carry out. Indeed, widespread engagement is conducted by the chairs of those reviews to ensure that their outcomes in the recommendations represent the wishes of the people of Northern Ireland.

My understanding is that Peter Weir MLA, in his role as Minister of Education, recommended that any outstanding recommendations of that independent review be considered and form part of the independent review of education. If it was felt meritorious for them to be considered by the independent review of education, why now question the independence of those recommendations and put some query over them?

**Mr Weir:** Will the Member give way?

**Mr Lyttle:** Yes, I am happy to give way.

**Mr Weir:** There are a couple of points relating to that. I am not suggesting that a lot of the recommendations are not without merit. The point is that we are saying that if a report is produced, one of the two authors of which is the president of NICIE, that will create a particular viewpoint. There is nothing wrong with somebody having that particular viewpoint, but let us not pretend that it is something which has simply come out of the ether entirely independently.

A number of the recommendations that were put forward were implemented. A few were felt to be inappropriate, and it was felt that a better way of looking at them was for them to be considered as part of the wider review. That does not necessarily mean that the wider review will accept, reject or implement them, but rather that it will give consideration to them.

**11.00 am**

**Mr Lyttle:** I thank the Member for his intervention. I will move on. The co-authors of that independent review may wish to reflect on the fact that their independence and the independence of their work and recommendations were brought into question in the Assembly both yesterday and today. They may wish to engage with Members as a result of that.

I acknowledge the willingness of the Bill sponsor to make a reasonable compromise and to adjust the wording of the legislation from the "promotion" of integrated education, as recommended by the independent review of integrated education, to "support for" integrated education. I sincerely hope that that allows for the passage of other important provisions of the Bill on assessing and aiming to meet the demand for integrated education.

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

The Minister's reference to the fairly substantive engagement with the Education Committee and, as I understand, all political parties in the Assembly about "promotion" or "support for" integrated education as "a cosmetic exercise in semantics" is fairly unhelpful, to be honest.

**Mr Stalford:** Will the Member give way?

**Mr Lyttle:** Yes. Although you did not give way to me yesterday, I will happily —.

**Mr Stalford:** I am sure that you are not one —.

**Mr Lyttle:** Let us start off on a better footing today.

**Mr Stalford:** I am sure that you are not one to hold a grudge.

In your contribution, you just used the words "promotion" and "support" as being interchangeable. Does that not cut to the heart of the fact that this is cosmetic tinkering around the edges?

**Mr Lyttle:** I did not use them interchangeably. I referred to the fact that a lot of work went into making the change from "promote" to "support". Indeed, as the Minister said, whatever term is used, it will have some degree of linkage to other clauses of the Bill, which have also been amended as a result of extensive engagement. I will not dwell on this, but my point is that it is unhelpful to use the phrase "a cosmetic

exercise" to describe that engagement. We can move on from that.

The consistent tactic of attempting to paint a picture of non-engagement on the part of Kellie Armstrong is rather underhand. I am sure that, as she has done calmly and politely throughout the Bill's consideration, Kellie will be content to rebut that tactic in relation to what were constructive and extensive efforts to engage with parties on some of the areas of the Bill about which Members had concern.

The Minister also referred to similarities between aiming to meet the demand of parental and pupil preference for integrated education and aiming to meet the demand for other types of provision. The Assembly's Research and Information Service (RaISe) helpfully compiled some of the data for us, however, and found that:

*"a greater proportion of integrated primary schools (17.8%) were oversubscribed in comparison to non-integrated primaries (11.5%)."*

It also found that:

*"a slightly higher proportion of integrated post-primaries (25%) were oversubscribed compared to non-integrated ... post-primaries (23.4%)."*

There are differences in access. For example, in 2018-19, in the primary sector, 12% of all places in integrated schools were unfilled, whereas, for non-integrated, that figure was 20%. There are some differences, and attempting to paint a picture —.

**Mr Stalford:** Will the Member give way?

**Mr Lyttle:** Yes. I will just finish quickly. It is not accurate to paint a picture of there being no difference. I am happy to give way.

**Mr Stalford:** I will return to the point about the interchangeability of the terms "promote" and "support". I was encouraged by the Member to seek out the dictionary definition of "promote". Would it surprise the Member that the dictionary definition of "promote" is to "support or actively encourage"? How can he say that there is a difference when there clearly is not?

**Mr Lyttle:** I have already said that extensive work was done to ensure that whatever term is used is acceptable. The word "promote" raised particular concern for some reasons. The definition is linked to other clauses that have

been proposed for amendment, which, I understand, the Bill sponsor is willing to accept. Work has been done, changes have been made and concerns have been addressed to some extent in that regard. I hope that we will see that during the debate and that that will ensure that the wide range of other provisions that are being put forward in the Bill are enacted.

The Minister attempted to make the case that area planning is all equal and the same. The area planning working group and the area planning steering group conduct extensive engagement to ensure that the parental and pupil preference for education in Northern Ireland is met. Reference was made to the Northern Ireland Council for Integrated Education being on the level of the Education Authority and the Council for Catholic Maintained Schools (CCMS): they are not the same. NICIE is not a planning authority, but EA and CCMS are. The motive of the Bill is to ensure that there is a fair approach to identifying, assessing and aiming to meet demand for integrated education and, in instances where there is significant oversubscription in particular areas and a lack of parental and pupil choice, to ensure that that is met without any reference to any other sector being made.

I support the Bill, as amended by the sponsor, and I will move the other amendments on behalf of the Education Committee.

**Ms Brogan:** I welcome the opportunity to participate in the debate. As an Education Committee member, I have spent many hours poring over the details of the Bill, alongside my Committee colleagues. It is great to get to this stage. I also thank the Bill sponsor, Kellie Armstrong, for her work in bringing it to the Assembly and her entire team, including Fiona, for the constructive work that we have carried out together. I also thank my fellow Committee members for the work that we have undertaken as a group while scrutinising the Bill, and I thank Committee staff, including the Clerk and her team, for the long hours and hard work that they have put in to help us to scrutinise the Bill throughout Committee Stage.

From the outset of the process, it was important to acknowledge the role and contribution of all sectors that deliver education here. It was also important that, in progressing the Bill, we did not undermine or disadvantage other sectors while bringing about much-needed support and assistance for the integrated sector. I thank the Bill sponsor for being attentive to the concerns of a wide range of groups and organisations in

the education system here and for listening to those concerns and tabling amendments that ensure that no sector will be unfairly promoted over another. The amendments tabled by the Bill sponsor in group 2 will ensure that the challenges facing the integrated sector will be acknowledged and that the much-needed support will be put in place to help to meet the demand for integrated school places. I support the amendments tabled by the Bill sponsor in the group, including the ones that will remove the word "promote" in clauses 4 and 5 and replace it with "support". That change, alongside amendment Nos 20 and 21, will ensure that the needs of the integrated sector are met without putting other sectors in the education system at a disadvantage.

We had a significant period of engagement on the Bill throughout Committee Stage. It was through that process that we realised how complex the legislation was. It was a useful exercise. I voice my support for the Committee amendments in the group. Throughout the process, we listened to a range of concerns and worked hard with others to address them. We have a shared obligation to give all our children the best start in life. As a party, we remain committed to supporting all sectors in their work to provide equality of opportunity, mutual understanding and respect, as well as tackling underachievement.

**Mr Newton:** I support the Minister's amendment Nos 10 and 12 and amendment No 58 in the name of Mr Jim Allister. I stand in opposition to clauses 4 and 5, as detailed by the Minister. Amendment No 10 to clause 3, page 2, line 9 is:

*"Leave out from 'its' to 'must' in line 10 and insert 'any functions relating to integrated education the Department of Education may'".*

Amendment No 12 to clause 3, page 2, line 10 is:

*"Leave out from 'any' to end of line 13 and insert -  
—  
(a) any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education, or  
(b) any other body the Department of Education considers appropriate."*

Mr Allister's amendment No 58 to clause 11, page 6, line 8 is:

*"Leave out paragraph (b)".*

In many ways, the amendments to clause 4 are intended to appease those of us who have difficulty with the word "promote" by changing it to "support". As Mr Stalford has pointed out, however, the dictionary definition means that the change of wording does absolutely nothing to change the meaning of clause 4. The clause elevates integrated education above all other education sectors in Northern Ireland. The word "support" does not mitigate that problem in any way. It still means that other sectors would come a poor second when it comes to policy setting and funding to meet demand. If the Department were to invest in the promotion of integrated education, as required by the Bill, it is likely that that would be at the expense of other sectors. Ms Armstrong's amendment to change the word "promote" to "support" does not in any way mitigate that. It still places a legal duty to lift, in both policy and financial maintenance, integrated education above all other sectors. That would be to the detriment of the other sectors and is therefore clearly inequitable.

Yesterday, when Mr Allister asked the Bill sponsor, Ms Armstrong, whether any other sector would enjoy such privilege as the Bill would provide to integrated education, I was struck by her response. She shrugged her shoulders, indicating, I think, either, "I do not know", or maybe even, "I do not care". Only the Bill sponsor can tell us what the shrug of her shoulders in response to that question actually meant.

**Mr Stalford:** I am grateful to my colleague for giving way. This morning, we will all have heard the announcement from the Department about the number of empty desks and the threat that that poses to many smaller schools, particularly in rural constituencies. In that context, does my colleague agree that, given the financial burdens that the Bill would place on the Department at this time, without the full review of education having been carried out, it would be very foolish indeed to go down that route?

**Mr Newton:** The Member has raised a point and built on an argument that was made yesterday, which is that the Bill would impose additional financial burdens.

We know that, within three years, the Education budget will have a shortfall of about £300 million. We know that already. The proper process would have been to allow the independent review to do its work and then comment on it: if Ms Armstrong had not been

satisfied with the review, she could have commented on it at that stage.

**11.15 am**

I pay tribute to the Minister for seeking the professional advice of OLC. I understand that she had some difficulty in getting support for doing so from the Executive. I welcome that, by agreeing to let OLC do its work, the Executive recognised that there were problems with the Bill that needed to be put right, or put as right as best as possible. However, I do not believe that we will end up with a good Bill, even with the professional amendments that the Minister has tabled. This is a bad Bill. It will be made slightly better by the OLC's advice and support, but it will not be a good Bill.

On clause 5 —

**Ms Armstrong:** Will the Member give way?

**Mr Newton:** I will give way.

**Ms Armstrong:** Will the Member clarify why it is a bad Bill, given that our Bill Office provided the amendments and legal advice to me?

**Mr Newton:** I am aghast; I am absolutely aghast at that. What were we saying until 9.00 pm last night? What have we been saying today, and what will be said today, at least from this side of the Chamber, about the errors in the Bill? What about the advice that was offered? What about the people who came to give evidence and their dissatisfaction with the Bill and the approach? We will talk about that, as the Member is shaking her head; she is not sure about that. We will talk about that.

**Ms Armstrong:** Mr Deputy Speaker, I am not a member of the Education Committee.

**Mr Deputy Speaker (Mr Beggs):** Order. Can we have clarity? Is the Member giving way? We cannot have two Members on the Floor at the same time.

**Mr Newton:** I will give way, Mr Deputy Speaker.

**Ms Armstrong:** I am not exactly sure what Mr Newton is getting at. I am not a member of the Committee, so would not have got the information from the Committee's consultation. I consulted with an extraordinary number of people and gave evidence to the Committee. The issue was not raised then.

**Mr Newton:** I am even more befuddled. There is a communications issue in all of this, but we will raise a few points first.

Kellie's — sorry, Ms Armstrong's — amendment to change the word "increase" to "meet" in clause 5 will not mitigate the serious implications that have been discussed; they will all still apply. The duty that the clause imposes on the Department of Education will be significant and will not be enjoyed by the controlled, maintained or, indeed, Irish language sectors.

Ms Armstrong said that she was not privy to the information received by, or discussions that took place in, the Education Committee. Considering the importance of the Bill to Ms Armstrong, and the work that her researcher has done for her, I would have thought that it was likely that someone would have been watching —

**Ms Armstrong:** Will the Member give way?

**Mr Newton:** — the Education Committee meetings on her behalf, or that there would have been communication between her and the Chair as they are members of the same party. One would have thought that she would have been kept up to speed on the issue.

**Ms Armstrong:** On a point of order, Mr Deputy Speaker. Legal advice provided to the Committee is privileged, and I did not have access to it.

**Mr Stalford:** We are talking about the evidence.

**Ms Armstrong:** I am talking about the legal advice.

**Mr Deputy Speaker (Mr Beggs):** I am not sure that that is a point of order. The Member has made her point. I ask the Member to resume his contribution.

**Mr Newton:** I am becoming more and more befuddled.

**Mr Lyttle:** I thank the Member for giving way. I will try to help by being as clear as possible. The Member and others have referred to evidence and advice. The Member will be aware that some of the advice that was provided to the Education Committee, such as legal advice, cannot be shared with the sponsor of the Bill. It is entirely accurate for the Bill sponsor to make it clear to the House and

publicly that, no matter how adherent she and her researchers have been to every jot and tittle of the numerous meetings that the Committee held on the Bill, some elements of matters discussed at that stage are not privy to her or her researcher. Is that fair to say?

**Mr Deputy Speaker (Mr Beggs):** Order. I encourage Members to return to the substance of the group 2 amendments. I ask all Members to concentrate on them, rather than getting caught up in some wider argument. We are at the group 2 amendments.

**Mr Newton:** You are, of course, correct, Mr Deputy Speaker. Mr Lyttle makes a valid point that some aspects of the evidence that was gathered when the Committee was in private session or some advice would not be circulated widely. However, in general, the Committee meetings are held in public and there is a record of the meetings.

Let me see whether I can be helpful to the sponsor of the Bill. Where this part of the Bill and advice, guidance and support are concerned, an extensive amount of information was given in public. I will quickly refer to some aspects of that extensive amount of information. Much has been made of the fact that children do not get into their first choice of school and that demand for integrated education is far above that for the other sectors of education. One piece of information that is publicly available is a paper that was provided by the Assembly's Research and Information Service. The Assembly is fortunate to have that research service because its talents, dedication and so on are exceptional. It made a point about the demand for integrated education, and, with your indulgence, Mr Deputy Speaker, I will read three short areas from that paper that should be noted:

*"Research suggests that there are challenges in measuring actual demand for integrated education, particularly in terms of accounting for other drivers of school choice, such as the school's reputation, location, size, ethos and philosophy."*

It also states:

*"Other research suggests that despite the high levels of support for integrated education reported in opinion polls, many parents and communities value particular school sectors."*

**Mr Stalford:** Will the Member give way?

**Mr Newton:** Let me finish this point and then I will give way to the Member. It may add something to what he is going to say.

Another paragraph says that the Department of Education informed RalSe of the fact that, last year:

*"For the Year 1 process, 96.58% of children who applied to an integrated primary school at first preference got into that school. Across all schools, the figure was 98.25%."*

Therefore, the success of first preference applications for integrated primary and post-primary schools in 2021 was fairly comparable with that of all other schools.

**Mr Stalford:** I thank the Member for giving way. The consequence of the clauses that we are discussing is that every request for an integrated place must be met. Every single request must be facilitated.

The direct consequence of that measure would be that good primary schools and good secondary schools outside the integrated sector would be forced to close.

**Mr Newton:** I thank the Member for his intervention and the points that he has made.

I return to the word "promote". Another piece of information, which is readily available to those who want to look for it, is evidence that the Department of Education gave to the Committee. On the promotion of integrated education, the Department stated:

*"The Bill seeks to require the Department to promote integrated education [clause 4], defining what it means by this [clause 5]. This wording intentionally replicates the Shared Education (Northern Ireland) Act 2016. However Shared Education is a programme".*

Shared education is not a sector; those are my words, not the Department's. The Department said:

*"Shared Education is a programme, open to all schools in all sectors. Integrated education is not a programme; it is a sector."*

That evidence is quite easily available.

I will finish on this — or maybe not, as I might have another couple of wee bits to add very quickly. On meeting demand, in response to the

private Member's Integrated Education Bill, the Education Authority stated:

*"The EA is the employing authority for all Controlled Integrated schools, which represent an increasing percentage of all Integrated schools. At September 2021, 30 of the 68 Integrated schools in Northern Ireland are Controlled Integrated schools. It is also important to note that all Controlled Schools welcome pupils from a diverse range of backgrounds and seek to provide an ethos which is inclusive and respectful of all within the school community."*

If the Bill is passed in its current form, controlled schools — and 44% of schools that employ integrated policies are controlled — will be disadvantaged. That information is readily available to the Bill sponsor.

The Controlled Schools' Support Council's (CSSC) evidence to the Committee is also readily available to all who want to see it. The Controlled Schools' Support Council stated in writing:

*"In addition to the changes proposed for DE and EA in clause 4, clause 6 calls for other education bodies to include provision for integrated education in their strategies, plans and policies. This would appear to be an unreasonable and unworkable request for a number of the designated education bodies."*

*Once again the Controlled Schools' Support Council, despite representing 49% of schools in Northern Ireland, is not listed here amongst the list of other education bodies."*

Those are folk with a point to make.

I will finish with evidence from the Church of Ireland representatives. No, I will not actually; I will hold that for a later time, Mr Speaker.

The point is this: through the two clauses that we are particularly concerned about because of their attempt to promote one sector above the other sectors, we would be doing the opposite — the complete opposite — of what we as an Assembly should be doing. We want all our children to be educated together. We want all our children to be treated fairly. We want the division of the Education budget among our schools to be equitable, regardless of what sector they are in. We want that to happen. The steps that we are taking today would take us in the opposite direction. Given all the concerns

that have been presented, I fail to see why the Bill continues to go forward —

**11.30 am**

**Mr Lyttle:** Will the Member give way briefly?

**Mr Newton:** — with so little opposition. I am actually finished.

**Mr McCrossan:** I am happy to debate the Bill further and discuss the various amendments in group 2.

I will start by outlining some of the points that we have raised. For instance, clause 3 as drafted will require the Department to consult a recognised body about any function that it exercises towards any such body that:

*"includes in its objectives the provision of support and advice to the Department"*

of Education about integrated education. Without a doubt, such advice is necessary and will be helpful. I am therefore content to move in the general direction in which that clause leads.

We may need to establish some boundaries, however. My proposed amendment to clause 3 — amendment No 15 — is, again, a probing amendment, and it has been discussed with the Bill sponsor in recent days. We all know that preschool provision includes nursery and playgroup provision. Although nursery schools and units fall clearly within the remit of the Department of Education, playgroups operate through social services, which come under the Department of Health not the Department of Education. My concern is that there may be a cross-cutting aspect to the clause. There may therefore be a need to specify where the boundaries lie. The amendment is proposed in that spirit, and the Bill sponsor will most likely pick up on that when it comes to her time to respond.

The wording of amendment No 15 is self-explanatory. It simply sets out to determine the boundaries of the consultation concerning integrated education so that there is no problem with matters becoming cross-cutting. Since amendment No 10 and/or amendment No 12 will hopefully be made, I will no longer need to seek much clarity on that, but I would appreciate some outline from the Bill sponsor.

The declared intention of clause 4 is to amend the Education Reform (Northern Ireland) Order 1989 and the Education Act (Northern Ireland) 2014 to include a duty to "promote" integrated

education. If the Bill sponsor's amendments to clause 4 are accepted, there will be a duty placed on the Department of Education and the Education Authority to "support" integrated education, alongside their existing duties to encourage and facilitate it.

It is no secret that, throughout the process, I and others have raised concerns with the Bill sponsor at Committee level about particular drafting problems. That is our responsibility as legislators and as members of the Committee when we are scrutinising a Bill. Our responsibility is to seek as much clarification as possible and to ensure that that clarification is brought to the wording in order to minimise the prospects of any potential future legal challenge emerging. I wish to ensure that everyone is clear that the duties imposed in the Bill are not seen as being superior to the duties already conferred in other legislation. To speak of "the duty" could therefore be interpreted as that duty taking precedence over other duties. We had that conversation with the Bill sponsor, and she has been very accommodating and has recognised the reasoning behind my amendment No 17. Put simply, that amendment to new section 2(3A) in the 2014 Act under clause 4 of the Bill seeks to ensure that there is no lack of clarity on the equality of legal duties. Our choice of words in the amendment adds clarity to the intention to make it "a duty" to stand alongside other duties, not on top of them or before them. Again, I appreciate the Bill sponsor's understanding in that regard.

Through amendment No 18 to clause 4, the Bill sponsor addresses concerns that were raised strongly at Committee Stage. The intention of Jim Allister and the Minister is to remove clause 4 entirely. As a party, we have considered that at considerable length. We are of the view that that measure goes too far, and we will not be able to support it.

Through amendment No 19 to clause 5, the Bill sponsor addresses a concern that was raised strongly at Committee. Furthermore, in amendment No 20 to clause 5, the Bill sponsor puts forward a more measured and temperate approach to meeting the needs of provision for the demand for integrated education. Again, I thank the Bill sponsor for that.

In amendment No 21 to clause 5, the Committee Chair clearly outlines that there is a more measured and temperate way to approach meeting the needs of provision for demand for integrated education. I am content with that.

The Bill sponsor and I discussed amendment No 22 to clause 5 in detail, and we will continue to consider those conversations, particularly before voting commences today.

Clause 5 stands alongside clause 4, in that it defines "promotion" or, if the Bill sponsor's amendment passes, "support". For instance, the legal advice suggests that clauses 4 and 5 stand together and that the words used in clause 4 take the meaning that is given to them in clause 5. Clause 5 is, therefore, vital to our whole understanding of what promoting or supporting is. That is where we may encounter some difficulty. If we go back to clause 1, there is the clear understanding that, to be an integrated school, reasonable numbers of children from all backgrounds should be enrolled in that school. However, if there is no consideration at all for the religious demographics of the area under consideration, it could be problematic or even a contradiction in terms. We must consider the area when it comes to having reasonable numbers. Again, we have had that discussion at length with the Bill sponsor. What does "reasonable numbers" mean? There is a bit of uncertainty about that, and it needs to be probed further.

Likewise, we cannot totally ignore the number of spare places in existing schools when we are trying to ensure the efficient and effective use of resources at system level. Many Members mentioned that in their contributions and will continue to do so. The approach in clause 5 could be considered as being too absolute. I venture to say that the solution to the problem of insufficient places for pupils who wish to attend integrated schools needs to be found in looking at how area planning operates, but not in the absolute way in which subsection 1(b) of that clause sets out. Instead, I propose that a robust method for gathering evidence of future demand in an area is formulated and fed into the area-planning process so that parental preferences can be taken into account. Appropriate provision will result from that.

The SDLP firmly believes in parental preference, and the amendment in my name is, to my mind, fair to all in that regard. Please bear in mind that the wording that precedes my suggested amendment in clause 5(1)(a) reads:

*"identifying, assessing, monitoring and aiming to meet the demand for the provision of integrated education".*

I ask Members to note that I refer to the Bill sponsor's proposed amendment when quoting those words. A strong commitment to integrated education is contained in all of that, and that is



key to addressing the problem of insufficient places in some areas. Again, we continue to engage widely on that issue. We have been doing so throughout the process. I have outlined some of the concerns that we have. We expressed those to the Bill sponsor. Hopefully, we will get the clarification that we need before voting goes ahead.

**Mrs Dodds:** Again, I am glad to be able to contribute to the debate on the Integrated Education Bill. I will pick up on the point at which my colleague Mr Newton left off. My party is concerned about ensuring that education is a priority for the Assembly, that it is fair to all sectors, that the distribution of resources for education is equitable, and that no sector is promoted over another. If we start from that premise and then examine clauses 4 and 5 of the Bill, we immediately encounter significant problems.

For the record, there are four main sectors in Northern Ireland concerned with education: controlled, maintained, integrated and Irish-medium. Essentially outside those sectors are the voluntary grammar schools. At the moment, schools that are designated as integrated already have an extra duty applied to them in law. Article 64 of the 1989 Order states:

*"It shall be the duty of the Department to encourage and facilitate the development of integrated education".*

A similar duty is applied to the Irish-medium sector by way of the 1998 Order. In essence, these two sectors already enjoy a special privilege that is not afforded to other sectors, the controlled or the maintained.

**Mr Lyttle:** Will the Member give way?

**Mrs Dodds:** I will finish the point and then I will give way.

What is going to happen if clauses 4 and 5 are voted through? They will put a duty on the Department to include an additional duty in relation to the integrated sector, and that will be to "promote". My colleague Mr Stalford, who has left the Chamber temporarily, has proved that "promote" and "support" are fairly interchangeable and have no substantial difference in meaning. We are moving away from a position where children and sectors are treated equitably, and that is a regressive step for education. I do not think that our education system is perfect. There is room and need for change in education, in how we deliver education and in the broad, even basis of what

we teach. However, we cannot do it in isolation for one sector, and that is what clauses 4 and 5 do.

I will give way, and then I have some more points to make around the sector.

**Mr Lyttle:** I thank the Member for giving way. I have two quick points. Will the Member accept that, if the amendments pass at Consideration Stage, the Bill will not promote integrated education? Also, how well does it reflect on the fulfilment of the Department of Education's duty to encourage and facilitate integrated education when schools like Strangford College have to take a judicial review in order for simple development proposals to be accepted by the Department of Education?

**Mrs Dodds:** We do not want to engage in semantics around "promote" and "support". They are pretty much the same thing. In fact, some people I spoke to in my evidence-gathering for the Bill indicated that "support" has perhaps an even stronger meaning than "promote", so I am not really interested in the semantics of this. I think that it is essentially and fundamentally wrong to place a duty on the Department in respect of one sector that it does not have in respect of other parts of the education system.

**Mr Lyttle:** Will the Member give way again?

**Mrs Dodds:** No. I want to come on to the issue of development proposals, and we will deal with those issues there.

When I look at amendment Nos 13, 14, 16 and 19, I see amendments that perhaps strengthen the Bill and do not in any way diminish the inequality that will be associated with the Bill. In preparing for the debate and in discussions around the Bill, I have in particular reached out to other sectors. Most sectors will have had contact with our members on the Education Committee.

At this point, while I remember, as an aside, I say that, when we talk about consultation for a Bill of this magnitude, remembering that the changes will mean an awful lot to people in Northern Ireland, we are referring, of course, to the consultation in 2016-17 and the lack of consultation before the Bill was introduced.

**11.45 am**

**Ms Armstrong:** Will the Member give way?

**Mrs Dodds:** No, we have exhausted the point about consultation, to be honest, and we all have a view on the consultation. That is the truth of the matter.

I have been speaking to a number of the other sectors, and I will read, for the record of the House, the response — a few sentences from the response, you will be relieved to know — from the Catholic maintained sector. In its response, it says:

*"The inclusion of the word 'promotion' could be interpreted as one sector of education being given priority over all other sectors."*

Lest you think that it is just me or my colleagues raising dust or a fuss, I want you to understand, and I want the record of the House to understand, what other sectors are saying about the use of the words "promotion" and "support". I go back to the response from CCMS, which states:

*"The 1989 Order established the Department as a facilitator of development proposals initiated by a third party. The introduction of the word 'promote' into statute changes the dynamics with the Department effectively finding itself having to favour one sector over another shifting the DE role to pro-active initiation of area planning solutions with integrated education at the core."*

Those are not my words; that is the response from CCMS on the changes that would come about by changing the dynamic and having one sector being promoted or supported while other sectors are not in that position. That takes us to an issue that is for the next set of amendments that we will debate: how the words "promote" and "support" will interact with area-planning solutions and how the Department will have to act as the promoter and supporter of integrated education in that area.

When we got legal advice — and not to divulge that advice — it was pretty clear from anyone whom we talked to about the Bill that this is a series of judicial reviews (JRs) just waiting to happen, and I can certainly see a number of those in this area of the Bill. Essentially, those parties that will fast-track and push on ahead with the legislation are actually making legislation, crossing their fingers and hoping that it will all be all right in the end. That is a dreadful position for us all to be in.

I will turn very briefly to clause 5. Again, I have very considerable concerns about clause 5. We have already established that the duty on the

Department, under the Bill, will be significantly different for integrated education than it will be for any other sector in Northern Ireland. The duty in clause 5, as originally drafted, would ask the Department, without equivocation, to provide:

*"sufficient places in integrated schools to meet the demand for integrated education (including expected future demand)".*

I sat through the budget stuff that came to the Committee, and officials explained to us, in very great detail, how the budget, over the next three years, has at least a £350 million hole in it. That is just to stand still. That is not to start to treat the inequalities in education and implement something like 'A Fair Start'. We are just standing still, and we already have a gap of £350 million. The Sinn Féin Finance Minister has now decreed that there will be a further 2% cut across that budget as a whole. Yet, in the Bill, the Department is expected to meet future demand without equivocation. There is only so much cloth, and you have to cut it accordingly to make sure that you meet demands. However, the legal onus that the Bill places on the Department means that other sectors will suffer in order "to meet the demand" in clause 5. I go back again, without any apology, to what my colleague Mr Newton said and to what I said at the start: how is that fair or equitable in any society? How are we treating equitably the 90% of children who are educated in controlled, maintained and Irish-medium schools if we rush through clause 5?

I want to address — I will address this in the group 3 debate as well — the fact that there is an onus on the Department to do that. From looking at the evidence that we were given, I see that, if I am correct, NICIE has a budget of £632 million, I think — sorry, £632,000. It has staff, it works with boards of governors, it has area-planning structures, and it is fully integrated into the area-planning process, yet the Department is to take that on. Who will take it on for the controlled sector? CCMS, of course, will carry on with its statutory duty to promote and look after Catholic education, and that is entirely fine. The Department will be mandated to take that on for the integrated sector, but who will look after the controlled sector? Of course, EA, as the general planning authority and as the managing authority for the Controlled Schools' Support Council (CSSC), will be the body responsible. However, at the end of the day, you have to ask this: where is the plan for the controlled sector in the Bill? How is that equitable for all our children?

I will leave it there. I, of course, do not support clauses 4 and 5. In an age when other parties in the House scream about equality on everything, those clauses are an example of inequality at its height.

**Mr Harvey:** As we consider these clauses, particularly clauses 4 and 5, we need to be mindful of the practical implications that will flow from their wording. I have great concerns that the outworkings of clauses 4 and 5 will serve only to encourage educational discrimination. I know that that is not the Member's intention, but I fear that it would be the result.

In its elevation of the integrated sector above all others, clause 4 will create a hierarchy of education provision in Northern Ireland in which children attending schools in our two main sectors — Catholic maintained and state controlled — will be at the bottom. That was the main concern highlighted throughout the Committee's evidence sessions.

Representatives from CCMS stated:

*"the Bill does not appear to recognise the contribution and diversity of the Catholic maintained sector".*

They continued:

*"the Bill is at odds with ensuring diversity and respect and would fundamentally create a two-tiered system of education provision."*

That would pit the integrated sector against the other sectors. I agree with that assessment. That is how I see the outworkings of clause 4 in particular and the onus on the Department "to encourage, facilitate and promote". There is no way that such promotion will not create a hierarchy of education provision that will have to be evidenced in everything that the Department does, from policy on area planning to funding allocations for each sector.

I acknowledge that the sponsor's amendments have gone some way to address a number of my concerns, but, unfortunately, my principal concern still stands: the impact of additional duties on the Department in respect of integrated education, be they described as promotion or support, and the subsequent impact that this will have on other sectors, a point highlighted multiple times at Second Reading.

With an ever-diminishing budget, there will be an ever-diminishing pot of money for allocation. I ask Members how they expect principals of

controlled and maintained schools in their constituency to react when it becomes impossible to fund their school's enhanced programmes or to provide additional money in their budgets because their sector is at the bottom of the new hierarchy. I am very happy to support the concept of integration and the integrated sector, but not to the detriment of all else.

The outworkings of clauses 4 and 5, if they receive support from the House, will have a profound effect on how education is provided across Northern Ireland. If we have to disadvantage other sectors, we must conclude that the Bill is not good for the education system as a whole and therefore not good law. As such, I will oppose clauses 4 and 5.

**Mr Weir:** I wish to refer to some of the areas that are contained in the second group of amendments. As the Minister highlighted, there is some read-across with the third group. The principal concerns that have been raised on this side of the House focus on clauses 4 and 5. While it was right to point out the flaws and the dangers in those clauses, it is also important that solutions be provided. That is why it is significant and important that, in getting the wording right and getting something that is fit for purpose, the Minister's amendment introducing new clause 5A does not leave us simply with a vacuum but creates a situation in which solutions are provided.

**Mr Deputy Speaker (Mr Beggs):** Order. I encourage the Member to make sure that he is being picked up by the microphone.

**Mr Weir:** OK. I would hate to think that some of my words might be missed for posterity, Mr Deputy Speaker, so I will resolve to speak into the microphone.

A theme has run through each group of amendments, as highlighted by the Minister and some of the other Members who have spoken. Indeed, even some Members who supported the legislation did so with caveats. They say that they are happy to support particular clauses but that they cannot be to the detriment of any other sector. It is undoubtedly the case that the Bill as drafted and, indeed, some of the amendments will lead to a level of inequality.

A number of amendments substitute "promotion" with "support for". As highlighted by my colleague Mr Stafford, however, the definitions of the two seem to be fairly interchangeable. There does not appear to be any particular indication that there is a

difference between their legal meaning; it is a semantic change. Where support is given to one sector and there is an explicit legal duty to support that sector — it is not simply the intention of a particular Minister but is in primary legislation — and that support is not available to other sectors, that undoubtedly creates imbalance.

**Mr Lyttle:** I thank the Member for giving way briefly. He accepts the additional duty to encourage and facilitate integrated education.

If the Minister accepts and, indeed, supports or acquiesces in that additional duty, why can we not make other duties and other provisions pertaining to integrated education, particularly if integrated schools have to take judicial reviews in order to advance development proposals?

**12.00 noon**

**Mr Weir:** With respect to that —

**Mr Stalford:** Will the Member give way?

**Mr Weir:** OK. I will give way, and then I will deal with a couple of points.

**Mr Stalford:** A news report today said that, by 2030, the Department of Education will have to find an additional 2,000 special educational needs places. In that context, what does it say about the party that is bringing forward the Bill that it prioritises one sector over all others?

**Ms Armstrong:** On a point of order, Mr Deputy Speaker. To clarify, this is my private Member's Bill. Thanks.

**Mr Weir:** I will deal with the points of information, as, I suspect, the point of order was not a point of order, but that is by the by [*Interruption.*] What was that?

**Mr Lyttle:** Neither was the intervention.

**Mr Deputy Speaker (Mr Beggs):** Order. I urge Members to stop having conversations from a sedentary position.

**Mr Weir:** I do not suggest that a ruling is needed, but the Member said, "Neither was the intervention". The intervention was an intervention, not a point of order. That contrast was the whole point, and I thought that the Member would be aware of that.

To deal with the points that were raised, our focus, in budget and provision, should be on the

most disadvantaged in our society, and the provision of places for those with special educational needs should be at the forefront of our thinking. Mr Lyttle raised the issue of sectors for which there is already encouragement and facilitation and asked what the problem would be if anything was added to that. If we have a situation in which one sector is advantaged because it has additional provisions, will adding further advantages make the situation better? No, it will not. Everybody should be treated equally. I mentioned yesterday that no child should be disadvantaged because of the school gates that it goes through. No child should be disadvantaged because of the choices made by its parents. The choices made by different parents will be equally valid, but, if we say that some are more equal than others, that is fundamentally wrong, and it goes to the very heart of the Bill and the amendment.

The amendments that replace "promotion" with "support for" are, in many ways, neither here nor there, because I am yet to hear anyone clarify the difference in law or in real meaning between the two. They give a distinction to one sector by comparison with any other and create a clear level of inequality. That inequality is not simply some form of debating-point semantics. As highlighted by the Minister, it leads to real resource implications for schools. Given where the schools budget is and the way that funding formulas go, an advantage for one sector or school and additional funding because of that will be at the expense of other schools. There is no other way to do it; we cannot have a virtuous circle.

**Ms Armstrong:** I thank the Member for giving way. The words "encourage and facilitate" have, for many years, been in a duty for integrated and Irish-medium education school, yet we still have under 10% of the school population attending integrated education. How has that given integrated education a foot up or in any way changed the situation?

*(Mr Deputy Speaker [Mr McGlone] in the Chair)*

**Mr Weir:** Parents make their choices. Some schools will be oversubscribed. For instance, as the Minister in 2020, I saw the implications of the oversubscription of post-primary schools. A range of schools were oversubscribed, including those that had gone down in numbers and those that had gone up, and that was across all sectors. Indeed, there was a controlled school in Belfast that probably had the biggest single increase in demand for places, so there will always be schools that are

oversubscribed. Again, to those who argue that "support for" rather than "promotion" is a softer landing zone, I point out that no one has made the argument for why there should be any distinction. It is clearly and implicitly admitted that, when you have an additional duty that is not applicable to any other sector, you are not creating that level playing field that, surely, all of us should look for; rather, you create a situation in which one sector is advantaged over the others. That is the fundamental problem with the amendments that have been tabled on that matter and with clauses 4 and 5 in particular.

I turn to those clauses now. I should say that area planning has been one of the slow-burning success stories. We have started to see work going on between the sectors. For many years and not without a level of merit, there has been criticism that the education system has a silo mentality and that the sectors look after themselves. Obviously, they have to be advocates for their own sector, but, when it comes to the distribution of schools and school places, it is often said that the sectors operate with that silo mentality. Area planning is beginning to break that down, and it does so because every sector has a direct place at the table. That was made clear from the start, and it has been put into practice. It was in practice in 2016, when I was Minister, and it is in practice under the current Minister. She is driving an area planning process in which everyone is represented and in which we can, therefore, look for area solutions rather than sectoral solutions. We look for what is best for all the children in an area, and that, surely, is something that we should encourage. The problem with what is being put forward, particularly in clauses 4 and 5, is that it takes a step back from that and takes education in the wrong direction. In the same way, as we mentioned yesterday, dealing with one sector ahead of a broader review of education compartmentalises it and gets it the wrong way round. To have something that is focused purely on delivery for one sector and moves that sector outside the concept of area planning is a retrograde step.

Let us look again at the implications of clauses 4 and 5. Clause 4 is based on the idea of support for integrated education above all other sectors, as mentioned. There is a fundamental flaw there. Clause 5 is simply looking to meet demand, but, as part of that, it also places a duty of:

*"aiming to increase the demand for the provision of integrated education".*

That is not simply a matter of facilitating parental choice; it is saying that one sector is good and the rest are clearly less so and that there must be promotion of that sector. What are the implications of that for area planning and for the Education Authority? It suggests that it will come to any decision looking over its shoulder at what legal challenges could be made. That could lead to a minefield of legal challenges. That will, undoubtedly, influence the Education Authority's decisions.

The Education Authority is meant to encompass all sectors and every child in Northern Ireland. It is supposed to take an objective and neutral view and then decide and put forward proposals for area planning that are based on the merits of the individual application, but it will not be only that. Clause 5(1)(a) places a requirement of:

*"monitoring the number and success of applications for integrated education".*

Consequently, when the Education Authority looks at any proposal, it will say, "Is this helping us to meet our targets? Is it helping to increase figures?", rather than looking at the merits of the case.

I agreed with the Bill sponsor yesterday when she talked about ethos. She expressed a concern coming from within the integrated education sector that there would occasionally be some false converts to the cause of integrated education. From that perspective and given the different development proposals that I and the current Minister have looked at, some proposals for individual integrated schools have had merit and have been approved, and some have fallen short. I can think of at least one example — I am sure that the Member will agree — where a proposal for transformation to an integrated school was directly opposed by NICIE. I suspect that that is not unique. Yet, all those proposals — whether for an integrated, controlled or maintained school or on the basis of amalgamation, closure or changes in numbers — should always be treated entirely on merit. However, if the Education Authority is looking over its shoulder and knows that it has a duty to monitor the success of applications, that would clearly colour the approach that is taken. That is a flaw.

**Mr Stalford:** Will the Member give way?

**Mr Weir:** Yes.

**Mr Stalford:** Does the Member agree that, as well as that, the practical application of clauses

4 and 5 over time would be to scythe through controlled and maintained primary schools? There will be a temptation for boards of governors to apply for integrated status as they attempt to save themselves from the inevitable axe that would be a consequence of the implementation of the clauses, and we may see many more of the false conversions that the Member referenced.

**Mr Weir:** If we look at applications to change to integrated status, we see that a lot of them are merited and the bulk are genuine. However, particularly in the context of wider pressure on budgets and the need to transform area planning, there will be schools that do it. The first headline that came out today was about EA's broad assessment that roughly 200 primary schools in Northern Ireland have fewer than 105 pupils. Rightly or wrongly, a lot of those schools will feel threatened and that the axe is poised over them. If they see that a particular badging of their school — unfortunately, it would be a form of badging in some cases —

**Ms Armstrong:** Will the Member give way?

**Mr Weir:** Let me finish the point and I will give way in a moment.

There is a danger that some of those schools will simply grasp on to a transformation proposal and say, "We are an integrated school, and there is a duty to support such schools." Correctly or otherwise, they could feel much less vulnerable to any threat simply by adopting a label.

**Ms Armstrong:** Thank you very much. It might come as a massive surprise to all that I agree with Mr Weir. No school should try to save itself by relabelling as a different one. That is why we have the updated definitions of integrated education and integrated schools that came forward yesterday. However, as you know, it is not as simple as asking to become integrated: they have to go through a process that should winnow out those who are doing it to save themselves.

Later today, in the debate on a different group of amendments, we will talk about clause 7 and the introduction of new schools. If a community wants to retain a primary school, there needs to be a wider conversation in that community about what type of primary school it should be. I agree with you completely. We have a lot of small schools. I am on record as saying in the House that the only primary school that should be protected is the one on Rathlin.

**Mr Weir:** The Member and I are coming close to agreement on something. I do not know which of us will have to lie down in a darkened room afterwards, but we will cross that bridge when we come to it.

The Member says that there is concern that, at times, genuine desires to transform become muddled by schools that see it as a lifeboat to preserve themselves, falsely so. The problem is that clauses 4 and 5, simply by saying that there needs to be support for integrated education and for those proposals and by placing an onus on the Education Authority to monitor the success of applications, will create a pressure. It may be felt that the easiest route is to support an application, even if it does not merit it. It will create nervousness, maybe, at department level, and it may be felt, "Well, perhaps the safest route is to agree this, irrespective of what the merits are." That is a fundamental flaw.

Members from different parties have mentioned an inherent contradiction. Saying that, for a school to be genuinely integrated, there should be a reasonable community mix in the numbers of Protestants and Catholics but, in taking those decisions, making no reference to — indeed, explicitly ignoring — the demographics of an area is inherently contradictory.

**12.15 pm**

**Ms Armstrong:** Will the Member give way?

**Mr Weir:** I will give way briefly.

**Ms Armstrong:** I will explain that. There is a presumption in Northern Ireland that, if a person is brought up as a Catholic, that person must be a Catholic and want to go to a maintained school. There is a presumption that, if a person has grown up in the Protestant faith, that person is a Protestant. In fact, there are people such as me who do not want to be designated as anything. The religious demographics that are recorded assume that I am something that I do not want to be assumed to be. Religious demographics are a blunt tool to use. They are not as nuanced as the modern Northern Ireland is.

**Mrs Dodds:** Will the Member give way?

**Mr Weir:** I will give way to my colleague.

**Mrs Dodds:** First, will the Member remember to correct the record? There is no such thing as a Protestant school. There are state controlled schools. Secondly, will she accept that

sweeping generalisations, such as "Catholics go to Catholic schools and Protestants go to Protestant schools", are entirely wrong? I have been around for a long time. I went to a grammar school that, even in my day, was — naturally — a fairly integrated school. Why was it integrated then, and even more so now? My children went to the same grammar school. Why? It was a very integrated school, accepting pupils from all religions and all backgrounds, but they went there because it was a good school. That is what will drive parental choice.

**Mr Weir:** I take that point on board. It reflects what is quite often the case in a wide range of schools in the controlled sector but also the natural mixes that sometimes happen in the maintained sector. For example, at least about 35% or 40% of the pupils at St Columbanus' College in my former constituency have traditionally come from the Protestant community.

I take on board what Ms Armstrong says. If we are to make some assessment of the reasonable numbers test, however, and if that assessment is to be genuine, presumably it will not involve some confessional article of faith for each individual. With the greatest respect, schools, particularly primary schools, because, generally speaking, children go to the primary school in their local area, are likely to reflect the broad demographics of the area, so to say that those demographics are explicitly excluded from promotion somewhat beggars belief.

Clauses 4 and 5 are deeply problematic and deeply damaging. As the Minister has highlighted, a range of clauses in the Bill will place an unnecessary burden on schools, both because the consultation, by which I mean that direct engagement, is clearly already happening and information is being produced — indeed, structures are in place to ensure that it happens — and because, if we add unnecessary an burden to our finances for one sector and replicate what is already in place for it, we simply add to the pressures in education.

Anyone who has ever been in a position similar to that of the current Minister, and formerly me, knows that one of the greatest worries for Education Ministers — what sometimes keeps them awake at night — is the knowledge of where they are financially and of the pressures. It is not just an abstract concept. It is the knowledge that the lack of money means that we cannot make the maximum provision for our children. We should be looking to have the maximum front-line resources for all our children, irrespective of what school they go to, what religion or background they are from and

whether they come from a completely secular background or from another religion. That should be the driver. The Bill envisages placing additional burdens on schools. I therefore urge Members to join in opposing clauses 4 and 5 in particular. We are not simply removing a particular issue, but through the Office of Legislative Counsel and the Minister's amendment, we have something that is more fit for purpose and ensures that, with regard to area planning in particular, we have equality and a much more collegiate, joined-up approach. Surely that is a direction that all of us should look to go in when it comes to education.

**Mr Stalford:** I rise to indicate my support for the amendments of my party colleagues and my opposition to clauses 4 and 5 standing part of the Bill. At the previous stage, when the measures were being debated — and I am loath to quote him again, but I will — the Member for Lagan Valley Mr Butler indicated that, "with certain tweaks", the Ulster Unionist Party would find the provisions of the Bill acceptable. I accept that the sponsor of the Bill certainly provided the tiniest of tweaks possible because the word "promote" was replaced with "support", but the dictionary definition of the word "promote" is to "support".

**Mr Butler:** I thank the Member for giving way. I do not have a degree or an A level in English literature, and often I lean into the dictionary to get an alternative word, and it will give you 15 alternative words. However, when you read them, you will see that, in context, sometimes they do not fit the narrative, and in this narrative the word has been changed and an explanation of the word has been given. So, when anybody reads the Bill, they will not have to go to the Oxford dictionary to see what the word means; it is given in the legislation. So, it is a moot point.

**Mr Stalford:** Promote means support and support means promote. The Member for Lagan Valley can dance on the head of a pin all he likes because the truth of the matter is that the Bill sponsor gave him nothing.

**Mr Lyttle:** Will the Member give way briefly, please?

**Mr Stalford:** No.

**Mr Lyttle:** Wise up, Chris.

**Mr Stalford:** I will give way later. Would you calm yourself? The Member needs to calm himself.

**Ms Armstrong:** Will the Member give way?

**Mr Stalford:** I shall give way once I make some progress. The Member needs to calm himself.

Support means promote, and promote means support. The Member can dance on the head of a pin all he likes, but let us be honest about the change that has taken place. In a previous debate, the Member for Upper Bann Mr O'Dowd gutted the content of the Bill and went through it clause by clause indicating how it was unacceptable. Other Members did the same, so how did we get to this point? Optics. This is for optics.

Parties that recognise the fundamental problems contained in clauses 4 and 5 are terrified to follow through on their convictions that they expressed in previous debates on the clauses for fear of being perceived to be against our children being educated together. I say to them that it is perfectly compatible to oppose the provisions of these clauses, which will raise one sector above others. It is perfectly compatible to oppose clauses 4 and 5 and still believe in our children being educated together.

Mr Gerry Campbell, the chief executive of the Council for Catholic Maintained Schools spoke on the issue and described it as a Bill that might create a "two-tiered" education system.

Bishop Donal McKeown said that it was:

*"in many ways, a very radical piece of legislation and a very narrow piece of legislation."*

He went on to say:

*"All our schools intentionally promote and improve on an ethos of diversity and so on. The Bill simply says that that can be promoted in only one sort of school."*

According to its content. That is my addition.

Mr Campbell said that:

*"Catholic education is naturally inclusive and provides the opportunity for holistic growth, academic excellence and achievement for all. In a mature society, it is essential that parents, carers and learners have the freedom to exercise the right to articulate a preference for the school that best meets their needs and philosophical beliefs."*

The delegation from the Transferor Representatives' Council (TRC) included Dr

Andrew Brown and Karen Jardine from the Presbyterian Church in Ireland, Dr Peter Hamill from the Church of Ireland and Dr Anita Gracie from the Methodist Church in Ireland. Dr Gracie said that TRC is very much in favour of "educating the whole community together" and added that:

*"controlled schools in areas of high ethnic and cultural diversity have become the most diverse school communities of any sector."*

As a representative for South Belfast, I can attest to just how true that is. Just because a school does not have the word "integrated" on the sign over the door does not mean that it is not an inclusive school or that the children who go to it do not enjoy an inclusive educational experience that exposes them to other identities, cultures and traditions.

In its submission to the Committee, the Transferor Representatives' Council said that:

*"To have a strategy for just one sector would create an imbalance, and focus valuable and scarce resources on one aspect of education, to the potential detriment of other children and young people in other sectors. Funding should be fair for all sectors and not be dedicated to only one sector. Funding might be better directed to targeting educational underachievement and seeking better educational outcomes across the school system, rather than focusing on one sector in particular."*

The entire purpose of this legislation is to focus on one sector in particular. During earlier debates, the sponsor of the Bill — I am happy to give way and be corrected if I am wrong. If I am quoting you wrongly, I apologise, but I think on one occasion you said, "I am here to speak for the integrated sector". The sponsor of the Bill has never hidden the fact that she is here to speak for the interests of one sector. That is what lies at the heart of this Bill.

**Ms Armstrong:** Will the Member give way?

**Mr Stalford:** Certainly.

**Ms Armstrong:** For clarity, I draw to the Member's attention the fact that page 1 of the Bill says:

*"A BILL TO Make provision about integrated education; and for connected purposes."*

It is not in the scope of the Bill to talk about any other sector. That has been explained to me



legally. The name of the Bill is "Integrated Education Bill".

**Mr Stalford:** I do not dispute that. I suppose that I am trying to cut to the motivation rather than to the content, but I will get back to the content.

There is no doubt that this piece of legislation exists for the promotion of one sector. In my view, although not necessarily in the view of the Bill sponsor, that can only mean that it will be to the detriment of other sectors. That is particularly the case in the context of the announcement that we heard today that we need 2,000 special educational needs places in Northern Ireland. There are 200 schools that face closure because of the numbers, most of which are in rural communities. I wonder how many of those schools that are facing closure are in Strangford. We are dealing with finite budgets and all sorts of problems that are much wider than the integrated sector, and it is surely jumping the gun to try to ram this legislation through without considering the findings of the review of education, to which every party in this Chamber is committed.

I will go back to what the Transferor Representatives' Council said:

*"The TRC regrets the perception created by this policy objective that sectors, other than the integrated sector, are not inclusive. The TRC would be interested to learn more about the engagement the Bill sponsor has had with the Initial Teaching Training providers on this specific proposal, and evidence which suggests that student teachers are not receiving instruction on how to be inclusive."*

That was thrashed out a bit in the debate last night. There was an admission that the ethos of schools would be investigated to ensure that they were conforming to the expectations of the Bill sponsor. I have yet to see a school, anywhere in Northern Ireland, in which children have been inculcated in anything other than respect, tolerance and appreciation of diversity. It is unfair to the teachers — hard-working professionals — in all of the other sectors to suggest that those worthy goals can only be achieved through the vehicle of one sector, or that they can be achieved in a better way through the vehicle of one sector. I do not accept that.

**12.30 pm**

**Mr Lyttle:** I thank the Member for giving way. A previous DUP leader described education in Northern Ireland as benign apartheid.

**Mr Stalford:** The Member's solution for that would be to promote one sector over all others, rather than for us striving for the worthy goal — I assume that we all believe in this goal — of trying to create a single educational aegis in which all our children are educated together. You will not achieve that goal by putting the integrated sector on steroids and promoting it to the disadvantage of everyone else. That will not achieve the goal. However, on the general principle, I absolutely agree that we should have a single educational sector that respects and values people's differences, but that goal of breaking down those divisions will not be achieved by this measure.

**Mr Lyttle:** I thank the Member for giving way. I want to ensure accuracy. A lot is being said about the Bill's purport. It proposes to identify, assess and aim to meet demand for parental and pupil choice for integrated education. How does he propose that we educate children together? One proposal to advance that is through identifying, assessing and aiming to meet parental and pupil demand for integrated education. A lot has been said about the Bill. It is one attempt. What is his attempt? What is the DUP's proposal to advance children being educated together? It keeps saying that that is what it wants.

**Mr Stalford:** There are two points. It does not say "aiming to meet"; it says "aiming to increase". The Member should read the Bill; it says "aiming to increase the demand". The Member knows the way in which increasing the demand will come about. I can think of situations where long-standing schools that have delivered quality education —

**Ms Armstrong:** Will the Member give way?

**Mr Stalford:** No. Just let me make some progress.

Good-quality schools have been delivering —

**Mr Lyttle:** *[Interruption.]*

**Mr Deputy Speaker (Mr McGlone):** Sorry, there should not be any comments from seated positions while Members have the Floor.

**Mr Stalford:** It demonstrates a deficiency in his argument that he has to resort to such behaviour, Mr Deputy Speaker.

**Mr Lyttle:** It demonstrates that you will not let me in.

**Mr Stalford:** I beg your pardon?

**Mr Deputy Speaker (Mr McGlone):** Sorry, I said that there should not be any comments from seated positions, please.

**Mr Stalford:** The Member has been here for much longer than I have. He really should know good manners.

The Bill refers to:

*"aiming to increase the demand for the provision of integrated education".*

I can point to examples around the place where long-standing controlled primary schools seeking new buildings do not get the new buildings, but the nearest integrated school gets a new building because of the existing obligation on the Department to promote integrated education. That is an advantage that the local controlled primary school does not enjoy. Due to the provisions that already exist — when you provide new buildings and facilities, people vote with their feet — the integrated school will grow, but the existing school, which has been providing education for generations in an area, will wither and die. I have seen examples of that happening because of the existing provisions, but the Bill says that those provisions, which exist in law, to promote integrated education do not go far enough.

If the legislation is passed, the consequences will be to discriminate against controlled and maintained schools. Rural constituencies, in particular, face all sorts of challenges in terms of school provision and numbers. I urge Members not to pass clauses 4 and 5. We all signed up to the review of education. The Alliance Party claims great credit for getting that in to New Decade, New Approach. Let that run its course. Do not jump the gun. There is a place for integrated education, but it should not be at the expense of controlled or maintained schools.

I will finish with this point. I am a parent. Parents have the right, and should continue to have the right, to send their children to a school of their choice. Fundamentally, clause 5 represents a threat to that right.

**Mr Allister:** In clauses 4 and 5, we come to the very heart of the Bill and can see clearly what it is trying to do, because it is here that we have the introduction of the singularly distinctive

notion of promoting one sector over the others. Our starting point should be to remind ourselves what article 3 of the Education Reform (Northern Ireland) Order 1989 says:

*"It shall be the duty of the Department—*

*(a) to promote the education of the people of Northern Ireland".*

That is a generic and non-discriminatory requirement. It is one that applies to us all. The first duty is:

*"to promote the education of the people of Northern Ireland".*

The Bill radically deploys the language of promotion, which, of course, is proactive and applies it singularly to one sector of education. In doing that, it sets that sector apart and does so out of necessity, because you cannot promote one sector without setting it apart from all others. Whether you call it "promote" or "support", frankly, makes little difference.

In the coming weeks and months, other party leaders and I will go around this country promoting or supporting our candidates. What is the difference? To promote or support is to seek to give advantage. That is the essence of what is at play.

**Mr Lyttle:** Will the Member give way?

**Mr Allister:** When I have dealt with this point, I will give way.

I would say that, in fact, to "support" means more than to "promote", if you want to be semantic, because, to me, it suggests actively encouraging the giving of assistance. The whole essence of "support" is to give assistance. Therefore, when we say that for one sector and one sector only, does it mean that there is a requirement to give support and, if support includes giving assistance, that that includes elevated financial assistance? Is that really where we are going with that language of "promote" and "support"?

**Mr Lyttle:** I thank the Member for giving way, unlike some other Members, regrettably. We do not have to speculate on or debate what either "promote" or "support" means: the clear proposal in the amendments — I thought that it was amendments that were debated at Consideration Stage — is that it would mean to identify, assess and aim to "meet" demand for integrated education. DUP Members and Mr Allister are in opposition to identifying,

assessing and aiming to meet parental and pupil demand for integrated education.

**Mr Allister:** I will deal with that. Whatever word you wish to use — "support", in the way in which you say that it is defined, or "promote" — in clause 5, we identify what the practical meaning of that is. It is a practical meaning, however it is expressed, that is exclusive to one sector. That is the point. It is in respect of only one sector that the clause wishes to identify, assess and monitor, all with the aim of meeting or increasing the demand for integrated education.

**Ms Armstrong:** Will the Member give way?

**Mr Allister:** I will give way when I deal with this point. It is only in that one sector that we are giving that privilege. That is why clauses 4 and 5 create a hierarchy in education. Yesterday, I asked why it was necessary to give that hierarchal preference to one sector and not to others. That is the deliberate, conscious intent of clauses 4 and 5.

**Ms Armstrong:** I thank the Member for giving way. I have not made this up. The UN Committee on the Rights of the Child has also called for the active promotion of a fully integrated education system and careful monitoring of shared education provision to ensure social integration. Recommendations were made to the UK Government in 2002, 2008 and 2016 to facilitate compliance with children's educational rights under the United Nations Convention on the Rights of the Child, UNCRC, which came into force in the UK in 1992. The UN Committee asked for the active and proactive promotion of a fully integrated education system. I have not made that up. I am reacting to international reports and to other reports that have come forward in Northern Ireland.

**Mr Stalford:** Will the Member give way?

**Mr Allister:** If the United Nations, of whatever vogue, invites me to discriminate, I am sorry, but I will disappoint it in my approach to this matter. I will give way to Mr Stalford.

**Mr Stalford:** The important word in the sentences that were just spoken by the sponsor of the Bill is "system". The Bill is not about the development of an education system; it is about putting one education sector on hyperdrive at the expense of all the rest.

**Mr Allister:** Under the 1989 Order, we already have an education system that has a duty to "encourage and facilitate" integrated education. Obviously, that is not enough for the sponsor and her supporters. They want that sector, which is already feted with encouragement and facilitation, to be given more. What is the more? It is promotion and support; in fact, it is support to the point that clause 5(b) states that the Department must provide "sufficient places" and "meet the demand". Integrated education is to be demand-led. That does not apply to any other sector; only the integrated sector is to be demand-led. How does that not create preference and hierarchy for the integrated education sector. Of course, it does. That is the intent of the Bill. That is why the Bill is undeserving of the support of the House. In fact, it is undeserving of the ethos of the Alliance Party.

One of the dangers of wiling away the time here, waiting to be called to speak, is that you think of looking up things. I thought that I would take a look at the Alliance website and read the Alliance Party's vision statement. How apt it is. It states that the party believes:

*"in a shared society, free from ... discrimination"*

— except if you happen to be the controlled or maintained sector, it seems —

*"where everyone is ... treated fairly"*

— except if you are the controlled or maintained sector, it seems. Even by the standards of the Alliance Party, the sponsor's party, which are to treat everyone fairly, free from discrimination, the Bill fails the test, because it does not treat other sectors fairly. It advances, promotes and supports one sector above others. In doing so, it creates a discriminatory hierarchy in the education sector.

That is something that the House may well, in pursuit of the optics, as Mr Stalford said, embrace, but, in embracing that, it does no service to the education of our children or to fulfilling the primary duty of the Department towards the education of all the people of Northern Ireland. That really is the essence of the matter.

**12.45 pm**

The Bill talks of:

*"providing sufficient places in integrated schools to meet the demand for integrated education".*

We are going to change that to "aim to meet". Again, are we not playing with words? If there is a duty, "providing sufficient places" is its starting point. The aim is what has to be delivered. Again, nowhere else is that facility and leg-up given to any other sector. That inevitably will lead to privileged and additional — in comparison with others — expenditure on that sector. To meet that need and facilitate everyone who applies to Lagan College, Slemish College or wherever in getting a place, you will have to increase the facility and the financing of those schools. It is a passport to privilege for the integrated sector. That is the fundamental flaw in the Bill.

**Mr Lyttle:** I thank the Member for giving way. That is a misrepresentation of the Bill. He referenced the key aim to promote the education of the people of Northern Ireland: for me, the heart of the Bill is about assessing, identifying, and meeting what the people of Northern Ireland want from education. In particular, as he said, it is about ensuring that we identify, assess and aim to meet the demand of parents and pupils who wish to access integrated education, given the difficulty that they have in accessing it at the moment. Surely, that is consistent with the key aim that he set out for the education of the people of Northern Ireland.

**Mr Allister:** When you say, "We want to facilitate the parental choice of those who want to access integrated education by guaranteeing them places", you prioritise meeting their parental choice over meeting the parental choice of those who choose every other sector. If the parental choice is to go to a maintained school, an Irish-medium school or a controlled school, there is no special privilege and no statutory obligation — that is what it is — to provide the places. However, if you want to go to an integrated school, the state will provide you with a statutory guarantee of access to that facility. That is social engineering. That does not afford a generic and equal system to all.

**Ms Armstrong:** I thank the Member for giving way. As part of the work that I have done over the years on the Bill, I have considered how it works, especially from primary to post-primary schools. To assure him, when I spoke to many parents, two sectoral bodies and two different parts of the education landscape, it was confirmed that parents put down their preferences on their transfer papers. If

someone has identified an integrated school and is not lucky enough to get into that school, there is no other integrated option to choose from; the rest of the options are maintained and controlled. I imagine that I could agree with Mr Allister if integrated education was provided and there was lots of availability across Northern Ireland, but the simple fact is that, when a child is not able to get into their local integrated school, it is very unlikely that they will stay in the integrated sector. They will have to go, against their parents' preference, into another sector. They will receive an excellent education, but the parental preference is not provided.

**Mr Allister:** The way to deal with that is to not create privilege and special status for one sector. The Member seeks to say, "You will not be disappointed any longer about not getting into Lagan College. The Department and the Education Authority will make sure that there are an extra 200 places. They will make sure that the funding is provided for it. They will not make sure that there are an extra 200 places in the local high school, grammar school or anywhere else, but they will make sure that there are an extra 200 places in that specific sectoral school".

**Mr Stalford:** Will the Member give way?

**Mr Allister:** That is not treating people equally; that is honouring, at whatever cost, the parental choice of some while denying the parental choice of others.

**Mr Butler:** Will the Member give way?

**Mr Allister:** Mr Stalford first and then Mr Butler.

**Mr Stalford:** I am grateful to the Member for giving way. Earlier in the debate, Mr Newton, a colleague of mine from East Belfast, referenced some research that was produced by the Assembly that said that — this is what I remember, and I am happy to correct the record if I am wrong — in excess of 95% of people who indicated a preference for an integrated school place got one. Secondly, does the Member agree that, when it comes to the allocation of places, it is wrong for integrated post-secondary schools to discriminate against children who did not go to integrated primary schools?

**Mr Allister:** Yes. That appears so. The Bill will do nothing about that. That is clear.

Mr Butler, I think, wanted an intervention.

**Mr Butler:** I ask the Member to come back to me in a minute or two, if that is OK. I will indicate when I am ready.

**Mr Allister:** I am probably drawing to a close.

**Mr Weir:** Will the Member give way?

**Mr Allister:** Do you want me to keep it going until 1.00 pm? *[Laughter.]* Do not encourage me.

Yes, Mr Weir.

**Mr Weir:** The Member has raised preferential treatment and has indicated the financial implications. One of the things that have not been mentioned about resources is that, while the focus has been on the direct shift of the pupil premium and the additional in-year budget needs, where there are significant increases in numbers at a school, there will be capital implications. In the same way as a resource shift will take money from other schools to their detriment, if additional capital is required to build extra facilities such as classrooms or whatever, that will be taken out of the capital budget, which will be detrimental to every other school budget.

**Mr Allister:** I follow that, and that is absolutely right. Of course, once you provide privilege to some, you have to disadvantage others out of the limited and finite budget that the Department has to operate with. When you say, "give advantage" to the integrated sector, you effectively say, "and balance it with disadvantage to the others", and that is what the House has been asked to embrace: disadvantage for some and advantage for others.

**Mr Butler:** I thank the Member for giving way. To be fair to him, the Member, unlike the Members behind and beside me, refers to the amendments. The Members behind and beside me seem to refer implicitly to the Bill as it was tabled. You have raised a really good point and one that I agree with about how schools in the controlled and maintained sector would be treated if an integrated school did not have the number of places. However, there is an important amendment — it is amendment No 22, which Mr McCrossan will move — that takes away religious demographics and spare places at other schools, which means that no other school would be disadvantaged in that case.

**Mr Allister:** We have not heard any indication from other parties in the House whether Mr

McCrossan's amendment, which he may not even move, as he did yesterday, is acceptable or whether it is acceptable to the Bill sponsor. We do not know that. I would not put too much faith in that amendment doing much. It certainly cannot rescue the fundamental issue of clauses 4 and 5: their elitism.

Clauses 4 and 5 are all about elitism. They are about advantage in order to disadvantage. That is why that is an unworthy heart of a Bill that itself is deserving only of rejection. On a day when area planning announcements are made on the premise of our existing provisions, along comes a proposed change in legislation that will alter all of that, adding hugely to costs and redefining all future planning. It gives no consideration to anyone or anything but the cherished, privileged and elite group of the integrated sector. That is wrong.

**Mr Deputy Speaker (Mr McGlone):** The Business Committee has arranged to meet at 1.00 pm. I, therefore, propose, 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 to the Minister for Communities.

*The debate stood suspended.*

*The sitting was suspended at 12.56 pm.*

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

2.00 pm

## Oral Answers to Questions

### Communities

**Mr Principal Deputy Speaker:** I advise Members that questions 1 and 12 have been withdrawn.

### Emergency Fuel Payment Scheme

2. **Mr M Bradley** asked the Minister for Communities how many applications have been processed for the emergency fuel payment scheme, which opened on 6 January 2022. (AQO 2966/17-22)

7. **Ms Kimmins** asked the Minister for Communities for an update on the emergency fuel payment scheme. (AQO 2971/17-22)

**Ms Hargey (The Minister for Communities):** With your permission, Mr Speaker, I intend to answer questions 2 and 7 together. The unprecedented energy prices this year and, indeed, last year have meant that those who are already struggling financially are facing added pressures. I am aware that, without additional support, many individuals, particularly those on low incomes, may struggle to heat their home or pay their energy bills. That is why, on 13 January, I announced that I had secured £55 million for an energy payment support scheme for individuals on low incomes who are struggling to meet the rising energy costs owing to the global fuel crisis. The scheme provides for a one-off payment of £200 to be made automatically, without the need for an application, to around 280,000 eligible individuals who are in receipt of specified benefits.

I also recognised that there was a need for a smaller complementary fund to be delivered quickly for people who are in immediate crisis: people and families who are at risk of disconnection or who have been disconnected; and people who need immediate help. On 29 December, I was therefore delighted to announce that my Department will contribute £2 million to an emergency fuel payment scheme that is operated by Bryson Charitable Group. The scheme is a collaboration among the Utility Regulator, the Consumer Council and a number of energy providers. I thank all those

organisations for their work on, and contributions to, the scheme.

The scheme will deliver targeted emergency support to those in fuel crisis and who have a temporary inability to meet their fuel costs. As at the close of play on 14 January, 2,358 applications had been made, of which 1,323 applications had been validated and found eligible, and 1,098 applicants had received their fuel payment. Bryson Charitable Group expects to process around 300 to 400 applications a day, although that will be subject to constant review.

**Mr Principal Deputy Speaker:** I ask the Minister to pause there. She will be able to give the rest of the information in answer to a supplementary question.

**Ms Hargey:** OK.

**Mr M Bradley:** I thank the Minister for the comprehensive answer. Perhaps we will hear the rest of it later.

Minister, it is my understanding that over 300,000 homes throughout Northern Ireland are eligible, yet only 300 applications are being processed each day. People are experiencing frustration when they try to get on to the website or get through by phone. I think that we will be in this situation for some time to come, so is it apt for you to look at setting up a multi-agency task force to deal with the problem immediately and on an ongoing basis?

**Ms Hargey:** I look at the ongoing issues. I have met representatives from a variety of organisations, and simply setting up a task force will not deal with the immediate problem. We have fuel poverty in our society, and we are looking at action plans and the housing revitalisation programme to start to address the longer-term, systemic issues, but, at this point, we are also in a global fuel crisis. Those other programmes will mitigate the impact, but they will not overcome the issues that we face. The bigger issue is that the Bryson Charitable Group scheme was intended to target only 20,000 individuals, and it was always to be in addition to the £55 million scheme, which will target 280,000 individuals over the next period.

We have also paid out the winter fuel payment to just under 300,000 pensioners. Those payments went out in November and December. We have other supports, such as the discretionary support scheme, for those who find themselves in crisis, but we also need to see larger government responses. The

Finance Minister wrote to the British Government about the removal of VAT on energy bills. I have been pushing for us to press the British Government again for a response. The Economy Minister has responsibility for energy policy, and a paper on that is out for consultation at the moment. We are going to the British-Irish Council meeting on 4 February to look at the rising cost of energy. We will make those specific asks on VAT and other issues at that meeting.

**Ms Kimmins:** I thank the Minister for such a comprehensive answer. With the unprecedented pressures from the spiralling fuel costs that we are all seeing, the schemes that she mentioned are very welcome and important to support and assist people and families who are struggling at the minute with the cost-of-living crisis. On your last points, Minister, would you, therefore, agree that this cost-of-living crisis that we are all witnessing and experiencing is so significant that it is at a level where we need to see urgent action by the British Government?

**Ms Hargey:** Definitely. Somebody is making profit out of these rising costs, and it is not people who are living here. Obviously, people across the globe are struggling. That is why governments that have the necessary tax powers have to take further action. As I said, the Finance Minister has written to the British Government about VAT. That is one quick way that people would see an impact on their bills, and it would apply to all households that pay bills. Many organisations in England, Scotland and Wales have been calling for that. It was discussed at the Executive meeting last week. I hope that, as a united Executive, we can continue to put that pressure on the British Government to act in that regard.

**Mr Allister:** If someone successfully applies to the emergency fund, are they then also eligible for the energy payment support scheme? Is there any household limit in respect of either scheme?

**Ms Hargey:** If you are applying for the Bryson scheme, you will still get the automatic payment, because the Bryson scheme is to deal with an immediate potential threat of losing fuel support or being cut off or disconnected. As part of the process of applying for that, applicants have to provide evidence. Bryson has been working to make that better understood in advance of someone making an application. That system is being developed as the scheme begins to roll out.

On the other hand, with the other payments, my main function was to target those on the lowest incomes, and that would be those in receipt of means-tested benefits. That is 281,000 individuals. They will be the ones who will receive a direct payment of £200 without application, which will be paid directly into their bank or Post Office accounts, or whatever accounts they highlighted to receive their benefits.

**Mr Catney:** Thank you, Minister, for your answers so far. Would you accept that failure to communicate details of the £2 million emergency fuel scheme before its launch resulted in widespread confusion and frustration?

**Ms Hargey:** I agree that some media coverage has led to an expectation or perception. Of course, there is learning in terms of front-loading the information, even on the system. The Department, in working with Bryson, has been quickly adapting to that.

Some may have heard the head of Bryson on the radio this morning talking about the unprecedented demand. A scheme that is targeting 20,000 people, with 280,000 trying to contact it, will never be fit for purpose in that way. It was never intended to do that. The larger fuel support scheme of £55 million is to try to get to as many households as possible.

I tried to extend that scheme, for example to look at the issue of tax credits, but because that is a reserved matter, it has to be for HMRC to advise. When we requested that it make the payment, it said that it could not make the payment; it would need a change in primary legislation, and that would be done outside this financial year, when the money needs to be spent.

**Mr Allen:** The Minister and her colleagues highlighted the unprecedented scale of the cost-of-living crisis that we are facing. We are all of the mind that that will last for many years, unfortunately. Will the Minister outline the Department's long-term strategy to deal with that? As such, has it given consideration to the introduction of the warm homes discount?

**Ms Hargey:** There is obviously the fuel poverty strategy, which is about warmer, healthier homes. We will be looking to upgrade the strategy, and that is one of the key areas that we will be looking at over the next period. As I said previously in the Chamber — I know that the Committee has heard it as well — we want those to align with the Executive's energy

strategy and the green growth strategy in looking at the holistic issues. I know that some of those have been produced, so my officials are engaging with officials in DAERA and in the Department for the Economy to bring forward a scheme.

Of course, we are engaging with sectors. I have met a number of organisations. In terms of the immediate crisis, we have received numerous pieces of correspondence from different organisations that want to help. We are looking at what we need to do over the next period. Of course, the whole area around the housing revitalisation will be a fundamental piece in ensuring that homes are fit for purpose, because there has been decades of underinvestment, for example, in Housing Executive stock, where energy is just being released. It is about that whole system and the fundamental approach in looking at this. Of course, we continue to engage the Utility Regulator, the Consumer Council and others as we start to move forward on those longer-term, systemic areas.

**Mr Principal Deputy Speaker:** I appreciate that other Members are rising in their place, but we are 10 minutes into Question Time now, so I am going to move on.

### Platinum Jubilee: Grant Scheme

3. **Ms Bunting** asked the Minister for Communities whether she will introduce a grant scheme for community organisations to celebrate Her Majesty The Queen's platinum jubilee. (AQO 2967/17-22)

**Ms Hargey:** As with all Departments, the resources available to the Department for Communities are extremely limited. I will continue to prioritise the resources that I have towards protecting the most vulnerable and providing support to hard-pressed families, workers and their families. Therefore, I have no plans to introduce a grant scheme related to the Queen's platinum jubilee. However, community organisations may be able to apply to existing funding schemes for financial support towards programmes or activities. DFC provides funding to the 11 councils for the community festivals fund, and councils provide match funding and administer the scheme on behalf of the Department. Organisations may be able to apply through that resource.

**Ms Bunting:** Does the Minister recognise that many far beyond unionism respect and admire Her Majesty and would participate in community celebrations? Does she see that this is an

opportunity for community cohesion and would bring some light to a very terrible situation for those vulnerable people to whom she referred? Does she understand that this is international and historic and so is bigger than local government? Why will she not establish a fund?

**Ms Hargey:** Of course, there are many people here who see the British monarchy in a very respectful way and who support that, and, of course, the jubilee is a key occasion. As you say, it is of a much larger scale, and that is why, up until now, the responsibility for funding and putting resources in place to mark these events has been with the British Government.

There are many events in our community and across society that we could mark if requests came to my Department to do that. I have to manage all those with the budget that I have and consider the need. We are talking about a fuel crisis. We have pressure around homelessness services. We have pressures in our community and voluntary sector as well, and I have to prioritise where I put resources. I do put money out on an annual basis through the community festivals fund that goes to local government, and that is how I allocate money to mark events across the board. Money does go out, but it goes via local government. There is no central fund to fund any of these programmes, whether it is a jubilee or any other key event that may be important to sections of our community. Therefore, I ask organisations to contact their local councils, or, indeed, the British Government, who have been running out programmes to mark this event.

**Mr O'Dowd:** Minister, I preface my question by saying that I respect the right of those who wish to celebrate the jubilee later this year. In response to Joanne, I also respect the Queen. I think that she has played a positive role in the peace process and in reconciliation on the island of Ireland. However, you have just spent the start of Question Time outlining the problems and the crises faced by many families across our entire society. Minister, is it not a priority to ensure that those who have least are given protection at this time, rather than using funds in this way? I know that Craigavon council is spending £250,000 on jubilee celebrations.

I will come to my point. Minister, is it not the priority at this stage to support those families that are most in need?

**Ms Hargey:** Totally, the Queen has played a positive role and is a very important figure to a large section of our community here.



I have no doubt that, funding or no funding, they will mark and celebrate the occasion across the board.

**2.15 pm**

My priority — I have been consistent on this — is to protect the most vulnerable in our communities through targeted funding. That is not to say that events like that do not have a role. However, I direct funding to councils for the celebration of festivals and occasions. I do that for a number of programmes. I have been approached about a number of significant events that sections of our community feel are important, and they have been directed to the same local government process. The funding that I retain in the Department is used to focus on protecting services around fuel, which we have been looking at, housing and homelessness and the organisations that work with those who face financial hardship at this time.

**Mr Allister:** The Minister is styled as the "Minister for Communities". Why is it, then, that, when it comes to issues such as this, she can never face the plurality of that title and take off her republican blinkers and recognise that her duty to all communities is to fund such matters? This is a Minister who squandered millions on golf clubs.

**Ms Hargey:** I am the Minister for Communities, and I know and have been to many communities in which the people come from a unionist or, indeed, a British tradition and have respect for The Queen. Their key issues at this time are the cost-of-living crisis, education, health and homelessness. Of course, those are the issues to which I respond. I have delivered schemes right across the board and right across all communities, and I have never looked once at their background, unlike some who ask questions about someone's religious background. I deliver schemes across the board to those who need them most. That is what I will continue to do in the time ahead. We are in a cost-of-living crisis. We have spoken about the fuel crisis. That is my priority at this time.

**Mr Allister:** [*Inaudible*] centenary in Belfast.

**Mr Principal Deputy Speaker:** Order. Members have the right to ask questions, and the Minister has the right to expect to be heard.

## Strathfoyle Greenway

4. **Mr Delargy** asked the Minister for Communities for an update on the Strathfoyle greenway project. (AQO 2968/17-22)

**Ms Hargey:** I was delighted to recently announce that my Department will provide funding of £440,000 towards the Strathfoyle greenway project. My Department has been investing in the urban greenway network for several years. Supporting the Strathfoyle community greenway is a natural extension of that work and adds to my Department's excellent track record of developing those types of projects. The 2.7-kilometre extension to the popular Waterside greenway will link Stradowen Drive in Strathfoyle to Derry city centre and the wider greenway network. It will also provide a commuting route to Foyle port and Maydown.

I can advise that the full funding package is now in place, and Derry City and Strabane District Council will lead on delivering the greenway in partnership with my Department, DFI and DAERA. The project is a great example of the partnership between various Departments, the council and, indeed, local communities. At present, the procurement process for a contractor is under way. It is anticipated that the contractor will be appointed in February, with construction beginning in March this year.

**Mr Delargy:** I thank the Minister for her answer and her commitment to the project. It will be fantastic to see that in Derry, given the benefits for not just people's health and well-being but connectivity, which the Minister mentioned. I will be pleased to see it. The Minister highlighted the collaborative work between local government and the Assembly. Are there any other similar projects in the Foyle constituency?

**Ms Hargey:** We have a number of projects in the north-west, including the Harbour Square public realm project, the inner walled city public realm project and the Strabane town centre public realm project. A number of schemes and initiatives are under way, and a number of planned schemes are being looked at. Of course, we are also looking to take forward larger schemes such as Fort George and other initiatives.

**Mr Durkan:** I thank the Minister for her action. I was delighted to hear the announcement about her approval of the final piece of the funding jigsaw for that project, which has been years in gestation. Now we just have to put all those pieces together.

This is, as others said, a great example of cross-departmental collaboration and work with

the council and the community. Will the Minister undertake to continue to work with other Departments to ensure delivery for our rural communities?

**Ms Hargey:** Definitely. There has been excellent work over the past two years through the conversations that I have had with the Infrastructure and AERA Ministers. We have collaborated and put together money that is targeted at rural settlements and communities, and we have done a few programmes on the COVID response. This programme is an extended part of that partnership, and I want to continue to work with those two Departments in particular and, indeed, any Department to look at how we can share resources to really meet the needs of local communities. The partnership has been really good, and I want to continue to see that develop in the time ahead.

## Casement Park

5. **Mr Chambers** asked the Minister for Communities to outline the outcome of any discussions her Department has had with the GAA regarding the additional funds required for the redevelopment of Casement Park. (AQO 2969/17-22)

**Ms Hargey:** The Member will be aware that a judicial review (JR) has been taken against the Department for Infrastructure's decision to grant planning permission. The draft full business case of November 2019 identified potential increased cost estimates due to delays to planning approval, construction inflation and repeated design stages. This increased cost estimate will now need to take account of any delays as a result of the judicial review. Discussions have been taking place and will continue with the GAA in respect of all those and associated matters, including the apportionment of any projected increased project costs. Currently, there is no proposed change to the £15 million contribution already committed to the project by the GAA.

**Mr Chambers:** Minister, there is a growing perception in some soccer circles, which I am sure is misplaced, that the delay in releasing funding under the subregional stadia programme is linked to the ongoing Casement Park funding situation. Given that the Minister indicated last summer that release of the subregional funding was close, will she give any reassurance of a timely sign-off in this mandate of this funding?

**Ms Hargey:** There is no connection between the two issues other than they deliver sports for

local communities. I have a brother who is involved in soccer programmes, so, from his work in Belfast, I see at first hand the role that sport plays for young people, particularly men, in communities. There had to be a refresh exercise of the subregional stadia programme because its initial proposal was over a decade out of date. Even the most recent consultation in 2016 was almost five years out of date when I came into post, so I needed to do a refreshment exercise. We are looking at the analysis of that. In particular, we are looking at the impact of the pandemic because I started that exercise before COVID had fully hit, and, obviously, the pandemic has had an impact not just on football but across all sports. I am still considering that information, and I am hopeful that I can move as quickly as possible after that.

**Miss Reilly:** Minister, the redevelopment of Casement Park will be a significant investment and will provide a much-needed economic and cultural boost to west Belfast. Do you agree that that is exactly the type of tangible and transformative investment that people want to see the Executive delivering?

**Ms Hargey:** Definitely. I played in Casement Park as a young camóg, as, I am sure, you did. We see the grounds sitting as they are at the moment, and a generation of Gaels and, indeed, those who play other sports have come up not having had the experience. You can see the wider community benefits that the developments at Windsor and Kingspan have had. There are benefits for the sports concerned and the clubs from a grassroots level right up to a more competitive level, and there are benefits to health and well-being. There are benefits to the local economy not just through construction but through the fact that businesses will be driven to an area like this because of footfall. We can see our transportation system being aligned to developments such as this. When Casement is built, it will have positive benefits not just for west Belfast or Belfast but across the North.

**Mr Buckley:** I agree with the Member for North Down's call for urgency in the delivery of the subregional stadia funding. There is no doubt that the hampering of funding is affecting the progression and modernisation of many local clubs. The Minister will know that, with costs for the eventual end-project delivery of Casement Park spiralling, there is, rightly, a call for increased funding from the GAA. Does the Minister agree with her stand-in and predecessor, Carál Ní Chuilín, who said that it was no longer "tenable" for the GAA to hold the

position that it would not increase its funding allocation?

**Ms Hargey:** I will continue to engage with the GAA on a range of matters pertaining to the redevelopment of Casement Park, and I will continue to keep that under review.

**Mr Lyttle:** Football clubs across Northern Ireland are delivering high-quality grassroots participation and performance football, including high-quality games screened live by international broadcasters to a worldwide audience, such as the fantastic game between Cliftonville and Glentoran last night. They are doing so, however, in decades-old facilities that have had no public investment. Will the Minister assure the House that the subregional stadia funding that is so dearly needed will be released prior to the end of this mandate?

**Ms Hargey:** The funding for the subregional stadia is still there, and that will continue to be the case. I am working at pace to look at the issues. Football and the stadiums make a real contribution to communities. Some are in a state of disrepair, which you see when you visit them, and I recognise that the £36.2 million that has been allocated will not be anywhere near enough.

I have always spoken about the potential need for a stage 2, which would look at other sports too, because demand is coming from rugby and other sports and, indeed, Gaelic games at grassroots level. We will continue to keep that under review. I am moving at pace on the refreshment exercise that was done, taking into account in particular the impacts of COVID and any new types of stadia design that may need to be looked at. I will continue to move that as quickly as I can. The funding is still there. It is a commitment from the Executive, and it will be delivered.

**Mr Catney:** Kilcoo, the Down senior football team, won the Ulster Championship at the weekend. That game should have been played in the Belfast stadium, as planned. There is a shortfall in the GAA and a big void in senior games. Will you undertake to bring such games back to the stadium in Belfast as quickly as possible?

**Ms Hargey:** The redevelopment of Casement Park is not just an Executive priority; it is a priority across the board, particularly for Gaels across Ulster and beyond. I get that message through my engagements with the GAA. I want to get it done as quickly as possible. Obviously, there are now legal proceedings, and we have

to wait for the outworking of those. That has had a knock-on effect on completing the business case — we need the planning and all that to be finalised — but, as soon as we know the direction of travel of the legal process, we will move at pace to get everything completed in order to build Casement Park as soon as possible.

## **Voluntary and Community Sector: Pay and Conditions**

6. **Ms Sheerin** asked the Minister for Communities to outline the pay and conditions for staff in the voluntary and community sector, announced on 15 December 2021. (AQO 2970/17-22)

**Ms Hargey:** In line with my announcement and ministerial statement of 15 December 2021, over £2.1 million has been made available to help employing organisations to improve the terms and conditions of the voluntary and community sector posts that are funded through my Department. That has been focused on allocations to allow employing organisations to ensure alignment with the most recent rate of real living wage of £9.90 per hour; a consolidated 2% increase on the current level of support provided by the Department for salaried posts, which has been calculated after ensuring that the real living wage increase is met; a 7% non-consolidated payment, which has been calculated following applications of the previous two steps; and an increase in support to allow for an increase in employers' pension contributions from the Government's recommended level of 3% to 5%.

In addition, effective from 1 January 2022, funded organisations are no longer required to inform the Department of short-term sickness absences of up to five working days for employees who are in posts that are supported by my Department.

**Mr Principal Deputy Speaker:** I apologise: time is up. We will move on to topical questions.

**2.30 pm**

## **Energy Costs**

T1. **Dr Aiken** asked the Minister for Communities, after thanking her for her answers to the questions on the emergency fuel payment scheme, to state whether she has any idea of the likely quantum for the rest of this year and, indeed, into 2023, given that we have

known for some time about the problem of rising energy costs. (AQT 1941/17-22)

**Ms Hargey:** My officials are analysing that at the moment. We continue to engage with the Utility Regulator, which has forecast how things will look over the next year and into 2023, as the Member requested. We are waiting for the completion of that analysis. With the Bryson scheme, we are doing more analysis of the types of people who are applying, their backgrounds and the types of predicament that they find themselves in. We are looking at all of those issues, and I am hopeful to get a clearer picture that I can present to the British-Irish Council meeting on 4 February. We will be able to provide more detail as soon as that analysis is complete.

**Dr Aiken:** I thank the Minister for her answer. She mentioned conversations in which the Minister of Finance and the Minister for the Economy, if I heard her correctly, were talking about VAT payments and reducing VAT to 5%. Has she had any conversations with the Treasury? Across our nation — the United Kingdom — the reduction in VAT payments to 5% can be achieved in England, Scotland and Wales, but of course because of the protocol, it cannot be achieved in Northern Ireland because it would be against state aid rules.

**Ms Hargey:** The Finance Minister has written to the Treasury in that regard. He has also joined his Scottish and Welsh counterparts in pushing the British Government to respond. Of course, the matter was briefly discussed at the Executive's meeting last week. We want to continue that ongoing engagement.

As I said, there will be an opportunity in the dedicated discussion at the British-Irish Council meeting to look at energy costs. The Minister for the Economy will be the main Minister at that meeting and I will be the accompanying Minister. Of course, we continue to engage. Obviously, the Economy Minister has responsibility for energy and he went out to consultation on the energy strategy.

We will continue to keep the situation under review, in order to see what other measures can be introduced to alleviate some of the stresses. Obviously, VAT is a quick way to potentially do that, but we will need to see the Treasury's response. I am not aware of the Treasury responding on the basis of the protocol, nor have I heard any indication that it will be. However, we continue to engage, and I am sure that the Finance Minister will give an

update on the situation because he has been in direct contact with the Treasury.

## Energy Costs: DFC Schemes

T2. **Mr Clarke** asked the Minister for Communities, in the light of the pressure that many of our constituents are facing in relation to energy costs, how much of the money from the Bryson scheme and the scheme that she launched last week has been allocated to the people who require it. (AQT 1942/17-22)

**Ms Hargey:** I do not have the exact figure for the amount of money that has been allocated so far by the Bryson scheme. We have paid out to 1,098 applications and given approval to 1,323 applications. I will get you the exact figure for how much has been paid out because I do not have it in front of me.

The larger £55 million scheme was announced by the Executive last week, and I could not progress it until I got Executive approval to do so. We are engaging with the Department for Work and Pensions to look at how quickly we can make those payments. Once I have a date for payments to be made, I will let the Committee for Communities and the House know. I am trying to get those payments out as soon as possible.

**Mr Clarke:** Thank you, Minister, for your answer. I am sure that you will appreciate that many of the people who have applied are very needy. Whilst it is mild this week, we are in the winter period, and many of those people expect that money soon. What does the Minister have to say about the difficulties that people are having in accessing the Bryson scheme?

What does she say to the working poor, who will not qualify for the payment? They find it as difficult to manage as those who rely on benefits.

**Ms Hargey:** I initially had the proposal for the £55 million scheme in last year. Unfortunately, it did not get on to the Executive agenda until last week, so there was an automatic delay in progressing it. It is for others to answer for the fact that it did not make it on to the Executive table.

I covered some aspects of the Bryson scheme. That money is additional to the £200 direct payment that will go to 281,000 individuals. It was never going to be a large scheme; it was meant to be additional to other supports to try to reach out to those who would not get the direct payment. I recognise that the working poor may

fall below the poverty line but not be on a means-tested benefit. As I said, I looked into tax credits. Around 50,000 people here are in receipt of them, but, unfortunately, that is a reserved matter. We offered to extend the payment and to give the money to HMRC in order to make that payment of £200 to those on tax credits. We were told that it could not do that, that it would need primary legislation and that the payments could not be made. One of the difficulties for the Department in this is that we do not hold the payment data. We asked for it and whether there was a way that we could extend the payment. Again, because of data sharing, primary legislation is needed, and none of that could be done in time. We will look at that in the longer term so that we do not end up in this predicament again. However, because those are reserved tax powers, I have no legal control and no way to pay them.

We are keeping the Bryson scheme under constant review and are trying to get the support out there. Is there a need to ramp it up? Can we look at other ways of extending the criteria for the scheme? The difficulty will be in getting the data in order to make the payments, but we are looking at that. We are happy to have officials engage. I know that they have met a number of MLAs, as have Bryson representatives, in order to look at those issues. As with any scheme of scale, we have targeted means-tested benefits at this point.

## Rent Cap

T3. **Ms Hunter** asked the Minister for Communities for an update on what her Department is doing to introduce a rent cap in the North, given that in her constituency of East Derry and across the North, people are facing a real issue with a rental crisis, with many families being made to move out of homes that they have lived in for years and being met with a market that has been inflated beyond belief and, where rentals are available, prices that are extortionate. (AQT 1943/17-22)

**Ms Hargey:** You will know about the legislation on the private rented sector that is progressing. That deals with some areas around rent and says that there cannot be an increase more than once a year and there has to be notification of that. More work is being done on looking at what powers there are here. A rental cap could not be achieved in time for that legislation, and, as we have to try to get legislation through quickly, it could never have been done. An assessment of that is being looked at.

I visited the area around Portrush towards the end of last year. I had a discussion with the chief executive of the council and looked at those issues. We want to engage proactively with local development plans, the planning function and, importantly, the housing supply strategy, which is out for consultation, in order to see what additional measures we can consider. Many seaside towns across these islands are affected, particularly as people spending holidays at home increases the pressure. We continue to look at other measures. There will be a private rented sector Bill in the next mandate of the Assembly, and I am hopeful that it will include rent caps.

**Ms Hunter:** I thank the Minister for her answer, and I welcome that a limit has been introduced and that landlords can raise rent only once a year. Will she assure my constituents that she will do all that is in her power to create or contribute to appropriate legislation in this mandate that will cap the size of rent rises?

**Ms Hargey:** We are proactively looking at that, but I would be lying if I said that it could be done in this mandate. Physically and legally, it cannot. More analysis needs to be done, and that is what we are doing at the moment. We are seeing what legislation can be crafted on rent caps. All Members will be keen to scrutinise that legislation and rightly so. My officials are trying to benchmark against measures across other jurisdictions. It is something that I am keen to see in a private rented sector Bill in the new mandate.

## Energy Costs: DFC Schemes

T4. **Miss Reilly** asked the Minister for Communities for an update on the welcome and huge £55 million scheme that she launched to help the most vulnerable to cope with spiralling energy costs. (AQT 1944/17-22)

**Ms Hargey:** As I said earlier, last week, all the Executive, thankfully, signed off on £55 million that will see payments of £200 made directly to the bank or post office accounts of over 280,000 people. That will include those on means-tested benefits, the lowest-income families in our communities: those in receipt of pension credit, universal credit, income-related employment and support allowance, income-related jobseeker's allowance or income support.

**Miss Reilly:** Go raibh maith agat as an eolas sin. Thank you for that update. Thank you also for your leadership in tackling the cost of living crisis that thousands of families face this winter.

Your intervention is hugely welcomed and is as different as night is from day from the indifference of the Tory millionaires in London. Given that Westminster policies such as Brexit and years of austerity cuts have contributed to the crisis, do you agree that the British Government must also act to take the pressure off hard-pressed families and workers on low incomes?

**Ms Hargey:** Definitely, given the powers that the British Government have and particularly the reserved powers that I spoke about, such as tax credits and VAT. From their discussion last week, I know that the Executive want to continue to push the British Government on those measures; indeed, as I said, Gordon Lyons and I will be going to the meeting of the British-Irish Council on 4 February to discuss those issues.

### **Emergency Fuel Payment Scheme: Easements**

T5. **Mr Allen** asked the Minister for Communities to detail the easements referred to by her officials at a briefing to the Committee for Communities, when they said that the £2 million for the Bryson Charitable Group scheme came from departmental easements. (AQT 1945/17-22)

**Ms Hargey:** I do not have those details at hand, Andy, but I can communicate with you formally on the easements that have come up. I wanted to make sure that the money that I was putting into the scheme would go directly into people's pockets. Working with the Utility Regulator, the Consumer Council and, indeed, some of the utility companies, thankfully, the Department was able to find the money to support Bryson in the implementation of the scheme, which means that the £2 million that I am putting in will go directly to families. I will get you the specific details.

**Mr Allen:** I thank the Minister for her answer. Minister, during that briefing, your officials confirmed to the Committee that no consideration had been given to additional funding for the three-year budget period. We talked about the need for ongoing support for further years. How will the Department achieve that with no additional funding?

**Ms Hargey:** The overall budget that we get from the block grant allocated through the Barnett formula is a difficult one. The prioritisation of Health also presents challenges. When looking at the budget, my approach will

be to protect the most vulnerable in our communities by ensuring that services that meet people's needs are targeted at those individuals and communities. That is what I want to prioritise. The Committee has had briefings on the funding cycles, and I am looking at that. I will continue to make bids in monitoring rounds, and I am hopeful that whoever takes on the role in May will continue to do the same.

### **Housing Supply Strategy**

T6. **Mr Durkan** asked the Minister for Communities for a breakdown of the 100,000 homes that she hopes to provide over 15 years and to which she refers in the departmental press release for the welcome launch of the housing supply strategy consultation. (AQT 1946/17-22)

**Ms Hargey:** The Member will know that, with the strategy, I am saying that, if the processes and mechanisms for the development of homes are put in place, we can be ambitious and deliver over 100,000 homes. A section of the strategy will be a social housing development programme. Over the past year, I have increased the budget for that programme. Other analyses need to be done to provide more detailed information on where those homes will be. Not all of them will be in the social rented sector; it will be made up of our whole housing stock in the time ahead.

Once those analyses are done, I can give a more specific breakdown.

#### **2.45 pm**

The strategy is important, and it was important to put a figure in it. We could have put in no figure, but we need to be ambitious and provide people with a figure for what we can do. I will continue to work with the Department for Infrastructure and others on looking at the issues of connection and critical infrastructure that we need for housebuilding going forward.

**Mr Principal Deputy Speaker:** I am afraid that time is up. I ask Members to take their ease while we change the top Table.

(Mr Speaker in the Chair)

## Private Members' Business

### Integrated Education Bill: Consideration Stage

#### Clause 3 (Advisory body)

Debate resumed on amendment No 10, which amendment was:

In page 2, line 9, leave out from "its" to "must" in line 10 and insert—

*"any functions relating to integrated education the Department of Education may".— [Miss McIlveen (The Minister of Education).]*

The following amendments stood on the Marshalled List:

No 11: In page 2, line 9, after "functions" insert "in relation to integrated education".— [Ms Armstrong.]

No 12: In page 2, line 10, leave out from "any" to end of line 13 and insert —

"—

*(a) any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education, or*

*(b) any other body the Department of Education considers appropriate."— [Miss McIlveen (The Minister of Education).]*

No 13: In page 2, line 11, leave out "support and".— [Ms Armstrong.]

No 14: In page 2, line 12, leave out "promotion of" and insert "support for".— [Ms Armstrong.]

No 16: In clause 4, page 2, line 18, leave out "promote" and insert "support".— [Ms Armstrong.]

No 18: In clause 4, page 2, line 23, leave out "promote" and insert "support".— [Ms Armstrong.]

No 19: In clause 5, page 2, line 25, leave out "the promotion of" and insert "support for".— [Ms Armstrong.]

No 20: In clause 5, page 2, line 26, leave out "increase" and insert "meet".— [Ms Armstrong.]

No 21: In clause 5, page 2, line 29, after "to" insert "aim to".— [Mr Lyttle (The Chairperson of the Committee for Education).]

No 22: In clause 5, page 2, line 30, leave out from "(including" to end of line 32 and insert —

*"(including examining evidence of expected future demand)".— [Mr McCrossan.]*

No 31: In clause 8, page 3, line 12, leave out "promotion" and insert "support for".— [Ms Armstrong.]

No 36: In clause 8, page 3, line 16, leave out "promote" and insert "support".— [Ms Armstrong.]

No 39: In clause 8, page 3, line 23, leave out "promotion" and insert "support for".— [Ms Armstrong.]

No 48: In clause 10, page 5, line 18, leave out "promote" and insert "support".— [Ms Armstrong.]

No 58: In clause 11, page 6, line 8, leave out paragraph (b).— [Mr Allister.]

No 59: In clause 11, page 6, line 9, at end insert —

*"(1A) The Department of Education must—*

*(a) lay the guidance, and each revision, before the Assembly; and*

*(b) publish the guidance in such a manner as it considers appropriate."— [Mr Lyttle (The Chairperson of the Committee for Education).]*

No 60: In clause 11, page 6, line 10, leave out from "any" to "education," in line 11 and insert "integrated schools".— [Mr McCrossan.]

**Ms Armstrong:** I am very pleased to speak on the group 2 amendments to the Bill, which concentrate on advice, guidance and support.

Throughout this process, I said that I was listening to and happy to take account of suggestions for improvement from the Minister and Members. I have considered the amendments in this group and confirm that I will support the Minister's amended clause 3. I met the Minister's officials last Friday and explained

that to them explicitly. I will, therefore, support amendment Nos 10 and 12. That will have effect on the consequential amendments. I assume that my amendment No 11 will not, then, be taken forward.

I am very pleased that the Minister placed the onus on the Department, rather than on the education bodies, to consult:

*"any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education".*

I did not have sight of the Minister or Department's amendments in advance of the deadline; last Friday was the first time that I could review those amendments. It is unfortunate that we did not get an opportunity to talk together about what the Minister and I were proposing to bring forward, because I am sure that we could have got something together on which we agreed. I can confirm, however, that I will support the Minister's amended clause 3.

I have had conversations with Mr McCrossan and the rest of his party about his amendment No 22. The current system considers a limited number of items when deciding whether a school's development proposal will be approved. I do not agree with Mr McCrossan's amendment, but I have discussed that fact with him in good faith and told him that I am happy to work with him to come up with a more considered amendment at Further Consideration Stage. Any Member can attest to the fact that, throughout this process, when have I said that I would meet them or listen to them or table amendments, I have done so. Later, we will discuss the amendments to clause 7, which provide for a wider consultation across the education landscape, including the community. We need that type of expanded and holistic co-production approach to ensure that we can address parental preference.

There are a number of amendments in group 2 that change the word "promote" to "support". The word "promote" is a feature of the independent review of integrated education and the integrated education movement and was supported by both my Bill consultation and by the Committee of Education's consultation. When I met the Education Committee during its Committee Stage, it was clear that it was not happy with the word "promote". I came up with the term "support". I brought that to the Committee, and the Committee had an opportunity to comment on it. I did not have to take my amendments to the Committee, but I did. I also asked the Committee whether it had

any alternative and said that, if there was, I would certainly consider bringing it forward. When that did not appear, I tabled the amendment to change "promote" to "support". That happens in a number of amendments to the Bill, because that wording runs throughout the Bill.

I clarified the nature of that change from "promote" to "support" with the integrated education movement, which was content to change to the word "support". To be honest, that is something that the movement has held very dear for years, but it was happy to go with that change to meet the Committee's requirements.

The reason that I need clause 4 to be in the Bill, and why I will be asking others to support my clause 4, is that, while "to encourage and facilitate" has been a duty on the education system for many years, we have not seen enough movement towards integrated education in that time. I changed the word "promote" for the Committee. The wording "to encourage and facilitate" has only led to 10% of pupils being able to access integrated education. Reports, recommendations and many papers have asked for it to be more than "to encourage and facilitate". Sadly, the Minister's amendment does no more than maintain the status quo. The integrated education movement, parents and a wide sector of the community want more than that, and my clause 5 provides that. If everyone in this House respects parental preference, they have the opportunity to show that by supporting my clauses.

I will go back to what the Minister talked about earlier. I understand what she said about the fact that if you give to one sector, you take away from another. That is what it is like to be in integrated education, however. When a child or family cannot access integrated education because no places are available to them, where do they go? They go to another sector.

The controlled and maintained sectors have, for years, benefited from the fact that integrated education has been kept very small. The Minister said that meeting parental preferences takes away from other schools. That is already happening. It highlights how that growing parental preference is not being met, as the Minister is, to be honest, seeking to protect other sectors. That is a hierarchy. That is why I proposed the Bill.

**Mr Allister:** Will the Member give way?



**Ms Armstrong:** Yes.

**Mr Allister:** The Member talks about people being kept away from integrated education and being unable to access it. Can she remind the House, is it easier, in terms of pupil requirement numbers, to form an integrated school than it is to form a controlled or maintained one?

**Ms Armstrong:** I do not think that it is any easier. In fact, parents who want to set up a new school — it is happening at the moment in the mid-Down area — have to do that, with, hopefully, help from the Integrated Education Fund. There is no help from the Department to set up a new school in order to meet demand. I have to admit that it has changed in recent years and there is a little bit more help, but, in the past, parents have had to remortgage houses to set up schools. A bit of help is coming forward for mid-Down, but an education body has said that there is no need for it, even though mid-Down would address the fact that Lagan College is unable to host up to 200 pupils who want to go to an integrated school but for whom there are no places.

I have to say that what has shone a light for me throughout this process is the fact that others who support maintained, controlled or Irish-medium schools, but particularly maintained and controlled schools, may now have an insight into what it feels like to be involved with integrated education. As we all know, there have been repeated references in LucidTalk and other polling to parents wanting to have integrated education in Northern Ireland. I believe that 71% was the figure in the poll that was published in December in the 'News Letter' and the 'Guardian'. Although 71% of parents want it, only 10% of children in the whole school body are able to access integrated education. We are not the massive sector in education; we are the poor relative. We have had to look elsewhere for funding to support integrated education. One of those sources of funding has, thankfully, been Fresh Start.

The Minister also commented about how the amendment groupings were decided. I have no control over that. That is outside of a Bill sponsor's capabilities. It has nothing to do with me; that is for the House. It is done by professionals in the Bill Office, so I cannot comment too much further about that.

I will not summarise everyone's pieces today; I will concentrate on where Members asked for clarification or gave clarification. Mr Newton, just for clarity, the Controlled Schools' Support Council (CSSC) is a wonderful body, but, as much as I am sure that it would love to be, it is

not an education body; it is a sectoral body. Education bodies are set down in law. In fact, the Minister's amendment No 70, which we will come to much later, confirms the education bodies in respect of the Bill. CSSC is a very well-respected sectoral body, but it is not an education body. I have not decided that; it is in law.

What else? Mrs Dodds talked about the Education budget. Can I be clear? From my point of view, the best way in which we can meet the pressures on the Education budget is to have a single education system. The cost of providing separate sectors is what causes much of the haemorrhaging of money in Education. It has been highlighted for years as being the best way to achieve better education and budget efficiency. That is why the independent review of education was agreed by all parties. Before people come at me and say, "Well, then, why are you bringing this Bill forward?", we do not have a single education system today, and we are not going to have it tomorrow or next year. It is unlikely that we will see it in this three-year Budget period. In that time, I am not content to have integrated education —

**Mr Butler:** Will the Member give way?

**Ms Armstrong:** I will.

**Mr Butler:** Does the Member want to put it on the record that the Alliance Party's submission to the independent review will state that it is committed to working towards a single education system in the next mandate?

**3.00 pm**

**Ms Armstrong:** Absolutely, but, in the meantime, I will protect integrated education as far as I can.

**Mrs Dodds:** Will the Member give way?

**Ms Armstrong:** I will in a moment. I just want to clarify a point. During her contribution earlier, which was very welcome, Mrs Dodds said that the budget of the Northern Ireland Council for Integrated Education (NICIE) was over £600 million: it is £600,000. NICIE wishes that it was getting £600 million. I think that Education would wish that it had an additional £600 million. I give way to the Member.

**Mrs Dodds:** Thank you. I think that the Member understands that the record will be corrected in respect of that.

The Member talks about a single education system. Of course, that was my party's long-term goal when no others in the Assembly wanted it. However, as the Member says, we are where we are. Is she then content to preside over a Bill that would see one sector elevated, both in the legislative duty on the Minister and, of course, the ongoing ramifications of that legislative duty, over other sectors?

**Ms Armstrong:** I thank the Member for her contribution. Given the fact that the Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) are planning authorities and integrated education and Irish-medium education do not have a planning authority, what the Bill does is look towards equity. We all know that that is separate to equality, whereby, if you need to help a sector or group of people to be equal, there needs to be an equitable basis on which to do that. That is where I am coming from. Mr Harvey compounded my fears on that during his contribution, when he talked about the two main sectors as being the controlled and maintained sectors. I thought that there were four education sectors and that they were all equal. Calling two of them "main" sectors portrays exactly the approach that has been taken by some, which is that integrated education is somehow less than, in Mr Harvey's words, the "two main sectors".

Mr Weir said that more is given to the integrated education sector than to any other sector and that there has been a duty to encourage and facilitate integrated and Irish-medium education for years. If being assisted has created those huge education sectors, why are they not, in Mr Harvey's words, the "two main sectors"? Indeed, I draw Members' attention to clause 9(3)(d), which confirms that the biennial reporting will look for a decrease in demand for integrated education as much as it will look for an increase in the want for it. I have been realistic throughout the Bill.

Mr Stalford then talked about what was happening in the Bill. I met the Education Committee. Three members of his party sit on that Committee. I brought to it the proposed change from "promote" to "support". The Committee had the opportunity to table any amendments that it wished, and it has done so. I thank the Committee for those amendments, because they add to the Bill. However, neither any of those DUP members nor the Committee tabled amendments on that issue. To be clear, Mr Justice Treacy said that integrated education was a stand-alone concept. If a school wants to be called "integrated", it must

go through a process. The Bill will not change that process.

**Mrs Dodds:** Will the Member give way?

**Ms Armstrong:** Not just at the moment.

It has been suggested that I am in some sort of conflict with the churches in what I am trying to do with the Bill. That is not the case, because I am not doing anything that harms or takes away religious education in schools; indeed, Archbishop Eamon Martin said at the interdenominational church service that there was a bit of concern about that:

*"I have to face the difficult truth that perhaps we in the churches could have done more to deepen our understanding of each other and to bring healing and peace to our divided and wounded communities."*

I believe that we all want that.

I have explained what I mean by the word "support" with respect to clauses 4 and 5.

It will be up to Members as to whether they support that, but I cannot support the Minister's amendments because I believe that they water down the intention of the Bill.

**Mr Speaker:** I call the Minister of Education to make a winding-up speech.

**Miss McIlveen (The Minister of Education):** Before I commence a further appeal for sense to prevail, I will raise a couple of issues regarding comments that were made during Members' contributions. The Member for East Belfast and Chair of the Education Committee made reference to JRs to overturn development proposal (DP) decisions. In particular, he referenced a Strangford College JR. It is my understanding that, when the pre-action letter was received in the Department, the Minister at that time — my colleague Peter Weir — became aware of preferences that were not available when he took his first decision, so the decision was retaken, and the proposal was subsequently approved. Further to the point on JRs of decisions, the Bill sponsor said in yesterday's debate that any decision can be challenged. As a consequence of some of the amendments and clauses that are being proposed, we are knowingly increasing the risk of JRs being taken against decisions.

**Ms Armstrong:** Thank you, Minister; I appreciate your giving way. I am sorry, but I do not live by the fear of judicial reviews. I live by

putting forward legislation that will help the integrated education movement. Let us move past this; we need to move on. We are into the group 2 amendments.

**Miss McIlveen:** Clearly, the Member has not understood that the Chair of the Committee raised the issue of JRs in his contribution on this group. However, she reinforces the point that she does not care what challenges come about from any other sector as long as they are not in relation to the integrated sector. The Chair also made a point about —

**Mr Lyttle:** Will the Minister give way?

**Miss McIlveen:** Let me continue. He said that Members on these Benches are using a consistent tactic in relation to non-engagement and that that is underhand. The fact remains that the consultation was carried out in 2016. I was the Chair of the Education Committee at one point, just as Mr Lyttle is the Chair of the Education Committee now. If a Minister were to bring forward legislation based on a consultation that took place in 2016, it would be criticised — rightly so. It is absolutely right and proper that we raise that point consistently. It is a valid point, because, even as the Member acknowledged in her comments, there has been considerable progress since 2016, particularly with regard to engagement with the integrated sector and NICIE.

**Ms Armstrong:** Thank you very much, Minister. I appreciate that this is a matter that keeps coming back. I provided the Education Committee with a copy of the letter from Mr Speaker confirming that the consultation was OK and that I could move forward with the Bill. Members can beat me up all day, every day about the consultation process. The Education Committee had a substantial number of meetings over a substantial number of months through the process. Having read the Education Committee report that arose from that process, I do not see that many of these issues have been brought up in it.

**Miss McIlveen:** I respect the Member's comments, particularly regarding the consultation that the Committee carried out, but, given the scale of this legislation and the far-reaching impact that it will have across the Department, it is only right and proper that there should have been a much more relevant and up-to-date consultation, which should have included schools. Up until this point, that has not happened.

I also want to refer to the Bill sponsor's engagement. I understand that the Bill sponsor wrote to the previous Minister, Peter Weir, in March 2020 advising him of an intention to bring forward the private Member's Bill. Subsequently, there was a meeting with officials in September 2020 to discuss the possibility of an integrated education Bill in the context of a private Member's Bill. Officials, at that point and subsequently, requested sight of the draft Bill. That request was turned down by the Bill sponsor. She refused to engage with the Department in advance of the Bill being tabled in June 2021. I understand that the Speaker may be considering looking at how private Member's Bills are addressed in the House. Given, however, the type of private Member's Bill that this one is, it is important that it is given greater consideration in advance of being presented in the House.

Furthermore, the Bill sponsor criticised the fact that I did not engage with her on the amendments that I have tabled. She may or may not have been aware — certainly, when I met her in the middle of December, I explained this to her — that, at that point, I had not engaged the Office of the Legislative Counsel (OLC) to draft the amendments, so it was impossible to have a conversation with her on their content. In fact, she may or not be aware that, because this is a private Member's Bill, the Department had to request permission from the Executive Office to engage OLC, which has great professionalism and integrity in drafting. That permission was not granted by the First Minister and deputy First Minister until 21 December. I did not see my amendments, as tabled, until last Tuesday, so it was impossible to have those conversations. I want the House to be aware that I was working to an extremely tight timescale to be able to deliver amendments.

**Mrs D Kelly:** I thank the Minister for giving way. Noting the tight time frame that the Minister has been working to in order to table her amendments, I ask whether she will consider amendments to clause 5A at Further Consideration Stage to allow additional safeguards to be built in for the integrated sector. Indeed, that could also be considered by the Education Committee.

**Miss McIlveen:** I hope to be able to move new clause 5A as part of group 3. At that point, I will appreciate any support given to the passage of clause 5A so that it can be considered again at Further Consideration Stage. I make that appeal and will do so again at the group 3 stage.

I will go back to the substantive part of my winding-up speech.

**Mr Lyttle:** I thank the Minister for giving way. I had asked her to do so previously.

Minister, you referred to two issues: consultation and judicial review. I am reluctant to get drawn into the red herring issue of consultation. Obviously, no Department should wish to have to get multiple judicial reviews discharged. I am loath to centre on one particular school, but I distinctly remember asking the previous Education Minister, Peter Weir, whether he was concerned about the prospect of a judicial review of his original decision on Strangford College. His response was, "We deal with judicial reviews all the time."

**Miss McIlveen:** I thank the Member for his perspective on this. I understand, however, that the decision was changed because additional information came to the Minister's attention. As a consequence, he was able to revisit the original decision and approve the proposal.

I will move on. This point of the debate illustrates how complex it is to make clear, coherent and comprehensive legislation that works in its entirety alongside existing law and is as good a product as we can get in the context of how this Bill was introduced. I remind Members that the vote on amendment No 23 will not take place until after the group 3 debate. It is, however, inextricably linked to the vote after this group 2 debate on whether clauses 4 and 5, as introduced or with amendments, stand part. I cannot emphasise enough the responsibility on all of us to give that serious consideration when voting at that juncture.

The decision that you make, as Members of the legislative Assembly, will be critical in determining whether we produce a piece of legislation that is clear in purpose and intention and workable for the good of all our children and young people.

### 3.15 pm

New clause 5A provides for parental preference to be ascertained to inform the strategic planning of education provision without creating any hierarchy or presumption of any sector over another. Such parental preference is not based on the schools that currently exist, but it allows the Education Authority to ascertain what types of schools parents wish to be able to access for their children's education.

I will oppose both clause 4 and clause 5, as introduced or with the amendments tabled to them made, stand part of the Bill. I urge you all to do the same. It is my intention to move amendment No 23 in group 3 to bring in new clause 5A. Clause 5A will sit alongside, rather than contradict, the existing legislative power that provides a legal basis for the Education Authority to plan efficiently to provide sufficient places to meet parental and community needs. That is why the duty is placed on the Education Authority. That duty would explicitly require the Education Authority to ascertain that the provision for parental preference works in the Bill and with other legislation. On clauses 4 and 5, I urge you to put your faith in the professional and impartial drafting of OLC, deliver the voice of parental preference and vote to oppose that clauses 4 and 5 stand part of the Bill.

On amendments Nos 31, 36, 39 and 48, I reiterate that changing the word "promote" to "support" throughout the Bill has no material impact. My point about that being a cosmetic exercise in semantics absolutely stands. On the legal application, the definition at clause 5 dictates what that means, and, even with the amendments to it, risk and cost are created through the terms "sufficient places" and "future demand" and by treating integrated schools so differently whilst having to pay for that out of the same finite budget that has to cover quality education for all our children.

On clause 11, I urge you to not vote for amendment No 59, which would provide unnecessary bureaucracy and a burden merely for the optics. The laying of routine guidance before the Assembly is not necessary and will not benefit our children.

I urge you to support amendment No 60, which will help to clarify who the guidance will be provided for and will support a proportionate and workable approach.

Our best means of ending up with a workable piece of legislation is by supporting the amendments that I have tabled throughout the Bill. If we have access to expert draftsmen, why do we not utilise them? Again, it would be shameful if we did not.

Let me be clear: the amendments that I have tabled, as the Minister of Education, have been drafted by OLC to make the Bill work within the current primary legislation for education. They are not my party's amendments. If the Assembly passes the Bill without the amendments that have been drafted with the professionalism and objectivity of OLC, the Department of Education will require a huge

uplift in its budget, which the Finance Minister will have to find, or my Department will risk breaching other statutory duties and children will be adversely affected as area planning will grind to a halt.

I urge Members to not miss this opportunity and to pass the amendments that I have tabled.

*Amendment No 10 agreed to.*

**Mr Speaker:** I will not call amendment No 11 as it is mutually exclusive to amendment No 10, which has been made.

*Amendment No 12 made:*

In page 2, line 10, leave out from "any" to end of line 13 and insert —

"—

*(a) any body appearing to the Department of Education to have as an objective the encouragement or promotion of integrated education, or*

*(b) any other body the Department of Education considers appropriate."— [Miss McIlveen (The Minister of Education).]*

**Mr Speaker:** I will not call amendment Nos 13, 14 or 15 as they are mutually exclusive with amendment No 12, which has been made.

*Clause 3, as amended, ordered to stand part of the Bill.*

**Clause 4 (Promotion etc of integrated education)**

*Amendment No 16 proposed:*

In page 2, line 18, leave out "promote" and insert "support".— *[Ms Armstrong.]*

*Question put, That the amendment be made.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Speaker:** Clear the Lobbies. The Question will be put again in three minutes.

Before I put the Question again, I remind those Members present that, if possible, it would be preferable to avoid a Division.

*Question, that the amendment be made, put a second time.*

*The Assembly divided:*

*Ayes 57; Noes 29.*

**AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

**NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mrs Dodds and Mr Harvey*

*Question accordingly agreed to.*

*Amendment No 17 made:*

In page 2, line 22, leave out "the duty" and insert "a duty".— *[Mr McCrossan.]*

*Amendment No 18 proposed:*

In page 2, line 23, leave out "promote" and insert "support".— *[Ms Armstrong.]*

*Question put, That the amendment be made.*

**Mr Speaker:** I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can

dispense with the three minutes and move straight to the Division.

*The Assembly divided:*

Ayes 58; Noes 29.

#### AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

#### NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

**Mr Speaker:** Before I put the Question, I remind Members that we have debated the opposition of the Member and the Minister to clause 4, but the Question will be put in the positive, as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

**Mr Speaker:** I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division.

*The Assembly divided:*

Ayes 58; Noes 29.

#### AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

#### NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

**4.00 pm**

#### **Clause 5 (Meaning of promotion)**

*Amendment No 19 proposed:*

*In page 2, line 25, leave out "the promotion of" and insert "support for".— [Ms Armstrong.]*

*Question put, That the amendment be made.*

**Mr Speaker:** We have agreement to move straight to the Division.

*The Assembly divided:*

Ayes 58; Noes 29.

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

## NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Amendment No 20 proposed:*

*In page 2, line 26, leave out "increase" and insert "meet".— [Ms Armstrong.]*

*Question put, That the amendment be made.*

**Mr Speaker:** We have agreement to move straight to the Division.

*The Assembly divided:*

*Ayes 58; Noes 29.*

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly,*

*Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

## NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mrs Dodds and Mr Harvey*

*Question accordingly agreed to.*

*Amendment No 21 proposed:*

*In page 2, line 29, after "to" insert "aim to".— [Mr Lyttle (The Chairperson of the Committee for Education).]*

*Question put, That the amendment be made.*

**Mr Speaker:** Surprise, surprise. We have agreement to move straight to the Division.

*The Assembly divided:*

*Ayes 58; Noes 29.*

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Blair and Ms Bradshaw*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Amendment No 22 proposed:*

*In page 2, line 30, leave out from "(including" to end of line 32 and insert —*

*"(including examining evidence of expected future demand)".— [Mr McCrossan.]*

*Question put, That the amendment be made.*

**Mr Speaker:** We have agreement to move straight to the Division.

*Question put a second time and agreed to.*

**Mr Speaker:** Before I put the Question, I remind Members that we have debated the Member and Minister's opposition to clause 5 standing part, but the Question will be put in the positive as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

**Mr Speaker:** We have agreement to move straight to the Division.

*The Assembly divided:*

*Ayes 58; Noes 29.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr*

*McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms A Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Bradshaw and Mr Lyttle*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mrs Dodds and Mr Harvey*

*Question accordingly agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

**Mr Speaker:** I propose to suspend the sitting until 5.30 pm in order to allow Members to take a comfort break.

*The debate stood suspended.*

*The sitting was suspended at 5.01 pm and resumed at 5.32 pm.*

*(Mr Deputy Speaker [Mr McGlone] in the Chair)*

*Debate resumed.*

## **New Clause**

**Mr Deputy Speaker (Mr McGlone):** We now come to the third group of amendments for debate. With amendment No 23, it will be convenient to debate amendment Nos 27 to 30, amendment Nos 32 to 35, amendment Nos 37 and 38, amendment Nos 40 to 45 and opposition to clauses 6, 7, 8 and 9 stand part. Within this group, amendment No 28 is consequential to amendment No 27 and amendment No 29 is mutually exclusive to amendment No 27 and to clause 7 standing part. Amendment Nos 37 and 38 and amendment Nos 40 and 41 are mutually exclusive to amendment No 35. Amendment No 45 is mutually exclusive to clause 9 standing part of the Bill. After all that detail, I call the



Minister of Education to move amendment No 23 and to address the other amendments in the group.

**Miss McIlveen:** I beg to move amendment No 23: After clause 5 insert —

**"Duties of Department and Authority relating to the development etc. of integrated education**

**5A.—(1)** After Article 64(1) of the Education Reform (Northern Ireland) Order 1989 (Department's duty to encourage and facilitate the development of integrated education) insert—

*'(1A) In considering what steps it should take for the purposes of its duty under subsection (1) to encourage and facilitate the development of integrated education, the Department must in particular take account of any representations made under section 3 of the Integrated Education Act (Northern Ireland) 2022 (consultation) which relate to that duty.'*

*(2) The Education Authority must, for the purpose of assisting its strategic planning of the provision of education, take steps to ascertain the demand for integrated education.*

*(3) In this Act, a reference to ascertaining the demand for integrated education is a reference to ascertaining the extent to which parents would prefer their children to be educated at grant-maintained integrated or controlled integrated schools rather than at schools which are not grant-maintained integrated schools or controlled integrated schools.*

*(4) The Education Authority must take the steps mentioned in subsection (2) at such times as the Education Authority and the Department of Education agree to be appropriate, having regard to the purpose specified in that subsection.*

*(5) The duty in subsection (2) may be met by seeking the information required by that duty together with other information about parental preferences.*

*(6) In making decisions in connection with proposals about the provision of education the Education Authority must have due regard to the response to its enquiries under subsection (2) (in addition to any other factors to which the Education Authority is required to have regard)."*

*The following amendments stood on the Marshalled List:*

No 27: Leave out clause 7 and insert —

**"New schools**

**7.—(1)** *Education bodies must consider integrated education when planning for the establishment of a new school.*

*(2) In exercising their functions under subsection (1), education bodies must consult with—*

*(a) teachers,*

*(b) governors,*

*(c) pupils,*

*(d) families, and*

*(e) sectoral and community bodies*

*who would, in the opinion of the relevant body, be affected by the proposal.*

*(3) Education bodies must prepare and publish a report on the consultation under subsection (2).*

*(4) The report must include, in particular, an assessment in relation to—*

*(a) the manner in which, and the extent to which, the relevant body has considered integrated education when planning for the establishment of a new school, and*

*(b) the levels of demand for integrated education.*

*(5) In this section a 'new school' does not include—*

*(a) two or more existing schools that have amalgamated to create a new school,*

*(b) an existing school that has significantly changed in size, or*

*(c) an existing school that has relocated."— [Ms Armstrong.]*

No 28: In subsection (5)(c), at end insert —

"(6) The interpretation of subsection (5) will not preclude education bodies receiving or responding supportively to applications or expressions of interest by such schools in respect of transforming into integrated schools."— [Mr McCrossan.]

No 29: After clause 7 insert —

**"Proposals for new schools**

**7A.—(1)** The Education Authority must consider integrated education when—

(a) developing any proposals for the establishment of a new school, or

(b) considering any proposals made by another person for the establishment of a new school.

(2) When complying with subsection (1), the Education Authority must consider any information that the Education Authority has ascertained about the demand for integrated education (whether that information is obtained pursuant to the duty in section 5A(2) or otherwise).

(3) In this section, 'the establishment of a new school' does not include—

(a) the amalgamation as a new school of two or more previously existing schools,

(b) a significant change in size of an existing school, or

(c) any change to or relocation of the premises of an existing school."— [Miss McIlveen (The Minister of Education).]

No 30: In clause 8, page 3, line 11, leave out from "prepare" to first "education" in line 13 and insert —

"—

(a) commission and review a draft strategy for encouraging and facilitating the development of integrated education, and

(b) publish the final version of the strategy".— [Miss McIlveen (The Minister of Education).]

No 32: In clause 8, page 3, line 13, at end insert —

"(1A) The integrated education strategy must be published under subsection (1)(b) before the

end of 18 months beginning with the date on which this Act comes into operation."— [Miss McIlveen (The Minister of Education).]

No 33: In clause 8, page 3, line 13, at end insert —

"(1B) When commissioning a draft strategy from a person under subsection (1), the Department of Education must provide the following information to that person—

(a) the number of pupils being educated in grant-maintained integrated or controlled integrated schools broken down by primary and post-primary schools,

(b) a statement setting out how the Department of Education has discharged its duties in relation to integrated education under Part 6 of the Education Reform (Northern Ireland) Order 1989 and the Integrated Education Act (Northern Ireland) 2022, and

(c) a summary of the steps taken by the Education Authority to ascertain the demand for integrated education (whether those steps were taken pursuant to the duty in section 5A(2) or otherwise).

(1C) The Department of Education must publish the information provided under subsection (1B)."— [Miss McIlveen (The Minister of Education).]

No 34: In clause 8, page 3, line 13, at end insert —

"(1D) The Department of Education may from time to time—

(a) commission draft revisions to a strategy published under subsection (1)(b),

(b) review those draft revisions, and

(c) where those draft revisions result in changes to the strategy, publish the strategy as revised."— [Miss McIlveen (The Minister of Education).]

No 35: In clause 8, page 3, line 14, leave out subsections (2) to (5).— [Miss McIlveen (The Minister of Education).]

No 37: In clause 8, page 3, line 22, leave out "identify" and insert "quantify".— [Mr McCrossan.]

No 38: In clause 8, page 3, line 22, after "and" insert "identify respective".— [Mr McCrossan.]

No 40: In clause 8, page 3, line 35, leave out paragraph (f).— [Mr McCrossan.]

No 41: In clause 8, page 4, leave out lines 4 and 5.— [Mr McCrossan.]

No 42: In clause 9, page 4, line 14, after "prepare" insert "or commission".— [Mr McCrossan.]

No 43: In clause 9, page 4, line 18, leave out "of not more than two years" and insert —

*"in line with the budget framing timetable but not more frequently than every three years".— [Mr McCrossan.]*

No 44: In clause 9, page 4, line 38, leave out subsection (4).— [Mr Allister.]

No 45: After clause 9 insert —

***"Biennial reporting on implementation of strategy***

***9A. The Department of Education must prepare and publish a report on the steps taken to implement any strategy published under section 8(1)(b)—***

*(a) within the period of 2 years beginning with the date on which the strategy is first published by the Department, and*

*(b) at subsequent intervals of not more than two years."— [Miss McIlveen (The Minister of Education).]*

**Miss McIlveen:** In this our third group, "Strategy, implementation and reporting", we have the opportunity to provide a new clause for parental preference. We will debate the very problematic-as-introduced clause 7, and we shall determine whether the departmental strategy at clause 8 and the associated reporting around this at clause 9 are targeted for the benefit of children or, as introduced, focused on activity that perhaps may distract from the benefits that could otherwise have been delivered for children. This will be determined by the choices that we make at this point in the debate.

I have set out very clearly —

**Mr Deputy Speaker (Mr McGlone):** Excuse me, Minister. Can you confirm that you are actually moving amendment No 23?

**Miss McIlveen:** Yes, moved.

**Mr Deputy Speaker (Mr McGlone):** Thank you.

**Miss McIlveen:** I set out very clearly in the group 2 debate what amendment No 23 will achieve in introducing clause 5A to replace clauses 4 and 5. I trust that, after this group 3 debate, you will vote for clause 5A to stand part of the Bill and that you will therefore see the explicit requirement in primary legislation for parental preference to be ascertained by the Education Authority. I thank the Office of the Legislative Counsel (OLC) for the time and effort that it has put into drafting a provision that I believe could meet the intentions, as we have previously discussed in relation to clauses 4 and 5, and which also works within the complexities of existing education legislation. That, of course, is never an easy task.

Clause 7, as introduced, was one about which there was widespread concern, both across the House and across the education sector. I recognise that the Bill sponsor's replacement for clause 7, as set out in amendment No 27, does go some way in providing a definition to clarify what is meant by "new school".

Even as amended, however, the clause carries significant flaws. Education bodies, as defined by clause 13 of the Bill as introduced, do not plan for the establishment of a new school. At what point has CCEA, for example, ever been involved in that process? Legally, the Education Authority plans controlled schools and has overall responsibility to act as a planning authority. Currently, parents and the community have the power to say, "I want an integrated school", and the power to bring proposals for a new integrated school rests firmly with them. CCMS has a role in the maintained sector, but, in strict legal terms, area planning operates under the provisions of the 1986 Order. Those provisions govern the efficient and sufficient provision of schools to meet the needs of the community. Legally, that duty sits with the Education Authority. There is therefore no benefit to be achieved by the approach, taken throughout the Bill, of placing spurious duties on a range of education bodies, which they simply will not be able to deliver, and that are inconsistent with the wider legal landscape.

The wording in the Bill if amended has the potential to require every education body to

consult at unspecified times and therefore, arguably, at every single stage when a school is being considered. Every consultation by every body requires a report to be published. Every report has further statutory requirements under proposed subsection 7(4), and all that is in addition to existing statutory consultations both pre and post publication of any proposals. To what end?

Amendment No 28 is not necessary, as transformation involves existing schools changing their status to integrated. That process is well defined and only relates to integrated education.

Amendment No 29 provides a new clause 7A, which aligns consideration of integrated education in relation to proposals for new schools with the legislation that governs how new schools are established. It clearly sets out the duty of the Education Authority as the body that would bring proposals for controlled schools or publish proposals for any sector. Regardless of views about planning for new schools, in law, the statutory power that enables it rests with the Education Authority as an organisation. The amendment provides legal clarity. It requires the Education Authority to have regard to demand. It sets out, in the clearest terms, a definition of what is meant by a "new school" that does not include amalgamations, new school buildings or admissions or enrolment changes for existing schools. Members will see that it achieves clarity in a way that no other amendment tabled does.

Procedurally, I will oppose the Question that clause 7 stand part of the Bill. I will vote against amendment Nos 27 and 28. I will do so to enable amendment No 29 to provide a replacement clause 7A. I urge Members to oppose clause 7 stand part of the Bill and to vote against amendment Nos 27 and 28. I remind Members that, if they vote for those amendments, they will not be able to vote for amendment No 29.

I will turn to strategy and reporting. I see from the Bill as introduced that there is a desire for greater reporting and delivery from the Department, at a strategic level, on its duty under article 64 of the 1989 Order to:

*"encourage and facilitate the development of integrated education".*

Amendment Nos 30, 32, 33, 34 and 35 bring complete and unambiguous clarity to that, without setting in legislation the unnecessary distractions of targets or benchmarks or

attempts to put pressure on the Education budget or the Department's staffing quotas. Amendment No 32 also sets a reasonable period of time for a meaningful strategy to be provided. Any Department that develops and reports on a strategy will include in its reporting an analysis of how effectively that strategy has been delivered. That will include an analysis of progress. References to targets and so on do not need to be in the legislation.

My expressed concerns about a strategy for any sector that elevates it above others notwithstanding, if we are to have a provision requiring an integrated education strategy, it should provide for a sensible approach that allows a body such as NICIE, which is funded to encourage and promote integrated education and is represented at every level in area planning, to put forward a strategic plan that reflects the aspirations of parents wishing to avail themselves of integrated education. Amendment No 33 provides for that and also requires the Department to provide commissioning information and to publish it, in addition to the strategy and associated report.

I will now turn to the amendments to clause 8 and the replacement for clause 9 — clause 9A — which is reflected as amendment No 45. Clause 8 requires the Department of Education to publish an integrated education strategy, whilst enabling the work of NICIE to feed into it. New clause 9A reflects that that reporting will be related to the implementation of the strategy: that is logical and meaningful. Biennial reporting in clause 9 as introduced distracts from the work in hand, which, in this context, must surely be to provide high-quality education and to report on how effectively that is in line with parental preference. Anything that goes beyond that is beyond the scope of the Bill, but I am clear that the preference is that which will be expressed by parents — not limited by the schools that currently exist, but ascertaining what provision is sought by them.

Biennial reporting in clause 9 as introduced adds bureaucracy and burden, with no benefit for the children who are in our schools currently or for those seeking places in the school or sector of their choice. Again, for procedural reasons, I will oppose that clause 9 stand part of the Bill. That is to enable me to table amendment No 45. Equally, I urge Members to look to the provisions of the amendments and to support amendment Nos 30, 32, 33, 34 and 35. I also urge Members to oppose that clause 9 stand part of the Bill, which will enable amendment No 45 to be moved. I urge Members to support amendment No 45.

Whilst I appreciate what amendment Nos 37, 38, 40, 41, 42 and 43 seek to do in terms of the meaningfulness of the information that is provided and the impact on education bodies by amending what is introduced, the amendments that I have tabled enable the focus to be on delivering for the benefit of children in integrated schools. The Department must still publish a strategy and report against it, but in a meaningful way that will allow the underpinning work to focus on children rather than on gathering information to meet statutory requirements that take time and focus away.

I urge Members seriously to remember that we are now debating the third group of amendments to the Bill. What we vote through in the Bill must work with the rest of the Bill and with existing legislation. The risks of getting that wrong and making poor and unclear legislation need to be considered: I cannot underline enough how serious this is. We have a Bill before us that is deficient in a number of ways, yet we have the benefit of access to amendments that have been drafted by legal experts and that, collectively, give us a means of achieving a better outcome. It would be remiss of me not to remind Members of that and, again, to take the opportunity to say so.

**Mr Lyttle (The Chairperson of the Committee for Education):** The Education Committee has not tabled amendments for group 3, relating to strategy, implementation and reporting. The Committee thoroughly considered clauses 6, 7, 8 and 9, dealing with the duty to plan for integrated education, the presumption in relation to new schools, the integrated education strategy, and reporting. There were concerns in relation to clauses 6 and 7, particularly regarding the responsibilities for CCMS and EA and in relation to area planning. It was acknowledged, however, that there was a wide range of views and that further engagement with the Bill sponsor was going to be necessary in that regard. Some Committee members opposed the clauses in their entirety, some supported them, and some, as I said, were eager to do further work with the Bill sponsor, and that has been manifested in the amendments that we are considering today.

Speaking as Alliance education spokesperson, I will support the Bill sponsor's new clause 7 via amendment No 27. It was tabled further to engagement with the Education Committee and goes to the heart of the Bill in many ways, which is, indeed, to facilitate robust and innovative consultation on the demand for integrated education and to ensure that the aim is to meet that demand.

**Mr Sheehan:** I welcome the opportunity to speak on this group of amendments. The strategy is key to this legislation and will give it some teeth.

Some have voiced concerns that a strategy for the sector will give it an unfair advantage. However, some advantage is necessary because those who have argued today that the integrated sector gets an advantage from this legislation have yet to explain how parents who cannot get their children into an integrated school will be facilitated. I do not know of a situation in which a parent could not get their child into a maintained or controlled school. The Irish-medium sector has the same difficulties as the integrated sector. There is not a level playing pitch. We are not giving an advantage to the integrated sector; we are levelling off the pitch so that parents who want their children to go to the integrated sector can have the same choice as those who want to send their children to any of the other sectors. It is not an advantage; it is about a level playing pitch.

**5.45 pm**

Children who are currently in integrated schools but do not feel that their identity is as respected or as tolerated as that of others can also call on the strategy to ensure that their culture and identity are respected. It is important that the integrated sector be seen as one that promotes and practises cultural diversity in all its aspects and that no one attends an integrated school feeling as though they are in some way second-class citizens in those schools or that their identity and culture are not respected. The strategy will help as far as that is concerned. Training in diversity and respect will be crucial for integrated education, and monitoring how schools perform in that regard is particularly welcome and progressive.

The timing of the Bill has been difficult for us — I will not pretend otherwise — with the independent review of education already under way. Many have made the argument — it has been well made — that the legislation should have been delayed to allow for the independent review to take place first. I accept that that is a fairly strong argument, but others have to accept the argument that many families are waiting for progress in the here and now. Who knows when the independent review will provide its report or when the recommendations of that report will be implemented? It is important that we move ahead now and acknowledge that the Bill sponsor has been working on it for years, even prior to the

commitments on the education system made in 'New Decade, New Approach' (NDNA).

Clause 7 is a big problematic area. Even at the early stages, the sponsor acknowledged that. The clause states that there is a presumption that any new school would be an integrated school. That proved to be extremely problematic for us. Thankfully, in our engagement with the sponsor and her researcher, they came forward with a new clause, and that is welcome. It would have been wrong to impose solutions on areas without the consultation that should be expected when delivering education provision. I am glad to say, as I have just pointed out, that the Bill sponsor has accepted the concerns that were voiced about that. Amendment No 27 represents a suitable way forward.

It involves local communities in a comprehensive consultation process but, at the same time, still gives the integrated sector a fair wind in those conversations. I therefore encourage others to support amendment No 27.

**Mr Harvey:** I support and will speak briefly on a number of amendments laid by the Minister.

Clause 6 states that all education bodies:

*"must include provision for integrated education when—  
(a) developing, adopting, implementing or revising policies, strategies and plans".*

The clause is extremely wide in scope and has no regard to the current framework as laid down by the Education Reform (Northern Ireland) Order 1989. How, practically, could all educational establishments in other sectors ever achieve such a provision, for example? Such a clause should have relevance only to a Department, as stated at article 64(1) of the 1989 Order.

On clause 7, I am in full agreement with the Minister and her Department that such a provision should not stand part of the Bill unless qualified by the provisions in amendment No 29. To prohibit the establishment of a new school other than one from the integrated sector would not be a sustainable position to request the Department to maintain without consideration of the demand for such. The education estate must meet the needs of the local community that it serves. Need is met by a range of contextual factors, including parental choice. It is not the job of the House to dictate to parents and young people which school

should be attended. Clause 7 amounts to such. Choice is healthy, and all considerations for new schools should be based on demand and on ensuring that the best education can be provided to young people with the support of parents.

On clause 8, I agree with the comments made by Mr O'Dowd at Second Reading. Surely the budget already provided to NICIE is to ensure that it can:

*"encourage, facilitate and promote integrated education".*

If that is not being done or has not been done, why has NICIE not been held to account? I do not see any additional role for the Department, particularly not in the sort of terms outlined at clause 8(2), for example. The maintenance and protection of the ethos of an integrated school, as with any other school, is a matter for individual schools in that sector.

I have no difficulty with an integrated education strategy in and of itself, however, and amendment Nos 33 and 34 are sufficient to establish such a strategy.

**Mr McCrossan:** I am delighted that we have got to group 3 and that we are finally discussing the amendments and the Bill.

We have had conversations on clause 5(1)(a) that, no doubt, will continue throughout the debate on this group, but we are not overly satisfied with the present wording. We have looked at it in detail to see whether and to what extent it is possible to amend it; indeed, I have had that conversation with the Minister and with the Bill sponsor. We have concerns about it, and it is not acceptable to us in its current form, so we are stuck on that clause. Greater safeguards need to be provided for the integrated sector, which currently are not there. I have been told that those can be added by an amendment, but, again, I am relying on that promise. I am not entirely comfortable with that at this point, so we will look at that as we progress through the group.

Clause 6 places duties on the Department, the Education Authority, CCMS and CCEA to include provision for integrated education in their strategies, plans and policies. The clause has created significant disquiet in a number of circles, and we have been alerted to the potential for legal challenges. Today, the debate has been had to provide clarity in that area, and there is a clear need to amend the clause in an attempt to avert the potential for

any obvious or emerging legal problems that could arise.

The clause creates a conflict for CCMS in performing its statutory duties towards the faith sector that it was set up to serve. It also presents the EA with problems in how it fulfils its statutory functions and serves all sectors equally and without favour. CCEA has no duties to one particular sector: we have had that conversation with the Bill sponsor, and she has considered that point. Naming CCEA is unprecedented — I think that that is accepted — and goes well beyond the notion of creating a level playing field for integrated education.

I strongly place it on record that the SDLP is firmly in favour of a level playing field for integrated education. All the amendments that we have tabled are to that end, and the next amendment is no different.

Amendment No 25 acknowledges that the term "must include provision for" is too strong and goes well beyond the notion of enabling a level playing field. I propose that the bodies listed as "education bodies" in clause 13 are asked instead to "have regard to". That is a term that is well known in legislative circles, and consequently it has a helpful clarity of meaning. Furthermore, it gives the direction a strength of purpose similar to a departmental circular sent with the authority of a Minister. It is therefore not an instrument that can easily be disregarded. It also enables an element of operational flexibility to ensure that the statutory duties of those education bodies do not come into conflict. That should significantly reduce the potential for legal challenges and will, consequently, benefit all schools, including integrated schools. Creating the potential for conflict in our education system, however inadvertently it is brought about, is not conducive to promoting community cohesion, which is one of the declared purposes of integrated education.

Our problem with clause 6, page 3, line 1, is similar to that outlined above. In the pursuit of peace and reconciliation and in our attempts to bring communities together, we have many programmes, policies and bodies that work in harmony and unity. In the world of education, two prominent ones are integrated schools and the shared education programme; indeed, it should be noted that the Bill sponsor borrowed heavily from the Shared Education Act 2016 when she was putting the Bill together. Again, we had discussions about that. Both approaches to bringing our communities together are commendable and are worthy of our support and encouragement. I do not

believe that it would be the intention of anyone in the House to subordinate one of those pieces of legislation to the other. With that in mind, amendment No 26 has been tabled in the spirit of promoting equality of purpose as opposed to creating an issue.

In amendment No 27, Kellie has written new clause 7, which addresses the significant problems that the original clause threw up, namely that every new school would be presumed to be integrated with an associated lack of legal clarity about what constitutes a "new school". Clause 7, as originally written, proposed that every new school would be presumed to be an integrated school. In that guise, the clause raised some alarm and caused much disquiet amongst all the parties, particularly at Committee Stage. I note with great satisfaction the significant amendment to that by the sponsor, which promotes her willingness to listen, engage and change to ensure that concerns are taken on board. That said, the SDLP is a little concerned that the amendment may be interpreted in such a way as to be a little too restrictive to the cause of integrated education. We would not want the sponsor's amendment to unwittingly restrict the formation of integrated schools. Once again, we are in the realms of potential unintended consequences. That is why we seek clarification on that and propose it is tidied up.

While there should be no presumption of a new school, there may be occasions when it is the desire of some schools, in the circumstances listed in new clause 7(5)(a), (b) and (c), to become integrated. On those occasions, it would be unreasonable to interpret the phrase "does not include" to mean "forever excluded". Amendment No 28 was tabled with that in mind.

If the sponsor's amendment to clause 8 is made, the Department will be required to publish a strategy for encouraging, facilitating and supporting the provision of integrated education. It has been suggested that that will likely be costly, and the estimated costs that have been provided are limited in their scope. To her credit, the sponsor recognises that fact on pages 4 and 5 of the memorandum.

The Department has no additional resources available at this time, which implies that resources will possibly have to be diverted from other areas of the Education budget. Again, I know that that has caused some concerns in the House and that the sponsor is keen to alleviate those concerns in whatever way possible. A dilemma is presented to us in that we will have legislated without knowing the cost of the changes that will be imposed as a duty,

nor will we know what other areas of education may be affected and by how much. The dangers of unintended consequences give us some concern, but we have expressed that to the sponsor in our continuing conversations, and we have sought some assurances.

### 6.00 pm

With that in mind, I propose that the word "identify" be replaced by "quantify". The resource needs that the strategy will require have not been quantified. That is surely the starting point, and it would give more transparency to the process. Once the strategy is produced, quantifying the need is the next logical step. That change of wording will facilitate a more robust resource-identifying process. Ultimately, it will facilitate the revising of the strategy and will make planning much more focused.

Bearing in mind what I have just said about amendment No 37, I propose, for exactly the same reasons, to add two words via amendment No 38: "identify respective". That is designed to improve focus and facilitate the taking forward of the strategy. In amendment No 39, Kellie addresses a concern that was raised by the Committee. Again, that is to be welcomed. We discussed amendment No 40, which is also to clause 8, with the sponsor recently, and we are satisfied with it.

I now come to amendment No 41. The whole rationale for the Bill is to create a level playing field for integrated education. The SDLP wholeheartedly supports that intention, as we always have and will continue to. However, the provision of the particular resources that are set out in clause 8(3)(f) creates a situation of advantage for one sector. That is where the criticism rests. We believe in equality. We want to see all our children being treated equally. The resources that are available through the shared education programme, which are open to all integrated schools that enter into partnership arrangements, can be used for training and achieving the purposes of integrated education, as set out in clause 2. I draw attention to that because I am confident that all schools, not just integrated ones, already work towards those objectives. Furthermore, shared education programmes are already resourcing training programmes for staff, pupils and parents in other sectors. It would be excellent to see shared education being used more for arrangements such as those that are referred to in that clause. That would open up opportunities for significant resources to be deployed in order to bring

diverse schools together in partnership. Only good can come from that.

Clause 9 requires the Department to "prepare and publish" a biennial report on integrated education. It is appropriate that a report be produced regularly. The SDLP, therefore, fully supports those objectives. However, as the Department is the body with the duty to produce the strategy, it may be helpful from time to time to have a different body cast an outside professional and objective eye on how much progress has been made, otherwise, the Department would, effectively, always be marking its own homework, if I may use that phrase.

On amendment No 42, it is accepted best practice to sometimes commission a third party with appropriate capacity to prepare a report on a public body, which the Department would, of course, publish. That is the substance of the SDLP's amendment. I believe that the integrated sector would benefit from such an arrangement, and I commend it to you all.

We have discussed amendment No 43, and the sponsor accepts where our concerns lie on it. She provided a great deal of clarity on that area.

I will go back to my initial remarks about clause 5(1)(a), which is where the basis of my concern lies. I would like to see us be in a place where that clause could be amended in order to provide greater safeguards.

I am not sure that we are in that place. If we accept that wording, we would have to go forward with it and then amend it. That has caused some concern, certainly among my party colleagues. Maybe the Minister would consider withdrawing it with a view to bringing it back at Further Consideration Stage; I do not know whether that is possible. I think that the correct term is that she could "seek leave" to bring it back. I understand what is intended; I am just concerned that it does not provide enough safeguarding. We have accepted clauses 4 and 5 with a view to supporting new clause 5A and seeking amendment. Ultimately, if we were not satisfied with how that progressed, we would deal with it, but, unfortunately, there is a limit to that.

**Miss McIlveen:** Will the Member give way?

**Mr McCrossan:** Yes, I will give way.

**Miss McIlveen:** I appreciate that the Member has concerns, and I very much appreciate the



fact that he is giving it consideration. I have spoken to the Bill Office to get clarity. If he desired to support me on new clause 5A and clauses 4, 5 and 5A were on the books, as it were, to be considered, that could, due to the synergy there, be brought back for amendment at Further Consideration Stage and considered at that point.

**Mr McCrossan:** I thank the Minister for her intervention. Maybe the Bill sponsor will contribute on this as well, because it is important for our positioning on it. I am concerned at how limited we are in the amendment to the existing new clause 5A. I appreciate the Minister's seeking clarification. That is really where my concern is: we have to go forward with the wording and then amend that wording. I think that I am right in my understanding of that. If we go forward with that wording, I am concerned that that would weaken what the sponsor is trying to achieve. If we could amend that at Further Consideration Stage to give stronger support for the integrated education sector, I would be much more comfortable. Maybe the sponsor could provide further light on that. Do you want to come in now?

**Ms Armstrong:** We have just voted for clause 5 to stand part of the Bill, so that is it: clause 5 is there. New clause 5A is certainly not mutually exclusive. I would be happy for aspects of new clause 5A to be taken forward before Further Consideration Stage. As I said before, my ears are open. I have always been prepared to listen throughout this process. If anything can improve the Bill, as the Member has stated, I am certainly open to it.

**Mr McCrossan:** I thank the sponsor for her intervention and clarification. My party will have further conversations about how we will proceed. However, in order to accept new clause 5A in its current form, we would need to be deeply satisfied that we could amend it to an extent that is acceptable to my party colleagues. Equally, I understand what the Bill sponsor says: if we were not to support new clause 5A at this stage, we could keep clause 5 and table an amendment to it to allow some shaping of what would exist under new clause 5A and go further than that. We could consider that as well.

Those are my comments at this stage. I thank the Minister and sponsor for their interventions and for providing clarification.

**Mr Allister:** On a point of order, Mr Deputy Speaker. In the light of what Mr McCrossan has

just said, can we have a ruling from the Chair, so that we all know how amendable new clause 5A would be, if the amendment is passed, and, if it is not passed, how much of it could be brought in through other amendments at Further Consideration Stage?

**Mr Deputy Speaker (Mr McGlone):** I was just thinking about that as the Member was speaking. I will seek clarity. I will have that clarity for Members before we move to the votes.

**Mr Deputy Speaker (Mr McGlone):** I now call Mr Robin Newton.

**Mr Newton:** I was not expecting that, Mr Deputy Speaker.

This has been an interesting session, with perhaps more movement happening than in other sessions. Perhaps a degree of reality is starting to enter Members' thinking. I do not want to interrupt those seemingly positive steps as we go forward.

The group 3 amendments cover strategy, implementation and reporting. I intend to support the Minister's new clause 5A in amendment No 23, the Minister's amendment No 33 and the Minister's proposed new clause 7A in amendment No 29.

I have not agreed with very much that the Chair of the Committee has said over the past 24 hours, but I agree with him that a huge amount of concern about clauses 7 and 8 was expressed in Committee at meetings in both closed and open session. Initially, when the Bill was presented, every new school was presumed to be an integrated school. That is one clause that the sponsor has now changed, and it is a small step in the right direction. Even so, when a new school is being considered or proposed, clause 7 still requires every education body in Northern Ireland to consult at every stage in the process. We all know the issues around area planning. It is always a difficult and controversial issue, and area plans are always defended or attacked by MLAs from different constituencies depending on their priorities. Indeed, the area-planning process will still place duties on the Department that will undoubtedly slow down the process, and I do not think that any of us wants to see that. We need to have an effective area-planning process. In the recent history of the Committee and the Department, little was achieved for a long time on area planning for children with special needs. While there has been some

movement, clause 7 still presents some difficulties.

Clause 8 demands more resources, more personnel, further funding commitments, action plans and targets for only one sector. At the moment, only the Irish-medium sector is supported in legislation, through the Education (Northern Ireland) Order 1998. The strategy in the clause would elevate integrated education above even Irish-medium education, whilst leaving the controlled and maintained sectors at the bottom of the pile, even after minor amendments have been made.

Mr Harvey referred to the strategic planning for integrated education that NICIE ought to be doing. I believe that it is funded to do that. The figure quoted earlier in the Chamber to deliver such strategies and support was around £700,000. How will the teachers, principals and board of governors from the controlled and maintained sectors who made presentations to the Committee and engaged with the Bill sponsor and other MLAs feel when they realise that they are now third-class citizens, with none of those duties applying to their schools?

### 6.15 pm

What about the parents of children in those schools? Are they content that the parties here will support those privileges? Mr Allister was so concise in the debates on the previous groups that he earned the attention of the Chamber as he was speaking. What about the parents of children in maintained and controlled schools who feel that they are being left behind and not supported?

**Ms Armstrong:** I thank the Member for giving way. If the children who are trying to get into a controlled or maintained school are being denied that opportunity, I will join with you. However, there is no evidence that a child who has tried to get into a maintained or controlled school cannot get into that type of school. They may not get into their first-preference school, but they will always be able to get into a maintained or controlled school, unlike children in Irish-medium or integrated education, who often do not have an alternative school of that type to go to.

**Mr Newton:** I thank the Member for her intervention. I previously used the word "befuddled" — I do not even know if that is a word — but it is how I felt in my mind. However, if the Bill sponsor joins me when children cannot get into a school of their choice in either the controlled or maintained sector after we

have put legislation in place, that is not going to be a great deal of comfort for the parents of those children. It is not going to be a great deal of comfort that you will join me in the campaign to get the child into that school. I used the word "befuddled" before, and I do not know if there is such a word, but it is how I felt in my mind about other interventions that the Member has made.

The Member interrupted me just as I was about to finish. It is, essentially, about those parents and children in schools that need to ensure that they are not less well off and that others are not getting more privileges than they are. All privileges and support are to be afforded to all sectors. Mr Weir spoke eloquently on that issue at an earlier stage. The ethos that we are adopting in the Chamber is not one that can be sustained in constituencies across Northern Ireland.

**Mr Weir:** On this side of the House, we feel very much like buses. You wait half an hour for one DUP Member to speak, and then two come along at once. I will try to keep my remarks focused and succinct.

In the debates at both the Second Stage and on the first two groups of amendments, irrespective of where your views lie on this legislation, we have had fairly fundamental differences expressed on the key principles of whether the Bill brings forward equality and leads to a level playing field or makes that worse, whether the timing is appropriate or whether it is the right way to do things.

Largely speaking, the amendments in group 3 focus on slightly more pragmatic issues. Members from my party and some others have expressed fundamental opposition to elements of the Bill. Notwithstanding that that fundamental opposition remains, it is incumbent that the action being taken in relation to this group of amendments is to look at where there are flaws in the Bill and at least say, "Let us improve those and correct them". That lies very much at the heart of the amendments that the Minister has tabled in this group.

They are amendments that are designed to give a greater legal effect and to be both more competent and less susceptible to legal challenge. They are amendments that are more appropriate for the way forward and that focus on what is necessary so that we do not have an overburdening of bureaucracy. As such, while I appreciate that there has been some movement by, for instance, the Bill's sponsor on some of the issues, the wording that has been put forward by the Minister provides better solutions

to each of the issues. Perhaps that also reflects that the drafting, particularly from a legal point of view, came from the Office of the Legislative Counsel. As such, the amendments are not designed to diminish the Bill or obfuscate it, but to ensure that what is there is a lot more appropriate

I will turn to a few of the specifics. Earlier, we raised concerns about clause 5. The wording of the proposed new clause 5A appears to be a much more sensible construction. To some extent, I know that the SDLP's spokesperson Mr McCrossan has looked with some dilemma at what direction he should go in. I also appreciate that the Deputy Speaker will bring back further information. From my experience in the House, I believe that the proposed new clause 5A is a better construct and is legally a lot more watertight.

The other advantage of passing proposed new clause 5A at this stage, compared with not passing it, is that at least there will then be another opportunity to refine it at Further Consideration Stage if there are difficulties. If, however, it is rejected today, there is a restriction in that you cannot reintroduce what you tried to introduce at a previous stage. Therefore, effectively, my reading of it is that a rejection of proposed new clause 5A would largely take a lot of elements off the table, but passing it —

**Mr Lyttle:** Will the Member give way?

**Mr Weir:** I will give way briefly.

**Mr Lyttle:** That will only be true if the amendment is moved. I presume that, if it is not moved, then that does create the opportunity for introduction at Further Consideration Stage.

**Mr Weir:** I am not sure how easy that would be, because it is also the case that, at Further Consideration Stage, there is the opportunity for some level of adjustment. Would it be considered that a completely new clause at Further Consideration Stage would move beyond a simple adjustment to what is there? It might be regarded as a more fundamental shift in the Bill and run the risk of being ruled out of order, whereas an amendment to proposed new clause 5A and, indeed, the space that could be given to do that is perhaps the more appropriate way.

Almost irrespective of what is there, proposed new clause 5A is better constructed because it is tied in and has been drafted by the Office of the Legislative Counsel to give much more

direct legal effect to the position than the other alternatives. However, there is the opportunity for flexibility that would certainly not be there if the amendment was defeated and that may not be there if it is not moved today. That is the better route within that.

Much has been made of the current — it is still current — clause 7 and, indeed, much of the consternation at Second Stage was in reference to it. I appreciate that there has been a common-ground shift of opinion on the definition of "a new school". That, at least, is to be welcomed across the board. Any new school, when it is agreed, comes with a level of capital commitment. Anybody who has looked at their own constituency or has been in ministerial office knows that any announcements about new schools or examinations can sometimes be fraught with difficulties, because, although welcomed by whatever school obtains it, there are then 10 other voices saying, "Why was x, y and z not done in my area?". There is always some concern or suspicion about what lies behind any decision, but people should, at least, be able to reassure themselves that there is a level playing field and an equal position, meaning that those who have been unfortunate and missed out still have as good a chance in the next tranche of announcements or actions.

I welcome the changes that have been made, but the Minister's amendment that puts in the new clause is the best way of achieving that and the most appropriate way of doing it. It does not violate the intentions of the Bill in relation to the provision of new schools, albeit that those new schools will be limited in number. Again, it puts it on a more sound footing.

It is also the case that information needs to be gathered and consultation needs to be done. Often, one of the criticisms around development proposals, capital builds or actions around new schools is that, at times, the process does not deliver quickly enough for people. That is often a criticism. Therefore, the Minister's amendments address the problem with the current construct in the Bill, so that we do not have a wide range of superfluous reports but have the opportunity to, at least, move ahead on a range of those issues in a much more efficient and effective manner.

That is also tied in with the concept of the duty and the considerations that will be placed on education bodies. When it comes to the potential bureaucracy, cost and appropriateness, the overarching responsibility is on the EA and the Department to consider

those issues, but, largely speaking, to expect CCMS and a range of other bodies effectively to be the advocates for integrated schools is inappropriate, in the same way that it would be inappropriate to expect NICIE to be the conduit and advocate for maintained schools. Consequently, I am glad that some amendments have been proposed to that, and I hope that Members look beyond the origin of some of the amendments and look at their conciseness and the appropriateness of the drafting.

**Ms Armstrong:** I thank the Member for giving way. When I met officials from the Department last Friday, we talked through all the amendments that the Minister proposed. Amendment No 70 will be dealt with at another stage, but that amendment refers to the definition of education bodies, which will be the Department of Education and the Education Authority. It may help the House to know that I said that I would support that amendment.

**Mr Weir:** Obviously, there is a little bit of peace breaking out belatedly in the Chamber on that. Any advance is welcome, but, if we are to ground it in the best possible route, the ministerial amendments are the most appropriate across the board.

Finally, based on the reporting mechanisms and monitoring reports that will be brought forward, the ministerial amendments entirely embrace the Bill's principle. There is no attempt to step away from strategies related to that. That is accepted in those amendments. It is about trying to ensure that we have something that is fit for purpose and that we do not either duplicate what is there or over-elaborate on it. What are the dangers of that? If you have something that is, by its nature, over-elaborate, it can effectively become so administratively burdensome that it creates a high level of expense. Indeed, there is a risk of that as the Bill is currently drafted. Alternatively, and sometimes in parallel with that, there is a danger that, if the hurdle for what is being produced is seen as too high, it almost becomes a meaningless tick-box exercise, whereby particular pieces of information are produced, but no real credence is given to where the focus of the strategy should be.

### 6.30 pm

Resources are important. From my experience over two decades in the House, the good days, whether in education or anything else, are those when the choices are between which virtuous thing you do. Sadly, given the

constraints on resources, which are particularly acute not only in education but in a range of areas, the choices that have to be made by the House or by Ministers are not between the new and good things that they are able to do but between the virtuous things that they have to try to protect and those that they have to cut.

Every decision on which resources are spent unnecessarily and bureaucracy is taken to an unnecessary level create an opportunity cost. If tens of thousands, hundreds of thousands or millions of pounds are spent on a route that is not needed, is overreach or involves much more bureaucracy than is needed, that does not happen in a virtual world where additional resources can simply be allocated; it always comes at the expense of something else.

It is important and, I think, accepted that, if strategies are to be produced and the amendments are clearly on the basis of those strategies happening as regards integrated education, they should be done in an appropriate and doable manner that ensures that the focus is there and that we do not burden other parts of the education system, whose budget, as we know if the proposed budget goes through, will be diluted by 2% each year, which it can ill afford.

Whether it is me, the current Minister or other Ministers who are faced with making difficult decisions on where to make cuts, I do not want those to be more than are absolutely necessary for any future Minister. Indeed, I would hope that they could be avoided altogether. However, there is no point in placing additional burdens on ourselves and on front-line services, particularly for our children, when they are not necessary. Let us not over-engineer solutions. Let us have solutions that are appropriate to the issues.

These amendments, notwithstanding the broader concerns that the Minister, Members on this side of the House and I have about the Bill as a whole, are about trying to improve what is there and finding pragmatic solutions. I urge Members to look to the opportunity for refinement at Further Consideration Stage and consider that what is being proposed by the Minister are the best possible solutions to those problems. They are the most pragmatic and appropriate, the least bureaucratic, they make the best use of resources, and they are legally the soundest.

I support the Minister's amendments.

**Mrs Dodds:** I will not take up a lot of the House's time on this group of amendments

because much of what I was going to say has already been aired.

Clauses 4 and 5 are the pivot on which the Bill turns and are very significant on the definition of supporting integrated education. In this group, we have the opportunity to consider new clause 5A. If I am paraphrasing my colleague Peter Weir correctly, Mr Deputy Speaker—I know that you are going to get clarification on this matter for us—amendment at Further Consideration Stage would not allow us to introduce a new clause but only to amend an existing clause.

It seems that clause 5A is crucial for those who have thought about the pivotal nature of clauses 4 and 5 and subsequent clause 5A. It seems imperative, then, that we have clause 5A at Consideration Stage if there were to be further amendments or clarity sought from the Members opposite. That is very significant.

For those of us who sat through the process in the Education Committee, clause 7 was very problematic. I read very carefully amendment No 27 proposed by the Bill sponsor. It is probably a convoluted way of doing this. The Minister's amendment provides, I think, a clearer way forward.

I will focus the House's attention very briefly on clause 8, which states:

*"The Department of Education must prepare".*

I stand to be corrected, but I am pretty sure that the Department does not have a duty to do that for other sectors in the education sphere. Therefore, the Department would be doing that on behalf of the integrated sector when it does not already do it on behalf of other sectors. The obligation in clause 8 is very significant. It is not just a strategy, because, within that strategy, the Bill indicates that we would have to:

*"include provision for resources (including personnel) to encourage, facilitate and promote"—*

or "support", or whatever you want—

*"integrated education".*

Clause 8(d) would require us to:

*"identify funding commitments and resources made available for the promotion and provision of integrated education".*

If I were looking at the Bill in isolation and not considering the other issues in education, I might think that those requirements were not extraordinary, although it is extraordinary to ask the Department to do that for one sector but not for every other sector. In law, that would mean that the Department would be identifying those resources for the integrated sector while not doing the same for other sectors.

That brings to my mind and to my attention that, while the Department is doing that for the integrated sector, the Catholic maintained sector may well do it for its sector, and the Irish-medium sector may well do it for its sector, I again go back to the issue of where controlled schools will sit under that obligation. It is a specific obligation to integrated education in a Bill on integrated education, but there is no equivalent obligation in law, and that has the potential to introduce us to a very difficult area.

**Ms Armstrong:** Will the Member give way?

**Mrs Dodds:** I want to make this point, because it is very significant and important for me. Over the last number of weeks, I have been talking to a number of schools in my constituency, including, for example, St Patrick's College in Banbridge, which needs new creative arts spaces. There is nowhere in the school for the creative arts. I have been talking to Banbridge High School, where, in this day and age, some classrooms still have traditional blackboards. There is that need in the maintained and controlled sectors. I have been over at Portadown College, which may have—I stand to be corrected but am nearly sure about this—the largest sixth form in Northern Ireland, and fungus is growing out of the corners of the classrooms, yet the Department, under that very specific obligation, is obligated to do that for only one sector.

I am very concerned, as I have said over and over again today, that this will uplift one sector over another, and that is entirely wrong. As I have also said today, I am not blind to the need for reform in education. It is important for us to address that. There are so many fundamental things that we can do to improve outcomes for young people in Northern Ireland. However, I really do not think that we can do that by having an obligation for one sector and not have it for every other sector.

**Ms Armstrong:** Will the Member give way?

**Mrs Dodds:** Yes, I will.

**Ms Armstrong:** I want to clarify that there are 65 integrated schools in Northern Ireland, 27 of which are also controlled schools. So, the integrated education sector is not the only sector that it would happen to; there are controlled schools that would come into the mix. Again, 27 out of the 65 are controlled schools. We should not forget the fact that CSSC and the Education Authority have responsibility for those controlled, integrated schools.

**Mrs Dodds:** I accept the Bill sponsor's clarification, but around 300,000 children in Northern Ireland are educated in controlled and maintained schools. Those children are not included in any of the Bill's provisions; they will be left outside, they will not have the same opportunities and the same obligations in law will not apply to them etc.

I recently read that about 7% of the Northern Ireland school population are educated in an integrated school and that around 90% are educated in a controlled or maintained school. We should not institutionalise that kind of provision for one sector and not look at the other sectors in education, particularly when there is such extraordinary need in some of those sectors right across Northern Ireland. I have made it my business to visit schools across all of the sectors in my constituency in order to talk to them and listen to their concerns.

I will finish by looking at clause 9 and the relevant amendments. Again, that clause places a requirement on the Department of Education. If the Department of Education is required to bring forward a strategy as well as a report on that strategy, we really have to question the role of NICIE in all of that, where it will sit and what it will be doing.

We have taken considerable time to consider the Bill in the House, and that is right and proper. As we have gone through the process, we have aired our total commitment to children learning together, playing together and, when they become adults, working together in the workplace. That is important for Northern Ireland, for our future and for our stability, and it is something that we should all aspire to. The Bill will not help us to progress that noble goal. Rather, it will uplift one sector over all the other sectors in education and create huge problems along the line. I appeal to those in the House who, I know, have many questions and are worried about the fact that they have been whipped to support the Bill: sometimes you just have to do what you believe in and stand up for the young people whom you represent.

6.45 pm

**Mr Deputy Speaker (Mr McGlone):** Before I call Mr Allister, I will say that we have sought some guidance on the point of order that he raised on amending the Bill at Further Consideration Stage. Further Consideration Stage provides Members with a final opportunity to amend a Bill as agreed at Consideration Stage. All amendments that are tabled will be considered by the Speaker in line with admissibility criteria at the appropriate time. It would not be helpful to speculate on the consideration of amendments that have not been tabled and considered in line with those appropriate procedures, and I remind Members that it is the role of the Speaker to select amendments for debate and it is the Speaker's decision, which is final.

**Mr Allister:** To respond to that, I am not sure that you have added a great deal to the sum of human knowledge, Mr Deputy Speaker, by saying that these matters will be decided according to admissible criteria without illuminating the House with what the admissible criteria are. I think that that was the key question. What is it that will judge whether an amendment is admissible?

**Mr Deputy Speaker (Mr McGlone):** To add to that, Mr Allister, at Further Consideration Stage, an amendment that is inconsistent with or contrary to the Bill so far agreed or to any previous decisions of the Assembly on the Bill would be inadmissible. As we know, these are complex matters, so we do not want to move from the theoretical into the hypothetical. Nevertheless, they are complex issues, and the Bill Office will be more than happy to give any further guidance or advice on them.

**Mr Allister:** That further illumination is somewhat helpful, and the one thing that it brings home to me is that, if there is an appetite to look further at the conglomerate that is clauses 4, 5 and, potentially, new clause 5A, it seems that the flexibility would be maximised by the approval of new clause 5A at this stage. If new clause 5A is not approved at this stage, I would think that you would be very much into the territory of the admissibility criteria of that which is not compatible with something that has already been passed. Would new clause 5A, for example, already having been moved, be deemed to be compatible with clauses 4 and 5, which have already passed? I would be quite doubtful about that. If there is an appetite for looking at these things in the round, it seems to me to be pretty clear that you would need to have clause 5A in the statute by the time that

you come to Further Consideration Stage. That is a judgement that people will have to make.

I do not want to detain the House for very long. I have a few comments to make. Clause 6 always concerned me considerably, and it still does. It concerns me primarily because of the breadth of its demands, which are to embrace every education body as defined in clause 13. Of course, that includes such things as CCMS, meaning that CCMS must include provision for integrated education when it wants to do anything, basically. The sponsor has said that she is minded to support amendment No 70. If that happens, the definition of education bodies in clause 13 will be diminished to the Department and the Education Authority. That seems of itself to be eminently appropriate, but, even with that and, acknowledging that one cannot presume the vote of the House, assuming that amendment No 70 is approved, we still have a situation where education bodies, now defined as the Department or the Education Authority:

*"must include provision for integrated education when—*

- (a) developing, adopting, implementing or revising policies, strategies and plans; and*
- (b) designing and delivering public services."*

If I read that in a more truncated form, it states that the Department or the Education Authority:

*"must include provision for integrated education when ... delivering public services."*

Surely that is the very embodiment of what we have spent so much of today talking about: the preferential advancement of one sector over the other. If, in clause 6, we declare that the Department:

*"must include provision for integrated education when ... delivering public services"*

but we do not declare that for any other sector, surely we are giving the advancement and privilege that has been talked about today. It is pretty clear to me that that would be the effect, and that is the real flaw in clause 6.

The same issue arises in the Bill sponsor's amendment to clause 7, insofar as she obviously wished to continue with the wide definition of education bodies. If she now

accepts that that will change, it will change the eventual import of her amendment No 27. When you look at amendment No 27, the new clause 7 that the Bill sponsor wants to put in, and compare it with the new clause that the Minister wants to put in, you see that one — that of the Minister — is straightforward and understandable and does not leave many hostages to fortune. The amendment tabled by the Bill sponsor, however, is gaping with such things. Take proposed clause 7(2), for example:

*"In exercising their functions under subsection (1), education bodies must consult with—*

- (a) teachers,*
- (b) governors,*
- (c) pupils,*
- (d) families, and*
- (e) sectoral and community bodies".*

What are "community bodies" in that context? One thing missing from that list, oddly enough, is other schools, unless they are meant to be included in "community bodies". Amendment No 27 leaves a number of gaping questions as to what it actually means, whereas amendment No 29 is concise and understandable and, therefore, by far the preferable articulation of the points that are necessary in respect of what was a disastrous clause 7 to begin with. I will certainly support amendment No 29 over amendment No 27.

Mrs Dodds made some pertinent points about clause 8, identifying in it terminology that creates privilege and special status for one sector only. As she mentioned, that is in clause 8(2)(a), which requires that the strategy include "provision for resources" only for the integrated sector. You must "identify funding commitments and resources" only for the integrated sector. You must include "Targets and benchmarks" only for the integrated sector.

We are back to the reality that the Bill is built upon a determination to create and carve out a special status — a privileged status — for one sector only in education. That is the flaw that runs through the Bill from start to finish, and that is why, even if it is amended on those matters, it is not a Bill that I can see myself ever supporting.

**Mr Deputy Speaker (Mr McGlone):** I call the sponsor of the Bill, Kellie Armstrong.

**Ms Armstrong:** Thank you very much, Mr Deputy Speaker. We are moving on a bit faster now.

I thank every Member who has spoken on this group. It has been useful to hear what has come forward in the amendments. I thank the Minister for tabling her amendment No 23, however I cannot support proposed new clause 5A. While I appreciate the Department's approach, new clause 5A would, unfortunately, water down the policy intent of the Bill.

My new clause 7, amendment No 27, has been proposed following discussion with the Committee. My policy intent is to open the conversation when a new-school opportunity is presented by the Department — sorry, the Education Authority. The amendment provides for consultation with a wider audience. It will ensure that a report is produced to clarify why a particular type of school is to be established.

Integrated education and Irish-medium schools do not currently have a planning authority. Amendment No 27 ensures that an education body — I have agreed that that will be defined by amendment No 70 — would have to include integrated education as part of new-school planning.

As I said, it is important to note that a vote is coming up later on amendment No 70, in which the Minister clarifies what is to be meant in the Bill by an education body. There are four education sectors, and anyone who wishes to support their preferred sector will be satisfied by the Minister's change to the definition in the Bill —.

**Mr Butler:** I thank the Member for giving way. I have intervened in case she moves on too quickly and does not revisit the issue. She will know that I have worked constructively with her and all other Members to ensure that there is potential for the Bill passing, and a good Bill at that. To give her the fairest possible chance, will she articulate what her absolute issues are with proposed new clause 5A in amendment No 23? I have spoken to her about her own amendment, which I am not totally against. There are, however, some issues, as Mr Allister mentioned, with the definition of "community bodies" and what those are. We know that, if we pass it, we cannot take amendment No 27 out. We can explain it a wee bit further. Some clarification of the Member's concerns about proposed new clause 5A would therefore be useful.

**Ms Armstrong:** I will certainly come to that. I will continue with what I am talking about, and then, when I come to reflect, I will make some comments on proposed new clause 5A, on which Mr Butler needs clarification.

As I was saying, there are four education sectors, and anyone who wishes to support their preferred sector will be satisfied by the Minister's change to the definition in the Bill of what an education body is. It means that those of you who prefer controlled or maintained schools can be reassured.

I cannot support the changes in the Minister's amendment Nos 30 to 35. They water down the Bill's proposed policy intent. Clause 8 as introduced contains the requirement for an integrated education strategy and for quite detailed actions to be taken. The Minister's proposals water down that approach. They talk about reporting how the Department has discharged its duties, but that could be as simple as one line, without detailing the objectives, the aims and the achievements delivered.

I do not support the Minister's intention to oppose clause 9's standing part of the Bill and replace it with amendment No 45. The reason that I included biennial reporting in clause 9 is because it will give all Members of the Assembly the ability to review how legislation passed by the House is being delivered.

I now turn to Members' contributions this evening, which are much appreciated. To confirm, in discussing the group 3 amendments, the Minister said that there is provision for integrated education whereby parents can establish a new school. That provision is not taken away by the Bill.

I have talked already about amendment No 70, which will define "education bodies". To be clear, when we were bringing forward the Bill, it was not in my gift to change the definition of "education bodies", because it is defined in law. We have sectoral bodies and education bodies, and the gamut of those education bodies was included in the Bill as introduced. To be honest, I am delighted that the Minister is seeking to change that definition for this Bill, because she has saved me the hassle — so much hassle — of trying to do that.

Pat Sheehan discussed how the strategy is key, and I agree with him. He talked about how some degree of advantage is necessary, as there has not been any explanation of how children who cannot access an integrated education will get a place. I agree with him on that.

**Mr Sheehan:** I thank the Member for giving way. The crux of the Bill is that, despite having, on the face of it, an advantage in the 1989 Order through article 64, which states that the



Department has a statutory obligation to encourage and facilitate integrated education, the sector has not been brought on to an equal footing with other sectors. That can be seen in the fact that, as I mentioned in my contribution, and the Member also mentioned it, none of us knows of a case in which a child has not been able to access either the controlled sector or the maintained sector. It is the case, however, with integrated education that some children cannot get into an integrated school. It is the same for the Irish-medium sector. Article 64 has obviously not resolved that issue. Until that is changed, there needs to be some further leg-up for the integrated sector, and the Irish-medium sector, I have to say.

I suppose that I was not really clear in what I was saying. It is not so much about creating an advantage as about making sure that the pitch is levelled so that, if parents and children make a choice about what sector they want to go to, they are all able to access it.

**7.00 pm**

**Ms Armstrong:** Thank you very much for that, Mr Sheehan. Mr Sheehan also rightly pointed out that children in integrated schools will be able to use the Bill to hold the school's feet to the fire, if it is not as inclusive and diverse as it should be.

My apologies, Mr Deputy Speaker. I am getting quite tired now.

As Mr Sheehan said, no one knows when the independent review of education will come forward, when its report will come out or when its recommendations will be enacted. He was absolutely right about clause 7: I recognised immediately and took it on board quickly that nobody liked the initial clause 7. I pay tribute to the Bill Office, which tried and tried to build in what the Committee had said to me clearly, which was that there needed to be a community consultation and work done so that, when a new school, identified by the Education Authority or the Department, was being brought forward, there would be a wider, nuanced discussion across the whole area. I welcome that. It means that, as I have defined in my new clause 7, you need to talk to teachers and others in a much wider context. "Community bodies" is the wording needed to have that part of society included. It was difficult, so I thank the Bill Office for its support with the amendment. It was extraordinarily difficult to ensure that we could meet the Committee's needs in scope.

**Mr Butler:** I thank the Member for giving way. I have been asked about the bodies to be consulted. You mentioned teachers and governors. Who are those teachers and governors, and where are they from in relation to a new build school, please?

**Ms Armstrong:**

*"Education bodies must consider integrated education when planning for the establishment of a new school. ... In exercising their functions under subsection (1), education bodies must consult with— teachers, governors, pupils, families, and sectoral and community bodies".*

Those are existing in the area where the new school has been identified. If there are other schools there, their teachers will be asked. It is a bit similar to what happens when a transformation comes forward. You engage everyone who has a vested interest in that area. That was the intention of that clause. How can you have a teacher in a new school if a new school has not yet been set up?

I will move on to Mr Harvey's contribution. I want to highlight to him that amendment No 70 identifies the education bodies, because that was a concern of his. The other thing that he asked about was what NICIE does, given that it is funded. I do not have a copy of this evidence, but I am sure that it can be provided to others. In 2016, NICIE was provided with permission to promote integrated education. I was told that, prior to 2016 and the provision of that permission, it was not allowed to promote integrated education using funding received from the Department. I am sure that NICIE can provide a copy of that communication from the Department. It exists in an email format from an officer who worked in the Department at that stage. NICIE certainly receives funding. It is a small body of people, and I have a lot of time for the work that it does. It does a lot for integrated and shared education. I will defer to that evidence from NICIE. I am sure that Members can contact it for it.

The information that was highlighted during Mr McCrossan's contribution is welcome. It was interesting when you said, Deputy Speaker, that the Speaker would not comment on any amendments that have not yet been made. However, you mentioned that final piece — that you cannot take away from what has already been voted through.

Mr Butler asked me about clarification on proposed new clause 5A and my concerns on it. It is in amendment No 23. I draw Members'

attention to subsection (4), which is part of my problem:

*"The Education Authority must take the steps mentioned in subsection (2)" —*

this is the key —

*"at such times as the Education Authority and the Department of Education agree to be appropriate".*

When is that? It is not defined. That is not clear for me. It goes on to say in subsection (6):

*"In making decisions in connection with proposals about the provision of education the Education Authority must have due regard to the response to its enquiries under subsection (2)" —*

here is another one that I have a problem with —

*"(in addition to any other factors to which the Education Authority is required to have regard)."*

It does not say what those factors are. I imagine that it probably refers to budget, which, of course, would be expected, but anything else can be brought into that. For me, unfortunately, it is too wide-ranging to go forward.

**Mr Allister:** Will the Member give way?

**Mr Butler:** Will the Member give way?

**Ms Armstrong:** I do not know who asked first. Was it Mr Allister? No? Sorry.

**Mr Butler:** Age before beauty.

**Mr Allister:** I cannot argue with that.

The sponsor has difficulty with the Department having regard to:

*"other factors to which the Education Authority is required to have regard".*

Surely those are requirements by law to have regard to matters. Why would the sponsor object to the Department having regard to things that it must have regard to? As to her other objection, to new clause 5A(4), that language:

*"such times as the ... Department ... agree to be appropriate"*

etc is very common in legislation. It is there for obvious reasons. The Department has the budgetary responsibility and the answerability about all these things, and it therefore must take account of all informing issues such as that. I do not understand why the Member would balk at clause 5A.

**Mr Butler:** I thank the Member for giving way. A bit like the Member for North Antrim, I spotted subsection (4) as an issue. When I looked through it, I thought, "If Kellie has an issue with this in relation to the Bill, it needs to be codified. Something needs to be put in to clarify what it means".

I did not notice the legal provision at subsection (6), which is worth looking at. Maybe, Ms Armstrong, you will consider expanding on it a little. Do you accept that, in addition to anything that is accepted at this stage, we can work towards tying that subsection down and detailing it better so that it does not detract from the purpose of the Bill? In essence, it seems to me that we can do that; we can finesse it to the point where it is a positive amendment.

**Ms Armstrong:** Thank you very much for the interventions. I had not finished explaining all my problems with new clause 5A.

Subsection (5) states:

*"The duty in subsection (2) may be met by seeking the information required by that duty together with other information about parental preferences."*

That is not tight enough for me.

Subsection (1) has been drafted well — I do not criticise any of the professionals who do drafting — but it has been drafted on the assumption that clause 5, which we have voted to include in the Bill, would not be there and that new clause 5A would replace clause 5. Looking at clause 5, which we have voted to include in the Bill, and new clause 5A, I see an overlap that causes a bit of concern.

Given the fact that, as I understand it, you cannot delete something at Further Consideration Stage that has been voted in by the House. You can amend and finesse, but you cannot take information out. As Mr McCrossan put forward, I suggest that, as the Bill's sponsor, I would be happy, between Consideration Stage today and Further Consideration Stage, to sit down with the Department to look at clause 5, which has been voted into the Bill at Consideration Stage, and

at new clause 5A so that I can raise my concerns about clause 5A and see whether we can add to clause 5 parts of clause 5A that the Minister and the Department would like to see. In order to do that, however, the process requires that new clause 5A not be moved, so that we do not knock it out of the process. If we put it in, we can only finesse and add; we cannot take anything out. I believe that that is the case.

**Mr Butler:** I thank the Member for giving way. She raises a really good point. The question of how we can have clause 5 and new clause 5A has been trotting around my head for the past two days. I imagine, however, that, by not identifying those clauses as being mutually exclusive, the Speaker's Office and the Bill Office are saying that they can kind of sit together and that, while it may be awkward, work can be done to get the best of the benefit out of both. The Bill Office would have picked it up if that would not have been possible.

**Ms Armstrong:** The Bill Office decided which clauses were mutually exclusive. I am just saying that it is quite awkward. For instance, we have already voted to say that the word "support" will be included, but clause 5A goes back to the status quo; it goes back to the current position. We have already changed that, because we have voted in clause 5.

I do not know whether we can add a full new clause at Further Consideration Stage, but we can certainly add to the clause 5 that is already in the Bill, because we have already voted for it. Those are my issues with that. That is about as clear as I can be without having something in writing from the Bill Office. I appreciate what has come forward tonight, because we cannot presume what the Speaker will or will not accept. It is extraordinarily difficult to get things to fit into scope when we are talking about including aspects of sectors outside the integrated education sector.

I am checking to see whether I need to raise anything else about that. To be honest, I think that I have covered everything on that, Mr Deputy Speaker, but I will say a few things. I will oppose the Minister's amendment No 23. I ask people to vote for my amendment No 27, particularly now that — I cannot presume to know how the House will vote — the Minister's amendment No 70, which defines "education bodies", helps people to understand the limitations of amendment No 27. Indeed, if the House does not vote for amendment No 70, I commit that I may well update amendment No 27 to limit the education bodies to those that the

Minister was trying to limit them to, which was very much appreciated.

Amendment Nos 40 and 41 were tabled by Mr McCrossan. I have always been fair, and we have had discussions about this. I will not support amendment Nos 40 and 41. The reason why I will not support them — I will flick over to find the amendments — is that they were also originally drafted with the assumption that "education bodies" would include that whole gamut. Amendment No 70 deals with that. Rather than removing a section, I would prefer that that stay in, with amendment No 70 taking care of what the education bodies are. Amendment No 41 also takes out targets and benchmarks for measuring the success of integrated education.

I am not happy to take any amendments to clause 9 other than Mr McCrossan's amendment No 42, because that one adds in the commission. I will not support the Minister's new clause 9, because it detracts too much from the original clause 9, simplifying it to the extent that it takes out the policy intent.

**Mr Deputy Speaker (Mr McGlone):** I call on the Minister to make a winding-up speech. There is quite a bit to cover, Minister.

**Miss McIlveen:** I will not labour on this too much, but it is still my intention to move amendment No 23 for a new clause 5A. I believe that, so long as that clause is included, there is an opportunity to revisit this. Regardless of what the Bill sponsor says, I would prefer to leave it to the experts in the Bill Office than to take advice from the Bill sponsor, who has a clear vested interest. It is still my intention to move amendment No 23. I hope that I get support from Members for the new clause, if they mean what they have said throughout the stages of the Bill about the importance of parental preference being recognised and provided for. The amendment delivers on that on a solid legislative basis, and I urge Members to vote for it.

I will make a couple of points for clarity. The Bill sponsor mentioned the issue of access to integrated schools and about young people perhaps having to go to controlled or maintained schools. For the record, where integrated education schools are oversubscribed — not all of them are — 100% of requests for temporary variations (TVs) were approved.

Also, there are still around 3,000 places in integrated schools for children who want to

attend them. While I appreciate that they may not always be in the right place, there is still space in the sector. That is why we need effective area planning. There are, of course, plans in place to address that.

**7.15 pm**

**Ms Armstrong:** Will the Minister give way?

**Miss McIlveen:** If you do not mind, I really want to continue. It is getting late, and we have been here for a considerable time.

Clause 5A does not mention the status quo. For further clarification, there are 68 integrated schools, 30 of which are controlled integrated.

Amendment No 29, which is to clause 7, addresses the extremely concerning provisions that would result in the presumption that every new school would be an integrated school. The amendment ensures that the definition of a "new school" is clear and in line with all existing legislation. The duty is appropriately placed on the Education Authority to reflect where legal power exists for planning purposes. While I very much appreciate the fact that the Bill sponsor has also tabled an amendment that aims to clarify what is meant by a "new school", my amendment does not bring in unnecessary consultation provisions that have the potential to tie up those involved in strategic planning in repetitive consultations and reports, which can really only have the result of slowing down the whole process for all sectors, including the integrated sector. It would serve only to elongate the area planning processes even further when, in fact, all involved in area planning have indicated that their aim is for it to become a much more agile system in order to meet the needs of communities. They are working well with officials to design much more streamlined processes that better serve our children and young people. The amendments enable the Department of Education and all planning stakeholders to take account of what is already provided for in terms of consultation requirements as part of that process. The amendment is the best guarantee that the Assembly has of absolute legal accuracy.

Again, procedurally, in order to move the amendment as part of the Bill going past Consideration Stage, I will oppose the existing clause 7. Amendment No 29 will introduce clause 7A to provide an alternative that can work with any proposals for new schools. I urge Members to vote for amendment No 29, which means not voting for amendment No 27 and associated amendment No 28.

Clauses 8 and 9 detail greater reporting and delivery from the Department on a strategic level on its duty under article 64 to encourage and facilitate the development of integrated education. The amendment that I have tabled brings complete and unambiguous clarity to that, without setting in legislation unnecessary distractions around activity-based and output-focused targets or benchmarks. It is my duty as Minister of Education to ensure that the focus on outcomes for children and young people is carried through and enshrined in everything that we do. The amendments that I ask Members to vote for today are designed to benefit our children through clear, workable legislation.

While I appreciate what amendment Nos 37, 38, 40, 41, 42 and 43 would do in terms of the meaningfulness of the information provided and the impact on education bodies by amending what is introduced, I urge Members to look to the provisions of the amendments and support amendment Nos 30, 32, 33, 34 and 35. I urge Members to oppose clause 9, which will enable amendment No 45 to be moved, and I urge Members to support amendment No 45.

*Question put, That the amendment be made.*

**Mr Deputy Speaker (Mr McGlone):** I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber.

Before I put the Question again, I remind Members present that, if possible, it would be preferable to avoid a Division.

*Question put a second time.*

**Mr Deputy Speaker (Mr McGlone):** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirements for social distancing while the Division takes place. I ask Members to ensure that they retain a gap of at least 2 metres between themselves and other people when moving around the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

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

*The Assembly divided:*

Ayes 48; Noes 38.

## AYES

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr M Bradley, Ms P Bradley, Ms S Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Catney, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mr Lyons, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Nesbitt, Mr Newton, Mr O'Toole, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Harvey and Mr Newton*

## NOES

*Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McGuigan, Mr McHugh, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Noes: Mr Blair and Mr Lyttle*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

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

**7.30 pm**

### **Clause 6 (General duty)**

**Mr Deputy Speaker (Mr Beggs):** Amendment No 24 has already been debated.

*Amendment No 24 made:*

In page 2, line 37, leave out from "Education" to "when" and insert —

*"Without prejudice to the generality of the duty under Article 64(1) of the Education Reform (Northern Ireland) Order 1989, the Department of Education must take account of that duty*

*when—".— [Miss McIlveen (The Minister of Education).]*

**Mr Deputy Speaker (Mr Beggs):** I will not call for amendment No 25 to be moved as it is mutually exclusive with amendment No 24, which has been made.

Amendment No 26 has already been debated. I call Mr Daniel McCrossan to move formally amendment No 26.

**Ms Armstrong:** That is mutually exclusive. Not moved.

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a moment.

Amendment No 26 has already been debated. I call Mr Daniel McCrossan to move formally amendment No 26.

*Amendment No 26 not moved.*

**Mr Deputy Speaker (Mr Beggs):** I am sure that Members will appreciate that it is a rather complex piece of draft legislation and amendment process. Please bide with us so that we ensure that we follow the process appropriately.

Before I put the Question, I remind Members that we have debated the Member's opposition to clause 6 stand part. The Question will be put in the positive as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

**Mr Deputy Speaker (Mr Beggs):** I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to the Division. I remind all Members of the requirement for social distancing during the voting arrangements.

*The Assembly divided:*

*Ayes 58; Noes 29.*

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson,*

Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.

Tellers for the Ayes: Ms Bradshaw and Mr Lyttle

## NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Allister and Mr Newton

Question accordingly agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

### Clause 7 (New schools)

**Mr Deputy Speaker (Mr Beggs):** Amendment No 27 has already been debated. *Amendment No 27 proposed:*

Leave out clause 7 and insert —

#### "New schools

**7.—(1)** Education bodies must consider integrated education when planning for the establishment of a new school.

(2) In exercising their functions under subsection (1), education bodies must consult with—

(a) teachers,

(b) governors,

(c) pupils,

(d) families, and

(e) sectoral and community bodies

who would, in the opinion of the relevant body, be affected by the proposal.

(3) Education bodies must prepare and publish a report on the consultation under subsection (2).

(4) The report must include, in particular, an assessment in relation to—

(a) the manner in which, and the extent to which, the relevant body has considered integrated education when planning for the establishment of a new school, and

(b) the levels of demand for integrated education.

(5) In this section a 'new school' does not include—

(a) two or more existing schools that have amalgamated to create a new school,

(b) an existing school that has significantly changed in size, or

(c) an existing school that has relocated."— [Ms Armstrong.]

**Mr Deputy Speaker (Mr Beggs):** As amendment No 28 is an amendment to amendment No 27, we need to dispose of amendment No 28 before returning to amendment No 27.

Amendment No 28 has already been debated.

*Amendment No 28, as an amendment to amendment No 27, proposed:*

In subsection (5)(c), at end insert —

"(6) The interpretation of subsection (5) will not preclude education bodies receiving or responding supportively to applications or expressions of interest by such schools in respect of transforming into integrated schools."— [Mr McCrossan.]

Question put, That the amendment be made.

**Mr Deputy Speaker (Mr Beggs):** Again, I remind Members of the requirement for social distancing.

The Assembly divided:

Ayes 56; Noes 29.

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Miss Woods.*

*Tellers for the Ayes: Mr Catney and Mr McCrossan*

## NOES

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mrs Dodds and Mr Harvey*

*Question accordingly agreed to.*

**Mr Deputy Speaker (Mr Beggs):** We now return to amendment No 27.

*Amendment No 27, as amended, proposed:*

Leave out clause 7 and insert —

### **"New schools**

*7.—(1) Education bodies must consider integrated education when planning for the establishment of a new school.*

*(2) In exercising their functions under subsection (1), education bodies must consult with—*

*(a) teachers,*

*(b) governors,*

*(c) pupils,*

*(d) families, and*

*(e) sectoral and community bodies*

*who would, in the opinion of the relevant body, be affected by the proposal.*

*(3) Education bodies must prepare and publish a report on the consultation under subsection (2).*

*(4) The report must include, in particular, an assessment in relation to—*

*(a) the manner in which, and the extent to which, the relevant body has considered integrated education when planning for the establishment of a new school, and*

*(b) the levels of demand for integrated education.*

*(5) In this section a 'new school' does not include—*

*(a) two or more existing schools that have amalgamated to create a new school,*

*(b) an existing school that has significantly changed in size, or*

*(c) an existing school that has relocated.*

*(6) The interpretation of subsection (5) will not preclude education bodies receiving or responding supportively to applications or expressions of interest by such schools in respect of transforming into integrated schools."— [Ms Armstrong.]*

*Question put, That amendment No 27, as amended, be made.*

**Mr Deputy Speaker (Mr Beggs):** Again, I remind Members of the requirement for social distancing during the Division.

*The Assembly divided:*

*Ayes 57; Noes 29.*

## AYES

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson,*

Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Miss Woods.

*Tellers for the Ayes: Ms Bradshaw and Mr Lyttle*

## NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

*Tellers for the Noes: Mrs Dodds and Mr Harvey*

*Question accordingly agreed to.*

**Mr Deputy Speaker (Mr Beggs):** Before I put the Question on clause 7 as amended, I remind Members that we have debated the opposition of the Member and the Minister to clause 7, but the Question will be put in the positive, as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

**Mr Deputy Speaker (Mr Beggs):** I remind Members of the requirement to maintain social distancing.

*The Assembly divided:*

*Ayes 57; Noes 29.*

## AYES

Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr

McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Miss Woods.

*Tellers for the Ayes: Ms Bradshaw and Mr Lyttle*

## NOES

Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

**Mr Deputy Speaker (Mr Beggs):** I will not call amendment No 29, as it is mutually exclusive with amendment No 27, which has been made.

## Clause 8 (Integrated education strategy)

*Amendment No 30 proposed:*

In page 3, line 11, leave out from "prepare" to first "education" in line 13 and insert —

"—

*(a) commission and review a draft strategy for encouraging and facilitating the development of integrated education, and*

*(b) publish the final version of the strategy".—  
[Miss McIlveen (The Minister of Education).]*

*Question put, That the amendment be made.*

**Mr Deputy Speaker (Mr Beggs):** I remind Members that they should maintain social distancing.

*The Assembly divided:*

*Ayes 38; Noes 49.*

## AYES



*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mrs Dodds and Mr Harvey*

## **NOES**

*Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Noes: Ms Bradshaw and Mr Lyttle*

*Question accordingly negated.*

*Amendment No 31 proposed:*

*In page 3, line 12, leave out "promotion" and insert "support for".— [Ms Armstrong.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 55; Noes 29.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy,*

*Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Swann.*

*Tellers for the Ayes: Ms Bradshaw and Mr Lyttle*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

**Mr Deputy Speaker (Mr Beggs):** Amendment No 32 has already been debated.

*Amendment No 32 proposed:*

*In page 3, line 13, at end insert —*

*"(1A) The integrated education strategy must be published under subsection (1)(b) before the end of 18 months beginning with the date on which this Act comes into operation."— [Miss McIlveen (The Minister of Education).]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 38; Noes 46.*

## **AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mrs Dodds and Mr Harvey*

## **NOES**

*Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Noes: Ms Bradshaw and Mr Lyttle*

*Question accordingly negated.*

**Mr Deputy Speaker (Mr Beggs):** Amendment No 33 has already been debated.

*Amendment No 33 proposed:*

*In page 3, line 13, at end insert —*

*"(1B) When commissioning a draft strategy from a person under subsection (1), the Department of Education must provide the following information to that person—*

*(a) the number of pupils being educated in grant-maintained integrated or controlled integrated schools broken down by primary and post-primary schools,*

*(b) a statement setting out how the Department of Education has discharged its duties in relation to integrated education under Part 6 of the Education Reform (Northern Ireland) Order 1989 and the Integrated Education Act (Northern Ireland) 2022, and*

*(c) a summary of the steps taken by the Education Authority to ascertain the demand for integrated education (whether those steps were taken pursuant to the duty in section 5A(2) or otherwise).*

*(1C) The Department of Education must publish the information provided under subsection (1B).— [Miss McIlveen (The Minister of Education).]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 38; Noes 46.*

## **AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Harvey and Mr Newton*

## **NOES**

*Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Noes: Ms Bradshaw and Mr Lyttle*

*Question accordingly negated.*

*Amendment No 34 proposed:*

*In page 3, line 13, at end insert —*

*"(1D) The Department of Education may from time to time—*

*(a) commission draft revisions to a strategy published under subsection (1)(b),*

*(b) review those draft revisions, and*

*(c) where those draft revisions result in changes to the strategy, publish the strategy as revised."— [Miss McIlveen (The Minister of Education).]*

*Question put, That the amendment be made.*

**Mr Deputy Speaker (Mr Beggs):** If Members wish to supply Tellers, I encourage them to speed up the process of coming to the top Table to save us all time.

*The Assembly divided:*

*Ayes 38; Noes 46.*

**AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mr Harvey and Mr Newton*

**NOES**

*Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Noes: Ms Bradshaw and Mr Lyttle*

*Question accordingly negatived.*

*Amendment No 35 proposed:*

*In page 3, line 14, leave out subsections (2) to (5).— [Miss McIlveen (The Minister of Education).]*

*Question put, That the amendment be made.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to maintain social distancing during the Division.

*The Assembly divided:*

*Ayes 38; Noes 46.*

**AYES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K*

*Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Ayes: Mrs Dodds and Mr Harvey*

**NOES**

*Dr Archibald, Ms Armstrong, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Noes: Ms Bradshaw and Mr Lyttle*

*Question accordingly negatived.*

*Amendment No 36 proposed:*

*In page 3, line 16, leave out "promote" and insert "support".— [Ms Armstrong.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 54; Noes 29.*

**AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Swann.*

*Tellers for the Ayes: Ms Bradshaw and Mr Muir*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments while we make changes at the Table.

*(Mr Speaker in the Chair)*

**Mr Speaker:** OK, Members? I did not want to disturb your happiness there.

*Amendment No 37 made:*

*In page 3, line 22, leave out "identify" and insert "quantify".— [Mr McCrossan.]*

*Amendment No 38 made:*

*In page 3, line 22, after "and" insert "identify respective".— [Mr McCrossan.]*

*Amendment No 39 proposed:*

*In page 3, line 23, leave out "promotion" and insert "support for".— [Ms Armstrong.]*

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 54; Noes 29.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms*

*McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Swann.*

*Tellers for the Ayes: Ms Bradshaw and Mr Muir*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*The following amendments stood on the Marshalled List:*

*No 40: In clause 8, page 3, line 35, leave out paragraph (f).— [Mr McCrossan.]*

*No 41: In clause 8, page 4, leave out lines 4 and 5.— [Mr McCrossan.]*

*Amendment Nos 40 and 41 not moved.*

**Mr Speaker:** Before I put the Question, I remind Members that we have debated the Member's opposition to clause 8 stand part, but the Question will be put in the positive, as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided:*

*Ayes 54; Noes 29.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir,*

*Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Mr Swann.*

*Tellers for the Ayes: Ms Bradshaw and Mr Muir*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

### **Clause 9 (Biennial reporting)**

*Amendment No 42 made:*

*In page 4, line 14, after "prepare" insert "or commission".— [Mr McCrossan.]*

*Amendment No 43 made:*

*In page 4, line 18, leave out "of not more than two years" and insert —*

*"in line with the budget framing timetable but not more frequently than every three years".— [Mr McCrossan.]*

*Amendment No 44 not moved.*

**Mr Speaker:** Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 9 stand part, but the Question will be put in the positive, as usual.

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided:*

*Ayes 57; Noes 29.*

## **AYES**

*Dr Aiken, Mr Allen, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Carroll, Mr Catney, Mr Chambers, Mr Delargy, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Ferguson, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lyttle, Mr McAleer, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Á Murphy, Mr C Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Miss Reilly, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Lyttle and Mr Muir*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mrs Erskine, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Harvey and Mr Newton*

*Question accordingly agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

**Mr Speaker:** Members, that concludes the consideration of —. I am getting a bit ahead of myself. I am getting carried away at the prospect of being released again. *[Laughter.]* I will not call amendment No 45 as it is mutually exclusive with clause 9 standing part of the Bill. That concludes the consideration of the group 3 amendments. I propose that the Assembly adjourn until tomorrow morning at 10.30 am. I thank all Members for their contributions and their patience.

*The debate stood suspended.*

*Adjourned at 9.59 pm.*

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