

# Official Report (Hansard)

Tuesday 25 November 2014  
Volume 99, No 8

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# Northern Ireland Assembly

Tuesday 25 November 2014

*The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair).*

*Members observed two minutes' silence.*

## Assembly Business

**Mr Campbell:** On a point of order, Mr Principal Deputy Speaker. Can you inform the House whether, to your knowledge, the deputy First Minister and leader of Sinn Féin in this place has given any indication to your office that he will come before the Assembly to explain, clarify or apologise — or all three — for the remarks made by the overall leader of Sinn Féin and former Member of this House, Gerry Adams, last night in Enniskillen, when he talked about breaking people in my community?

**Mr Principal Deputy Speaker:** I did allow you to elaborate. Quite clearly, it is not a point of order. We will proceed.

**Mr Allister:** On a point of order, Mr Principal Deputy Speaker. Is there any indication of a statement from OFMDFM as to the integrity of its equality policy, given that, for one part of that Department, it is a Trojan Horse?

**Mr Principal Deputy Speaker:** The Member knows very well that that is not a point of order. He is particularly well equipped to know the difference. It is not a point of order. I do wish that he would desist from abusing the procedures of the House. I am paying careful attention to that abuse. It has been going on for too long and should stop.

## Executive Committee Business

### Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014

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

*That the draft Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 be approved.*

This draft order seeks to amend section 46(1) of the Justice (Northern Ireland) Act 2002 in respect of the list of organisations that the Chief Inspector of Criminal Justice in Northern Ireland has the power to inspect. This follows a review of the organisations that are currently listed. Since section 46(1) was last revised in 2010, the criminal justice system has evolved, resulting in some changes affecting relevant organisations that require the current legislation to be updated. As a result, this draft order seeks to amend section 46(1) to ensure that the legislation remains relevant and meaningful.

The role of chief inspector of criminal justice is to ensure the inspection of all aspects of the criminal justice system in Northern Ireland, with a view to promoting effectiveness, efficiency and even-handedness. Following an inspection, the chief inspector will prepare a report for me, as Justice Minister, which I will arrange to be laid before the Assembly.

Since the introduction of the Justice (Northern Ireland) Act 2002, section 46(1) has been amended on a number of occasions to reflect the evolving operating environment of the criminal justice system and, in particular, the various changes that have impacted on the organisations working in it. The changes relate to organisations that have been added to section 46(1) due to the type of work carried out, organisations that have been omitted and

organisations requiring their titles to be amended.

The draft order has been produced following a review of section 46(1) carried out by my Department. The key factors behind initiating the review were the closure of the Compensation Agency, which brought its work within the core Department of Justice, and a proposed private Member's Bill from Robin Swann, which sought to add DARD's central investigation service (CIS) to section 46(1). Following a consultation with Mr Swann and the Minister of Agriculture and Rural Development, that measure has been included in the order.

As part of the review, ministerial colleagues were asked for their views on section 46(1) in relation to their Departments and arm's-length bodies. Consequently, a few further amendments to section 46(1) were identified as being necessary. Therefore, the draft order proposes the following changes to section 46(1). The Compensation Agency will be removed as it ceased to exist as an agency of the Department of Justice on 1 April last year, and its work has been brought within the core Department. The central investigation service in DARD is to be added to section 46(1) due to the type of work undertaken. CIS investigates allegations of fraud, breaches of scheme conditions and non-compliance with legislation referred by other business areas in DARD. CIS also plays a vital role in the prevention and deterrence of fraud by performing a range of counter-fraud functions, including training in fraud awareness, investigation procedures and court skills. The Veterinary Service enforcement branch, which is also in DARD, is to be added to section 46(1) due to the nature of the work it undertakes, which includes enforcing compliance with legislation relating to animal health and welfare and public health. The description of the health and social services boards and health and social services trusts will be amended to the Health and Social Care Board and health and social care trusts to reflect a change in the description of those organisations. Finally, the description of the Northern Ireland Child Support Agency will be amended to the child maintenance and enforcement division to reflect a name change.

The Chief Inspector of Criminal Justice has been consulted on the proposed amendments to section 46(1), and he is content. Should the Assembly approve the draft order, the updated remit of the Chief Inspector will come into effect from tomorrow. I thank ministerial colleagues and, as usual, the Justice Committee for their consideration of the proposals. It is with their support that I bring the order before the House

today. I also acknowledge and thank Robin Swann for his contribution towards bringing forward the order.

**Some Members:** Hear, hear.

**Mr Ford:** Well, not that much.

The draft order will help to ensure that the Chief Inspector of Criminal Justice in Northern Ireland has the appropriate remit to inspect the various organisations working in the criminal justice system and to identify areas in which there is potential for improvement. I commend the draft order to the House.

**Mr Givan (The Chairperson of the Committee for Justice):** I am pleased to speak very briefly on the motion today on behalf of the Committee for Justice. The Committee considered the proposal for the statutory rule in June this year and the statutory rule itself more recently at the meeting on 22 October 2014. As outlined by the Minister, the rule provides for a refresh of the list of organisations at section 46(1) of the Justice (Northern Ireland) Act 2002 that the Chief Inspector of Criminal Justice Inspection Northern Ireland (CJINI) has the power to inspect.

The Committee noted that the list of organisations at section 46(1) had become outdated and therefore required amending by the Department of Justice to reflect the title changes of some organisations, remove organisations that no longer exist and, perhaps most importantly, add those organisations carrying out work related to the criminal justice system that are not listed in the legislation. The Committee was also aware that Mr Robin Swann intended to pursue a private Member's Bill, with the purpose of adding the Department of Agriculture and Rural Development's central investigation service to the list of organisations that must be inspected by CJINI. The Department of Justice advised the Committee that the statutory rule could be used to make the change, which was supported by the Minister of Agriculture and Rural Development. The Committee was content with that approach, which avoided the need for primary legislation. I outlined that the Committee agreed that it was content with the revised list of organisations and the statutory rule, so the Committee gives its support to it.

Let me briefly, too, commend Robin Swann for his initiative in pursuing this item with the Minister of Agriculture and Rural Development. We have been able to expedite it in a fashion

that achieved what he wanted. So I commend the Member for those efforts.

CJINI is an organisation that many of us have a lot of respect for because of the way in which it goes about its work in carrying out inspections. It is important that there is public confidence that all these organisations are doing the job appropriately, and CJINI can provide that assurance to us as elected representatives on behalf of the people of Northern Ireland. I think that it is right that we update the list today and support the statutory rule before us.

**Mr Swann:** After endorsements from both the Minister and the Chair, it would be remiss of me if I did not inform the House and put on record why I brought a private Member's Bill to include the Central Investigation Service in the list that can be inspected by Criminal Justice Inspection Northern Ireland.

The first question that the Minister raised was why CIS was not on the list, and I found that quite strange when I started to investigate. The reason that DARD gave was that CIS was not on the list in section 46 of the Justice (Northern Ireland) Act because it did not exist in 2002. Mr Principal Deputy Speaker, that is correct. CIS did not exist in 2002; it was called the Fraud Investigation Unit. Its name was changed in 2002, so it fell outside the Act. That was one of the concerns that started to alert me to why this unit needed to be included under Criminal Justice Inspection.

Also, when you look at the efficiency and proficiency of the organisation in investigating fraud, there was something that raised concerns. Over a five-year period between 2009 and 2014, CIS investigated 1,286,000 cases of potential fraud; over that five-year period they brought in the region of 66,000 successful prosecutions. That is a success rate of 5.15% on the cases that they looked into. The cost of the unit over that time was £733,000, so it did not look to be an efficient unit when running at its best.

The Minister referred to the fact that part of its remit is in fraud training, and CIS says that that is one of its main concerns. Something that concerned me was that we have a unit in the Department of Agriculture providing fraud awareness training to DCAL, DARD and OFMDFM, yet the approved DFP provider for fraud awareness training in Northern Ireland Civil Service Departments is the Chartered Institute of Public Finance and Accountancy. It is not actually CIS, although it claims that that is its core reason for existing.

Here we have a unit in the Department of Agriculture that is training other Departments in how they should investigate fraud, but in DARD's 2010-11 Resource Accounts for the year ended 31 March 2011, the Comptroller and Auditor General stated at paragraph 22:

*"I am concerned that most of the suspected fraud cases referred to CIS during 2010-2011 had not been reported to me as required by Managing Public Money Northern Ireland."*

So here we have a unit in DARD providing training to other Departments on how to investigate and manage fraud not following the procedures that it was training other Departments to use.

In the round, and the Minister indicated this in his explanation, CIS is a fraud investigation unit in the Department of Agriculture. That is correct; that is where the unit sits. However, it has investigated fraud in the Department of Agriculture, in the Department of Culture, Arts and Leisure and in the Department of Health; it was the organisation that undertook the inquiry into the whole-time recruitment, overtime and expense claims of the Northern Ireland Fire and Rescue Service. It investigated fraud in OFMDFM and is reportedly the unit that found that a fraud investigation should be carried out on Families Acting for Innocent Relatives (FAIR). It did not actually undertake the investigation, but it was responsible for it.

As a unit sitting within our Agriculture Department, it also had the responsibility to investigate fraud within the SEUPB. So, it gave it a remit to investigate fraud cases in the Republic of Ireland and Scotland. However, the main issue was that, when I met departmental officials in regard to that, they were unaware that the service level agreement for one of their units actually allowed it to act outside Northern Ireland.

#### 10.45 am

The main reason why I became interested in this unit was not because of what I have outlined; it was because of a Deloitte report that came about because of the operations of the unit. Out of five investigators who were employed at that time, three used whistle-blowing protocols so that they could highlight their concerns. I will raise some of those. They are from Project Rainbow. At 4.16 of the report, it states:

*"In summary, Mr Murphy had claimed for £51,000 of funding for the construction of a farm building under FNMS. However, Grants and Subsidies Inspection Branch had identified that the building that Mr Murphy was claiming for was not at the required stage of completion by the date of the scheme's deadline. Nevertheless, DARD made an advance payment to Mr Murphy of circa £25,000."*

The report goes on to state:

*"However, prior to conducting an interview, the Head of CIS decided to close the case."*

And:

*"An additional issue for the whistleblowers with regard to this case was that Mr Murphy had political connections and had been lobbying the Minister for DARD. The whistleblowers were therefore concerned that the case may have been dropped due to political pressures."*

Deloitte could not find any written evidence of that, so it was included in the recommendations that that protocol should be strengthened.

Paragraph 4.25 of the Deloitte Rainbow report refers to a McDaid case. It states:

*"This relates to allegations made by the whistleblowers that the Head of CIS acted unlawfully by not following the law on disclosure and investigation procedure in the following ways:*

- allowing a defence solicitor unaccompanied access to the McDaid investigation file; and*
- fabricating investigation notes."*

The report goes on to state:

*"It was evident from our review that the particular diary entry of 14 April 2005 had been made retrospectively by the Head of CIS as it made reference to McDaid, although he had not been identified as a potential suspect at the time. This raises concerns that the notebook entries may have been completed retrospectively rather than contemporaneously. This could have had a detrimental impact on the case for the prosecution had it gone to court."*

Those are two cases that were raised by the whistle-blowers that were investigated by Deloitte and put forward in Project Rainbow

back in 2010. There was no move made by any other body or group to investigate these cases to find out what had been going on.

When I pushed DARD on whether it followed the 10 recommendations from Project Rainbow, it said that it had implemented most of them. The one that it did not implement was the final one, which is at paragraph 4.36:

*"Once all the above issues have been suitably addressed, consideration could also be given as to whether CIS should be subject to an independent review by an appropriate external party to ensure that the arrangements in place within the branch are 'fit for purpose' and aligned to good investigatory practice."*

Unquestionably, the Agriculture Department, the Department of Justice and both Ministers indicated that they were willing to engage with each other, but they never seemed to actually get over the line. That was the reason why I brought my private Member's Bill.

I thank the Minister for engaging so quickly in bringing CIS under the remit of the Criminal Justice Inspection. Following the introduction of this statutory rule and CIS being brought under CJI, and on the back of Project Rainbow and the concerns that were raised, did he contact CJI and ask it to move to an investigation of CIS?

**Mr Ford:** I repeat my thanks to the Committee Chair for the work that the Committee did in considering this rule. One of the key points that was made was when he referred to the respect with which CJINI is held among those of us who work across the justice system. There is absolutely no doubt that, sometimes, the reports produced by the Chief Inspector make uncomfortable reading. That is why they are so valuable. We know that we will get an accurate picture from the work that CJINI does and that we will not get anything that has any suggestion of a cover-up. We will always see the full warts-and-all picture. That is why it is important that we ensure that the list in section 46(1) is up to date. Mr Swann eloquently explained the concerns that he had about CIS within DARD and why it needed to be included. The point the Chair made about the confidence and respect that we have for CJINI is the answer to those concerns and will ensure that things are done.

I do, however, have to be cautious of his final request that I should ask CJINI to move. He referred to allegations of political pressure and, as ever as Minister, I need to be careful that I

am not pressuring the normal procedure, which is that suggestions come from CJINI for a work programme that I approve.

I will be in communication with the Chief Inspector after this debate on the presumption that the House is about to pass the measure. I believe that the measure will, as was outlined by Mr Givan, Mr Swann and myself, facilitate the Chief Inspector in properly considering an appropriate list of organisations as it stands. Section 46(1) will be the appropriate and up-to-date list that will enable the Chief Inspector to consider his work programme. On that basis, I ask Members to support the motion.

*Question put and agreed to.*

*Resolved:*

*That the draft Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 be approved.*

## Private Members' Business

### Dalriada Hospital MS Respite Centre: Closure

**Mr Principal Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr Swann:** I beg to move

*That this Assembly notes the decision to close the regional multiple sclerosis respite centre at Dalriada Hospital in Ballycastle until March 2015 and transfer the service to the independent sector; further notes the importance of appropriate respite provision for patients and their families; believes the decision to be entirely wrong and one which makes no financial sense; fears the decision will result in the permanent closure of the centre; and calls on the Minister of Health, Social Services and Public Safety to reverse the decision and immediately reinstate the service at Dalriada Hospital.*

Thank you very much, Mr Principal Deputy Speaker. I suppose it is with disappointment that I have to move this motion. The content of the motion, as read by the Clerk and drafted by us, is nothing that I have not heard from the community, elected reps and pressure groups in regard to Dalriada.

It was Nye Bevan — I suppose, the father of the NHS — who said no society could legitimately call itself civilised if a sick person was denied medical aid because of a lack of means. I want to follow on from that with a quotation from one of the users of the respite centre at our first meeting at Bushmills, and Mervyn Storey was there that night. Robert Weiner, when he heard of the closure of the respite centre, said: "I thought of death, I thought of self-harm and I thought my life was ended". That was one of the most moving contributions to this whole campaign I have heard since it started.

It has been an incredible campaign, from the public meetings at Bushmills, Cushendall and Ballycastle, to a petition that I am sure now has over 20,000 signatures, to a tractor run, white-line protests, public protests, a religious service of hope last night in Sheskburn, and a campaign to Stormont last week.

The motion is a cross-party one, and there is nothing in its sentiments that the political representatives have not expressed at some stage during this campaign, which finished, of course, with the Minister's visit on Friday. I personally thank the Minister for taking the time to visit the unit so that he could see at first hand exactly what an excellent facility it is, and the services there. One of the benefits of devolution is that we have Ministers who can make these decisions and go and see at first hand what is happening.

I said at the last public meeting at Ballycastle that I knew the Minister was hearing the message but I was hoping that he was starting to listen to what it meant. I get the feeling from him that he understands from the people of Ballycastle the importance of the unit and what it has been delivering. Minister, I hope that you are listening to the people and not just to the information that has been provided by the trust, because, on the numbers presented about the costs, counterarguments have been made.

The Minister has said in the past that the decisions coming forward are the least-worst options and certainly not the best ones. I could not agree more, Minister: it is definitely not the best option to close any part of Dalriada.

I will set out my understanding of the process, and the Minister can correct me or update us later. The trust made recommendations to the Health and Social Care Board (HSCB) on how to save the money. The Health and Social Care Board then made those recommendations to the Department, and the Department made those recommendations to the Minister. In the words of the trust, some were accepted and some were not. Those that were accepted were passed back to the trust to implement.

The Minister has asked us to give alternatives, but perhaps he can explain to the House what the alternatives to the closure of Dalriada were. Is the closure of Dalriada acceptable compared with the alternatives? The words "temporary closure" have been used — a temporary closure until the end of March. However, the Minister has warned that "temporary" may mean "permanent" in some cases. That is where we are at.

**Mr Wilson:** I thank the Member for giving way. He is making a very compelling case for Dalriada. However, does he accept that it is not simply a case of batting this back to the Minister, because any alternative is likely to affect those of us who represent constituencies in the Northern Trust area? It is therefore important that, if there is to be an alternative to

Dalriada, there be some input from local representatives. That is why the Minister is quite right to say, "Let's hear what you want instead of the closure of Dalriada".

**Mr Swann:** I thank the Member for his contribution, but that is the point that I made earlier. There was no engagement with us, as public representatives, prior to the closure of Dalriada, so we did not have an alternative. As I said, the trust made recommendations to the Health and Social Care Board, which then made those recommendations to the Department. The Department then made those recommendations to the Minister, and some were accepted and some were not. I say to Sammy Wilson —

**Mr Wells (The Minister of Health, Social Services and Public Safety):** Will the Member give way?

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

**Mr Wells:** In case this runs as an argument, that was not the case. There was no second division. We asked the trust to come up with a series of savings, and it came back with a list to meet the target. No alternatives were given, and there was no decision by me that favoured one over another. The list that I have is the entire list, and the Member has it. There are no other options on the table.

**Mr Swann:** You need to question the chief executive of the Northern Trust, then, because that is what he told me and a number of my party colleagues yesterday in front of witnesses. He said that there were alternatives put, of which some were accepted and some were not. As I said earlier, if the Minister is taking the word solely of the trust in this argument, that is a fine example of the trust telling you one story and telling other people something else.

This is not about point-scoring, Minister. I know that you have a tough job to do. You have asked us to provide alternatives, but we were told yesterday that you had been provided with alternatives to the closure of Dalriada. If that is not the case, it is something that you have to take up —

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

**Mr Swann:** I have given way already, Peter. I do not want to use up too much of my time by taking interventions. You will have time to speak later.

Minister, you have talked about the use of consultation and about wanting to consult, which is what Sammy Wilson referred to. We were led to believe yesterday that, after the closure of Dalriada on 30 November, the trust intends to go out to consultation on the temporary closure. Following that, it could go out to consultation on the permanent closure. If that is the consultation that the Minister is talking about when he says that he wants to consult, that concerns us, the public, the people of Ballycastle and everybody who has been involved in the campaign. We are looking at a decision that has been made and approved, and we are going out to consultation for the sake of it.

Some people have talked about us closing the stable door after the horse has bolted. I do not want it to be the case that we close the door of Dalriada after the service has been removed.

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

**Mr Swann:** Briefly.

11.00 am

**Mr McKinney:** Thank you for your indulgence: I know that you are under pressure of time. A lot of these considerations are around finance. Does the Member agree that there is a risk that there could be further, raised costs because, according to the MS Society, inadequate respite provision can lead to declining health?

**Mr Swann:** Having met the MS Society, I know that that has raised great concerns; the support should be there as well.

Alternatives were proposed regarding two care homes. The Minister said, and much was made of the fact, that those homes were visited by two of the users and a member of the MS Society. Minister, you are relying on the fact that those people visited those homes, but what has been made very clear to me, and very clear to us yesterday, is the fact that those people went in good faith to see the facilities. They were not there to endorse them or give any sort of recommendation that they were better than Dalriada; they went in good faith to see what could be offered. I hope that the Minister does not take that to be an accepted alternative by the users of the respite centre at Dalriada Hospital.

I find it hard that, when we talk about the health service and Bevan's ideal, it all comes down to numbers. Minister, you answered a question that I asked a couple of weeks ago. You said

that, out of 4,000 MS sufferers across Northern Ireland, only 69 had used the centre. Minister, there are trusts that do not use Dalriada because they have halted their contracts with the Northern Health Trust. That is why there is nobody going there from other trusts. They are given a budget to manage MS respite centres; how are the other trusts using that money? Are they using it well or efficiently? Dalriada provides a regional service. If those trusts have removed that service, surely it is up to the Minister to provide a regional service and coordinate the trusts?

Mr Principal Deputy Speaker, I have been generous with my time, and there is a lot more that I could have said and wanted to say. Minister, I do not believe that this has been an honest fight.

**Mr Principal Deputy Speaker:** The Member's time is up, I am afraid.

**Mr Swann:** The trust has been standing on Dalriada's neck whilst it claimed to be holding its hand.

**Mr Principal Deputy Speaker:** The Member's time is up. You were very generous with your time, and you handled interventions with some skill and forbearance, but this is obviously a topic about which people are very engaged and anxious, so I suggest that remarks are addressed through the Chair. You handled it particularly well, but, for the general management of the Assembly and discussion, all remarks should be made through the Chair, please.

**Mr Storey:** It is sad that we stand in the shadow of comments made that somehow bring into question our own personal legitimacy, but no comment can be made to deny that there is a legitimate concern about the future of the provision in Dalriada.

I have lived in the constituency all my life. The hospital was opened in 1963 by Terence O'Neill. There is no doubt that the campaign that has been mounted over the last number of weeks is a credit to that community. Yes, it is disappointing that comments have been made as an attempt to politicise the issue, but they were not made by those who organised the protests and the campaign and who have been very focused on one thing: ensuring that they reflect the concerns in the community of Ballycastle and the wider area. I commend the Member for bringing the motion to the House.

I think that it would do us all well to consider a couple of things. First, we need to have a clear understanding of the services that are provided at Dalriada. It is not only a criticism of the trusts today but also a criticism of the trusts in the past that a hospital that was built to the highest spec in 1963 and was one of the most modern hospitals to be built in Northern Ireland was not allowed to be fully developed over the years. The Member wants me to give way.

**Mr Swann:** I will pick up the Member's point. MS respite services were put there specifically for that reason after Peter Stott Martin House in Cullybackey was closed.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Storey:** Thank you. I am going way back before that. Let us remember that Dalriada is the only hospital provision in the North Antrim constituency. Coleraine, where the Causeway Hospital is, is in East Londonderry, and Antrim Area Hospital is in South Antrim. So, I believe that, in the past, there was, unfortunately, a failure to address the needs of our community in terms of hospital provision.

**Mr McKinney:** Thank you very much indeed for giving way. Will the Member accept that, despite that, there has now gathered an accumulated excellence around the care of MS sufferers and that to dissipate that will have wider financial and health implications?

**Mr Storey:** That is the point that I want to come to. As I have said, we now need to have an understanding of the services we provide and that are provided in that hospital. It is not just about the step-up provision, and that is a very important role. It is about the MS provision. I pay tribute to the MS Society and to Patricia and those who are in the Public Gallery today, including Pat Crossley, who is a long-standing friend and colleague. I am delighted that they are here, but coming to the Assembly today and hearing from me what it is that they have all done will not be enough to ensure that the community is convinced that there is not a plan that, ultimately, is about the removal of that service.

This morning, we are going to hear from all Members about alternatives. The Minister —

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

**Mr Storey:** Yes, Sammy.

**Mr Wilson:** Will the Member share my concerns that, for some time, there has been, across a number of trusts, a desire to remove and close down certain facilities and that the current financial situation is being used as a cover to do something that may well have been, as he is describing, a long-term plan anyway?

**Mr Storey:** That is the point that I was going to come to. Let us look at MS provision. Those who represent the MS Society will know that this is the case. For a long, long time, since I became an elected Member in North Antrim, this has been a concern. Clearly, there was a devised mechanism that was about ensuring that people were not being referred to the facility, and I think that the Member has made reference to that. That has been part of the reason that has created one of the difficulties.

However, there is another alternative, and I want to make this point. This is not a cheap political point but a call to every Member in this House of every party. All of the political parties in north Antrim have coalesced around the Save the Dal campaign, but we all know when we come through those Doors on occasions in this House, we are asked to support and endorse the spending of money on projects that bring little financial or economic benefit to the people we claim to serve. I say to Members that this is the challenge for us all if health is a priority. Yes, the Health Minister has got additional money, and, yes, the matter of how you feed that large machine is difficult.

**Mr Principal Deputy Speaker:** The Member's time is almost up.

**Mr Storey:** Here is the challenge to us. Can we ensure that, as a priority, health is put at the top of that list and we then collectively ensure that the Health Minister is given the resources that he needs so that we are not put in this position on a repeated and recurrent basis?

**Mr McKay:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I support the motion. The front page of today's 'County Antrim Post' sums it up quite well. It says: "D-Day for Dalriada", and that is the view of the community in Ballycastle and the north coast. It is that today is the decision day, and they expect a decision and a firm opinion on the future of Dalriada from the Minister today.

The past few weeks have been fantastic in terms of the campaign that has been mounted by the Save the Dal group. It is quite clear that the MS unit has been run down. It has been run down deliberately.

Social workers have been told not to make referrals to the Dal. Of course, the MS unit is not just for the people of the north coast or Ballycastle. It is for people with multiple sclerosis across the North.

The civil servants and the Northern Trust need to be challenged, and the Minister does not need to be let off the hook altogether. At the end of the day, he has to be accountable for the actions of all those in his Department.

There has clearly been an agenda to run down the MS unit and the Dalriada, and a lot of that has to do with those at senior levels in the trust. The treatment of staff, patients and the entire community by the Northern Trust over the past two weeks has been absolutely shameful. I spoke to staff last week, and they were informed that they would start to be moved out of the Dalriada yesterday — Monday. I contacted senior officials in the Northern Trust, who told me that staff would absolutely not be moved on Monday and that that was false information. I went back to the staff, who told me that they had not been told otherwise, and I then went back to the senior officials, who told me that they had got it wrong.

Something is going on, and I think that there is and has been an effort by Northern Trust officials to try to pull the wool over the eyes of elected officials of the community on different issues over the years. The Minister needs to get to grips with that issue and with the board of the Northern Trust. Indeed, when it comes to savings, the board and the Northern Trust never look at themselves or at the amount of money that is spent on their wages, yet they are quite happy to turn to front-line services.

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

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

**Mr McKay:** Yes.

**Mr Wells:** I think that I was first. Even if I accept the Member's premise, and we did lay off management — 90% of our management costs are on staff — we would not receive any savings for three years. So that suggestion would not get me out of the intense difficulty that I am in. I have to find £70 million by the end of March 2015.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr McKay:** Thank you. Part of the problem is that those things have not been done. They

were not done two, three or four years ago to ensure that we have the savings now for front-line services in the Dalriada.

Every time that savings have to be made, they seem to come from front-line services. They especially seem to be made from services in rural areas, and this decision was not rural proofed. The Dalriada was seen as a soft touch by the Northern Trust and an easy option that would not get any resistance from the community. What we have learned and what we already knew is that the Dalriada is a gold standard hospital that is absolutely at the heart of the local community.

I received correspondence from one constituent, who outlined his experience. Of course, the Minister will have got a number of similar pieces of correspondence in recent times. I want to read from that letter:

*"My father lost a leg in 2003. His operation took place in Musgrave. He thought he was finished. The longer he stayed in Musgrave, the lower he got. This was the first time that I ever saw my father cry when we were leaving him after visiting time. Then a bed became available in the Dalriada. From the day he arrived in the Dalriada and started receiving visits from the locals, his whole life began to improve. He improved to the extent that he eventually got home. He then got his artificial leg and learned to walk again. He started driving and taking an interest in the livestock again. This would never have happened if he had had to stay in hospitals in Belfast. He was a countryman.*

*Shortly after this, my mother developed Alzheimer's. She was able to manage at home with my sisters looking after her and my father keeping an eye on her when they were not about. When the bed was needed in the Causeway Hospital, when she was admitted to the Causeway Hospital, she was moved back down to Dalriada. My father was able to visit her twice a day. He was able to talk to her and keep her company. She was in pain. She needed nursing care. She could not come home. With Alzheimer's, she did not know why she was sore. The nurses were the only ones that could move her. With no beds in the Causeway, where would she have gone if the Dalriada had not been there?"*

I know that I am short of time, but he went on to conclude:

*"We are a rural community, and we need our rural hospital."*

The fact of the matter is that the economics and the financial case do not stack up. We know that the beds in the Causeway Hospital are starting to fill up at over £2,000 a time. The Dalriada beds are still there. They are being blocked; no admissions are being made; and they cost some £800 a time. It is a false economy. The facts are there, but they are not being presented by the Northern Trust. The Minister needs to challenge his officials —

**11.15 am**

**Mr Principal Deputy Speaker:** The Member's time is up.

**Mr McKay:** He needs to challenge the trust, and he needs to robustly challenge the agenda —

**Mr Principal Deputy Speaker:** I call Mr Fearghal McKinney.

**Mr McKay:** — that is being put forward by the Northern Trust.

**Mr McKinney:** I welcome the opportunity to join those supporting the Dal campaign and welcome them to the Public Gallery. I support the motion calling on the Health Minister to reverse the Northern Trust's decision.

I was delighted to see the strength of support here at Stormont last week. I think that all parties joined those who campaigned and brought those 20,000 signatures to Stormont. I also attended the Bushmills rally last Tuesday; it was packed to the gills. It is clear that the facility is prized and valued by those who use it and the local community, and it has political backing. It provides high-level care for people with MS. We must recognise the extent to which that illness puts severe pressure and demands on the individual and their family. Respite provision there is all the more important, as is a respite centre of excellence.

It is important to look at the context of what has happened. We all know that the health service is under severe pressure and that there are financial pressures; we have to be mature about those things. However, it is how cuts are being administered that is a real concern. The House will be aware, and I have reminded it many times, of the plan at the heart of the health service — Transforming Your Care (TYC). Given the context of TYC, which is putting care into the community, you might think

that facilities like this would be the last to be cut and that people would start to think in the long term.

I have listened to the new head of the Health and Social Care Board. While these have been described as temporary cuts, nothing that was said in a recent interview with her convinced me that some of these will not end up being longer-term cuts. The picture presented in Ballycastle is being replicated in Bangor, Armagh and Down. Services that have the potential to take the weight off the more expensive side are being cut, as I said, in a short-term context. We are also concerned that they are being cut against the backdrop of trusts' bottom lines.

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

**Mr McKinney:** I will.

**Mr Dallat:** Does the Member agree that Members cannot possibly sit on their hands and allow the most vulnerable people in society to have their rights taken away from them? Given that this is a week in which the Assembly has got bad publicity, is there a golden opportunity, this morning, to send out a positive message to wider society? I am sorry that the Minister is grinning, because I am not grinning. I have been at the public meetings —

**Mr Principal Deputy Speaker:** Through the Chair.

**Mr Dallat:** — and I know the feeling in north Antrim. Does the Member agree that there is an opportunity, this morning, to send out a message from the Assembly that we really care for those who need our help?

**Mr Principal Deputy Speaker:** The Member has an extra minute. I remind the House that all remarks should be made through the Chair. I will insist on that.

**Mr McKinney:** I thank the Member for his very helpful intervention. Mr Dallat's pedigree in promoting rights is well established. We understand that in the terms of rights and in the terms of caring. We need to ask questions about TYC. Are any of these plans consistent with TYC? What longer-term impact will they have on TYC ambitions? Where is the consistency in trusts' decision-making?

I have a paper on how the Department understands it will take on unscheduled care. It is based on the views of the Regulation and Quality Improvement Authority (RQIA). What

does the RQIA say about the need for trusts' decision-making processes to be improved?

The paper talks of the need for better regional coordination, better information-sharing between trusts, better planning across and between trusts, and a clear strategic vision set by the Minister. Coordination, better sharing, better planning and a vision — can the Minister please tell the House where those ambitions are in terms of these cuts? It looks as if we will have one plan that aims to streamline things and which has a forward-looking and long-term ambition at its core, and another short-term plan that will undermine that.

There is another plan, and, once again, it is a contradiction. Apparently, according to the Minister last week, in a specific answer to our leader Dr Alasdair McDonnell, there was little danger that any of the trust's decision-making was going to impact on the centre, but they found £5 million. The Minister said:

*"I hope that the extra £5 million that has been allocated will assure the Member that that will not happen." — [Official Report, Vol 99, No 5, p25, col 1].*

The question had been about whether one trust decision would impact on others. So, they found extra money. Could they not take some of that extra money and give it to the trusts and allow the longer-term plan to continue?

**Ms Maeve McLaughlin:** I thank the Member for giving way. Does the Member agree that the Minister should instruct and stand over the trust to conduct full impact assessments on these very basic front-line services?

**Mr McKinney:** I thank the Member for the intervention. I do not know whether we will have time for that. I think that the Minister needs to make an announcement today that he will stop the cuts. The individuals who find themselves vulnerable, with their back against the sea in Ballycastle, have thrown themselves in the courts of public opinion and political opinion, and they have substantial support in both. Minister, please stop these cuts.

**Mr McCarthy:** I fully support the comments made by Fearghal McKinney. On behalf of the Alliance Party, I support the motion. Any proposed reduction in health service provision for our community causes real concern. It is right and proper that the community and elected representatives speak up loud and clear in the hope that officials in the Department get the message.

The closure or, indeed, temporary closure, as we have been told, of the excellent facility is, on the surface, a reflection of the in-year financial pressures that continue to be experienced by the Department of Health, notwithstanding the generous reallocation of budgets to the Department through the June and October monitoring rounds. The fact that the situation has arisen raises questions regarding the financial management or mismanagement and planning over the last few years and begs questions over the future sustainability of the health budget in coming years.

As has already been said, over 4,000 people across Northern Ireland suffer from multiple sclerosis. Respite to give some essential support to carers is absolutely vital. I note that this is a regional facility offering a service to all the people of Northern Ireland. We hope that the Northern Trust can find the shortfall to keep Dalriada open, given that we are only talking about £600,000. However, it appears that the trust has very little room for manoeuvre.

If any immediate salvation is to come, it is more likely that the resources can be found from the Department. I acknowledge the situation that the Department finds itself in, but if there was an epidemic, God forbid, in the morning, I can assure you that the Department would find whatever money it would take to get on top of that. We acknowledge that it will not be easy given the pressures that the Department is under, but we must make an effort.

Many questions have been asked about what will happen from April 2015 onwards. Surely, there is greater scope to restore funding in that context. That, in turn, begs the question: what wider reforms or savings can be undertaken to ensure provision of resources for Dalriada Hospital's regional multiple sclerosis respite centre? Reaction against the closure has been strong, and rightly so. I believe that it is a combination of the loss of the facility and a scepticism over the reliability of the alternative provision offered. That is an ever-increasing concern with respect to Transforming Your Care.

The Transforming Your Care document is the journey that we are all on. We have supported it up until now. It is a fundamentally sound policy intention, but it has been undermined in the absence of a significant and transparent transfer of resources into community provision and primary care.

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

**Mr McCarthy:** I will at the end, John, if I have time. I believe that there is a requirement for the new Minister to give a clear sense of direction as to how he intends to strategically plan and manage the future provision of health and social care as we move forward.

We know that the available resources are not going to keep pace with the growing levels of demand. Therefore, some tough and radical decisions will have to be taken in relation to ensuring that there are efficiencies and less waste throughout the entire health service. That will entail a stronger focus on public health and primary care and on ensuring that resources are invested in the community and in a consolidated acute service provision. That should free up resources to ensure the long-term sustainability of the MS respite centre at Dalriada, which should continue to provide that service, for which demand will only increase.

Every Member will be aware of how crucial respite care and respite breaks are for MS patients and, indeed, their carers. It is simply a lifeline that contributes to the well-being of all concerned. Without respite provision, MS patients can experience declining health, which inevitably leads to costly hospital admissions. That is exactly the opposite of what Transforming Your Care advocates. Surely the officers at the Northern Trust and, indeed, the Minister, who is with us today, must appreciate that cutting this respite facility will lead to much more being spent, because MS patients will be admitted to hospital. Let us retain Dalriada. It simply makes sense.

**Mr Frew:** I support the motion and, indeed, the wider campaign. It has been an absolutely tremendous campaign that has not been fought by one union against another or managed by one union but managed by the people. It has been managed by the people of Ballycastle, the northern glens area, Rathlin Island and everywhere in between, coming right down into the very heart of Ballymoney, Limavady, Coleraine and much further afield.

When you look at the tremendous campaign on Facebook and Twitter, you will see that this issue has gone global. It has gone to the very western shore of the United States and even to the Middle East and further afield. That is because people genuinely support Dalriada Hospital. The people of Ballycastle and the other areas know exactly what Dalriada means to them and to their community. Make sure, Minister, that, when these decisions are made and the trusts put forward propositions like this, there is not simply a closure and that is the end of it. I am still hearing on the doorsteps of

Ballymena that we lost provision in that town to Antrim. I still get that at the doors in my constituency. It will hurt for generations if this hospital is to disappear.

There are challenges in the health service. There is no denying that. Those challenges have not been helped — let us face it; my colleague Mervyn Storey raised it — by people in the Chamber campaigning for Tory cuts or by Members of parties in the Chamber campaigning on, holding back or delaying agreement on in-year monitoring and Budgets. But we are where we are. Let me say that the campaign has been fought with the parties all fighting and singing from the same hymn sheet. Can I just —

**Mr McNarry:** I thank the Member for giving way. Let me tell him that, in Strangford, we too very much support the Dalriada campaign. My question to him is this: does he agree with me that what is happening in Dalriada is causing great worry and concern to carers throughout every constituency in Northern Ireland because of the respite problem? Does he also agree that if Dalriada can be fixed, there will be great relief to carers throughout the country?

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr Frew:** Thank you, Mr Principal Deputy Speaker, and I thank the Member for his intervention. It is a valid point that I will come to very shortly.

The parties have worked well together — some more than others. Nonetheless, every party has done its own thing and has played its part in this campaign. At every public meeting, rally and protest, we have been united because we know how important this facility is for MS respite to our people and to wider Northern Ireland. It is clear that, throughout many years, the trust not only failed to promote the unit but actively engaged in demotion. That is the problem that we face: the actions and agendas of the Northern Trust. That is the case in not only this sphere of health but all spheres.

There is no doubt in my mind that social workers have been told not to mention Dalriada and not to refer patients to Dalriada. I have no doubt that doctors, GPs, surgeons and other specialists have been told, "Do not mention Dalriada. Do not write letters of support. Do not mention Dalriada at public meetings. Do not mention it at all". They have been gagged by the Northern Trust, Minister.

### 11.30 am

In my opinion, the actions of the Northern Trust have been anti-health, and that is no reflection on the specialists in our hospitals at the side of patients' beds. They do tremendous work under great pressure, but their organisation fails them day in, day out. It is failing the patients in those beds. When will the trust stop talking about the empty beds and start caring about the people in the beds, who need tremendous care and support? Is it right to send people aged between 30 and 40 with MS to residential homes to be in the company of people in their 70s, 80s and 90s? I say no. This is exactly what we want: we want specialisms in one place to care for the people who suffer —

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

**Mr Frew:** Yes, I will.

**Mr McKinney:** Can the Member point to any effective costings that have been put forward for the alternative provision?

**Mr Frew:** That is a very valid point. The trust's figures do not even add up. Even when we look at the figures — let us keep this very basic — the cost of a bed in the Causeway is £2,000, as my colleague across the way Daithí McKay mentioned, while in Dalriada it is £800. That economy has to be looked at and scrutinised, and the trust has to be scrutinised for its figures —

**Mr Principal Deputy Speaker:** The Member's time is up.

**Mr Frew:** — and how it uses its money. Thank you for my time, Mr Deputy Principal Speaker. I support Dalriada Hospital 100%.

**Ms Maeve McLaughlin:** I preface my remarks by saying that health was protected. In fact, we were quite central to its protection. Do we need more? Of course we need more, but we should reflect on the fact that £200 million was allocated to health, and it was the only Department that was protected. Hard decisions have to be taken, and we need to know whether the budget goes in the right direction. There are many, many questions around the current spend in health. I welcome the opportunity to support the motion, because the decision to close the facility is, at the very best, short-sighted and, at the very worst, counterproductive.

**Mr Wilson:** I thank the Member for giving way. I am glad that she has recognised that priority was given by the Executive and the Assembly to the health budget. She said that the important thing is whether the money is going in the right direction. That is a question that we need to ask. Does she have any suggestions to make about the incorrect way in which money has been allocated and where the Minister ought to look for the savings that would enable the issue to be dealt with?

**Ms Maeve McLaughlin:** I thank the Member for his intervention. Quite simply, the answer is yes. When Members and those in the wider world look at scenarios in which £34 million goes to senior consultants as bonuses, when they reflect on the fact that between £55 million and £65 million goes to the independent sector every year and when they consider the fraud and waste that the former Health Minister by his own admission acknowledged, they will see that spend is clearly going in the wrong direction.

I return to the point that this decision is counterproductive. It is counterproductive because it is contrary to the very vision and implementation of the Transforming Your Care agenda. The Health Minister stated in the Chamber:

*"The decisions that I have to take are not long term and strategic". — [Official Report, Vol 99, No 1, p45, col 1].*

How can decisions that are not strategic provide better health outcomes for patients and families across the North?

The Northern Trust has indicated that it will save £600,000 from the closure of beds in Dalriada. That is a mere drop in the ocean when we look at the current spend on health. As has been stated by a number of Members, the MS regional unit at the Dalriada Hospital is the only dedicated respite unit across the North, and, as Members have said, it provides much-needed support and specialist care — that has been acknowledged — that enables people suffering from MS to have an enjoyable and, importantly, a safe, short break. It is important to reflect on the fact that 75% of people with MS in the North of Ireland receive unpaid care. That is an important commentary. The cost of carers to the economy in the North of Ireland is £4.4 billion. The respite unit is an essential service, as has been well documented, and it allows MS sufferers and carers to receive that specialist care, which, in turn, importantly, enables them to continue to live independently. Again, that is a key component of the Transforming Your Care agenda.

Last week, we debated a motion to ensure that full equality impact assessments are carried out. I accept that the motion today calls for the reversal of this decision. That is right and proper, but the Minister also has a duty to ensure that local trusts are following his direction in terms of the protection of front-line services. That motion was not passed in the House. How then can the Department advocate the protection of front-line services when trusts are cutting the very services that are needed to protect and deliver those functions? Last week, the Minister announced, in response to a question from me, that £18 million will be allocated through the monitoring round to deal with trust pressures. I suggest that there is an alternative: use that money to ensure that the Dalriada facility remains open and that the important respite care for patients and families continues. Go raibh maith agat.

**Mr D McIlveen:** The problem with speaking late in a debate is that most of what can be said has been said. There is little that I can add. I support entirely the comments that have been made by Members who spoke previously in support of the very important facility in Dalriada.

In the strongest possible terms, I echo some of the words condemning the actions of the trust in this regard. I believe sincerely that the Northern Trust has been found wanting in the way in which this whole sorry scenario has been handled. I say that for three reasons. First, the Minister's point is well made, and I accept entirely that, when there is a reduction in middle management in any trust, it will take at least three years to absorb any savings that come from that. However, five months into the existing Conservative/Liberal Democrat coalition, George Osborne was very clear that there would be cuts across all the devolved regions of the United Kingdom. Therefore, in my view, the Northern Trust has had four years to put its house in order but has failed to do so. It is entirely unfair that the pressure that is now being placed on our community is being done at this late stage, when there was plenty of advance notice for the trust to deal with that and to put its house in order.

**Mr Cree:** I thank the Member for giving way. He makes a valid point. In the case of Bangor and the South Eastern Trust, we were told that four months was not enough to plan a strategic action. In fact, it was admitted to be non-strategic. We now know that the budget figures were known in summer 2013 and that nothing was done until summer 2014. Perhaps the Minister could comment on that.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr D McIlveen:** I thank the Member for his intervention, and I am sure that the Minister will respond to that.

The second reason why I am extremely critical of the trust is its handling of the release of this information. I received a press release, along with all Members I am sure, on 30 October this year. I do not want it to appear in any way that this side of the House is backing its Minister and the other side of the House can take a pop at him. That is not what it is about. This transcends politics, and we have to stand shoulder-to-shoulder with the people we represent and their needs. There is absolutely no ambiguity in the press release about who was proposing the change of services in Dalriada.

The trust chief executive, Dr Tony Stevens, said:

*"We have delivered substantial year on year savings ... We remain focused on minimising the impact on frontline services ... In order to achieve this, temporary service changes will be put in place in non-acute hospitals that will allow staff to be redeployed to the acute hospitals sites."*

There is absolutely no ambiguity around where the proposals came from. They came from the trust and the chief executive. Indeed, it is on the written record that that is the case.

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

**Mr D McIlveen:** I am sorry; I will try to do so at the end, Stewart, if there is time.

The third reason that I am critical of the trust is that it sought to overrule a previous ministerial decision. I have a letter dated 18 April 2014 that was sent to me about a constituent I was working with in relation to respite services in the Dal. The letter told me that all purchased bed days and respite bookings have been honoured and will continue to be honoured in the facility — not in the Northern Trust but in the facility, meaning Dalriada, which the original letter related to. However, we were told later on, in the press release of 30 October, that the multiple sclerosis respite centre would also temporarily close from 30 November 2014.

It is my understanding that there are purchased beds in place until the middle of February at least for MS respite care, so the view of Dr

Tony Stevens in that press release entirely contradicts what the Minister told me in April this year.

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

**Mr D McIlveen:** Jim, I will try to give time at the end if I can.

I have to say that there is little trust in the north Antrim area towards the Northern Trust at this moment in time. Therefore, I propose and would like to see a root-and-branch review of Dalriada Hospital that is independent of the Northern Trust and is based on figures from before 30 October this year.

There is a sign as you drive down the main A26 that states, in very simple terms, "Don't let the Dal die". From the day and minute that the press release was issued, that is what the Northern Trust started to do, in my view. It started to let the Dal die. It failed to allow any new admissions, and therefore, on that basis, there is very little trust in what the Northern Trust is telling us.

I will conclude very quickly. The point was made about how good it is to have a devolved Minister. I ask the Minister to comment on how many people have made use of our devolved Minister since the press release. How many people have actually spoken to him about it?

**Mr McMullan:** Go raibh maith agat, a LeasCheann Comhairle. For over 20 years I represented the glens area on Moyle Council, and in that time I have seen at least three attempts to close the MS centre at the Dalriada. This is nothing new. This is a sustained attack on the unit. When the latest one came about, it was no surprise to me, but I have to give credit to the campaign that is being waged by the people of Ballycastle, the glens, the whole countryside and those who are in the Public Gallery today.

What we are seeing today is a campaign driven by the trust on budget. It is not patient-driven at all. The question I have to ask today is this: who exactly is running the trust? Is it you, Minister, or is the trust dictating to you the terms of what it does? I had a meeting with Tony Stevens here yesterday afternoon.

I asked him to put to an end the campaign to stop the closure of the Dalriada, and he told me that he took the advice of his management. Management told him that, in a strategic plan, somewhere had to close to balance the books, and its advice was to close the Dalriada. This

is budget-driven not patient-driven. Out of your budget of millions, you cannot find £500,000. As my party colleague the Chair of the Health Committee, Maeve McLaughlin, said, of the £18 million that has been given to you, £500,000 could be found to keep the Dalriada going.

**11.45 am**

**Mr Dickson:** I really appreciate the Member giving way. Mr McMullan referred to the statements made by the trust about the issue and the relatively small sum required to continue to deliver the service. The words "temporary closure" were used in the press statement. "Temporary" is Civil Service-speak for final closure; let us get that on the record as well. These people will not just be making this a temporary break. They intend to close the facility.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Mr McMullan:** I totally agree with the Member. He is quite right, and I was coming to that point. When the closure was made, it was made on a temporary basis. Why? It was so that there would be no consultation on it, because it is temporary. When I asked the chief executive yesterday to carry out a full equality impact assessment and consultation on the provision, the answer was a stark no. However, when the Dalriada is closed, the trust will then embark on a consultation on the provision of health care in the Northern Trust. He wants to split the trust into four hubs of excellence, after closing a unit of excellence.

Shame on you, Minister, and shame on the trust. Your whole thing is to care for the patient, not to be driven by a budget; £500,000 could be found in your budget. Why are you doing this? Why is the chief executive taking the word of his management without a plan having been drawn up? Where is the consultation? The Member for North Antrim Mr Storey quite rightly said that we come to the Chamber to make very hard decisions on budgets — quite rightly. However, at least all the decisions that we make on cuts and budgets go through a consultation period. In this decision, we are not allowed that. We are given the temporary closure and told that a consultation will then be embarked on. How is that fair?

Members of the MS Society have bared their soul and told us about some of the most difficult parts of their life to fight for this unit. Last week, when the deputy First Minister received a deputation from the MS Society, Mrs Philomena

McKay, from Cushendun in my constituency, said to Mr McGuinness, with tears in her eyes, that her husband is more like a carer to her than a husband because of what is happening today. Is that where we are going? Health is being driven by a budget. When we put out Transforming Your Care, health was to be the priority, yet you do the very opposite. Minister, I put this to you: do you control the trust? In answer to Mr Swann at the start of the debate, you said that you did not know, but the trust is saying something different.

**Mr Principal Deputy Speaker:** Thank you. The Member's time is up.

**Mr McMullan:** Somebody is telling lies.

**Dr McDonnell:** I am delighted to be able to take a few moments to discuss the temporary closure of the Dalriada Hospital. I must say that this is a habit that has happened repeatedly. We have temporary closures, without consultation, that become permanent; that trick has been used right across the health service.

I do not condemn or attack the Minister or his predecessor. We have to be very clear about this; we must be united. I reflect on the very wise and sensible speech that our colleague seated across the Chamber, Paul Frew, made on the issue. The Assembly needs to be united in resisting the closure and the plans of the Northern Trust.

Dalriada Hospital has served the Ballycastle and district community very well in many shapes and forms over 50 years. I remember it opening with great aplomb when I was a child. It did an excellent job as a community hospital. In recent years, influenced by changing trends and demands, it became a vital resource, both as a respite space for MS patients from a wide area and as a step-down or intermediate-care facility — a halfway house, if you like — for those who did not need to be in a high-cost acute hospital bed but who still needed some degree of low-intensity hospital care. Much of that was appropriate for people recovering from orthopaedic surgery.

It was always, and still is, a great example of how Transforming Your Care could work and should have been allowed to work; it was a great pilot project launched with great gusto as a flagship for Transforming Your Care and its ethos. Yet, all my information is that the Northern Trust strangled and smothered it; the trust did not want to sell it or promote the project. Social workers, medical and paramedical people who could have

encouraged and promoted the facility were told to keep quiet and turn a blind eye.

For many with whom I talked last week the question is: where will the patients go for respite? MS patients have a difficult enough struggle and life without making it any more difficult. Where will patients who require intermediate-care beds go? Will they remain in high-cost beds in the Causeway Hospital or wherever else? This is a flawed, knee-jerk decision by the Northern Health and Social Care Trust that will have a massive impact on patient care.

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

**Dr McDonnell:** Yes.

**Mr Dallat:** The Member has appealed for unity across the Floor, and I totally agree with him. Does he agree that, if the Minister were to reverse this decision, he would unite the Assembly in a way that it probably has not been united in recent times? I put that question to Dr McDonnell as a medical doctor and also as a person who was reared in the glens of Antrim and who knows the immense feeling of the people in that area.

**Mr Principal Deputy Speaker:** The Member has an extra minute.

**Dr McDonnell:** Thank you, Mr Principal Deputy Speaker. I thank the Member for his intervention. As someone who grew up not very far away and who is familiar with the Dalriada Hospital, I certainly agree with him. The passion, emotion and commitment that I felt from the deputation that was here last week was palpable. It knew neither political nor religious boundaries, nor any others. People were united, and I feel that the community campaign has made it very clear how detrimental this cut will be, not just to Ballycastle but to a much wider area in terms of MS respite. They must all bear the brunt of the situation that the closure of the Dalriada Hospital would bring about.

As far as I am concerned, it is a cut too far, and I appeal to the Minister, as my colleague suggested, to find some other option on this occasion and reverse the decision of the Northern Trust. He would unite the community.

I commend my colleague, the chairman of Moyle District Council, Donal Cunningham, and others around him, for the tremendous campaign that he has led and orchestrated along with the broader community. They have

my full and unequivocal support, and indeed the support of much of north Antrim.

I am gravely concerned that we will have other occasions like this. The draft Budget has a very detrimental effect on front-line services. I think that we will have to move and take every effort to protect front-line health-care services. While savings and efficiencies are necessary, patient care needs to be protected as well.

**Mr Principal Deputy Speaker:** The Member must bring his remarks to a close.

**Dr McDonnell:** Benefits could be gained from many other options. I talked about all-island options for saving money. We are aware that the cost of health-care provision has risen.

**Mr Principal Deputy Speaker:** The Member's time is up.

**Dr McDonnell:** I appeal to the Minister to recognise the reduced cost of Dalriada and how it would help to save money.

**Mr Principal Deputy Speaker:** The Member's time is up. I want to call the next Member.

**Mr McGimpsey:** I appreciate that I have limited space to speak. First of all, of course, I support the motion. MS is a cruel and merciless condition. We need to do whatever we can to alleviate the situation for patients and sufferers. A reasonable service for this condition at Dalriada was one of the remedies that we had.

I have to say, however, that this situation was predictable. The result of a Budget that was voted through this House three and a half years ago by many of the people who have been on their feet speaking today is that not enough money has been put into the health and social care budget to run the service. That was clearly demonstrated. The Budget was actually a real-terms cut of 2.4%. This is just part of a general malaise in the health service. We have seen that year after year, whether it be the pressures in A&Es, pressures on waits or closures at Bangor, Whiteabbey and Armagh.

We can all talk about these difficulties that we are having. This House has to be prepared to fund the health and social care Department and fund properly the Northern Trust. I do not blame the Northern Trust or any of the trusts for the steps that they are taking. They do not have enough money to run the services that they have now. We can all point at efficiencies. We can all say, "Save money here, save money there", but the Northern Trust does not have an

adequate budget to adequately provide services so that —

**Mr Principal Deputy Speaker:** Thank you. I must call the Minister now. The time has been set by the Business Committee.

**Mr Wells:** Thank you, Mr Principal Deputy Speaker. First of all, I want to say that I may not be as liberal with taking interventions as I might normally be, because I have an important point to make at the end of this particular contribution.

I thank the community and the Save the Dal campaign on the north coast for the understanding and respect that they have shown for me. I have absolutely no argument whatsoever with the way in which I have been treated. I appreciate that, in a situation where of course they feel exceptionally strongly about the issue.

I have listened carefully to Members' contributions throughout the debate. I want to say to Mr Dallat that I apologise if I did smile during the middle of a contribution. I take this issue terribly seriously. I dare not tell him how many sleepless hours I have had over this particular decision; this decision has been exceptionally problematic for me.

I much regret that the Northern Trust has had to consider this action as a consequence of budget pressures. No one in this entire debate has told me that we do not need an extra £70 million to balance the books or that we do not have to save that money. The difficulty is that I am not getting any options on the £70 million or the decision on the Dalriada.

The pressures facing health and social care were substantial in 2013-14 and included a wide range of services, such as domiciliary care, acute services, safety and quality, emergency department unscheduled care and children's services. Since summer 2013, the Department has explored and implemented opportunities to curtail and control this expenditure.

As I have said before, my priorities are to ensure that the services provided by health and social care trusts are safe and effective and that my Department achieves financial balance, as is required of all Ministers. To achieve these aims, health and social care trusts have provided a range of contingency plans to secure financial break-even, which is an obligation that is required of all Ministers. I have to be absolutely clear here: I asked the trust to come up with a series of savings, and it

gave me a list. I did not make a choice on those savings. I was given a list that it believed was necessary.

## 12.00 noon

**Mr Swann:** I appreciate the Minister giving way. I know that he said that he is generous with his time. Will he clarify with the chief executive of the Northern Trust the process that he outlined to me and members of the Ulster Unionist Party yesterday? He said that he made recommendations to the trust, which gave them to the Department, which gave them to the Minister, and they then came back down the chain again.

**Mr Wells:** I assure you that I did not have other options to consider. It was not a question of me picking out Dalriada in preference to taking some other difficult decision. I was given enough money to make the savings, and that was that.

The temporary closure of the respite beds and intermediate care beds in Dalriada Hospital will result in a significant saving of £0.6 million. Should the measure be proposed to be made permanent, I have been explicit that a full consultation exercise will be carried out.

The Northern Trust has affirmed that it will endeavour to minimise the impact on front-line patient care. It is important to note that everyone who wishes to receive respite care will continue to do so. The trust is committed to continuing to meet people's assessed need appropriately. However, it believes that it can be more cost-effectively provided elsewhere. Alternatives being discussed include direct payments, local independent sector provision for individuals or local bed-based group provision to facilitate groups of friends. In the case of individuals assessed as requiring respite care in a hospital setting, arrangements are being made to assess the Robinson Hospital in Ballymoney. In-reach services provided to service users while they receive respite at Dalriada, such as podiatry, dentistry and physiotherapy, will continue to be provided in the alternative setting decided on.

The trust provided an assurance that there will be no change to the booking of anyone who had been booked into respite care in November. That commitment will be honoured. I acknowledge and appreciate the commendable service that the MS respite centre provides for service users and their families.

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

**Mr Wells:** I certainly will.

**Mr Allister:** Is the Minister saying to the House that the trust, of which he has oversight, proposed the closure — I think that we all know that it is closure, not a temporary discontinuation — of the Dalriada without knowing or, it seems, caring where the services then provided there would thereafter be provided and is only now scrambling around to look for alternatives? Does that not say to the Minister that he should reach the point now — today — of overriding the decision to close the Dalriada?

**Mr Wells:** It is worth mentioning that the demand for respite care in the winter period is extremely low. At the time of the decision, only one person was booked in for the second part of November. The next peak of demand was not until February. The trust officials were content that there was easily capacity in the north Antrim area to meet that demand. It is not a matter of scuttling around trying to find alternative provision. As it turned out, there was time and there was capacity.

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

**Mr Wells:** For the final time.

**Mr McMullan:** Will you now state that the trust came to you with the strategic view of closing either the Dalriada or the Robinson, and that the trust opted to close the former in favour of the latter, which is not what was said to me yesterday in a meeting between Sinn Féin and the trust's new chief executive, Dr Tony Stevens?

**Mr Wells:** I have no doubt that, when the board was discussing the issue, other options were considered, maybe even the Robinson, but by the time that the decision got to me, there were not options. I was given a list of what the trust, in its professional judgement, considered to be the best option for saving the money. I have no doubt that the Member could well be right, but the list that I have does not include an either/or. It simply states, "Dalriada".

Most of those — 80% — who access MS respite services at Dalriada come from the Northern Trust, with the remainder predominantly coming from the Western Trust. There are also two users from Belfast. The other trusts have already made alternative arrangements. In 2013-14 — I mentioned this when answering a question from Mr Swann

during a Question Time — the number of bed days available was 4,380. Of those, 1,402 were used. That equates to a 32% occupancy rate. That is worrying, because it indicates that, whilst the standard of care is very high, the demand is not as pervasive as Members suggest.

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

**Mr Wells:** I will try at the end, but I really have to get to the end of the speech. Members will understand when I do so.

Demand in the unit tends to peak at certain times, such as in February and during the summer months. That means that, at other times, the unit has a very low occupancy rate. Members have to accept that. I am advised that, today, there will be two patients remaining in the MS unit in Dalriada Hospital and seven receiving intermediate care. I make it absolutely clear that none of those patients will be required to leave unless it is clinically appropriate to do so. There is no cut-off date on 30 November. If someone requires clinical or respite care at that date, they will continue in the Dalriada.

It is anticipated that half of the employees associated with the Dalriada site may be affected. Permanent staff will be redeployed to support acute community and emergency services. No staff — and I emphasise this — will lose their jobs, and the hours they work will remain as per their contract. There are a number of jobs in the Causeway locality and the personnel, staff and services managers are currently on the ground, working with staff to match their skills to vacancies available and to ensure that, as far as possible, individual circumstances are taken into account.

Following the announcement, the Northern Trust contacted MS service users and families from the northern area and advised them of the decision. Relevant key workers are currently meeting patients to discuss options for their future respite care. The trust also linked with the Western and Belfast Trusts regarding this change. Trust senior management attended Dalriada Hospital on Thursday 30 October and spoke with patients and staff.

Personnel staff continue to work on the ground to help and advise those staff affected. The trust will continue to meet and discuss redeployment options with those staff. The trust communicated with trade unions on 30 October and formally met with them on Friday 31 October. The trust also continued to communicate with all political representatives in

the area and met Moyle council representatives on 3 November and attended a public meeting that same evening.

Ongoing communication is taking place between the trust and the MS Society and, of course, the media. The trust will continue to do all it can to communicate with all stakeholders to ensure that everyone understands the decision and the options now available to them. I have met the MS Society, elected representatives, health professionals and members of the Ballycastle community. I visited Dalriada Hospital on Friday. I met Tony Stevens of the Northern Trust to discuss this issue on 13 November.

Mr Speaker, I have listened to the widespread concerns expressed by patients and families about the potential adverse impact of the temporary closure of services at Dalriada. I am very aware of the public's dissatisfaction that patients and clients have not had an opportunity to participate in a formal consultation process on these proposals. I cannot stress enough that we also need to ensure patient safety.

However, we have four months before the end of March next year, and in view of the widespread concern, my Department will be instructing the Northern Trust to immediately begin an eight-week public consultation, as Mr McMullan requested, on this temporary closure to see whether there are alternative viable proposals that could be put in place to allow the services to reopen before the end of March.

**Mr D McIlveen:** I thank the Minister for giving way, and I certainly welcome what he has just said. In the knowledge that there is a severe breach of confidence between the public in the Ballycastle and wider north Antrim area and the Northern Trust, could the Minister give some assurances that there will be an element of independence to this consultation to ensure that there is a fair outcome rather than one predetermined by the trust?

**Mr Wells:** Mr McIlveen raises an important point, and I would be happy to look into that issue and address the points he has raised.

**Mr Weir:** Will the Minister further give way?

**Mr Wells:** Yes.

**Mr Weir:** A lot of us have grave concerns over the priorities that have been given by different trusts, and in my case, particularly the South Eastern Trust as regards Bangor. If there are alternative proposals — certainly in our case,

some of us are working to save the money in-year — and these can be accepted by the trust, will the Minister indicate that there will be no obstacle put by himself or the Department in the way of those alternative proposals that allow places to stay open or reopen in various areas?

**Mr Wells:** I would be absolutely delighted if Members or the community or those who are experts in this field provide viable alternatives. But I have to make a very important point. They must release an equivalent amount of saving to what is being achieved by the decisions —

**Ms Maeve McLaughlin:** Will the Minister give way?

**Mr Wells:** OK.

**Ms Maeve McLaughlin:** Go raibh maith agat. I thank the Minister for, maybe reluctantly, giving way. Can the Minister clarify that during the eight-week public consultation, which some might say is a bit late, admissions will continue?

**Mr Wells:** I need to make the point that there will be no fresh admissions but that those who are already in the hospital will continue to receive the care that they require until they are clinically assessed and allowed to leave — in other words, as if this decision had never been made. Any alternative, viable proposals —

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

**Mr Wells:** Oh dear.

**Mr Allister:** Does the Minister not agree that, if this is to be a fair and transparently fair consultation, the status quo should prevail rather than the pre-emptive decision to close, which suggests that the consultation will only be a farce? If this consultation is to be genuine, does he not need to restore the Dalriada to its position as an active, operative hospital?

**Mr Wells:** The only proposal that I am making is that there will be no new admissions — no new admissions. Those who are there already will continue to be cared for up until the point at which they would have been moved on as if this decision had never occurred — in other words, in line with medical assessment.

Any alternative proposals that are suggested in the responses to the consultation must release broadly equivalent resource savings that, in the view of clinicians, would provide services safely in terms of the impact of the proposal on the

quality, sustainability and accessibility of services, and provide assurance about adherence to established standards of service.

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

**Mr Wells:** No, I simply have to finish this. I am sorry, Mr Dickson.

The door is now open for the public to have their say — albeit within a tight timescale, as I believe that the deadline will probably be around 31 January — with a clear prospect that the envisaged four-month temporary closure of these services could potentially come to an end sooner. My Department will monitor the situation closely over the coming weeks to ensure that the service provided to MS sufferers in Northern Ireland continues to meet the needs of the local population.

I can now give way to Mr Dickson.

**Mr Dickson:** Thank you, Minister. I am concerned about any consultation process. You made an announcement that you are prepared to extend an open consultation process for eight weeks. Is that not window dressing to cover up the embarrassment of the trust and the Minister?

**Mr Principal Deputy Speaker:** The Minister's time is almost up.

**Mr Wells:** Can I make it absolutely certain that we are taking this consultation extremely seriously? The community now has time to put forward its views on what it feels are the defects of this decision and to provide suggestions for an alternative. This will be taken seriously; the Member has my commitment on that.

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

**Mr Wells:** I just have time for Mr McKay.

**Mr McKay:** What will happen to the staff for those eight weeks?

**Mr Principal Deputy Speaker:** I am sorry; you actually do not have time. The Minister's time is up.

**Mrs Dobson:** I welcome the opportunity to make a winding-up speech on such an important debate. I was delighted to hear all the support from fellow MLAs. Minister, our motion calls for you to reinstate the service at the Dalriada immediately. I will start with a plea: do it, Minister, and do it now. This is an

issue that, as we know, has caused so much public anger, emotion, concern and protest. Much of that has been reflected in an emotionally charged debate in the Chamber today. As John Dallat put it, this has the ability to unite us across the Floor.

I will refer to Members' comments, but, first, I will make a few comments of my own. Minister, I appreciate that difficult decisions need to be made. Frustratingly, however, whilst the funding crisis in our health service may not have been unexpected, as my colleague Mr McGimpsey said, it was avoidable. I will reiterate a point that I have been making over the last number of weeks and months. The funding void will have been known about long before it struck. It could have been avoided, but it was not, and trusts have now been forced to slash services. Members, this is where we are today.

While suggestions for cuts may indeed come from the trusts, be in no doubt that the Minister is required to give his personal approval of them. There is no question that the Minister was asked for his opinion on the Dalriada, and there is no question that he approved the closure of the respite centre. Some in the Chamber may find that hard to accept, but I ask them to speak to the Minister directly or to the trust privately. It saddens me to say that I suspect that not all the reductions that we have been told about are just as new or as recent as we are led to believe.

### 12.15 pm

As we heard from Members, there have been long-standing concerns about Dalriada's future. The people for whom it provides respite and intermediate care, as well as its loyal team of staff, will have seen its value in the eyes of the trust diminish. Even its physical appearance has gone downhill.

While it is easy to comment on bricks and mortar, the real cost of the closure will be the human impact on the people who use the service, not only the 69 with MS indicated by the Minister but many hundreds more family members and carers who benefit from the relief that Dalriada provides. The many benefits of respite care, be they medical, financial or otherwise, ripple outwards from the patients to their family circle and friends. Minister, that must never be forgotten or underestimated.

Speaking to people with MS, and their carers, I am in no doubt of the importance of effective respite. It gives family members the opportunity to travel in the knowledge that their loved ones

are safe and secure. The debilitating fact about MS is that symptoms come and go, robbing people of their independence to do even the most basic tasks, and leaving them to suffer the most spine-chilling level of pain.

Having a centre with the staff and skills required is a huge benefit and grants carers the precious period of respite that they so richly deserve. I know so many people coping with this condition, whom I have supported. I would be here all day if I listed their names, people who have touched my life. They would dearly love to receive respite in my constituency, but it is not available to them. I am not alone in the Chamber in representing constituents who are denied this service. Their passion is to raise public awareness of MS, to fundraise and to support fellow sufferers. They view this so-called temporary closure as a bitter blow to every MS sufferer in Northern Ireland — that is 4,200 sufferers and their families.

Yet we are being asked to believe that the service at Dalriada is no longer required and can be met through private providers who, as we stand here today, have not signed a contract. Even if a commitment is signed today, this week or next week, what guarantees are there that this respite service —

**Ms Maeve McLaughlin:** I thank the Member for giving way. Would she now agree that what the Minister said about no new admissions is, in effect, closure in another form?

**Mrs Dobson:** I thank the Chair of the Health Committee for her intervention. I totally agree. Yes, it is, in effect, closure.

What guarantees will be available in years to come, Minister? None. There is no long-term strategy for people living and struggling daily with a long-term debilitating condition. The reason, I suspect, it is being re-provided to the private sector is not to save money but to make sure that the service is easier to adjust and tinker with in the years to come.

Whilst Dalriada is located in the Northern Trust, it was, in theory, to be used by all. In theory. Of course, 30% bed occupancy is not good enough, but if patients were not being allowed to enter the centre in the first place or not even being told about it, it is little wonder that so few were receiving care. The fact is that the trust sought for some time to strangle the existence out of the centre.

I will turn to comments made by Members. Mervyn Storey reminded us that Terence O'Neill opened the hospital in 1963. He praised

those defending the hospital as a credit to their community, and I totally agree with him. He spoke about the long-term failure to address the medical needs of the community of north Antrim.

Daithí McKay supported the motion, saying that this was decision day for the Minister. He also praised the campaign of the Save the Dal group.

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

**Mrs Dobson:** Yes.

**Mr Swann:** In reflection on that, and I listened to every Back-Bencher who spoke in support of the motion, I point out to the Minister the last section of the motion, which:

*"calls on the Minister of Health, Social Services and Public Safety to reverse the decision and immediately reinstate the service at Dalriada Hospital".*

**Some Members:** Hear, hear.

**Mr Swann:** Minister, that is the final sentence in the motion. What you have offered is an eight-week consultation on a temporary closure. You have said that the eight-week consultation will close on 31 January 2015, but, with the temporary closure forecast to last until the end of March 2015, there is potential for a gap of 59 days. Knowing the decision-making speed of the trust, the Department and the Health and Social Care Board, by the time they even get round to opening the consultation on the temporary closure, the decision will have been made and you will have closed Dalriada.

**Mrs Dobson:** I thank the Member for the intervention. The point was very, very well made, and I totally agree with him.

**Mr McKay:** I thank the Member for giving way. She made reference to the Save the Dal campaign, which, no doubt, will continue to challenge the trust, especially in the absence of the Minister challenging the trust. The good thing about the debate today is that we have had clarification that the Minister is working with the trust to close down the hospital.

**Mrs Dobson:** Yes, working with the trust's spokesman. I thank the Member for his intervention.

Fearghal McKinney praised the campaigners who were at Stormont last week, where he

joined his colleagues from north Antrim. He said the real concern was over how the cuts are being administered. He also said that the decision to close the hospital is contrary to TYC, which I totally agree with.

Kieran McCarthy said that it was right to speak up loud and clear on this issue. He cited the Budget as the underlying cause of the decision and raised concern for the future. He also referred to TYC.

Paul Frew supported the motion and the campaign, which he described as being managed by the people. We have joined those people and given them a voice today. He also said that if the hospital was to disappear it would hurt for a generation. I hope his Minister, who has ultimate responsibility for the trust he lambasted here today, will listen to us and to Mr Frew.

Maeve McLaughlin referred to the closure as being short-sighted and spoke of Transforming Your Care.

In conclusion, we need to hear from the Minister what the plans are for future respite services for all 4,200 MS sufferers and their families across Northern Ireland. That is something on which I am looking for answers from the trust, the board and the Minister directly. Minister, you can make the intervention. You have the ability, you have the authority and you know in your heart that this is the right thing to do for MS sufferers in Northern Ireland. I support the motion and thank Members for their contributions.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes the decision to close the regional multiple sclerosis respite centre at Dalriada Hospital in Ballycastle until March 2015 and transfer the service to the independent sector; further notes the importance of appropriate respite provision for patients and their families; believes the decision to be entirely wrong and one which makes no financial sense; fears the decision will result in the permanent closure of the centre; and calls on the Minister of Health, Social Services and Public Safety to reverse the decision and immediately reinstate the service at Dalriada Hospital.*

## Prison Service: Staff Safety

**Mr Principal Deputy Speaker:** The Business Committee has allowed up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes to wind up. One amendment has been selected and is published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes to wind up. All other Members who are called to speak will have five minutes.

**Mr Givan:** I beg to move

*That this Assembly condemns the targeting of Northern Ireland Prison Service employees by dissident republicans; calls upon the Minister of Justice to reject any proposal that compromises the security of HMP Maghaberry, the safety of prison staff or concedes to the demands of republican prisoners in Roe House; and further calls for a review by the Northern Ireland Prison Service, working with the Prison Officers' Association and the Prison Governors Association, to address concerns about staffing levels across all grades in each prison establishment in Northern Ireland.*

This motion brings back the reality of what happened during the terrorist campaign in the conflict, when a number of prison officers were murdered by terrorists in pursuit of the Provisional IRA's objective to take over the Maze prison. Indeed, it succeeded in taking over the Maze prison. Countless officers were injured during the conflict, and it is right to put on record our appreciation of the sacrifice that they and their families made to protect our community.

Since the agreement was signed in 1998 and since the St Andrews Agreement and subsequent agreements were signed, prison officers have continued to be targeted. Their families have continued to be targeted. Prison officers have continued to be injured, and, of course, we know of the tragic and brutal murder of David Black in 2012. There has not been a peace dividend for prison officers and their families. It is appropriate that we remember that reality. Through the Prison Service protection scheme, hundreds of staff have had security installations put into their properties — not 10 years ago or 20 years ago but in the past number of years. Officers have had to relocate through the special purchase of evacuated dwellings (SPED) scheme because of the very specific threats made against them.

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

When the Maze prison closed, we were told that there would be no more separation and no more political status for those who committed crimes in the name of a flag or a cause. Maghaberry prison then housed those criminals who still tried to pursue their political aims through violence. They were integrated into the wider prison population in Maghaberry, but then the first concession was commenced. Paul Murphy, the Secretary of State in 2003, instituted the Steele review. That report made the recommendation that a separated regime should be established at Maghaberry prison. That is what happened. Roe House and Bush House then came into being. Was that the end of the protests? Was it the end of the demands made by prisoners in Maghaberry when they got their separated regime? No, it was not. What was their tactic? To continue to ask for more. How did they do that? By continuing to target prison officers and intimidate staff and to abuse them inside and outside the prison. What was the response to that ongoing intimidation and to the protests that were taking place in the prison? Under direct rule, Paul Murphy granted a separated regime.

Now that devolution has taken place, we have David Ford as the Minister of Justice. What is his response to the dirty protests and the intimidation? To sign an agreement in 2010. To carry out an appeasement process with the republicans who are intimidating and targeting prison officers and other staff. What is the policy for dealing with those who want to take control of Roe House in Maghaberry? To appease them and accommodate them. He struck a deal in 2010 that was another concession, building on the work of Paul Murphy. It was a capitulation to the demands made by those republican prisoners.

What were the next steps in that agreement? Did the protests stop? Did the intimidation stop? Did the targeting stop? No, they did not. They repeat the tactic that they have repeated for decades: they continue to target prison officers. They have a dirty protest. I was in Roe House when it was going on: the human excrement, the stench of urine, prison officers coming home saturated in urine that had been thrown over them by prisoners in Roe House. However, the 2010 agreement states that, in order to facilitate the agreement, the next steps were to be an end to the protest. The threats were to end. None of that happened. What is David Ford's response? Is it to go back to a pre-2010 agreement? No, it is not. He stands over the agreement that he negotiated with those terrorists.

For the record, in 2010, 53 prison officers required security installations in their property. In 2011, 43 prison officers required security installations. In 2012, David Black was gunned down as he travelled to work along the motorway by terrorists campaigning to take over Maghaberry prison. That tactic was used before by the Provisional IRA. In the 1970s, a family member of mine was shot at 13 times as he travelled to work in the Maze prison. He was hit twice by the Provisional IRA as they pulled up alongside his vehicle on the M1. Thankfully, by the grace of God, he survived and continued to do his job for the people of Northern Ireland. It is a tactic that has been tried and tested before by republicans as they try to take over the prison.

### 12.30 pm

David Ford stands over the agreement. When the prison was wrecked and there was the huge cost of dealing with that dirty protest, the protest ended after David Black was murdered. What did David Ford do? In response to a question that I submitted at that time, he said that the prison arrangement at Roe House would go back to a pre-protest position. In other words, he stood by the 2010 agreement despite David Black being murdered and those prison officers being targeted. Now, the republicans' tried-and-tested tactic is to say, "We are now all working together in Roe House after the factional feuds that were there. We are now all going to have peace, and we will share facilities". The olive branch gets offered. They say, "We are not going to intimidate staff". I was in Maghaberry a number of weeks ago while the stocktake was going on. Republicans were keen to tell me, "Look! There is no intimidation here of staff". Yet, within a week of that visit, I was speaking to staff who had received direct death threats from those republican prisoners.

What does David Ford do? Independent assessors come in and make recommendations suggesting that there need to be more concessions and that we need to get back to the 2010 agreement. Who is to blame? "All sides are to blame. The Prison Service has not fully implemented this agreement. It is part of the problem and needs to be part of the solution". Not the republicans, no: everybody. This collective guilt that republicans are tried and tested —

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

**Mr Givan:** I am not going to. I need to finish.

Yet, while the stocktake was going on when I was in Maghaberry, the grille separating the upper and lower landings in Roe House was open. The staff made it clear to me that that was a cause of concern for them, and concessions were being made while the stocktake was going on. That grille is now closed. Thankfully, it is closed, and, hopefully, I helped to get it closed. Yet, the assessors' attitude when they came to the Committee was "Let us take away the oxygen from the republican campaign. Don't allow them to become martyrs. We have now got them on the back foot, so we will use the approach that was tried in 2010" — and failed miserably — "Let us go back to that". What does David Ford do? He stands over those independent assessors, two of whom were responsible for 2010 and are still on the panel today. They are trying the same appeasement policy as has failed in the past.

What has happened? Threats continue. Republicans and those acting on behalf of those prisoners are naming officers on their websites. Targeting continues. When I speak to the Prison Service officials at the Committee, I am told that one threat would be one too many and that, therefore, the deal would be off. However, what did the Prison Service do? As a gesture of goodwill, it will implement part of the agreement. Yet, what was the next step even in the stocktake that was held recently? Protests need to end, and intimidation needs to end. What is the Prison Service director general's response? "As a gesture of goodwill and demonstration of our commitment, we will give in and make a concession".

Members, it is clear to me and to the prison officers I speak to that we have a weak and capitulating Minister of Justice and a weak and capitulating director general of the Prison Service. We have the repetition by dissident republicans of the tactics that were implemented by the Provisional IRA, and they are being conceded to. When will people realise that you do not deal with republicans by giving concessions to them? Who runs the prison? Is it the republican prisoners, or will it be the Prison Service, the director general and the Minister of Justice? Sadly, I have no confidence in this Minister and the director general being able to stand over a proper regime in Maghaberry that puts the safety and security of prison officers first and foremost.

**Mr Deputy Speaker (Mr Dallat):** Order. The Business Committee has arranged to meet immediately after the lunchtime suspension today. I propose, therefore, by leave of the Assembly to suspend the sitting until 2.00 pm.

The first item of business when we return will be Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.34 pm.*

*On resuming —*

**2.00 pm**

## **Oral Answers to Questions**

### **Culture, Arts and Leisure**

**Mr Deputy Speaker (Mr Dallat):** I have to tell Members that questions 3, 8 and 10 have been withdrawn. We will start with listed questions.

#### **Irish Language Broadcast Fund/Ulster-Scots Broadcast Fund**

1. **Mr Lunn** asked the Minister of Culture, Arts and Leisure for her assessment of the viewing figures for broadcast programmes funded by the Irish Language Broadcast Fund and the Ulster-Scots Broadcast Fund. (AQO 7130/11-15)

**Mr Lunn:** Go raibh maith agat, a LeasCheann Comhairle. Ceist uimhir a haon. Question 1. *[Interruption.]*

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Chomhalta as an cheist. Thank you very much to the Member.

In 2013-14, the target was to deliver 60 hours of Irish-language content to a weekly audience of 25,000. The Ulster-Scots Broadcast Fund aimed to deliver 12 hours of Ulster-Scots programming to reach an audience target of 40,000 people per programme in the North.

In the latest figures in Ofcom's communications market report, during 2013-14, programming supported by the Irish Language Broadcast Fund and the Ulster-Scots Broadcast Fund and broadcast by the BBC reached an audience of 660,000, which is just under 40% of the total population of the North. I believe that that demonstrates a continued demand for programming from both funds.

**Mr Lunn:** I thank the Minister for her answer. Does she agree that those figures will help the case for her negotiations with the Department for Culture, Media and Sport (DCMS) when it comes to discussing the re-funding of those programmes?

**Ms Ní Chuilín:** Absolutely. I fully agree with the Member, and I am delighted that those

figures have been independently supported by Ofcom. They support the experience thus far from both broadcast funds, NI Screen and people in the creative industries sector, who have said to us that there is an increasing demand for work within both broadcast funds. That is a good thing, and it will certainly help my case — probably not this year — when I go to the Department for Culture, Media and Sport. I hope to have a further meeting at the end of this year, but, if that is not possible, a meeting with all the spokespersons will be realised at the beginning of next year and before the next Westminster election. It is important that we get cross-party support for it.

**Mr McCausland:** The Minister put the figures together for the programmes that are made by both broadcast funds. Will she give us separate viewing figures per programme for each fund? If not, will she send that on to me?

Will she also ensure that, when she is negotiating with the Treasury or DCMS in London, the funding for both broadcast funds is equalised? That will mean that we will have real equality and not the Trojan Horse of equality that was mentioned by her party leader last night in his efforts to break unionism, which, of course, he will fail to do.

**Ms Ní Chuilín:** At least my party leader knows when to apologise, but —

**A Member:** He has plenty to apologise for.

**Mr Deputy Speaker (Mr Dallat):** Order. Minister, will you resume your seat, please? At this stage, Members should know that I will not accept anyone making remarks of any kind from a sedentary position. I am disappointed that that has happened again today, especially so soon into Question Time.

**Ms Ní Chuilín:** Thank you, Mr Deputy Speaker. I will certainly ensure that I will lobby to have the funds realised and will do so on the basis of need. If the Member is telling me that there is equality of demand and equality of evidence between the Irish language and Ulster Scots, I have yet to see it.

I will match funding to need. That has been my commitment, and I have done that thus far. I do not cherry-pick or pick pet projects but do it on the basis of need. I will happily negotiate for additional secured funding and an uplift on the current funding on that basis.

I will also happily furnish the Member with viewing figures for each of the programmes.

Not only can both broadcast agencies stand over those figures but they have been independently supported by Ofcom. I am happy to share them with him and other members of the Committee.

**Mr Deputy Speaker (Mr Dallat):** Members, before I call the next Member to speak, I have to tell you that question 9, not 10, was withdrawn. I apologise for that.

## Hockey: Lurgan and Portadown

2. **Mrs Dobson** asked the Minister of Culture, Arts and Leisure how she is promoting hockey in Lurgan and Portadown. (AQO 7131/11-15)

**Ms Ní Chuilín:** I thank the Member for her question. As the Member knows, responsibility for promoting hockey in the North of Ireland, including Lurgan and Portadown, rests with the governing body of the sport, Ulster Hockey. Since 2011, Sport NI has provided Ulster Hockey with funding of almost £914,000 for the promotion and development of hockey across the North. A further £551,000 has been invested in hockey clubs and schools to deliver the sport in communities. In that investment, a number of primary schools in the Lurgan and Portadown areas have received funding of almost £3,400 to deliver a range of sports and to provide coaching for children, across sports, particularly hockey.

Sport NI is assessing applications received under its Active Awards for Sport programme. It is the second round of the lottery-funded small grants programme, which is primarily aimed at grassroots community-based sports. Six hockey organisations, including two hockey clubs based in the Craigavon Borough Council area, submitted applications. Sport NI will notify the applicants of the outcome in December 2014.

**Mrs Dobson:** I thank the Minister for her answer. She will be aware that, last month, I, alongside Sport NI and DCAL officials, met Lurgan Ladies' hockey club and Killicomaine Junior High School. We are delighted that Killicomaine Junior High School has since had its new pitch confirmed by the board. What more can the Minister do to ensure more effective partnership working that will deliver further good-news stories for clubs and players in Portadown and Lurgan?

**Ms Ní Chuilín:** The Member has highlighted the fact that partnership is key, certainly around future provision. That is particularly the case when looking at the capital needs of clubs and,

in this case, schools and councils. The people involved in the case of the Member's constituency and the area that she highlighted came together naturally because they have a good working relationship. They also see that bringing clubs together and bringing clubs and schools together realises facilities; that is what we are encouraging people to do. Obviously, there is a big difficulty around future funding. However, if clubs, partnerships and schools provide evidence of need and of a good, effective partnership, with the support of a governing body, it will stand them in good stead. That is how we would like to see provision rolled out in future.

**Mr Humphrey:** Does the Minister agree that it is important for young hockey players from Portadown and Lurgan and, indeed, from across Northern Ireland's clubs, to be able to participate in the Commonwealth Games? Will the Minister encourage Ulster Hockey to relax the regulations to allow a Northern Ireland team to participate in future Commonwealth Games, commencing in Gold Coast in 2018?

**Ms Ní Chuilín:** I have written to the governing body on that matter. I have received correspondence, but I have not yet had an opportunity to read or disseminate it. That issue was raised with me in relation to hockey and rugby sevens at the previous Question Time, and I gave a guarantee then. Upon receipt of that correspondence, I will happily share it with the Member.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her answers so far. Will the Minister provide an update on Sport NI's new capital funding programme?

**Ms Ní Chuilín:** I thank the Member for his question. Further to my response to the initial question, Sport NI is developing a capital programme that aims to invest £17.5 million of lottery funding to sports facilities over the next five years, which, I am sure the Member and other Members will agree, is substantial funding. The programme will seek to integrate the facility needs of community participants and the performance of athletes in the same multi-sports environment.

Sport NI has consulted sports governing bodies to identify priorities for high-performing athletes. It has also spoken, and started working in good partnerships, with councils to deliver sports facility strategies; it is also working with local clubs and communities. It is envisaged that that investment will be brought forward in the new year. At this stage, however, it is important

to finish the consultation so that we get a robust level of service needs in the communities. The small grants award will be made known soon, and we will move on to the bigger capital programmes in the new year.

**Mrs McKeivitt:** What inter-sport exchanges does the Minister's Department encourage to allow young people to have the opportunity to learn more about sports that are not traditionally known in their communities, such as hockey and camogie?

**Ms Ní Chuilín:** I know that the Member is aware of what is known now as the game of three halves. That goes across soccer, Gaelic games, rugby and, sometimes, hockey and other sports in between. I think that it is a good initiative. It exposes young people in particular to games that, traditionally, they normally would not find themselves attracted to. It also brings forward an awareness not just of the games but of the culture behind some of those games. It is really important. Sports governing bodies and individuals in clubs and schools have been very proactive in trying to make sure that children get every opportunity to avail themselves of those games.

I believe that, particularly in relation to soccer, Gaelic games and rugby, the three governing bodies, through additional funding that they have received from DCAL, have done a lot of work around that, not just to help people to improve their physical and mental health but with the cultural awareness and inclusion that those programmes bring. I am sure that the Member will agree that it is very important.

## **CAL: Senior Staff Costs**

4. **Mr McNarry** asked the Minister of Culture, Arts and Leisure to outline the annual cost of staff at grade 5 and above in her Department. (AQO 7133/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. The cost of staff at grade 5 and above in my Department at the end of the financial year on 31 March 2014 was £818,428. This figure includes the cost of temporary staff involved in special projects or dedicated projects. When those posts are excluded, the cost was £690,000. At 31 March 2014, permanent staff at grade 5 and above comprised five at grade 5, including one at grade 3 and one permanent secretary.

**Mr McNarry:** I thank the Minister for her answer. I have just a couple of points. I would be indebted to the Minister if she could relate

more to the cost of £128,000 for temporary staff and what they were doing. I think that the figure is high. Has the Minister considered sharing some specialist functions in her Department, such as finance, with other Departments to save public money?

**Ms Ní Chuilín:** I will happily relay that figure back and try to get the Member the detail tonight to him personally. I brought additional staff in to look at the stadia development programmes. Skilled expertise was needed in order to bring those programmes forward. In addition to that, I work with the Strategic Investment Board to try to ensure that there is better provision and that I do not have to buy in or contract additional work when that service is already available. The Member will also be aware that you pay for that, but it is an expertise that, so far, I have found very valuable.

The Member will also be aware that DCAL and its arm's-length bodies have a particular financial need in my Department to ensure that the money and the governance and audit trails around it flow freely. I am reluctant to point out one area in the working remit of DCAL that I would be happy to look at. At the minute, I am looking at everything.

**Mr McGlone:** Mo bhuíochas leis an Aire as a freagraí go n-uige seo. What uptake of voluntary redundancy does she anticipate in her Department and how might that be funded?

**Ms Ní Chuilín:** Gabhaim buíochas leis an Chomhalta as an cheist sin a chur orm. I have no idea at this stage about any figures in relation to voluntary redundancy. As the Member will be aware, my high-level financial budget plans, albeit provisional, were put on the website last week. It is something that the officials, with our staff side representatives, are working through. It is early days yet, but I anticipate that, by the close of play of the consultation on the draft Budget, we might have more definitive figures back. If and when those figures are brought forward, I will be happy to share them with him and with other members of the Culture, Arts and Leisure Committee.

**Mr Deputy Speaker (Mr Dallat):** Mr Michael McGimpsey is not in his place.

2.15 pm

## Ulster Orchestra

6. **Mr Dunne** asked the Minister of Culture, Arts and Leisure what progress has been made in securing the future of the Ulster Orchestra. (AQO 7135/11-15)

**Ms Ní Chuilín:** I thank the Member for his question. I have met representatives of the orchestra to explore the nature of the problems that it faces and the work that it is undertaking to identify possible solutions. Officials from my Department, together with the Arts Council, continue to engage with the orchestra and its sponsors to develop and refine potential operating models and alternative funding mechanisms that would enable it to safeguard its future. If a new, sustainable operating model emerges, I will give it serious consideration, and, subject to receiving assurances that it can be delivered, only then will I engage with Executive colleagues to assess how we as an Executive might support it.

**Mr Dunne:** I thank the Minister for her answer. I welcome her recognition of the Ulster Orchestra's significance in Northern Ireland's cultural life. Will she give us an assurance that she will continue to drum up support for the Ulster Orchestra, subject to the production of a new operating model?

**Ms Ní Chuilín:** I am sure that we will hear some more about the Ulster Orchestra, not only today but over the next couple of days. As I said in my primary answer, I am expecting a revised business model to come back from the Ulster Orchestra, on the basis that it can stand up to scrutiny. I am sure that the Member and others have concerns about that, but it will mean that we are not facing this problem year on year and that the orchestra will withstand next year's Budget, the Budget the year after that and Budget the year after that. It is only if the new revised model is brought forward and that it has full support that I can bring forward any proposals to my Executive colleagues for support. I value the Ulster Orchestra's work, and I am on record as saying that. However, it is unsustainable in its current configuration.

**Mr B McCrea:** Minister, are you expecting that revised plan today? If so, when will you be in a position to evaluate it and decide whether you can help?

**Ms Ní Chuilín:** I am expecting a revised plan by no later than Friday of this week, which is 28 November. If you are under the impression that I am expecting it today, you know more than my private office, but, sure, that would not be a first, Basil, would it?

I am certainly expecting the revised plan by the end of this week, and, soon after, I will be working on seeing whether we can realise it. I will meet the orchestra and, indeed, the Arts Council, Belfast City Council and the orchestra's other sponsors to see whether we can get a model that suits everyone's needs.

**Mr McCausland:** I welcome the fact that Belfast City Council has made the commitment of £100,000 towards the Ulster Orchestra. I understand that Sir George Bain made some comments on the radio today about the provision of the business model for the Ulster Orchestra, which, given what has been said even here, will hopefully be forthcoming very soon. Will the Minister give the clear undertaking that, in the event that it arrives in the next few days, she will very soon be in a position with the Arts Council to ensure that the funding to make up the shortfall on top of the £100,000 is met?

**Ms Ní Chuilín:** I did not hear any of the comments on the radio about the orchestra, but my understanding was that that £100,000 came from Belfast City Council on the condition that DCAL's funding came forward. My conditions are that, if the revised model is robust and helps to meet the needs of the Arts Council, DCAL, Belfast City Council and the other sponsors, and we attract the rest of the Executive's support, that is a way to go forward. My clear intention is that we do not meet a shortfall only to be in the same place next year. I do not think that that is fair on the orchestra, the Arts Council, Belfast City Council or the other sponsors. I also do not think that it is fair to the public, who have a lot of loyalty to the orchestra and want to see it surviving, working and thriving. It is my job to make sure that the model can stand up to scrutiny and has the economic sustainability that no one paid attention to in previous years.

**Mr Lyttle:** I add my voice to the Save the Ulster Orchestra campaign and welcome Belfast City Council's investment. I seek the Minister's assurances that she will do all that she can to ensure that, as part of any funding model that she may be able to award, the orchestra will not be reduced in size to that of a chamber orchestra?

**Ms Ní Chuilín:** I cannot give guarantees about what size the orchestra will be or what it may or may not be reduced to. I understand that the Ulster Orchestra's programme management board will be bringing a few suggestions and proposals to the model, and it would be foolhardy for me to say that I would support a,

b, c or d without even having seen them first. I am sure that the Member appreciates that. We need to ensure that we make every effort and put our best foot forward to do everything that we can to try to make sure that the Ulster Orchestra is sustainable. Therefore, it is on the basis of what we have, what we expect to be brought forward and what support we can get to sustain it in future years.

**Mr A Maginness:** The Ulster Orchestra is highly respected throughout the world and is a leader in many respects. Will the Minister reassure the House that, in the event of there being an ultimate crisis that might see the orchestra go out of business, she will provide the necessary funding, given the fact that every substantial orchestra throughout the world is supported by public funds?

**Ms Ní Chuilín:** The Member is asking me to give guarantees that I am not in a position to give. The orchestra costs a lot of money from the public purse and will cost money in the future from the public purse, and I am not saying that it should not. Even the orchestra itself said that it is currently unsustainable. We need to get an orchestra that is fit for purpose and will have better economic security in the years ahead. That will mean that we will have an orchestra that we are all very loyal to and proud of. It will also mean that it will provide inspiration and aspiration for young musicians coming forward, and there will be employment. However, at this stage, it would be foolish to give guarantees that I cannot give just to be politically popular.

**Mr Cree:** I also heard that the new operating model had been prepared. In your budget, Minister, you obviously have a certain amount set aside to use at your own discretion and for prioritisation. Can you indicate whether there is any money in that that might give the orchestra a bit of hope at this stage? I know that we cannot tie you down, but is there hope from DCAL?

**Ms Ní Chuilín:** Any discretionary money that I have is very, very small. It would not even be seen in the Ulster Orchestra. I made a decision to invest that small discretionary money into disability, particularly arts performance for children who are severely disabled, and I make no apology for that. You are talking about £25,000 here, £10,000 there and nothing over £50,000 at one time, particularly in relation to plays for children and young people who were so far removed from services that I do not think that anybody — I am not even suggesting the Member — would argue that that was not the

thing to do. The Ulster Orchestra needs hundreds of thousands of pounds of public money, and I do not have that amount of money lying surplus in my Department.

As I said, and I am sure that the Member was here when I said it, I am waiting for the sustainable model to be brought forward by the end of this week. When I read it and have discussions with my colleagues in the Arts Council and Belfast City Council, the sponsors and my Executive colleagues first and foremost, only then will I make a decision or a recommendation to them if I am satisfied that the model that they are bringing forward is what we need for the future.

### **Arts Sector: Budget Cuts**

**7. Mr Spratt** asked the Minister of Culture, Arts and Leisure what impact the current financial situation will have on the arts sector. (AQO 7136/11-15)

**Ms Ní Chuilín:** The impact of the draft Budget for 2015-16 will not be unique to the arts sector. All service areas across my Department and its arm's-length bodies have been affected by the recently announced budget reductions. Decisions on how budget reductions are managed are a matter, in the first instance, for the board and the senior management. I have asked that the Arts Council does all it can to minimise the impact of the reductions on jobs and front-line services. Work on developing savings plans is continuing, and my Department intends to publish a more detailed assessment of the likely impacts by the close of the draft Budget at the end of November this year.

**Mr Spratt:** I thank the Minister for her answer. Is there any likelihood that some of the budgets for this financial year could be reduced, given that they are normally paid out quarterly? Is there any likelihood that some of those budgets could have percentage reductions?

**Ms Ní Chuilín:** The Member may be aware that, initially, most Departments were looking at 15%; it then went down to 12.8% for DCAL, and then it went down to 10%. I made a decision to try to protect libraries as much as possible, with a cut of between 7.5% and 8%. That had a knock-on effect on the other ALBs, and their cut sits at 11.2%. I appreciate that that is a substantial amount to remove from the sector, but that is the decision that I made. Obviously, I will lobby and fight for more money, particularly for areas of the arts that have a far reach in communities that have never experienced the arts before. That is the priority

that I will set. There is no point in saying anything different because I am at the podium. You can perhaps get away with saying things at Question Time that you will not stand over outside the House, but I am saying here what I have said before and will say afterwards.

**Mr McKinney:** Can I extend that point? In recognition of the deeper impact that particular types of arts activity can have on community health and well-being, what assessment is being done of those extra benefits with a view to arguing against and mitigating the cuts?

**Ms Ní Chuilín:** As the Member will be aware, DCAL produced a revised business plan and set out a list of key priorities in conjunction with the priorities that we, as an Executive, set out in the Programme for Government. I also asked all the arm's-length bodies, particularly arts organisations, libraries, museums and sports, to try to make sure that, through the budgets that they have and the additional moneys that some received at monitoring rounds, they meet those objectives and priorities as well as possible. That is to make sure that people who were never in the funding cycle, who were never in the annual supported programmes, who have never had an opportunity, who do good work out there and who have never been supported by the Arts Council get support. I want to make sure that that happens, and I make absolutely no apologies for that.

**Mr Boylan:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. Why is there a need for a new arts strategy, particularly in light of recent budget constraints?

**Ms Ní Chuilín:** First, there is no overarching arts strategy in the way that we have the Sport Matters strategy. It overarches all Departments, and all Departments have taken part in it. There is a budget aligned to Sport Matters, and that is the direction of travel that I want to take with the arts. I believe that the fact that there has not been an overarching strategy has not given value to the arts. I also appreciate that the strategy, which is largely delivered, particularly the improved arts infrastructure that has been invested in, needs also to include the diversity that we have here, particularly in accessibility and education. So, it is and has been my ambition and strategic direction that we need to have a fuller, more robust strategy for the arts to ensure that it enjoys the full support of the Executive and the full support of the community, and we will go out to consultation very soon on that.

**Ms Lo:** Northern Ireland already gets much less public arts funding per head compared with the rest of the UK. There is clear evidence of the economic benefit of investing in the arts sector. Has the Minister done any assessment of what negative impact any further cuts in the arts sector may have on our population?

**Ms Ní Chuilín:** I agree with the Member that we need to try to increase the amount spent here per week per capita in comparison with other institutions. I feel that, for years, the money set aside for the arts has not been enough. Since coming into office, I have pleaded with people in the arts sector, who sometimes have not understood what I have been trying to say. I knew that this day was going to come. I pleaded with people in the arts sector to show the value of their work: how it regenerates the economy; and how we cannot have a life without arts, cultural activity and creativity. The arts need more money, and I will continue to stand up for the arts and increased investment. I made a decision based on the monitoring round and the draft Budget to ensure that, as well as possible, libraries were protected from permanent closure, but that is not to say that I will not argue for additional money for the arts. I will continue to do that.

**Mr Deputy Speaker (Mr Dallat):** That ends the period for listed questions. We will move on to topical questions. Before I call Mr Sammy Douglas, I remind Members that Deputy Speaker Roy Beggs made a plea this morning for no private conversations, particularly when Ministers are answering questions.

2.30 pm

### **Windsor Park: Redevelopment**

T1. **Mr Douglas** asked the Minister of Culture, Arts and Leisure for an update on the redevelopment of Windsor Park. (AQT 1801/11-15)

**Ms Ní Chuilín:** Like the Member, I have driven down Boucher Road, and I am delighted to see O'Hare and McGovern's hoarding around the ground. I am also delighted to see the dirt tracks on Boucher Road, which show that there is a lot of construction activity taking place. Windsor Park is on target. All the construction elements have been met as per target, even with some setbacks, particularly around asbestos. Everything is on target.

I am delighted to say that working with the IFA on that capital build programme has been as it should be. I am sure that the Member and

other Members will be aware that there were not just pre-construction social clauses, and that we are now working on social clauses post-construction. So, it is on target, and actually slightly in advance.

**Mr Douglas:** I thank the Minister for her answer. She will be aware of some recent difficulties with car parking at Ravenhill, or Kingspan. Is she in a position to outline plans for parking in the vicinity of Windsor Park, not just for spectators but for local residents?

**Ms Ní Chuilín:** I know that parking was a big element when the planning permissions were awarded. Notwithstanding that, the stadia have to be good neighbours with the people who have lived there a lot longer than the stadia programmes have been in existence. It is important that we use things like public transport. Park-and-ride facilities are now being developed in partnership with Translink to ensure that local residents are not put off or inconvenienced any more than they need to be.

There is more parking space available at Windsor Park than at Ravenhill, so that is an added bonus. It is a built-up community that needs to be respected. The Irish Football Association needs to work very closely with its friends and neighbours to ensure that inconvenience is reduced as much as possible when the stadium is finished and is opened up to the public.

### **Financial Transactions Capital: CAL**

T2. **Mr Cree** asked the Minister of Culture, Arts and Leisure whether she is aware of the important part that financial transactions capital plays, albeit some £35 million remains unallocated this year, and whether her Department has been able to use any of that source of revenue. (AQT 1802/11-15)

**Ms Ní Chuilín:** My officials have been working very closely with the Department of Finance and Personnel. We would not make a bid for any capital projects that we have unless they are shovel-ready. I am doing an assessment, as part of the draft Budget discussions, of what capital projects would be ready to try to spend some money on, albeit small amounts of money, before the end of the financial year. At this stage we are still in discussions on capital projects with the Department of Finance and Personnel and with Sport NI and the Arts Council. The Member will know, through the Committee, which capital projects were brought forward in monitoring rounds. There is no point

in bidding for money if you have to hand it back again.

**Mr Cree:** I thank the Minister for that response. I know that most Departments are a little bit cautious about working with the private sector, which you have to do to lever in money. Following on from her response, has she charged anyone in her Department to liaise with the private sector to see whether there could be common ground and to utilise that asset?

**Ms Ní Chuilín:** I am working with the Strategic Investment Board (SIB), which has links with the private sector, and, indeed, the voluntary and community sector, around potential investment and future programmes. I am working with the SIB, the state aid programme, and the Together: Building a United Community (T:BUC) programme, but I will happily look out for other opportunities.

We have had discussions, with the councils in particular, around different aspects of investment that we can do in partnership. Some of that may mean spending money up front in order to lever in other moneys. I am totally open to that, but I want to do it on a basis that has been properly assessed and evaluated. Only then will I make a bid for something that will not be handed back in other monitoring rounds.

### **Stadia Design: Health and Safety**

T3. **Mr Nesbitt** asked the Minister of Culture, Arts and Leisure whether any of the relevant authorities have any outstanding issues with regard to health and safety matters in the design of the new stadia at Windsor Park, Casement Park and Ravenhill. (AQT 1803/11-15)

**Ms Ní Chuilín:** I cannot comment on Casement Park because it is subject to legal proceedings. A judicial review has been heard and we are waiting on the judgement.

I have not heard any health and safety issues in relation to Windsor Park or Ravenhill Kingspan. Had there been health and safety issues, they would have been brought forward to me. I have a very good and open working relationship with both sporting bodies. Any issues would have been brought to me well before now.

**Mr Nesbitt:** I thank the Minister. What are the evacuation times for the three stadia and how do they compare to safe standards?

**Ms Ní Chuilín:** I will happily write to the Member on the evacuation procedures and standards. However, he should be aware that planning permission would not have been given to any of them unless the access and egress arrangements not only met the standards but went further than that. That is the criterion. It is not something that you might want to do or might think about doing; it is something that has to happen. If there is any issue that the Member has in relation to the other two stadia, I expect him to bring that to my attention and to the attention of the governing body. If not, he should certainly bring it to Belfast City Council, which has responsibility for the health and safety certificates that each of the sports grounds has received.

### **Libraries: Permanent Closure**

T4. **Mr Ó hOisín** asked the Minister of Culture, Arts and Leisure how she intends to protect libraries from permanent closure during this Budget period. (AQT 1804/11-15)

**Ms Ní Chuilín:** Gabhaim buíochas leis an Chomhalta as an cheist sin a chur orm. As I outlined in my answer to Jimmy Spratt's question, I made a decision to protect libraries as much as possible from permanent closure in the draft-Budget period. That is something I have decided to do. We have invested quite heavily in libraries. I personally lobbied other ministerial colleagues for service level agreements to provide sustainability, particularly for people who live in rural communities. Libraries are a vital source of infrastructural investment for those communities, and it is important that we keep them open. That is why I want to make sure that there are no permanent closures in this Budget period.

**Mr Ó hOisín:** Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister very much for her answer. I am sure that many libraries will be glad to hear her reply that there will be no permanent closures. In saying that, how will she, working with Libraries NI, ensure minimisation of the impact of shorter opening hours, particularly in rural areas?

**Ms Ní Chuilín:** I have met Libraries NI and will be meeting them over the next period. The Member will not be surprised to know that our officials have been working very closely with all the arm's-length bodies (ALBs), and particularly with the chief executive of Libraries NI. We have received word that some potentially face a reduction in opening hours, but we are trying as

much as possible to minimise those reductions. The important thing is to make sure that there are no permanent closures. We have achieved that for this Budget period, but it is still very much a work in progress in relation to the reduction in opening hours.

## **Gerry Adams: Trojan Horse Statement**

**T5. Mr McCausland** asked the Minister of Culture, Arts and Leisure whether she will take the opportunity today to distance herself from and repudiate the foul-mouthed statement by Gerry Adams that equality is simply a tactical Trojan Horse to break and undermine the unionist community in Northern Ireland, given that equality is one of the core principles espoused by the Minister in her Department. (AQT 1805/11-15)

**Ms Ní Chuilín:** First, I think that you have a brass neck to slap my wrist, or anybody else's, over equality. You and your colleagues have a very —

**Mr Deputy Speaker (Mr Dallat):** Minister, could you make your remarks through the Chair, please?

**Ms Ní Chuilín:** Sorry. You have a very short memory, but I do not. My party colleague and president has apologised, unlike your colleague Gregory Campbell, who has never apologised for the offence he caused around the Irish language. Equality is for everyone. It is for all the children of this nation, not just Catholic or Protestant, unionist or republican; it is for us all. That is something that I do and will continue to do, and I make no apologies for it.

**Mr Deputy Speaker (Mr Dallat):** Before I call for a supplementary question, I remind everyone that remarks must be made through the Chair and that it is not customary to be reading questions.

**Mr McCausland:** I say to the Minister, then, that on this occasion, perhaps it is rather the case that Mr Adams was being truthful and speaking from the heart, and it is simply the fact that his mask slipped on this occasion. Does the Minister not accept that that is really the case? He simply was caught on, was found out and had to own up.

**Ms Ní Chuilín:** I assume from the Member's question that he has not accepted Gerry Adams's apology for the language that he used. I have yet to hear an apology from Gregory

Campbell. In fact, I have yet to hear an apology from anybody on the Benches opposite for the disgraceful remarks that he made about the Irish language and the offence that he caused. It is not slapdash comedy to be Islamophobic, homophobic or against the Irish language. I have yet to hear an apology. What I have heard from your Benches are excuses, and that falls far short of the standards that we are all expected to adhere to in the Assembly. People in glass houses should not throw stones. Sin é.

**Mr McCausland:** There is plenty of stone throwing sometimes in Ardoyne.

**Ms Ní Chuilín:** Aye.

**Mr Deputy Speaker (Mr Dallat):** I remind Members that I do not need any help from the Benches to chair this meeting. I said before that remarks made from a sedentary position will not be tolerated by any Deputy Speaker.

## **Arts Sector: Budget Cuts**

**T6. Mr Lyttle** asked the Minister of Culture, Arts and Leisure whether she agrees that community arts are vital to creativity, jobs, community cohesion, civic participation and economic growth in Northern Ireland, despite Northern Ireland having the lowest spend on arts across the UK and Ireland, and, if so, does she further agree that the uniform budgetary reductions being applied to the arts sector could have a devastatingly disproportionate impact for years to come. (AQT 1806/11-15)

**Ms Ní Chuilín:** The Member was in the House when he heard other Members ask me questions in relation to the budgets of the DCAL family, and particularly of the arts. I am very supportive of the arts, but it is hugely unfair that, year on year, we are given a reduced Budget from the British Government by a cabinet of millionaires who are Tories and do not value the services here in the North of Ireland. They do not value the services not only in this part of the island, but across the island. It is going to have an impact. I want to ensure that the most adverse aspects of that impact are felt least by the services that deliver within the community and for the community and create employment. I can do nothing else other than that.

**Mr Lyttle:** I thank the Minister for her response and I note that she has made reference to the UK Government. Can she give us a bit more detail about what she is doing within the Northern Ireland Executive to stand up for

community arts? Will she join me in congratulating the success of the C S Lewis community festival that took place in east Belfast this weekend? Can she advise the House as to how she can support that festival?

**Ms Ní Chuilín:** I certainly congratulate the C S Lewis Festival. I must say that Eastside Arts is a pleasure to work with. I am happy to do that. However, I find it a bit rich that the Member's sister party in England is part of a Tory-led Government that are making cuts all over the place. Is it OK to do it in London, but not here? The Alliance Party needs to make its mind up. I know that it is about revenue raising which, for me, is shorthand for water charges, prescription charges and raising student fees. Is that OK so long as the arts sector gets it? Which is it? You cannot have it all. What we are trying to do, and we are on the record, is protect those who are most affected and most vulnerable. Those are communities that are extremely deprived. We continue to do that and make absolutely no apology for it.

### City of Culture: Legacy Funding

T7. **Mr Eastwood** asked the Minister of Culture, Arts and Leisure for a detailed breakdown of how the money she received in the October monitoring round for the City of Culture legacy fund will be spent. (AQT 1807/11-15)

**Ms Ní Chuilín:** I am happy to write to the Member on that, as I have done before. I have corresponded with the Member on various questions. I have worked through some of that with the partnership around the City of Culture legacy funding. I am happy to write to the Member with details.

**Mr Deputy Speaker (Mr Dallat):** Time is up.

2.45 pm

### Education

**Mr Deputy Speaker (Mr Dallat):** Questions 8 and 11 have been withdrawn.

### ERASMUS+

1. **Mr Eastwood** asked the Minister of Education what practical assistance his Department is providing to schools that want to become involved in the ERASMUS+ programme. (AQO 7145/11-15)

**Mr O'Dowd (The Minister of Education):** The schools programme of ERASMUS+, which replaces the Comenius programme, offers a wide range of opportunities for pupils, students and teachers to participate in partnership and exchange activities across Europe. The EU programme aims to boost skills and employability while modernising education, training and youth work.

The British Council is, with Ecorys, the national agency for the delivery of the ERASMUS+ programme on behalf of the European Union. The national agency is responsible for keeping schools informed about the programme and supporting them in the application process. They hosted workshops across the North during October and November, and further events are scheduled for December and January. My Department continues to work with the national agency to ensure that schools are encouraged to take up the opportunities that the programme offers and are supported in making successful bids.

In addition, my Department notified schools in January 2014 of the EU's new ERASMUS+ programme. That was followed up by a press release in October to highlight the publication of the deadlines for the 2015 round. My press release encouraged schools and youth organisations to apply for funding and highlighted the benefits of participating in the programme.

Fifteen schools here have already been successful in applications to ERASMUS+. My Department will continue to work with the British Council to promote the programme to ensure that the participation of schools and youth organisations is maximised.

**Mr Eastwood:** I thank the Minister for his answer. What level of funding is available for schools that want to become involved in the programme?

**Mr O'Dowd:** The level of funding can be up to 70% of the initial bid. I will give the Member an idea, based on the schools that have already been successful. Of the 107 applications that have been received from organisations in the North, which is equivalent to 6-8% of the total from here and Britain, 50% have been successful. In total, €5,673,463 has been awarded to organisations here. Quite a significant level of funding is therefore available to successful applications, and that is why the Department has been encouraging schools to apply, why we are working with the British Council on the matter and why we are encouraging participation in the programme.

## Education: Cultural Rights

2. **Mr McCausland** asked the Minister of Education for his assessment of the current education system in meeting the cultural rights of children as set out in the United Nations Convention on the Rights of the Child (UNCRC). (AQO 7146/11-15)

**Mr O'Dowd:** I recognise the importance of the United Nations Convention on the Rights of the Child and appreciate its value in setting out how children and young people should be brought up in the:

*"spirit of peace, dignity, tolerance, freedom, equality and solidarity."*

Many of my Department's policies ensure that children and young people have access to educational opportunities and materials that are in keeping with their cultural identity and that of others. In particular, the curriculum supports the principles of the UNCRC, specifically those that relate to identity and culture.

**Mr McCausland:** In a response to a question for written answer that I received the other day from the Minister, he mentioned the Ulster-Scots education project, which is producing materials on culture, history and language. Am I right in assuming that his Department has not contributed one penny to that and that it is being funded entirely by the Ulster-Scots Agency? Will he contrast that with the fact that he recently gave £140,000 to Irish-medium youth work? There seems to be something of a disparity between £140,000 and nothing.

**Mr O'Dowd:** My Department is working with the Ulster-Scots Agency on the production of materials. It is also working with the Council for the Curriculum, Examinations and Assessment (CCEA). I understand that the Ulster-Scots Agency is funded to provide materials to the Ulster-Scots community. I think that it is a particularly good idea that my Department work with the Ulster-Scots Agency to promote materials for Ulster-Scots cultural expression. I thought that you would have thought that it was a great idea rather than a bad idea. Perhaps your problem is this: you do not want any money going to the Irish-language sector. If that is the problem, I cannot help you with it. If you want me to support the Ulster-Scots Agency and Ulster-Scots culture further, I am more than happy to sit down and talk to you about it and see how we do that.

**Mr Deputy Speaker (Mr Dallat):** I remind the Minister and others that they must address their

remarks through the Chair and that the dreaded word "you" should not be used.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Buíochas leis an Aire as a fhreagraí go dtí seo. An dtig liom iarraidh ar an Aire caidé mar atá cearta cultúrtha páistí á gcosaint i nGaeleoidéachas sa chóras reatha? How are children's cultural rights in the Irish-medium sector met under the current system?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. I thank the Member for her question. As she will be aware, the Irish-medium sector is protected under the Good Friday Agreement and the subsequent legislation, which sees the Department facilitating and supporting the growth of the Irish-medium sector. Over 3,000 children now attend naíscoileanna, bunscoileanna and meánscoil across the North. It is a growing sector. My Department will continue to invest appropriately in it. We will also continue to invest in youth work in relation to the Irish-medium sector.

## Irish-medium Development Proposals

3. **Mr Ó hOisín** asked the Minister of Education to outline the nature of the recent development proposals relating to the Irish-medium sector. (AQO 7147/11-15)

**Mr O'Dowd:** During 2014, my Department received three development proposals relating to the Irish-medium sector. One of them sought the opening of a full-time nursery unit at Gaelscoil Eoghain in Cookstown. Although I did not approve full-time provision, I approved the establishment of a new part-time nursery unit at the school. There was also a development proposal (DP) for the expansion of Gaelscoil Uí Dhochartaigh in Strabane through the establishment of an off-site unit. I had concerns about the impact that the off-site unit could have had on the host school and did not approve the DP. However, I recognised that there was a demand for Irish-medium education in the area, and I asked Comhairle na Gaelscolaíochta, the Western Education and Library Board and the Council for Catholic Maintained Schools (CCMS) to further explore options in the area. The third development proposal was for the establishment of an Irish-medium post-primary school in Dungiven. I advise the Member that my officials are collating all the pertinent information to enable me to make a decision on that proposal.

**Mr Ó hOisín:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Bhí mé ag smaoineamh an mbeidh ceann ar bith de na scéimeanna seo ag teacht go luath? Will any of the schemes be announced any time soon? When can we look forward to them? The Minister is obviously aware of my interest in a number of the schemes.

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as an cheist. In relation to the Dungiven development proposal, my officials are still working on the evidence collated during the eight-week consultation period. Once the documentation comes to me, I will make a decision as quickly as possible in relation to that matter. It is quite a complex development proposal, but I am aware of the urgency felt in the area for that development proposal to be decided on one way or the other. I will work at it as quickly as I possibly can.

**Mr Kinahan:** I thank the Minister for his answers so far. While we are talking about the Irish-medium sector, can I just say that I am appalled and embarrassed by what is going on over the Irish language.

On this subject, we have development plans that seem to be splitting off the Irish-medium sector from groupings with other sectors. What effect will that have on other voluntary schools? We need to make sure that we have a level playing field for everybody.

**Mr O'Dowd:** Each development proposal will be judged on its own merits. Account will be taken of the impact of a positive or negative response to that development proposal on other schools in the area. Irish medium is a growth area in our education system. There is a growing demand among parents for it, but, in the three development proposals I referred to in answer to Mr Ó hOisín, I turned down one, I made a stipulation on another that it would be part time rather than full time, and I have yet to make a decision on a third. They are being put through rigorous tests against the principles of the sustainable schools policy and against the principle of my Department's legal obligation to facilitate the Irish-medium sector. There are no guarantees either way. When a development proposal comes forward, I assure the Member that all aspects are taken into account.

**Ms Sugden:** Other than the Irish-medium sector, what plans does the Minister have to bring forward governance and funding policy proposals for sectors not under the remit of the new Education Authority?

**Mr O'Dowd:** I have no plans to bring forward any further funding other than that set out as part of the discussions around the Education Authority for the controlled sector. We are about to enter one of the most difficult phases for education, in budget terms, for many years. I am looking to see where we can save money in education rather than opening up new funding streams.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire as a fhreagraí go n-uige seo ar na cúrsaí faoi láthair. I thank the Minister for his answers to this point. An féidir leis an Aire a chur in iúl dúinn caidé an meastachán atá déanta ag an Roinn s'aige féin ar na háiseanna agus ar chúrsaí straitéise lastoigh den Roinn i dtaobh an chórais Gaeloideachais. Will the Minister provide us with details of any assessment carried out by his Department of the facilities provided for and the strategic direction of Gaeloideachais, Irish language education?

**Mr O'Dowd:** Gabhaim buíochas leis an Chomhalta as a cheist. I thank the Member for his question. The Member will be aware of the Irish-medium review that was published during my predecessor's time and is still a significant reference policy document in my Department for the expansion of the Irish-medium sector.

We have seen growth in the Irish-medium sector. Only two or three weeks ago, I announced in the House the publication of the Irish-medium post-primary review, which sets out a pathway for the development of further post-primary provision in the Irish-medium sector. As I said in response to Mr Cathal Ó hOisín, there is a development proposal for the development of stand-alone post-primary provision in the Dungiven area that will have to go through the normal processes.

We have taken proactive steps to develop the Irish-medium sector. We have firm policies in place; we have funding streams in place; and we are responding to the demand of parents and communities in relation to the Irish-medium sector. However, as I said to Mr Kinahan, I will only approve development proposals that adhere to my Department's policies and are educationally robust and sustainable.

## Education: Low Attainment

4. **Mr Weir** asked the Minister of Education to outline the new strategies being pursued to assist sections of our community that currently have low levels of academic attainment. (AQO 7148/11-15)

**Mr O'Dowd:** I have continued to implement policies and provide funding for additional interventions to raise standards and increase equity. Strategies include the revision of the school funding formula, which directs additional money at schools serving a high proportion of pupils with free school meals. I also support a number of programmes to improve pupil outcomes in literacy and numeracy particularly targeted at pupils at risk of low attainment. I am seeking full implementation of the entitlement framework. Young people who see their time in education as relevant to their future and have access to courses that interest them are more likely to achieve their full potential.

My proposals for the revised special educational needs (SEN) and inclusion policy aim to provide a framework to promote early identification, assessment and provision for SEN children so that they can achieve their full potential. I hope to bring a special educational needs draft Bill to the Executive shortly.

Outside school, I have provided funding to support the development of better links between schools, parents and communities.

From September 2014, through the extension of the free school meal entitlement, an additional 12,000 pupils were eligible for this benefit and the school uniform grant. Sure Start is being expanded to cover the top 25% most disadvantaged wards by April 2015.

The development of a pupil attendance strategy will focus on improving the attendance of children and young people who have low academic achievement. However, the continued use of academic selection by some schools is a barrier to addressing underachievement, particularly in disadvantaged communities. I strongly encourage those schools to move away from academic selection so that we can eradicate this social division.

**Mr Weir:** I thank the Minister for his response. It is a little disappointing that he keeps on dragging in the chestnut of academic selection as the answer to everything that relates to this.

There are obviously concerns about the low attainment, in particular, of males from a unionist background and on free school meals. The Minister outlined initiatives that principally focus on the schools, but I wonder whether he could give a bit more information on the support or opportunities for support for a number of community-based organisations that are seeking to tackle educational underachievement.

**3.00 pm**

**Mr O'Dowd:** The Member may be disappointed by what he described as me dragging in academic selection. I am not dragging it in; international evidence is dragging it in. Your party chooses to ignore that evidence because it does not suit your current agenda, but you cannot stand up and express concern about educational underachievement in Protestant working-class communities while ignoring academic selection. You simply cannot do it.

I underlined in my answer to you several policies that are directly targeted at ensuring that young people who are in danger of educational under-attainment are assisted through those programmes. You asked me about community-based programmes. You are right in the sense that I believe that, in general terms, our educational policies in the classrooms are correct. When I came into office, I said that we needed to drive them with more rigour and vigour, and we have been doing that ever since. However, the community has a crucial role in raising educational aspirations. In last year's budget, I set aside £2 million for community interventions, which is a new departure for the Department of Education. In the past, we largely focused solely on what happened within the school gates. We are now focusing on what happens outside the schools gates to see if we can support communities and families.

The Member will be aware of my advertising campaign that runs across the media calling on and supporting families to become involved in their children's education. We have also invested heavily in youth work, particularly in disadvantaged communities, to inspire young people to become engaged in formal and informal education. Many initiatives are going on, but you simply cannot ignore academic selection.

**Mr Beggs:** The Northern Ireland Audit Office follow-on report from February drew particular attention to the close linkage between absenteeism, truancy and poor educational attainment. That is a fundamental issue: if you are not at school, you will not reach your full potential. Will the Minister advise on what action he has taken with other Ministers to ensure that parents and local communities are empowered? What action is he taking in his Department to empower schools and educational welfare officers so that they can help parents and young people to reach their full potential?

**Mr O'Dowd:** I thank the Member for his question. He is absolutely correct: if children are not in school, they will not benefit from the educational experience of school. However, there are many different reasons why children become habitual absentee statistics. We have to work with schools and families. As I said in response to the previous questioner, we have to work with communities to raise awareness and aspirations in education and the importance of education and attending school. My Department is drawing up a response as a result of the Audit Office report and the work of the Public Accounts Committee. We are engaged in detailed work on how we can improve our work and our interventions supporting the boards and, in future, the Education Authority. We will publish a strategy in due course.

**Mr Hazzard:** Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for his answers thus far. Will the Minister outline what he is doing to ensure early intervention in areas of low academic targets?

**Mr O'Dowd:** The Executive have invested significantly in early interventions across several Departments to encourage and upskill families to ensure that they have the ability and knowledge to assist their young people from a very early age in their educational and learning pathways. We are now making a preschool place available to every child whose parent wishes them to have one. In the SEN legislation that I hope to bring to the Executive in the very near future, we are also targeting early intervention through the identification at an early stage of any SEN requirement that a child has and following that up with support. My Department is involved in a number of areas that we wish to develop in the near future.

## Home-to-school Transport

5. **Mr Buchanan** asked the Minister of Education when he plans to publish the findings of the independent review of home-to-school transport. (AQO 7149/11-15)

**Mr O'Dowd:** The independent panel conducting the review of school transport presented its report to me at the end of August. I am now taking time to consider the report and its recommendations before deciding on the way forward. The report will be published in due course.

**Mr Buchanan:** The issue of home-to-school transport has been lobbied on in the Chamber for some time. Does the Minister agree that his

delay in issuing the report is of grave concern to parents and is curtailing education and library boards in providing transport in extremely dangerous rural areas? Does he agree that some flexibility needs to be instilled in the old scheme until he sees fit to bring forward the programme?

**Mr O'Dowd:** Measures are in place for any board to provide transport to children who, it believes, are travelling a dangerous road. The review is extensive. It examines transport from many angles. It has spoken to many stakeholders, in particular pupils who use our transport system. However, the magic answer that will please everybody is not in that report, because everybody has a different view on transport.

It is probably the most hotly contested issue in education in terms of provision by the boards. Maybe SEN, then transport, but in some areas it will be transport, particularly in rural communities.

I will publish the report in due course, but I emphasise to the Member that the report presents challenges to everyone. It will test the will of everyone in where they want to see transport provision and where the priorities are for transport provision into the future. It will also test us in this context, as I responded to a previous questioner: we are entering the most difficult education budget that this Assembly has ever seen.

We spend £70 million on transport. Approximately £30 million of that is on special educational needs; the rest is for a variety of reasons. It is highly unlikely that we will be able to continue to spend that amount on transport.

**Mr Ramsey:** I thank the Minister. Following on from Tom Buchanan's question, have any lessons been learned or are there measures that the Minister could bring in in light of the most recent and awful tragedy on our roads that saw death coming to a family's door? There has to be, Minister, better ways of doing this.

**Mr O'Dowd:** I have asked the relevant board, the North Eastern Education and Library Board, to deliver me a report into the circumstances that it is responsible for with regard to the Gilmore family and the events that led to the tragic death of young Adam. I am also conscious that there is a PSNI investigation going on into that matter, and the PSNI will take primacy in any investigation.

When we talk about boards and transport provision, we must bear in mind that transport officers, board members, officers and staff are themselves parents, grandparents, aunts and uncles, brothers and sisters. They are only too aware of the tragedy that befell the Gilmore family.

Could things have been done differently? Let us wait to see what the report tells us, but I can assure you that the anguish of the Gilmore family is felt by the North Eastern Education and Library Board staff. They want to ensure that if things could have been done differently, they are done differently in future.

I am not suggesting this of the Member, but I caution against apportioning blame in relation to this tragedy to a board because a board is made up of people.

**Mr Allister:** I discern from what the Minister says that two weeks on he has still not received a report from the North Eastern Education and Library Board on how it handled the circumstances giving rise to the tragic death of young Adam Gilmore.

Would he agree with me that it is equally unsatisfactory that, two weeks on, the same education and library board is yet unable to say to the Gilmore family whether, even now, it will provide transport to them on this provenly dangerous road?

**Mr O'Dowd:** For the record, the North Eastern Education and Library Board has provided me with a draft report, and I had several questions about a number of areas in it where I wished for clarity. The board is now preparing a final report for me.

I know that the board is engaging with you and with the Gilmore family about the events that led up to that tragedy, but not the criminal investigation being carried out by the PSNI, and are liaising with you and others as to how they provide transport for the Gilmore family in the future.

This tragedy, foremost and without doubt, has been for the Gilmore family to carry. Their loss is unbearable, and, as a father myself of children around that age, I can only imagine the grief that they are going through. However, I caution Members about pointing the finger of blame or accusation at any organisation at this stage because the organisations are made up of people, and those people not only have rights and entitlements, but they, too, have feelings. They too are conscious of the fact that the decisions that they now make could end up

with a tragedy, such as the one that we have witnessed with the Gilmore family, despite their having no intentions for that to be the case. We expect our public servants to deliver a public service, and 99 times out of 100 they do so above and beyond the call of duty. When something goes wrong, we have to ensure that all the facts are to the fore and are investigated before we start blaming anyone. I think —

**Mr Deputy Speaker (Mr Dallat):** The Minister's two minutes are up.

## Anti-bullying Forum

6. **Ms McGahan** asked the Minister of Education for an update on the work of the anti-bullying forum. (AQO 7150/11-15)

**Mr O'Dowd:** Over the last year, the anti-bullying forum has worked with 7,000 pupils in 37 schools and over 1,000 young people in 26 non-school settings to raise awareness and provide anti-bullying training. Ten seminars, aimed at enhancing anti-bullying policies and practices in schools, were held and attracted 283 school leaders from across all the education and library boards (ELBs) and all school types.

This year, Anti-bullying Week, with the theme Together We Will Make a Difference, ran from 17 to 21 November. I attended the launch event on 18 November, where I presented prizes to the winners of the art and creative writing competition, which received over 4,000 entries. That was more than double the number received last year, which shows the increasing awareness of the issue within schools.

In late 2013, at my request, the forum undertook a review of anti-bullying practices and presented a report which made a number of recommendations. That has led to an agreed joint working programme for 2014-15 and beyond.

One of the key recommendations was the strengthening of legislation to ensure greater consistency across all schools in tackling this problem, and on 23 June I announced my commitment to introducing anti-bullying legislation in the current Assembly mandate. Work on that is progressing, and it is my intention to begin a public consultation early in the new year, ahead of the introduction of a Bill to the Assembly in May.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. What guidance does

the Department provide to schools on the issue of bullying?

**Mr O'Dowd:** The Department has regularly updated its guidance to schools in relation to bullying. All schools, by law, have to have an anti-bullying policy. That policy should be developed in conjunction with staff, pupils and parents in consultation. The exact detail of the anti-bullying policy is not set out in law, which is a matter that I want to return to in the consultation on the legislation that I hope to bring before the Assembly in May, because a strong argument has been made to strengthen our anti-bullying legislation.

The way to eradicate and challenge bullying is to get adults and children to change their attitudes and treat each other with respect, to support the victims of bullying and, as strange as this may sound, to support the perpetrators of bullying. When a young child is carrying out acts of bullying, you will often find that there are other problems at play in the child's personal life or family life or that there are other factors bearing down on that child. We have to investigate those to ensure that that child receives assistance as well.

Legislation is certainly one way forward, but the eradication of bullying in our schools and workplaces requires a change of attitudes by all involved.

**Mrs McKeivitt:** How does the Minister's Department determine evidence of cyberbullying, particularly in the growing world of social media?

**Mr O'Dowd:** That is an issue that is developing all the time, and we have offered further support to schools, but the situations can change so quickly that it is difficult sometimes for guidance to keep up with those who are involved in cyberbullying. A number of Departments are examining that matter. The recently published child sexual exploitation (CSE) report, which has been taken under the guidance of the Health Minister, has some bearing on that as well. We are trying a number of elements to support schools and support individuals across the Executive and within my Department.

**Mr Deputy Speaker (Mr Dallat):** Time is up. We now move on to topical questions.

### **Primary Schools: Enrolment Levels**

T1. **Mr Gardiner** asked the Minister of Education how many primary schools in the state-controlled and CCMS sectors fall below

the minimum Bain enrolment levels for rural and urban schools. (AQT 1811/11-15)

**Mr O'Dowd:** I thank the Member for his question. I appreciate that these are topical questions, but I cannot have all that information with me on days like this.

I am more than happy to present the Member with the information, but I emphasise again what I have said many times in the House, which is that this is not a numbers game. Although lists of schools can be produced in which enrolment falls under 105 and 145 respectively, I will not be held to the idea that x number of schools are in danger and y number of schools are not in danger. The sustainable schools policy sets out the viability criteria of schools. It is not simply a numbers game.

**Mr Gardiner:** I note the Minister's comments and accept that he will write to me to put me in the picture. Thank you.

3.15 pm

### **Development Proposals: School Considerations**

T2. **Mr Beggs** asked the Minister of Education, in the light of a recent development proposal that was made public to expand the integrated post-primary-school sector in his area, to give further details of the considerations he undertakes when determining whether expansion should occur, particularly in advance of the area-planning process. (AQT 1812/11-15)

**Mr O'Dowd:** Without being specific about that particular development proposal, I will give the Member a broad outline of the issues that we consider. We will obviously refer to the sustainable schools policy and assure ourselves that the development proposal is in line with it. We will assess the impact on other schools in the area, and we will also have to take into account any integrated or Irish-medium proposal or statutory duty for both sectors.

**Mr Beggs:** The expansion proposal that was included in discussions of the area-planning process could benefit all young people and schools in the area. However, should expansion occur in advance of the process, the local grammar and integrated schools will be oversubscribed, and, as a result, the pupils will come from the controlled secondary sector. Does the Minister recognise that Protestant

boys in particular are already underachieving and that it will be they who are adversely affected? Will he ensure that an appropriate equality impact assessment will be undertaken so that we do not further disadvantage members of our community because of any change that may occur in advance of the area-planning process?

**Mr O'Dowd:** I hope that the Member appreciates that I cannot discuss a specific development proposal, as I am the decision-maker in that process.

The area-planning process for post-primary education has been published for a number of years. It is an evolving process. Any decision that I make on a development proposal will have to have regard to the area-planning process. It will have to be proved to me that the area-planning proposals for the area have been taken into account.

As to the Member's request for an equality impact assessment, I welcome the fact that he now recognises that selective schools in his area may be having a detrimental impact on sections of, in this case, Protestant working-class boys.

### **Education Authority: Progress**

T3. **Ms P Bradley** asked the Minister of Education what has been done to date in preparation for the implementation of the Education Authority in April 2015. (AQT 1813/11-15)

**Mr O'Dowd:** In fairness, the Bill was passed only a week ago. I am now in the process of writing to the various bodies and political parties that have nominating rights to the authority. We have advertised for a chair, and I am looking into how we will proceed with the appointment of senior officers to the body, taking into account the stipulations in the legislation. The Department is working on a change management body, so there is a wide range of work going on in preparation for the implementation of the Education Authority.

**Ms P Bradley:** I thank the Minister for his answer and understand that it has been only a short period since the Bill was passed. However, is he aware yet of any estimated saving that it will produce?

**Mr O'Dowd:** The estimated saving at this stage appears to equate to what would have been achievable under the Education and Skills Authority, which is £180 million over a 10-year

period. We are going in the right direction to reduce our administration and bureaucracy around education and to target funds towards the front line. That is quite timely, given the considerations that we have to take into account around our Budget in the next year.

### **Education: Segregated System**

T4. **Mr Brady** asked the Minister of Education for his response to the recent comments that our education system is segregated. (AQT 1814/11-15)

**Mr O'Dowd:** I, personally, do not like the term "segregated" because it implies that, whatever sector parents or pupils choose, they are "segregationists". That implies the southern states of America. I find it offensive when supporters of one sector then lambaste me across social media with photographs of divisions in southern state schools during the 1950s and 1960 and accuse me, because I have taken the right decision on not agreeing to a development proposal for an integrated school, of somehow being a "segregationist". Segregation is based on being forced into one sector or another. Parents here have choices, and I continue to support choice.

**Mr Brady:** I thank the Minister for his answer. Can he outline how our system enables young people to come together in their learning process? Go raibh maith agat.

**Mr O'Dowd:** Yes. This is one of the areas where politicians have caught up with education and caught up with many parents and schools. Shared education may be a new concept to many politicians, but it certainly is not a new concept to many of our schools that have been involved in shared education over many, many years and built up working relationships and personal relationships across sectors. We now have caught up with them. We now are in a position to invest quite significantly in shared education in the future, where young people will be learning about each other from each other. Difference is not the problem in our society; how we treat difference is the problem. If we learn to respect difference, we will go a long way to resolving many of the issues in our divided society.

### **St John's PS, Moy/Moy Regional PS: Shared Campus**

T5. **Ms McGahan** asked the Minister of Education for an update on the capital build project for the shared education campus for St

John's Primary School, Moy and Moy Regional Primary School. (AQT 1815/11-15)

**Mr O'Dowd:** The Moy project is one of three schemes that I announced in July to be supported under the shared education campuses programme. It is in the very early stages of development. A project board has been established, and a site search for a new campus is under way. The Southern Education and Library Board will carry out the technical feasibility study and economic appraisal for the project in conjunction with CCMS.

**Ms McGahan:** Go raibh maith agat. I thank the Minister for his response. Will he detail the wider benefits of the capital build project, through social clauses, to the local construction industry and the community?

**Mr O'Dowd:** Since 2009, the Department of Education has had social clauses attached to its capital build programme for schools. It is about hiring the long-term unemployed, ensuring that apprentices are taken on and ensuring that young people are given an opportunity to gain their first meaningful employment. Obviously, these have a wider ripple effect in our society when you give people, particularly young people, meaningful employment.

As I have stated before, my main objective has to be to provide new schools. However, the spending of public funds in this manner also ensures that there is investment in the construction industry. It is worked out that, for every £1 invested by my Department in the construction of a new school, £2.84 is created in the broader economy. So, it is quite a significant economic driver. As we move through the discussions on the draft Budget, I will, as I have said before, be engaging with the Finance Minister around the proposed capital budget for education because I am concerned that it will not be sufficient to bring forward the developments that we have in the pipeline.

**Mr Deputy Speaker (Mr Dallat):** Mr Raymond McCartney is not in his place.

## **AQE/GL Selection Tests**

T7. **Mr McCarthy** asked the Minister of Education to confirm or give an estimate of the number of primary-school pupils who are currently sitting the AQE and GL selection tests. (AQT 1817/11-15)

**Mr O'Dowd:** I cannot confirm that, because they have absolutely nothing to do with my

Department. I read speculation in the newspapers and the media about the numbers sitting them. As far as I am concerned, one pupil sitting them is far too many.

**Mr McCarthy:** Given that some schools have prepared and are openly preparing children for the selection tests and that, equally, other schools are refusing to do so, is there anything that the Minister can do or intends to do to regularise what is happening and simply provide a level playing field for all our schoolchildren?

**Mr O'Dowd:** I have proposed a level playing field for all our schoolchildren. They should be able to transfer to their nearest good school. Primary schools should not be preparing any child or disrupting the curriculum, in any way, to the advantage of an outside body. That is what is happening: it is not for the advantage of the children; it is for the advantage of an outside body.

A number that will not be reported in the weeks and months ahead will be how many children these bodies have decided are failures. They will not publish those figures, and you will not see them emblazoned across the front pages of newspapers or on social media. You will not see how many people the AQE or GL tests have rejected. However, those children will be rejected in a few months' time. I advise parents not to buy into that marketing ploy. I say firmly that any primary school that prepares children for unregulated tests in curriculum time and uses school resources to do so will be challenged by my Department.

## **Teacher Training: Future**

T8. **Mr Attwood** asked the Minister of Education to detail, in light of the Minister for Employment and Learning's review of teacher-training provision, what conversations he has had with that Minister about the future of teacher training and, in particular, the future of St Mary's University College. (AQT 1818/11-15)

**Mr O'Dowd:** I can detail those conversations very easily. I have not had any because it is not my responsibility. It would be like the Minister for Employment and Learning asking me about development proposals a, b and c. That is none of his business. I have a copy of the report and have read it, but the decisions made on the back of that report are solely a matter for the Minister for Employment and Learning.

**Mr Attwood:** The Minister knows what I will say next, and it is that I am surprised by that reply. I am surprised because you cannot divorce the world of education from the world of further education, and you cannot divorce teacher-training provision in our secondary and primary schools from teacher-training provision in our third-level institutions. It is one of the most self-evident examples of the requirement for joined-up thinking —

**Mr Deputy Speaker (Mr Dallat):** Sorry, can we have a question?

**Mr Attwood:** Given that Mr Farry has, I suggest, a very clear, if not dogmatic, agenda for teacher training, is this not a place where you, as a Minister, with your responsibilities, should show better authority?

**Mr O'Dowd:** I am not sure which part of that speech to respond to. I will try to pull a question from it somewhere. Mr Attwood is acutely aware of the situation, and I know exactly what he is asking and why he is asking it. As I said to him before, he is preparing a press release to run out to the west Belfast papers, point fingers and make all sorts of accusations.

The reality is that my role in teacher training is to indicate to the Minister for Employment and Learning how many teachers I believe need to be trained in the coming years. It is then his responsibility to provide the training places, if he agrees with me. It is also up to him to decide where those training institutions will be. I may have views about where they should be and where high-quality teacher training should be provided — we are fortunate that we have a significant number of colleges providing that — but that is not my role. It is the role of the Minister for Employment and Learning.

### **Malvern Primary School: Future**

T9. **Mr F McCann** asked the Minister of Education whether the Belfast Education and Library Board's consultation on the future of Malvern Primary School has been completed and, if so, what the next steps are for the future of the school. (AQT 1819/11-15)

**Mr O'Dowd:** I am aware of the consultation on a development proposal for Malvern Primary School. I understand that the pre-consultation process has been completed and that a report will be brought to the Belfast Education and Library Board in the next number of weeks. It will then decide what, if any, steps it will take next.

**Mr Deputy Speaker (Mr Dallat):** Order. Time is up.

## Private Members' Business

### Prison Service: Staff Safety

*Debate resumed on motion:*

*That this Assembly condemns the targeting of Northern Ireland Prison Service employees by dissident republicans; calls upon the Minister of Justice to reject any proposal that compromises the security of HMP Maghaberry, the safety of prison staff or concedes to the demands of republican prisoners in Roe House; and further calls for a review by the Northern Ireland Prison Service, working with the Prison Officers' Association and the Prison Governors Association, to address concerns about staffing levels across all grades in each prison establishment in Northern Ireland.*

**Mr A Maginness:** I beg to move the following amendment:

*Leave out from the first "calls" to "further" and insert*

*"notes the stocktake document, published on 12 November 2014 by the independent assessment team, on the separated prison regime in Maghaberry prison; and"*.

From the outset, I want to make it clear that the amendment that the SDLP tabled was included to ensure that the stocktake report that was compiled by the independent assessors on the situation in Roe House is part of the motion and the debate.

The report was released on 12 November. It is a very important milestone in addressing the situation in Roe House, and it is important that the House discusses it.

**3.30 pm**

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

I understand — indeed, I have sympathy with — the points that Mr Givan made in his opening address to the House on the DUP motion. He spoke with considerable passion, deep interest and knowledge, and great concern. I share those concerns. I want to make it very plain that the SDLP acknowledges the good work that prison staff have done. They deserve our support, and they deserve to work in an environment that is free from intimidation or threat, as do their families.

The 2010 agreement, which Mr Givan referred to — he did so in critical terms — was posited on a number of principles, one of which was to create a situation in which staff and prisoners, particularly staff, would be free from any threat or intimidation, or anything of that nature. When the authors of the stocktake report appeared before the Justice Committee, they emphasised the importance of the process being two-way. It was not simply a matter of prisoners making certain demands and certain things being given to prisoners. The original agreement and the report to which I am referring emphasised the importance of prison staff being protected from intimidation and threat.

Mr Bunting, who led the assessment team, is a leading trade unionist and is secretary of the Irish Congress of Trade Unions (ICTU). As a trade unionist, he put tremendous emphasis on the protection of fellow workers in the Prison Service. I want to make that point strongly to the House. His colleagues, Rev Dr Lesley Carroll, Mr Chris Maccabe CB and Mr Conal McFeely, are serious-minded people. They have dedicated their lives to public work and to helping society at large. It is very important to note their contribution to this issue, which was voluntary, unpaid and disinterested, in the sense that all they wanted to do was to find a solution to the continuing problems in Roe House. Their report should be seen in that context.

The SDLP amendment does not ask anyone in the House to support the report; it asks the House to note the report. Hopefully, we will learn from the report, and I hope that it will effect some substantive change in the coming months, particularly in the next six months. It is important to note that, in the conclusion of the report, the compilers state:

*"While many of the [2010] Agreement's aims and objectives have been achieved a number of issues are still outstanding and tensions remain."*

The compilers were not oblivious to the fact that there was still tension and still work to be done. They stated that there was a unique opportunity, given the prison reform programme that is due to be completed next year, to create a prison system that is compliant with the highest human rights standards and that the stocktake report should be read in that context. They further stated that they did not:

*"underestimate the difficulties that arise from having 'separated' areas for paramilitary prisoners in Maghaberry Prison. However,*

*we are convinced that the opportunity exists to ensure the outstanding issues can be resolved if all involved parties maintain full compliance with all the principles and undertakings that underpin the August 2010 Agreement."*

They went on to state that communication was essential in the process. They put tremendous emphasis on the creation or the maintenance of a prisoners' forum and said that forum could be chaired by an independent chair, such as an official from the International Committee of the Red Cross. That is an important contribution in understanding and trying to improve the situation that exists in Roe House.

I want to emphasise that they also went on to state that they believed that there should be:

*"an agreed timeline of six months for resolving any outstanding issues and over this period Roe House, by example and deed, should be a conflict-free environment and all threats to staff internally and externally should cease."*

Finally, they stated:

*"we would suggest that if the outstanding issues are to be resolved, all parties must commit to a new regime that is secure, safe and humane and freed from the prison experience of the past."*

I think that that is a very important contribution to the debate today. We have to see the report in the context of trying to free us from some of the ghosts of the past that continue to haunt our present.

It is very important that all of us in the House take that report seriously and, at least, give it a chance so that it can create a new dispensation that is positive for everyone in the context of Roe House — staff and prisoners — and, in addition to that, wider society, because, if the situation in Roe House deteriorates, there are bound to be political consequences outside and a ripple effect throughout society. We know that from experience, and we cannot ignore it.

We should move on from the report and try to build on the good work that has been done by those people. Indeed, the response from the Northern Ireland Prison Service has been very positive in relation to the report and in its attempt to create a situation in which the 2010 agreement can be fully implemented.

I also note the points that have been made in relation to staffing levels in the Prison Service.

I think that it is important that we look at them. It is important that staff feel safe and secure, and that prisoners feel safe and secure and that they have access to educational services, to work, where they can, and to proper recreational and leisure activities. It is important that we focus on those things, but I believe that the Department of Justice and the Northern Ireland Prison Service are intent on reviewing all those matters.

I know that some concerns have been expressed about the level of manpower in the Prison Service, but, at this point in time, it is not critical. I hope that the Prison Service will be —

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr A Maginness:** — saved from the worst excesses of cuts, and I hope and pray that the current positive situation that has been achieved in Roe House will be built upon and that we can do a lot better in the next six months.

**Mr Lynch:** Go raibh maith agat, a LeasCheann Comhairle. I support the amendment and endorse the outcome of the independent assessors' stocktake of the August 2010 Maghaberry prison agreement.

Back in 2010, the agreement that was reached came about because of a protest by the republican prisoners in Roe House. At that time, I was not elected; however, since 2011 a number of colleagues and I have, as the Justice Committee, been in the prison on numerous occasions. Each time, we met senior management and some of the republican groupings in Roe House. It was obvious from speaking to both sides that trust had totally broken down and that relationships between the prisoners and the Prison Service were at an all-time low.

From discussions that we had over that period, we found that both sides wanted to end the impasse, and it is in that context that I welcome the report that the independent assessment team has prepared. I take this opportunity to commend the team's work, time and effort, and the report that it has produced in such a short time regarding the segregated prison regime in Maghaberry. We can all argue and debate and apportion blame as to where the fault lies for the failure of the 2010 agreement, but that will get us nowhere. It is most important that lessons are learned by all and that the report is grasped both by the prisoners and the Prison Service in an effort to bring about the change that everybody said they desired.

The stocktake allows for an opportunity to move forward and create a pathway towards a conflict-free environment for prisoners and staff. The assessment team's recommendation of an agreed timeline of six months for resolving any outstanding issues is to be welcomed. I believe that that period will focus minds towards a positive outcome.

Another aspect of the report that I want to touch on is the prisoners' forum. We learned from our visits — and this was experienced by the assessors themselves — that the prisoners were frustrated that the forum did not function properly and that issues that they presented seemed to get lost and were never followed up.

The Prison Service also had difficulties with the forum. I welcome the assessors' recommendation that the Prison Service should continue to ensure that meetings of the prisoners' forum are properly planned. For trust to be re-established and outstanding issues to be resolved, a proper functioning forum is key. As the Member who spoke previously said, an independent body chairing forum meetings for at least six months should also be seriously considered.

A channel of communications is also key if trust is to be built. Peter Bunting touched on a very important point at last week's Committee meeting when he said that, on behalf of society, there needs to be a solution and that that is the right thing to do.

From my experience of Roe House, I know that there needs to be greater freedom of movement. That would not compromise security in any way. Basically, Roe House is a prison within a prison. I agree that family visits must be facilitated in a manner that is more family-friendly. We all know how important family contact is for prisoners and their families. The family should not be punished as a result of the circumstances that they find themselves in.

There should be a review of education provision, and that is to be welcomed. Every prisoner should have the opportunity to benefit from education and to enhance their capacity for the future.

To conclude, as with any agreement, the success or failure of this depends on all sides adhering to its terms and principles. It is not, as some Members have said, an appeasement of prisoners in Roe House; rather, it is a suggestion that both prisoners and the prison officers exist in an environment that is free from conflict. Let us not repeat the mistakes of the

past. I ask that the Minister endorse the stocktaking document.

**Mr Elliott:** I welcome the opportunity to speak on the motion. I apologise to the Member who moved the motion for missing the first few minutes of his speech. Clearly, this is an important and very topical issue, and I have been very wary of any agreement between prisoners and management. Let us not forget that these are republican prisoners. I think that they are there for a punishment.

I do not see why they should be forcing the hand of management in this process.

### 3.45 pm

The review team was before the Committee recently. Mr Bunting and his team have already been mentioned by Mr Maginness. I thought that Mr Bunting was quite forthright. While I may not get his exact comments right, in general terms he said, "I am sick of the whole lot of you. I am sick of having to go in and out of prisons to negotiate with prisoners. I am sick of trying to negotiate with prison management". I think that he almost went so far as to say, "I am almost sick of coming in front of the Committee", without saying it. Clearly, he was frustrated by the entire process, and that was what he was trying to indicate to us.

One other group of people is very frustrated and — a matter that I raised in Committee — has not had proper consultation: the direct front-line prison officers. They were not directly consulted in the process. They were expected to implement something that management and the prisoners seemed to negotiate and agree. During all this was the callous murder of prison officer David Black by republican terrorists, and Mr Bunting referred to that. This is something that we should keep at the front of our mind throughout the debate. This is the type of action that the comrades of these people are carrying out, along with the intimidation of prison officers and their families. Let us not forget that.

I heard Mr Givan say that, instead of all agreements being null and void if the prisoners did not conduct themselves in a proper way, the prison management went ahead and implemented some of the agreement without the prisoners living up to their responsibility at that stage. To me, the proposal and the agreement should have been null and void at that time if the prisoners were not willing to live up to the agreement.

The agreement, which I was not content with in the first place, went beyond what the prison management had approved. Let us hear some of the areas of progress. Prisoners have freedom of association to use shared space locations — recreation room, exercise yard and a new AstroTurf pitch. Some of our young people would just love to have an AstroTurf pitch in their area so that they could go out and enjoy that in the evening on their way home from school. Prisoners have access to the library and to computers. Some kids in our community would just love that opportunity on their way home from school, but libraries are being closed and their hours reduced. However, prisoners — dangerous criminals — can have immediate access to that facility. A prisoners' forum is to be established. What can we expect from that? The key is how much right these people have to a prisoners' forum. They have access to a separate gym area. Those are all areas of agreement.

**Mr A Maginness:** Will the Member give way?

**Mr Elliott:** Yes.

**Mr A Maginness:** One of the points made by Mr Bunting and his colleagues was the importance of the prisoners' forum for communication, in order to get the agreement fully implemented. Does the Member agree that that is a good aim and should be achievable?

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr Elliott:** Thank you, Deputy Speaker.

I thank the Member for that intervention. If it were as simple as that, then, yes. However, let us just wait and see whether it is that simple. You know what these people are like: when they get an inch, they look for a mile. They will be looking for more and more. Never think that the concessions will end here. They will keep going, and they will look for more concessions from management. Again, who will be at the front line? It will be the prison officers and the prison staff, and we have heard about how they are under strength as it is. They do not have the numbers. The exit scheme has left them short on numbers and resources, and so they will clearly struggle. They will have to implement this, and I feel that, at times, they are being made fools of by their management and the prisoners.

**Mr Dickson:** I would like to start by paying tribute to the men and women of our Prison

Service, who show incredible courage daily to deliver a safer Northern Ireland. I also believe that it is right, as others have said, that we should today think of the family of David Black, who was brutally murdered on his way to work and made the ultimate sacrifice to keep people safe.

The stocktake report on the Maghaberry prison arrangements agreement refers to the ongoing intimidation of staff. Some staff have received specific threats and have had to move home. That despicable activity has no place in Northern Ireland in 2014. It is not justified and never has been. The report acknowledges that, in the face of such challenges and difficulties, significant progress has nevertheless been made, and staff are to be commended for that, not chided. The challenge is how we make further progress on the basis of the principles agreed between staff and prisoners. Any agreement on a way forward needs to be based on those principles, including that prisoner and staff safety must not be put at risk; that staff should be able to carry out their work professionally and free from harm, intimidation or threat; and that the security of the establishment should in no way be diluted. Those are the principles that have been agreed by staff and prisoners and that need to be at the core of any future agreement.

From reading the Prison Service's response to the stocktake, I see that the Northern Ireland Prison Service has agreed to eight of the nine recommendations relating to them and that there is, indeed, partial agreement on another recommendation regarding visitation arrangements. It was encouraging to read that response, which was clearly formulated after careful consideration of the report. It is also clear that, on the basis of the agreed principles, no changes should or will be made that compromise the security of the prison, its staff and the prisoners. Mr Givan suggested that the recommendations will do the opposite, but he is wrong. David Ford, as Minister, has made it absolutely clear that he has not and will not compromise on security, and his record on that issue stands. None of the recommendations risks a return to the conditions that once existed in the Maze prison, and, if they did, David Ford would reject them outright. The Maze conditions were ridiculous and so is the claim that David Ford would allow them to be reinstated in Maghaberry.

I have been to the prison. While I can understand the comments made by Tom Elliott, I have seen that AstroTurf pitch. It is behind extremely high walls. I have seen the library with its used and used and used again books

and the computers that are so restricted, and rightly so. No child in Northern Ireland outside those walls would want access to any of those facilities.

On staffing, the Prison Service is, like others, operating in a very difficult financial circumstance. In those circumstances, it is important not just that we have the necessary staff but that our prisons are managed in such a way as staffing resources can be maximised and used most effectively. I know that the Northern Ireland Prison Service continues to keep staffing levels under review and is looking across the whole of the Prison Service. That is to be welcomed.

I pay tribute to the work and professionalism of Sue McAllister and will not run her down. She is an excellent director general of the Northern Ireland Prison Service and has some 25 years of service, working in some of the most difficult prisons in the United Kingdom.

As we seek to continue to reform and improve our prison system, we recognise that our prisons must be places where relationships are built between prisoners and staff based on mutual respect, and where the security of our facilities and those within them are treated as paramount.

**Mr Deputy Speaker (Mr Beggs):** Will the Member bring his remarks to a close?

**Mr Dickson:** I support the motion and oppose the amendment.

**Mr Frew:** I support the motion, which is under my name and those of my colleagues. The SDLP amendment is disappointing, to say the least, because what they have basically tried to wipe out is the call to reject any proposal that compromises the security of Her Majesty's Prison Maghaberry and the safety of prison staff, or concedes the demands of Republican prisoners in Roe House. The SDLP wishes to wipe out that aspect of the motion.

I do not know why they are not comfortable with trying to uphold the security of Maghaberry Prison and the safety of the prison staff, or why they are not comfortable with regard to the demands that Republican prisoners in Roe House make. It is a shame that they have tried to amend the motion, because it was complete. Everything we wished to say in the message going out of the House was complete.

In all of this, I have no doubt that there have been honourable people trying to do their

honourable best in the way that they see fit. There is no doubt that people have tried to make accommodation and come to some arrangement that, ultimately, could and should have saved the lives of prison officers and their families, but, unfortunately and regrettably, that activity has failed, because we stand here today to debate the motion knowing full well of the death of David Black and the details surrounding that.

**Mr A Maginness:** Will the Member give way?

**Mr Frew:** Yes, I will.

**Mr A Maginness:** The Member raises a point in relation to the SDLP amendment, but if the stocktake report, and everything arising out of it, were fully implemented, my party and I believe that that would provide enormous security to prison staff and prisoners. There would be no compromise in relation to the safety of any staff or the security of the prison. Our amendment is in that context.

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr Frew:** I thank the Member for his contribution, but there is one big lie, if you like, in all of this. There is one big fundamental problem, in that the stocktake report is what it is — it is a snapshot. Who is to say what could happen in the future? Who is to say what demands the terrorist organisations will come up with next? Even if something were to happen and some of the conditions in the report were reduced, the threat level on the prison officers would be exactly the same, and might even be worse, in order to prove a point or teach a lesson to someone and to the establishment itself. Therein lies the danger in what has been tried and sought out. You can only reason with reasonable people. That has been proven time and again in countless stages and in countless countries around the world, and even in this Province. You can only reason with reasonable people.

What are those people demanding? They are demanding free access all around the place. I have their demands, their wish lists, here. They include that the policy of controlled movement should end; that movement should not be stopped at any point due to an incident outside their community; and that daytime and night-time lock-ups should end. They even go as far as wanting park swings, slides and face paints. I am sorry, but I fight tooth and nail every day for my community, for parks, swings or slides, and I cannot get them for my community. What

does the community say to me? Do they say to me, "We are going to beat you up; we are going to put you under threat; we are going to threaten your family, or you will have to check under your car every day in life?" No, they do not. They just keep campaigning and keep going on until they get what they want to achieve.

If people in my community want an AstroTurf pitch, they fight for it. They do not pick up a gun for it. There is a big difference. I heard it muttered that those things are for the children of the prisoners, but what about the prisoners who thought nothing of leaving children fatherless? What about those children in my community? These are not reasonable people. They are terrorists, and they need to be treated like terrorists. Whilst they are in a prison, they should be treated like prisoners.

**4.00 pm**

Nobody should be threatened outside or inside a prison, because that is morally evil and wrong. It has to stop. How will giving concession after concession —

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr Frew:** — achieve that? I say that it will not. I say that it will make the situation even worse and put more prison officers and their families at risk and under threat.

**Mr McCartney:** Go raibh maith agat, a LeasCheann Comhairle. I will speak in favour of the amendment and in opposition to the motion. However, given the way that the motion is framed, I have no disagreement on the need to remove the threat against prison staff, and, if there are issues about staffing levels, perhaps there should be an ongoing review.

The reason why my party is opposed to the motion and favours the amendment is due to the supposition outlined by Mr Givan and Paul Frew that the independent assessment and stocktake is somehow wrong and should not be supported. We welcome the initiative and the work of all concerned — the assessors, Anne Owers's team in the past, the Prison Service and senior management in Maghaberry — to bring about a conflict-free situation in Maghaberry and a place where everyone can be treated with dignity and respect, and that means everybody. Thankfully, in the 21st century, we have reached a place where the concept of prison as

"lock them up and throw away the key" has long since been confined to where it should be: the dustbin of history. I have visited Maghaberry on countless occasions. Go to Maghaberry, Hydebank and Magilligan, and you will see a regime in which people are not needlessly locked up and are involved in purposeful activity, and, when it comes to outcomes for society, that is more productive than any outdated concept of locking people up and throwing away the key. Punishment should end with the loss of liberty. We should have a process that gives people the opportunity to be more constructive while they are in prison.

It remains our view that the agreement reached in 2010 and the principles that underpin it, which are repeated in the stocktake — I agree with Alban Maginness about the part of the motion that the amendment would remove — make very clear what conflict-free means. People should be able to live their life without being under the threat of intimidation or violence. We support that. We could spend all day, every day looking back to 2010 and asking who was responsible, who let what slip and what went wrong. However, the opportunity for all of us to create a conflict-free atmosphere and a place where no one lives under threat was lost. We now have an opportunity to re-establish that. In my opinion —

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

**Mr McCartney:** I will, surely.

**Mr Frew:** The Member keeps repeating the line, "where no one is under threat". However, the only threat coming from anywhere is that coming from republican prisoners. Is he for one moment suggesting that the prison staff are causing a threat? That is not how I see it. There is only one threat going in one direction. How can he keep saying, "where no one is under threat"?

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr McCartney:** I thought that I was being very clear when I said that no one is under threat. The document is clear that, whoever is posing a threat and in whatever circumstances, it will not be tolerated because it is in breach of the principles. That is the point that I am making.

The document and the stocktake outline the way forward. When the independent assessment team was before the Committee last week, I thought that they gave a very robust outline of their thinking in response to

questions. They were asked whether this was compromised. I think that that zero-sum approach does not serve us well. The thrust of some of the questions was about what would happen if the prisoners were in breach of the agreement. The independent assessment team was clear that, having supported the agreement in 2010 and this latest stocktake, the prisoners would put themselves in a position where they would be seen to be clearly in breach of the agreements. I do not want this to become a poring-over of what happened in the past; but there is no doubt that the opportunity that was created was missed and lost, and we should have that in mind as we take this forward.

I agree with the Prison Service in its support for the recommendations, except for the one that is obviously outside its remit. However, as we go forward, we should all bear in mind that this is an opportunity.

When Stewart Dickson was speaking, I was not confused, but, given the tone of his presentation and acceptance of the stocktake, I thought that he would have been more comfortable with the amendment, particularly as Alban Maginness addressed the points that Paul Frew made. When you note the document, you find that the beef of the middle part of the motion, in terms of compromising security, threats, removing conflict from the prison, is addressed in the stocktake document. My fear —

**Mr Dickson:** I thank the Member for giving way. I accept that those issues are addressed in the report.

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr Dickson:** Which one of us?

**Mr Deputy Speaker (Mr Beggs):** Your time is up.

**Mr Douglas:** I am pleased to speak in this important debate, and I support the motion.

I grew up in Belfast during the Troubles when many of my friends, neighbours and, indeed, family members ended up behind bars. I visited every prison in Northern Ireland and, certainly in those days, conditions were indeed grim, particularly for elderly parents or the mothers of young children who were visiting prisoners. During what we call the Troubles, prison staff showed tremendous courage, fortitude and bravery during some of the most difficult days of our lives.

One of the prisons that I visited was Crumlin Road Gaol, which is now to become a visitors' centre and whiskey distillery. In fact, I met some of the investors at Stormont today.

I paint a bleak picture of what prison was like for prisoners and their families; conditions, particularly in the early days, were absolutely horrendous. However, if we fast-forward to 2014, we see that prisons have changed beyond recognition. As the report says, since 2010 the changes include increased freedom of association, including the use of a new AstroTurf pitch, access to a library and computers, prisoners preparing their own food, communal dining and access to a gym. So, undoubtedly conditions have improved dramatically. I am sure that many of those tens of thousands of prisoners during the Troubles would have loved to have had some of those changes come about.

However, one thing has not changed as we fast-forward to 2014: the threats, intimidation and indeed murder of prison staff. Our thoughts and prayers are with David Black's family today. Undoubtedly, they will be listening in to this debate. Certainly, our prayers are with that family.

Mr Givan, in his presentation, was passionate, and rightly so, because he and his family have been subjected to threats and indeed a murder attempt on his uncle in the past. If anything, our motion is about the safety of prison staff and, indeed, the protection of their families. I want the Minister to confirm to us and assure us that this will be the case and that prison officers and their families will be protected.

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

**Mr Douglas:** I will. Go ahead.

**Mr Dickson:** I really appreciate you doing that, because that is the very point which I wish to agree with you on, by way of answer to Mr McCartney: the stocktake document, just noted on its own, stops with that point. That is why the Alliance Party is supporting the motion. We are supporting this because it is imperative that the Minister has the support of the House to continue to encourage the absolute security of that prison and the protection of its staff. That is what he is here to do and that is what he is determined to do. That is why we support the motion.

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr Douglas:** I thank the Member for his contribution. Certainly, I would like to leave here today having been assured by the Minister and having that confidence when I walk out the door.

There is one issue that I think that we will certainly agree on 100% in relation to this report by the independent assessment team. The 'News Letter' says:

*"The report concedes that 'outstanding issues' of threats and parcel bombs sent to prison staff remain unresolved, despite a list of prisoners' demands being met."*

For me, as a democrat, democracy should not reward threats, parcel bombs and, indeed, murder. I know that our friend Tom Elliott, again, mentioned the horrendous murder of David Black.

There is one thing that we have learned from the past, and it is this: that the tens of thousands of young men, and indeed women, who pass through our prisons end up behind bars. Lives change for ever. Families change for ever. The question for us all has come up before: what did it achieve? What will these prisoners achieve in terms of their political ideals? Previous experience is that, in the past, prisoners' demands become unceasing. You just cannot feed this big monster.

I look forward to the Minister assuring us that prison security will not be compromised. I support the motion.

**Mr Hazzard:** Go raibh maith agat, a LeasCheann Comhairle. I rise as a new member of the Committee, so most of my knowledge on this subject is from second-hand reading of reports and the views of the assessors who have been to the Committee. I have not been to Maghaberry yet to look at the situation first-hand. I will be somewhat briefer, perhaps, than other Members have been today.

It is important that we welcome the review of progress since the 2010 report. It provides a good snapshot of where we are and perhaps a road map for the way forward on a lot of these issues. It is good that it identifies areas for further improvement while flagging up what progress has been made. It is incumbent upon us to grasp this opportunity to move forward in the best interests of staff, prisoners and, indeed, wider society. That is what we must not forget: having the best working conditions in the prison and the best conditions for prisoners are in the interests of wider society. We should

remember that. A solution is in everybody's interest going forward.

I think that the difficulties around the prisoners' forum need to be addressed. Again, communication issues will be vital in moving forward. Even Mr Douglas talked about the importance of having a conflict-free environment. Improved communication will be central to that. Dealing with a lot of the difficulties around the forum can only be a good thing. If we are to continue to improve our prison system, we need to grasp the opportunities in the review, such as issues around family visits.

#### 4.15 pm

I will touch a little bit on Tom Elliott's comments about his problems with education, recreation, library and computer facilities. Sometimes, some in the House seem to forget that prisoners retain rights. They are still human beings with rights. They have every right to education and to recreation facilities. It is important that we look after those rights. Mr Frew said that we need to make sure that they are treated like prisoners, but prisoners have educational and recreational rights.

**Mr Frew:** Thank you very much for giving way. That is not the issue, because everyone has rights. Their victims have the right to life. The point is that the prisoners try to achieve things through threats: threats to life and the threat of punishment, beatings and everything else. That is totally unacceptable. The prisoners should be starved of that oxygen. Of course they have rights, but they use threats to try to get concessions and to get things in the prison.

**Mr Deputy Speaker (Mr Beggs):** The Member has an extra minute.

**Mr Hazzard:** I thank the Member for his comments. It sounds as though we are trying to trade rights. We cannot do that.

I think that we all agree that a conflict-free environment is vital. The stocktake provides a road map to a better place. It is incumbent on us all to embrace the direction of travel, not just for the staff and the prisoners but for wider society. I support the amendment, but I oppose the original motion.

**Mr Deputy Speaker (Mr Beggs):** I call Pat Ramsey, who will have the last five minutes available for debate before the winding-up speeches.

**Mr Ramsey:** I support the SDLP amendment. I have reflected on some of the comments made by my colleagues across the way. I understand where they are coming from. I understand the anger and frustration. If David Black's family are listening today, the SDLP is saying to them that what happened to their husband and father was entirely unjustified. The continued use of threats, abuse, violence and intimidation against Northern Ireland Prison Service staff or any of the health-care staff working in our prisons is unjustifiable.

I note the Prison Service response to the agreement. It states that it should reaffirm everyone's:

*"support for the fundamental principles and undertakings"*

in the stocktake report.

I think about what Stewart Dickson said. Anyone who has been to Roe House since 2010 will know that it has a few dozen books that are as old as the hills. It has computers that, in any other environment, would have been condemned and dumped years ago, and it is only in recent times that prisoners have had access to them. The so-called 3G pitch would not inspire anyone to do training or anything else. However, things are progressing in the prison — even in Roe House.

It would be unfair not to acknowledge the contribution of the Prison Service, prison officers and the independent assessors — Alban named them, so I will not name them again — and their tireless work to try to do what you, Paul Frew, talked about: to ease the pressures on everyone, but particularly the prison staff, so that they can go to work without having to look under their car and are not looking to get on to the special purchase of evacuated dwellings (SPED) scheme to get their house sold in order to move. That is the basis of the agreement.

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

**Mr Ramsey:** Yes.

**Mr Frew:** I understand the Member's sentiment. I understand the genuine belief that those people were going in to do a good job. I do not question their commitment, but the threats are still happening to this day. People are still living in fear of intimidation and are still checking under their car, so, ultimately, it has failed.

**Mr Deputy Speaker (Mr Beggs):** The Member will not have an extra minute on this occasion.

**Mr Ramsey:** If I had known that, I might not have let him in. *[Laughter.]* I thank the Member for his comments. I think he makes a good point. Raymond McCartney talked about an opportunity. There is a window of opportunity here, and the challenges will be up to those republican elements in the prison now to come up to the mark. My understanding, and the understanding of independent assessors, is that they are behind the principles of the fine points that the independent assessors have made. That is ensuring that the prison is freer: free from violence, free from fear and free from intimidation. So time will tell how honourable the prisoners are.

There are some fundamentals here that are important to reference as well, which the stocktake has highlighted. They include free space on the landings. We have a large volume of prisoners, close to 100 prisoners, with two being allowed out at any given time. This report is suggesting that that number should be increased, and if it does increase, and if there are difficulties, then the challenge to the prisoners is this: if you do not step up to the mark, they will be reduced again.

I appeal to the Members across the House. There are absolutely no circumstances where the SDLP or any Member of this Assembly want in any way — I say this directly to Paul Frew — to compromise the security or integrity of the Prison Service.

I have visited Roe House on many an occasion. I saw them when they were on dirty protest, and it is not a nice environment to be in for anybody. Now we are not only easing the pressure in the prison, there is a window of opportunity to ease the pressure outside the prison as well. Sammy Douglas talked about a life changing forever —

**Mr Deputy Speaker (Mr Beggs):** Would the Member draw his speech to a close?

**Mr Ramsey:** — it changes the lives of families who are visiting prisoners as well. I think there is an opportunity to make a difference, to enable prisons, particularly Roe House, to ease the pressures, allow management to do their job but allow the prisoners to be in a good environment.

**Mr Ford (The Minister of Justice):** This is an important motion before us this afternoon, which covers some very important and serious

issues. I welcome the opportunity to discuss the issues that have been raised by Members and will try to treat them with the seriousness they deserve.

Let me start by paying tribute to the work of those who staff our Prison Service. They face a degree of risk that most of society does not face. They sometimes have difficult working conditions, as well as concerns at home. Let us remember that they should be foremost in our thoughts as we seek to ensure safety and security in our prisons.

No one should underestimate the difficulties that arise from having separated conditions in Maghaberry Prison. That decision was taken by the Northern Ireland Office, as was said, which was inherited by this Assembly on devolution, although decisions on admission to separation are still decisions for the Secretary of State.

The Prison Service, which is responsible to this Assembly through the Department of Justice, has a crucial operational responsibility to deliver a safer Northern Ireland for all of us against the backdrop of the threat that it faces from dissidents. Those are very real challenges that operational staff in the Prison Service face daily. I repeat: I record my appreciation to them for their dedication and professionalism and my condemnation of any targeting of prison officers or others who work in the justice system.

I have met some of the staff who work in Roe House, specifically to deal with the problems that they face over and above those faced by other prison officers. They, and all those who work in our prisons, are working on behalf of this whole community. They must be able to perform their duties safely and threats must end.

In August 2010, as has been said a number of times during the debate, the agreement was reached by the joint facilitation group that brought about an end to a protest by prisoners in Roe House. The following month, I established the independent assessment team to ensure that the agreement's principles and undertakings were being implemented.

I want to take this opportunity to place my thanks on record to the four members of the team for the time, the patience and the commitment they have brought to their role and for the very fair and balanced approach that they have taken in their reports to me, both written and verbal.

The principles underpinning that agreement include the following: arrangements should be predicated on mutual respect; prisoner and staff safety must not be put at risk; arrangements and procedures should be achievable and sustainable; and the security of the establishment should not be diluted.

In July this year, following a recommendation from the Prisoner Ombudsman, I asked the assessors to undertake a stocktake of the implementation of the agreement of August 2010. I invited them to return to the agreed principles and undertakings of that agreement and pass comment on the state of compliance. The assessors have examined a range of evidence. They have undertaken consultations with the Prison Service, the republican prisoners in Roe House and a range of other interested parties. I am clear that the stocktake provides an opportunity to look at where progress has been made but also to identify any outstanding issues that can be pragmatically addressed.

The Prison Service will not relinquish control of any part of any prison to those held in custody. It has not happened, it is not being recommended by the assessors and it will not happen. Any allegation to the contrary is simply wrong. Maintaining the security of the prison is a key underpinning principle of the 2010 agreement, and I assure the Assembly that I will not accept any proposal that would compromise the security of Maghaberry prison or the safety of staff, visitors or other prisoners. Indeed, I will not support the amendment because it specifically deletes the call on me to reject any such proposal, although there are many merits in highlighting the work of the stocktake.

I was grateful for the thoroughness and balance of the stocktake report, which has now been considered in detail by the Prison Service, shared with the prisoners affected and published. The stocktake underlined the principles of the 2010 agreement, but, undoubtedly, it was correct for the stocktake to reflect on issues since then, including the dreadful murder of David Black.

**Mr McCartney:** Is there not a danger that somehow the message will be that, by supporting the motion, you are not supporting the stocktake exercise?

**Mr Ford:** I make it clear that I will support the principle of the references to the stocktake, but I am not prepared to support the deletion of the references to the concern about maintaining

security in the prisons, because that is the most important issue.

As I was saying, the murder of David Black was probably the most egregious example of a breach of the agreement. However, the report also relates ongoing concerns, including intimidation and threats, sometimes to specifically named members of staff, that have resulted in some individuals having to move home and other major problems. However, the report also acknowledges progress in the context of the challenging environment for staff and clearly describes how further progress can be made.

The report identifies a number of developments taken forward by the Prison Service since August 2010. The assessors make 10 specific comments. One recommendation, as has been said, on the criteria for entry into separation is an issue for the Secretary of State for Northern Ireland to consider and not the Department of Justice. The Prison Service has considered the report and welcomes its fair assessment of the current state of compliance with the 2010 agreement. Of the nine recommendations that fall to NIPS, eight have been fully accepted and one partially accepted.

On a number of occasions, Members referred specifically to the prisoners' forum, and there is a wish to implement that policy across the prison generally. However, there is undoubtedly a need to provide a forum in which individuals can discuss the day-to-day management issues as they relate to Roe House. The Prison Service is seeking to follow up on the recommendation for an independent chair to be appointed, although I suspect that seeking somebody from the International Committee of the Red Cross may not be an appropriate way of doing that. The partially accepted recommendation relates to the proposals for an upgrade to visiting facilities for prisoners. While it has not yet been possible to agree how to resolve this issue, it continues to be discussed.

Two other specific issues seem to have caused a degree of concern inside the House and outside. The first is the incremental increases in controlled movement. The independent assessors recommended incremental increases in the number of prisoners on a landing from three up to a maximum of six. Their report makes it absolutely clear that any change to the present restrictions is dependent on the prisoners acting in good faith and ceasing all actions that might prevent staff carrying out their work professionally and free from harm, intimidation or threat. This is about normalising

the regime that can be offered without compromising security. The Prison Service has taken a first step, allowing four prisoners on to the landing.

The second issue is full-body searching. As members will be well aware, the Prison Service has been examining and will continue to examine any advances in technology or policy that will reduce or remove the need for full-body searching. It has not yet been possible to identify an appropriate technological alternative. As Members will know, I have answered many an Assembly question on that. There has been a change in the approach to full-body searching, with a focus on intelligence and risk rather than on the less effective approach that applied in a blanket way. Prisoners are now no longer subjected to a routine body search when leaving the prison on final discharge, including home leave. Where risk remains, full-body searching is still essential to maintain the security of the establishment, the safety of all and the protection of the public. It will continue on that risk-based assessment.

#### 4.30 pm

In respect of these two issues, neither the independent assessors' recommendation nor what I described as the response is a move to relinquish security. They are clear signals that the Prison Service is prepared to normalise the regime offered to prisoners as and when it is appropriate to do so. Members should remember that that is in line with recommendations that were made by CJINI in 2006, 2009 and 2013 and, indeed, referred to in the Owers report, but it will only be in an environment where the security of the establishment and the safety of staff, visitors, prisoners and everyone else in Northern Ireland remains the priority.

The report recommends:

*"there should be an agreed timeline of six months for resolving any outstanding issues and over this period Roe House, by example and deed, should be a conflict-free environment and all threats to staff internally and externally should cease."*

I am content with this timeline and the overarching principle about the threat-free environment that will facilitate progress. On that point, I am absolutely unequivocal. People have talked about a return to the Maze. That has not happened. That is not happening and that will certainly not happen while I am Minister.

I am not discussing today the wish list that was published on behalf of prisoners; I am discussing a serious report from the assessors, in line with other serious recommendations from CJINI, to move towards normalisation in an appropriate way.

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

**Mr Ford:** I will.

**Mr Douglas:** Minister, do you agree that, when people end up in prison, when they are incarcerated, that is a punishment for them? They lose their freedom. It is about rehabilitation rather than punishment while they are in jail, but can you give the wider public confidence that these prisoners' demands, threats and intimidation are not about rewarding that bad behaviour?

**Mr Ford:** I hope in what I am saying that it is about following through on recommendations from serious people about normalisation where possible in the absence of threat. It is certainly not about conceding the wish list that was published recently by prisoners. It is about following through on what are reasonable measures as we maintain the security of prisons. Change will be possible only on the basis of ensuring safety and security for officers, other staff, other prisoners and the wider public. It is not normalisation concession after concession; it is normalisation because that is the right and appropriate way to treat prisoners. The Prison Service will continue to ensure that Roe House, just like the rest of our prison estate, is run by the staff and management of the Prison Service, not by any group of prisoners.

The motion refers to staffing levels in prisons, although there was little talk in the debate about that. Perhaps, Deputy Speaker, I should touch on that. I believe that the Prison Service benefits from being led by an extremely experienced and well-qualified team under the director general, Sue McAllister. There may be a perception that prisons have become less safe in recent years, but that is simply not the case. It is too simplistic to say that running safe and effective prisons is only about staffing levels; it is about having the right people in the right place at the time. That is all in the context of the difficulties that the Prison Service faces, as does the rest of the public sector, in this challenging financial climate. In that climate, it has to make informed decisions on how it can most effectively use the staff available to fulfil its obligations to provide safe, decent custodial

services whilst delivering significant and necessary savings.

It is essential to manage the prison population effectively to ensure that crowding is kept to the minimum. The information available makes it clear that the major issue is the impact that crowding has on prisoner safety. It is therefore encouraging that, against those financial constraints, improvements in conditions are being made at Maghaberry, with over 350 prisoners recently moved out of crowded accommodation. This is being managed at a time when the prison population has increased significantly since devolution in 2010, from just under 1,500 to almost 1,800 today. That is a very significant increase, and yet moves have been made that have led to reduced threats of general violence because of a reduction in crowding.

Those staffing levels continue to be kept under review, and NIPS recently commenced a re-profiling exercise to look comprehensively at the way operational staffing levels operate in every part of the prison estate. That exercise, of course, includes consultation with the Prison Officers' Association. Those re-profiling exercises and updates to shift patterns are a necessary and normal part of prison operations that reflect the changing needs and requirements for regime delivery. The Prison Service will continue to take those steps to improve safety and manage the population.

In summary, I support the motion. Whilst I welcome the comments made by Alban Maginness and others on the issues in the stocktake report — I have spent some time dwelling on it — I cannot accept an amendment that inserts references to the stocktake report by deleting references to the security and safety of the prison and staff. That would be an entirely wrong position for me, as Minister, to take. I hope that I have made it clear in my comments that I welcome the stocktake report and believe that it shows the way forward, but I suspect that lessons would be drawn inaccurately were I to suggest that I was prepared to delete references to keeping prisons safe and secure.

I utterly condemn the continued targeting of Prison Service employees by dissident republicans. There is no doubt that there is work to be done there, and there are issues that need to be addressed on how the August agreement is carried through. While I accept the report that has been produced by the assessors, I repeat that they are not suggesting any compromise in security. I will not accept any compromise in security and nor will the

Prison Service management team. The attacks made on the director general today were entirely inappropriate. Let us support the motion in agreement and without acrimony.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. We heard comments from my colleague, who reiterated that prison staff and their families needed to be free from threat and intimidation and spoke about the prison reform programme. Mr Lynch endorsed the independent assessment of the stocktake report, and we heard from Mr Elliott and Mr Stewart Dickson. Mr Frew spoke emotionally about the need for prison officers and their families to live free from any threat or intimidation. Mr Douglas referred to his experience of prisons and his visits to them.

I want to say something in case there is any doubt about the validity of our motivation. I do not like using situations to make political statements, but I attended the home of David Black and I attended his funeral. Despite the utter heartbreak in that family, my colleagues and I were very warmly welcomed to that house. As has happened on so many other occasions, I discovered that I knew his extended family and his in-laws, who are good, decent and well-respected people in that community. The hurt over that murder extended far beyond one community in that area, because the extended family circle are long-standing in that area and are well got and respected.

I genuinely hope that those responsible for that murder are caught and that they eventually see the error of their ways, as others have done in the past. They did not just pick up using threats and violence against prison officers and other members of the community at the hedge. As others have done, they should see the error of their ways. They are going absolutely nowhere, and seeing the heartbreak in that house would really bring that home hard and fast to anyone who needed it brought home to them. So, let nobody be in any doubt about the motivations of the SDLP. They are what they always have been: to try to bring about political solutions, engage through dialogue with people and bring an end to violence.

The Minister made a point about the SDLP amendment removing details from the motion. The SDLP amendment refers to noting the stocktake report. That report refers specifically to outstanding issues, including ongoing abuse of and threats to staff. That is included in the report that we refer to and suggest should be noted.

The amendment tabled by my party means to ensure that the progress made by both prison officers and prisoners in Maghaberry prison does not go unnoticed. The problems are not completely fixed, but the report goes some way to show the changes that have been made there. I echo the comments made by my colleague about the stocktake report, but I also want to note the Northern Ireland Prison Service's response to it. Its acceptance of the report shows the progress that has been made in Maghaberry since this agreement.

As outlined by the Minister, the Prison Service accepts eight of the recommendations fully and one partially. It is good to see, particularly, that progress has been made in the shared space and facilities in Roe House; the use of discretion in the requirement for full-body searching — the Minister referred to this — for those who are leaving prison in the case of a serious medical condition; the continuous review on the full-body search issue; and the use of prisoners' forums. The Northern Ireland Prison Service has agreed to the recommendations regarding the prisoners' forum. The report shows that improvement still needs to be made in some areas, including family visits and the ongoing issue of full-body searches. The SDLP supports the ongoing implementation of that agreement. Ongoing work is still needed in relation to the abuse of staff in the Prison Service, and I particularly condemn the targeting of prison officers in and outside the workplace.

That concludes our deliberations on the proposals in the SDLP amendment.

**Mr Poots:** I welcome the opportunity to wind up the debate. Prison Service staff stand between us and anarchy. The people who are behind bars are there because the justice system has deemed them to have committed a crime, to be dangerous to the community and to be in need of reform. That would not be carried out if it were not for the work of Prison Service staff. They are a critical component of the well-being of society and therefore deserve our full support. I am somewhat disappointed that the SDLP has pulled back from giving that support and sought to water down the motion with its amendment, which would remove key parts of it. Those staff deserve our support because they stand between us and anarchy.

I visited the home of David Black after his gruesome murder. His wife's words were "Why did they kill David?" Did they kill David to achieve a united Ireland? They know full well that killing one prison officer will not move a united Ireland closer by one millisecond. Why,

then, did they kill David Black? Why have they targeted all of the other prison officers? Why have hundreds of prison officers had to have extra security applied to their homes? Why do they make threats against prison officers? It is because they see it as a means to an end. It is because they will use bully-boy tactics to achieve goals. The goals that they seek to achieve have been set out. They have made their requests and their demands. The approach employed over and over again is to use the bully-boy tactics, then back off a little. They will have negotiations, behave for a period of time, then engage more bully-boy tactics, extract more concessions — and so the cycle goes on until they get what they really want.

Mr Lynch referred to Roe House as being a prison within a prison. That is because the republican prisoners in Maghaberry wanted separated status. Just remember this: Roe House is there because republican prisoners wanted separated status. However, what they ultimately want is a prison regime that is similar to that when the Maze was closed down.

**4.45 pm**

**Mr Ramsey:** I thank the Member for giving way. It is very clear that senior Prison Service staff do not believe in any way that the principles of the agreement will compromise the safety, security and integrity of Maghaberry prison. Does the Member not accept that?

**Mr Poots:** I accept that we have diametrically opposed opinions. The view of the Members opposite is that we need to give the prisoners a chance. Our view is very clear: the prisoners need to demonstrate that they are going to obey the rules of the regime, that they are going to engage with the regime and that they are not going to be threatening prison officers. We have had substantive threats to prison officers in the last few weeks. The prisoners are still misbehaving, but you want to give people a chance who were threatening to kill people weeks ago. You are saying, "We will give you a few more concessions now". Therein lies the problem: we have people who are well-meaning and sincere, but they are being taken for a ride by the prisoners. We must be very conscious of that.

We have people visiting the prison from the Republic of Ireland. Indeed, the Minister approved three visits from senior politicians in the Republic of Ireland this year, as well as visits in previous years. They are interfering with what is going on in our prison, and that is

not appropriate. They are visiting dissident republican prisoners.

When we are talking about the safety of prisons, staffing is a key issue. There should be 861 members of staff in Maghaberry, yet there are currently 812. There is a recruitment issue there that the Minister and, indeed, the director general and officials need to address. The issue has not been addressed, and, consequently, that is putting the prison under more pressure.

**Mr Ford:** I am grateful to the Member for giving way. Will he accept an assurance that that is currently being addressed?

**Mr Poots:** I welcome the fact that it is "being addressed", but the situation should not have transpired in the first instance. We will closely monitor that. Of course, as a consequence, many prison officers are under greater pressure and greater stress, resulting in higher levels of sickness and therefore more people on overtime. Therefore, it is very important that it be addressed, and addressed very quickly.

Moreover, there were 47 assaults by prisoners on members of staff from August 2011 to July 2012, but, from August 2013 to July 2014, that figure doubled to 94. The number of assaults on other prisoners went up from 316 to 342, so we are not seeing an improvement in the safety of Maghaberry prison under this regime, this Minister and this director general. Those are all key aspects that need to be dealt with today.

On the recommendations, we go back to 2010. This has been like a game of ping-pong, with the debate on how we should be responding to the issues going from one side to the other. We have the people who are indicating that we should be giving ground to the prisoners, and we have those of us who are very clearly saying, "Let us see the colour of the prisoners' money in the first instance". The threats have to stop, and not just within the prison but outside. The behaviour of republican terrorist organisations associated with the prisoners needs to be such that prisoners are not, on the one hand, being allowed concessions whilst, on the other hand, people outside the prison are threatening, abusing, bullying and terrorising other individuals.

Let us be clear and take a very clear stance. Those people are in prison, not because they took an extra bun at the Sunday school picnic or for not paying a TV licence. They are in prison for murder, attempted murder, the possession of lethal weapons and explosives

and all sorts of other activities. They are dangerous people.

Allowing six people to be on the wings is a significant concession to them, and they will keep pursuing their demands for free unlocked access for 24 hours whilst we keep conceding. Let us be very clear to the prisoners: they are in prison for a particular reason, because they have committed crimes against society and have lost their freedom. Given the nature of the offences that they have committed, they are high-risk prisoners and, consequently, we have to ensure the safety of the prison staff and other prisoners.

Prior to its closure, we saw what it was like in the Maze. We saw murders in the loyalist and republican wings and rape in the prisons. Drug abuse is commonplace in Maghaberry prison, and drugs are smuggled into that prison regularly. If drugs can be smuggled into the prison, surely explosives could also be smuggled into the prison.

Any attempt to drop security and reduce the steps that we take to ensure the security of our prison —

**Mr Deputy Speaker (Mr Beggs):** Will the Member draw his remarks to a close?

**Mr Poots:** — can pose a risk to the security of the prison. Therefore, we in this party will continue to oppose that. I support the motion.

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 33; Noes 53.*

#### **AYES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Ms Ruane.*

*Tellers for the Ayes: Mr Byrne and Mrs McKeivitt*

#### **NOES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr*

*Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Devenney, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr McQuillan and Mr G Robinson*

*Question accordingly negatived.*

*Main Question put.*

*The Assembly divided:*

*Ayes 54; Noes 33.*

#### **AYES**

*Mr Agnew, Mr Allister, Mr Anderson, Mr Bell, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Devenney, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kinahan, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Ayes: Mr McQuillan and Mr G Robinson*

#### **NOES**

*Mr Attwood, Mr Boylan, Ms Boyle, Mr Brady, Mr Byrne, Mr Eastwood, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Ms Ní Chuilín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Ms Ruane.*

*Tellers for the Noes: Mr Byrne and Mrs McKeivitt*

Main Question accordingly agreed to.

Resolved:

*That this Assembly condemns the targeting of Northern Ireland Prison Service employees by dissident republicans; calls upon the Minister of Justice to reject any proposal that compromises the security of HMP Maghaberry, the safety of prison staff or concedes to the demands of republican prisoners in Roe House; and further calls for a review by the Northern Ireland Prison Service, working with the Prison Officers' Association and the Prison Governors Association, to address concerns about staffing levels across all grades in each prison establishment in Northern Ireland.*

5.15 pm

**Mr Deputy Speaker (Mr Beggs):** I ask Members to take their ease for a few moments while we change the Table.

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

**Mr McCartney:** On a point of order, Mr Principal Deputy Speaker. I want to apologise for not being in my place during Question Time to the Education Minister. I have spoken to him as well, and I apologise for my absence.

**Mr Principal Deputy Speaker:** Thank you very much for coming and apologising in person.

Motion made:

*That the Assembly do now adjourn. — [Mr Principal Deputy Speaker.]*

## Adjournment

### Cherry Tree Nursing Home, Carrickfergus

**Mr Principal Deputy Speaker:** The proposer of the topic will have 15 minutes and all other Members who are called to speak will have approximately eight minutes.

**Mr Dickson:** I thank you, Mr Principal Deputy Speaker, and the Business Office for the opportunity to debate the issue this afternoon. I also thank the Minister for his attendance.

I have been dealing with the concerns about the quality of nursing-home care in my constituency for quite a number of years now. I should stress that Cherry Tree House is not the only nursing home that has been drawn to my attention. It is, however, the home about which, as an East Antrim MLA, I have received the most complaints and expressions of concern from relatives and former staff. I pay tribute to those who have come forward to tell their stories and who have unfortunately had to battle with the system to try to get their voice heard, never mind get justice. It really should not be so difficult to get matters of great concern treated seriously.

We now at least have the report, which was published in July 2014, titled 'Independent Review of the Actions Taken in Relation to Concerns Raised about the Care Delivered at Cherry Tree House, Carrickfergus'. The Minister will be aware from correspondence that I have sent to him that the relatives whom I represent have concerns about the independence of the report and do not think that it goes far enough in its recommendations. Therefore, I would be most grateful if the Minister will agree to meet me and the families to discuss those concerns.

**Mr Wells (The Minister of Health, Social Services and Public Safety):** Will the Member give way?

**Mr Dickson:** Yes.

**Mr Wells:** Yes, I am aware of the request, and I will meet you and the families.

**Mr Dickson:** I really appreciate that.

Despite its shortcomings, the report came to some disturbing but important conclusions and found that, in the period examined — a long period from 2005 to 2013 — Cherry Tree House consistently failed to comply with the minimum standards of care. There was a cyclical scenario of quality improvement plans being made but not being acted on. There was a consistent failure to address the Regulation and Quality Improvement Authority (RQIA) requirements and recommendations, with some being restated up to seven times.

The RQIA inspectors mostly stuck rigidly to inspection plans, did not act on their own initiative and did not act to investigate recurrent issues, recent complaints or matters on which they had been given intelligence during inspections. Indeed, in one incident, the RQIA received information on the morning of an inspection that pages referring to serious shortcomings had been ripped from Cherry Tree's communications book, an important document in every nursing home, yet there was no evidence of the book having been inspected.

The report also found that, in a number of incidents, the RQIA relied on the home to provide reassurance that issues had been addressed, despite years of concern. It found that inspection reports did not provide supporting evidence to show that compliance had been achieved or sustained. Minimum standards on continence, a frequently raised issue of concern, were never examined by RQIA.

The review team also said that, under current procedures, it would have expected enforcement action to have been taken following an inspection in August 2009, which showed that Cherry Tree had taken little or no action to comply with requirements and recommendations from previous inspections. It strongly implied the same following an inspection in June 2011. A final important finding was that families were unclear about the roles and responsibilities of RQIA and the health trust, and about how to properly engage with the complaints procedure.

It is a damning report. That is reflected not only in the comments throughout but in the numerous recommendations. The RQIA is singled out for particular criticism, and I would be grateful if the Minister would share with us what information he has about the steps that the RQIA has taken since then to comply with the recommendations. I must say to him, however, that I think that the health trusts — in

the case of Cherry Tree, mainly the Northern Trust — have got away very lightly in the report. It found that the trusts dealt with complaints appropriately under current procedures, but there is a question to be asked if a nursing home that they send their patients to consistently fails to comply with minimum standards of care over a sustained period of time. Does that not suggest that there might be something wrong with the procedures? How can a facility like that be allowed to keep operating in that way? I have said it before, and I will say it again: what does it take to line the ambulances and health trust staff up at the door and close a facility like that?

The Northern Trust in particular would have been aware of a number of complaints coming in over those years. Why did someone not take a step back and say, "OK; we are operating within the procedures, but clearly there are still problems, so we need to review those procedures"? The review team noted that:

*"on many occasions the Trust relied on the outcome of internal investigations by Cherry Tree House management to provide them with assurance of the standard of care provided."*

Were they not reading the RQIA reports? The report goes on to state that that is consistent with a particular trust policy. Well, if that is trust policy, it is wrong, it is weak and it needs to be changed. It is deeply disturbing that trusts cannot adapt to effectively deal with consistent failings in our care system. I really think that the Minister needs to look at how it is possible for trust patients to be sent to a nursing home that consistently fails to meet minimum standards of care over such a long period of time.

That the Northern Trust spent £653,000 of taxpayers' money sending patients to Cherry Tree House between September 2013 and July 2014 raises questions about how public money is being used responsibly. If one reads the July report and the RQIA inspection reports, one will find a catalogue of disturbing incidents, allegations and failings. On management and care, reports found various failings in the recording of fluid intake, the keeping of care records, the supervision of staff and the provision of mandatory training, including the very basics of first aid. There have been numerous allegations of assault and abuse over several years. I have heard allegations of residents being shouted at and denied the right to go to the bathroom. I have seen for myself photographs and heard allegations of residents

being forced to use mattresses with the urine of other residents on them. I could go on.

I want to raise the issue of whistle-blowing. The report includes a timeline of whistle-blowing incidents and makes clear that whistle-blowers highlighted issues about the management of continence, moving and handling dependent residents, the use of bed rails, the quality of food, poor hygiene in the home, medicine management, fire safety, shortages of staff, lack of staff training, poor communication between management and staff, and, most importantly in this section, lack of support for the whistle-blowers themselves. Indeed, whistle-blowers approached the Department of Health, the former Minister, the Human Rights Commission, the Northern Ireland Ombudsman, the Northern Trust and the RQIA, and still the whistle-blower who spoke to the review team said that they did not feel supported and thought that very little was ever done about their concerns. It is unacceptable that those who step forward to highlight shortcomings feel so unsupported. How, Minister, do you propose to rectify that?

That is my first question to the Minister in the limited time that I have left. I have other questions that I would like to put to you, Minister. What actions have been taken to ensure that all the recommendations of the report are being implemented? Minister, will you work with the trust to explore how, under its policies and procedures, a nursing home to which it sent patients could continually fail to meet minimum standards of care? Will you look at putting in place a new and more robust enforcement policy for the RQIA that does not allow for requirements to be restated over and over again? Given that Cherry Tree House continues to operate and no one from the home has been held to account for the incidents that have failed residents and their families over the years, how do you envisage the latter getting justice?

Last week, the Assembly had a debate on appreciating age and the importance of recognising the contribution of older people to society. In that debate, I said that our society is measured by how we treat older people and that one way in which we could start to recognise their contribution was to make sure that they had the best care in their final years. I view our response to this matter as a test of our resolve in that regard. I very much hope that the Minister not only shares my determination to see the standards of care improved but wants justice for those who have seen their relatives denied the peace and dignity that they deserve at the end of life.

**Mr Hilditch:** At the outset, I acknowledge Mr Dickson's efforts in securing the Adjournment debate and the damning report telling us about the situation at Cherry Tree House.

Many of us will, at some stage, have to deal with the issue of care in nursing and residential homes, but mainly on a personal level as we seek to secure the best way forward and options for a family member. For that relative, we would seek the best quality care, delivered in a professional manner with skill and compassion in surroundings and facilities that give us confidence in our decision-making. Those who have gone through the experience will realise the complexities involved and how families place their trust and confidence in those who provide nursing and residential home facilities for their loved ones. How shocking it is, then, to read the report on Cherry Tree House. Mr Dickson summed up well the catalogue of horrors.

When the then Minister ordered a review of Cherry Tree nursing home, some eight years after a whistle-blower first made serious allegations of dreadful neglect and practices in the home, it really struck at the heart of the community.

Cherry Tree nursing home is placed very centrally in the community and is on one of the main arterial roads in Carrickfergus. In that community, it is almost impossible not to know someone involved at the home among the management, staff or residents. Locally, there was much thought, concern and passion for those innocently caught up in a situation at what must have been a very distressing time for everyone involved. My involvement began when the matter became public, and my office was contacted by people who indicated how relieved they were that the allegations were now, in their words, "being taken seriously". One person, who was a relative of one of the residents, said that she had been vindicated, having previously reported incidents on several occasions only to be treated as though she and her family were some sort of troublemakers. Let no one doubt the strength of feeling in the local community or the depth of knowledge about the situation.

### 5.30 pm

I turn to the 'Independent Review of the Actions Taken in Relation to Concerns Raised about the Care Delivered at Cherry Tree House, Carrickfergus'. The review was published in July. It sets out a chronological sequence of incidents, reaches a number of conclusions and, more importantly, makes

recommendations that must be acted on. It is crucial for the wider sector, as well as for Cherry Tree nursing home, that confidence be restored. The Regulation and Quality Improvement Authority — the health watchdog — must not lose sight of the criticisms directed at it for the handling of the whistle-blowing complaints and its lack of robustness towards the owners of Cherry Tree nursing home.

The section on whistle-blowing in the Cherry Tree case is of particular interest to me, as I wear another hat as Deputy Chair of the Audit Committee. On a number of occasions over the last couple of years, I have raised the very issue of whistle-blowing, and I have had to deal with whistle-blowers directly. I am concerned about their treatment, how they are regarded and the timeline involved in dealing with issues. This can be a very stressful time for people who have done the right thing and brought to their employer's attention practice that is simply wrong. It is something of a coincidence that we are discussing whistle-blowing at Cherry Tree House today and the report of the Northern Ireland Audit Office — 'Whistleblowing in the Public Sector: A Good Practice Guide for Workers and Employers' — is issued today. On the back of the Cherry Tree case, I commend that document as someone who has, over the last few years, garnered the utmost respect for whistle-blowers.

Again, I thank Mr Dickson for the Adjournment debate and look forward to the Minister's response.

**Mr McMullan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank Mr Dickson for securing the debate.

I acknowledge that I did not know much about Cherry Tree House until very recently — when I say "recently", I mean the last few months — when I started to get phone calls about it from people who at first would not give me their name. At the end, I was talking to people who were openly giving me their name and status, and, in one case, I spoke to a family. To be honest, I was shocked at this. As Mr Hilditch said, when someone picks a nursing home for their loved one to stay in, it is to be a home for the loved one, a place of sanctuary and safety, not a place of anger and fear. That is what I cannot understand. When I first heard about Cherry Tree House, I thought that there must be something wrong, because there would be no way that a home could get away with some of the things of which it was accused, and, as we all know, there are always two sides to a coin. However, the more this went on, the more I started to believe.

I received the report only today, and it really compounds what people have been saying. Questions have to be asked about the inspections and the follow-up inspections of these reports. Who is looking at the reports or going into the homes? I have had reports of management harassing families outside for payment for their loved ones' care. This was in front of the public, with other people knowing their business. I have been told of poor record keeping and that the bookkeeping is a mess. I have been told of different types of assault and abuse of patients and of staff being shouted at and demeaned in front of patients and other people. Indeed, one person told me that patients were really only a means of making money. I really cannot say any more about this.

As Mr Dickson said, in the period 2013-14, £653,000 was put into this home for patient care. Earlier today, we debated for an hour and a half the MS centre in Ballycastle, which the Minister will close because of a budget of £500,000. We have a facility here that looks after the most vulnerable in society — elderly people who have worked all their life and expect to spend the twilight of their life in safety — and here they are in a place of fear. I call on the Minister now to put in place a full investigation of this home. If nothing else, it should be closed or somebody put in to run it. As we have seen tonight, what is going on there is nothing short of criminal.

**Mr Beggs:** I, too, thank my East Antrim colleague Stewart Dickson for bringing this Adjournment topic to the Assembly. Cherry Tree House has been in the headlines for the wrong reasons. It is important that lessons are learned from it and that others will not face similar circumstances.

First and foremost, we all have to welcome the fact that the whistle-blower had the courage to take a stand and highlight the worrying aspects of the care that residents were receiving at Cherry Tree House. The subsequent publication of the highly critical report, 'Independent Review of the Actions Taken', highlighted very basic failings in the original RQIA inspections. RQIA inspections need to be rectified, as many families rely on them to give a degree of reassurance, when they may be unable to be present, that their vulnerable family member is being cared for and looked after appropriately and protected. Lessons need to be learned for the benefit not only of this home but for the RQIA and, indeed, all residential homes throughout Northern Ireland.

I am keen to learn why it has taken so long to identify that there were such basic failings in the methods used by the RQIA. Only by changing the inspection process can failings be identified and addressed and standards of care for the elderly improved.

One of the recommendations is that new residents and their families should be provided with information on how to make a complaint. How fundamental is that? It is vital that every resident and every new resident in every home knows that information and feels empowered to do something if they feel that improvement is needed.

The summation of complaints received between January 2005 and January 2013 is quite unbelievable: 19 allegations of abuse, including 12 of abuse by staff, and 27 cases involving personal care in respect of individuals. There were 40 other care issues, including residents falling, poor hygiene and loss of residents' property. There were 13 staffing issues, including poor staff attitudes and inadequate staff training. It is really interesting that, in some instances, RQIA did not follow up on the issues raised in complaints during the next investigation of the home. Where is the intelligent inspection? Where is the thought process? Where is making sure that what needed to be improved was improved? That is fundamental. What a basic failing it was that the previous inspection was not gone through in detail before the next inspection so that you know what things should be rectified in order that standards can be improved. Those who made the complaints and met the review team expressed concerns regarding how their complaints were handled. That is also of concern. People should feel that they are given a fair hearing when they make a complaint.

The primary reason why the failings were highlighted was the whistle-blowing, as others have said. With a number of the recommendations, I am alarmed that they have had to be made in the first place. You would think that they would have been in place from the start. What are we talking about here? The whistle-blowers included an agency care assistant, three care assistants, three members of the Cherry Tree House staff, an observer in Carrickfergus and two other members of Cherry Tree House. Alarm bells should have been ringing very loudly during the process. It was not just someone with a gripe against the employer; the frequency of the complaints is unbelievable. Allegations of abuse of residents were mentioned at least 16 times. The standard of care delivered to residents was mentioned at least 25 times. Other care issues,

such as failure to implement procedures for the protection of vulnerable adults, were mentioned at least 15 times. Glaring issues were raised, but they were not addressed.

Another fascinating detail in the report is this:

*"We recognise that statutory organisations have difficulties in investigating allegations of historical abuse and poor care practice because residents may have died or staff moved on."*

You can see how that would cause a very practical difficulty, but it goes on:

*"However, the review team believe that if, after being investigated, complaints had been followed through, and if contemporaneous records in Cherry Tree House had been inspected, some of these matters could have been addressed at the time they occurred."*

Again, a very fundamental assessment, you would have thought. When you are given a warning that there is a problem in an area, that area should be concentrated on, and any issues that arise should be addressed. Clearly, aspects of the RQIA inspection methodology and practices need to be implemented over the period. Lessons must be learned, as I said at the beginning, for the benefit of all our vulnerable elderly people or those who need care in such residential and nursing homes.

It must be a concern to us all that one relative is quoted as saying:

*"Inspections resulted in the same requirements and recommendations made to Cherry Tree House year after year"*.

No lessons were being learnt, and no effective enforcement was being enacted on the home. It appears that the RQIA had more power; it could have muscled in and enforced. Previous requirements were not being corrected. Surely that could have warranted warnings or, if necessary, the removal of status and making people aware that that could easily have happened. If that had happened, the improvements would have happened much sooner, which would have benefited all concerned.

**Mr Dickson:** Will Mr Beggs give way for a moment?

**Mr Beggs:** Yes.

**Mr Dickson:** I will follow through on that. I am sure that he will agree — I hope that the Minister can address this — that you would think that, post the report and investigation, things might have improved. However, as recently as 28 May this year, two further failure-to-comply notices were issued against the home.

**Mr Beggs:** I have been talking to some relatives as well, and what they have been telling me is that there have been improvements. We have to recognise that. But they also indicated that there needs to be further improvement and that there is not the high quality of care we would all want for our own loved ones. There need to be further improvements, but let us recognise that there has been improvement.

**5.45 pm**

Cherry Tree is an option, and some patients are happy to reside there. It is important that there are facilities available locally for our constituents, and I hope that, with proper enforcement and the cooperation of the management, a high quality of care can be provided.

**Mr Wells:** I am grateful to Mr Dickson for securing this debate today. I know that he has worked tirelessly to represent the families of people in Cherry Tree. I listened very carefully to his views and those expressed by other Members. As I promised earlier in an interjection, I undertake to meet Mr Dickson and the families so that we can look at this very difficult issue in much more detail.

I assure Mr Dickson and Members of this House that I am committed to ensuring that people living in our nursing and residential homes receive a safe and quality standard of care. The important part of achieving these goals involves ensuring that proper and effective processes are in place to identify and rectify any instances where the care provided falls short of what any of us would regard as acceptable for our loved ones. That is why we have a strong independent regulatory body for Health and Social Care (HSC), the Regulation and Quality Improvement Authority, or the RQIA as it is commonly known. This body has statutory powers to inspect standards and to enforce sanctions. I should emphasise that this body was formed in 2005, the time when concerns were being raised by Cherry Tree, and that is relevant, as we will hear later on.

The RQIA inspects provision against departmental minimum standards for nursing and residential care homes. The RQIA uses these standards and the corresponding regulations as the basis for regulation of the sectors. These standards set the benchmark for the quality of care that residents can expect to receive.

Each time the RQIA takes enforcement action, the nature and extent of that enforcement action is published on its website, so there is total openness here. A member of the public can go on to the website and see what has been said about their local residential or nursing home.

The sanctions available to the RQIA include the imposition of conditions on registration, restriction of further admissions until improvement is demonstrated, or cancellation of registration, which results in closure. So, the sanctions are quite draconian when used. The RQIA adopts a stepped approach to enforcement. Closure or urgent closure would be considered as a measure of last resort to be deployed when all other sanctions have failed.

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

**Mr Wells:** I certainly will.

**Mr Beggs:** Does the Minister accept that the RQIA was slow to move to such enforcement action against Cherry Tree House and that, as a result, the poor standards were allowed to continue? It does seem as if, once it moved to that, there has been improvement. So, would he accept that its threshold for requiring evidence of change has been too high and that there needs to be a review of that area?

**Mr Wells:** I am being honest with Members. The report issued in July 2014 does not paint the RQIA in a particularly attractive light. I accept that. What I am hoping to show is that the RQIA has learnt from errors and misjudgements in relation to Cherry Tree House. The penny has dropped, as it were, that improvements were required, and changes have been instigated by this and other examples.

We also have to recognise the impact that closure can have for residents, who may be obliged to give up their home as a consequence. It is also worth pointing out that not every resident of Cherry Tree complained. Some residents were relatively content. But, I also have to admit that many others were not content, and that is an important issue.

The frequency of inspection will increase above the statutory minimum in response to specific enforcement action and/or concerns about the quality of care in a registered home.

Registered providers are required to notify existing residents and their families of formal enforcement action. The RQIA revises and updates its enforcement policy on a regular basis. The current enforcement policy was extensively updated as recently as March 2013 to reflect the lessons learned by the authority in taking enforcement action. The RQIA has also initiated a review of its inspection methodology.

In addition, trusts have a statutory duty to ensure that they provide quality care to all service users and are responsible for carrying out formal reviews of the care packages provided to individuals, as a minimum, once a year. In discharging this statutory duty of quality, trusts work closely with the RQIA in the event of regulatory issues arising, including both care and environmental issues.

Notwithstanding all of this, should any individuals or their families or carers have concerns about the care they are receiving, they can make a complaint in whatever way they are comfortable with. So, individual residents or their representatives do not have to wait until an inspection is carried out. Direct contact can be made with the RQIA if anyone has concerns. I urge MLAs to take that on board and let the RQIA know if they hear of any concerns in their community.

All regulated care homes must operate a complaints procedure that meets the requirements of applicable regulations, relevant minimum standards and the HSC complaints procedure. Complaints may be made by service users or persons acting on their behalf, providing that they have obtained the service user's consent. The registered provider is required by legislation to ensure that the complaint is fully investigated.

Alternatively, individuals may, if they prefer, raise their concerns through the local health and social care trust that has commissioned the care on their behalf. As Mr Dickson stated, it is mostly the Northern Trust in this case. The trust commissioning the care has a continuing duty of care to the service user and should participate in local resolution as necessary. Mr Dickson has been helpful in pointing out that, recently, £653,000 of trust money has been used to fund places in Cherry Tree; that is a very significant amount of money.

Where complaints are raised with the trust, it is its responsibility to establish the nature of the complaint and consider how best to proceed. The complaint may also trigger the need for an investigation under protection of vulnerable adults procedures or, indeed, highlight non-compliance with statutory requirements.

If the RQIA is notified of a breach of regulations or associated standards, it will review the matter and take whatever appropriate action is required. Trusts work closely with the registered providers, other professionals and the RQIA to enable appropriate decisions to be made. HSC trusts must also assure themselves that care homes that deliver care on their behalf are effective and responsive in their handling of complaints.

Of course, another important safeguard for the health and social care system is the identification of a positive whistle-blowing culture. Mr Hilditch made the interesting point that a publication on this very issue was released today. All my Department's arm's-length bodies are required to have a whistle-blowing policy in place. I am encouraged to note that, in a recent HSC staff survey carried out in 2012, 78% of the staff surveyed said that if they were concerned about negligence or wrongdoing by staff they would know how to report their concerns, and 60% said that they would have confidence in doing so. So, I think we are making considerable progress on this issue.

The Cherry Tree report makes it clear that there were shortcomings in the care provided there over a period of time. Everybody accepts that that is the case; no one would deny it. However, it would be remiss of me not to place this in context. Every day in Northern Ireland, care home staff deliver high quality care to almost 10,000 people who live in our residential and nursing homes, with just over 7,000 receiving nursing home care. In the vast majority of these cases, the care provided is of the highest standard. However, as we have seen, sometimes things go wrong and standards slip. What is important is that, when this happens, there are strong and effective measures in place to identify and deal with these cases.

My Department has fully accepted the report's 22 recommendations and is working with the relevant HSC organisations to ensure that they are implemented as soon as possible. I emphasise that because several Members raised that issue, including Mr McMullan, who is no longer with us. I am certain that, if Members have any concerns about the issue, they will be

tabling questions for written or oral answer or writing to me to keep themselves up to date with what is happening in the implementation of the recommendations. There are certainly Members in the Chamber this evening who are extremely keen to write to me, because I get a vast amount of correspondence daily.

I was worried when I read about the Cherry Tree House issue. In fact, it arose when I was Chair and Deputy Chair of the Health Committee. I shared the same concerns that Mr Dickson so ably articulated. I have given my commitment that the Department will do all it can to implement the recommendations as quickly as possible.

My Department is also reviewing the minimum standards for nursing homes, and the revised standards have recently gone to public consultation. My Department is also taking forward the development of the adult safeguarding policy in conjunction with the Department of Justice to introduce a package of measures aimed at improving safeguarding outcomes for children and vulnerable adults across Northern Ireland.

The objectives supporting the policy will range from the prevention of adult abuse through the implementation of good safeguarding arrangements to effective protective responses from lead agencies when adult abuse occurs or is suspected. The intention is that we will publish the finalised policy in 2015.

Finally, I thank all who contributed to the debate. It is quite clear that the issue has caused a great deal of concern among elected representatives in the East Antrim constituency. It is entirely correct that Mr Dickson decided to use his Adjournment debate opportunity to raise the matter. I hope that, when I meet him — hopefully, fairly soon — we will be able to talk through the lessons learned by this unfortunate situation.

Perhaps the one good thing that can come out of all this is that, in future, vulnerable elderly and, sometimes, severely handicapped people in residential nursing care will be guaranteed a much higher and much more acceptable level of care than was evident in Cherry Tree House.

I regard this as a crucial and serious issue because, regardless of our present situation, the vast majority of us will have someone we love in a residential nursing home, or some of us may be residents ourselves at a future time. It is vital that we learn from the stark lessons that this example has exposed and ensure that

we do not have a repeat of the Cherry Tree House issue.

*Adjourned at 5.58 pm.*





Published by Authority of the Northern Ireland Assembly,  
Belfast: The Stationery Office

and available from:

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[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

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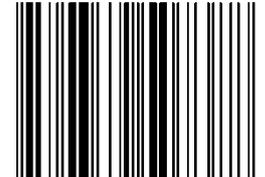
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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325  
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited  
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ISBN 978-0-339-50738-8



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