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Northern Ireland Assembly

Monday 26 January 2015

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Speaker: I draw Members' attention to the fact that someone has a phone that is interfering with the sound system.

Executive Committee Business

Off-street Parking (Functions of District Councils) Bill: Further Consideration Stage

Mr Speaker: I call the Minister for Regional Development, Mr Danny Kennedy, to move the Further Consideration Stage of the Off-street Parking (Functions of District Councils) Bill.

Moved. — [Mr Kennedy (The Minister for Regional Development).]

Mr Speaker: As no amendments have been selected, there is no opportunity for Members to discuss the Off-street Parking (Functions of District Councils) Bill today. Members will, of course, be able to have a full debate at the Final Stage. Further Consideration Stage is, therefore, concluded. The Bill stands referred to the Speaker.

Pensions Scheme Bill: Legislative Consent Motion

Mr Storey (The Minister for Social Development): I beg to move

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Pension Schemes Bill dealing with independent advice, drawdown, conversion of benefits and lump sums, rights to transfer benefits and the financial assistance scheme as contained in clauses 51 to 53 and 60 to 64 of and schedules 2 and 4 to the Bill as brought from the House of Commons to the Lords.

The Westminster Pension Schemes Bill before Parliament contains proposals to establish a new legislative framework for private pensions, facilitate greater flexibility in accessing benefits and help people make informed decisions about what to do with their scheme benefits.

The legislative consent motion deals with the extension to Northern Ireland of measures in the Westminster Bill. The provisions primarily relate to provision necessary to ensure that pension law is compatible with the tax changes that will come into operation in April 2015.

Most of the provisions were added to the Westminster Bill at Committee Stage and Report Stage and so were late additions to the Bill. The Bill has progressed through Parliament more quickly than anticipated, and the Third Reading in the Lords is now expected early next month. As Members are aware, pensions law tends to be somewhat complex and technical, so some technical jargon is unfortunately unavoidable, but I will try to keep it to a minimum.

The background to the provisions is the changes announced by the Chancellor in the 2014 Budget, when he proposed changes to private pensions, giving savers greater flexibility in how they access their money purchase pension pots. The Budget reforms introducing the new flexibilities require substantive changes to tax legislation and are set out in the Taxation of Pensions Act 2014, which received Royal Assent last month. The Pension Schemes Bill contains a number of measures to ensure that the tax change flexibilities are reflected in pensions law, that the two bodies of law remain compatible and that appropriate safeguards are in place. The provisions will come into effect from 6 April 2015, to coincide with the tax changes.

In the main, the provisions relate to the following: independent financial advice for those transferring out of defined benefit schemes; sums and assets that may be designated as available for drawdown, the

conversion of certain benefits for drawdown and the calculation of lump sums; restrictions on the conversion of benefits while schemes are winding up and the payment of lump sums while schemes are in the assessment phase for access to the pension protection fund; and changes to transfer rules for pension scheme members to facilitate the new flexibilities.

First, in relation to independent advice, trustees or managers will be required to check that a member of a defined benefit scheme has received appropriate independent financial advice before converting safeguarded rights into flexible benefits or transferring them to a scheme that provides flexible benefits. Most money purchase schemes already insist on a transferring member taking independent financial advice before accepting the transfer. In certain circumstances, the employer may be liable for the costs of such advice — for example, in an employer-led transfer exercise.

Secondly, the provisions relating to drawdown provide that the designation of funds for a drawdown pension is limited to funds that are held to provide money purchase benefits. They also provide for conditions to be applied on the conversion of cash balance benefits to money purchase benefits. They make provision for the calculation of lump sums from accrued rights to a cash balance benefit.

Thirdly, the provisions restrict the conversion of benefits during winding up etc and the taking of a lump sum while a scheme is being assessed for admission to the pension protection fund.

Fourthly, the provisions amend the transfer rules — for example, to ensure that members can transfer separate categories of accrued benefits if they have two or more categories of benefits within the same scheme.

Finally, the provisions amend legislation relating to the financial assistance scheme, which operates on a UK-wide basis to provide help to members of underfunded pension schemes whose employer was insolvent prior to the establishment of the pension protection fund. The reference to “money purchase scheme” is replaced with a reference to:

“a scheme under which all the benefits that may be provided are money purchase benefits”.

That does not change the effect of the legislation. Rather, it is a technical change to limit the number of categories that may be attached to a pension scheme.

I think that Members will agree that most of the provisions are somewhat technical. As I mentioned earlier, the provisions must be in operation to coincide with the tax changes in April 2015, and it would not be possible to take forward the provisions by way of an Assembly Bill within that time frame. I am, therefore, seeking approval from the Assembly for these provisions of the Westminster Pension Schemes Bill to extend directly to Northern Ireland. Subject to Executive approval, I anticipate bringing forward an Assembly Bill early in the spring.

Mr Brady (The Deputy Chairperson of the Committee for Social Development): Go raibh maith agat, a Cheann Comhairle. I thank the Minister for bringing the legislative consent motion to the Assembly. As Deputy Chairperson of the Committee for Social Development, I support the motion.

At its meeting of 15 January 2015, the Committee for Social Development agreed a short report on the legislative consent motion, concluding that it would support the motion. Notification was sent to all Members prior to the debate, drawing attention to the report on the Committee’s web pages.

As explained by the Minister, the Bill contains a number of provisions that will establish a new legislative framework for private pensions, defining them on the basis of the promise that they offer to members during the accumulation phase about their retirement benefits; facilitate greater flexibility in accessing benefits; and help people to make informed decisions about what to do with their scheme benefits.

As the Bill contains provisions dealing with certain devolved matters, the legislative consent motion seeks to bring forward provisions relating to a number of matters. These are independent financial advice for those transferring out of defined benefit schemes; sums and assets that may be designated as available for drawdown, the conversion of certain benefits for drawdown and the calculation of lump sums; restrictions on the conversion of benefits while schemes are winding up and on the payment of lump sums while schemes are in the assessment phase for access to the pension protection fund; and changes to transfer rules for pension scheme members to facilitate the new flexibilities.

The Committee took evidence from departmental officials on the proposed legislative consent motion. The Committee recognised that the Assembly’s consent was required before the Westminster Bill reached

Third Reading in the House of Lords and acknowledged that the provisions come into effect from 6 April 2015.

Members will be only too well aware of the highly technical nature of pensions. Coupled with a range of legislative changes relating to pensions that have occurred over the last few years, planning for one's pension is something that, to a greater or lesser extent, we all tend to avoid. It seems too difficult either to understand or to contemplate — or both. On the plus side, it would appear that we are living longer. However, with those matters taken together, it is more crucial than ever to ensure that people can plan effectively for their retirement. It is vital, therefore, when planning for retirement, that individuals have access to clear advice on the options open to them. That is particularly important with the legislative consent motion, given the option for people to draw down funds from their pension pot from April 2015, once they reach the age of 55. Undoubtedly, that would appear to be an attractive option, but it also must be considered in the context of the impact on the final pension provision for that individual once he or she does retire. In other words, there is a risk that people could make choices that will leave them unable to fund their retirement fully.

Having access to pension guidance should enable individuals to make informed decisions about their longer-term retirement planning. Bearing that in mind, the Committee welcomed the changes to legislation in the knowledge that people will have access to pension guidance regarding their private pensions. However, I would note that this is not pensions advice. As I said, pensions are a complex area. Receiving generic, albeit free, guidance, I believe, might be only a first step in this process. As an individual, determining what is right for you, given your requirements and your financial status, will require specific advice, and I am concerned that people will ultimately have to pay for that advice. We will continue to explore that with the Department.

Notwithstanding the introduction of automatic enrolment, the Committee also expressed concern regarding the number of people who might not be able to afford to save during their working life to secure a comfortable retirement. Those provisions will be before the Assembly in the form of a Pension Schemes Bill, reflecting the legislation in Westminster. You can be assured that the Committee will conduct a full and effective scrutiny of the Bill at this stage.

In conclusion, with the agreement of the Committee, I support the motion.

Mr Storey: I thank the Deputy Chair of the Committee for his comments and for the work that has already been carried out by the Committee on this issue. I concur with his comments about these issues being complex and challenging for us all to understand. We certainly have to ensure that we try to make it as simple as we possibly can.

12.15 pm

The Deputy Chair raised a very valid point about advice. Since coming into office, I have been particularly exercised about the issue of the advice and information that we, as the Government, put out to people, not only on pensions but, as we move forward later in the House, on welfare reform. The question has rightly been posed: will independent financial advisers and the advice sector be geared up to meet the demand from April of this year? The Government expect that many consumers will seek further advice and will ensure that the guidance equips consumers to choose the advisory service that suits their needs. Recent research from the Association of Professional Financial Advisers shows that 83% of advisers surveyed have the capacity to take on additional claimants seeking advice following a process of guidance. The changes announced at the time of the Budget represent an opportunity for providers to innovate and develop novel solutions that meet the changing needs of consumers. The Government have committed to working with the Financial Conduct Authority to explore the extent to which regulated advice can be made more affordable through more cost-effective delivery, such as the development of online delivery channels.

In addition, the Financial Conduct Authority is working to encourage innovation in a number of areas, including financial advice. It is consulting on guidance to support the development of retail investment advice that aims to encourage the development of appropriate, affordable advice channels for the sale of financial products. We will have to continue to monitor that. There is a duty and responsibility on us to ensure that we make available appropriate advice to the Northern Ireland community.

In conclusion, the proposed provisions should extend to Northern Ireland. The changes to tax law allowing greater flexibility in how money purchase pension pots may be accessed and used come into operation in April 2015. To ensure that the tax change flexibilities are reflected in and compatible with Northern Ireland pensions law and that appropriate safeguards are in place, the changes to

Northern Ireland pensions law must be in place by April 2015. I commend the motion to the Assembly.

Question put and agreed to.

Resolved:

That this Assembly endorses the principle of the extension to Northern Ireland of provisions of the Pension Schemes Bill dealing with independent advice, drawdown, conversion of benefits and lump sums, rights to transfer benefits and the financial assistance scheme as contained in clauses 51 to 53 and 60 to 64 of and schedules 2 and 4 to the Bill as brought from the House of Commons to the Lords.

Private Members' Business

Children's Services Co-operation Bill: Second Stage

Mr Agnew: I beg to move

That the Second Stage of the Children's Services Co-operation Bill [NIA Bill 44/11-16] be agreed.

I commend the Bill to the House. I will give a bit of background to my involvement in this and the principle of a statutory duty to cooperate on the planning, delivery and commissioning of children's services. As far back as 2007, I was a member of the all-party group on children and young people. That was, of course, before I was elected, and I was there representing my employer, Brian Wilson MLA. The idea of a statutory duty to cooperate was brought up continually by representatives of the children's sector. Indeed, I questioned the then junior Ministers on their position on such a duty. I confess, however, that, at that stage, I had not yet been compelled by the arguments for the statutory duty. That did not happen until a meeting at which the Department of Education gave a presentation to the all-party group on its draft early years strategy. One thing I learnt from my time on the all-party group was how important early years are to the development of children. The strategy was to look at early years provision from nought to six years old, which is a key time in a child's life. All the evidence indicates that that is when the impacts of social disadvantage and poverty can really take hold if interventions are not put in place.

To me, as somebody who recognises the value of investing in our children, this was a key

strategy. What I felt at the time was quite an innocent question was this: what Department of Health involvement has there been in the drafting of this strategy? I was told quite clearly that this was a Department of Education strategy. If we bear in mind that this was a 0-6 early years strategy and that the Department of Education largely does not come into contact with children until they are aged four — certainly aged three at the earliest — we had the situation where we had a 0-6 strategy that started at age three. For me, that was damning, and that was the day that I began to understand the need for a statutory duty to cooperate.

At the same time, much discussion was taking place on why the 10-year strategy for children and young people, which had been widely commended for its ambition and remit, was not leading to the delivery that was sought. Indeed, I attended an event hosted by Save the Children when the then junior Minister Martina Anderson accepted that the delivery had not been adequate. I suppose the immediate question was this: if the strategy had been so well held up, why had it not led to the desired outcomes?

The analysis and response that continually came back, certainly from the children's sector and, indeed, from a number of organisations, said that there was a lack of joined-up working between Departments. That was laid out in the Northern Ireland Commissioner for Children and Young People (NICCY) report 'Barriers to Effective Government Delivery for Children in Northern Ireland', which academics at Queen's University wrote. Again, one of the conclusions of that report was that the lack of joined-up working was a barrier to effective governance, and it recommended legislation requiring cooperation as part of the solution to tackling that.

At that time, when I put the questions to the then junior Ministers, the statutory duty was being resisted, and other efforts were made to try to tackle the lack of joined-up working. We had the ministerial subgroup for children and young people, which certainly appeared to be a step in the right direction, but the inability to get Ministers to attend and the irregularity with which it met meant that it could not achieve the necessary aims. Children's champions were also appointed in each Department, but, again, that was felt to be insufficient, because it appeared to be merely an add-on to people's existing roles. The resources and the capacity were not there to allow those people, however well intentioned, to really tackle the lack of joined-up working between Departments.

When I was elected in 2011, I sat down with my party and had a list of ideas. I wanted, as a legislator, to work on a private Member's Bill, and I had a range of ideas. This was the idea that I put to my party as the one that I thought had the potential to have a significant impact. It also had the potential to gain support with virtually all of the children's sector in Northern Ireland. I knew that, as a single-Member party, our resources were limited, we would have that substantial backing. Whilst it did not appear to be an obvious piece of legislation for the Green Party to work on, it was obvious to me, because of what the Greens stand for — looking towards future generations — that this was the Bill that the Green Party should be leading on. I was delighted that my party backed me in going forward with this legislation, and on that basis I met the Bill Office to discuss bringing it forward.

I have to say that the initial meeting with the Bill Office was a bit of a rude awakening. I had an idea and knew what I wanted to achieve — or, at least, I thought I did — but I was immediately asked, "A duty to cooperate on who? A duty to cooperate to do what? When should the duty be required? How can we enforce this duty?" I have to admit that I went away with my tail between my legs, but those were the right questions. I thank the Bill Office for challenging me in such a way, and, indeed, for the work over and above its required duty in helping to produce the Bill. Those questions really set me on the journey, which has been a long one, to reach this point. That meeting was over three years ago now, and it has taken that long to refine the policy objectives, to find the answers to those questions, to get the research showing that it is the right way forward and, finally, to get the Bill drafted.

There are three key aspects to the Bill. There is the high-level duty, which requires all Departments to cooperate in furthering the achievement of the six high-level outcomes that were laid out in the 10-year strategy for children and young people. That was the answer to the question about what it is that Departments must cooperate to do. The six high-level outcomes were agreed between Government and the sector and were an example of cooperation in action. There was input from all sides in bringing together those high-level outcomes. To some extent, they mirror the high-level outcomes that are used in England, and, as I said, they have a high degree of buy-in. As I said previously, the 10-year strategy was lauded for its ambition and scope. That seemed to me to be a good place on which to pin the duty.

The second aspect of the Bill is an amendment to the Children Order. Whereas clause 1 is a duty on Departments to work together, this is essentially a duty on agencies of those Departments to cooperate with each other in the planning, commission and delivery of children's services. I said at the start that there had been a failure to cooperate in the draft early years strategy. I think that was at the strategic level, and I hope it is tackled by the high-level duty. I also said that the failure of the 10-year strategy was in its delivery, not the strategy itself. I believe that the amendment to the Children Order is the vehicle through which to help tackle some of the problems of delivery that we saw with the 10-year strategy.

The third aspect of the Bill is an enabling power to pool budgets. There appears to be a lack of clarity as to whether or not Departments can pool budgets in the way that I understand the pooling of budgets. There is ample evidence that pooling budgets is a resource-efficient way of delivering shared aims and outcomes. It is not required by the Bill, but it is an inevitable consequence of joined-up working. I think that it is important that the legislation is clear that Departments have that power to pool budgets.

Finally, one other aspect of the Bill that is worth outlining is the definition of "children and young people", because it did take some consideration. The definition of "children" is simple to a large extent, but there are various definitions of "young people". The intention of the Bill is for it to apply to all children, and that is why we used the definition of "young people" as outlined in the legislation that created the Children's Commissioner, which defines "young people" as all people under 21. So, it is consistent with the Bill's aim to include all children and young people up to that age.

12.30 pm

The Bill is designed to make good practice common practice. There are examples of good practice. Whilst the Bill seeks to improve working, it is not to say that there is not good working. The Children and Young People's Strategic Partnership (CYPSP) is an example of where agencies have cooperated well, but, often, the evidence came back that the work of the CYPSP was predicated too much on goodwill. The agencies that sit within health had a responsibility to engage with the agencies from other Departments, but those agencies did not have the reciprocal duty to cooperate in return. Whilst goodwill would allow that to happen, in times of stretched resources and other priorities, there was a concern that goodwill was not enough. Clause

4 seeks to strengthen the principles of the CYPSP; indeed, the agencies outlined in clause 4 are members of the CYPSP.

Another recent example of good practice is the early intervention transformation programme. Throughout my journey in the Bill, I have highlighted early intervention as a key example of where lack of joined-up working was leading to the inefficient use of resources. At the all-party group on children and young people presentation from the CYPSP, it was highlighted that there were five Departments each with early intervention programmes. That is five Departments with five different sets of administration. For the organisations seeking funding from those programmes, it is five applications but all with shared aims. That, to me, does not highlight a good way of doing government; it does not highlight a good way of using limited resources and delivering for children. I welcome the step in the right direction of the early intervention transformation programme.

While we have these good practices, it must become common practice. Cooperation must become systemic because there are plenty of bad examples where lack of cooperation is failing children. When I went out to consultation, and throughout the process of the Bill, I have been inundated with organisations that work with children coming to me with examples of where a lack of cooperation is failing the children whom they work with.

A systemic example of failure was highlighted in the NICCY report on the transition to adult services for young people with disabilities, autism or mental ill health. It highlighted that parallel planning for the transition goes on in health and education. They are both planning for the same young person but separately, and the two never come together.

If we take the example of a child with autism, at any transition, it can be something as simple as the transition from the Christmas holidays to going back to school. That is a difficult transition. So, the transition from child to adult services, new people, new social workers, new health professionals, new education professionals will be a major life change. That difficulty is being exacerbated by the fact that health and education are planning separately for those transitions. Those transitions might take place at a separate time in the child's life and are multiplying the number of transitions that a child has to make. If there was a duty on Departments to cooperate in the planning for the transitions for a child, that anxiety, that disruption, that transition could be eased.

Indeed, even without a statutory duty, we should be doing that.

We have evidence from elsewhere that a statutory duty to cooperate is the right way forward.

One of the conclusions of Lord Laming's inquiry into the death of Victoria Climbié was that a lack of joined-up working had failed that child. The Children Act 2004 placed a statutory duty on all local authorities in England to cooperate on children's services. In 2007, that statutory duty was extended to include schools and it was reiterated in the Children and Families Act 2014 for special educational needs provision. In England, where the statutory duty was introduced, that has been the road travelled. Indeed, the duty has been strengthened since its introduction.

In Scotland, the Children (Scotland) Act 1995 contained a duty to commission children's services jointly. That was supplemented in 2004 with guidance for integrated services plans. Most recently, the duty was strengthened under the Children and Young People (Scotland) Act 2014, which places a strict statutory duty to cooperate on the planning, commissioning and delivery of children's services.

When new legislation comes in, there is always concern about any kind of bureaucratic or financial impact. Again, it is important to look at evidence from elsewhere. I looked at case studies done on Barnsley Council and Brighton and Hove City Council. In Barnsley, having integrated services and the pooling of budgets was found to have made savings in management costs. The Audit Commission awarded Barnsley Council three out of four stars for performance when it came to children and young people and three out of four stars for value for money. In Brighton, £255,000 worth of savings was estimated to have been made as a result of the pooling of budgets and the council's use of resources. The weekly cost of residential or foster care in the council area reduced from £561 a week to £487 a week.

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

Although any change will require adjustment and administrative change, and, in many cases, it will require a change of culture, the evidence shows that, when the changes bed in, resources are found to be used more efficiently. Ultimately, that means that more money can be spent on delivering for children.

To quote one parent —

Mr Wilson: Will the Member give way on that point?

Mr Agnew: Yes.

Mr Wilson: All of us want to see more joined-up government, especially in dealing with children, so can the Member explain how his proposals so far would avoid further bureaucracy as Departments look for ways of working together — on groups, through liaising and so on — and instead result in money going to the front end and to the care of children?

Mr Agnew: I can give plenty of examples. I mentioned early intervention. Rather than have five Departments administer five separate funds, administering one fund would seem to be less burdensome. There is a requirement in the Bill for OFMDFM to produce a report on the working of the statutory duty on cooperation between Departments. That would be done every three years. On that, I will say that there is nothing in the Bill that states that the report must be discrete and distinct. OFMDFM already has to report on the child poverty strategy, and, indeed, it is working on a new strategy for children and young people, on which reports will have to be produced. Therefore, the task of having additional reporting on how Departments are cooperating should not be an onerous one.

Clause 4 would reduce the requirement to review and publish a children's plan every year by having a review every two years and, in the third year, a new plan produced, if necessary. The clause essentially mirrors the existing provisions in the Children (Northern Ireland) Order 1995. It adds a requirement to report on cooperation but reduces the frequency with which that reporting must take place.

Sometimes, others can put it better than we can ourselves.

Mr Allister: Will the Member give way?

Mr Agnew: I will finish this point and then I will take an intervention.

In relation to the suggestion that working together would increase bureaucracy, Sir Alan Steer said:

"I cannot see why a behaviour partnership would be a bureaucratic nightmare ... I really cannot see it. If it did end up becoming a bureaucratic nightmare ... I would say that

we are doing it badly. The whole purpose of being in partnership is to solve problems and to reduce pressures and stresses, not to increase them. If you are sitting in a meeting that is a waste of time and a talking shop, I would leave if I were you and do something different."

There is nothing in the Bill, the principles of cooperative working or pooling budgets that should increase administration or bureaucracy. Indeed, as I say, the evidence and the rationale for the Bill suggest that, whilst any transition can be difficult, I would only expect to see savings and a reduction in bureaucracy in the medium to long term as a result of the Bill.

Mr Allister: Can the Member point the House to anything in recent history in Northern Ireland Departments that would have been handled differently if the Bill had been in place? In other words, can he give tangible examples of actual benefit from the Bill before we come to the question of cost? Are there any obvious examples of that?

Mr Agnew: I have outlined some, and I encourage all Members who will be scrutinising the Bill to speak with representatives from the children's sector because, as I say, I have been inundated with quite a few. Often, they tend to be particularly around the lack of joined-up working between Health and Education when it comes to special education needs or disability. An almost bizarre example was presented by the Royal College of Speech and Language Therapists around the owning of equipment for children in schools. Technically, the schools own the equipment, but it is the health providers who know how to work it, and because the equipment was commissioned from the schools' budget, they are responsible for equipment that they do not understand. So, if it came from, for example, a pooled budget and from joint working, the conversations and problems could be ironed out.

As things are, there is still too much separate working, and I used the example of transition planning for young people to adult services. As those things happen separately, the solutions are not found. I believe that cooperative working can help overcome some of the problems, but I am certainly happy to pass on to the Member the many documented examples that I have.

Mr Swann: Will the Member give way?

Mr Agnew: Certainly, yes.

Mr Swann: The Member raises the topic of transition for children with special educational needs (SEN). He may be aware that the Committee for Employment and Learning is doing an inquiry into post-19 SEN. One of the avenues that has been brought up to us is the statementing of children, and some parents have asked whether it would be possible to continue that statement into adult life. You talked about the definition of a young person being up to 21. Has anything that you have done in preparation for the Bill shown you any evidence that a statement on a child that extends to the age of 21 or 23 might be an advantage that would help that transition process?

Mr Agnew: It is an interesting question. I will be honest: I have not considered that in relation to the Bill. The intent of the Bill is understanding that you do not turn 18 one day and all your needs suddenly disappear overnight. That is increasingly recognised through the services offered, but one of the things is about reducing transitions. Why, immediately on turning 18 years of age, do you have to have a different social worker etc? OK, your schoolteacher is not going to come with you, but, in some of these cases, why can the professionals not continue throughout your development? As I say, that has not been the remit of the Bill, but it is an interesting question and certainly something that I will look at in relation to the SEN review.

12.45 pm

Mr Wilson: Will the Member give way?

Mr Agnew: Certainly, yes.

Mr Wilson: Just on that point, while I can see the sense of what he is saying, would he also accept that not all professionals — he used the examples of teachers and social workers — will have the range of skills that can encapsulate the ability to meet all a child's needs? Therefore, you are bound to still get a plethora of people who have to service the child's needs. If he is presenting the Bill as something that would enable us to bring together all that professional expertise in one person, is that not being a bit unrealistic?

Mr Agnew: I thank the Member for his intervention. If I have indicated that that was the intention, I apologise. It is not to, I suppose, combine all the skills in one person, but to get those people working together so that there is a better understanding between professionals. Again, a lot of the evidence is that one of the

outcomes of a requirement to cooperate is that professionals begin to understand people better.

I will give an example of how good practice works. If you look at, say, an assessment for special educational needs, you will see that there are various assessments. You will look at speech and language, motor skills, autism and various things. When it works, all those professionals sit and do the assessment. I have seen this working. A speech and language therapist might say, "Do you know what? There are no speech and language problems, so I can now leave the room and get on with the rest of my work". When it is done badly, that family and child have to go to each and every one of those professionals individually.

A parent summed it up perfectly when she said that, for her, integrated working meant not having to repeat herself 30 times to every different person or part of the system. It is about the whole-child approach; the system wrapping around the child rather than the child and the family meeting the needs of the system and, as I say, rather going to every separate part of the system at different locations, the services actually come to the child. As I say, where those services are not needed, they step back and get on with other things.

I indicated that there is widespread support for the principles of the Bill throughout the children's sector. To be more explicit about it, I mentioned the support from the children's commission and the report from Queen's University that called for a statutory duty. This is something that the outgoing Children's Commissioner and the commission as a whole have supported. Children in Northern Ireland, the umbrella group for much of the children's sector in Northern Ireland, laid it out in one of its two key policy calls for action along with children's budgeting as being the priority policy issues for children in Northern Ireland. Indeed, when I launched the Bill recently, there were over 40 organisations, all of which work with children to some degree, at the launch event to show their support.

Criminal Justice Inspection, in its 2012 report 'Early Youth Interventions' highlighted the lack of cooperative working as being an issue in delivering the prevention of offending.

Mr Wilson: I thank the Member for giving way. On the point that he has made, he has now presented the other side of the coin: the groups that are involved in looking after or are concerned about children. Is the very fact that,

at his launch, he identified 40 different groups not an indication to him that just as it is difficult in the statutory sector to find a way of pulling together everything that is needed to service a child's needs, even within the voluntary, community or lobbying sectors, there is a disparate range of people because, really, these things are not easily brought together under one umbrella or roof?

Mr Agnew: I thank the Member for his intervention. There have been great strides forward by the sector in cooperative working. Indeed, Children in Northern Ireland, the umbrella organisation for most of the sector, has been a great channel through which I have been able to engage. Certainly, I have found organisations in the sector speaking with one voice, cooperating and talking with one another.

UNESCO, in its response to the Programme for Government, highlighted its disappointment at the lack of a statutory duty to cooperate. Finally, in 2008 the Committee for the Office of the First Minister and deputy First Minister in its report put forward a statutory duty to cooperate as a key vehicle for improving outcomes for children and young people.

I look forward to the debate. I have outlined the process by which I got here and the Bill got to this point. I understand that it is by no means finished. I look forward to working with the various Departments to shape the Bill, because I know there are concerns about certain aspects of the drafting, while there appears to be broad support for the principles of the Bill from statutory agencies. I am certainly willing to work with Departments, including OFMDFM, on drafting amendments that improve the Bill and enhance the intended principles.

I am also keen to listen to Members' views here today. I presented to the Committee for the Office of the First Minister and deputy First Minister on three occasions and had feedback; indeed, aspects of the Bill were changed as a result of that engagement. It would be remiss of me in moving a Bill promoting cooperation not to seek to cooperate with Members and Committees of this House and, indeed, Departments and agencies.

With one in four children living in poverty in Northern Ireland — a figure that is constantly on the rise — and resources limited and stretched, it is my belief that we cannot simply do what we have always done because it is how we have always done it. Something does need to change, and the Children's Services Co-operation Bill can be a catalyst for that change

and achieve greater cooperation in the best interests of the children of Northern Ireland.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I begin by apologising to Mr Agnew for missing the opening section of his remarks.

Mr Agnew is no stranger to the Committee; indeed, the Committee has received no fewer than three briefings from Mr Agnew during the development of the Bill. The first was in February 2012, when Mr Agnew appeared before the Committee to outline proposals to introduce a statutory duty on relevant Departments to collaborate in the planning, commissioning and delivery of children's services. This was followed by a briefing on the draft Bill in January of last year, and the third briefing, on 14 January this year, followed the Bill's introduction to the Assembly. Officials from the Office of the First Minister and deputy First Minister also briefed the Committee on that third occasion. Through its own experience of the Northern Ireland Public Services Ombudsman Bill, the Committee is aware of the complexities of bringing a Bill to the Floor of the House. While it has been a long road, I congratulate the Member on getting thus far.

One of the main areas of discussion with Mr Agnew on 14 January was his engagement with the bodies that will have duties placed on them, should this Bill become law. Of particular concern to some members of the Committee was the apparent lack of discussion or consultation with the Department of Health, Social Services and Public Safety and also the Health and Social Care Board, especially given the role proposed for the Health and Social Care Board by Mr Agnew. I will come to the issue of the board's role a little later.

Mr Agnew: I thank the Member for giving way. Again, to show that I have listened to the Committee, I have been in touch with the Health and Social Care Board, which has indicated that, at this point, it has no problems with the principles of the Bill; indeed, it highlighted that the Bill was in line with its own policies and direction of travel.

Mr Nesbitt: I thank the Member for that timely clarification with regard to the Health and Social Care Board. As I said, I will return to those issues later, bearing in mind the Member's comments.

The Committee notes from the evidence session with departmental officials that junior

Ministers have offered their support for the general principles of the Bill. I look forward to hearing from the junior Minister later on. The Committee was also pleased to hear of the cooperation that is now happening between the Bill's sponsor and the Department. That is particularly important in light of the concerns raised by officials that the Bill, as drafted, may not deliver on its policy intent and may require what they have called "significant amendments" in order to meet its own objectives. That said, officials also stated that in their view:

"The Bill will very much strengthen the new children and young people's strategy as we take the old one forward to its conclusion. The key to the strategy is cross-departmental work, so something that legislatively strengthens that would be very effective."

I will now make some brief remarks on the key issues relating to each clause that arose during our discussions with the Bill's sponsor and the departmental officials.

Clause 1 introduces a duty on all Departments to cooperate in working towards the achievement of the six high-level outcomes for all children. As outlined by Mr Agnew, they are: being healthy; enjoying learning and achieving; living in safety and with stability; experiencing economic and environmental well-being; contributing positively to community and society; and living in a society which respects their rights. Those outcomes are specified in the children and young people's strategy for 2006-2016.

Mr Wilson: I thank the Chairman for giving way. Did the Committee have any comment to make on what the high-level issues that were raised in the Bill mean? I will take one that I can think of from my own experience: enjoying education. Was any probing done as to what that actually means, how it would be delivered and, indeed, whether an institution would fall foul of not achieving that goal if it was challenged by a youngster because they did not particularly like the school that they were at or the experience that they were having at that school?

Mr Nesbitt: I thank the Member for his intervention. It is a very interesting point, and one that the Committee will be looking at in more detail going forward, rather than retrospectively. I will come on to, I think, a related issue in a second.

As I say, those six high-level outcomes come from the children and young people's strategy for 2006-2016. A new strategy will need to be considered for post-2016 and, of course, this Bill will need to be sufficiently flexible to adapt to any changes or new outcomes that may be defined in that new strategy. In addition, the Committee last week received a briefing on the draft child poverty strategy for 2014-17. It refers to four, not six, high-level outcomes. We have sought clarity from the Department on whether they might have an impact on the Bill that is before us today. I will read into the record, for completeness, the four high-level outcomes from the child poverty strategy: families experiencing economic well-being; children in poverty to learn and achieve; children in poverty being healthy; and children in poverty living in safe, secure and stable environments.

I refer back to Mr Wilson's intervention. I think there are two issues here: what these high-level outcomes actually mean in practice, and whether there is any tension between having six in one strategy and four in the other. Finally, one should also consider what implications they may have for Mr Agnew's Bill, should it become law.

Members also considered that while the Bill will require people to cooperate, it does not actually require anyone to do anything better or to do anything differently. I think that is key to our considerations. We would be hard-pressed to find anybody who would object to the overarching premise of a Bill that seeks to do better for children. The question that needs to be asked is this: what cooperation already exists, and is it clear what exactly the legislation will do to make things better?

1.00 pm

Clause 2 requires OFMDFM to report on cooperation in working to achieve the outcomes. It also requires all Departments to cooperate with OFMDFM in preparing that report. Concerns were raised by members and officials about the potential increase in bureaucracy and duplication in reporting, and officials noted a concern about resulting resource implications. In addition, what sanctions or penalties might be imposed for late reporting or non-compliance with the duty? I ask this as my Committee has just received a briefing on the child poverty strategy, including the annual report for 2013-14, which should have been laid in March of last year but was 10 months late. It was 10 months late, Mr Deputy Speaker, with no apparent sanction.

Clause 3 enables but does not require the pooling of funds and sharing of resources to achieve the six high-level outcomes. The Committee heard from departmental officials that there will be a need to ensure that there is correct management audit and accountability to ensure that pooling of resources is done effectively.

Clause 4, which is perhaps the most controversial clause, requires the Health and Social Care Board to review and publish a children and young people's plan and lists a number of public bodies required to cooperate in the planning, commissioning and delivery of children's services. I have already noted the Committee's concern about the level of engagement that Mr Agnew has had with the bodies listed in clause 4. A more serious question was raised by one member as to whether the Bill devolves a level of authority to the Health and Social Care Board that would give it significant powers over Departments. That concern was also shared by officials, but, again, I note the intervention from the sponsor of the Bill, Mr Agnew, a few minutes ago to say that, in his words, the Health and Social Care Board is content with the role being placed on it.

If the Bill passes today, it will move to the Committee for the Office of the First Minister and deputy First Minister for its Committee Stage. I have outlined just a few issues that have been raised by members and officials, and the Committee will examine these and any other issues in greater detail as we go forward. We intend to issue a call for evidence and seek the views of relevant stakeholders to help to inform our deliberations. I am also conscious that Mr Agnew and the OFMDFM officials have mentioned the potential need for amendments. The Committee asks that it be kept fully up to speed in a timely manner on progress. Talking of timings, the Committee has a busy work programme, and I anticipate that an extension will be required to allow the Committee to conduct a full examination of the issues. I cannot go beyond saying that we will need an extension to define how long, but it is important to put on record at this point that an extension to the Committee Stage scrutiny is, I believe, inevitable.

If I may, I want to make a few remarks in a personal capacity. The overarching aim of Mr Agnew's Bill is to bring forward collaborative working. I am conscious that this Government, like many around the globe, tends to work vertically. You have your Health and Education Departments and so on, and we now know that, to really achieve for people, you have to come

through, as it were, horizontally with cooperation between Departments to get them out of their silos. So, the principle of the Bill is good.

I believe that the most significant thing that we can do to bring forward collaborative working is to change what we do after an election. Currently, we run d'Hondt, and then we try to devise a Programme for Government. I propose that we switch those around — this is in the Stormont House Agreement — and, after the 2016 election, we sit down, and those who are entitled to be at the Executive table try to agree heads of agreement for the Programme for Government before we run d'Hondt and before people are in their silos. We need to agree the broad outline before we know what it is that we have to do to deliver on it. Mr Wilson.

Mr Wilson: Having seen just how wasteful that silo mentality can sometimes be, I agree with the Member, but does he agree that that has massive implications for the way in which we do budgetary policy? The silo mentality is, of course, partly due to the fact that budgets are allocated to Departments, and there is very little room and scope for moving money from one Department to another or having money allocated in a way that allows it to cross Departments, other than holding it at the centre or, sometimes, giving it to another Department, which then distributes it for particular issues, which in itself, as we have seen, can breed complications.

Mr Nesbitt: I thank the Member for his intervention. If he is saying that he perhaps sees potential for greater linkage between a Programme for Government and budgetary planning, I very much agree with him. If we go down this route, which I very much hope that we do, of agreeing a Programme for Government with broad intents as our first step, this will have implications down the line for budgets. However, it seems to me that when we leave the House to go canvassing for the next election, we leave behind a Civil Service that is more than fit to take a look at the broad issues and start drawing up options papers for the parties of the Executive. We can be pretty confident that we know at least four, if not all five, of the parties that are likely to be entitled to a place in government. So it is not as though we are going to try to do what the Conservatives had to do after the 2010 general election, which was suddenly to sit down and see whether they could form a relationship with another party to form the Government. We know what is coming down the tracks, and a lot of work can be done. I take your point that the

budgetary implications need to be considered as well in that proposal.

Mr Agnew is placing new statutory duties on Departments, as he made clear. The evidence from elsewhere tends to suggest that, as a matter of principle, that is effective. It is then a question of where those duties lie, especially the coordination of same.

I have a slight question about the impact of the Bill if we implement in full the Stormont House Agreement and reduce the number of Departments from 12 to nine. What might be the implications of that for cross-departmental cooperation? That is just a question at this stage because we do not yet know how the Stormont House Agreement will pan out. The pooling of budgets is not an issue of principle, but how does it work in practice?

Finally, I have a note of caution about the potential burden of the reporting mechanisms. If the focus is to get people thinking less about the inputs of government and more about delivering for children on these high-level outcomes, it would be ironic if one of the implications of the legislation was simply to add to the bureaucratic burden.

Those points are simply to lay down markers from the Committee and me as we welcome the Bill and look forward to scrutinising it over the coming weeks and months.

Mr Moutray: I am broadly in support of the Bill. However, I, along with colleagues, have concerns about some of the drafting and the potential increase in bureaucracy should the level of reporting referred to in the Bill be enacted.

As I started to research the Bill and analyse its contents, I took the time to look at other jurisdictions and their take on children and young people. I was somewhat taken by Scotland's Getting it Right for Every Child approach, the aim of which is to promote working across organisational and departmental boundaries in order to put children and young people at the heart of decision-making and give them the best start in life. That is, I believe, the sentiment of the Bill that is before us, but more work needs to be done to ensure that it delivers what Mr Agnew is hoping for. It needs to connect sector providers with government so that people work collaboratively to deliver. My fear is that the Bill, as it sits, pays lip service to joined-up working but would in no way legislate for or force such working.

As children and young people progress through life, some may have temporary difficulties, live with challenges or experience more complex issues. It is important that we as a government work seamlessly to assist them to reach their potential.

I want every child and young person, as it says in the Bill, to be healthy; enjoy learning and achieving; be able to live in a society with stability; experience economic and environmental well-being; contribute positively to community and society; and live in a society that respects their rights.

The Bill does not go far enough concerning collaboration and the need to work collectively as an Executive. The onus is too much on OFMDFM, which in itself is fine, but ultimately, children and young people's progression cuts across DE, the Department of Health, DEL, DRD and others. There is no one Department that can bring about change in isolation.

I am also concerned that Mr Agnew has not been succinct enough in garnering information from best practice across the world. To that end, it is difficult to ascertain whether this direction of travel will have measurable outputs. The Bill lacks tangible outcomes that can be measured for success.

Another concern is the choice of words and the consequences and outworkings of pooling budgets. That was well discussed at our Committee, and I believe that a significant reworking of the Bill needs to happen in that regard to make it workable.

Also, cognisance needs to be given to the fact that many Departments are already working towards tackling some of the fundamental issues the Bill is aimed at tackling. Therefore, additional work needs to be carried out to ascertain what initiatives and programmes are being carried out and what is best practice so as not to create additional layers of bureaucracy.

As I said at the start, I agree in principle with the Bill, and I have no doubt that the Bill will, and should, look significantly different when it reaches its final stages, but I wish the Member well.

Ms Fearon: Go raibh maith agat, a LeasCheann Comhairle. Like others, I welcome the opportunity to speak to this Bill and broadly outline Sinn Féin's stance.

We are keen to support the broad principles behind the Bill. A duty on Departments to

cooperate in the delivery of services will surely only lead to better outcomes for the most important people in all of this; our children and young people. We want to see maximum cooperation across Departments to achieve agreed and specified outcomes for children and young people, which, as mentioned by other Members, include being healthy, safety and economic well-being. One of the most important outcomes is for children and young people to live in a society that protects their rights. Too often, children are ignored as right-bearers in their own right. There are a few examples of that which we could go into. This is probably not the time or place to do so, but that is an important point to note.

We have no difficulty with the main thrust of the Bill, and we are not averse to there being a statutory duty to cooperate. In relation to what has been mentioned around OFMDFM reporting to the Assembly —

Mr Wilson: Will the Member give way?

Ms Fearon: Yes.

Mr Wilson: There has been general support around the House for the aims of the Bill. I ask this because one of the Member's Ministers is responsible, and I would ask the same to my own colleague who is the Minister of Health. The educational results for children in care are very poor compared with those of children who are not in care. What does she envisage being put in place in this Bill that will improve the results of children in care, who, on one hand are under Health, and, on the other hand, are finding that school performance is poor? How does she see this Bill leading to cooperation that would improve the results for children who are in that situation?

Ms Fearon: The Member might want to put his name down to speak.

It is all about cooperation. Some agencies do not talk to each other and do not have the information. Steven mentioned the 0-6 early years strategy starting at age three or four. So, cooperation will always be a good thing. I have my own questions about the more specified outcomes, which I will go into. OFMDFM has the policy responsibility for children and young people (CYP), including the taking forward of the CYP strategy, and works already with Departments on the coordination of actions to take that forward.

Concerns have been raised by some that the need to report could just lead to increased

bureaucracy, which, arguably, goes against what the Bill is trying to do, but we are happy enough with some of the clarification that we have received on those points. Obviously, the effectiveness of increased cooperation has to be tracked to ensure that outcomes are being met and that we are working as efficiently as possible.

On the sharing and pooling of resources, again, we are happy with the principle behind it, but we have some reservations that it might not go far enough. Delivering Social Change was mentioned earlier, and we see that as an important delivery model. We would like to see more definitive work done on the pooling of resources; on how it is done, what it means in practice and whether a real budget line could be attached to it.

1.15 pm

There are reservations that I pointed out and would welcome feedback on. There does not appear to be any specific requirements to deliver improvements on the current situation or sanctions for not delivering. Essentially, Departments are being enabled, but not compelled, to pool resources.

Clause 4 is probably the most contentious, and we have difficulties with the principles behind it. We see it as the transferring of the control of the planning, development, procuring and commissioning of services for children and young people to the Health and Social Care Board at the expense of elected representatives and, with that, the usurping of ministerial autonomy to set policy direction. We have difficulty with giving control to an arm's-length body of the Health Department, which has already been criticised for being top-heavy, and also because Ministers should retain their ability to develop plans according to their own priorities. We agree absolutely with the principle of ensuring cooperation and want to support a Bill that puts requirements on people to do that. However, that support stops short of supporting giving authority to an arm's-length body to make determinations or to modify plans, which, in my opinion, takes away from, rather than strengthens, democratic accountability.

In conclusion, there is some ambiguity around the Bill. Sometimes, it can be difficult to make out its policy intent in a clear way. The Bill requires restructuring and amendments, which I am sure we will come to at a later stage. It is important to recognise that there is already good practice and that good work being done in this area. My take on the general intent of the

Bill is that it is to make good existing practice systemic. We can support that because, ultimately, the protection of children is paramount.

Mrs D Kelly: On behalf of the SDLP, I also congratulate Mr Agnew and welcome his efforts in bringing forward what I believe to be an important piece of legislation. As Mr Agnew and others may know, my colleague Alex Attwood was at the launch of the Bill. He pledged the SDLP's support for the Bill, and I reiterate that support today.

As others said, if passed, the Bill will require Departments to cooperate with one another on the well-being of children and young people in Northern Ireland. A duty to safeguard those children who are deemed at risk was introduced in the Safeguarding Board Act in 2011. It is impossible to compartmentalise children's needs into one Department. It is cross-departmental, and cooperation between Departments is vital for the well-being of all children.

Mr Agnew talked about the levels of poverty experienced by children and young people in the North of Ireland. Twenty-one per cent of children here live in persistent child poverty, which is double the rate of child poverty in Great Britain. We have higher levels of government spend per child but much poorer outcomes. Collaborative working between Departments could bring about changes that would lead to better outcomes for children.

Inadequate integration of children's services in Northern Ireland has been repeatedly identified by a wide range of organisations. Indeed, Mr Agnew referred to some of them in preparing for the drafting of the Bill. These organisations are well experienced, have worked with children and young people over many years, and have their well-being at heart. Those are voices that ought to be respected and listened to. Mr Agnew has done his best to respond to the calls made by those organisations. No doubt, as the Bill progresses through the House, he will take further advice not only from those experts but from potential experts here on how the Bill may be improved upon, and accept some of the amendments that may come forward.

This legislation certainly responds to all those calls. It would also give Departments the ability to pool their budgets to ensure that their limited budgets are used effectively. It is a matter of ongoing regret that Sinn Féin and the DUP dispensed with the Executive fund for children and young people that existed under the former Executive led by the SDLP and the Ulster

Unionist Party. It might have addressed some of the concerns articulated in the debate by Mr Wilson. He asked whether we might have examples of children in care. Well, Kathleen Marshall's report indicated that those children who were exploited fell between the stools of the health service, education and the police, that their experiences were not picked up, and that action could have been taken sooner to help them.

The Bill can have far-reaching consequences. It will look to have not only a duty to cooperate but, in a more meaningful way, a child-centred approach to our legislation and to the service that our public sector has to deliver on behalf of the Assembly and Executive to families, and to children in particular. We are therefore happy to support the legislation's progress.

Mr Lyttle: On behalf of the Alliance Party, I give our support to the general principles of Mr Agnew's Bill. It has been a pleasure to work with him on the all-party group on children and young people, and, indeed, with the wider children and young people's sector on a number of key issues.

The Alliance Party had an Assembly election manifesto commitment to support legislation that would introduce a statutory duty on all Departments to cooperate and collaborate. Improved cooperation is needed on many issues, such as early intervention in health and education and the delivery of a shared and prosperous society here, but it is needed particularly in the planning, implementation and monitoring of children's services to ensure that we deliver for children and young people in Northern Ireland.

Cooperation is vital in any Government, and perhaps most particularly in a multiparty Executive. We have some good examples of good practice. We have DRD's cycling unit and the Department of Health's Public Health Agency cooperating and pooling budgets to create the Active School Travel programme, which provides on-road cycle training and improved cycling infrastructure for schools. As a result of that cooperation, we have seen good outcomes achieved for increasing the number of children walking and cycling to school. We have seen the Department for Employment and Learning lead on an Executive strategy for young people not in education, employment or training (NEET) and work with the third sector to create a NEET collaboration and innovation fund. We have also seen the Department for Employment and Learning cooperate and pool budgets with the Department of Justice to improve learning opportunities for young

offenders in order to reduce offending and improve educational outcomes for people in those circumstances.

In fairness, OFMDFM created the Delivering Social Change-approach and brought forward high-level outcomes for children and young people through the children and young people's strategy and, indeed, the child poverty strategy, which is a welcome outcomes-based approach. However, my party and I believe that a statutory duty to cooperate — enabling the pooling of budgets and enhanced reporting mechanisms — stands to enhance that cooperation and, as Mr Agnew said, ensure that good practice becomes common practice. Cooperation in children's services is absolutely vital, and we have seen it well modelled by the Children and Young People's Strategic Partnership as well as through other work done by the NEET Youth Forum.

It is essential that the Assembly require the Executive to coordinate services and maximise resources as effectively as possible, particularly on behalf of children and young people in our community. We have heard stark warnings from the Institute for Fiscal Studies and the UN about the growing issue of child poverty. The UN has warned that failure to achieve positive outcomes for children is one of the most costly mistakes that a society can make, so the Alliance Party will continue to work collaboratively to ensure that we do not make that mistake in Northern Ireland and that we deliver for children and young people. As Deputy Chair of the Committee for the Office of the First Minister and deputy First Minister, I hope to have an opportunity to play an active role in the scrutiny and consideration of the detail of the Bill at Committee Stage. I look forward to that.

Mrs Hale: I welcome the opportunity to speak briefly on the Second Stage of the Children's Services Co-operation Bill. I place on the record the hard work that Mr Agnew and his team carried out in bringing the Bill to the House.

It is up to us as representatives to ensure that we keep issues such as child poverty, youth justice and children's mental health at the top of the political agenda. Those issues must remain visible, not hidden, and, for that reason, I welcome the sentiments in the Bill. However, whilst I welcome its sentiments and the drive to ensure that we deliver for children at all levels across our Province, I have a number of concerns about it.

First, I have concerns that, although Mr Agnew believes that budgets pooled amongst Departments will ensure better collaboration on many issues, I do not believe that that will create a culture of mutual benefit or prevent Departments from delivering their own priorities. Whilst this model has grown progressively throughout England and Wales from 2004, there is little evidence that it would work well for Northern Ireland, given our uniqueness in relation to both our systems of government and Departments. Notably, I agree that we must continue to pursue an agenda that strengthens collaboration among Departments when it comes to issues that affect children and young people. However, I do not think that we have enough evidence, at this stage, to show that the model proposed will create outcomes that are any better for the most vulnerable in our society. More information in relation to that specific area would be welcomed and will help us to ensure that we are making the right decision for our children and young people.

Secondly, I share the same concerns as many of my party colleagues in relation to the financial cost, and the indirect cost of planning, managing, reporting and reviewing such collaborative programmes, placed by statutory demands, that would become mandatory for all relevant Departments as part of the Bill. Whilst we do not have the full costs of implementation it is clear, at this stage, that they will be considerably high. My genuine worry is that we spend a huge amount of resource at this time when budgets are already limited. I believe that the additional resources needed, coming off the back of the proposed Bill, could be better used in ensuring that we protect the most vulnerable in society.

Thirdly, I agree —

Mr Agnew: I thank the Member for giving way. The issue of cost has come up repeatedly and I have outlined the best evidence that I can find as to how cooperative working improves efficiency and decreases the costs of administration. I keep hearing, and being told, that this will cost a lot of money. Will the Member give me an example of how it will increase costs?

Mrs Hale: I thank Mr Agnew for his intervention. I think that while we are drilling down on this, and on the amount of resources being put into bringing this Bill forward, we need to be assured that the money will be well spent and is not taken away from front-line services.

Going back to the Bill, I think that, in some places, it is a little short on detail. That does

not mean that I do not share the sentiments of the Bill; only that, if we are to pass any type of legislation, it must be able to stand up to both current and — more importantly — future litmus tests to ensure best delivery on the ground. So, while we are supporting the Bill today, if it is not radically redrafted, our support cannot be guaranteed.

I take the view, at this stage, that OFMDFM is still best-placed to deal with the collaboration of all other Departments, through its duty of care to monitor, report and produce strategies on issues that directly impact on children. Whilst there have certainly been some challenges in delivering the 10-year strategy for children and young people, the Executive have not shied away from such programmes as Delivering Social Change (DSC). The journey has started in challenging the difficulties that many families find themselves in.

I welcome the moves behind Mr Agnew's Bill, and share the passion that has brought it to the Floor, but I reserve my judgement until more is known about the financial implications of the Bill.

Mr D McIlveen: Few in the House could deny that the aspirations behind the Bill are worthy of support. Therefore, I, like my colleagues, take the view that, at this stage, we will not stand in the way of the Bill progressing to its further stages.

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

I share the concerns about how we get to the end the point of the Bill. I do not think that anyone can say, with any degree of credibility, that, if the Bill were to be made law in its current form today, it would not cause an increase in bureaucracy. It is clear that a bureaucratic load would be put on all the Departments that are asked to be part of it.

Now, that said —

Mr Agnew: Will the Member give way?

Mr D McIlveen: Yes I will.

Mr Agnew: I put to you the same question that I put to your colleague Brenda Hale. Can you outline where you see additional costs? I accept that there may be some transitional costs, but I see them as only marginal. Can you outline where you see costs in the provisions of the Bill?

Mr D McIlveen: There are two types of cost. First, there is money, as in the physical cost of the capital that we would put into it; I will speak about that in a moment. However, there is also the human resource cost. I think that the Member, in his challenges, has failed to address the fact that the reports that would be compiled as part of this legislation are statute barred to two years. Colleagues whom I sit with, in the House and, for example, on the Policing Board, know that, when it comes to dealing with a circle of correspondence, two years is not a long time. In many cases —

Mr Agnew: Will the Member give way?

Mr D McIlveen: If you would just let me finish the point. I know the point that you want to make.

1.30 pm

The fact is, if we find ourselves in a position in which a case is referred to a health and social care trust, the reply from that will require clarification from the PSNI. The PSNI may require clarification from another area and, by the time that comes back to the PSNI, there may only be a very limited amount of time left to compile the report within the two-year statute bar. We would have a problem with that if the PSNI was to find itself in a position in which it would be in breach of legislation if it did not get the required information in on time and had to pull resources from the front line to deal with it. So, there is a human resource cost as well as a capital cost.

If the Member wants to continue his intervention, I would certainly welcome it.

Mr Agnew: I thank the Member for giving way. I would point out that those reports are already required and that the reporting on cooperation would be an additional section. Under the Children's Order, reports are required every year. My Bill would change that to two-year reporting and three years for the production of a new plan. So, clause 4 would actually reduce the level of reporting.

Mr D McIlveen: What the Member has failed to address is the fact that the Bill would significantly change the processes through which that would be done. It may just be the way that it is drafted. I accept that, and that is why we are all approaching the Bill with an open mind. However, as it is drafted, I feel that it will put a burden on public bodies that does not currently exist, and I know that it has also been the view of the Committee and other

colleagues. We have to be acutely aware of that —

Mr Lyttle: I thank the Member for giving way. I do not need to speak on behalf of Mr Agnew, but is the Member seriously saying that Departments giving an account of how well they have worked together and how exactly they have used resources on behalf of children and young people is a bad thing?

Mr D McIlveen: No, in no way am I saying that. In fact, I think that most of us, and certainly I have regularly been on record as saying this, that we want better collaboration between Departments. However, we are not talking about the principle of collaboration; nobody is against that principle. What we are talking about is putting that in statute and, when you do that, it goes from being a principle to something that has to be very rigidly adhered to.

We are all long enough in politics to realise that, sometimes, the wheels of Departments do not turn not just as quickly as we want them to, particularly from a cross-departmental point of view. We want to avoid anything coming into statute that is not absolutely crystal clear about the fact that it will not remove front-line resources to deal with unnecessary bureaucratic burdens. That is what we want to deal with when it comes to the passing of this legislation and that is why, in principle, we have no difficulty with what the legislation is trying to achieve. However, we certainly would want to make sure that, as it progresses through its further stages, including the Committee, all those issues are thoroughly interrogated and that an unnecessary bureaucratic burden is not put on resources and Departments that are hugely under pressure.

Mrs Overend: Thank you for the opportunity to speak on behalf of the Ulster Unionist Party, as its spokesperson for children and young people, on the Second Stage of Mr Agnew's Children's Services Co-operation Bill.

The Bill requires Northern Ireland Departments to discharge their functions and cooperate with one another to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people. In terms of the general duty, those outcomes include being healthy; enjoying learning and achieving; living in safety and stability; experiencing economic and environmental well-being; contributing positively to community and society; and living in a society that respects their rights. Those are all very worthy sentiments, and I believe that the Bill will bring about changes that will

increase effectiveness in practice, which is likely to lead to better outcomes.

There is presently no requirement for Departments or public bodies to cooperate with each other on the issue of children's services.

The objective of a statutory duty to cooperate is to ensure that Departments work together to devise and implement cross-cutting strategies. The intention is to improve outcomes for children by supporting, enhancing and encouraging cooperation to ensure that children's services are most integrated from the point of view of the recipient.

Inadequate integration of children's services in Northern Ireland has been repeatedly identified by a wide range of organisations and stakeholders with expertise in the area. Two weeks ago, I attended the event in the Long Gallery at which Mr Agnew expanded on his Bill. A number of key stakeholders were present, and a video presentation was shown in which a disabled school pupil highlighted the difficulties that she had experienced throughout her school career in getting health and education authorities to take action and deliver the care to which she was entitled. It was a powerful example of how Departments, when left to their own devices, often revert to the instinct of seeking to pass the buck to others and hoping that a problem will go away. I have seen examples of that time and again brought to my constituency office, and I am sure that other Members will agree that that type of attitude is exactly why I am particularly drawn to the intent of the Bill to ensure that each Northern Ireland Department must cooperate with other Northern Ireland Departments to further the achievement of the specified outcomes.

All too often, joined-up government has not been evident, as Departments have sought to avoid responsibility. The Bill will close down that option, and that can only be of benefit to our children and young people. We should all be striving to ensure collaboration within government in relation to children's services and greater collaboration between government agencies and Departments in order to improve outcomes for children and young people. We should be doing our utmost to ensure that a more efficient and effective system is put in place so that Departments and bodies work together and avoid duplication.

Through my experience of attempting to pursue a cross-departmental strategy for Internet safety, I am only too well aware of the difficulty of achieving that goal. Indeed, I have engaged

with the Office of the First Minister and deputy First Minister, and it agreed to my request to carry out a gapping and mapping exercise throughout all Departments to see what work is happening now and where improvements need to be made. As Members know, the Department of Education has responsibility for Internet safety in schools and youth services, while the Department of Health has responsibility for safeguarding. Of course, there are connecting responsibilities in the PSNI and the Department of Justice. Therefore, Internet safety is an issue that requires cross-departmental working, the drafting of a strategy and accountability to ensure delivery. Yet, two years after the aforementioned gapping and mapping exercise, there has been no action to address the dangers that were highlighted or to propose an efficient and coherent cross-departmental strategy to ensure that all our young people obtain uniform messages and parents have good and updated information and guidance. Therefore, if this Bill will enable such strategic cooperation across Departments in a timely and workable manner, it will certainly prove very useful.

I am interested in results, and I believe that placing a duty to cooperate will make cooperation more likely and deliver results for children and young people. Sometimes in the House, we vote on legislation that is ideologically motivated; sometimes we vote on legislation because we are maintaining parity with Great Britain; and sometimes — just sometimes — we implement legislation because it is the right thing to do and because it will make life better for the citizens of Northern Ireland. It seems that the principles of the Bill will help deliver better services for children. On that basis, I am content to support its Second Stage.

Mr Principal Deputy Speaker: I call Mr McCallister.

Mr McCallister: Thank you, Mr Principal Deputy Speaker. Congratulations to you. This is possibly the first time that you have been in the Chair.

Congratulations to Mr Agnew on bringing the Bill to this stage. As the debate is about the broad principles of the Bill, I think that, listening to the debate, there is broad consensus that anything that we can do as an Assembly to help improve the outcomes for children and young people is to be welcomed.

When you look at the Executive's record in addressing some of the issues, I do not think

there is a particularly happy outcome, and when you look at the record of cooperation between Departments, it is not always particularly noticeable where and when they cooperate and to what purpose. Most of the criticism that I have heard about the Bill during the debate has been over the cost elements. I suspect that, if there were better cooperation, it should reduce costs, not increase them. If there were better outcomes for children and young people, it would reduce costs, not increase them.

I have slightly more reservations about the Bill in two areas. When you legislate, making sure that a Bill contains enough flexibility, as strategies evolve and changes become very evident, and as best practice and the evidence base evolve, change and move on, to respond to that and change while always being focused on having the outcomes for children and young people — not always doing things because we have always done them — is key in any Department, never mind when we start to cooperate.

The other area of concern was a bit of a debate between Mr Nesbitt and Mr Wilson. I agree with parts of that, and it is no surprise that I am working on my own Bill. How do we make all of government coordinate better? That will come about only with things like a Programme for Government that is outcomes-based, not one that is so high-level that it brings everyone into the tent. Of course, the challenge to Mr Nesbitt, although he is not in his place, is this: if you do not get some of that in the Programme for Government, what are you going to do about it? Are you going to not participate in government? Are you going to leave it? The difficulty is that there has to be an electoral price for that. When we talk about cooperation in Mr Agnew's Bill, we need to see that. We need to see it across government. We need to see a properly constituted Programme for Government and collective Cabinet responsibility across the Executive so that, when the Executive and the Departments set their mind, everybody is putting their shoulder to the wheel. I suspect that that is what is driving and motivating Mr Agnew, particularly when it comes to children and young people: every Department that touches on the lives of children and young people should put its shoulder to the wheel and say, "It is not just up to the Department of Education to deal with this; this is our business, too. This is part of Justice, Health or DSD as well" — whatever configuration of Departments we have. It has to look like it is everybody's business if we are going to transform lives.

Budgets, the pooling of them and how you do that has been mentioned. I think that Mr Wilson

raised the point about how you pool budgets. The structure that we have at the minute very much encourages that silo mentality. Breaking down that silo mentality lies at the core of Mr Agnew's Bill. We should be looking at other ways of government doing it. Can they buy in, for example, if the newly created change fund is very successful, or if investing to save was more successful? It is about making sure that those are targeted at the core areas that we want to improve. Too much of investing to save has been used to try to pay for redundancies. We know from the wider Budget debate that we are set to borrow about £700 million to make people redundant. Junior Minister Bell has been very much at the forefront of Delivering Social Change. It is about making sure that those strategies are coordinated, meaningful, outcomes-based and focused, so that they are not just nice strategies that read well and say, "We're going to target this". That is always what has bedevilled this Administration with their Programme for Government; it has been too highbrow and not outcomes-based. If Mr Agnew's Bill can help to add to any of that, it is worthy of consideration. It is right and proper that, in this debate on broad principles, we support that and say that it is up to the Committee to scrutinise, take evidence and see how to improve the Bill. I am happy to support the Bill. I apologise to the House that I cannot stay for all the debate, but I hope to hear junior Minister Bell's response.

1.45 pm

Ms Sugden: This private Member's Bill is essentially about two things: better government and better outcomes for our children and young people. Those two things alone mean that I can stand here and wholeheartedly support Mr Agnew's Bill. Let us face it: we are failing our children and young people. In fact, we are failing Northern Ireland. Why is that? It is because our Departments exist in a silo mentality, which is ironic given that we are in a power-sharing, consociational arrangement. I do not think that it is controversial to say that. Indeed, I think that many Members will acknowledge the lack of collaboration and, therefore, severe inefficiencies in how we provide public services for the people whom we represent. I say quite wholeheartedly, therefore, that Mr Agnew's private Member's Bill is probably the most important Bill to reach the Floor because it legislates to ensure that our Government do their job right. It sounds ridiculous, but, up until now, we have not been doing that; because of times past, because of our politicians and because of our civil servants, we are not doing the job that we should be doing for the people whom we represent. We

are where we are with that. Let us acknowledge it, fix it and move on. Let us take Departments out of their bubble.

Now is the time for change, and it can be only a good thing. Northern Ireland is so apathetic towards this Building and its politicians. So let us start to move forward and to create something positive for the people of Northern Ireland. Let us start to have them say that they are proud to have us as representatives on this hill. Let us have meaningful working together. The Bill starts with children and young people — as it should — but I hope that this is an example to Departments across the Executive. I hope that it is an example of our starting to work together. I wholeheartedly support the Bill.

Mr Principal Deputy Speaker: Before calling on the Minister to respond, I advise him that I may have to interrupt him if he has not concluded before 2.00 pm.

Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister): I welcome the opportunity to speak on this important matter. A good level of interest has been shown by all sides of the House on this important issue that Mr Agnew has brought forward. I commend the Member, and I place on record the fact that we recognise his efforts to make a difference to the lives of children and young people and to place their best interests right at the very centre of our government policy.

I do not think that any Member would argue that it is not a good idea for Departments, public bodies and other appropriate agencies to work closely together to deliver services to children and young people. Of course, all organisations that have the best interests of young people and children at their heart should be looking for opportunities to collaborate with other like-minded organisations, because it is all about securing better outcomes for children and young people. We secure such outcomes by delivering better services. My Department, OFMDFM, has always sought to promote cooperation in this area, and, in the development of the 10-year strategy for children and young people, the work of the child poverty strategy and the Delivering Social Change programme, we had extensive consultation and sought the engagement and level of cooperation that is desired here today. So whilst OFMDFM holds the policy lead, a wide range of Departments and agencies are involved, which are delivering those services for children and young people. It is worth noting at this stage that the Executive, at their meeting

last Thursday, agreed to the formation of a new Department for education and children as part of the restructuring of Departments following the Stormont House Agreement.

The exact functions of the new Department are still under consideration. However, it is expected that it will bring together a range of children's services currently dispersed across a number of Departments. That restructuring will support the delivery of more efficient services for our children and young people, and all Departments have the responsibility to ensure that our children and young people have the opportunity to thrive.

There are already good examples of Departments working together. Members are aware of the early intervention transformation programme: the Departments of Health, Social Services and Public Safety, Education, Social Development, Employment and Learning and Justice have contributed funding, along with Atlantic Philanthropies and the Delivering Social Change programme, to deliver a range of programmes aimed at improving the lives and opportunities of children and young people. It is an excellent example of collaborative working where we can pool resources, which the Bill seeks to promote. So, there is absolutely no argument that outcomes for children and young people are not improved when different service providers work together with common cause.

Whilst junior Minister McCann and I agree with the general principles of the Bill and the policy intent, we hold some concerns, which we have shared, about the current draft. If the Bill progresses today, I expect significant revisions and amendments to be put forward to ensure that we get it right and that it has a positive impact on the lives of our children and young people. The Bill must ensure that cooperation happens in both policy and operation. Departments, agencies and relevant partners should work together to plan, implement and monitor the appropriate policies and services that are aimed at our children and young people.

We all accept that there can be instances when Departments or agencies do not adequately join up to support a child or a young person. The incidents are highly regrettable, and, frankly, they should not occur. However, we need to consider whether some poor experiences legitimise the need for legislation. No doubt, the Member and the sector will be able to provide some examples — some have been given — of when collaboration has not happened, but we want to look at those examples to find the reasons for the failure so

that we can best consider a remedy, whether it is in the form of legislation or not.

Mr Agnew and I have shared some of our concerns. We do not need a Bill about more reporting or bureaucracy; we need a Bill about improved services and improved delivery. At the minute, there is a lot in the Bill about reporting, whether it is reporting on cooperation, on efficiencies or on services. We do not want to hinder Departments or agencies by burdening them with onerous reporting duties that could prevent them delivering. We perhaps need to ensure that there is a better balance between reporting and action.

We have shared significant concerns with Mr Agnew about clause 4, which seems to place powers and duties on the Health and Social Care Board, placing the functions currently undertaken by the children and young person's strategic partnership on a statutory footing. So, there could be instances when, for example, the board cuts across the responsibilities of individual Departments or Ministers, which would raise questions about democratic accountability. The clause is quite far-reaching. The impact on the board and the named public bodies, including Departments, would need to be fully understood.

The final concern is the potential cost and resource implications for my Department, OFMDFM, other Departments, the Health and Social Care Board and other relevant bodies that are named in the Bill. In a time of reduced resources, new financial pressures are obviously unwelcome, especially when they are not quantified. For the Bill to progress, it will be important to demonstrate that the benefits outweigh any potential negatives and that the costs are outweighed by efficiencies.

As we take the Bill forward, it will be important to consider best practice in other regions and assess how legislation in this area has worked and perhaps where it has not worked elsewhere. We must also bear in mind that issues that are faced by children and young people elsewhere can be different from here.

In conclusion, in keeping with the spirit of the Bill, it will be important to cooperate with stakeholders in the sector and consider existing local research on the matter. At the forefront of that work should be the goal to improve services, outcomes and opportunities for children and young people. Let me be clear: it is a first step today. Mr Agnew should be commended for getting the Bill this far, for the research that he has carried out and for the work that has been done by the sector. It is

positive to be discussing it importantly here today.

In many ways, the work starts now. If the House supports the Bill today, we will be agreeing not only to the principle of working together for children and young people but to working together to get the Bill right. We will need to be flexible as we approach the issue. We approach it with a common cause: the delivery of better services to children and young people. When the House next debates the Bill, I hope that it will truly deliver on those objectives. The Bill is fundamentally about the future of our children and young people. It is important that we get it right. In fact, it is too important for us to get it wrong. I am content to support the principle of the Bill at this stage.

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. After Question Time, the next Member to speak on the Bill will be Steven Agnew.

The debate stood suspended.

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

2.00 pm

Oral Answers to Questions

Finance and Personnel

Mr Deputy Speaker (Mr Beggs): I advise Members that question 13 has been withdrawn.

Education Budget

1. **Mr Dallat** asked the Minister of Finance and Personnel to outline the impact of the Stormont House Agreement on the education budget. (AQO 7388/11-15)

4. **Mr McMullan** asked the Minister of Finance and Personnel to outline the impact of the Stormont House Agreement on the 2015-16 Budget, including details of any increases in departmental spending power as a result of the agreement. (AQO 7391/11-15)

7. **Mr McCarthy** asked the Minister of Finance and Personnel what conditions have been agreed with Treasury on how the £500m of new capital for shared and integrated education should be spent. (AQO 7394/11-15)

Mr Hamilton (The Minister of Finance and Personnel): Mr Deputy Speaker, with your permission, I would like to answer questions 1, 4 and 7 together, as they relate to the impact of the Stormont House Agreement.

The Stormont House Agreement provided up to £500 million over 10 years of new capital funding to support shared and integrated education. That funding will have an impact on the education budget. Individual projects must be agreed between the Executive and the UK Government. In addition to £50 million for shared and integrated education projects, the Stormont House Agreement provided up to £30 million in 2015-16 for bodies dealing with the past. It also confirmed the capital and resource flexibilities sought in the 2015-16 draft Budget; increased that to allow a further £100 million of reinvestment and reform initiative (RRI) borrowing to be used to fund a voluntary exit scheme; provided an additional £100 million of RRI borrowing for capital projects; and provided the flexibility to pay the £114 million welfare reform penalty from capital. The impact of the Stormont House Agreement on 2015-16 has been incorporated into the Budget 2015-16, which I announced on 19 January.

Mr Dallat: I thank the Minister for his comprehensive answer. He will be aware that there are roughly a quarter of a million people between 16 and 64 whose levels of literacy and numeracy are well below what they need to apply for a job, seek promotion or even educate their children. Minister, are you sure that we will not create another generation of children who will leave school not able to read or write?

Mr Hamilton: There is clearly no desire in the House to see anyone condemned to the sort of educational underachievement that the Member outlined, and I think that we would all accept, from whatever quarter in the House, that whilst Northern Ireland has a very good education system and that many come through it with the highest of qualifications and can convert those qualifications into a good university education, university degrees and into well-paying jobs, there are some who unfortunately slip through the net. We should all be deeply concerned about that, and it is one of the reasons why I was pleased last week to boost the Department of Education's allocation in the Budget.

There was an uplift of £63 million for the aggregated schools budget and the Minister then further topped it up by a reallocation in his own budget to take it to £80 million. The Member's party voted against that in the Executive. It has a chance tomorrow, with a debate on the Budget, to rectify that position

and to support the increase in the education budget.

We have also further boosted the Department for Employment and Learning's budget with allocations of around £35 million proposed in the Budget. Some of those are successful change fund bids, one of which is deliberately for 14- to 16-year-olds who have issues and problems with educational achievement. That is a joint project between the Department for Employment and Learning and the Department of Education. That is exactly the sort of project and scheme that I wanted to see coming forward through the change fund and is exactly the sort of scheme that the House should be supporting.

Mr McMullan: Thank you for that answer. I tabled a question to you on the spend in your Budget, but I can maybe get an answer more quickly today. Where do you see the money for the spend in the Ambulance Service going? Will you hand it to the Minister of Health? How is that money distributed to all ambulance stations?

Mr Deputy Speaker (Mr Beggs): I remind Members that the question is on the education budget. The Minister may wish to comment.

Mr Hamilton: As the House will be aware, the Health Minister has received additional spending next year of £204 million over and above his allocation for 2014-15.

That represents a 3·4% increase. The Executive took, I think, the right decision in protecting DHSSPS's budget — not completely but around 95% of it — by protecting front-line health and social services provision. That includes the Ambulance Service trust as one of the, I think, six trusts. It has been afforded a degree of protection. It is a matter entirely for the Minister of Health to decide where he spends the additional allocation that he has received. Even though that Department would be perceived as one of the winners — if I can use that phrase — in the Budget, I know that the Minister of Health, who, I think, will be in the House later to answer questions, would be the first to say that, in spite of getting an additional £204 million, this is still a departmental budget that, because of demand and changing demographics, is continually under pressure even over and above a 3·5% increase.

Mr McCarthy: I thank the Minister for his response. How will he ensure — in fact, guarantee — that this warmly welcomed additional funding capital will make a real and

substantial advance on the current pattern of segregated education throughout Northern Ireland?

Mr Hamilton: I take it that the Member is referring to the additional allocation of capital spend for shared and integrated education. Of course, his party's Ministers at the Executive voted against the increase in the allocation to the Department of Education over and above the draft Budget allocation.

The boost of £50 million a year over the next 10-year period, which, I think, is very welcome, is specifically for shared and integrated education projects. We are still working through with Her Majesty's Government the test that would be applied to those projects to make sure that they met the criteria for being genuine shared and integrated education projects. That is important as we take these forward. A lot of good shared education schemes are starting to work their way through the system. There was a call from the Minister of Education last year for projects to come forward. Some of them have passed muster and are now receiving capital funding not just for this year but for future years.

It is important that one of the criteria that we apply to the additional funding is that it is capable of saving us money. Whilst there are other objectives in shared education in bringing children from different backgrounds together to be educated in the one place, we cannot lose sight of the fact that the money is there to help us to save money in the longer term. In that sense, the shared education projects must not only be of good social and educational value but save us money in our Budget. As the Member and the House know, in spite of what is a much better Budget than the draft Budget that we thought we might have been able to bring forward, there are still huge pressures moving forward, not least in the education sphere. It is important that the projects that come forward also help us to save some money.

Mr Girvan: I thank the Minister for his answers thus far. Does the Minister share the concern that some have expressed that the Executive are now too dependent on borrowing?

Mr Hamilton: Some picked up the point after the Budget statement last week that the Executive are now borrowing around £1·8 billion. On the face of it, that is a lot of money. If you do a per-head-of-population calculation, you find that it compares unfavourably with the other devolved Administrations in Scotland and Wales. The first point that is worth noting is

that Scotland and Wales would like to be able to borrow more, particularly Wales. I met the Welsh finance Minister earlier this month. Her Administration are allowed to borrow only £400 million. She would like to borrow a lot more than that and is actually quite envious of our ability to borrow up to £3 billion.

The £1.8 billion that we have borrowed to date has financed infrastructure projects that otherwise we would not have been able to finance. We have also been able to capitalise some costs around the Northern Ireland Civil Service equal pay claim and bring forward a rescue package for the Presbyterian Mutual Society. Again, that could not have been done without the ability to borrow that money. Although there is the cost of repaying the annual interest of around £3 million to £4 million per £100 million borrowed, it is significant — this has, I think, changed the Executive's approach to borrowing — that the £700 million flexibility through the reinvestment and reform initiative (RRI) to borrow specifically for a voluntary exit scheme will save around £60 million for every £100 million that we spend. Half a billion pounds will therefore be saved as a result of that £700 million. That puts a different complexion on borrowing from what there might have been without that payback from the voluntary exit scheme.

Mr Kinahan: The Minister himself said that the Budget was imperfect, and there is much in it that many of us disagree with. What is the extent of the remaining pressures on the Department of Education?

Mr Hamilton: That is another question that would be better directed at the Minister of Education.

I had conversations with the Minister of Education, as I met all Ministers leading up to agreement of the Budget. I understand that the Minister is bringing forward pressures of £160 million. There had been a reduction by under £100 million in the draft Budget, and there was roughly another £60 million of pressures. If the Member and I were to pore over all the pressures, we might not agree with the Minister of Education that all were legitimate or that the totality was legitimate in view of the cost pressures on that Department. Very clearly, the allocation of £60 million, which was the lion's share, as I described it, of the additional money will go some way to helping the Minister. My primary concern, which ought to have been the House's primary concern, was that the impact of the reductions in expenditure, which the Department will still face, should be limited on the classroom. Certainly, the £63 million

allocation, which the Member's party voted against, topped up by the Minister of Education to a total of £80 million, will assist in ensuring that the classroom is protected and defended in the next financial year.

Corporation Tax

2. **Mr McCartney** asked the Minister of Finance and Personnel how the proposals for the devolution of corporation tax powers will be Azores-compliant. (AQO 7389/11-15)

3. **Mr Lunn** asked the Minister of Finance and Personnel to outline any departmental research into the increase in productivity levels in the economy that will result from the devolution of corporation tax powers. (AQO 7390/11-15)

5. **Mr I McCrea** asked the Minister of Finance and Personnel to outline how the devolution of corporation tax powers will now progress. (AQO 7392/11-15)

12. **Dr McDonnell** asked the Minister of Finance and Personnel, given the recent announcement by the Secretary of State, for an update on the devolution of corporation tax powers. (AQO 7399/11-15)

Mr Hamilton: With your permission, Mr Deputy Speaker, I will answer questions 2, 3, 5 and 12 together, as they all relate to the transfer of corporation tax rate-setting powers.

As, I am sure, Members are aware, the UK Government introduced the Corporation Tax (Northern Ireland) Bill in the House of Commons on 8 January 2015. It will enable the transfer of corporation tax rate-setting powers to the Northern Ireland Assembly from April 2017. The passage of the Bill through the UK Parliament is conditional on the implementation of key measures to deliver sustainable finances for Northern Ireland. Therefore, although I welcome the progress that has been made so far, the momentum must be maintained.

Her Majesty's Government have indicated that they are confident that the proposed design of the Northern Ireland regime will be Azores-compliant. That view has been reached because Northern Ireland has institutional autonomy, in that it has its own administrative status. It will have procedural autonomy, since the Assembly will have the ability to set a rate free from Westminster influence. Furthermore, it will have economic autonomy, because the block grant will be adjusted to reflect the corporation tax revenues forgone by Her Majesty's Government.

With regard to the economic impact, research commissioned by the Department of Enterprise, Trade and Investment demonstrates a very strong case for reducing corporation tax. Indeed, the research conducted by Ulster University's economic policy centre suggests that, if a reduced rate of 12.5% were implemented from April 2017, productivity would be 5.9% higher by 2033 than it would otherwise have been. In addition, the economy would be 11% larger, and 37,500 net new jobs would be created. Of course, the potential benefits and associated costs of reduced corporation tax will depend on the rate that is struck and the timing of when that lower rate is applied. Ultimately, these will be matters for the Executive and the Assembly to decide in due course.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his comprehensive answer. Does he agree with the court decision that the ability to strike an appropriate rate should be a matter for the Assembly without any external interference?

Mr Hamilton: It is a key condition of the Azores ruling that, as well as having economic and administrative autonomy, we are able to set procedurally our level of corporation tax. That is something the Executive will have to ponder, consider and decide on very quickly. Our Budgets for the next three or four years after 2015-16 will be largely set out by the comprehensive spending review. Whatever Administration is formed in London after the general election in May — you never know who might be involved in influencing that — will have a comprehensive spending review that will cover three or four years. Obviously, that will overlap with the timing of our ability to reduce the corporation tax rate from April 2017 onwards.

2.15 pm

Very clearly, over the next six months or so, the Assembly and Executive will have to take a very clear decision about where they want to go on this issue. There is a wealth of evidence out there on the benefits. It does not matter what research is done, it is more or less the same on the benefits there would be to Northern Ireland. Clearly, there are issues that we have to consider around cost and how we might pay for the inevitable reduction in our block grant. These are issues that the Executive will have to ponder, and the Executive will recommend to the Assembly. However, the Member is

absolutely right: these are entirely in the hands of Executive Ministers and Members of the Assembly.

Mr Lunn: I apologise, but it is quite hard to hear the Minister down here today for some reason. I think he said that a 12.5% rate of corporation tax would produce an estimated productivity gain of 5.9%. How does he square that? Does he agree with his ministerial colleague, the Minister of Enterprise, who gave the opinion recently that the introduction of corporation tax here would produce a £3,000 per annum increase in the average wage packet?

Mr Hamilton: The work carried out by Ulster University's Northern Ireland economic policy centre follows on from work carried out by others; in fact, it builds on the work done by Oxford Economics. This piece of work suggests that there would be a net new job increase of 37,500. That is nearly 40,000 jobs, which is not far off the previous estimates. It shows that, by around 2033, there would be an increase in productivity of 5.9% and that the economy as a whole would grow by 11%.

The Enterprise Minister's comments about increases in salaries were not well reported by the BBC. Clearly, if your economy is growing by over 11%, you are bringing in 40,000 new jobs and those new jobs are going to be higher-paid new jobs, the average effect across the economy would be around £3,000 of an increase in salaries. So, there is undoubtedly that case. If the economy is growing, you are bringing in more jobs and they are higher-paid jobs, there will be an increase in average salaries across Northern Ireland. That is something that those of us who have been very supportive of the devolution of corporation tax have wanted to see. It is backed up by the research that has been carried out by various institutions on our behalf and, indeed, not on our behalf. That is the prize of corporation tax.

There is a cost involved, and difficult decisions will be required around that, but there are benefits to doing it. When you look at other states, particularly the South of Ireland, that have reduced their corporation tax rate, you will see what they have been able to do in reducing their rate of corporation tax and bringing in investment. Even in very difficult times, that was still the backbone of their economy and is now boosting their economy into growth. This is a prize that is worth pursuing and will, I hope, result in not just 40,000 new jobs but more and further investment by local firms, as well as attracting foreign direct investment.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. Mo bhuíochas leis an Aire chomh maith. With regard to the introduction of lowered corporation tax, can the Minister advise what measures will be or can be taken to ensure that existing regional economic imbalances will not be exacerbated?

Mr Hamilton: I am not sure what has happened procedurally with regard to who has been called.

The reduced rate of corporation tax will apply to all firms across Northern Ireland, irrespective of where they are located. I have had occasion to visit the Member's constituency; indeed, it is Mr McCrea's constituency as well. I visited some of our biggest manufacturers, who are based in that neck of the woods. It is one of our well-hidden secrets that 40% of the world's mobile screening equipment is made in County Tyrone. Firms that have already invested there are well placed to expand their group portfolio in Northern Ireland. There are Swedish and American-owned companies operating in County Tyrone that, perhaps, would see a reduced rate of corporation tax as an opportunity to expand their operations.

This is not a policy that is aimed particularly at benefiting one part of Northern Ireland over another. Indigenous firms, irrespective of where they are located, will be paying a lower rate of corporation tax and, clearly, it is up to all of us right across Northern Ireland, aided and assisted by Invest Northern Ireland but also with the new local government institutions in place, to work to attract investment into Mid Ulster or wherever in Northern Ireland. It is something that will reap benefits for everyone in all parts of Northern Ireland.

Mr I McCrea: There has been a lot of talk about sorting out departmental budgets. What work has been done to prepare for any reduction in budgets that may come about with the reduction in corporation tax?

Mr Hamilton: There is no work as such included in the 2015-16 Budget, which was laid before the House last week and will be debated tomorrow. That is because the reduction in the block grant will not come until we have reduced the corporation tax rate in Northern Ireland and there is that gap. At the earliest, that will not be until the 2017-18 financial year. As I pointed out to Mr McCartney earlier, as the Executive plan for either a three-year or a four-year Budget coming out of the next comprehensive spending review, that is something that we will have to bear in mind in crafting that Budget,

which will have to be done towards the end of this year.

I was keen, and the Executive agreed, that it was important that the Budget for 2015-16 should do as much as it could to plan in a more material way, rather than a reduction in spending, for skills and continuing to attract investment. Now that the legislation is proceeding through Westminster, it is a good time for Invest Northern Ireland to change what it does and go out and sell Northern Ireland as a place in which to invest in anticipation of a lower rate of corporation tax. That is why I was keen to support and enhance its budget, which has been increased by over 10% in the next year.

Similarly, it is important that we still create a pipeline of skilled workers, who are the engine of any economy. Whilst we were not able to fill in the whole of the gap in the Department for Employment and Learning, there has been targeted investment of around £35 million in key areas, including the development of more skills in conjunction with the Department of Enterprise, Trade and Investment. In that regard, whilst the Budget does not particularly deal with corporation tax, it deals with aspects, including skills and economic development, which are preparing us for the day when we have a reduced rate of corporation tax and the economy, hopefully, grows as a result.

Mr Nesbitt: I wonder whether, in setting a rate, the Minister feels that it is a question of matching the Republic, bettering the Republic or ensuring that those who make the investment decisions feel that any differential has become irrelevant, given the other benefits, such as a skilled workforce, that would accrue to investors here in Northern Ireland?

Mr Hamilton: These are important points that are worthy of discussion. The Executive would be wrong to proceed directly to a particular rate because that is the rate that they have in mind. It is worth noting that, over the last number of years, whilst we have not been able to compete with the Irish Republic for some of the higher-end, higher-tech jobs, we have competed pretty well and we stand out, in a UK context, as the second-best region — London being the number one — for attracting in foreign direct investment per head of population. That is something that we should be very proud of in Northern Ireland and it is testimony to, for example, our skilled workforce, but also to some of the other policies that the Executive have pursued around high-speed broadband access and ensuring that there is good

collaboration between our universities and colleges and business.

There are other costs that are not affected by the Executive directly, such as the low rental cost of grade A office accommodation, particularly in Belfast city centre. There are other reasons that attract investment into Northern Ireland and those are issues that have to be factored into any conversation and ultimately any decision that the Executive make around the rate of corporation tax they want to set, now that we have the ability to do that.

Departmental Staffing: Rationalisation

6. **Mr McNarry** asked the Minister of Finance and Personnel what steps he has taken to rationalise the staffing of departmental central functions, such as finance, across Executive Departments. (AQO 7393/11-15)

Mr Hamilton: My Department has introduced a range of shared services in relation to HR, training and IT, which were previously the responsibility of individual Departments and which, together, realise efficiencies of around £12 million a year. My Department also recently commissioned an independent review of the Northern Ireland Civil Service's HR arrangements that will make recommendations on future HR organisational structures and staffing levels. That may result in further rationalisation.

Following on from the Stormont House Agreement, I am considering a range of measures aimed at helping Departments to live within their 2015-16 budget and beyond for consideration by the Executive. The proposed reduction in the number of Departments will also assist in the process of rationalising functions.

Mr McNarry: I appreciate the Minister's answer. Could he now give a timescale for the rationalisation of Departments down to nine and, perhaps, outline their envisaged central functions?

Mr Hamilton: I very much welcome the reduction in the number of Departments. My party thought the number was wrong back in 1999, when the current Departments were created. We have been consistent in the House about that. In fact, one of the first motions that I brought as a Back-Bencher called for a reduction in the number of Departments. I am very glad that that is now happening. The Executive will be able to save

money as a result of that rationalisation. Unfortunately, it will not be enough to deal with the budgetary problems that we have. The bigger prize will be in areas where there has been a disjointed approach to policy and policy development and implementation. Those will be brought under the auspices of one Department.

It is not just about cheaper government but smarter government. I welcome the savings that will accrue. The scheme is not being taken forward by my Department but by the Office of the First Minister and deputy First Minister. The Executive discussed this issue last week, and things are proceeding positively. I expect that, when legislation is brought to the House and, hopefully, passed, we will be in a position to see a reduction in the number of Departments from the start of the new mandate in 2016.

Mr Weir: What opportunities exist to expand the use of shared services across the public sector?

Mr Hamilton: The five Executive parties agreed on 19 December a range of reform and restructuring measures, which went to Her Majesty's Government as part of our negotiations and discussions around the Stormont House Agreement. I developed that into a reform and restructuring plan, which went to and was passed by the Executive last Thursday.

The plan includes a voluntary exit scheme, which was mentioned earlier. It also includes the expansion of shared services. Whilst there has been a lot of consolidation and rationalisation at a central departmental level, that has not always expanded to arm's-length bodies and other agencies.

The Executive are now agreed that every central government body should be brought onto shared services platforms when contracts permit. Interestingly, they also agreed that local government, given where it is in its reform, should also be encouraged to avail itself of the opportunities that our shared services around IT, HR, networks and other areas present for it to save money quickly.

Mr Byrne: I thank the Minister for his answers. Can he give an assurance to people in the public service that the voluntary exit scheme will be a voluntary scheme, administered in a fair and equitable way within the functional needs of the public service in general?

Mr Hamilton: I have no difficulty in confirming that a voluntary exit scheme will be voluntary. The Executive have agreed outline issues around the scheme. We agreed to create a transformation fund that will be administered by a steering group headed up by the head of the Civil Service. It will be a four-year scheme with £700 million. The flexibility permitted by the Stormont House Agreement will allow us to populate that fund.

Agreement has still to be reached on some of the mechanics of it all, but after we have had consultation with the trade unions, the scheme will, hopefully, be open for applications from around March of this year, with the first civil and public servants availing themselves of the voluntary exit scheme and leaving around the end of the summer or early autumn.

Mr Deputy Speaker (Mr Beggs): That is the end of the period for listed questions. We now move on to topical questions.

2.30 pm

Social Houses: Executive Target

T1. **Mrs D Kelly** asked the Minister of Finance and Personnel for an insight into the Programme for Government for the year ahead, particularly for DSD if there is going to be, as predicted, a fall-off from the Executive target of 2,000 social houses to 1,500 social houses, given that many of the earlier questions were about the Budget for the year ahead. (AQT 1981/11-15)

Mr Hamilton: Mr Deputy Speaker, I am sure you will have noticed, as I have, that, although this is supposed questions to the Minister of Finance and Personnel, it has morphed very quickly into questions for virtually every other Minister in the Executive.

The Programme for Government, and updating it and extending it by a further year because of the extension in our mandate, is not the responsibility of my Department; it is a responsibility of the Office of the First Minister and deputy First Minister. The extension will be a year, and, whilst there will be some new targets — my Department will be adding targets in a revised Programme for Government — many of the existing targets will have been met and therefore will not need to continue. Some of them will continue, and the Budget has a bearing on them, because Departments do not know whether they can achieve an extension of a target if they do not have the same amount of money within their budget going towards that

particular area of spend. Now that the Budget is set for next year, subject to agreement by the House tomorrow, the various Departments can proceed with updating, revising, changing, altering — whatever is required — the Programme for Government targets that are relevant to them.

Mrs D Kelly: I hear the chastisement in the Minister's response, but, given that the cart is going before the horse, as per usual in this Assembly, it should come as no surprise that I asked such a question. Therefore, Minister, in relation to your own portfolio, what is your ambition for the year ahead in asset sales and how much do you hope to raise?

Mr Hamilton: The Executive have set a target in the Budget of around £158 million of capital receipts, which includes asset sales. The original draft Budget proposal that came forward from officials was £108 million. We thought that that was not ambitious enough, so we have increased the target by £50 million. Sometimes, we talk about the £158 million as "asset sales", but it is not all asset sales: some of it will come from the repayment of, for example, financial transactions capital that has been lent to the private sector. Those repayments come back in as capital receipts, as do repayments of coownership loans and some other housing schemes.

So there is a target, which is not too ambitious. Having had £108 million already identified, we have expanded that by roughly 50% — taking it up by another £50 million. Given where the market is, with some activity and assets starting to sell, that is not an unreasonable target to have, and I hope and trust that we will make it. That money will be able to be used for investment in capital elsewhere.

Government Contracts: Local Companies

T2. **Mr Newton** asked the Minister of Finance and Personnel to outline what success local companies have had in accessing government contracts, given that he will be aware that some of the largest contracts available to businesses in Northern Ireland are those that come from government and the Departments. (AQT 1982/11-15)

Mr Hamilton: The Executive spend roughly between £2.7 billion and £2.8 billion a year on contracts for goods, services and capital projects. Between April and December 2014 — the first nine months of the financial year — centres of procurement expertise in Northern

Ireland awarded 2,277 contracts, which had a total value of around £1.2 billion. Interestingly, 83% of those contracts were awarded to SMEs, and 75% of contracts were awarded to Northern Ireland firms. The perception sometimes is that Northern Ireland firms do not win in our government procurement system. A situation where three quarters of contracts go to Northern Ireland firms and 83% go to SMEs, which dominate our economy, shows that our government procurement system is open for business and is very much open for local business.

Mr Newton: I thank the Minister for his answer. Those statistics are very encouraging. Can the Minister outline any more specific steps that he is taking that might further encourage Northern Ireland companies, particularly SMEs, to secure contracts with government?

Mr Hamilton: Those statistics are probably quite revealing for many people who would have instinctively thought that the number being awarded to Northern Ireland firms was much, much lower than 75%. This is not a situation where we can rest on our laurels.

We should do everything that we possibly can within the law, which is very much governed by EU directives that have changed and are in the process of changing in a way that will assist local firms and SMEs to gain more contracts.

I can think of a couple of things that we are actively involved in to try to encourage our small to medium-sized enterprises to get involved in procurement. Many of them are put off by the size, scale and complexity of it. The Central Procurement Directorate has been working very closely with InterTradelreland, which runs several "meet the buyer" events across Northern Ireland and the Republic of Ireland each year. I attended one recently at the Ramada Hotel at Shaw's Bridge. There were lots of public sector buyers there from both sides of the border, and hundreds and hundreds of local companies spoke to them about what they offer and what they could bring. They were just having good conversations about what might be possible. A lot of business was done at, and as a result of, that event.

Another way in which I am trying to simplify the process so that local SMEs can see much more clearly what work is going on is the launch in April 2015 of a new tendering system called eSourcing NI, which will simplify and standardise our approach and make it easier for firms in Northern Ireland to complete tenders.

We will continue to pursue anything that we can digitally, process-wise or just in introducing local firms to those in the public sector on both sides of the border, as there are huge opportunities for Northern Ireland firms to sell into the Irish Republic as well.

Paramilitary Groups: Assembly Resources

T3. **Mr Dallat** asked the Minister of Finance and Personnel whether he is satisfied that paramilitaries, whether masquerading as community workers, political researchers or one of the other lofty titles that they give themselves, are not getting money out of the meagre resources available for the Assembly, given that he will be disturbed at the upsurge in the criminal activity of paramilitary groups, which led to the murder of Brian McIlhagga in Ballymoney. (AQT 1983/11-15)

Mr Hamilton: We would all be very concerned and worried if any public funds, or funds from whatever direction they come, were finding their way into the pockets of criminal gangs or paramilitary organisations, irrespective of what community they come from. As the Member would agree, those people, whether they are of loyalist or republican persuasion, have nothing to offer this country and wish only to drag us back. There is no support in the community for what they do. That is why I am very keen, as I am sure the whole House is, on pursuing all those who are involved in paramilitary activity. Those who are involved in criminal activity should be pursued and brought to justice.

The Minister of Justice has been trying to take forward proposals to extend the remit of the National Crime Agency (NCA) to Northern Ireland. It is very important that that happens forthwith. With the support and assistance of the National Crime Agency elsewhere in the United Kingdom, it has been possible to bring people to justice for a whole range of hideous crimes that have been in the media. However, that has been denied to us in Northern Ireland. It is high time that the resistance of those in this place who have been a roadblock to the NCA extending its remit to Northern Ireland yields, and we are allowed to get the benefits of the NCA operating here.

Mr Dallat: I thank the Minister for his comprehensive answer, which I accept as absolutely genuine. He may know that King John, in his day, had a triple lock on his chest of gold. Does the Minister not agree that, despite the best efforts, we really need to redouble our efforts if the Assembly is to have a fair wind and

be free from paramilitaries and all their activities?

Mr Hamilton: No evidence has come to me in recent times of money being spent by whatever source in the public sector, and certainly not within the remit of the Executive, going to dissident republican or any other paramilitary organisations. If Members have evidence of that, I encourage and urge them to raise that immediately with the appropriate Minister or me so that it can be passed on.

Some in the community complain that the audit situation that we have for many funds — I am thinking particularly of Peace III, or Peace IV, as it will now be — can be too rigorous and difficult. It is important to balance testing properly with ensuring that people who are legitimate can go about their business without too much difficulty. I think that what we do in scrutinising the work can sometimes be criticised as being a little too rigorous and onerous. However, given the difficulties that we have experienced in Northern in the past, and some that there may be even currently, it is still important that we ensure that that level of scrutiny is there.

Mr Deputy Speaker (Mr Beggs): I call Samuel Gardiner.

Mr Gardiner: I am sure that the Minister will be pleased that I will not be putting a question to him because he has already answered it. Thank you, Minister.

Mr Deputy Speaker (Mr Beggs): Ian Milne is not in his place.

Energy from Waste: Mallusk

T6. **Mr McKinney** asked the Minister of Finance and Personnel to outline the implications for EU funding in relation to energy from waste were the Mallusk plant not to go ahead. (AQT 1986/11-15)

Mr Hamilton: Sorry, there was a little noise in the Chamber. I think that he was asking what the plans were for that money if it does not go —

Mr McKinney: The implications for EU funding were it not to go ahead.

Mr Hamilton: The project that the Member raises is a large one. Obviously, it is subject to planning permission and has to go through various processes in that respect. I certainly

would not want my position to influence or be seen to be influencing that one way or the other. I am not aware of, although I would not rule out, a possibility of EU funding being secured by the developers of that scheme. My only interaction with that scheme was through the Budget and a bid by the Department of the Environment, which was working with the Strategic Investment Board on the development of a bid that may use financial transactions capital, which is, of course, a source of capital funding that we receive as an Executive from Westminster, not Europe.

Mr McKinney: I thank the Minister, but maybe we can hone this a little. My understanding was that money was set aside in the Executive. Were it not to go ahead, would there be flexibility for the money to be spent elsewhere?

Mr Hamilton: I think that we have been talking at cross purposes. Initially, that is what I thought that he was asking, but he mentioned European funding, which confused me a little. An indicative allocation of £50 million has been set aside for that project, which developed as result of work carried out by the Member's own Minister's Department of the Environment, which had been working with the Strategic Investment Board and identified it as a possible project that could avail itself of financial transactions capital. The Member will be aware that my Department has had difficulty in allocating all of our financial transactions capital in-year. Thankfully, we were able to deposit around £40 million to the University of Ulster — sorry, the Ulster University, I still cannot get my head round calling it by its new name — which has eaten up all of the financial transactions capital allocation for this year.

There is a large £50 million allocation against this project for next year. Obviously, that project is subject to planning permission. Should it not go ahead, it creates a difficulty for me in spending that money. The broader point is that the creation of the Northern Ireland investment fund, which I announced in the draft Budget and topped up with a further allocation in the final Budget, is an opportunity for us to deposit money from financial transactions capital that may not be spent in-year for spending on projects in the future year. So, whilst I would be concerned if the project were not able to absorb that amount, I accept that it may not be able to because it is subject to planning and various other processes. Whilst that would create some difficulty for us in spending the money, I will continue to encourage Ministers to put forward schemes that can use financial transactions capital so

that we can use all of this new but very difficult-to-spend source of funding.

Mr Deputy Speaker (Mr Beggs): That ends questions to the Minister of Finance. I will give the Minister of Health and Social Services a few moments to take his place.

Health, Social Services and Public Safety

GP Shortage

1. **Ms McCorley** asked the Minister of Health, Social Services and Public Safety what he is doing to address the shortage of GPs. (AQO 7403/11-15)

Mr Wells (The Minister of Health, Social Services and Public Safety): Across Northern Ireland, there are currently 351 GP practices with over 1,215 GPs providing primary care medical services to a population of 1.8 million.

2.45 pm

I am fully aware of the issues around recruitment and retention within general practice. As a result, under the remit of the regional workforce planning group, whose role is to take forward the Transforming Your Care (TYC) recommendations relating to workforce issues, a medical workforce planning subgroup was established to develop a suite of medical workforce plans, including for GPs, for the five-year period 2013-14 to 2018-19. The GP medical workforce group included representatives of the board, the Northern Ireland Medical and Dental Training Agency, the Northern Ireland General Practitioners Committee, the Royal College of GPs and my Department. In addition, the Health and Social Care Board has undertaken further work specifically examining potential initiatives aimed at improving the recruitment and retention of trained GPs.

No final decisions will be taken until the Department has considered the findings of those reviews. Increasing the number of GP trainees would, of course, require increased funding, and any decisions would need to take account of the overall financial position of my Department.

Ms McCorley: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. Given that this is being flagged up as a really serious issue

of concern for GPs, and I heard that, within the next five years, a quarter of existing GPs will be retiring and we will be left with a greater shortfall —

Mr Deputy Speaker (Mr Beggs): Will the Member come to her question, please?

Ms McCorley: Yes. Can the Minister outline some specific actions that he intends to take to fill that serious gap?

Mr Wells: What the honourable Member says is correct. Some 25% of GPs are over 55 and, of course, retirement is at 60. Currently, we have a 20% vacancy rate amongst GPs. I am sure that she understands that, before we can take significant action, we need to have the workforce reviewed to find out exactly what the extent of the problem is and take the necessary action.

There is also another difficulty, in that the GP role is not seen as particularly attractive to young medical graduates. The vast majority seem to want to go onto the hospital floor and, perhaps, become consultants. Therefore, we also have to try to make the GP route more attractive to young qualifying doctors. My understanding is that we will be reporting very soon on what is required to be done.

Let me say that, despite the difficulties that the Member quite rightly outlines, in May 2014, the Patient and Client Council launched a report on access to GP practices, and 73.5% of those who responded said that they were satisfied with access to their GP, which indicates to me that, whilst our GPs are under considerable stress, they are doing excellent work in ensuring that there is access for all their patients throughout Northern Ireland.

Mr McGimpsey: In referring to the shortage of GPs, at the last Health Committee meeting at which he was present, the Minister told me that approximately 50 young GPs who graduated from Queen's had gone off to work in Canada and Australia. Clearly, it is not sustainable for our health service to be providing that. What specific steps does he foresee being able to take to try and cut down that flow?

Mr Wells: The Member for South Belfast is absolutely correct. There are over 250 trained GPs from Queen's University who are currently in Australia, Canada and other Commonwealth countries. The difficulty we face — this is something that we could not have foreseen, say, a decade ago — is that Commonwealth countries are offering better salaries and

working conditions and more modern hospitals with excellent career progression. The Member will have to understand that, in order to turn round the situation, because training someone to be a GP is such a long-term process, you cannot immediately change your policies to adapt if things move rapidly. It can take seven or maybe eight years to be fully trained as a general practitioner or hospital doctor. Therefore, in this rapidly evolving situation, we are taking on board the trend to move away to other countries.

We do not have an awful lot of evidence of many of those doctors coming back, which is another issue. We thought that maybe they would go off, have a couple of years' experience, and then return to work in Northern Ireland. Maybe it is the sun, the social life or the wonderful scenery, but an awful lot of those young people are not returning. They are settling down in Australia and staying there. That issue does not just affect us but the whole of the United Kingdom, and it is a particular problem in GP surgeries. Whilst we have a general shortage of middle-grade doctors, that is particularly apparent among GPs, as becoming a GP is seen as a less attractive option to recently qualified doctors.

Mrs Cameron: I thank the Minister for his answers thus far. How does the number of attendances at GP surgeries in Northern Ireland compare to that in England?

Mr Wells: The one thing that the honourable Member for South Antrim will agree with me on is that our GP doctors are extremely popular with their patients.

In 2008-09, 10.2 million consultations were undertaken by GP practices. In 2012-13, that had risen to 12.4 million, which works out as 6.9 consultations for every man, woman and child in Northern Ireland per year — almost seven consultations — which compares to the figure of 3.4 consultations per year in England. In the Republic of Ireland, it is only three, yet there is no indication that the people in the Republic of Ireland are any less healthy as a result of visiting their GPs on less than half the number of occasions that we do.

That places a huge burden on GP surgeries. There is an increase of almost 3.5% per year in demand, and that is bound to put pressure on GP surgeries, particularly when we know that we are 20% understaffed. I pay tribute to the GPs who are dealing with that situation.

The Choose Well campaign indicates that people should go for treatment only if they

require it. It may be that, for instance, going to their pharmacy is an option, rather than going to their GP. People must use the service wisely and not automatically think that, if they are feeling a bit under the weather, they should see their doctor.

Mrs Cochrane: The Minister will be aware that I recently conducted a survey of all the GPs in Northern Ireland, and I will come forward with some of their proposals. Given that 90% of health service contacts take place in a GP setting, yet GPs only receive approximately 8% of the budget, does he think that amending that could have an impact on those who may want to pursue a career as a GP?

Mr Wells: The Member is aware of the campaign that I think has been organised by the Royal College of General Practitioners and supported by the BMA to increase the proportion of the overall budget from 8.5% to 12%. The initial difficulty is, of course, that that would cost about £130 million and, in the present economic situation, it is very difficult to envisage where that money would come from.

Under Transforming Your Care, we are asking our GPs to come together in confederations in which they could have the scale to enable them to take action to reduce demand. One suggestion is that a group system or collaboration could employ a pharmacist to take on the role of dealing with the huge number of prescriptions and repeat prescriptions, which is a very time-consuming and bureaucratic activity for doctors. The 18 to 20 potential confederations lend themselves to that type of activity. We certainly need to do something to cut down on the inordinate amount of paperwork that our GPs have to carry out.

The reality is that we will only really solve the problem when we encourage more young doctors to take on the role of being general practitioners, rather than going down a route of hospital work, where you can become a consultant as young as 34 or 35. That is the ultimate problem that we face, and the signs are quite worrying. Therefore, it is essential that the workforce review take urgent action to address that difficulty.

Health: Front-line Services

2. **Mr Rogers** asked the Minister of Health, Social Services and Public Safety what constitutes a front-line service in his Department and its arm's-length bodies. (AQO 7404/11-15)

Mr Wells: The front line in health, social care and public safety is a quite complex concept. It comprises a closely integrated team of staff who have direct contact with patients, clients and families, together with other staff who provide a wide range of critical support activities to individuals and the community.

I suspect that the question is aimed at the Northern Ireland Fire and Rescue Service, which would normally fall under the description of a front-line service. However, for the purposes of the draft Budget for 2015-16, which was endorsed by the entire Executive, the protection from reductions for front-line services relates solely to the health and social care elements within my budget — basically the expenditure of the five trusts.

The Northern Ireland Fire and Rescue Service is similar to other front-line services, such as the PSNI, but is not afforded the same protection.

Mr Rogers: Minister, focusing on the health and social care aspect of it, do you believe that the enhancement of services at our GP surgeries and out-of-hours facilities will help to alleviate some of the pressures on our front-line services?

Mr Wells: Absolutely. As I mentioned, the Choose Well campaign is an attempt to get our 1.8 million citizens to take sensible decisions on accessing the health service. Often we find that people who should be in out of hours are going to A&E and people who are in out of hours should perhaps be going to their GP's surgery. The wrong choices are being made. Therefore, it is important that that campaign is successful.

We have made commitments in the budget to try to protect those services as much as we can, but my problem is that I still have to find £50 million cash savings and reductions in what are termed "non-front line". That means organisations like the Fire and Rescue Service, the Public Health Agency, the BSO and a whole raft of arm's-length bodies. That has been painful. If we decided that the Fire and Rescue Service was not to be part of that, I think that it would be almost impossible to find that £50 million. By finding that £50 million and taking efficiency savings elsewhere in the budget, we want to retain the protection of front-line services such as GPs, out of hours, minor injuries units and A&E.

Ms Maeve McLaughlin: Given the Minister's commitment to the protection of front-line services, will he confirm that he will not move to

close the Cottages respite facility in the Western Trust? Go raibh maith agat.

Mr Wells: As the Member knows, there is an ongoing consultation on the Cottages facility in Londonderry. I notice that there has been some press speculation in the 'Londonderry Sentinel' and the 'Derry Journal' and on Radio Foyle about my view on this. I have made no determination on the future of the Cottages. It is still being discussed. I am very aware of the excellent resource that it is and the support that it gives to some very profoundly handicapped members of our society. However, at the moment, the board is still discussing the issue. I understand that the chief executive of the trust met local MLAs to discuss the issue last week, and I think that we are quite close to making a determination on it. At the moment, however, there is no final decision on the Cottages.

Mr Givan: The emergency departments are on the front line of the health service, and I welcome the steady progress that has been made over the past number of years to reduce the number of people waiting for 12 hours to be seen in those wards. However, there are occasions when the pressures continue to build, and we saw those during the Christmas/new year period. Will the Minister give his assessment of how the health service responded to the pressures that the emergency departments were under during that time?

Mr Wells: As I said in the media, I am immensely proud of how our six health trusts handled the enormous pressures in the period just after Christmas. There was a 7.5% increase in demand, and that 7.5% increase was on top of the huge increase in demand in January 2014. Despite that, we did not have the meltdown that was experienced in the Irish Republic, where there were 600 patients on trolley waits at one stage, or the situation in England, where 12 health trusts had to declare emergency incidents when the system completely collapsed.

I accept that 179 routine procedures were postponed, but all those will be carried out within the next three to six weeks. In the Southern Trust, only one procedure was postponed. We got through a terribly difficult period with the minimum of disruption. By the way, those 179 routine procedures were out of several thousand procedures; it was a very tiny fraction — maybe less than 4%. Therefore, I say, "Well done" to the consultants, the doctors, the nurses and all the allied health care professionals who worked so hard over that period to ensure that we got through those very

difficult few weeks without having to worry about the situation that arose a year earlier.

It is worth saying that, in GB, 220 operations a day are being axed as units struggle. That gives you an indication of what is going on in areas where they have a very strong resource base. So, I admire the work that is being done. I pay tribute particularly to the Chief Medical Officer and chief executive of the Belfast Trust, who was seen walking the wards on Christmas Day at the Mater Hospital and the Royal Victoria Hospital. That is the sort of dedication that we have in the health service. I know that that can be replicated by many chief executives throughout the trusts, so I say "Well done" and "Keep up the good work".

3.00 pm

Health Care: Rural Areas

3. **Mr McMullan** asked the Minister of Health, Social Services and Public Safety, given that the focus of Transforming Your Care is on a movement towards community and palliative care, to outline when rural areas will start to see the benefits of this strategy. (AQO 7405/11-15)

8. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety, further to his recent meeting with the Ulster Farmers' Union, for his assessment of current health-care provision in rural communities. (AQO 7410/11-15)

Mr Wells: With your permission, Mr Deputy Speaker, I will respond to questions 3 and 8 together.

I am committed to improving the health and well-being of the rural population and to taking forward the commitment for health in the rural White Paper action plan. My Department and the Public Health Agency are committed to working jointly with the Department of Agriculture and Rural Development on initiatives such as the maximising access in rural areas (MARA) project and the farm families health checks programme. I also want to ensure that high-quality care continues to be provided to people with palliative and end-of-life care needs, irrespective of where they live or where their care is delivered.

The Health and Social Care Board and the Public Health Agency, in conjunction with Marie Curie, are taking forward the Transforming Your Palliative and End-of-life Care programme. The programme aims to improve the design and delivery of coordinated services and ensure

equity of access to services for urban and rural communities. It will do that through the development of person-centred care so that people with palliative and end-of-life care needs will have, as far as possible, choice in how and where their care is provided.

Mr McMullan: Go raibh maith agat. I thank the Minister for that partial answer, but he has still not answered the question. When will rural dwellers see the investment in community and palliative care that the all-singing and all-dancing Transforming Your Care promised when it came out and all its plans were announced to the public? Will the Minister guarantee the House and the wider public today that any decision that he takes through Transforming Your Care for the rural community will first be rural-proofed?

Mr Wells: As I already mentioned to the Member, the Executive have adopted the rural White Paper action plan for Northern Ireland. That followed extensive engagement with stakeholders and Departments. It was agreed by the Executive in May 2012. That demonstrates the Executive's commitment to improving the quality of life of those who live in rural areas.

The plan was developed to provide a strategic framework for rural policy for the next 10 years. It provides a framework for a more integrated approach by the Executive to seek to address the challenges facing rural communities and to help ensure the future sustainability of rural areas. It contains commitments on rural issues by all Departments, including mine.

Ms Sugden: One of the biggest access issues for rural constituents is community transport. The Blind Centre in my constituency recently lost its transport. How is the Minister working with Minister Kennedy to ensure consistent and adequate rural transport for those specifically with a disability?

Mr Wells: As the honourable Member for East Londonderry will know, rural transport is outwith the control of the Department of Health. However, I realise that it is an important factor in people getting access to essential services.

She raised the particular issue of the Blind Centre in Coleraine. I am more than happy to take up that issue with Minister Kennedy to see what is happening. In my area, the Down Armagh Rural Transport Partnership (DART) is having huge difficulties with funding at the moment. Essential services are being withdrawn because the cash is not being made

available to enable an extensive service to remain available to the community. I am therefore more than happy to pursue the issue. Coleraine is not the area that I would be in most often, so I am not across the particular issue raised. I know that the Member is raising it on behalf of her constituents, and I am more than happy to follow up on that with Minister Kennedy.

Mr G Robinson: Will the Minister provide an update on the paediatric palliative care strategy?

Mr Wells: The Department's review of paediatric services — Sorry, I did not quite hear the Member. Was it paediatric or palliative care?

Mr G Robinson: Palliative care.

Mr Wells: The Department places huge store on protecting and enhancing palliative care services. Indeed, we have an agreement with Marie Curie, which organises visits to those in rural areas who have end-of-life care needs. Indeed, I was also up at the Northern Ireland Children's Hospice, and I noticed that it has a team of nurses who go to every county in Northern Ireland to provide care to people who look after young children who have end-of-life care needs. I was very impressed with the quality of the care that I saw, and I am committed to ensuring that the review of palliative care continues to reach out to rural communities. I want to continue to work with the charitable NGO sector in this respect.

We also provide domiciliary care to 25,000 people in Northern Ireland, many of whom, of course, are elderly people, and some of whom have palliative care needs. So, there is a commitment throughout Northern Ireland to ensure that we do our best for people who wish to remain in their community in their last days. We know how difficult a period this is in their lives and the lives of their families, and I would like to think that the Department, through the five trusts, is working to ensure that people, in even the most remote areas, are getting the care they require.

Mrs Overend: Care in the community is especially important in rural areas, yet each of the trusts is cutting support for domiciliary care. Can the Minister detail how this is justifiable?

Mr Wells: The overall level of domiciliary care is actually continuing to increase. I think that she is referring to the fact that, under the contingency plans to save money in the last

four months of this financial year, some trusts have been adopting a policy of providing only two out of three non-urgent packages to slow down demand and restrict growth in the budget. This does not mean that there is not an overall growth in the programme, and it continues to be a major component of the social care budget. This will be reviewed, of course, in the context of Budget 2015-16. I have not yet had direction from the trusts on what they intend to do, but, if anyone needs a domiciliary care package urgently, they are still getting it. I emphasise that. It is only the non-essential packages that are being restricted and, even then, it is two out of three, and that policy does not apply to all trusts.

This is a rapidly growing part of our budget, and, indeed, as part of Transforming Your Care, one of the main focuses of that document is to transfer funding from further up the healthcare ladder down to domiciliary care.

Dr McDonnell: Mr Deputy Speaker, can I take this opportunity to congratulate the Minister on his earlier warm comments about GPs? They are outstanding people dedicated to serving the community at a level that is far beyond the norm that is expected. *[Laughter.]*

Mr Deputy Speaker (Mr Beggs): Can we have a question, please?

Dr McDonnell: Minister, your comments will be noted and remembered.

We started off by talking about Transforming Your Care in this question. Minister, to what extent are the health trusts involved in the decision-making to close nursing homes such as Orchard House in Belfast? What assurances can be given to residents affected by those decisions that they will be provided with suitable alternative accommodation or provision in the community?

Mr Wells: Orchard is a private facility. The Department has no direct control over private nursing homes. We have had situations where they have announced closure, and, of course, they have to consult before doing so. It then becomes the trust's role, in this case the Belfast Trust, to provide alternative accommodation for the residents of a private home.

We had a similar situation in Bangor. You will understand that, as a privately owned facility, it is a matter between the Belfast Trust and the RQIA that, during the period of notice, they meet all the relevant registration and

contractual requirements and that the residents are appropriately and successfully relocated.

From experience, I have found that it is always possible to relocate residents in this situation. I understand, of course, that, if someone has lived a large portion at the end of their life in a private residential or nursing home, the trauma and upheaval of having to be moved out and be split from friends is very difficult. You will understand that the Department could not get into the situation of moving in and bailing out, or rescuing, private residential nursing homes, because, when there is alternative provision, we have to make use of it. There have been some isolated incidents of this happening, but, on all occasions, the residents have been relocated to other facilities in a reasonably short period.

Nutritional Care Strategy

4. Mr McGlone asked the Minister of Health, Social Services and Public Safety for an update on the progress of the vision for good nutritional care strategy for adults in all care settings in Northern Ireland. (AQO 7406/11-15)

Mr Wells: The Public Health Agency, which leads on the implementation of Promoting Good Nutrition, the vision for good nutritional care strategy for adults in all care settings in Northern Ireland, advises that it aims to have the majority of actions in the strategy that relate to training, assessment and assistance with feeding, food service provision and the patient experience in place during 2014-15, so that is obviously imminent. During 2015-16, they aim to focus on arrangements for governance and related structures, along with any outstanding actions from 2014-15.

Mr McGlone: Go raibh maith agat don Aire as an fhreagra sin. Thanks very much to the Minister for that response. Particularly in regard to the recent concerns around the provision of meals to people's homes in the South Eastern Trust area but also more widely, does the strategy apply to the care setting of the individual's home and the nutritional values that should apply there?

Mr Wells: It may be of interest to the Member to receive the statistics on what are called community meals. The Belfast Trust gives out 982 meals a week; the Northern Trust 437; the South Eastern Trust 408; the Western Trust 1,227; and the Southern Trust gives out 47. The reason why the number for the Southern Trust is so low is that it has carried out a full reablement programme. Elderly people living

on their own are given advice and help on how to manage in a much more effective way, without requiring what many people regard as meals on wheels.

The decision of the South Eastern Trust, which has 408 clients, was based on making the service more effective and more cost-effective, but it also has to be emphasised that it is not a case of simply going with a dozen or 14 meals, putting them in a freezer and driving away. If the person requires help in cooking that meal, that is given. It was not a question of leaving people on their own. Equally, if the person did not have a fridge or freezer that could accommodate those meals, they were not included in that service. I will watch with great interest to see how that new arrangement works. We will monitor it carefully, but it is a genuine attempt by the South Eastern Trust to make the service more effective. It is interesting to note that, when full reablement is carried out, the need for community meals drops dramatically. As I said, in the Southern Trust's case, it is down to only 47.

Lord Morrow: The Minister has, to some degree, answered the question that I was going to ask, because it was in a similar vein. I was going to ask him how he explains the significant differences between the numbers of community meals provided in the trust areas. He tells us that 47 are provided in the Southern Trust. I would like to hear —

Mr Deputy Speaker (Mr Beggs): Will the Member come to his question?

Lord Morrow: That is the question.

Mr Wells: I am not actually 100% certain what the question is. What I can say is that the Southern Trust has maybe been more forward-thinking on reablement. It has sent its staff out to give advice to many elderly people, particularly those living on their own, on how they can manage without requiring the community meals service. I represent the Southern Trust area and have done for about 20 years, off and on. Surprisingly, though the service has been scaled back dramatically in places like Newry and Mourne and Banbridge, I have had very little in the way of complaints from constituents about it. That indicates to me that the Southern Trust is able to provide the support that individuals need in such a way as community meals are no longer required.

I suspect that the reason why the other trusts are not just at that level is that they are not through the reablement process to the same

extent. Under Transforming Your Care, the intention is that every person in that situation would get that advice and assistance, so I expect that that number will continue to fall.

Mr Deputy Speaker (Mr Beggs): That is the end of the period for listed questions. We now move to topical questions.

Meal Delivery Service: Public Consultation

T1. **Mrs McKevitt** asked the Minister of Health, Social Services and Public Safety why there was no public consultation ahead of the decision to remove the daily meal delivery service. (AQT 1991/11-15)

Mr Wells: Transforming Your Care clearly flags up the process of reablement. It is clear that, particularly in the Member's area — the Southern Trust area — there will be an extensive programme. I raise the question with her. She has been a public representative for I do not know how many years — certainly for as long as I can remember. The general assessment of the community seems to be that what the Southern Trust is doing is correct and that older people living on their own now feel much more certain and secure. Therefore, as a result of that, they no longer require community meals. I still say that I want any change in the process to be tested calmly and rationally by those who have specific expertise, particularly in the areas of malnutrition and the care of older people. I want that to be done in a way that minimises the alarm caused to the service users.

3.15 pm

Mrs McKevitt: Does the Minister agree that the decision has provoked region-wide inequality for recipients of meals on wheels, which are available in some areas and not in others?

Mr Wells: Only to the extent that I have mentioned, which is that some trusts are much further on in the process than others. In the Member's area, I think that the process is more or less complete. The Southern Trust has decided, after a rigorous examination of the facts, that only 47 people in the Southern Trust area require this form of service.

Mrs McKevitt: There was no consultation.

Mr Wells: As far as consultation is concerned, it was flagged up extensively in Transforming Your Care. There was extensive consultation in

it. Also, we are not changing the service as such. We are not losing a service; we are simply changing the way in which the service is delivered to people's homes, in the case of the South Eastern Trust. The food is still coming. OK, it is coming in bulk, as it were, but it is still being given, and there is still help being given for its preparation and serving.

Nurses: Specialities

T2. **Mrs Cameron** asked the Minister of Health, Social Services and Public Safety for more detail about and the specialities of the extra nurses working in the health service in the Province to which he referred previously. (AQT 1992/11-15)

Mr Wells: When the honourable Member for South Belfast was the Minister of Health, I distinctly remember him saying just before he left office that, inevitably, out of the comprehensive spending review Budget agreed by the main parties, there would be 4,000 compulsory redundancies in health. That has not happened. Over the three years when Edwin Poots had control of the Department, we increased the number of nurses in Northern Ireland by 780 or 6%. That is 300 more nurses in acute service; 55 more in mental health; 33 more midwives and student midwives; 30 more district nurses, which is an increase of 4%; 23 more health visitors, which is up 5%; 112 more paediatric nurses, which is up 18%; and 147 more specialist nurses, which is up 21%. That gives an indication of the commitment of the previous Minister and me to making certain that resources are put into front-line care, and you do not get much more in the way of front-line care than nurses. The trusts, the board and the Department are to be congratulated on giving this the priority that it deserves.

Mrs Cameron: I thank the Minister for his answer. Does he anticipate that the number of nurses working in the community will expand as well?

Mr Wells: Yes. We are doing a workforce review, particularly of district nurses who go round the community looking after people who also have a domiciliary care package. I hope that the workforce review will be published some time in mid-2015. It was due to be 2016, but I asked that it be brought forward. I am certain that the review will indicate that we require more district nurses to meet the needs of Transforming Your Care. I could go on about the number of extra consultants that we have also taken on, but we have shown already by our enormous commitment that we are utterly

determined in this Department to put the resources where they are needed, which is where the patient is being cared for — in the community or in the hospital.

Smoking: Plain Packaging

T3. **Mr McAleer** asked the Minister of Health, Social Services and Public Safety whether he is minded to introduce plain packaging as part of the tobacco directive. (AQT 1993/11-15)

Mr Wells: As the honourable Member knows, as far as the rest of the United Kingdom is concerned, last week, the announcement was made that there would be a free vote in Parliament on the issue and that would affect the situation in England. I understand that Scotland, Wales and the Republic of Ireland are at varying stages in implementing plain paper packaging. We as an Assembly unanimously passed a legislative consent motion last year enabling that to happen. It falls on the First Minister and deputy First Minister to take the final decision. That is where the decision will rest. I think that a dominant factor is that, if the rest of the United Kingdom and the Irish Republic are going down the same route, I see practical difficulties in Northern Ireland, which represents only 2% of the British Isles market for cigarettes, having its own brightly coloured packaging whilst the rest of the islands have plain paper packaging. However, that is not my decision; it is a decision for OFMDFM. I understand that it will be looked at very quickly.

Mr McAleer: I thank the Minister for his answer. Go raibh maith agat. Does the Minister agree that plain packaging can act as a deterrent to some young people from starting smoking in the first place?

Mr Wells: The research that was carried out in Australia indicates that it is an important component in deterring young people from taking up cigarettes. We have also had the point-of-display advertising ban, a ban on vending machines and the very successful ban in restaurants, pubs and clubs, all of which have driven down the number of smokers in Northern Ireland. We are down now to 22%, but — there is a big "but" — unfortunately, in the most vulnerable communities in our society, the prevalence is 31%. We still have to drive that down, and we still have to drive down the number of young smokers taking up the habit. Smoking is unique in that it has to replace half of its customers because those customers die from using its products. Anything that can be done to discourage young people from considering smoking to be glamorous must be

considered. This decision has gone past the Department and the Assembly; it rests with OFMDFM. The Member no doubt has influence there and can use it. We await with interest its decision on that issue.

Ebola: UK Discussions

T4. **Mr D McIlveen** asked the Minister of Health, Social Services and Public Safety to outline any discussions about Ebola that he has had with his UK counterparts. (AQT 1994/11-15)

Mr Wells: First of all, I am sure that we are all absolutely delighted that the nurse who was afflicted with Ebola in Sierra Leone is now out of hospital. We were all very pleased to turn on our TVs at the weekend and see that Ms Cafferkey — I am sure that I have got that wrong, but I mean the lady Scottish nurse — is out of intensive care. Since the outbreak began, there has been ongoing and intensive liaison between Northern Ireland and colleagues in Great Britain at official, Chief Medical Officer and ministerial levels. Decisions have focused on the development of plans and protocols for responding to any case of Ebola that may occur in Northern Ireland. That has covered a wide range of issues, including surge capacity in a number of hospitals to treat any confirmed Ebola cases; protocols for managing and treating suspected and confirmed cases; communications plans; arrangements for an Ebola helpline; the production of guidance for professional groups; and plans for transferring any Ebola patients to an appropriate hospital. I sat in on many of those COBRA conference calls with fellow Ministers. We did a series of dry runs and test cases and, when we had the incident in Glasgow, the systems worked well and fell into place. The Royal Free Hospital gave the person who had Ebola outstanding treatment, and I think that we can have confidence that — we hope and pray that it does not happen — should there be another Ebola case in the United Kingdom, we are now very well geared up in the four Health Departments to deal with that very serious issue.

Mr D McIlveen: I thank the Minister for his answer to that question. The Minister will recall that, at the end of November, Dr Sara Hedderwick from the Royal Victoria Hospital suggested that there was almost an inevitability that these shores might be affected by Ebola. In light of what the Minister has just said and in light of what the doctor said, is the Minister satisfied that this part of the United Kingdom — Northern Ireland — is at a ready state of

preparedness if that unfortunate eventuality occurs?

Mr Wells: As Members know, the overall risk to the general population in Northern Ireland is very low. The virus is only transmitted by direct contact with the body or bodily fluids of an infected person who has symptoms or the remains of a person who has died with Ebola. We had two scares in Northern Ireland: we had one in Londonderry and one in the southern part of Northern Ireland. Both were self-reported, and, on both occasions, the action that we required clicked into force very quickly. Fortunately, in both cases, the tests came back negative, but that showed that we were well prepared for the situation. One of the concerns that I had was about transport, but we have dealt with that. Therefore, should someone be in the unfortunate situation of testing positive for Ebola, the transport arrangements are there to get that person rapidly to the Royal Free in London, which we know, given the previous experience, gives an extraordinarily high level of care.

The good news as far as Sierra Leone and West Africa are concerned is that the incidence of Ebola is dropping rapidly. Some countries such as Nigeria have been able to declare themselves Ebola-free. We hope and pray that we are over the peak of this dreadfully serious condition, but we are still ready and waiting in case something should happen in Northern Ireland.

Smoking: Car Ban

T5. **Mr McCallister** asked the Minister of Health, Social Services and Public Safety, in welcoming his earlier comments about plain packaging, whether he remembers that, in autumn 2011, I tabled a motion on banning smoking in cars, of which he, while serving as a humble Back-Bencher, was very supportive; if so, is that still his view as Minister, and does he agree that, with the other jurisdictions in the UK moving down this road, it is time that Northern Ireland joined them. (AQT 1995/11-15)

Mr Wells: My colleagues in Scotland and Wales have made it very clear that they want to go down this route. Again, I have had a very good few months of discussions on this with Leo Varadkar, the Minister in the Irish Republic. He is very committed to the ending of smoking in cars in which children are travelling. There is a possibility of this happening in the Health (Miscellaneous Provisions) Bill, which could be used as a vehicle to slot in an amendment to prevent smoking in cars.

I remember that debate very well. I spoke passionately in favour of it from the Back Benches. Only two people spoke against it that day. It was almost unanimous. Indeed, I remember Mr McCrea making a very passionate speech against smoking in cars. I do not think that even I could go as far in explaining my views on smoking as he did that day.

That Bill is coming before us very soon. A private individual may wish to amend the legislation. The Committee or the Department may wish to do so. There has been no final decision, but at least we know that a final view on this will come our way within the next few months.

Mr McCallister: I welcome the Minister's response and his continued support. I happily put it on record that I would be delighted to bring such an amendment. Will the Minister welcome an early amendment so that he, his Department and the Committee could scrutinise it, and we get the best legislation possible?

Mr Wells: My only fear is that the honourable Member would ruthlessly use that in the constituency of South Down as a weapon against his opponents in any future election in the same way as he used his kudos in getting the Caravans Act (Northern Ireland) 2011 through in a previous incarnation.

I am not quite certain what the best vehicle is to achieve this change, but I get the impression from all Members that the argument has been won. What right do adults or parents have to inflict passive smoking on the most vulnerable in our society: young children? It is simply not on that we continue to do this. The Assembly's view on this is well settled. Therefore, my mind is entirely open as to the best way to change legislation on that, subject, of course, to the vote of the Committee and the Assembly. I think that, on this one, there is universal agreement in the Assembly. Sadly, the one person who spoke strongly against that — not as a health issue but on a right-to-choose basis — was the late David McClarty. David is sadly no longer with us. I got the impression that day that, had it come to the crunch, even he would have acquiesced and abstained on that vote.

Blood Donations: Cost of Court Cases

T6. **Mr Sheehan** asked the Minister of Health, Social Services and Public Safety to explain how he can justify the cost of court cases in

relation to the ban on blood donations from the gay community. (AQT 1996/11-15)

Mr Wells: May I say, first, that I did not incur any costs. The Member is referring to the cost of £40,000 from the previous Minister. I am in a very difficult position. As you know, the Department has appealed the court decision. We understand that a final judgement will be made in March 2015. That precludes me from saying much in the way of anything substantive on the issue. The Assembly has a well-known view that we do not comment on court cases that are before a judge for the obvious reason that anything that I may say might be used in that court case either for or against the final decision. I am sorry; I do not like to evade questions, but, on this occasion, the very strong advice that I have is not to take it any further than that.

3.30 pm

Private Members' Business

Children's Services Co-operation Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Children's Services Co-operation Bill [NIA Bill 44/11-16] be agreed.

Mr Deputy Speaker (Mr Beggs): I call Mr Agnew to wind on the debate.

Mr Agnew: At the outset, I welcome the clear indication from the House today that there is cross-party consensus in support of the principles of the Children's Services Co-operation Bill. I outlined in my opening remarks the long journey to introduce the legislation. Perhaps the advantage of that was the opportunity for me and, indeed, the children's sector, to bring others with us by persuading them to support the Bill. Certainly, when first consulting on the Bill, I faced some resistance, and some took longer than others to come to the position of supporting it. Whilst there has been broad agreement on the principles of the Bill, concerns have been raised, and I would like to address them as well as I can. I will go through the themes that came up in the debate rather than Member by Member, so I apologise if I do not cite those who raised some of the issues.

There was concern about the cost of enacting the Bill. Despite listening intently to the contributions from Members, I fail to understand how requiring Departments to work together will yield significant costs. However, I have seen, and presented to some degree, the cost of the lack of cooperation. Indeed, the Laming inquiry found that the lack of cooperation between Departments and agencies in England was an attributable factor in the death of a child. I would hate to see something as important as this derailed because of largely unfounded concerns about financial costs.

Let us look at another example: the review of the risk to young people in care of sexual exploitation is, I think, ongoing, but the first criticism made against the agencies involved was the lack of joined-up working. Children in care are, arguably, some of the most vulnerable children. Certainly, we have most responsibility for them, as they are in the care of the state's Departments. As someone in Scotland put it during lobbying for the Children and Young People (Scotland) Act, the state is their "corporate parent". We should be mindful of that. The conclusion drawn from investigations into the risk of sexual exploitation to children in care is that they are being failed and that a lack of cooperation is part of that failure. These are the costs of not cooperating, and I outline them because, I suppose, of my heartfelt instinct that those children must be cared for.

There is no doubt that the financial costs of getting things wrong in a child's early life are immeasurable. Indeed, the economist Professor James Heckman estimates that having the same impact in adolescence would cost seven times more than early intervention. All the evidence for integrated working and cooperation shows that joined-up working decreases delays in the provision of services, meaning that we can intervene earlier when we cooperate better.

(Mr Speaker in the Chair)

While Mr Wilson — he is not in his place at the moment — questioned some elements of the Bill, he said that the "silo mentality" was wasteful. That was a helpful intervention from a former Finance Minister who has scrutinised our public finances to that level, although compliments from me to Mr Wilson are rarely appreciated.

I appreciate that we must always be mindful of extra financial or bureaucratic burden, but I ask Members who have cited costs to investigate the evidence, because the evidence in England is that, where there has been cooperative

working, particularly where there has been pooling of budgets, costs have reduced, efficiency has improved and the delivery of services for children has improved.

I have been asked about the practical outworkings of the Bill. Sandra Overend drew attention to it well. She spoke of examples in her constituency in which constituents have come forward because they have fallen between two Departments and the lack of cooperation has failed them. I would be surprised if any Member had not had that experience. Certainly, I have had constituents with that experience. The most recent example concerned a child with special educational needs. The child's problems were recognised by the teachers, but they had to wait for statements, potentially, from the Department of Health, or an educational psychologist from the Department of Health. The delays between the Department of Education and the Department of Health led to real and tangible difficulties for the young person involved.

I welcome the work that Mrs Overend is doing in relation to Internet safety. I hope and believe that this Bill, the work that Mr Lyttle is doing around children's budgeting and Mrs Overend's work are very much complementary. It is good to see Members putting such effort into improving outcomes for children in Northern Ireland.

Mr Wilson raised the issue of children in care and asked how this would help, practically, with children in care. Sometimes, it is easier to point out where the failings are than where the improvements will be. Ultimately, we hope to stop getting reports that say that a lack of joined-up working failed our children. It is worth noting that the Voice of Young People in Care (VOYPIC) has been very supportive of the Bill, from the outset. It responded to the consultation and attended the recent launch. I spoke to its chief executive about the experience with the children's Bill in Scotland, where they brought in the statutory duty. Children were going up to Alex Salmond and saying, "You know you're my corporate parent". He had hundreds of children calling him daddy, which I am sure was a strange experience. I do not know how that translates over to Northern Ireland. Perhaps, it makes the Department of Education and the Department of Health the mother and father of children in care. I am not sure which is which, but given that both Ministers are men, perhaps we have our own civil partnership in government. However, the responsibility we have to children in care is a serious point. As I said before, the state acts as their parent. I do not think that a lack of

joined-up working can be excused when it comes to those children's lives. The outcomes for children in care are all too commonly poor, and we need to look at ways of improving that. I believe that better joined-up working can do that.

Questions were raised about the high-level outcomes. I think that it was Mr Wilson who asked, "What do they mean"? The issue of what would happen as policy changed was also raised. There is, within the Bill, provision for the outcomes outlined in the Bill to be changed through order. I have also committed to engaging with OFMDFM as it develops the new strategy for children and young people. Should the Bill need to be amended to reflect new outcomes, where those come forward and, indeed, are agreed by the sector, I will be supportive of an amendment. I chose the six high-level outcomes to keep in line with current policy, but, as current policy develops, I am willing to develop the Bill in that direction.

What do the outcomes mean? My understanding is that OFMDFM's intention in the new strategy is to better explain the outcomes and amend them if need be but to be more explicit about what the outcomes entail. In that regard, if need be, the Bill can be amended in line with policy changes.

Mr Wilson made a specific point about enjoying learning and achieving and whether the Department can be challenged over the failure of a child to enjoy school. Of course, not all children enjoy school, but it is a goal and an outcome, and the Bill requires cooperation in seeking to further the achievement of that outcome. It is not a requirement to achieve enjoying learning and achieving; it is a requirement to work together with that goal in mind. There is nothing in the Bill that is unreasonable in that regard.

Mr Nesbitt raised the issue of the four high-level outcomes in the child poverty strategy. I will reiterate what I said in my opening remarks: this is a Bill for all children. While it will encapsulate children in poverty, children with special educational needs and children with disabilities, it is not about targeting one section of children. It is about all children, and, in that regard, it differs from the child poverty strategy. I cannot answer for OFMDFM about the drafting of the child poverty strategy and why those four high-level outcomes were chosen, but the purpose of the Bill is to take in a wider range of children, including those in poverty but not exclusive to those in poverty.

Speaking as the Chair of the Committee, Mr Nesbitt also raised what he saw as a lack of engagement. This was raised most recently when I was before the Committee. It was not for the want of trying in some regards. When I launched the consultation in 2012, direct letters were sent to 300 statutory and voluntary organisations, the majority of which did not reply. I have to say that I got better engagement from the children's sector than I did from the statutory sector, but, to be honest, I can understand that. Very few private Members' Bills get to this Stage, and even fewer pass. The Bill was probably not a priority for Departments or for the agencies consulted. They face a plethora of consultations, so maybe this was not a high priority for them. However, since the indications have been coming that OFMDFM and the Assembly are minded to support the Bill, at least in principle, the engagement has increased. I will work with OFMDFM to engage with the statutory sector as well as the voluntary sector. As I said, efforts were made to consult widely, but I suspect that that work will be stepped up. Indeed, the junior Minister made it clear that this is only the beginning of the work. I acknowledge that there is much work still to do on the Bill, with consultation and potential amendments. However, I look forward to undertaking that work because it will be worthwhile.

A couple of connected issues were raised by Mr McCallister and Mr Nesbitt around an agreed Programme for Government, which might be a better way of improving joined-up working. I agree: an agreed Programme for Government with agreed common cause and corporate responsibility in the Executive is something that my party and I would like to see. Again, however, I point to England and Scotland, where they have an agreed Programme for Government but still feel that a statutory duty is required.

There is a political discussion about the number of Departments. I welcome the junior Minister's statement today that there has been agreement for a Department of education and children. That should help with cooperative working in relation to children, but, again, I look at Scotland, where they have a children's Minister but still require the statutory duty.

3.45 pm

I welcome the overall reduction in the number of Departments, although larger Departments could become more impenetrable. This is the perfect time for this legislation to set a new standard and a new requirement for those

Departments to work together, so that as we reform the Departments, we reform the cultures within them and end the silo mentality that Members referred to.

What I hear from the Assembly in common today is that the principles of the Bill are right and the important work is now to get the drafting right. I certainly agree with that and am committed to doing that. I am committed to working with the junior Ministers and the Office of the First Minister and deputy First Minister to draft amendments that will strengthen the policy objectives of the Bill.

Dolores Kelly made a useful contribution when she said that we must listen to the experts. I agree: we must listen to the experts in the voluntary and statutory sectors. I will be mindful of those who are being asked to change resisting that change. However, where people come forward with genuine proposals that seek to achieve the policy objectives of the Bill in a better way, I will lend my support to such proposals.

The first question in my consultation in 2012 was whether the Bill would make cooperation more likely. I believe that it will and that should be the objective. Claire Sugden described this as the most important legislation to reach the House. It certainly is for me. That is why I have worked so long and hard on it and why I will continue to work to get it right. As the junior Minister said, we have to get the Bill right because it is too important to get wrong. I absolutely agree with that and would add that it is too important to reject at a later stage. The Assembly needs to give its commitment to the Bill. I give my commitment to working with all stakeholders and getting it right.

Question put and agreed to.

Resolved:

That the Second Stage of the Children's Services Co-operation Bill [NIA Bill 44/11-16] be agreed.

Assembly Business

Ms Ruane: On a point of order, Mr Speaker. A Cheann Comhairle, you will be aware that the motion coming up was changed at the last minute by the UUP, though it was agreed at the Business Committee. That left us very little time to study the wording of the motion. It transpires that the wording is inaccurate and has misleading information. I have been informed of that by the Minister. I understand

that the Business Office and your office have also been made aware of that. Given that this inaccurate and misleading information is attached to a motion that we are expected to vote on, I wonder whether the Speaker could maybe take this away and provide guidance to us.

Mr Speaker: Thank you for that point of order. This matter was brought to my attention quite late in the day. In fact, it slightly delayed me in taking my place as per the agreed rota.

My initial advice is that motions are published on the no-day-named list and chosen by the Business Committee for inclusion on the provisional Order Papers and, one week later, the final Order Paper. Clearly, there exists an opportunity to correct any factual inaccuracies before the final Order Paper or to submit an amendment to the motion within the usual deadlines. I would have expected, in any event, that any inaccuracies to be raised by the Minister would have been dealt with in that way.

I am content that the correct procedures were followed, and I have had the opportunity to be talked through the steps involved, including any issues that the Business Office might be required to follow up on with the signatories to the motion. I accept that this is quite late in the day, but, in this instance, no concerns were raised in sufficient time for any corrections to be made to the motion in the Order Paper. However, I expect the debate to ensure that those issues are addressed and put on the record.

Mr Swann: Further to that point of order, Mr Speaker, can you give a ruling on whether the motion is, in your view, competent?

Mr Speaker: Yes, it is, because the correct procedures were followed and there was, in my judgement, sufficient time for people to raise any concerns over factual content. That is not to say that I stand over the composition of the motion; that is a matter for the debate, and I am certain that the Minister will set out his position on any representations, opinions or submissions that he received in coming to his decision.

I labour this point so that we can avoid any confusion in the future: there is no onus on the Business Office to ensure the accuracy of motions that are placed before it. There could be sub judice issues involved; the language used could be offensive to some Members; the Minister could have signalled an intention to address issues and a Member is attempting to

anticipate that; or there could be other matters involved that at least require the Business Office to deal with them before a motion appears in the Order Paper. Everyone, whether or not directly involved in a motion that appears in an Order Paper, has a period in which to address any concerns about its factual content or otherwise.

Coláiste Dhoire: Development Proposal 264

Mr 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 in which to propose and 10 minutes in which to wind. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes in which to wind. All other Members who are called to speak will have five minutes. A valid petition of concern was presented on Thursday 22 January, so the vote on the motion will be on a cross-community basis.

Mr Kinahan: I beg to move

This Assembly notes with concern the decision of the Minister of Education to approve development proposal 264 to establish a new grant-aided, independent Irish-medium post-primary school Coláiste Dhoire at Owenbeg, Dungiven; further notes that this decision was taken contrary to official advice from the Western Education and Library Board, the North Eastern Education and Library Board, the Education and Training Inspectorate, the ministerial advisory group on Irish-medium education and his own Department; and calls on the Minister of Education and the Executive, in the context of ongoing budgetary pressures, to review this decision on the grounds of rationality, affordability and sustainability.

We will soon find out that there were not inaccuracies, just differences of opinion. I welcome the chance to propose the motion on behalf of the Ulster Unionist Party.

On 28 November 2014, the head of the area planning policy team at the Department of Education sent the Minister of Education written advice on development proposal 264, which was an application from Coiste Choláiste Dhoire for a new Irish-medium secondary school to be established in September 2015 at Owenbeg, Dungiven. She recommended that the Minister not approve the development proposal and included a draft press statement to announce the decision. The press statement

was never released. Instead, on 8 December 2014, the Minister took the decision to approve the development proposal and amended the press statement to announce his decision. It was released two days later. The purpose of the debate is to find out what prompted the Minister between 28 November to 8 December to turn his official advice on its head and approve a proposal for a school that has been variously described as not viable and unsustainable.

This is not an attack on the Irish language or on Irish-medium education. Those who have tabled a petition of concern against the motion are the ones who have politicised the Irish language yet again. It is a motion about value for money. When the decision was announced, I really was shocked given the Budget circumstances. On 8 December, the Minister announced that the school is to be developed at a cost, according to the Department of Education, of £216,000 the first year. There would also be 11 mobiles costing some £600,000 plus VAT a year and a year-end deficit likely to be £100,000, when there will be only 14 pupils that first year, and a mass of other costs as yet undisclosed. All this was against departmental advice. The Department's recommendation is:

"do not approve the Development Proposal".

I do not know which is more shocking: the idea of the Minister spending close to £1 million on a new school for 125 pupils, when everyone in the profession is facing cuts, or him ignoring his professional advisers, when almost all of them say that the school is unsustainable.

It has been said that CnaG, the Irish language body in education, is in favour of the proposal. However, it had one of the four places on a ministerial advisory group that reported last year. That report did not identify Dungiven as an optimal location. It recommended an enrolment threshold that, while lower than the sustainable schools policy, is way above that envisaged in this proposal.

Regarding value for money, let me remind you where we were in December when this decision was announced. The Department had just written to every school to advise them that their budgets would be cut by 7% or 8%. In the Budget, capital spend was to be cut by £45 million, minor works by £35 million and schools maintenance by £3 million. Worst of all, some 1,000 teachers were to be laid off. All this was being done at a time when everyone in the whole teaching profession was allowed to go home for the Christmas holidays believing that

such drastic cuts really were coming. Yet, the Minister chose to spend £1 million-plus on a project that his advisers had severe doubts about.

I am not attacking or criticising the group that is pushing for this new school in Dungiven. I want to thank Niall O'Hagan for taking the time to come and see me late on Saturday afternoon. He and they are genuine and well-motivated. I listened to all that he said but cannot move away from the fact that we are talking about public money here. The Minister must demonstrate value for money. The Department's full recommendation is as follows:

"Notwithstanding the Article 89 duty to encourage and facilitate the development of Irish-medium education, it is clear that enrolments at the proposed school will not reach sustainable levels in the medium term, if ever. Nor do they satisfy the less stringent intake numbers set out in the recent MAG report. These very low enrolments present in turn, a number of weaknesses in curricular provision, and difficulties in providing the range of extra-curricular activities which are also necessary for a high-quality education. Also, the school's estimated first year deficit is circa £100,000 and this would have to be carried forward to subsequent years."

Very definitely, and very clearly, the Department is advising against. When we consider the statutory duty, it is also clear. The Department advises:

"that application of the duty does not equate to the acceptance of every proposal brought forward on behalf of an IM school and that the Department must be mindful of its statutory duty under Article 44 of the Education and Libraries (NI) Order 1986 and under Managing Public Money to ensure effective and efficient use of public funds."

That makes it pretty clear that the overriding duty is to ensure the effective and efficient use of public funds.

I move on to sustainability. We know that Bain suggests a minimum enrolment of 500 for post-primary. That is from the Department's own sustainable schools policy. Yet, here we have a post-primary school with a year 1 anticipated enrolment this September of 14. The Department's study of enrolment is a school enrolment of just 128 in 2019-2020, with a sixth form of just 26 by 2021-22. I use its terms:

"These are significantly below the minimum ... enrolments of 500"

for years 8 to 12 and 100 for sixth form. They are significantly below; miles away from the 500.

4.00 pm

It is also way below the less stringent recommendation in the ministerial advisory group report of:

"initial intake for an Irish-medium post-primary school of 35 in year 8 rising to 65/80 by the fifth year to ensure sustainability".

I will move to the Western Education and Library Board's comment:

"The WELB has stated that a proposal for the establishment of a new Post primary school in Dungiven is not considered in the WELB Strategic Area Plan for Post-primary schools ... the establishment of a new Post-primary school would have a negative impact on the current provision within the Dungiven area."

That, surely, is a recommendation against this proposal: wrong location and will adversely affect other schools.

The North Eastern Education and Library Board was called in to follow up and look at the effect on local schools in that area. It highlighted two highly critical responses: one of which stated that the proposal should be rejected, given the budgetary pressures facing Departments, which is exactly my point about value for money; and the other included some of the comments from St Patrick's College, Maghera, three of which I am going to highlight. One is that previous attempts to provide an Irish-medium post-primary had failed due to low numbers. The numbers in the proposal include pupils from other schools, ie, it will be taking pupils from the other schools and affecting them. Lastly, the school itself will struggle to deliver the entitlement framework.

The inspectorate rightly acknowledges the considerable work and thinking on how to build the school and its 10-year development plan, and I acknowledge that, too. However, the inspectorate points out that it is not one of the eight locations suggested by CnaG to the ministerial advisory group. It also notes:

"The key challenge is the low number of pupils".

The inspectorate goes on to say that it is concerned that Key Stage 3 should not "be delivered 100% through Irish" and that "immersion ... may constrain learning pathways". So, I take its comments as leaning heavily towards no.

CnaG has put many strong points in support of the development proposal, most of which I do not disagree with, but none deals with the key reasons of numbers not being enough and the huge financial cost. Is this really the time to spend so much on such a matter, when it does not have basic support from the key bodies and so much doubt exists? It is not really just £1 million; it is very likely to cost much more. The estate operations team comments that "a total underlying building cost" of approximately £2.5 million may exist, and that does not include VAT or utility costs.

So, today we see a decision to give the go ahead with a school that fails on enrolment, finance and curriculum. The Minister needs to say more than, "I am the Minister; I take the decisions".

When it comes to the amendment, that really is a subject for another debate, not for today. It is a very real debate that we need to have, but it must not dilute today's. I plead with others not to turn this —

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

Mr Kinahan: — into another divisive battle over identity politics. This is not the day for playing politics but a day for asking the Minister why he ignores his advisers. We should be finding a sustainable —

Mr Speaker: Thank you.

Mr Kinahan: — economic and non-political way of supporting the Irish language. Thank you.

Mr Speaker: Thank you.

Miss M McIlveen: I beg to move the following amendment:

At end insert:

"; and further calls on the Minister of Education to review and bring forward proposals to end the statutory advantage that some sectors enjoy to the detriment of existing schools."

Just to be clear: the DUP remains committed to ending the benign form of apartheid that exists

within our school system. In order to achieve this, it is paramount that the statutory protections afforded to some schools within our education system are removed. That must be done to ensure that there is a level playing field in order that all sectors are fully committed to the principle of shared education for the betterment of our children and society as a whole.

I remain fully behind the concept of shared education, as set out in October 2010 by our party leader, the First Minister. It is no surprise, however, that there are those who choose to confuse the desire to educate children together with uncritical support for the integrated sector, as it exists. It is of great concern that someone cannot speak of reform of the statutory protections given to the Irish-medium and integrated sectors without it being labelled as an attack on someone's culture or heritage, or it being described as an abandonment of our policy on shared education. I am afraid that the statutory protections do not extend to a protection from suggesting reform. Much has been made over the weekend of my party's call for the ending of the statutory advantage for Irish-medium and integrated education. The policy of the DUP has not changed. We believe that shared education is the way to break down the barriers of division. Today's debate comes at an opportune time, when school budgets have come sharply into focus. As the threat of swingeing cuts hung over the aggregated schools budget, it seemed all the more absurd that the Minister would open an Irish-language secondary school for 14 pupils.

Mr Allister: Will the Member give way?

Miss M McIlveen: No, I will not, if you do not mind. I have a lot to say.

As Departments across government face austerity cuts, it seems inconceivable that a school of that size can be opened. It is well known that the smaller the school in pupil numbers, the more expensive it is to run. The Bain report identified that costs per pupil begin to rise when the numbers of pupils in primary and post-primary schools dip below roughly 200 and 500 respectively and rise more dramatically the further enrolments drop significantly below those levels. Under that report, it was recommended that the minimum enrolments for new primary schools and years 8 to 12 in new post-primary schools should be 140 pupils for primary schools in urban areas and 105 pupils in rural areas, and 500 pupils in post-primary schools. The viability criteria that might apply to the controlled and maintained sectors does not

apply to the integrated and Irish-medium schools because of article 64 of the Education Reform (Northern Ireland) Order 1989 and article 89 of the Education (Northern Ireland) Order 1998 respectively.

The Minister's decision in respect to development proposal 264 in Dungiven owes much to those statutory protections, which came about as a result of the Belfast Agreement, negotiated and advocated by the Ulster Unionist Party in 1998, which agreed:

"a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education"

That was given effect by the Education (Northern Ireland) Order 1998.

I am happy to support the Ulster Unionists' motion on this as a recognition that, once again, they got it wrong, and I think I am glad to say that they have decided to support our amendment; I am not entirely clear. However, logically speaking, they should support it, since it is the statutory protections afforded to the Irish-medium and integrated sectors that create the irrationality, unaffordability and unsustainability to which they refer.

Mrs Overend: Will the Member give way?

Miss M McIlveen: No. I have too much to say.

If the Ulster Unionists are not prepared to address the core issue in their motion, then, essentially, what they say is meaningless and toothless.

As I have said on previous occasions, when motions are debated in the Chamber, it is not an attack on either the Irish-medium or integrated sectors but a demand for the principles of fairness and equity to be upheld.

Under the Department's policy for sustainable schools, it is stated that, because of the statutory protections, it is under:

"a clear duty ... to respond positively to parental demand for integrated and Irish-medium education."

In doing so, the Department has a duty to consider other factors:

"including educational standards, premises, intakes and enrolment viability, suitable alternative provision, religious balance for

integrated schools, objections to the proposal, public expenditure implications and impact on other schools, and decides on the merits of each case."

In the case of this school, the Minister made his decision contrary, as we have heard, to a wealth of official advice, including that from the Education and Training Inspectorate; the advisory group on strategic development of Irish-medium post-primary education; and his own Department. This decision, taken against all advice and in the promotion of a narrow, ideological view could probably be successfully judicially reviewed were it not for article 89 of the 1998 Order.

So, what kind of precedent are we setting in relation to development proposals for future schools? In many countries around the world, immersion programmes are part of existing schools. In Canada, classes that are wholly taught in French take place each and every day alongside classes that are taught in English. There is no reason why that type of education could not be expanded in Northern Ireland as well. There is capacity in many schools across Northern Ireland to facilitate and promote Irish-language education as part of an immersion stream.

Whatever parents choose, the wrong way, without doubt, is the course that the Minister is plotting, but he is protected by the statutory duty, and that is one reason why that duty must be repealed. It is not in the best interests of children in Northern Ireland.

One of the key roles of the new Education Authority, which this party helped ensure had representatives from the Irish-medium and integrated sectors among other groups, will be area-based planning. Another key role that we supported was the enshrining of the principle of shared education as a key policy of the new authority. As a party, we want the authority to be capable of fulfilling those responsibilities, without one arm being tied behind its back. How will it be able to carry out area-based planning in a full strategic manner if schools can be created or transformed below the sustainable criteria that are being applied to the controlled and maintained sectors?

The effect of the duties that are contained in legislation gives rise to a requirement to provide preferential treatment in school transport. Mr Justice Treacy held that the duty in article 89 was more than just an aspiration and was intended to have "practical consequences and legislative significance", and:

"the provision of transport facilities to schools in any sector is critical to the development of that sector".

The judgement in that case created a hierarchy of duties with regard to schools transport. Mr Justice Treacy noted that the Department:

"does not have a corresponding duty in relation to the traditional established educational sector".

If hard decisions have to be made in relation to school transport, it will be the children who attend controlled and maintained schools who will suffer. The new school will now avail itself of that preferential treatment, which will stretch further an already stretched school transport budget.

Of course, establishing new Irish-medium schools is not without other problems. Most notably, there is a lack of teachers with the ability to teach through the medium of Irish in STEM and other subjects that will be required in Irish-medium post-primary schools. That has a serious impact on how such schools are able to deliver on the entitlement framework. Is the Minister prepared to turn a blind eye to that?

The statutory advantage for integrated education was granted to allow the sector to get a foothold. It is a sector that is fighting for pupils and that is in competition with controlled and maintained schools. It now has that foothold, but the statutory advantage is a challenge to a shared education system. There was little incentive to become part of that process while those statutory provisions remain, and that will not be achieved unless we change course.

Rather than continuing with two sectors holding an advantage over the rest, we need legislation that sets out how we move towards meaningful sharing across sectors throughout Northern Ireland. With such an imbalance in rights between the sectors, how can we expect the vision of shared education to become established as the means by which our children are educated?

The Bain report on area-based planning calls for fairness, equality and cost-effectiveness. That cannot truly happen until the sectors are playing by the same rule book.

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Ar dtús, ba mhaith liom fáilte a chur roimh an ghrúpa as Coláiste Dhoire atá anseo inniu suas ar an ardán. I welcome the development group from Coláiste Dhoire, who

are in the Public Gallery. Níl mé cinnte an bhfuil mé sásta nó míshasta a bheith ag labhairt ar an rún seo, but we are where we are, mar a déarfá. I am not sure whether I am happy or dissatisfied to be speaking on the issue.

The proposer of the motion referred to the inaccuracies in it as differences of opinion. However, I do not think that there is a difference of opinion when you look at the wording:

"contrary to official advice from the Western Education and Library Board ... the North Eastern Education and Library Board".

The NEELB made no response whatever to the proposal. Two schools in that area did, however, and the Western Education and Library Board did not oppose the proposal. There was only one comment about the possible impact on existing English-medium provision in the Dungiven area. You will be aware, of course, from the decision on Drumragh Integrated College that the development of education or Irish-medium education cannot be assessed on the basis of the impact on existing schools. It is also ironic that the motion does not refer to the governing body that advises the Minister — Comhairle na Gaelscolaíochta — which has approved the proposal.

4.15 pm

I pay tribute to the board of governors sealadach — the interim board of governors — and the development body that brought the proposal together. They have worked for some time on this. Indeed, one could say that they have been working for about the last 25 years on the development of Irish-medium education in the wider County Derry area. With that in mind, we now have 450 children attending Irish-medium schools and many more coming through the naiscoileanna. Also, a couple of generations have missed out on the opportunity to attend an Irish-medium secondary school because of the lack of provision.

With that in mind, we will look at the figures across the North. Five thousand children are going through their education through the Irish medium, and there is one secondary school for those 5,000. Where is the equality in that or the preferential treatment? The opportunity to deliver a secondary school in the middle of County Derry has to be taken at this moment and developed. There are six or seven feeder schools, and I take on board the numbers that Mr Kinahan talked about. The proposal is to work towards an annual intake of 65 children,

with an eventual school population of 450 to 500. Is that possible? Take the other Irish-medium secondary school, which is, of course, Coláiste Feirste. When Coláiste Feirste started, it had 15 pupils and was in two rooms. There are now 650 children attending Coláiste Feirste, and it is oversubscribed. It was recently named as the best non-selective school in Belfast. That is a fair record. That shows the value for money in Irish-medium education.

Reference was made to St Patrick's College in Maghera. I know St Patrick's College very well; indeed, it is my alma mater. I spent seven relatively happy years there, and I know the standard of its education. However, at no point did St Patrick's College in Maghera bring forward a development proposal for Irish-medium education in County Derry. It does, admittedly, provide a stream, but it is a very limited stream. In fairness to all the parents who have been involved in Irish-medium education, they have voted with their feet and have not enrolled in the numbers that that stream would require to prosper. So I do not think that that is an option.

There is also the community aspect in Irish-medium education. People come together, and there is very much a community feel about Irish-medium education. There are many other beneficial aspects outside the formal —

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

Mr Ó hOisín: — education system, but I am saddened —

Mr McElduff: Will the Member give way?

Mr Ó hOisín: Yes, absolutely.

Mr Speaker: The Member's time is now up.

Mr Rogers: I oppose the motion and the amendment. I do not believe that the motion accurately reflects the current situation. I fail to understand why the support of Comhairle na Gaelscolaíochta for the development proposal has been left out of the motion, given that it is the very organisation charged with advising the Minister on Irish-medium education. The Member who spoke previously talked about the North Eastern Education and Library Board and the Western Education and Library Board, and my thoughts are similar. Mr Kinahan talked about the ETI. However, when you read the ETI's response, it is difficult to ascertain whether it is for or against it. In the motion, there is no mention whatsoever of St Patrick's concerns.

On the amendment, I get a bit concerned when I hear a Member talking about apartheid when speaking about education. When the DUP talks about statutory advantage, I can only assume that the context is Irish-medium education. It seems that the DUP wants to undo the statutory duty prescribed in the Good Friday Agreement by which the Department of Education must encourage and facilitate Irish-medium education.

A quality education for each and every child is important. It benefits the society they live in and our wider economy. Whether in a faith-based school, an integrated school or an Irish-medium school, an excellent education that inspires our children and equips them for adult life should be the priority for every Member. Each child's needs and passions vary, and parents and young people are faced with determining which school will best suit their needs. For parents to make the right decision, they must be given a variety of options to enable them to find the best match for their child. Parental preference is key, and that is why the SDLP fought hard for Irish-medium, integrated, voluntary and controlled grammars to be guaranteed seats on the new Education Authority.

When we talk about Irish-medium education, we talk about parents who would like their children to be educated through total immersion in Irish post-primary. Total immersion is an important point as the preferred model is a stand-alone system. That is also the case in Wales.

Mr Dallat: Will the Member give way?

Mr Rogers: Yes.

Mr Dallat: Does the Member agree that, if a motion like this appeared on the Order Paper of the Welsh Assembly or the Scottish assembly, there would be absolute outrage? Does the Member further agree that this Assembly will have matured when it stops using the Irish language as some kind of weapon for petty party advantage?

Mr Speaker: The Member has an extra minute.

Mr Rogers: Thanks. The Member put his point very well. It is politicising not only the Irish language but our children in terms of Irish-medium education. Very well put, Mr Dallat.

Mrs Overend: Will the Member give way?

Mr Rogers: Yes.

Mrs Overend: Do the Member and the Member who intervened not accept that signing a petition of concern has turned the debate and the Irish language into a party political football? The motion was tabled as a value-for-money motion, not as he portrays it.

Mr Rogers: I outlined at the beginning where I saw the failures in the motion. I do not intend going back there now.

St Patrick's was mentioned as well. It is important to acknowledge the quality provision in its Irish-medium unit and understand why it has concerns. If one thing is to come out of the debate today, it is that all providers of Irish-medium education should, even at this late stage, come to some agreement on a way forward that meets the needs of all the young people who want to be educated through Irish and the needs of the whole community.

Mr Lunn: I apologise to Mr Kinahan for not being here when he moved the motion. I am sure that it was well worth listening to, but I was detained elsewhere.

I will deal with the DUP amendment first: we will not support it. That will hardly surprise anybody, and I will not waste time on it. It is disappointing that the DUP has swung so abruptly away from a long-standing commitment to supporting IM and integrated education, but it is not really a surprise.

The motion has merit in its expression of concern about the decision, mainly on the grounds of sustainability and affordability. There is no doubt about the major shortfall in capital funding availability. A long list of schools at various stages of development has plans for new builds or extensions. The Minister has difficult decisions to make on prioritisation. As we know, he has established a scoring matrix to make sure that the most urgent projects come forward first. By any normal comparison method, it is doubtful that Coláiste Dhoire would be high on the list. The Western Board and possibly the Northern Board, together with the inspectorate, have advised the Minister against the proposal, as have his Department and the ministerial advisory group.

Mr McCartney: Will the Member give way?

Mr Lunn: Yes.

Mr McCartney: I am aware that the Member is a member of the Education Committee. Have you seen the official advice?

Mr Speaker: The Member has an extra minute.

Mr Lunn: I thank Mr McCartney for his intervention. I have seen the information that was in the information pack, which is fairly detailed. Bear with me. I might surprise you.

The most urgent projects have to come forward first, and, by any normal comparison, this one would not be on that list. Various boards have advised against it, but I notice that CnaG has been very supportive. That is perhaps the body that should be listened to in this. I also think that the inspectorate and, in fact, all the contributors to those reports were fairly balanced in their view. They made the good points as well as the bad. The inspectorate in particular agreed that the proposal involved considerable work and thinking on how to build on preschool and primary Irish-medium provision, and that is perhaps at the heart of this. We do not know what the demand will be and how the demand for primary education in Irish medium may be affected by the fact that there will be a post-primary school well remote from Belfast in an area where there is considerable interest already in the Irish language.

Mr Ó hOisín: Will the Member give way?

Mr Lunn: If you make it quick, yes.

Mr Ó hOisín: I thank the Member for giving way. Will the Member agree that the provision of Irish-medium education has increased by 30% in the last number of years?

Mr Lunn: I would not know offhand, but I will take your word for it.

If this were a proposal for an ordinary secondary school, it would not go anywhere in any other sector. It clearly would not be going ahead. But it is not a proposal for that; it is a proposal for only the second post-primary Irish-medium full-immersion school in Northern Ireland. Within its reasonable catchment area, there are at least five potential Irish-medium feeder primary schools and perhaps six or seven, as, I think, Mr Ó hOisín said. Geographically, it is proposed for as good a location as anywhere in Northern Ireland. It is an area of proven interest in the Irish language.

There is an unknown factor in not knowing how many parents are currently reluctant to commit to Irish-medium primary, and we will see what the effect of that is over the years. I draw the comparison with Coláiste Feirste, which was established in 1991 with something like 15

pupils: it now has 650. It is a performing school; it does well. This year, as you said, it has the accolade of being the highest-performing secondary school in Belfast, which is good. I am sure that, at that time, we listened to the same arguments. I was not here, but some of you probably were. I believe that the time is right to establish another similar school, in line with Executive policy to facilitate and encourage the sector.

Mr Givan: I appreciate the Member giving way. The Member has indicated that, if this was any other sector, it would not have any prospect of getting the go-ahead. Given that he is in a party that stands for equality for all, does he want to explain why he supports discrimination against all those other sectors and a privileged status for the Irish-medium sector?

Mr Lunn: I do not see it as discrimination. Discrimination would be if it was not allowed to be established, given the governmental obligation to provide, facilitate, encourage and, indeed, promote this type of education.

There is nothing surprising here. Nobody in the House will change their mind.

Mr McCausland: Will the Member give way?

Mr Lunn: No. Miss McIlveen talked about a narrow ideological view: I hope that I am not accused of that. I am trying to be balanced. Nobody will change their mind about this or about the value of preserving the Irish language, a language that, I may say, was saved from extinction by Presbyterians a couple of centuries ago, as well as by what you might call nationalists or Irish speakers. For those of us who recognise the history and the contribution that it has made to our everyday speech, our townland names and our street names, along with Ulster Scots, we think that the proposal is worthy of support. Therefore, we will oppose the motion, which is no surprise, and we will oppose the amendment.

Mr Campbell: This issue is not simply about the Irish language. We have in the House, in the past, discussed the Irish language, and I am sure that we will in the future. I and many others will have things to say about it. Some people will like them, and some people will not. That is the way life is.

This is about the prospect of a school being established with a threshold of an intake that is well below that which is required for other schools. People can dress it up; I heard the Alliance Party try to dress it up. Others can

dress it up any way they like, but that is the reality.

4.30 pm

If we had a controlled school with an intake barely in double figures, the Minister would have made a decision, and it would not have been this decision. I have had parents of children at maintained schools in the Dungiven area tell me that they fear for the future of the school that they want to send their child to.

Mr Ó hOisín: Will the Member give way?

Mr Campbell: Yes, I will.

Mr Ó hOisín: Does the Member recognise that the Gaelscoil in Dungiven is a controlled school?

Mr Campbell: Yes, it is —

Mr Speaker: The Member has an extra minute, of course.

Mr Campbell: That is about the one appropriate and beneficial thing that I got from that intervention. That controlled school is, of course, not the same as the other 99% of controlled schools. The issue is that there is a significant underachievement in the numbers required to establish a particular school. Mr Kinahan alluded to the ministerial advisory group's decision and advice, which the Minister appears to have ignored. It appears that educationalists, whether they are board educationalists or educationalists on the advisory group, are not convinced by the arguments.

I heard Mr Ó hOisín on the radio this morning claim that the catchment area for the school in Dungiven could even include Londonderry; he did not quite call it that but that is what he meant. That is almost 20 miles away. How far would you like to have the catchment area in order to try to make any school sustainable, when other schools with much smaller catchment areas are struggling to remain open?

Mr Lunn, the Alliance Member, said that we do not know what the demand will be for Irish-language schools, but we know what the demand is. That is the key factor. We know what the demand is, and it is below the threshold required.

Mr Lunn: Will the Member give way?

Mr Campbell: Yes, I will.

Mr Lunn: What I said was that we do not know what the effect would be on the intake of the primary Irish-medium sector in that area if parents were reassured by the fact that there was a post-primary option available so that those kids could continue their education at the second level.

Mr Campbell: I took a precise note of what the Member said, and it was:

"We do not know what the demand will be".

However, we do know what the demand is, that is the key point, and it does not reach the threshold requirement. I note that Mr Ó hOisín tells us that it is his alma mater, but St Patrick's, Maghera, has made its position very clear. They are not anti-Irish language. They are not embarking on a campaign to oppose the Irish language in schools because of the stream that they have there, yet they have expressed grave reservations about the Minister's decision. So, if people oppose the ministerial advisory group, the educationalists and St Patrick's, what is it about the proposal that they are trying to say is acceptable, when all the evidence appears to point in the opposite direction? I support the proposal —

Mr McCausland: Will the Member give way?

Mr Campbell: Yes, I will give way if I have a few seconds.

Mr McCausland: Does the Member accept that there would be huge anger in the Shankill area of Belfast, where Malvern Primary School has been recommended for closure by the Belfast Education and Library Board, despite having around 100 pupils? If they find that the Minister opens an Irish-medium secondary school in Dungiven with 14 pupils and closes a controlled school with around 100 pupils in a unionist area in Belfast, there will be huge anger at the inconsistency and hypocrisy.

Mr Campbell: I thank my honourable friend for that intervention. That is precisely the problem that the Minister now faces when he takes a decision such as he does. There is no justification for it. He cannot make a tenable argument for his proposition. Therefore, as such, he needs to reconsider it. I support our amendment.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I rise as a member of the

Education Committee in opposition to the motion and the amendment. So that there is no risk of this debate turning into one about whether a proposal is a proposal or whether a recommendation is a recommendation, let us be very clear again, as my colleague was earlier: the North Eastern Education and Library Board made no response whatsoever to this proposal. Two schools commented on the proposal. However, as an authority, the North Eastern Education and Library Board made no such response.

The Western Education and Library Board, despite some Members in this House saying that it made a recommendation, did not oppose the proposal. Its only comment, as has been pointed out, was in respect of a possible impact on existing English-medium provision in Dungiven. So, I ask the Members of this House this: how can that be referred to as a recommendation? As has been stated, CnaG, which is the body directed and charged with advising the Minister on these matters, formally supported the proposal. The ministerial advisory group made 33 recommendations. It highlighted the expansion of preschool and primary levels, with almost 3,600 children attending Irish-medium primary schools and units. Yet, it was still pointed up that there is a gap in the strategic development of Irish-medium post-primary provision.

The Department of Education has a statutory duty — and we know this — to encourage and facilitate the provision of Irish-medium education. The Minister is simply living up to the statutory responsibility and duty in that regard.

There is a gap in the strategic development of Irish-medium post-primary provision. There are currently 29 Irish-medium schools in the North of Ireland. As was stated earlier, there was a total of 5,000 people in Irish-medium education in 2012-13. That includes 803 children attending Irish-medium preschool settings; 3,061 attending years 1 to 7 in primary school; and 769 in post-primary.

The development proposal is for an all-ability, co-educational, multi-denominational, Irish-medium post-primary school catering for years 8 to 14 pupils, with a long-term enrolment of 350 to 400. The core argument here is that there is a demand for Irish-medium primary provision for pupils attending Irish-medium primary schools in County Derry. The Department has an obligation to meet that demand.

Mr Ó Muilleoir: Go raibh maith agat. Ba mhaith liom aird ar leith a dhíriú ar rud atá in easnamh anseo: comhghairdeas leis na tuismitheoirí agus leis an daltaí atá bainteach le Coláiste Dhoire. I thank the Member for giving way. One of the things missing is congratulating the parents and the organising committee, and I know that the author of the report is here today as well, for their courage and boldness in continuing to build for the future of their area and community. Again, the negativity in this motion is in contrast with what I see in Irish schools. I was in Bunscoil Bheann Mhadagáin in north Belfast on Friday, and I met young twins, Nathan and Brendan May, who just started Coláiste Feirste before Christmas. I saw ebullience, a positivity, a joy, a desire and an ambition to learn. We need to make sure that we do not send out a message to young people and children in particular that this is an attack on them, and I say that especially to my colleague Mr Kinahan. These young children have so much to offer this society —

Mr Speaker: Thank you.

Mr Ó Muilleoir: They want to build for the future. They want to create a shared future, so maybe you will take that on board.

Mr Speaker: Thank you. Interventions are meant to be short.

Ms Maeve McLaughlin: Go raibh maith agat. I thank the Member for his intervention. He is right to acknowledge the work of the organisations, the local community and families in that area in taking the case to this point. I hope that, as a result of this debate, we get the equality of education through the Irish medium that is very much required in the County Derry area. It is important to stress that this proposal — it has been documented — is optimal. It is easily accessible from all five of the identified feeder schools. That is an important point. However, it is critical to point out that the arrangements as they stand today do not meet the obligations for a statutory responsibility under the European Charter for Regional or Minority Languages and article 89 of the Education Order 1989. I oppose the motion and the amendment.

Mr Newton: I welcome the motion proposed by Mr Kinahan. He has encapsulated in it concerns across the entire education community, and I hope that he will be able to accept the amendment put forward by the Democratic Unionist Party.

The two contributors from Sinn Féin — that is, the ones who spoke officially, not the one who spoke in an intervention — indicated that the Western Education and Library Board, the North Eastern Education and Library Board, the Education and Training Inspectorate and the ministerial advisory board were neglectful and did not make interventions and that it was down to schools in those areas to raise objections. They made much of that. However, whatever the attitude of those bodies — we know that attitudes have varied — some schools that have an Irish-medium-education facility have expressed concerns about the Minister's proposal. In the Western Education and Library Board area, St Patrick's College offers Irish-medium education at post-primary level for 36 pupils through an unrecognised stream that has been operating for 10 years. One of the feeder schools in the proposals is St Brigid's Primary School, which is only 2·3 miles away from St Patrick's and is a feeder school for the Irish-medium stream. Hence, St Patrick's might be considered likely to be affected by the Minister's proposal.

Mr Ó hOisín: I thank the Member for giving way. St Patrick's College in Maghera is a school of some 1,600 pupils, 36 of whom are in there on a very limited stream. It is not Irish-immersion education as we know it.

Mr Speaker: The Member has an extra minute.

Mr Newton: I thank the Member for that information, but the fact is that St Patrick's has indicated its concern about the Minister's proposal. That is the way things stand. Whatever way either of the Sinn Féin contributors wishes to dress it up, St Patrick's is concerned, and it is not the only one that is concerned. There were two other responses — both objections in the North Eastern Education and Library Board — and the Rev Donard Collins, chairperson of the board of governors of Killowen Primary School in Coleraine, felt that the proposal should be rejected, given the budgetary pressures facing Departments. If the Sinn Féin contributors have respect for those who are involved in the education system, they really ought to speak to them and indicate to them that, regardless of their proposals, they will go ahead and support the proposal from the Minister. That indicates that, in not taking account of the opinion of professionals in the field of education, the Minister is showing his preference, which seems to embrace his cultural perspective and, indeed, his political perspective, for trying to push the proposal forward. No other educational establishment outside the Irish-medium sector would even be

considered for 15 places, or 14 places — whatever the small number is — and be supported by the Minister.

4.45 pm

I will be absolutely clear: this is not an attack on those who wish to speak Irish or wish to be educated in Irish. It is not an attack on them. It is not to discourage anyone who is in that frame of mind. I have no doubt that many people who are educated in the Irish-medium sector are enthusiastic about that and indeed turn out to be exemplary pupils produced by that education sector. This is about the preference that is given to that sector above that given to others.

I know — the Minister is aware of this because we had the debate on his budget proposals — that there was a massive response from schools to the budget proposals, certainly in my constituency and wider. I presume that, because I am a member of the education and library board, I received correspondence from a wide range of schools regarding the severe impact. Even though the budget has been adjusted to some extent, budgetary factors will still impact on them. The proposed budget, even as it stands, will impact on schools across the boards. For me, what many will regard as — I was going to use the term "waste", but that is not the term to use, so I will use "preference" again — preference being given in order to spend money on a small number of pupils cannot be justified in today's circumstances. The Minister knows this: the proposal is having a detrimental impact across the whole of the educational establishment.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. I would like to declare an interest as somebody who sent her children to Irish-medium education and has a grandchild in Irish-medium education.

Ar dtús, ba mhaith liom comhghairdeas a dhéanamh le Coláiste Dhoire, agus na tuismitheoirí agus Cathal Ó hOisín as an obair atá déanta acu. Comhghairdeas leis an Aire.

I would like to congratulate Coláiste Dhoire, Cathal Ó hOisín for the work that he has done and the Minister for the decision. The decision has been made strategically. It is well thought-out and looks at all the facts. It shows leadership in dealing with the gaps and lack of provision that has been outlined by Sinn Féin, the SDLP and Alliance.

Let us look at the facts. The facts are that Irish-medium education provides academic excellence in two languages — this is the challenge that I would throw out to the House

— in disadvantaged areas in a non-selective, co-educational way. The reality, as has been outlined, is that there is not enough Irish-medium post-primary provision. There are thousands of children in primary provision and nowhere for them to go once they finish P7. That is simply not good enough.

I have heard here that this is not anti the Irish language. I have heard Mr Kinahan appeal to us not to politicise it. The person and the party who have politicised Irish-medium education today are those who tabled the motion. I heard Robin Newton. I would love to take succour from what he said, but I remember the first time that I approved Irish-medium schools when I was in John O'Dowd's position as Minister. There were three of them. If I remember correctly, it was August. I forget the year. All those schools are thriving now. The two parties opposite voted against that. I am sorry if I find it a bit difficult to believe.

Why are we using a petition of concern? I would like to thank the SDLP for supporting it. It is a mechanism for equality. There is a move to discriminate — you can dress it up in all the fancy language you want, but that is what it is — against children who attend Irish-medium schools.

Mr Givan: I thank the Member for giving way. The preferential treatment enshrined in law that is given to the Irish-medium and integrated sectors, is not just a concern that we have: Father Tim Bartlett has expressed this concern on behalf of the Catholic Church. Is Sinn Féin saying that the Catholic Church is not right when it says that its maintained sector is discriminated against?

Mr Speaker: The Member has an extra minute.

Ms Ruane: I am sure there is a wide variety of opinions in the Catholic Church. Certainly, anyone I have spoken to in the Catholic Church is very supportive of Irish-medium education. The reason why there is a statutory duty in relation to Irish-medium is that it has been discriminated against in the past.

Let us look at some of the myths: "We are not anti-Irish-medium. Location is the problem". With the greatest of respect, it is not up to the House to decide where every school goes. Comhairle na Gaelscolaíochta was established and funded. It has worked for years to ensure good area-based planning. This is part of its area-based planning. I listened to it carefully when I was in the Minister's position, and I have

no doubt that the Minister has great confidence in its advice and looks at the related detail.

We heard the myth that it is going against advice. Yet we now know that it is not going against advice. People have written motions that are incorrect and rushed them through the Business Committee.

Mr Ó Muilleoir: Will the Member take a very short intervention?

Ms Ruane: I will.

Mr Ó Muilleoir: An dóigh leat gur dul chun cinn atá ann nuair a d'oscail siad Bunscoil Phobal Feirste in 1971, bagraíodh príosún ar na daoine a rinne sin? In 1971, when the first bunscoil was opened in Belfast, the promoters were threatened with prison. Do you think we are perhaps making progress in that that threat is not there today?

Ms Ruane: That illustrates what happened in the past, but thankfully that is not happening any more, because Sinn Féin is not going to allow it to happen.

Another myth is about displacement. We have the ridiculous situation of a Member getting up and talking about poor St Patrick's in Maghera. My colleague Cathal Ó hOisín has spoken very favourably of St Pat's, but it has 1600 pupils. Is the growth and development of the Irish-medium sector supposed to be conditional on not displacing any numbers from the English-medium sector? That is ridiculous, particularly in a situation of demographic decline. We have heard how the numbers have grown in Coláiste Feirste from 15 to 650. Very soon there will not be enough places in that school; it is probably already oversubscribed. We had the ridiculous situation of a Member claiming that the children have to travel 20 miles. The same Member and his party seem to have no problem with children passing each other in the night going from Downpatrick to grammar schools in Belfast and vice versa and right across the North. In the past, £80 million pounds has been spent on that.

Mr Ó hOisín: Will the Member give way?

Ms Ruane: Yes.

Mr Ó hOisín: I remind the Member of the commitment of the parents of some of the children as far back as the 1990s, when they transported four-year-olds across Glenshane to attend the bunscoil there. Even thereafter, some children from the bunscoil there actually

attended Coláiste Feirste, a round trip of 100 miles.

Ms Ruane: I thank the Member for his intervention.

Mr Speaker: The Member's time is up, but you were very generous with your extra minute. I call Mr John Dallat. John, you have three minutes before I call the Minister. If you take any interventions, there will be no extra time.

Mr Dallat: Mr Speaker, the three minutes will be more than sufficient.

As I indicated in an intervention, it is with a heavy heart that I take part in the debate. Sixteen years ago, 71% of the people of Northern Ireland signed an agreement recognising that the Irish language had a special place in our lives and needed to be nurtured. What on earth are the unionists doing to their cause by coming up with a motion and an amendment today that portrays them as being even worse than the people who sat in this Chamber 50 years ago? How on earth are they going to convince people in the nationalist community — people like me, who have no hard-line politics of any kind — and the wider world that they really are capable of respecting civil rights and equality?

I have it from an old friend who, sadly, died recently — Father Kevin McKenna of Dungiven — that, when he was growing up a few miles from Dungiven, Irish was the first language. In his old age, he reminisced about that. Like me, he was not a man who was prone to any kind of extreme views. Surely, a democracy — a fledgling democracy that, by some miracle, was put together again here at Stormont — would at least recognise that the national language needs to be nurtured. You do not have to dwell in Dungiven for that.

Mr McCausland: The national language?

Mr Dallat: I am sorry that Mr McCausland is trying to deny me the right of free speech and does not take my advice that he should not shout from a sedentary position, but that is just another slip-up. It is another dropping of the mask, so to speak.

In County Galway, an Irish school was established with 10 pupils. Today, there are 450 pupils at that school, with no word about it. Dáil Éireann was not turned upside down because of that initiative to give back to the people of the west of Ireland the language that they lost.

We have a long road to go. A few short years ago, I could not have been registered at birth as "Seán"; that is probably why I am called John. Even more recently, you could not have accents above my name; the electoral register did not allow it. So, we are making a little bit of progress.

Mr Speaker: Thank you.

Mr Dallat: Do not let yourselves down, for goodness' sake, by prolonging this nonsense.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. Fáilte roimh an deis labhairt ar an rún seo. I welcome the opportunity to respond to the motion. The inaccuracies in the motion have been widely referred to by colleagues, particularly on this side of the House. I note your ruling on that matter at the start of the debate, Cheann Comhairle.

If the Members who tabled the motion are serious in their comments that this is not anti-Irish language or is not in opposition to the Irish language, why did they rush forward with a motion that is so inaccurate? Why have they done a great disservice to the Western Education and Library Board and the North Eastern Education and Library Board by misquoting them and misusing comments they provided to the development proposal process, if it is not actually that?

The debate has been a bit more measured than I suspected it would be; I welcome that very much. However, having listened to it, I cannot help feeling that the two words in this development proposal that have upset Mr Kinahan and Mrs Overend most are not from comments by the Western Education and Library Board or the North Eastern Education and Library Board; they are the two words "Irish medium". That is what has most upset the proposers of this inaccurate, deeply flawed motion.

I will go through the points on where those inaccuracies lie, point by point, but I want to give some background on the development proposal that was published on 24 June 2014. It is also worth noting that there have been attempts to bring forward a development proposal for south Derry over the years. A lot of dedication has been shown and a lot of work done by individuals, parents and supporters of Irish-medium education. A lot of detailed work, personal commitment and time have gone into those development proposals, and, yes, at the very heart of them has always been the

promotion of Irish-medium, but there was also the promotion of Irish-medium education, which is vital.

As I said, the development proposal was published on 24 June. The proposal was brought forward by Coiste Coláiste Dhoire. It proposed establishing an all-ability, co-educational, multi-denominational, Irish-medium post-primary school catering for year 8 to year 14 pupils, with an estimated long-term enrolment of 350 to 400. I approved the development proposal and commented:

"After giving careful consideration to this DP, I have decided to approve the Development Proposal. I have taken into consideration my Statutory Duty in regards Irish Medium Education and the capacity of the sponsoring group to take on the challenges ahead."

I recognise that there are significant challenges ahead for the school, but I believe that, given the calibre and make-up of the sponsoring body, it can take on those challenges.

Mr D Bradley: I thank the Minister for giving way. Go raibh míle maith agat as sin. Does the Minister agree that in the history of the development of Irish-medium education there is a very clear trend that provision increases demand and lack of provision thwarts demand?

5.00 pm

Mr O'Dowd: I agree with you but I would add that the provision has to be right. The different elements of that provision have to be correct. During my time — my predecessor also had to do this — I have turned down development proposals in the Irish-medium sector, and I have faced severe criticism from that sector for doing so. Some individuals in that sector have lambasted me in the media and on social media for doing so, but I stand by those decisions as I stand by this one, because I believe that it was the correct one. I made my decision after careful consideration of the facts.

If I were to base my decision on the motion that is before us today and the sponsors of the development proposal were to bring me to court, I would lose it hands down. I would have been basing my decision on incorrect information. I have based my decision on all the information available to me —

Mrs Overend: Will the Minister give way?

Mr O'Dowd: No. You will be making a winding-up speech, so you will have plenty of opportunity to speak.

I have based my decision on all the information available to me, my broader strategic responsibilities and my vision for Irish-medium education moving forward.

I have dealt with the inaccuracies in relation to the North Eastern Education and Library Board and the Western Education and Library Board. I would now like to deal with the inaccuracies in relation to the advice given to me by the Irish-medium post-primary review, the information contained in it and my response to that report. I published a response to that report in November 2014. I will touch on the issue of numbers. My response to the proposal contained in that report, as published by me in November 2014, was:

"The Department notes the proposed annual intake of 35 in Year 8 rising to 65/80 by the fifth Year for an IM post-primary school. The Department is committed to ensuring that further work is carried out to determine the appropriateness of these levels of intake and the potential to ultimately deliver a viable and sustainable school."

So I kept my options open in relation to that recommendation, and I made that quite clear at the time.

In relation to the suitability of Dungiven. I want to make it clear that Micheál Ó Duibh, who sat on the ministerial advisory group along with his three colleagues, was not appointed as a representative of Comhairle na Gaelscolaíochta but as an individual with a significant background in Irish-medium education and a very broad knowledge of the subject. He was not there representing Comhairle na Gaelscolaíochta; he was there, as were the other people on the body, as an individual.

In relation to suitable locations for post-primary education, the group looked at several locations, including Derry city, south Derry, Fermanagh, south Tyrone and other places; they looked at them all. Yes, they made comments about Dungiven, but they also said:

"The Group was of the view that some solution should be sought to capitalise on community effort before it dissipates into unfruitful disappointment."

My response, as published in November 2014, to the various options as outlined by the advisory group was:

"The Department recognises the substantial consideration given to the development of these recommendations by the Group. It will be for the Planning Authorities working with CnaG and the wider sector to bring forward practicable plans and proposals for the future development of IM post-primary provision. This work will undoubtedly be informed by the Advisory Group Report."

That has been the case. However — this is fact; it is not a boast, but a democratic reality — the Minister of Education is the ultimate decision-maker on all development proposals.

Mr Humphrey: I am grateful to the Minister for giving way. My colleague Nelson McCausland raised the issue of Malvern Primary School in west Belfast. I have met the governors, teachers and parents at the school and I have stood on picket lines with them. However, following the education and library board's decision last week, one of the most deprived wards in Northern Ireland is going to lose its school. Those involved with the school are going to write to you as Minister. Given what you have just said, will the fact that you have agreed to close that school not be seen as an attack on that community?

Mr O'Dowd: I have not made any decision in relation to Malvern Primary School, and it is absolutely nothing to do with this debate. I will make a decision on that school based on all the pertinent facts involved, as I have done in relation to this matter.

I will return to the subject of today's debate. The ministerial advisory group published its report, which is being used to suggest that the group gave me official advice not to approve this development proposal. That is factually incorrect. At the time, I said in a statement to the House:

"I assure those who would like to move more quickly that my goal includes the development of additional stand-alone schools." — [Official Report, Vol 99, No 2, p4, col 1].

Since the publication of the advisory group's report on Irish-medium post-primary provision, I have set out quite clearly what I would do and how I would deal with its recommendations. I have moved forward on that basis.

The financial constraints in and pressures on my Department are well recorded, but I still have a statutory duty to give Irish-medium post-

primary provision to those parents and pupils who seek it. The very fact that we are establishing only the second post-primary provision in the sector, with approximately 4,300 pupils going through primary schools and naíscóileanna, shows that the figures stack up. Those pupils deserve an opportunity —

Mr Kinahan: Will the Minister give way?

Mr O'Dowd: I will give way in a moment. Those pupils deserve an opportunity to move forward into post-primary provision in the Irish-medium sector in an area where there is a potential intake of approximately 400 pupils. This goes back to a point that my colleague raised, but, given that the Irish-medium sector in rural areas has grown by over 40% over the last number of years, there is great potential, in that, when you provide the services that parents will have confidence in, the sector will move forward.

Mr Kinahan: I thank the Minister for giving way. Does he not see that his statutory duty is also to ensure the effective and efficient use of funds and that that conflicts with this proposal? It may be right to have an Irish-language school and the right thing to do, but, when it affects everyone else who is being hit by the Budget, at the moment, it is the wrong thing to do.

Mr O'Dowd: I take all my statutory duties very seriously, including all those on finance. I do not believe for one second that I have stepped outside my financial role in this matter. I believe that the decision is prudent, both financially and in the context of my statutory duty to promote Irish-medium education. I do not believe for one second that the Member's party is concerned about financial matters. It goes back to the point that I made at the start. Despite your efforts to drizzle your words in honey, this is all about Irish-medium provision. It has nothing to do with finances, and it has nothing to do with the impact of the advice given to me by my advisers, the Western Board, the North Eastern Board or, indeed, anyone else. It is to do with the very fact that here we have the welcome development of a second post-primary school in the Irish-medium sector, and the Members are opposed to it. That is what it boils down to.

I greatly encourage Members across the Chamber and in general to visit their local Irish-medium school, whether that be the secondary provision in the meánscoil, the primary provision in the bunscoil or the nursery provision in the naíscóil. Those Members should visit those schools and meet the children

who attend them, their parents and their teachers. They will find out very quickly that none of them has horns, that they have the same hopes and aspirations as every other young person, that they are deeply proud of the fact that they are being educated through the medium of Irish and that they are open-minded young people who want to see a future for themselves and this society. They want to be left in peace to be taught through the medium of Irish. They do not want to be going out to school in the morning listening to debates from people who are opposed to Irish-medium education. That is what my two children had to listen to this morning as they were having their breakfast and preparing to go to school. They asked me this question: "Daddy, why are those men opposed to our school?" Is that the message that we want to send out to our young people first thing in the morning? Do we want them to ask this: "Why are those men opposed to my school?" I encourage everyone who has perceptions about Irish-medium education and views that are opposed to it to take what might be in their case a very brave step and visit a school and meet the young people, children and parents. I say to those Members that, if you do that, you will be surprised by your engagement, and I think that you will leave that school encouraged by it.

Mr Swann: Will the Minister give way?

Mr O'Dowd: I will quickly give way.

Mr Swann: It will be a quick intervention, Minister. Earlier, you described young people's aspirations for and dreams about education and said that they were asking, "Why are those men opposed to our school?" Is that not the same thought that goes through the mind of every child whose school is being closed or whose school's number of teachers is being reduced because of the budget cuts that you are putting forward? The Minister knows well the fight that I put forward for Ballee Community High School and the number of times that those children asked, "Why will the Minister not come here to speak to us?"

Mr O'Dowd: I have no doubt that, in different circumstances, children may very well ask those questions, but I have never, and I mean, never, closed a school because of the sector that it was in. Never have I opposed a school because of the sector that it was in, and I have never ever gone on the airwaves and condemned any educational sector. The question has been asked: would you approve a 15-place post-primary school in the controlled sector? Show me the proposal and the area

that it is required in, and you might well be surprised. I will also say to you this —
[Interruption.]

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

Mr O'Dowd: There are schools in all sectors below the 500 mark, but I have specifically protected them because of the areas that they are in and the value that they add to the minority communities there. So, no one in the Chamber can point the finger at me and say that I have discriminated against any sector, but there is discrimination against the Irish-medium sector in the Chamber at times.

Mr Speaker: Before I call for the wind on the debate, I remind Members of the rules about mobile phones. There is feedback and interference, so, if people have their phones, will they check whether they are on? I include you in that, Minister. It quite possibly was you on this occasion.

Mr Craig: I support the DUP amendment and the motion on development proposal 264. There has been much talk about the economics of this and other aspects of the Irish-medium sector, but the one thing that we, as a party, have always advocated is a level playing field for all sectors in education. What we are seeing at the heart of today's debate is the truth: there is not a level playing field for all sectors. That is at the root of this.

Mr McCausland: Will the Member give way?

Mr Craig: Yes.

Mr McCausland: The submission from the sectoral body for Irish-medium education to the Northern Ireland language strategy said that Irish-medium education was about more than just language; it was also about, "our own sense of identity", protecting us from "trends towards assimilation" and allowing us to "maintain our distinctiveness". Since it says that Irish-medium education is about affirming and validating an Irish identity as much as it is about learning the Irish language, does the Member agree that it is equally important that the cultural rights of children in the controlled sector have the same level of respect, implementation and funding?

Mr Speaker: Interventions are meant to be short, but the Member is entitled to, and may need, the extra minute.

Mr Craig: I thank the Member for that intervention. He raises a very important point: cultural identity needs to be respected in all communities in Northern Ireland. That said, whether one calls it positive discrimination or a legal imperative — no matter what way you dress it up — discrimination is at the root of this proposal and at the root of the reason why the Minister can make this proposal. That is the first thing: we need to address the discrimination factor.

Secondly, we need to look at the appalling timing of this proposal. If we were sitting in an Assembly that was coming down with finances and there was enough money for everything in education, this debate might never have arrived on the Floor. However, the simple truth is that it was only a few weeks ago that the Minister put to schools the proposal for a 7% to 8% cut in their budget. I sat in a school that received those proposals. That is a devastating proposal for any school to receive.

I sat in the Committee when his finance director came and announced to the world that at least 1,500 or 1,600 teachers would face redundancy this year because of those cuts. That is the brutal truth of what education faced and still faces, because no other figures have yet been brought forward by him and his Department.

5.15 pm

The timing of all of this is absolutely atrocious. Minister, when we hear in the middle of all of it — when schools are in turmoil and teachers are demoralised — that a school with an intake of 15 is being approved for a £1 million bid, even you must accept that the timing of this is not good in any way, shape or form. Criteria have been set by you and your Department around what should be there for proposals such as this to go ahead. None of that is in place. However, we know why — you have outlined why — this proposal can go ahead: it is because of that legislative imperative. As I said, whether you call it positive discrimination or no matter what way you dress this up, it is a form of discrimination that allows this proposal to move ahead, hence —

Mr Allister: Will the Member give way?

Mr Craig: I will.

Mr Allister: I think that I agree with all that the Member and his colleagues have said in the debate, but one thing puzzles me. The Member's party boasted that there would be no more solo runs by the Education Minister, yet

we have had two within two weeks: the devastating destruction of Enniskillen Collegiate and now this preposterous proposal. What happened to the ending of solo runs by the Education Minister?

Mr Craig: The Member has made his intervention, and I know why he has made it. However, this goes to the heart of the Good Friday Agreement. Whilst others have made play of the finances of this, it is the Good Friday Agreement that has allowed the Minister to go ahead. It is the Good Friday Agreement that is at the root of the problem here.

I could raise a lot of issues. I listened with interest as some Members talked about the criteria that all this was raised under. On a lighter point, I found it amazing to hear John Dallat talk about the fact that he could not name himself Seán when there is a Seán of a similar age sitting in front of him. I do not know where that form of discrimination came from. Maybe Seán could highlight how he got that name.

I commend our amendment to the House.

Mr Speaker: On that lighter point, your time is up.

Mrs Overend: I appreciate the opportunity to wind on the motion, which was introduced to the Assembly by the Ulster Unionist Party. I thank my colleague Danny Kinahan for the fine introduction and all those who made contributions. As my South Antrim colleague said and contrary to what the Minister said, we are not refuting this school's case because of its sector. The Minister has said that he is not closing a school because of its sector, and we are not proposing the non-opening of a school because of its sector. This is not an anti-Irish language motion; it is a value-for-money motion.

The Minister of Education has driven a lorry load of political agenda through swathes of advice from various sources, including the Education and Training Inspectorate and the ministerial advisory group, and against the wishes of representations via the Western Education and Library Board and the North Eastern Education and Library Board. Sinn Féin and SDLP Members refuted the opposition, but they certainly did not support the proposal. The planning and development officer of the Western Education and Library Board has said:

"Future enrolment numbers in the Limavady Borough Council Area are not projected to increase over the next 13 years".

Therefore, supporting this school would mean taking away numbers from other schools. That is why the support did not come from that area.

Likewise, the NELB was not a formal consultee. However, because the proposal affects schools in the North Eastern Education and Library Board area, it carried out a consultation and forwarded two highly critical responses from schools in its area —

Mr McCartney: Will the Member give way?

Mrs Overend: No, I am concluding and will continue. Thank you.

It forwarded two highly critical responses to the proposal from schools in its area. St Patrick's College in Maghera was particularly critical in a detailed letter to the NELB at the end of 2014. The proposal failed to take into account the potential impact on the current, unrecognised Irish-medium provision by St Patrick's College, which felt that, were a new school to be established, some or all of the pupils from the college's feeder schools would be drawn away from St Patrick's.

At this stage, I express my exhaustion at the misuse of the petition of concern. We have been accused of politicising the Irish language: that is complete nonsense. By asking for a cross-community vote, those who have signed the petition of concern have said that the motion adversely affects one community. Therefore, they are saying that Irish-medium education and, by extension, the Irish language are the sole preserve of the nationalist community, so they are again politicising the Irish language.

Members referred to the fact that, in making the decision, the Minister was upholding his statutory duty to develop and promote the Irish-medium sector. That duty is not unfettered; he has other statutory duties that he must balance. In the development proposal, his Department officials said:

"application of the duty does not equate to the acceptance of every proposal brought forward on behalf of an Irish-medium school and ... the Department must be mindful of its statutory duty under the Education and Libraries Order ... and under Managing Public Money to ensure effective and efficient use of public funds".

Notwithstanding that duty, it is clear that the Minister has acted against advice from the Education and Training Inspectorate and from his ministerial advisory group. The Education and Training Inspectorate said that it was not desirable to deliver the Key Stage 3 curriculum 100% through the medium of Irish even if it could be delivered, which is doubtful. The inspectorate also pointed out that Dungiven is not one of the eight locations provided by the Irish-medium support body for inclusion in the ministerial advisory group's report. Furthermore, the ministerial advisory group's report 'On the Strategic Development of Irish-medium Post-primary Education' of April contained 33 recommendations, one of which concerned the identification of eight Irish-medium planning areas and optimal locations of post-primary schools. I understand that Dungiven was not identified as an optimal location.

I am surprised to learn that the proposed school in Dungiven has been approved at the risk of damaging a very good school in my constituency of Mid Ulster, namely St Patrick's College in Maghera. Indeed, I am sure that those in St Patrick's College will be disappointed by the MLAs from the Mid Ulster constituency who signed the petition of concern to enable the motion to fall. St Patrick's objections to the Dungiven proposals were overruled. Indeed, the college outlined that previous attempts at Irish-medium post-primary provision in mid-Ulster/greater Londonderry failed due to a lack of pupil numbers. It said that the projected intake did not meet advisory group recommendations, even by year 5. It also questions the long-term viability of the school.

St Patrick's College also said that a recent BELB report had shown that there were 537 unfilled places between the eight Irish-medium schools in the primary sector for the 2012-13 enrolment. Should there be a further unsuccessful attempt to establish post-primary Irish-medium provision, it would be potentially harmful for the development of Irish-medium education. Apart from that, the proposal does not acknowledge the provision at St Patrick's College; it counts the number of pupils at St Patrick's feeder schools towards the projected intakes.

Mr Lunn: Will the Member give way?

Mr Ó hOisín: Will the Member give way?

Mrs Overend: Go ahead. Mr Lunn first.

Mr Lunn: I thank the Member for giving way. Does she not agree that the proposal does not affect the right of parents in that area, if they want Irish-medium education, to have a choice? St Patrick's does not offer a full-immersion Irish-medium system, whereas this one will. It is really up to the parents. It is parental choice.

Mrs Overend: Parental choice is certainly a very important issue. I agree that it is paramount, but, again, I go back to the reason for the debate, which is value for money. At what cost will this school be delivered?

Throughout the debate, I have witnessed the further politicisation of the Irish language. How can the unionist people of Northern Ireland ever be convinced that the Irish language is something that they should take more of an interest in or something that can be valued by more people in Northern Ireland, when purely political decisions are made against all logic? Let us go back to the figures again. At the cost for a new build of some £2.5 million and a yearly cost of some £600,000 at a time of austerity, for all the wind from Sinn Féin denying the politicisation of the Irish language, it has turned around and done just that. To make his decision, the Minister had to weigh up the advice given and the points contained in the 63 pages of the published report.

Mr McGlone: I thank the Member for giving way, but it is actually debates such as this that politicise the Irish language. We could really have done without this debate and, rather, we could get on with the promotion of the Irish language — cur chun cinn na teanga. Go raibh maith agat.

Mrs Overend: I thank the Member for his contribution, but not talking about an issue to do with money just because it is to do with the Irish language is not good enough.

We have concentrated on the facts and figures. Straw man arguments are a distraction. Even the ministerial advisory group report, which was all about the expansion of the Irish-medium post-primary sector, stated that this project was not viable.

Let me refer to the DUP amendment. I am disappointed that that party saw a need to extend the debate away from the core issue, which is value for money. Indeed, the DUP's amendment is certainly a reason for debate in itself, and I advise the DUP to table it. The DUP attacked the Ulster Unionist Party for promoting the Irish-medium and integrated sectors in our backing of the Belfast

Agreement. I say this to the DUP: what about its claims that it fixed everything in the St Andrews Agreement? What did it really achieve in those talks at St Andrews? Oh yes, the on-the-runs issue was a result of the DUP's good negotiations at that time, too.
[Interruption.]

Mr Speaker: Order.

Mrs Overend: Thank you, Mr Speaker.

This is a value-for-money decision. The Irish-language post-primary school at Dungiven for an enrolment of 14 pupils is unaffordable and would not have been approved had it been any other type of school.

Mr Speaker: The Member's time is up.

Mrs Overend: I remain unconvinced of the Minister's rationale.

Mr Speaker: Before I call for the vote, I think it would be appropriate to acknowledge the good temper and manner in which the debate was carried out. It had the potential to be a difficult and possibly controversial debate in itself, so I congratulate Members for the manner in which they conducted themselves.

Question put, That the amendment be made.

The Assembly divided:

Ayes 47; Noes 46.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Devenney, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, 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.

Tellers for the Ayes: Mr McQuillan and Mr G Robinson

NOES

Mr Agnew, Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Byrne, Mrs Cochrane, Mr Dallat, Mr Dickson, Mr Durkan, Mr Eastwood,

Dr Farry, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Ms Lo, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCarthy, Mr McCartney, Ms McCorley, Mr B McCrea, Dr McDonnell, Mr McElduff, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Ms Maeve McLaughlin and Mr Ó hOisín

Question accordingly agreed to.

Mr Speaker: I remind Members that the vote on the motion as amended will be on a cross-community basis.

Main Question, as amended, put.

The Assembly divided:

Ayes 47; Noes 45.

AYES

UNIONIST:

Mr Allister, Mr Anderson, Mr Beggs, Mr Bell, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Devenney, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Lord Morrow, 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.

Tellers for the Ayes: Mr Kinahan and Mrs Overend.

NOES

NATIONALIST:

Mr Attwood, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Byrne, Mr Dallat, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Dr McDonnell, Mr McElduff, Mr McGlone, Mr M McGuinness, Mrs McKeivitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Ms Ní

Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Dr Farry, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Noes: Ms Maeve McLaughlin and Mr Ó hOisín.

Total Votes 92 Total Ayes 47 [51.1%]

Nationalist Votes 37 Nationalist Ayes 0 [0.0%]

Unionist Votes 47 Unionist Ayes 47 [100.0%]

Other Votes 8 Other Ayes 0 [0.0%]

The following Member voted in both Lobbies and is therefore not counted in the result: Mr B McCrea.

Main Question, as amended, accordingly negatived (cross-community vote).

Adjourned at 5.50 pm.



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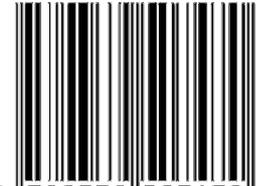
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