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Northern Ireland Assembly

Tuesday 26 January 2016

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

Members observed two minutes' silence.

Assembly Business

Resignation of Member: Neil Somerville

Mr Speaker: Before we move to today's business, I wish to advise the House that I have received a letter from Mr Neil Somerville giving me notice of his intention to resign as a Member for the Fermanagh and South Tyrone constituency, with effect from 25 January 2016. I have notified the Chief Electoral Officer in accordance with section 35 of the Northern Ireland Act 1998.

Plenary Business: 25 January 2016

Mr Speaker: The first item of business is the consideration of business not concluded on Monday 25 January. As all business in yesterday's Order Paper was considered, we will move on.

Ministerial Statement

North/South Ministerial Council: Special EU Programmes

Mr Storey (The Minister of Finance and Personnel): In compliance with section 52 of the Northern Ireland Act 1998, I wish to make the following statement on the eighteenth meeting of the North/South Ministerial Council (NSMC) in special EU programmes sectoral format, which was held in Armagh on Friday 11 December 2015. Minister Foster, in her capacity as Minister of Finance and Personnel, represented the Northern Ireland Executive and was accompanied by junior Minister Jennifer McCann. The Government of the Republic of Ireland were represented by Richard Bruton TD, Minister for Jobs, Enterprise and Innovation.

The Council noted that the two sponsor Departments will consider the current governance structures and reporting

arrangements in place for the Special EU Programmes Body (SEUPB) and report back at a future meeting. The chief executive of the SEUPB then updated the Council on progress since the previous special EU programmes sectoral meeting in May 2014. The Peace III programme is 99% committed, with expenditure of 94% of the programme value incurred. Remaining expenditure to be achieved by the end of 2015 is €21.4 million. The INTERREG IVa programme is fully committed, with expenditure of 91% of the programme value incurred.

A further €21.4 million needed to be spent by the end of 2015.

It was noted that all previous years' expenditure targets have been met, and the importance of maximising full EU funding allocations was highlighted. The Council was advised that Northern Ireland was successful in securing an additional £8.9 million from the INTERREG IV transnational and interregional competitive funding programmes in the 2007-2013 funding period. It was confirmed that a number of key targets for the Peace III and INTERREG IVa programmes had already been achieved and surpassed.

The Council noted that the 2014-2020 INTERREG Va cooperation programme was adopted by the European Commission on 13 February 2015, and the SEUPB had issued five funding calls under the INTERREG Va programme. It was noted that the 2014-2020 Peace IV programme was adopted by the European Commission on 30 November 2015, and the Council approved the agreed Peace IV cooperation programme. The Council was informed that there is an expectation that Peace IV and INTERREG Va would be publicly launched in January 2016, with calls opening shortly thereafter.

The Council approved the SEUPB business plan and budget 2016, noting cumulative 4% year-on-year savings during 2014-16. The main priorities for SEUPB for 2016 were outlined; namely, to achieve closure of the

2007-2013 Peace III and INTERREG IVa programmes; ensure effective implementation of the 2014-2020 programmes; ensure that SEUPB services are delivered efficiently and effectively; and to maximise uptake in the transnational and interregional programmes.

The Council was advised that the SEUPB annual report and accounts for 2014 have been certified by the Comptrollers and Auditors General in both jurisdictions and were to be laid before the Northern Ireland Assembly and the Houses of the Oireachtas. The documents were subsequently laid on 16 December 2015.

The Council approved an amendment to the North/South pension scheme and noted a protocol on the handling of further amendments to the scheme. It also approved the 2016 business plan and budget provision for Waterways Ireland, Tourism Ireland and Saferood. The Council agreed to hold its next special EU programmes meeting in spring 2016.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Cheann Comhairle. I welcome the Minister's statement, which outlines some of the benefits that we receive as a member of the European Union. I look forward to hearing many more from the Minister. An important issue that I want to raise with the Minister is the application process. What measures have been put in place to ensure that the application process for both new programmes has been streamlined? What impact will that have on the target of 36 weeks for the assessment process?

Mr Storey: I thank the Chair for his comments. I will resist making any public or political statement in relation to the ongoing debate about our future in the European Union. That will be decided by a referendum, and the people of the United Kingdom will decide what that future will be.

The Member raised a point in relation to the process. It is our intention to have the 36 weeks reduced, if we possibly can, to somewhere in the region of 20 or 21 weeks. If anybody was at the launch of the new programmes, they will know that I made that commitment publicly on that occasion. We all become very accustomed to application processes, particularly from Europe, that are rather challenging. However, that issue has been looked at by my officials, in conjunction with SEUPB, and the intention is to ensure that that process is more streamlined and that the time period is reduced. That, ultimately, will be

to the benefit of those who will make an application.

Mr I McCrea: The Minister's statement refers to the Peace IV programme that was adopted by the European Commission on 30 November 2015. Will he give us an update on the current position of the development of that programme?

Mr Storey: I thank the Member for his question. As I said, Peace IV was adopted by the European Commission on 30 November 2015. The programme has a total value of €269 million and an additional €40 million of match funding, so in the region of €400 million is available. The programme was developed through a public consultation exercise, in liaison with key stakeholders and in discussion with Departments, and was subject to Northern Ireland Executive, Irish Government and European Commission approval. The programme received Executive approval on 15 September 2015 and takes account of the Executive's September 2014 comments regarding the level of funding available for projects for children and young people and the Commission's observations that were received in January 2015.

The programme will focus on social inclusion and combating poverty and will align with Together: Building a United Community activity in a number of areas. Those are specified as shared education, where we will seek to increase the level of direct, sustained and curriculum-based contact between pupils, and children and young people, which will seek to help young people, particularly those who are not in education, employment or training — known as NEETs — and to develop a greater understanding and respect for diversity. It also has an element on shared spaces and services. Some €99 million has been set aside for that, including €17.6 million to enhance regional services for victims and survivors and to create a new shared space for services, where people from different communities and backgrounds can come together. The final element is about building positive relations, which seeks to create a society that is characterised by good relations and respect. We would all aspire to those aims and objectives.

Ms Hanna: I thank the Minister for his answers. Minister, we know that Northern Ireland has not achieved the same success in the drawdown of European funds as, for example, the South. Will you give your assessment of why that is the case and why we are not accessing as much funding as we could?

Mr Storey: There is always a challenge with that issue; it gives all Departments and those who are involved in the process a particular challenge. However, what we have achieved with Peace III — the 99% that we have committed and the 94% that has been spent — indicates that we are improving the situation.

This relates to a question from the Chair, and part of it is about making the process simpler. I go back to the time when we had a multitude of delivery organisations. They have been streamlined considerably, and we now have a more focused approach. However, we still need to keep our eye on the ball. I trust that we will have a call for applications very soon. I will appoint the monitoring committee in the next number of days, and it will meet. It is my intention to ensure that, by the beginning of March, at the very latest, there will be an open call so that funding applications can be processed.

Mr Cree: I also thank the Minister for his report. It is a bit like Groundhog Day: every time we see these reports, they sound and read much the same. You said that, in the SEUPB business plan, there is what looks like a task to:

"maximise uptake in the transnational and interregional programmes."

Will you share with us how it proposes to do that?

Mr Storey: I do not have the details for that. I will write to the Member and give him the answer.

Mr Lunn: I thank the Minister for his answers so far. It is difficult to listen to the sort of figures that he has given today and on previous occasions and not conclude that our future interests are best served by remaining in the European Union.

Does he agree with me that it is about time that the DUP got off the fence and embraced the European ideal as the best way forward for Northern Ireland?

10.45 am

Mr Storey: I thank the Member for the question, which is not related to my statement. However, as I resisted the temptation of answering the Chair's question, I will now yield. Everybody knows my party's position on Europe: we are Eurosceptic. However, a debate has commenced, and I think that it has to be based on facts and the reality of whether

we would be better off in or out. Look at it in terms of the money that goes out — remember, the United Kingdom is a net contributor, and our national position within the United Kingdom means that we are also a net contributor. That fact cannot be denied and needs to be borne in mind when we have this debate. Undoubtedly, it will appeal to many who have concerns — issues were raised in the House yesterday, and rightly so, about fisheries, and I am well aware of those concerns. I am also well aware of the concerns of the farming community in my constituency. However, we need to ensure that the debate is based on the facts and the finance. If that is the case, I believe that, whenever the referendum is held, what is in the best interest of Northern Ireland will be very clear.

Mr Ó Muilleoir: Go raibh maith agat, a Cheann Comhairle. I am not usually in the Chamber this early in the morning, and I am pleasantly surprised to see how many Members are here. I do not want to continue the debate on Brexit, Minister, and the disasterville that will ensue should there be a vote to leave the EU. I want to focus on your statement.

Minister, you outlined the sums of money involved and some of the areas where it will be spent. How do we ensure that the moneys spent here under the Peace programme and INTERREG complement the work of government — the work, for example, that Belfast City Council is doing? How do we make sure that the money is spent not only strategically but in a bold and ambitious way to lift, in my view, the city of Belfast, which is my great interest of course?

Mr Storey: I thank the Member for his question. He makes a point that we all need to keep in mind. The areas on which spending is proposed under the new programme include shared education; children and young people, particularly young people who are not in education, employment or training; shared spaces and services; and building positive relationships. I was glad to see included in the proposals under Peace IV a focus on our young people. They are at the heart of our communities in our capital city of Belfast and right across Northern Ireland. The Member makes the point — it is one that needs to be reinforced with our colleagues in the Executive and the Departments — that we must ensure that this spending is complementary to our focus on delivering for young people who need to have hope and need to have proper training.

There have been capital projects. The Member referred to Belfast, but I had the privilege of

opening, jointly with the Lord Mayor, the Girdwood provision. I think that no one could be anything but impressed by that facility, which is in an area that has suffered. I know that it is not in the Member's constituency, but there are other examples that I could refer to. I remember all the concerns that were raised about that location. It is in an interface area where there are particular problems. However, as a result of a focused provision, we now have a facility that is the envy of many other parts of Northern Ireland. I had an opportunity to speak to young people when I was there last Friday, and I think that it will bring a focus and cohesion. I trust that it will make an invaluable contribution to communities in north Belfast.

Mr Diver: I thank the Minister for his statement and his responses so far. He referred to the SEUPB business plan and the 4% year-on-year savings. Is that level of efficiency sustainable whilst securing output? From reduced sums, we need to get the best impact that we can from these programmes.

Mr Storey: I thank the Member for his question. Obviously, when it comes to this particular matter or anything else, we all suffer or are subject to ensuring that we get efficiencies and savings. I want to ensure that our focus is on delivery at project level, not delivery in the system. There is a challenge, and we have to be up for it, to ensure that we maximise the amount of money that goes to projects and is, ultimately, for the benefit of communities.

Executive Committee Business

Shared Education Bill: Consideration Stage

Mr Speaker: The next item of business is the Consideration Stage of the Shared Education Bill. I call the Minister of Education, Mr John O'Dowd, to move the Bill.

Moved. — [Mr O'Dowd (The Minister of Education).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There is a single group of amendments, amendment Nos 1 to 15, dealing with the definition of shared education and related powers and duties. I remind Members intending to speak

that, during the debate on the group of amendments, they should address all the amendments in the group on which they wish to comment. Once the debate on the group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each amendment will be put without further debate. The Questions on stand part will be taken at the appropriate points of the Bill. If that is clear, we shall proceed.

Clause 1 ("Shared education")

Mr Speaker: We now come to the amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 15. The amendments deal with the definition and purposes of shared education, powers and duties of the Department and other bodies and a review of shared education legislation. Members should note that amendment Nos 2, 3, 4 and 6 are mutually exclusive, each with any of the others. Amendment No 7 is consequential to amendment No 6, and amendment No 15 is mutually exclusive with amendment No 9.

I call the Chairperson of the Committee for Education, Mr Peter Weir, to move amendment No 1 and address the other amendments in the group.

Mr Weir (The Chairperson of the Committee for Education): I beg to move amendment No 1: In page 1, line 3, leave out paragraph (a) and insert "(a) *this Act; and*".

The following amendments stood on the Marshalled List:

No 2: In page 1, line 7, leave out subsection (2) and insert

"(2) "Shared education" means the education together of—

(a) children or young persons from different religious, cultural or ethnic backgrounds; and

(b) those who are experiencing socio-economic deprivation and those who are not.

(2A) Shared education may be provided by—

(a) the working together and co-operation of two or more relevant providers from different educational sectors or with different governance arrangements; or

(b) a single relevant provider which is representative of the wider community in Northern Ireland in terms of its staff and its board of governors or governance structure."— [Mr McCallister.]

No 3: In page 1, line 8, after "belief" insert "or none".— [Mr Weir (The Chairperson of the Committee for Education).]

No 4: In page 1, line 8, leave out from "including" to "Catholic" on line 9 and insert

"or none;

(aa) reasonable numbers of Protestant, Roman Catholic and other".— [Mr Lunn.]

No 5: In page 1, line 13, at end insert

"(2B) The purpose of shared education is to—

(a) deliver educational benefits to participants;

(b) promote the efficient and effective use of resources;

(c) promote equality of opportunity;

(d) promote good relations; and

(e) promote respect for identity, diversity and community cohesion."— [Mr McCallister.]

No 6: In page 1, line 18, at beginning insert

"In this section—

(a) "religious belief" includes an absence of religious belief; and

(b) ".— [Mr O'Dowd (The Minister of Education).]

No 7: In page 1, line 19, leave out "in this section".— [Mr O'Dowd (The Minister of Education).]

No 8: After clause 1 insert

"Duty to promote, encourage and facilitate shared education

1A.It is the duty of the Department of Education to promote, encourage and facilitate shared education."— [Mr Weir (The Chairperson of the Committee for Education).]

No 9: As an amendment to amendment No 8, at end insert

"(2) The Department of Education must consider shared education when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering educational services."— [Mr McCallister.]

No 10: After clause 1 insert

"Regulations on shared education

1A.—(1) The Department of Education must by regulation prescribe criteria, including a minimum number of participant hours, to be met by relevant providers of shared education.

(2) "Participant hours" means the number of hours of shared education to which a participant is entitled.

(3) No shared education funds may be given to relevant providers that fail to meet the criteria set out in regulations.

(4) Regulations under this section shall not be made unless a draft of the regulations has been laid before and approved by a resolution of the Assembly."— [Mr Lunn.]

No 11: In clause 2, page 2, line 2, leave out paragraph (a).— [Mr Weir (The Chairperson of the Committee for Education).]

No 12: In clause 2, page 2, line 6, at end insert"(e) any sectoral body.

(3) In this section, "sectoral body" means a body—

(a) which is recognised by the Department of Education as representing the interests of grant-aided schools of a particular description; and

(b) to which grants are paid under Article 115 of the Education and Libraries (Northern Ireland) Order 1986, Article 64 of the Education Reform (Northern Ireland) Order 1989, or Article 89 of the Education (Northern Ireland) Order 1998."— [Mr Weir (The Chairperson of the Committee for Education).]

No 13: After clause 2 insert

"Power to form company

2A.—(1) For the purposes of its functions under section 2, the Department of Education may form, or participate in the formation of, a company under the Companies Act 2006.

(2) For the purposes of its functions under section 2(3) of the Education Act (Northern Ireland) 2014, the Education Authority may form, or participate in the formation of, a company under the Companies Act 2006."— [Mr O'Dowd (The Minister of Education).]

No 14: After clause 2 insert

"Review

2A.—(1) The Department of Education must—

(a) not later than two years after the date on which this Act receives Royal Assent; and

(b) at intervals of not more than two years thereafter, review, and prepare a report on, the operation of this Act and section 2(3) of the Education Act (Northern Ireland) 2014 ("the 2014 Act").

(2) The Department of Education must lay any report under this section before the Assembly.

(3) A report under this section must include statements on the following matters, so far as relating to the reporting period—

(a) the extent to which the bodies listed in section 2(2) have exercised their powers under that section;

(b) the extent to which the Education Authority has complied with its duty under section 2(3) of the 2014 Act;

(c) the level of participation in shared education and the extent to which there has been any increase or decrease in participation;

(d) efficiency in the use of resources allocated for the purposes of shared education, including information and communications technology infrastructure;

(e) the impact of shared education on—

(i) educational attainment;

(ii) good relations between participating children or young persons;

(iii) attitudes of participating children or young persons towards persons from backgrounds other than their own."— [Mr Weir (The Chairperson of the Committee for Education).]

No 15: After clause 2 insert

"Duty of education bodies to consider shared education

2A.—(1) Education bodies must consider shared education when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering public services.

(2) The education bodies are—

(a) the Department of Education;

(b) the Education Authority;

(c) the Council for Catholic Maintained Schools;

(d) the Northern Ireland Council for the Curriculum, Examinations and Assessment; and

(e) the Youth Council."— [Mr Hazzard.]

I am happy to be speaking, initially on behalf of the Committee for Education, in opening the debate on the Consideration Stage of the Shared Education Bill. I will then make some remarks in my capacity as a DUP Member.

During the Committee Stage of the Bill, members considered written evidence from over 40 organisations and undertook seven oral briefings and five formal meetings. The deliberations were also informed by the Committee's recent inquiry into shared and integrated education. It aided the Committee that we had that recent background information.

I would like to take this opportunity to thank the many stakeholders who wrote to the Committee or gave oral evidence. Owing to the time pressures associated with the legislative programme, it was not possible to receive oral evidence from every organisation that made a submission. However, I can assure all our stakeholders that we studied their views and suggestions, whether oral or written, carefully and we greatly valued their input to the Committee Stage. I would also like to thank the Department for attending a number of oral sessions and for providing written responses

and clarification to Committee queries in quite a short timescale.

Before dealing with the amendments, with your indulgence, Mr Speaker, I will make a few general remarks as Chair on the provisions of the Bill. The Bill provides a statutory definition of "shared education". During the Committee's recent inquiry, and on a number of occasions in this mandate, stakeholders have called for formal legislative duties to be placed on the Department to encourage and facilitate shared education. The Committee very much supports the principle of greater sharing between schools. However, members previously did not support the application of legislative duties until the Department had provided clarity on the meaning of shared education.

The Department's recent policy paper 'Sharing Works', coupled with the provisions of the Bill, has provided a degree of policy certainty. Consequently, the Committee is now generally happy to see the commencement of relevant duties on the Education Authority. The role of the Department and other education bodies in the encouragement, facilitation and promotion of shared education is a little more complex, and I will deal with that in a moment.

I believe that Committee members would have liked to have seen the definition of shared education that was provided in our inquiry report incorporated into the Bill. However, members accepted that that was not necessarily practical at this stage. Again, I will come back to that in a moment. First, I want to deal with the Committee's amendments.

First of all, amendment No 8, is on the duty on the Department. As I have indicated, stakeholders have been calling for a duty on the Department in respect of shared education for some time. A majority of Committee members felt that in order to consistently encourage, facilitate and promote shared education, there should be a new duty on the Department in respect of shared education. There was some suggestion that a new duty might have unexpected and unwanted consequences for arm's-length bodies. Indeed, it was initially indicated by the Department that the Council for Catholic Maintained Schools might have been given an obligation to facilitate and encourage integrated education. The Committee sought advice on these matters and received clarification from the Department. The House will be interested to learn that the initial assertion was incorrect, and I think that that has been acknowledged by the Department. There was also some debate about the wording of the amendment itself, particularly the meaning of

the word "promote". Some witnesses to the Committee insisted that this might lead to a hierarchy of obligations, with unspecified and undesirable effects for integrated schools, but the majority of members decided that the amendment was clear and that it would not lead to unfair and preferential treatment for shared education over integrated education. Therefore, the Committee was content to support amendment No 8 and, allied to that, is supporting amendment Nos 1 and 11.

That brings us to amendment No 12, which is about the power of arm's-length bodies. The Committee has been keen throughout the mandate to ensure that there is fairness and a level playing field for the different education sectors. It is for this reason that the Committee unanimously welcomed the establishment of the controlled schools sector council last year. It was in this spirit of fairness that members considered amendments that would give equal powers to all sectoral bodies in respect of the facilitation and encouragement of shared education.

What was desired by the Committee proved to be a little bit trickier than was expected. The Committee simply wanted to ensure that sectoral bodies would have the same level of access to shared education policy decisions and support as CCMS, which is specifically identified in the legislation at clause 2(2)(b). The difficulty arose, however, firstly, in trying to make reference to certain organisations in the Bill, and, when this proved to be impossible, including a general definition of a sectoral body. The Committee then turned to the Education Bill from 2012 and adopted the wording — I think, word for word — that had been proposed by the Department at that stage. Amendment No 12 allows the Department discretion in the identification of sectoral bodies, which will, we believe, avoid any legislative difficulties while also ensuring inclusion for a wider range of bodies.

I turn to the other amendments. As I indicated previously, the Committee undertook an inquiry into shared and integrated education. The Committee recommended that shared education should always foreground improvements in educational attainment, while also enhancing good relations and improving attitudes of children and young people in respect of persons of different backgrounds. The Department assured the Committee that this level of detail was better left to a policy document than be included in legislation. It was even suggested that wording of this kind, or references to section 75 groups or schools from different sectors, might conceivably serve to

exclude certain shared education projects. The Department also advised that determining compliance with the inclusion of a wide range of section 75 groups might be nearly impossible to achieve, given the very limited section 75 profiling of pupils that currently takes place in schools.

To be clear: the Committee wants to see the widest possible participation in shared education, and it consequently accepted the Department's arguments on this. However, in order to guarantee the involvement of small, rural or other schools in high-quality shared education projects, the Committee has agreed to seek a ministerial assurance that the "reasonable numbers" aspect of the definition would be interpreted flexibly by the Department. I hope that, when the Minister responds today, he can give that assurance.

Members also highlighted the growing numbers of children whose parents designate as being neither Protestant nor Catholic, nor being of any other religion. The Committee wanted to ensure that the definition of shared education reflected this growing pupil group. The Committee, therefore, tabled amendment No 3. The Minister has tabled amendment No 6 and a consequential one, amendment No 7. I understand that Members from the Alliance Party have tabled a third version, which is amendment No 4. The Committee has made clear its position on where it sees its preference. I am sure that Members will listen carefully to today's debate on those amendments.

I will deal with amendment No 14, which is the last of the Committee amendments. The Committee feels that shared education should be about educational attainment, good relations and improving attitudes. If Members require clarification on how these things might be determined, I refer them to the measures recorded in the young life and times surveys, and used as performance monitors for the CRED policy, the Peace IV programme and the Delivering Social Change shared education signature project.

The Committee accepted that it might be difficult to write these measures into a definition of shared education. Members therefore decided to include a "review and report" clause, which is in amendment No 14. The Committee felt that this is a neat solution that reflects the importance of the significant investment being made in shared education and the expectation of stakeholders that the policy would lead to real and measurable change.

11.00 am

Further to the objective of promoting more sharing between schools, the Committee also agreed to support ministerial amendment No 13. This will permit the Department of Education and the Education Authority to establish and participate in a company which can act as the owner/manager of school buildings and facilities in a shared education campus. I suppose that the particular focus has quite often been on the Lisanelly situation. We had a briefing from departmental officials on school ownership, and the Committee understands that this will facilitate fairness and parity of treatment for participants in shared campuses like that in Omagh. Therefore, the Committee is happy to support that amendment.

From a Committee point of view, I do not particularly want to touch on the amendments that have come from other parties, because the Committee has not taken a formal view on them. I would simply say that a number of the issues raised in the various amendments brought forward — and I will speak a little bit more about them in a different capacity — were considered by the Committee. In some cases, we were persuaded by the Department that an amendment of that nature was not necessary; however, that does not necessarily mean that the Committee is particularly hostile to these amendments. Members will treat them on their merits.

I am sure that, in the ensuing debate, we will hear eloquent and able defences of all the amendments before us, so as Chair of the Committee, I encourage Members — and there appears to be a degree of dissension from some Members as to the level of eloquence that may be employed — to listen carefully to all that is said, and particularly to the remarks of the Minister and the other sponsors of the amendments, and deal with them appropriately.

I now turn to the amendments before us, in my capacities as an MLA and as DUP spokesman on education. In dealing with a number of these particular points, one thing that strikes me is that there will be, I suspect, divisions in the House. We may well have a number of votes on these matters. In looking at the amendments, I find that, in many ways, a lot of them are trying to achieve the same ends. The gap between all sides on these issues is not that great.

First, the DUP supports the Committee amendments that have been put forward. I will come to the detail of the other amendments in a

moment. We have all been trying to crack the issue of how to define those who come from a background to which no religion can be attributed. The Committee put forward, in amendment No 3, the words "or none". Ultimately, if the Committee amendment is defeated, we could live with the ministerial amendment on religious belief. However, we wait to hear the explanation given by the Minister. As a party, our preference is for amendment No 3, because we think that that better encapsulates it. It seems to be a slightly tortuous analogy to refer to religious belief as including those who do not have any religious belief — that seems to be a little bit of a contradiction in terms. However, there may be a technical reason for this, and I am sure that the Minister will expand on it.

Related to that, as indicated, there are two other amendments which are mutually exclusive. First, to deal with Mr McCallister's amendment — if indeed, by the look of him, he survives to move it — he has provided an attempt at a definition of shared education to which I am not unsympathetic. However, I think that, fundamentally, while I understand where he is coming from, there is at least one fatal flaw in amendment No 2. There is provision for support for integrated education, and there should be support for a range of other schools, the super-mixed schools, in that regard. However, shared education should be between providers. It is about trying to find imaginative ways of sharing, finding new ways of doing things and cooperation between schools. While I have some sympathy for Mr McCallister, I think that his definition goes well beyond that, to mean that individual schools themselves should be counted as sharing; effectively that they would be accredited for potential projects simply because of what they are doing already and without any external linkage. I think that schools that are doing that find it relatively easy to find that level of good relationship with other schools in that regard.

Mr McCallister: Will the Member give way?

Mr Weir: I am happy to.

Mr McCallister: Just on that point, would the Member not accept that funding could quite easily be set up and banded in a different way to manage that? Why, by burdening them financially, would you discourage schools that are doing it and that are a great example of where we want to get to?

Mr Weir: I understand what he is saying. In A Fresh Start — I appreciate that other

discussions may have to take place on that — there is a large pool of money for a range of projects, the bulk of which are probably geared towards shared and integrated education. If we are to encourage new projects, I think it goes against the grain of the definition to say that a single school or provider can by definition provide shared education. It strikes me as a little bit of a tortuous indication that we get one definition of "shared education" in the Bill and then, when looking at projects through a different scale from a funding point of view, use another. That does not seem to me to make sense.

Whereas I entirely accept that a range of those schools are doing a very good job of sharing, the Committee and I were persuaded to the view that we should look at innovation in sharing between schools. If it was simply within a school, that, in many ways, would simply reinforce what is happening at present. An indication has been given — indeed, we are likely to hear from the Minister — that, when we are talking about reasonable numbers, the concept could be widened out to so many schools and projects as to make it meaningless. So, whereas I have some sympathy for the position, I am not persuaded, particularly as it is a degree of —

Mr Agnew: I thank the Member for giving way. Is there a risk, though, if a single school is not allowed to qualify, of a perverse disincentive to two schools merging to become one shared or integrated school because they would lose the opportunity of accessing that funding?

Mr Weir: Do not forget that there is a duty on the Department already to promote integrated schools. From that point of view, assistance would be given. I do not think it would act as a discouragement. It strikes me that a situation where schools of different characters are sharing is not that difficult to bring about. Indeed, one of the advantages for a school that would, for example, be considered super-mixed, is that, to qualify for that definition, it is fairly open house, in that it could go to pretty much any other school in Northern Ireland. That project, at least from the point of view of reasonable numbers, would probably meet the test. In that sense, the path for schools that are already super-mixed is an easier one. It basically comes down to what is understood by sharing between schools in the context of shared education, and I think that goes beyond that. From that point of view, the preference is in that context.

Turning to the Alliance amendment, which is amendment No 4, again, I understand the

rationale behind it. It would widen out the definition from, essentially, Protestant and Roman Catholic to Protestant, Roman Catholic and other. The problem is that it would have some unforeseen consequences — maybe they are reasonably foreseeable. Once you add in "other", you are putting in a three-limb, rather than a two-limb, test of the mix. As any legal draftsman would tell you, to qualify as a shared education programme, it would be necessary to tick the box not only for a reasonable number of Protestants and a reasonable number of Roman Catholics but for a reasonable number of others. I think that makes the situation that you are trying to promote, particularly the cross-community side of things, more difficult, especially for small schools. So, while I have some sympathy for the intention behind amendment No 4, I think that amendment No 3, which the Committee put forward and which is mutually exclusive with the others, is better. We will therefore oppose amendment No 4.

Turning to the other Committee amendments, I was certainly persuaded by the idea that we needed to see a greater duty on the Department and that simply moving beyond a "power" toward a "duty", in line with amendment No 8, is appropriate if we are to properly give this some teeth and backing.

Amendment No 12 deals with the sectoral bodies. My party makes no apology for the fact that we believe in, and one of our key values is, equality within education. As such, we were struck by the various representations made about this.

We appreciate that amendment No 12 has a slightly tortuous form of wording to try to get round the issue that one sectoral body is enshrined in legislation and the others are not. However, we believe that those involved with the other sectors — the controlled sector, the integrated sector, and the Irish-medium sector — should all be put on a level playing field with the maintained sector as much as possible. Indeed, very specifically, the Committee received evidence from both the Transferor Representatives' Council, which was effectively operating on behalf of the Controlled Schools Support Council, and the Northern Ireland Council for Integrated Education (NICIE). They wanted to be included in the legislation. While we could not actually name them, amendment No 12 reflects that sense of having a degree of level playing field.

In amendment No 14, the intention is not to be obstructive. However, if this is to have meaning, it has to be monitored. Many things

were identified in the Committee report in terms of the impact on community relations and efficient and good delivery of education. On the broader levels of cooperation, we believe that those are key elements in shared education as well. Therefore, we support the reporting mechanism.

I turn to some of the other amendments. The point has been made, and we are willing to accept, that, to cover the Strule situation in Omagh, for example, amendment No 13 seems to be a reasonable way forward. We want to make sure that in no way does that grow legs, but we think that it is necessary that it is put in place. So we have no problem with amendment No 13.

Amendment Nos 9 and 15 are contrasting. We are comfortable with both of them, although I appreciate that they are mutually exclusive. They both look towards the idea of a duty. Amendment No 9 places a duty purely on the Department; amendment No 15 goes beyond that in taking these issues into account. I say to our colleagues across the way there that we are pleasantly surprised by amendment No 15, given the fact that there seemed to be little bit of scepticism from the Department about moving in that direction on it. We think that both those amendments are good. Amendment No 15 is drawn more widely than amendment No 9, and, to that extent, the initial preference may be for amendment No 15 rather than amendment No 9. However, I am more than happy to listen to what arguments are made on both of them within that. We would be comfortable supporting either. I will point out the only implication of amendment No 15. If, as is likely, amendment No 12 on the wider sectoral bodies is accepted, there would probably have to be some consequential amendment at Further Consideration Stage to bring that into line, but we will cross that bridge when we come to it.

There are two other amendments, apart from a technical amendment on behalf of the Minister that would flow from amendment No 6 being accepted. The first is Mr McCallister's amendment No 5, which provides not a definition but, for want of a better term, a purposes clause essentially. From a DUP perspective, we are comfortable with that. At times, the Department has made an argument that it may not be absolutely necessary, but we feel that it is reasonably desirable. Consequently, we would be happy to support the Member's proposal in amendment No 5 on that.

Finally, I turn to the Alliance Party's amendment No 10. The spirit of that amendment is very worthwhile. One of the things that kept coming up in our evidence was a desire that, if we are to have a definition of shared education that leads to funding in some way, this cannot simply be some degree of tick-box exercise; it could not be a question of having a very minimalist position to ensure that a couple of schools qualify. The example was given of two schools coming together and playing a GAA match one Wednesday afternoon and a rugby match the following Wednesday, and then saying, "We are sharing; give us the money." I am sure that schools would not be as utterly cynical as that. However, this is meant to lead to genuine levels of change in our society and improvements in our education system. Therefore, the idea or principle of having some minimum level of involvement enshrined in the regulations is a good one. However, I take exception with some of the wording within that on two grounds. To tie it in on the basis of a specific number of hours rather than a general level of participation may be a little bit too prescriptive and drag us back to a tick-box exercise.

11.15 am

I also have a concern that the current wording talks about participants. It is a little bit unclear whether that means the individual pupils participating or the schools participating. The sentiments of amendment No 10 are good, but the wording is clunky, so we, as a party, are not in a position to accept and support it today. However, if the proposer did not move it and an alternative form of wording were brought forward at Further Consideration Stage that indicated some level of minimal participation being required so that we have whole-school involvement, we would look very favourably on that. I accept the sentiments, but, on that issue, I urge the Member not to move the amendment today and to seek a better wording that might create a greater level of consensus at Further Consideration Stage.

In conclusion, I think that we have a worthy Bill that can be of advantage to our education system and our society as a whole. I have highlighted concerns over some of the amendments. There will, almost by necessity, be certain divisions because we have a situation where some of the amendments are mutually exclusive. The gap, at least in terms of the intention, is not all that great in the amendments, so I look forward hopefully — maybe it is better to travel in hope than experience — to an eloquent and able debate in which there will be an elucidation of the

various arguments. I commend the amendments that I support to the House, and I look forward to the debate.

Mr Hazzard: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak on the Bill today. From the outset, I echo the words of the Chair, who has just spoken: the divisions today will perhaps be out of necessity because some of the amendments are mutually exclusive. The final destination is quite agreeable between the sides of the House today; it is perhaps the method by which we get there that there has been some discussion and disagreement about, which is a positive.

I thank the Committee Clerk and his staff, who provided first-class support to the Committee while working through this. I also thank the stakeholders and organisations that, in big numbers, engaged with the process from the start, specifically the schools that shared their experiences of how they have been dealing with shared education.

At the crux of this today and the entire debate around shared education is the notion that shared education, in some instances, has been pioneered for years — for decades, in some parts of the North. For other communities, it is a fairly new initiative that they are just getting on board with. There are still those today who are learning about shared education and what it means. It is a very delicate process; we should remember that. If we stand here today perhaps in opposition to the idea of a duty on the Department, it is because of the idea that there may be unintended consequences of the process. I do not think that anybody wishes for those, but we need to be mindful of them.

Unlike Irish-medium or integrated education, shared education is a concept. It is a process in itself, not a particular type of school. We need to be very wary of the unintended consequences that such a duty on the Department might have. I am not instinctively against strengthening the legislation to the extent that the Department will have a duty; it is just a wariness of unintended consequences. That is why I think amendment No 15 goes somewhat further than the power as it originally sat, but not quite as far as a duty to encourage and facilitate.

We will be opposing amendment Nos 1, 8 and 11 around amending the power to the duty. We will be opposing John McCallister's amendment No 2 around the definition. The Chair has outlined succinctly why. When it comes to amendment Nos 3, 4, 6 and 7 around religious clarification, we will be supporting amendment

Nos 6 and 7 and opposing amendment Nos 3 and 4. The purposes clause, which I will touch on in a moment, adds a certain amount of clarity and strength to the Bill, so we will be supporting amendment No 5. We will, however, oppose amendment No 9. Amendment No 15 widens the scope and is a wee bit stronger than amendment No 9, but is along much the same lines. The regulations are a bit prescriptive, so we will be opposing amendment Nos 10 and 12.

The Chair mentioned the example in Omagh, and we will support amendment Nos 13 and 14. We will also support our own amendment No 15.

My colleagues may touch on the rest of the amendments, but looking at the opposition to amendment Nos 1, 8 and 11 in relation to amending the power to the duty, as I touched upon at the start, the growth in the concept of shared education has been organic. Different communities are moving at different paces. To get the best out of the concept, the Department needs to be proactive yet sympathetic to local needs and dynamics. It needs to be determined yet flexible when considering those needs. In the Bill, there is a power rather than a duty, and with amendment No 15 the Department will be able to do that.

Mr Weir: I thank the Member for giving way. I understand the need for flexibility, and there will be different approaches taken in different parts of Northern Ireland for a whole range of reasons. Surely, we are talking about a duty on the Department; it is not a question of a duty being imposed on individual schools or a one-size-fits-all or one-speed-fits-all approach. Surely, a duty gives a level of flexibility to the Department to apply it in slightly different ways in different parts of Northern Ireland. I do not see how that necessarily handcuffs individual schools or forces particular things in particular areas.

Mr Hazzard: I thank the Member for his intervention. As I have outlined from the start, I have sympathy for the argument he makes, but I am wary of the unintended consequences. I have no doubt that it is a topic that the Minister will talk to at length later today, and perhaps he can go into how some of the unintended consequences would have an effect on budget lines, which would not be the will of the House.

A duty will wrap the Department in unwelcome legal obligations around spending commitments et cetera that may take this down a different path from the one intended. So, again, if the

power is not adequate, amendment No 15 strengthens it. Shared education is a concept, and you are right that a flexible approach in different parts of the North is what is needed. I am willing to listen to the different arguments, but, as it stands, I do not agree with the Member.

At the start, I touched on amendment No 5, which concerns the purposes clause, namely clause 1. That is an important amendment because clause 1 sets the overall context for the Shared Education Bill: it will guide shared education policy. It would be interesting to hear the arguments against the amendment. Crucially, it includes the need to promote an efficient and effective use of resources. If this is about bringing communities together and moving the process of educational development along, it is also about the effective and efficient use of resources, which will be a key issue in the years ahead. So, it is important that amendment No 5 is made. It not only complements the Bill, it complements amendment No 15 from Sinn Féin.

Crucially, the purposes clause will help to embed shared education throughout the Department, its policies and its programme of work instead of being a fixed-term project. I do not believe that shared education is, in the eyes of the Department, a fixed-term project, but the clause's provisions will be beneficial.

At the outset, I touched on amendment No 9 from Mr McCallister. Our amendment No 15, whilst largely the same, widens the scope of amendment No 9 and is that wee bit stronger. The ministerial advisory group on advancing shared education and T:BUC recommend screening and proofing to ensure that the sharing is maximised. That was the basis upon which amendment No 15 was envisaged. The ministerial advisory group's report stated that they:

"should include reviewing all existing and proposed policies within education, and providing advice as required to ensure that all activities seek to encourage and facilitate shared education where appropriate."

My amendment does not include a retrospective review. There is an argument that it would be costly and there is a question over the extent to which it would be successful or worthwhile. It would be time-consuming, as DE officials recognised at the Committee. T:BUC makes a number of commitments to develop shared services, including:

"All future policy and/or spending commitments should also be screened to determine whether they promote sharing".

In line with both those strategic policy documents, I believe that the Bill should include the new clause as outlined in amendment No 15.

A Cheann Comhairle, I am happy to leave it there. As I outlined, my colleagues will touch on the rest of the amendments. I am happy to support the Bill at this stage.

Mr Rogers: I welcome the opportunity to speak on the Consideration Stage of the Shared Education Bill. Before I move to the amendments, I will say a quick word on shared education. Shared education must be firmly embedded in our curriculum, and we must ensure that it becomes part of the Department's DNA. We must also ensure that it is not simply a token gesture but is deep, meaningful and sustained. Earlier this month, our new First Minister made a Pledge of Office. It includes the lines:

"to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future".

We cannot build a shared future without solid foundations, and the Shared Education Bill, if correctly implemented, will go some way towards giving our young people the best foundations. Embedding sharing from a young age is the best way to ensure a shared future.

I move now to the amendments. Amendment No 1 is a technical amendment that removes "section 2" and replaces it with "this Act", ensuring that the phrase "shared education" relates to the whole Bill, not simply section 2. It is likely that that amendment is being tabled due to the new clauses that will be proposed today. The SDLP is firmly supportive of that amendment.

Amendment No 2 was tabled by Mr McCallister. It removes clause 1(2) and replaces it with a subsection that widens the definition of shared education. If passed, that amendment would mean that not only would two religions being educated together classify as shared education but so would educating different ethnic or cultural groups together. Amendment No 2 removes the phrase "reasonable numbers of both". During Committee Stage, we heard from different groups who were concerned that the use of the phrase "reasonable numbers" was

unclear and could lead to a poor definition of shared education projects.

Amendment No 3 is explicit about including a reference to children and young people who have no religious belief as well as those who hold a distinct religious belief. The SDLP is supportive of that amendment, as we believe that it is more inclusive. An increasing number of children are growing up who are designating as having no religious belief.

Amendment No 4 is a bit like amendment No 3, and it was tabled by the Alliance Party. There were concerns from those who appeared before or wrote to the Committee that the phrase "reasonable numbers" was not clear and could lead to a poor definition of shared education projects. During Committee Stage, it was agreed that, rather than submitting an amendment such as this, we would seek ministerial assurance that the "reasonable numbers" aspect of the shared education definition would be interpreted flexibly by the Department.

Amendment No 5 was tabled by Mr McCallister. It sets out the purpose of shared education. During Committee Stage, quite a few stakeholders brought up that topic. I recognise the Department's concerns that it may lead to confusion in respect of the interpretation of the Bill's provisions. Mr McCallister's amendment states:

*"The purpose of shared education is to—
(a) deliver educational benefits to participants; [and]
(b) promote the efficient and effective use of resources".*

That is very important. The Member who spoke previously mentioned it. The amendment also states that the purpose of shared education is to:

*"(c) promote equality of opportunity;
(d) promote good relations; and
(e) promote respect for identity, diversity and community cohesion."*

It is difficult to disagree with those proposals. Those purposes will add to the Bill's effectiveness and ensure that shared education in Northern Ireland is positive.

Amendment No 6 is a bit like amendment No 3, and it was tabled by the Education Minister. It ensures that those without religious beliefs are included in the parameters of the Shared Education Bill. As I mentioned, that is vital due to the increasing number of children growing up

who are designating as having no religious belief.

Amendment No 7 is a technical amendment that removes the phrase "in this section" from clause 1(4). That is OK.

Amendment No 8 puts a duty on the Department to promote, encourage and facilitate shared education.

Amendment No 9 aims to amend amendment No 8 and adds a subsection to ensure that:

*"The Department of Education must consider shared education when—
(a) developing, adopting, implementing or revising policies ... ; and
(b) designing and delivering educational services."*

We are supportive of that amendment. During Committee Stage, many groups supported the aim of placing the duty on the Department.

11.30 am

Amendment No 10 puts a duty on the Department to prescribe, by regulation, criteria to be met by relevant providers of shared education. This would set out how many hours of shared education each participant is entitled to. While I understand what is behind the amendment, I think that it is a bit restrictive at this stage. It is important that we encourage schools to get involved in shared education, and it could be very difficult for a primary school in an isolated rural area to meet the criteria if a particular number of hours were prescribed. Does a school qualify if it provides two hours per week, 10 hours per week or just something after school? I understand the spirit of it, but it is rather prescriptive at this stage. The amendment would ensure that funding for shared education was used purposefully. We will wait to hear what is said on that amendment, particularly by Mr Lunn, before we make up our minds.

Amendment No 11 was tabled by the Chair of the Committee and removes the Department of Education from the listed bodies that may encourage and facilitate shared education. Amendment No 12 is linked to amendment No 11 and adds "any sectoral body" to the list of bodies that may encourage and facilitate shared education. That is proactive, because another sectoral body could come along in a few years' time. The amendment also defines a sectoral body as one that:

"is recognised by the Department of Education as representing the interests of grant-aided schools".

Amendment No 13 was tabled by the Minister and introduces a new clause that gives the Department the power to form a company. During Committee Stage, the Department mentioned the Strule Shared Education Campus in Omagh and said that an amendment would mean that a company could act as the owner of the school buildings. The different ownership models could cause challenges to the governors of shared education campuses. I believe that this may help to resolve any ownership issues that arise.

I come to amendment No 14. During Committee Stage, many stakeholders mentioned the need for the review of shared education. I think that that is fundamental. Following on from this recommendation, the Committee agreed to table an amendment under the Committee Chair's name to require the Department to review and report on shared education every two years. I agree with the proposal that the Department should be obliged to report on the extent to which shared education has improved educational attainment; the attitudes of children and young people to persons of different social and other backgrounds; and the effective and efficient use of resources, including the ICT infrastructure. A point that I really want to make is that there are great opportunities within the ICT infrastructure to develop shared education and increase participation in sharing in schools and relevant organisations. When we get the report of each review, we will be able to see the good practice that is going on. Once that is disseminated, it will help other schools. This amendment helps to keep the focus on not only shared education but on high-quality shared education that can be disseminated to other schools.

The final amendment was tabled by Sinn Féin and is similar to amendment No 8. The SDLP will have to wait to see what way amendment Nos 8 and 9 go. I have a wee bit of concern about the duty on bodies to "consider shared education". If amendment Nos 8 and 9 on the duty "to promote, encourage and facilitate" go through, we would be quite happy to support it because it expands that quite a bit.

I welcome the progress of the Bill. As I said during the Second Stage debate, I hope that it will help the Department to become strategic in the delivery of shared education and that it will get shared education into the Department's DNA.

Mrs Overend: I welcome the opportunity to participate in the debate as the Ulster Unionist Party's education spokesperson. The Assembly debated the general principles of the Bill on 10 November. At that point, it was a very short four-clause Bill that provided a legislative definition of shared education and placed a power on the Department and its arm's-length bodies to encourage and facilitate shared education. In addition, it would enact the duty on the Education Authority to encourage, facilitate and promote shared education as provided in the Education Act 2014.

At Consideration Stage, we have a single group of amendments, but they can be divided into amendments to clause 1 on the definition of shared education, amendment Nos 1 to 7; amendment Nos 11 and 12 to clause 2 on the power to encourage and facilitate shared education; and the rest, amendment Nos 8 to 10 and 13 to 15, all of which are new clauses.

It is fair to say that my party was underwhelmed by what was presented in the first draft of the Bill, but we engaged positively at Committee Stage and will support, in general, what we think is the best way forward in terms of amendments, informed by Committee at the scrutiny stage that has just been completed.

I will progress through the amendments largely in the order in which they appear on the list. The first amendments are to clause 1 and are about the definition. Amendment No 1 provides support to another Committee amendment, amendment No 8.

Amendment No 2, in the name of John McCallister, expands the definition somewhat to include children or young people of different cultural or ethnic backgrounds in addition to what is in the Bill. We will wait to hear his explanation for proposed subsection 2A(b), which mentions a "single relevant provider". It seems to refer to an integrated education body or schools that are naturally sharing already. I would have thought that that is covered by the original clause 1(2)(b) under "relevant providers". Mr McCallister has also chosen to omit the "reasonable numbers" part of the original clause 1(2). That is quite a significant omission in that the Committee sought a ministerial assurance that the "reasonable numbers" aspect of the definition would be interpreted flexibly by the Department. We will listen to what the Minister has to say on that with an open mind.

Amendment No 3, the Committee amendment, refers to the definition of the religious

background of the child. We had much discussion about that issue and members did not want to exclude those with no religion in the surveying of pupils in shared education analyses.

Amendment No 4, which is from Mr Lunn, and amendment Nos 6 and 7, which are from the Minister, are tweaks. Amendment No 4 inserts an extra option of "none", and amendment No 6 allows for a definition of religious belief that includes an "absence of religious belief". I remember in Committee that the departmental officials told us that the current analysis of a child's religion also has the option of "none" and that there is, therefore, no real need for amendment No 6. However, the Committee decided that it was useful to see it in the Bill. I have completed those forms for my children, as I said in Committee, maybe more recently than anyone else who is debating this now, and I can see the form in my mind's eye. It details "Church of Ireland", "Presbyterian" and all the various religions, and "no religion" was an option on that. The Department's amendment on that aspect makes sense to me.

Amendment No 5, in the name of John McCallister, is about the purpose of shared education. I do not have any real issues with those suggestions. We discussed the need for shared education to be measured to some degree, and these points provide for that.

Amendment No 7, in the name of the Minister, is a technical amendment. Amendment No 8, which is from the Committee and John McCallister, is about ensuring that there is a duty on the Department of Education to promote, encourage and facilitate shared education, and amendment No 11 is consequential to that.

Amendment No 9, in the name of Mr McCallister, ensures that shared education is taken into consideration in all decision-making. It is difficult not to support that one, but the concerns are about the finite resources available. For example, if a school has experienced dwindling numbers in recent years but could be saved if there were some arrangement to share teachers or resources with a neighbouring school, enabling there to be a reasonable number of children from different religions and socio-economic backgrounds, consideration must be given to saving the school and implement sharing. That is commendable because a school closing down completely will result in a reduction of sharing opportunities in that area. There may be other occasions when sharing is completely out of the question due to a lack of resources, but the fact

that it is being taken into consideration during consideration of decisions has to be welcomed. I look forward to hearing more about that amendment from the proposer. That was discussed at Committee Stage, and I questioned departmental officials specifically on the issue. It will be interesting to hear the Minister's response to the amendment and whether it is needed on top of having a duty placed on the Department.

Amendment No 10 from the Alliance Party inserts a new clause about participant hours and drafting regulations. I am not really sure how that would work. It may be overly bureaucratic. Schools are at varying levels of shared education and to prescribe participant hours of shared education would require maybe a table of formulae and possibly a progression chart. At this stage, I am undecided whether we will support this amendment.

Amendment No 11 is consequential to amendment No 8.

Amendment No 12, which is in the name of the Committee, extends the power to encourage and facilitate shared education to all sectoral bodies; ie those not funded by the Department of Education.

Amendment No 13, from the Minister, is a new clause, "Power to form company". I understand that this is for the purposes of the Strule shared campus at Omagh. I am not convinced that this is the best route for a shared campus. Initially, it struck me as a bit of a cop-out. Surely a campus is being funded by the Department of Education and, therefore, ownership of the buildings should continue to be within the Department. Why would the ownership of the school be outside the Education Authority? Maybe the Minister will give us further information on that.

Amendment No 14, a Committee amendment, is on a review of shared education progress. The Committee discussed the need for progress to be made on shared education, for there should be no tokenism in this regard. It is certain that schools across Northern Ireland are at varying degrees of participating in shared education. Some are doing nothing, whereas others spend many hours working together between schools, or share teachers and resources. That sharing needs to be assessed, and it is important that this shared education increases, especially by those schools at the lower levels of the scale. Therefore, I felt that it was important that reviews are made.

Sinn Féin's amendment No 15, on the duty of education bodies, states:

"— (1) Education bodies must consider shared education when —

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering public services."

Unlike amendment No 12, which gives a power to sectoral bodies to encourage and facilitate shared education, this amendment places a duty on educational bodies to consider shared education in all their decision-making processes. Is that just a nod in the direction of shared education? Surely that will need to be included in the review to have any real meaning. As the Committee Chair said, departmental officials were reluctant to support this amendment. With that in mind, I await the contributions of others and will consider whether we will support this or amendment No 12.

Lastly, Mr Speaker, I appreciate that, at this stage, we can comment and vote only on the amendments on the Marshalled List. For the record, however, the Ulster Unionist Party tabled an amendment on the repeal of article 71 of the Fair Employment and Treatment (Northern Ireland) Order 1998. It was not accepted due to the narrow focus of this Bill. We have no quarrel with the Bill Office over that. However, the issue will not go away, and it is really a disgrace that it has not been dealt with up until now. We will have a look at a different amendment at Further Consideration Stage, but what is clear is this: you cannot have truly shared education without a truly shared workforce. The barriers to fair employment must be lifted.

Mr Speaker: You skirted very close to the mark, there. The Speaker considers all these issues in the round and takes advice, so let us proceed with the Order Paper and the material that is in front of us. I call Mr Trevor Lunn.

Mr Lunn: Thank you, Mr Speaker. I am glad of the opportunity to contribute to this discussion. I think that it is fair to say at the start that, on the scale of enthusiasm about the Bill, the Alliance Party is probably at a slightly different point from the rest of the parties, in their varying degrees, for various reasons, not least that the Bill and the whole surge towards shared education is at risk of diverting attention from real shared education, which, you would expect me to say, is the integrated movement.

We heard from Minister Storey just an hour ago about more money coming in from Europe to develop shared education under Peace IV. That is fair enough, but I wonder where real sharing in the integrated model — or something close to it — would be now if it had had that emphasis put on it in the last number of years. Having said that, I will return to the Bill.

Like others, I will go through the amendments in the order that they are printed. There is not much to say about amendment No 1; that is fine. Amendment No 2 was tabled by Mr McCallister. I cannot help thinking that, if we were at the point of just starting this exercise and the Department had come up with something along the lines of amendment No 2, we would probably have discussed it, amended it and run with it. It is good stuff. It is pretty good, honestly; but it has several flaws, not least the fact that we are hardly going to rewrite subsection (2) at this stage in the process. While we can perhaps learn from the amendment, I do not think that we are going to adopt it. As others have said, it does not mention reasonable numbers.

11.45 am

The amendment contains a new paragraph proposing that shared education may be provided by a single relevant provider. During Committee Stage, we had a lot of discussion about whether a school, referred to by the Chair as super-mixed, or an integrated school should qualify for internal shared education funding in its own right. I must say that, when we were discussing this, I would probably have run with the argument that those schools should be able to do that. Frankly, I am not so convinced now. I do not think that it is necessary. Integrated schools, or schools such as Methody or other super-mixed schools, do not need funding to share internally. It is already there. It is a day-to-day happening, which is the best sort of sharing. Regrettably, we cannot support amendment No 2.

I move to amendment Nos 3 and 4. I have a terrible feeling that I was responsible for amendment No 3 in Committee. Others can search their memory banks, but I think they will find that it was probably me, so it is hard to oppose it. I just happen to think that amendment No 4 is a better attempt at providing the scenario we all want. It defines shared education as the educating together of reasonable numbers of Protestant, Roman Catholic and "other" children. Amendment No 3 deletes all reference to "other". We are all so concerned about the number of children and families in our population who are neither

Protestant nor Catholic, or who have no religion or perhaps belong to some other religion, but amendment No 3 excludes them again. It puts them in, but does not follow through; so I think that our amendment No 4 does do that.

I hear the Chair's comments about the word "and" in amendment No 4, which is to include reasonable numbers of Protestant, Roman Catholic and other children. I struggle to come up with a different word, frankly. The buzzwords around this Bill, which everybody has used, are "flexibility" and "reasonable". I think that whoever has to decide on the funding for shared education projects should be able to work with that wording and not be hung up on the view that, just because no others are involved in a particular scheme, it does not qualify. There would be reasonable numbers of Protestant and Catholic children. I would take the same view if there were reasonable numbers of Protestant and "other" children, or "other" and Roman Catholic children. It is pretty clear what the intention is. The Bill, in its original form, was produced on a reasonably flexible basis to account for the fact that not all of these schools are the same and that not all of the projects are the same. Obviously, I still support amendment No 4.

Mr Sheehan: I thank the Member for giving way. In a sense, I agree with him. Everyone knows the intention behind these amendments. Will the Member accept that the difficulty is that, when it comes to legislation, sometimes it is difficult to define some of the terms used and that, instead of then providing what it is we all we want, it has the opposite effect?

Mr Lunn: Ordinarily, I would agree that legislation needs to be clearly defined and that, if you are going to lay down rules, or whatever, a clear definition is helpful. My response to that is this: define the word "reasonable". That word is all over the Bill, and we are not attempting to put in the percentage number needed to be considered reasonable. As I said, the Bill is deliberately flexible and best left that way. I will develop this point later when I come to the amendment about the Department's duty.

I really like amendment No 5, which was again brought forward by Mr McCallister, because it lays down the ground rules for amendment No 14 on the requirement to produce and lay a report on the progress of the shared education project. So, from that point of view, it is very useful. Others said that it is perhaps not particularly necessary, but it is still useful to have it in the Bill, and I do not think that anybody has spoken against it. We had the

Legal Complaints and Regulation Bill recently, and I spoke against the notion of having a review after three years as a legal requirement. I am not going to speak against this one, because, in two years' time, I would like to see a detailed report and how whoever produces that report has managed to quantify the benefits of what we are talking about. I think that the educational benefits will be reasonably easy to assess, although you will still have the problem of trying to compare achievement in a shared situation with achievement in a non-shared situation. But we will see. The interest will be in the societal benefits and in how sharing is leading to what we all want to see, which is a shared future and our children leading the way. So, we will support amendment No 5 and, obviously, amendment No 14.

I must say that I share the Chair's bewilderment about what amendment No 6 actually means. I really want to hear what the Minister has to say on including a line that states that "religious belief" includes something that is exactly the opposite of religious belief. I think that I have heard him address it before, but I want to hear him again, because it baffles me. It is like saying that "smokers" includes people who do not smoke. It does not, on the face of it, look like something that we would support, but amendment Nos 3, 4 and 6 are closely aligned, so let us wait and see what he has to say.

I have no problem with amendment No 7.

We are with the Minister and Sinn Féin on the fact that we do not like amendment No 8. The Chair used the word "hierarchical" — I think that is how he pronounced it. There is a danger here that one form of sharing is going to overtake and supplement, not complement, the movement that has been there for over 40 years. We are concerned about that. On this business of duties as against powers, or as against "may consider" and all the rest of it, I think that the Bill is OK and that we do not need amendment No 8.

Amendment No 9 is actually an amendment to amendment No 8. Amendment No 9 should be a stand-alone clause and, instead of stating:

*"The Department of Education must consider shared education when—
(a) developing ... policies, strategies and plans"*

it should state:

"must consider shared and/or integrated".

I know that is not really the purpose of the Bill, but in the spirit of fairness, perhaps it should be there. It is far easier to envisage certain situations. Say there is a new development that requires a new school. How can you legislate for the fact that the Department has to consider a shared option in that situation? You are considering sharing before the school is even built. You could consider, however, an integrated model as the default option, subject to local agreement and all the rest of it. I just throw that out there. I do not think we like amendment No 9, and since it is an amendment to amendment No 8, we cannot possibly support it.

There has been a certain amount of discussion about amendment No 10. I tend to agree with the Chair. We have had a stab at producing an amendment. We have put it on the table, and we think there is a need for it. I think others have agreed that there is potential in it to try to quantify the minimum requirements for a shared education project. The Chair's analogy of a rugby match one week and a Gaelic match the next is perhaps a good example of what may come forward, but it is not really good enough. I am not sure that I have the answer. I certainly do not want to see a prescriptive number of hours, but I think that there is wording available here, and I accept the Chair's invitation to talk about it some more.

Mr Agnew: I thank the Member for giving way. We discussed the Final Stage of the Special Educational Needs and Disability Bill yesterday, and there was an example where the Committee brought forward an amendment on cooperation, which the Department effectively rewrote at Further Consideration Stage, and, by voting it through, the Assembly showed its intent. Does the Member not agree that that is an approach that we could take with this amendment? We could show the intent that we want to quantify sharing and let the Department's legal team look at a reformed wording.

Mr Lunn: I think that I agree with the Member, and I think that he agrees with me. There is a need to put something in place here.

Mr Weir: Will the Member give way?

Mr Lunn: Yes, I will give way.

Mr Weir: I have some sympathy for the position. The problem is that, as drafted, we could not necessarily accept it from these Benches on that basis. I do not know whether others will take that view. If you have

something that is put of this nature, which is not particularly workable as worded, but I think there could be different wording. However, the problem is that if the amendment were put to the House today and rejected, it would tie our hands as to what could be put at Further Consideration Stage. So, I express a preference that a better form of words is simply brought forward at Further Consideration Stage rather than it being put to a vote today.

Mr Lunn: I thought that I had made that clear when I said that I would accept the Chair's offer to talk some more about it. That obviously indicates that we will not move amendment No 10 today, but we believe in the spirit of it. I am glad to see that others are open-minded about it.

I forget what I was going to say about amendment No 11, so I will come back to it.

Amendment No 12 is the insertion of "any sectoral body". I presume that that includes the controlled schools body, NICIE and Comhairle na Gaelscolaíochta — I hope that that is right. I do not think that those bodies would have any objection to being included in that way, so we are perfectly happy to support amendment No 12.

Amendment No 13 relates to the power to form a company. I would like to hear the Minister on this one. People are making reference to Lisanelly as being the example of how that would work. I must say that I am not sufficiently across the detail of the Lisanelly project in that respect to make a judgement on that, but I hope that the Minister will clarify it for us. I tend to agree with Mrs Overend, but I need a bit of convincing that it is absolutely necessary, but fair enough.

I have already spoken about amendment No 14. In the circumstances of the Bill, and given my small amount of scepticism about the whole thing, I think that it is a worthwhile amendment, and we will certainly support it.

Amendment No 15 relates to amendment No 9, which, in itself, would be OK if it mentions integrated education. It is the same wording. It says:

"Education bodies must consider shared education".

If that said "shared and integrated", I will make the same argument as I did a few minutes ago that it would be quite worthwhile. That is all that I have to say on the topic at present. We will come back with an appropriate wording, which,

no doubt, the Chair will accept in due course. I would like to hear the Minister speak about the participation period, duration and qualification, amongst other things. I will leave it at that and look forward to further contributions.

Mr Craig: I support the Bill and several of the amendments — I obviously support those that the Committee has put forward. From a party point of view, we have supported the concept of shared education. The one thing that we cannot afford to do is to continue with the existing education set-up in Northern Ireland. Five sectors competing against each other and, quite frankly, leading to some ludicrous decisions and a huge waste of taxpayers' money cannot continue.

12.00 noon

From a party point of view, I do not want to repeat what my colleague Mr Peter Weir has outlined and what we are and are not supporting, but I want to speak to amendment No 8, which deals with a duty that we are trying to place on the Department of Education to:

"promote, encourage and facilitate shared education."

I want to outline some of the rationale and reasons behind why we believe that that is fundamentally important to the Bill.

At this point, the Bill is all well and good. It defines shared education and shows what it is, but all Bills are powerless if there is no duty on the authority that has the responsibility for carrying out the legislation to promote and encourage that legislation. That is what has been lacking so far within our education system. Several approaches have been taken to shared education, all of which have come from the ground up. They have come from schools that are facing difficulties and that have come to unique conclusions about how to share facilities, teachers, sporting facilities and, quite frankly, exams. The schools have been the drivers behind that. Has there been any real facilitation of that from what were the old education boards, now the Education Authority? The sad truth is that there has been very little support for it whatsoever. Can that deliver huge financial savings for the education system? The simple answer is yes. I could go round the houses for the next hour and quote examples of shared facilities from within my constituency that have saved the education system literally millions in pounds and pence every year. It is measurable.

First and foremost, we need to place a duty on the Education Authority to encourage and promote such shared arrangements right across the education sectors. Some of it will come naturally. Some obvious circumstances are staring schools in the face, and I have to say that there is huge resistance from some sectors to facing up to the challenges that they face. There are even challenges within sectors for shared facilities. Again, even though they are staring everybody in the face, they are obvious and some people have encouraged them to take up those opportunities, there is still very little take-up of the shared opportunities that exist. Those opportunities would deliver facilities for communities that otherwise are going to be left with no education facilities if they do not face up to what are shared facilities within their own sectors, never mind with other sectors.

Minister, that is the rationale behind why we support amendment No 8. We believe that a form of duty and some level of pressure has to be put on the Education Authority to look at the measures to see what can be done and, more importantly, to promote and encourage all schools, whether they are old, new or merging, to look at what can be done through the shared education system. It is not unreasonable in my mind to ask the Education Authority to do that. It does not mean that in every case they will force any school into a shared system, because that is not what it is about. However, I think it is important that on every occasion the question should be asked, "Can this be done better if you share your facility with others?". I could show you glaring examples in my own constituency of where this should have been done but was not done, is not being done and is not going to be done until somebody somewhere points out that there is a need to do it. I think of sporting facilities in my constituency; there are three schools within a mile of each other, all of them bursting to the seams with 3G/4G pitches that are beautiful, but none of these schools can fully utilise those facilities. There are no sharing arrangements and there probably never will be until somebody puts a bit of pressure on them and encourages them to share those facilities. That is why we feel this is important.

It is also important from the point of view that there are still sectors out there who, quite honestly, want to dominate and overthrow all other sectors. I saw a prime example of this in my own constituency; one sector deliberately tried to grow, and grow, and grow to the detriment of other sectors. It is not introducing anything new to the education system, it is not bringing in new pupils; all it is doing is diminishing other existing sectors. If a shared

arrangement had been agreed at the start, we would not be in that mess.

It is the public purse that is hit every time whenever there is a failure to look at the shared educational opportunities that are out there. Millions are being spent on all of those projects, all paid for by the taxpayer.

Mr Lunn: I thank the Member for giving way. Would the Member be more clear and specific about the sector in his own constituency which is out to destroy all the other sectors? I imagine I know what he is talking about, but would he just put some meat on the bones for us?

Mr Craig: I will just leave the Member guessing, because it is something that he probably does know about.

Mr Lunn: Could he give us the answer?
[Laughter.]

Mr Craig: No, but what I will say is that the taxpayer is the one who always suffers in these circumstances. Speaking as a taxpayer, I do not find that acceptable. That is why I believe that we should agree amendment No 8 and amend the Bill so that we can promote, encourage and facilitate — where it is possible and where there is a willingness to do so — all educational sectors to consider this and how they could share resources, facilities, teachers and whatever, so as to deliver the best education for the pupils in their area. I think that we need to focus on how we can improve educational achievement for these specific areas instead of sitting back and watching sectors fight it out with each other, because inevitably that is what we witness. Pupils do not necessarily benefit from that and the one big loser in all of this is the taxpayer who forks out millions every year for duplicated resources, some of which sit literally next door to each other.

Ms Maeve McLaughlin: Go raibh maith agat a Cheann Comhairle. I rise as a Member of the Education Committee to make a few comments in support of the Bill and, indeed, acknowledging the work that has gone into it from various sectors and stakeholders to date.

My colleague Chris Hazzard outlined our overall approach to the amendments, so I will be specific on amendment Nos 10, 12, 13 and 14. I acknowledge the debate that is taking place on amendment No 10, even at this juncture, and Mr Lunn's intention not to move it today. There is an increasing consensus — it is certainly our view — that amendment No 10 is

overly prescriptive. Part of the learning that we all experience about shared education is that it develops organically and is not simply a concept that can be imposed from the top down. Amendment No 10, as currently drafted, as Mr Lunn said, removes the buzzword "flexibility" for particular local needs and circumstances that are required. It removes that flexibility for schools to be able to respond strategically to those needs. It is important to say that there may also be implications for school partnerships as they develop, specifically focused on local circumstances or needs. I very much welcome Mr Lunn's intention not to move amendment No 10. That gives us all, collectively, the space to explore the wording of an amendment that should be in its place.

I will now turn to amendment No 12, which deals with the powers of sectoral bodies. You would expect all arm's-length bodies (ALBs) to play an important and constructive role in various education concepts, but, given that we are debating facilitating shared education, you would assume or expect all ALBs to be doing that. There is an onus on individual sectoral bodies that, if that approach is not in place, they need to look at their organisation and their constitution.

Mr Weir: I thank the Member for giving way on amendment No 12. I appreciate that sectoral bodies should adopt that position. However, there seems to be an imbalance, which is that, unless amendment No 12 is made, there is a specific reference and requirement on one sectoral body — the Council for Catholic Maintained Schools (CCMS) — but not on the others. Indeed, whether the sectoral bodies should get their own houses in order — for want of a better phrase — we should also remember that not only did the Committee support amendment No 12 but its genesis came from the sectoral bodies that are not named wanting to be directly referenced in the legislation, whether or not on the same basis as CCMS was named. This is maybe an alternative way to do that, but it is about trying to provide a level playing field.

Ms Maeve McLaughlin: I share that view, and it is important to reflect that the Committee's sentiment was, in the Chair's words, to ensure that sectoral bodies had equal access. That is an important, principled approach. However, amendment No 12, as currently drafted, does not do that. It is important to reflect on the fact that there is no definition, for example, of sectoral bodies in legislation. When the Committee received legal advice on the matter, it was very apparent, in a number of ways, that

it is an unusual thing to do in conferring powers —

Mr Weir: Will the Member give way?

Ms Maeve McLaughlin: Yes, I will.

Mr Weir: This is about there not being a definition of a sectoral body, but the wording in amendment No 12 is, word for word, in the Education Act (Northern Ireland) 2014. The definition provided is already in legislation.

Ms Maeve McLaughlin: I again refer to the legal advice that we heard, which told us two things: it is unusual to confer this power, but, equally, there may be specific issues about particular sectoral bodies. It was very apparent that some ALBs are, for example, charitable companies that are limited by guarantee.

Advice was given that conferring the power may cause concern to some bodies, and there was specific reference to organisations such as NICIE that were funded for a particular remit. I absolutely share the sentiment that we want to ensure access for sectoral bodies, but the amendment does not hit the mark.

12.15 pm

I turn to amendment No 13, and there is an important point of context in all of this. As I mentioned earlier, the way in which we have organically developed the concept of shared education has brought its own dynamic to the very good progress that has been made, but, equally, it has brought its own dynamic to, for example, governance issues. The commitment to shared education campuses has brought up issues that need to be addressed through this legislation. I very much agree with going forward with the power to form a company, which is the effect of amendment No 13.

Finally, in supporting amendment No 14, I will make a number of observations. The duty to report on shared education is welcome. The amendment specifically refers to educational attainment, and that is the right thing to do as we track progress and monitor. However, I urge caution in relation to the potential duplication of reporting arrangements, and I think that all members need to be mindful of it. We need to recognise that the Assembly already has very robust reporting processes, and I refer particularly to the role of scrutiny Committees. I support amendment No 14, but I urge caution that we ensure that this is not about the duplication of existing reporting roles in the Assembly. I conclude my remarks there.

Mr Newton: I thank the Committee Clerks and their support staff for all the work that they have done. I especially want to thank all those who gave evidence to the Committee as we travelled on the journey to where we are today. The evidence was extremely helpful, and it was always delivered in a very professional manner, regardless of the background from which it came. Indeed, it gave the Committee an opportunity to witness the commitment of the elements that make up our education service. As we travelled this journey, we made visits to schools, which very much went the extra mile in providing services, opportunities and advice to the Committee members who turned up.

The Bill has been described in previous debates as small but significant, and I agree with that. It is a major plank in the Programme for Government. It is also, I believe, a major demand from education professionals, many of whom already practise shared education. We will be aiding and underpinning that shared education.

I want to take issue with a word that Mr Hazzard used; indeed, his colleague Ms McLaughlin used the same word on two occasions. They described shared education as "a concept". Shared education is a reality. It is happening out there; it is not a concept. You do not have to share Mr Lunn's support for integrated education to enjoy shared education. It is not a concept; it is already there. As we travel down this route, we will underpin and build on that. A concept is only a general notion or an idea, but the reality is out there and the demand for shared education is out there. I will come back to that in a few minutes.

We have long-standing examples that I have used in the Chamber before of where good practice in education is already happening and children are enjoying company from whatever background. I particularly welcome the fact that, in this legislation, we will deal with children from a background that is perceived to be disadvantaged and, indeed, that we will be helping those children.

Mr Weir dealt extremely eloquently and professionally with the position of DUP members on the Committee. When he was speaking as Chair, he went through all the amendments, so I will not deal with those. I want to refer to only two of them. I welcome Mr Lunn's decision that he will not move amendment No 10 and will discuss it further. That is a wise and sensible move. I believe that we will reach consensus on the Committee to facilitate the regulations on shared education.

I want to express my disappointment at amendment No 8. I know that Mr Lunn is a strong supporter of the integrated movement, and that is fine. It is a very worthy aspect of education in Northern Ireland. The parents of 7% of pupils attending school enjoy and have opted for integrated education, as they are perfectly entitled to do. However, in not buying into the shared education experience, he is removing something. The Alliance Party tells us that it is all for a sharing movement, working together and integration. It is disappointing that Mr Lunn has not been able to allow amendment No 8 to go without expressing some opposition to it.

Mr Lunn: I thank Mr Newton for giving way. I said at the start that, on the enthusiasm scale, I was perhaps at a different point from the DUP, but that does not mean that we are entirely against sharing. How could you be? Schools have been sharing for 40 years in this country; it is quite normal in educational terms. However, my attitude to the integrated movement differs from that of — dare I single him out? — your party colleague, who has now departed the Chamber and would not answer my question a wee while ago. I am absolutely certain that the school he was talking about, which, in his terms, is out to destroy all the other sectors in Lagan Valley, is Rowandale Integrated School in Moira, which has been given an uplift in enrolment by the Minister. The reason why it is successful is parental choice. People want to send their children there. That is the argument, and I thought, for the record, that Mr Craig's comments were out of order.

Mr Newton: Mr Lunn and I are very much in agreement on approximately the first half of what he said. Indeed, on his concluding remarks on parental choice I am very much in agreement with him.

Mr Kennedy: It is the bit in the middle you have the problem with.

Mr Newton: It is the bit in the middle that I have the problem with. Opposing amendment No 8 says something about the overprotection of one sector because the Member perceives — it is only a perception — shared education to be a danger to another sector. I do not believe it is. The two can perfectly well thrive and enjoy success together.

I think that we are hitting all the right buttons in terms of the future for our children's education in Northern Ireland.

I believe that we will be sharing the strengths of one school with another. There is a very strong economic case for shared education. The skills and knowledge of teaching staff will be shared with other schools, and there is the capacity to build a much stronger teaching and professional staff through shared education.

There is a need, and I have said this previously, for us to ensure that communities, parents and boards of governors are willing and able to travel this journey together. There must not be a forcing of shared education, but there must be leadership in the shared education field.

In concluding, I will make a few remarks about the explanatory and financial memorandum, particularly about paragraph 18 on the financial effects of the Bill. I welcome the fact that:

"Provision has been made for funding to support the implementation of shared education up to June 2018".

For the Shared Education Bill and its effects, June 2018 is really just around the corner. To think about the financial effects and to see them as a cost burden is to look at it in the wrong way; it is to look at it outside the ethos and purpose of the Bill. We need to look at the investment in our children's education, rather than see it as a cost to education. Shared education has much to bring to the table, and we should look at it as an investment rather than as a cost.

Mr Sheehan: Go raibh maith agat, a Cheann Comhairle. I welcome the opportunity to speak in the debate. My colleagues have already spoken in relation to other amendments. I will speak to amendment Nos 2, 3, 4, 6 and 7. Amendment No 2 provides difficulties for us. If shared education were legally defined as including children from different "cultural or ethnic backgrounds", that would be difficult for small rural schools, for example. Following on from my intervention when Trevor was speaking earlier, we all know what we want, and that is as broad a mix as possible involved in shared education. Hopefully that is the way it will be. The difficulty is that there are areas in which it might be difficult to find students from a background other than Catholic or Protestant. Let us take, for example, a remote rural area in the North where small schools are going to engage in sharing education. To my knowledge, over 20% of small schools — maybe of all schools — do not have anyone from a minority ethnic background. Prescribing in legislation that shared education must involve Catholics, Protestants and others, from another cultural or religious background or whatever,

would actually work against what we are trying to do.

Mr McCallister: I am grateful to the Member for giving way. The amendment does not seek to put any limits, quotas or criteria in numbers. It is simply about future-proofing and looking not just at the binary religious traditions in Northern Ireland. We have a demographic that is changing and has changed, particularly over the past 20 years, with migrant workers and now Syrian refugees coming to Northern Ireland. That will change over time. It is simply reflective of that. It is no different than if you had difficulty finding people from a more diverse socioeconomic background. It is only to say that you would take these factors into account; it is not to set quotas or limits, that you must have 10% or 20%, and so on.

12.30 pm

Mr Lunn: I thank Mr Sheehan for giving way. I know that this is unusual.

He makes the point about small rural schools. The purpose of this amendment is not to insist that there must be others in a sharing arrangement. I certainly agree with him that, in areas of Northern Ireland, there are small rural schools that might well benefit from sharing together, which, nominally, do not contain any "others" because one school is a small maintained school and the other is a small controlled school and they, very largely, subscribe to being Protestant or Catholic. To me, their right to sharing would not be compromised by the wording of the amendment.

Mr Sheehan: I accept what John and Trevor are saying, and I agree insofar as we all want the same thing. My only difficulty with all of this is framing it in legislation. I have already said that we want as broad a base as possible in any shared education system, but my difficulty is how we frame that in the legislation. I do not think that we can do it through the definition laid out in amendment No 2. Further on in amendment No 2, it states that clause 1(2A)(b) could set out that shared education may be provided by:

"a single relevant provider which is representative of the wider community".

It was mentioned earlier — Trevor mentioned it himself — that that could mean that an integrated school would fall within the definition. I agree with what was said earlier that this is not what we want.

I was privileged to be in the Long Gallery a few weeks before the Christmas recess when a piece of research was launched. I have to say that it was the most uplifting piece of educational research that I have seen since I came into this job. It was entitled 'School Inspection in a Polycentric Context'. People are laughing at the title, and maybe it has gone under the radar so much because it has such an academic title. However, basically, polycentric inspection takes place at area-based level rather than at individual-school level. The theory behind the research is that individual schools, on their own, can only reach a certain threshold of achievement or educational outcome but that, when they collaborate, cooperate, and network together, with an overarching inspection taking place, educational outcomes will improve.

This research took place in schools in west Belfast as part of a European-wide piece of research that is being carried out in Ireland, the UK, the Netherlands and Poland. In west Belfast alone, between 2013 and 2015, the number achieving five GCSEs, including English and maths, rose by over 12%. When free school meals were taken into account, the uplift was over 14%. I listened to the district inspector, Paddy Shevlin, saying that night that the Education and Training Inspectorate needed a new category for this particular inspection. He suggested the word "spectacular".

Coming back to the point; one integrated school on its own will always encounter difficulties. If part of the rationale behind shared education is to improve educational outcomes, then it is important that a number of schools in an area are working together and sharing good practice and educational outcomes.

If the research holds up, other areas will improve educational outcomes. For that reason, we will oppose amendment No 2.

We have discussed amendment Nos 3 and 4 and the definitions of "none" and "other". My understanding is that the Minister's amendment Nos 6 and 7 are there to replace those two amendments. They are in line with fair employment legislation — in fact, they imitate it — rather than being prescriptive. In my understanding, it is difficult to define the term "none". We all know what it means and what we want, but, again, we come back to framing legislation and how it creates difficulty. Fair employment legislation has been used in other legislation. That is a good reason for going along with the Minister's amendments, Nos 6

and 7, so we will support those and oppose amendment Nos 2, 3 and 4.

Mr McCausland: Like others, I support the Bill and welcome the opportunity to speak on the issue, which is very important. I support a number of the amendments. The position of our party has been set out clearly by the Chair of the Committee, Mr Weir.

As a party, we support the concept of shared education. We believe it has a positive benefit to bring to our society in the two ways that have been highlighted during all the discussions on the Bill. There is the issue of creating a shared and better future in Northern Ireland. That is something to which, I hope, we all subscribe. If we are to build that shared and better future in Northern Ireland, we need to have shared education right at the heart of the education system in Northern Ireland. It has educational and social advantages. Social cohesion is hugely important. Again, it is something to which we should all subscribe. Therefore, in that context, the advocacy, promotion, facilitation and encouragement of shared education are bound to be contributors to that. The educational benefits have also been mentioned. They are right at the heart of the intention behind this as well.

I thank all those who contributed to the deliberations of the Committee. Obviously, we were very dependent on the staff who service the Committee. I thank those who provided evidence. Quite an extensive range of bodies contributed evidence to those discussions. I also thank the schools that we were able to visit over a period of time to see shared education at work on the ground.

I welcome the fact that the consideration of this has taken account of the role of the controlled schools sectoral body. That was something that we, as a party, fought for very strongly, and we are glad it is there. It is important that it is facilitated in some way in the structures of shared education. Those in that sector should have access equal to others'. There should be no preferential treatment for any sector. Therefore, the way in which, hopefully, we will be able to facilitate a role for the controlled schools sectoral body is significant.

It is a very short Bill, yet there are an awful lot of amendments. That is significant, because it shows the interest that there has been in making sure that we get it right. It shows also the importance that Members place on the issue and the widespread desire reflected in the discussion thus far to ensure the widest possible participation in shared education.

There seems to be, coming through in the discussion, a concern from some who have a particular affinity with the formally designated integrated sector that, in some way, the Bill is almost a threat to that sector. That should not be the case, and it is not intended to be the case. All we seek is that people give this a fair wind, see the opportunities that there are and acknowledge that not everyone sees the world or, indeed, the education system in exactly the same way. There is a genuine feeling across the Chamber that shared education can contribute much, educationally and socially, to society in Northern Ireland.

I also welcome the monitoring element in the Bill, because it is important that there is reviewing and reporting on this to see how it works in practice. I support the Bill and the amendments that were identified earlier.

Mr Agnew: I will start with a few general comments on the Bill and the amendments and then speak specifically to each of them.

I follow on from what was said by the previous Member and Mr Newton. It has been suggested that those who support integrated education should not fear shared education and that the two can coexist. I suppose that that is correct, but we make choices in politics about policy direction and where we direct resources. With falling classroom numbers and empty desks, there is an opportunity. There is an opportunity where we have a school that happens to be a Catholic school and a school that happens to be a majority Protestant school — I accept that state schools are not specifically designated as "Protestant" — in the same town, where both have empty desks and where we cannot afford to keep both of them open. We have the opportunity to say, "Let's have one school. Let's educate these children together. Let's not divide them on the basis of their parents' religious belief.". When we talk about primary schools, it is almost ridiculous to talk about a child's religious belief; it is really about the parents. We had that opportunity, and we wasted it. For me, shared education is about taking the same situation and saying, "No. Let's keep two schools, two principals and two sets of teachers, but maybe we can share a building so that we can save some money, or maybe we can share the two buildings". Whilst that may be better than where we were, it is not as good as where we could have been. That is where shared and integrated were competing choices.

I accept that, in the Programme for Government and the legislation before us, that is the direction of travel that has been chosen. It is the wrong choice — I have been clear about

that in the past — but that is the context in which I will speak to the amendments to see how we can make the best of sharing. As I said, an opportunity was wasted to go beyond simply sharing resources, which is what happens in some cases, and move towards educating children together and away from designating our children. We talk about designation in the House and whether we should move away from designating as "unionist" or "nationalist", but I would like to see us moving away from designating our children at age four and separating them into different schools due to their parents' religion or "community background", which is a term that we use in this part of the world.

If we accept that sharing is the way forward, the definition of "sharing" will be important in determining whether we get my worst-case scenario, which I have articulated before, where two sets of pupils go in separate doors of the same building and never the twain shall meet.

To be fair, I think the legislation makes it clear that it cannot be that, but it still needs amendments to make sure that it is the best-case scenario of sharing. Where children are educated together, as I have said in the past, they share experiences, not just buildings.

12.45 pm

We have a number of mutually exclusive amendments, which, I think, our voting system does not lend itself to. I have preferences. I do not think that it is as simple as there being one right amendment in respect of the definition and the rest being wrong. There is value to a number of the amendments. I will express my preference in that regard, although our voting system does not allow for preferential voting.

Amendment No 2, from Mr McCallister, addresses a potential and, I hope, unintended consequence of the Bill. We have, as has been pointed out, integrated schools, and we have "super-mixed" schools, as the Chair of the Committee described them. My understanding, prior to the legislation being produced, was that they would be included and that the term "shared" would include schools that are mixed or integrated. The definition and the legislation to date requires two schools to be involved. I can see why you would want to incentivise the schools that are not sharing, integrated or mixed to take that step, if that is what we are trying to do. At the same time, however, there is a perverse disincentive. If you get a really good example of sharing, where two schools work so well together that they think, "We could

become one school" and that next step could be taken, they might say, "Hold on a minute. We're protected under legislation as 'shared schools'. There's funding that comes to us because we're shared schools. If we became a single integrated school or even a single shared school, we'd no longer have access to that support and funding".

There has been talk about whether the drafting of the amendment is correct, but there is a greater point. Some people say, "This isn't the agenda of the Bill. It's not about the existing schools". We should recognise the schools that did not have to be incentivised in this way or nudged in this direction. There is value in including them and, where appropriate, ensuring that the supports that will be available to multiple schools that are sharing will be available to single schools that are already mixed or integrated. My preference is for amendment No 2, even if it needs to be redrafted at Further Consideration Stage. It prevents a perverse disincentive that the Bill could, otherwise, create to integrate or to have a single mixed school.

There has been an attempt to tackle the term "religious belief" and consider whether it includes those of no religion or no faith. I have looked at amendment No 3 and amendment No 6. They very much look to do the same thing. My preference is towards amendment No 3, because it makes it explicit that there are those of no religion. I think that that is right. In this job, sometimes I suppose you have to see things from other people's point of view without having necessarily canvassed opinion, but would people who consider themselves "atheist", "of no faith", "secular" or whatever term they might use like to be considered as part of "religious belief"? I suspect not. I suspect that "religious belief or none" is the correct wording to fully reflect citizens who do not subscribe to any religion. Amendment No 3 is my preference, but I do not think that it would be disastrous if amendment No 6 were made. I respect the fact that the Committee and the Department are attempting to address the same issue.

With regard to amendment No 4 in the name of Trevor Lunn, this may be a bit of pedantry, but I studied logic, and, when you had "and" and "and", you had to have them all. That is so deeply ingrained. I cannot see that amendment and interpret it as "and other, where appropriate", I suppose. I cannot see any flexibility in it. In legal terms and certainly in logic terms, "and" has a very specific meaning that differs from "or", "may include" or any other wording. I think that the Member will well know

that being inclusive of all communities is where I come from; I just think, again, that this might have an unintended consequence. Maybe it comes further down my preference list. I certainly commend the intention of inclusivity, but, as I say, it might have an undesired effect in legislation.

Amendment No 8 comes back to what I said at the start about whether there was tension between "shared" and "integrated". Certainly, when I expressed my scepticism about the agenda behind shared education, people tried to convince me. They said that it was really just a stepping stone towards integration, whether by name or just by effect. This is us getting towards educating children together. As I have said, where there is an opportunity for integrated education, it should be preferred over sharing. Children should wear the same uniform regardless of their religious background. They should share the same classroom. They should be taught the same classes. As in the example used before, geography is the same geography whether you are Protestant or Catholic. Although, in this part of the world, you might call it Derry or Londonderry, it is still the same place effectively. I am opposed to amendment No 8. I think that there is a risk, and I prefer the power to promote, encourage and facilitate shared education rather than the duty. I will oppose amendment No 8 on that basis.

Amendment Nos 9 and 15 seek to do similar things. As I will oppose amendment No 8, my preference is for amendment No 15, which stands alone. Again, it creates a duty to consider shared education. I have no problem in that regard: consideration should be given. I take Mr Lunn's point that it should be to consider shared or integrated education. I think that he or I, the pair of us or the Committee, if it is minded, could table an amendment to that effect at Further Consideration Stage, should amendment No 15 be made. As I say, my preference is for amendment No 15 over amendment No 9, which ties itself to amendment No 8. They seek to do similar things. That outcome can be achieved through amendment No 15.

Amendment No 10 is key. It is something that I raised at Second Stage. What does sharing look like? What is the quality and indeed quantity of sharing that we require before we have this funding? The example was given of sharing a couple of sports games a year: is that sharing? I always think of an example from when I was at school. Every six months, we had the opportunity to give blood. The schools would alternate. I went to what was, to all

intents and purposes, a Protestant school. On one occasion, we would have the opportunity to give blood in the nearest Catholic school; then, in six months' time, they would come to our school. I remember walking through that school, and I go back to the point about having different uniforms because it is important: immediately, we walked through a row of people who, effectively, pointed at us and said, "There are the Protestants". When they came to our school, we did the same thing and said, "There are the Catholics".

Mr Weir: Will the Member give way?

Mr Agnew: I will give way.

Mr Weir: The Member then left the school with a pint of blood less, so it was not necessarily the best experience for him.

Mr Agnew: I thank the Member for his intervention. It is comical, but comedy and tragedy are two sides of the same coin. My worry is that, 20 years on, we are no further on. That is tragic. If the Bill does not address that, we really will have wasted an opportunity.

Mr Kennedy: Will the Member give way?

Mr Agnew: I will give way.

Mr Kennedy: Presumably, the important point from all your recollections is that the blood went to somebody who needed it rather than it being about the school that it was taken from.

Mr Agnew: I thank the Member for his intervention. Absolutely, but the point of my story is that I do not want people to get funding for simply going to another school once a year to give blood; I want children to be educated together. I want them to share experiences not buildings. I do not want them to point at each other and say, "They are different from us". I want them to meet each other and say, "They are the same as us". If shared education is to have value beyond economics, resources and finances, that is what it has to be about. There is a suggestion that amendment No 10 will not be moved and a different wording can be realised. I hope that that happens, because that speaks to a major flaw in the Bill: the lack of a requirement for quality and quantity sharing. The Bill must be read alongside the shared education policy, which describes types of sharing. It includes:

"schools sharing to provide greater access to expertise, facilities and resources".

It refers to:

"shared professional development for teaching and support staff youth workers and early years practitioners; shared teaching and non-teaching staff".

That is great, but it is all about resources. As I say, it has to be about shared experiences; otherwise we will not have moved things forward with this legislation.

I have made my main points. I am conscious that I do not want to run past 1.00 pm. There is an opportunity in the Bill. As I say, it is not the direction of travel that I would have chosen, but there are amendments here that can ensure that the opportunity to get the best of shared education can be taken. If we do not amend the Bill significantly before Final Stage, that opportunity will have been wasted.

Mr Speaker: The Business Committee has arranged to meet at 1.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be Question Time. The first Member to speak when we return to the debate at 3.30 pm will be John McCallister.

The debate stood suspended.

The sitting was suspended at 12.58 pm.

2.00 pm

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

Oral Answers to Questions

Health, Social Services and Public Safety

Mr Principal Deputy Speaker: I inform the House that question 7 has been withdrawn.

Waiting Lists: Antrim and Whiteabbey

1. **Mr Beggs** asked the Minister of Health, Social Services and Public Safety to outline the action being taken to address the increase in the number of outpatients waiting longer than the maximum time of 18 weeks before receiving their first consultant-led appointment at the Antrim Area and Whiteabbey hospitals. (AQO 9464/11-16)

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I understand what the stress and strain of being on a waiting list will have meant for many people. The allocation of an additional £40 million from the November monitoring round will begin to address issues with waiting lists.

Since November, significant efforts have been made across health and social care within a very tight time frame to secure additional outpatient clinics and treatments within trusts and to put in place appropriate arrangements with independent sector organisations to transfer suitable patients for assessment and/or treatment.

The additional funding is being targeted at those who have been waiting longest. I want the number of patients who can be assessed and treated quickly to be effectively and safely maximised. Broadly, this investment will benefit between 60,000 and 70,000 patients who would otherwise be waiting.

Mr Beggs: Over the past three years for which figures are available, the number waiting for more than 18 weeks at Whiteabbey jumped from 151 to 2,159; the number at Antrim jumped from 372 to 3,741. Transforming Your Care was to empower GPs so that they could carry out more specialist work in their locality. Will the Minister advise how he has prioritised capital expenditure and encouraged GP specialism so that more treatment can occur locally to relieve the huge and unacceptable pressure and avoid the situation of patients not being treated within an appropriate time at hospitals?

Mr Hamilton: As I said in my answer, I do not think that waiting longer than 18 weeks is acceptable. The numbers waiting are not acceptable, and I would not dispute that with anybody. Neither was it acceptable — I know that the Member will agree with me — that the actions or inactions of some in the House cost Northern Ireland's public purse £150 million. If half of that — roughly the Budget allocation to health — had gone to health, we would have been able to keep waiting lists under some control. The almost 14% increase in referrals for appointments over the last five years has obviously had an impact.

The Member is right to highlight the important role that GPs and primary care can play in addressing need at its earliest stage. He asked about capital investment priorities. The Member may be aware that, this year, the Department has been seeking to invest around £10 million in a scheme to modernise GP

surgeries. That money is starting to get out on to the ground, and a number of surgeries are modernising as a result.

He will also be aware of the investment that has started to roll out in primary care centres. A centre has been built in Ballymena, for example, and the one in Banbridge is, I think, officially opening tomorrow. I had a chance to see round that absolutely fantastic centre, where people can get treatment closer to their home and community without necessarily having to go into hospital elsewhere.

There are also huge opportunities with GP federations, and I am keen to see what we can do to work with them to increase the capacity in primary care.

Mr Easton: I welcome the Minister's comments so far. Is he aware of the press coverage suggesting that the £40 million for waiting lists is not being spent? Will he outline the assessments and procedures that the £40 million is purchasing?

Mr Hamilton: I am aware of some coverage in the press, and, indeed, comment by some Members, questioning the impact of the £40 million investment. As I said in my answer, the money will have a much better impact than I originally thought, in that around 60,000 to 70,000 people who would otherwise have been waiting longer will be getting the benefit of that investment. When we are thinking about this, we need to bear in mind and consider the fact that there has been a very tight timescale for the board and trusts and the independent sector to gear up and to be ready to spend this investment.

The long delay in resolving issues around welfare reform meant that the then Finance Minister was not able to come to the House until November to announce a monitoring round outcome. Since that outcome, where we got £40 million for waiting lists, we have been working assiduously to ensure that that is being spent where it is meant to be spent, which is on getting people off the waiting lists and getting people the treatments that they need. We have done that in two different ways. One has been to try to increase capacity in-house, within our health and social care sector. Some of the investment will ensure that there will be around 9,000 more inpatient and outpatient appointments. There will be about 13,000 more diagnostic tests going on, and there will be about 15,000 more appointments with allied health professionals, and those are inside the system.

Members will appreciate and understand, although some, I think wrongly, opposed its use, that we have had to go to the independent sector to ensure that that money can be maximised. We have awarded some 27,000 outpatient appointments, and some 15,000 of those have already been referred. Some 8,000 inpatient appointments have been awarded for procedures and so forth, and 5,500 have already been referred. So, even in a very tight timescale, with all of the strictures of that, we are doing a good job of getting this money spent where it is meant to be spent, helping people in Northern Ireland.

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

Mr Dallat: I thank the Minister for his answers. Does the Minister agree that, in a perfect world, for a number of reasons, waiting lists really should not exist? The Causeway Hospital, for example, saw a record number of people over Christmas in A&E and admitted a record number of people, yet, in the local press, it is castigated because it has a waiting list. Does the Minister agree that a waiting list is no solution to a problem and only damages good people who are working under tremendously stressful conditions?

Mr Hamilton: In a perfect world, lots of things would be much better, but we are not in a perfect world. We have to live with the restraints that we face inside the system that we have. Even though we obviously are operating in a less than perfect or ideal world, the Executive have again underscored their commitment to health and social care by giving it the best budget settlement of any Department in the Northern Ireland Executive, increasing expenditure next year by around £130 million, which is an increase of 3%. Obviously, that comes at the expense of other Departments, which have to make sacrifices, and I am always conscious of that fact.

As I said to Mr Beggs in response to his initial question, I want to see waiting lists go down. I think that they are at unacceptably high levels and people are having to wait too long. The £40 million that I have been able to invest is starting to make an impact, and some 60,000 to 70,000 people will see the benefit of that over the coming weeks. Some already have received the benefit of that. I want to continue with that investment. I want to ensure that some of that increase that my Department has received for the coming year also goes into continuing to keep that momentum so that we are continuing to address that need that the

Member and his constituents will appreciate is there.

There were over 100,000 people on waiting lists for outpatient appointments when Edwin Poots took office, and that number started to go down gradually over a period because of investments that were being made. Unfortunately, those have headed back upwards, and that has in part been because of the inability to spend money that was being lost through welfare reform fines. It is regrettable and a pity that we lost that, because that took the momentum out of the efforts that were being made to tackle waiting lists. Obviously, I am very keen to do that and will ensure that money is spent from the budget next year to do that.

HSCB Staff

2. **Mr Milne** asked the Minister of Health, Social Services and Public Safety how Health and Social Care Board staff will be accommodated in the reform of the local health care system. (AQO 9465/11-16)

Mr Hamilton: On 4 November, I outlined ambitious, far-reaching and radical plans for transforming our Health and Social Care system.

I announced my intention to remodel the administrative structures of the Health and Social Care system to make them more streamlined, to reduce complexity and to remove bureaucracy.

In short, I proposed that the Health and Social Care (HSC) Board cease to exist and that its functions should transfer to the Department, the Public Health Agency (PHA) or the health and social care trusts. The Department would take firmer strategic control of the system; trusts would have more responsibility for the planning of care in their areas and the operational independence to deliver that; and the Public Health Agency would be retained, with a renewed focus on prevention and early intervention.

The consultation document entitled, 'Health and Social Care reform and transformation — Getting the structures right' was published on 15 December 2015. The consultation to hear the public's views on those important issues will run for eight weeks, until 12 February. The Department will work closely with HSC colleagues, including those in the board, in the coming months to define the best Health and Social Care structures for Northern Ireland.

Any decisions in respect of Health and Social Care Board staff will be part of that work.

Mr Milne: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. I thank the Minister for his answer. Many of us have received letters from HSCB staff about concerns around their future location. Can you confirm if a local focus on services will remain once these changes are in effect?

Mr Hamilton: I am aware of the impact that this has on staff, particularly board staff, although it will mean change for staff right across the system. It is not just board staff who will be affected, but I am particularly mindful of the impact on staff currently working in the board. That is why, right from the very outset, in announcing the reforms, as I did on 4 November, I made it absolutely clear that this was not in any way, shape or form an intended criticism of the staff who have worked and currently work in the board. What it was actually about was getting the structure within which they work right for Northern Ireland and right in the sense of trying to make the most of their talents. I think that we have a lot of really good people working right across Health and Social Care whose capacity and capabilities are not maximised because of the overly bureaucratic system that we have in place.

Even though some will be concerned about the changes that have been made, equally, I have spoken to staff in the board who have agreed with the principles that I outlined: that there is an overly bureaucratic system that gets in the way of innovating and making quick decisions. Obviously, if we follow through with the decision to close the board, we will have to do that in a way that is mindful of the sensitivities around staffing issues. Clearly, many will be concerned about their jobs, but they are doing jobs that are important to the system. If they are doing jobs that are important to the system, those jobs will continue, whether they are working for the Department, the PHA or trusts.

The Member mentioned the location of jobs. Again, I can understand the concerns that some might have about moving, but moving from one location to another happens quite frequently in the public sector, and it is something that we would handle, if required and needed. Obviously, staff will have to work from some location, and, again, it is something that we would seek to handle in the most sensitive way to ensure that there is a minimum amount of disruption.

Mr Hilditch: I thank the Minister for the information that he has given us so far. He indicated that he has spoken with staff. Does he believe that there is support from within the Health and Social Care system for the reforms that he is taking forward?

Mr Hamilton: Mr Milne mentioned some concerns expressed by board staff. I can absolutely understand and sympathise with the fact that the staff most directly impacted by this might be somewhat concerned about how it impacts on them personally. However, I have to say that, in broad terms right across the system, since making the announcement back in November, I have met nothing but support for the direction of travel that we are going in, not just in trying to strip out and remove a layer of bureaucracy, which closing the board will do, but in bringing in the broader reforms, including the appointment of the expert panel, under the chairmanship of Rafael Bengoa.

We see that no more clearly than in the report launched last week in this Building by the Northern Ireland Confederation, an organisation of some 50 healthcare organisations, including organisations inside the Health and Social Care system. They were encouraging not just me but every one of us and every political party in this place to embrace the need to reform, because they understand — better than us and better than anybody — the immensity of the challenges that our Health and Social Care system is facing now and into the future. They know that we need to change, reform, and do things differently if we are to sustain the health and social care system that we have and develop that and ensure that our people get the best possible outcomes. So, they are encouraging us to change. I have met nothing but support inside the system for the changes in the direction of travel in which we are going. The general public may have some concerns about how it impacts on them, but they know that we need to change, and I think that most people out there know that. The biggest challenge and biggest barrier, and I am on record as saying this before, is us and whether political parties in this place that sometimes have not supported common-sense reforms can embrace the need for change which is being suggested to us by those in the system.

2.15 pm

Mr McGimpsey: I established the Health and Social Care Board and, when I left, there were 335 people working there. That figure is now somewhere over 600. It has been allowed to bloat by, roughly, a factor of two. The Minister

needs to clarify whether most of those bodies are going to be moved into the Department. He is creating hundreds of Civil Service jobs, or am I missing something? Are they going somewhere else? How many are going to be civil servants in the future? How many Civil Service jobs is he creating?

Mr Hamilton: I think that the Member is missing something. I do not think he is listening to answers that have been given in the House. In fact, the question he asked is very similar to a question that was asked in my previous Question Time. The Member tries to inform the House that, when he left — and we all remember what he did towards the end of his time in office; he will always be remembered as the Minister who pulled the plug on the cancer centre and radiotherapy unit at Altnagelvin. *[Interruption.]* He will always be remembered as the Minister who took that decision.

In respect of the board, he quotes a figure about the number of staff that were there when he left. In 2010, when he was still in office, the figure on the board was 436. It has increased, but he was quoted in the 'Belfast Telegraph' recently as saying that he wanted the board that he created — which has been criticised inside the system and in various reviews, such as the commissioning review that flowed from the Donaldson report — to be a lean organisation. He said:

"I said there should be a maximum of 250 staff, but after a lot of crying and wailing that they couldn't do it with that number of people, I allowed it to go to 350".

He caved in pretty quickly and allowed them to increase the number of staff on the board by 100 when he was in office. He did not take a lot of pressure from civil servants and caved in pretty quickly and allowed it to go up by 100, and, when he was leaving office, it was at 436. So, if there was any bloating in the organisation, it started under the Member's tenure.

At the same time, the number of departmental staff has gone down by a third between 2010 and 2015. So, whilst there has been an increase in board staff, there has been a reduction in departmental staff. Importantly, between 2010 and 2015, the number of nursing, midwifery, professional and technical, social services, medical, dental and ambulance staff — those at the front line in health and social care in Northern Ireland — have gone up by 2,113 whole-time equivalents. So, this party has been investing in the front line and in the staff who have been working on the front line

helping people in Northern Ireland while the Member was bloating the board when it was born. *[Interruption.]*

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

Nurses: Care Homes

3. **Ms Sugden** asked the Minister of Health, Social Services and Public Safety for his assessment of the provision of nurses in statutory and private nursing and residential care homes. (AQO 9466/11-16)

Mr Hamilton: All registered residential care and nursing homes are required by legislation to employ an appropriate number of staff to enable them to meet the health and welfare needs of residents. The registered person and registered manager must ensure that enough staff of the appropriate skill level are on duty at all times to meet residents' assessed needs. The Regulation and Quality Improvement Authority (RQIA) has responsibility to regulate, register and inspect a wide range of specified services delivered by HSC bodies and by the independent sector.

I recognise that there are many challenges facing nursing recruitment in the statutory and independent sectors which need to be addressed on a range of fronts. My Department is taking forward a number of measures to address those. It is developing a strategic approach to the future supply and demand of nursing in Northern Ireland that addresses the needs of the statutory and independent sectors and which will take a long-term approach to workforce planning.

We have just launched a return to practice campaign that is designed to encourage nurses in Northern Ireland who have been out of nursing practice to renew their registration and return to the profession so that they can make a valued contribution to the care of our local population. I have provided funding for an additional 100 places on that return to practice programme, which is to be delivered by Ulster University in spring 2016. That initiative will support the statutory and independent sectors. In addition, we have just launched a career pathway for nurses and midwives showcasing opportunities for development in a range of settings, including the independent sector. The career pathway has profiled the independent sector as a means of encouraging staff to apply for positions there.

I am aware that the Health and Social Care Board and the Public Health Agency are continuing to work closely with independent sector providers to review the current workforce within private nursing homes. It is important to keep up to date with changes in patient complexity and to identify and develop competency levels of practice for senior care assistants and to explore the potential for maximising their role within nursing homes.

Ms Sugden: I appreciate that the Minister is looking towards addressing the issue. I have been speaking to a number of providers, and they are telling me that their big issue is that they just do not have enough nurses. Apparently, for every care home across Northern Ireland, there is one less nurse than is necessary for health and safety. When will the Minister start to pay for provision so that the people can get the care they are entitled to and nurses will be encouraged into this role?

Mr Hamilton: I am well aware of the issues with the sector. I met representatives of the Independent Health and Care Providers (IHCP) a couple of weeks ago. Whilst they wanted to discuss a range of issues, as you might anticipate, that was one that they wanted to particularly talk about. I wanted to listen to them and to the concerns they had. I can quote all sorts of figures, and people can quote figures back at me, but unless you are talking to providers, as the Member has, you do not get a sense of what it means on the ground.

It was a useful and interesting conversation that highlighted the fact that there is a shortage right across nursing, whether that is in the statutory sector or the independent sector, where it is particularly pronounced. That is why we are trying to work at it. We are not just trying to work to get numbers up in the statutory sector, which people might think is our priority; we realise and appreciate the importance of the independent sector and the work it is doing. We saw that, particularly with emergency departments and the pressures that we faced over the holiday period. That is why the board and the PHA are trying to work very closely with the statutory sector and the independent sector to increase the number of nurses. That is also why we have the return to practice campaign, which will hopefully bear some fruit.

It is a challenge. I think we need to be realistic and to realise that we cannot wave a magic wand or click our fingers and make the change overnight. A shortage of nurses is not just a Northern Ireland, a British or a UK problem; it is a worldwide problem. We need to be strategic and long-term in our thinking, but we also need

to carry forward some of those initiatives and, indeed, others that will increase the number of nurses that are coming out of our universities.

I recently announced — I think it was in the Chamber just before Christmas — that I do not want to do away with the bursary, as it will allow us to encourage nurses to stay and train here. In that context, I think it is also important to look at ways of keeping our nurses, particularly our newly qualified nurses, practising in Northern Ireland, whether that is in the statutory or independent sectors.

Mrs Dobson: Minister, I met the management of Four Seasons last week, and I know the very real concerns it has with workforce recruitment. On a personal note, I am disappointed that you turned down my invitation to come to Donaghcloney Care Home to see at first hand the work that is done there. What help and reassurance can the Minister give to companies like that that wish to invest in and care for our elderly people in Northern Ireland before we see even more homes close and the pain and the worry that that will bring?

Mr Hamilton: I do not need to accept the Member's invites to know what is going on in residential care homes. I see plenty of them, so I know what is going on. I speak to people from the sector, including those from Four Seasons. I have met the chief executive of Four Seasons in a different capacity, but I am seeking to meet the company in the not too distant future. We are still very concerned about its decision to close some of its homes. Sadly, the sale of the one in Garvagh fell through, but I welcome and am thankful that three of the others are being sold. That will ensure that residents can remain in what have become their homes.

I reflect on the fact that, a couple of months ago in the Chamber, people called on me to throw all sorts of money at some of those companies, knowing full well that the reason why Four Seasons in particular was closing homes was because of the very particular financial problems that it was experiencing. The fact that three of those homes are being sold to other providers shows that there is viability in them.

I understand the pressures that the system is facing and the pressure that the sector is facing, and that it is a critical part of our health and social care sector. I do not think that we have always given it the attention that it deserves in the past. I think that we have always tended to focus more on primary care or on secondary care and not given social care the consideration or thought that it needs. Realising the issues that will come to the fore

over the next number of years, with a growing and also ageing population, we acknowledge this as an area that we need to start giving attention to on the same scale that we have with the reconfiguration of hospital services. That can be done in a way that has been done with successive pieces of work before, including the expert panel currently looking at the issue. It is something that will cause all of us long-term problems if we do not get to grips with it, starting very soon.

Mr McCrossan: Will the Minister to outline the current position with the Greenfield residential care home in Strabane? There has been some uncertainty about it in the past, and I would like clarification on his current position.

Mr Hamilton: I welcome the Member to the House. I am sure that he has been welcomed plenty of times before, but I particularly welcome him to health questions. I am not aware of any particular issues around the said home in Strabane. Rather than guess at it, I will come back to the Member in writing. I am not aware of any particular problems.

Mr Lyttle: I ask the Minister whether he made representations to Four Seasons Health Care to request that they reconsider the closure, or timescale for closure, of residential nursing homes. How many of the residents affected by the closures are still to be relocated? I also ask for an update on his review of residential nursing care in Northern Ireland.

Mr Hamilton: There are about four questions there, certainly three anyway.

As a Department, we were aware of issues with Four Seasons, not least because its financial difficulties were well publicised, certainly in the mainland press. Obviously, in addition to this, officials kept in close contact with Four Seasons about the possibility of closures. That said, we, or I, were certainly not aware of what was happening until the day that it announced the seven closures. There had been indications of potential closures, but nothing had been confirmed until the day that it was announced to the press.

In respect to residents who are currently in homes, my information is that — the Member will be, I suspect, particularly interested in the two homes in his constituency that are being closed — all the residents in those homes will be successfully moved to other homes and that they have all agreed to do that. I accept that that is far from ideal. I would rather that they stayed in their current homes, but,

unfortunately, that is not case because of the decision taken by Four Seasons. The board, the trust and the RQIA have worked very closely with Four Seasons to ensure that there is minimum disruption for residents, and I hope to see that continue.

Mr Allister: Two months ago, the Minister made a useful statement halting the consultation on the closure of statutory care homes. Can he indicate whether he will totally lift the cloud from over those homes by announcing that there will be no closures?

Mr Hamilton: I always worry when the Member says that I have made a "useful statement", but, on this occasion, I will agree with him that it was a good statement. To be fair, he did congratulate me on the day for making that statement. I have halted that decision and started a review, and the terms of that review have now been agreed between my Department and the board. One of the things that they will be looking at is the reopening of the homes for new admissions, and it is only right and proper in that context that that is done.

However, we should bear in mind that the decision that I took was due to an uncertainty at that time around the market as a whole, and most of the residents in the Four Seasons homes were nursing care patients as opposed to residential care patients. The decision that I took was on the basis of that. However, I think that it was right that we froze the consultations at that time just in case other things happened in the market. Thankfully, nothing similar has happened up to this point, although I do have concerns, which were affirmed through my recent meeting with the independent sector. It was only right that we took the decision that we did, and included in that is a review of whether it is appropriate to reopen the homes for new admissions.

If that is what comes back from the analysis, I will certainly make sure that that happens.

2.30 pm

Mr Principal Deputy Speaker: That ends the period for listed questions. We now move to topical questions. Topical question 1 has been withdrawn.

Nursing: Pay Rise

T2. **Mr Murphy** asked the Minister of Health, Social Services and Public Safety whether he has any plans to deal with the nurses' pay rise

issue, given that he will be aware of the dismay in the nursing profession, the effect that that has had on people leaving the profession and perhaps even on the ability to recruit people to the profession. (AQT 3382/11-16)

Mr Hamilton: The Member's premise is that there is a difficulty in recruiting and retaining nurses. Some have made those arguments, but I have seen no empirical evidence to back them up. I would put back to those people the argument that nurses' pay in Northern Ireland is a little below the pay in other parts of the United Kingdom, but it is about 99% of that. The average pay in Northern Ireland, for example, is 86% of what it is in England, so, in that respect nurses' pay is keeping in line with national pay in a way that many other professions are not.

I understand the concerns of many nurses and other front-line Health and Social Care staff about the pay award that I announced early in the new year. When I met the unions before Christmas, I did not find them to be prepared to move beyond last year's pay award. They told me that they were not mandated to go beyond that, and they tried to reopen last year's pay award, which had been paid out to staff many months beforehand. Their pay demand of me would have cost us £40 million.

The Member will know from his experience as a Minister that being in ministerial office is all about making what are sometimes very difficult choices. The £40 million that it would have cost to meet that pay demand would have been the entirety of what we are putting into tackling waiting lists in Northern Ireland. In those circumstances, making a 1% non-consolidated pay award for those who were at the top of their band and then making incremental payments at an average of 3.7% for all other staff was the appropriate balance, particularly when the unions were not prepared to negotiate seriously in any other way.

Mr Murphy: I thank the Minister for his answer. I agree with him that negotiations can be difficult, but negotiations, like politics, are the art of the possible. When there is an impasse, there is a responsibility to try to meet people. He quoted the figure of £40 million, which contradicts the figure that his officials gave to the Health Committee last week, when it sought clarity. Will he confirm the actual amount of the award? The officials quoted a figure of around £23 million, so there seems to be some disparity between the two figures.

Mr Hamilton: The reason for the difference is that that would have been the cost for a one-

year 1% consolidated increase. The unions' pay demand was that they wanted to go back over 2014 and do the same for that again. That would have incurred a cost for last year as well that would have taken it closer to £40 million. That is why there is a perceived difference or discrepancy, as the Member described it.

I want to be in a position in which I am working with our trade unions to agree pay awards and settlements. We are all realistic enough to know that unions will come in and demand lots of things, perhaps not all of which are achievable. However, they came in wanting to reopen the 2014-15 settlement and were not prepared to work with me. I put it on the table that I would be flexible within the budget that I had and that I would look at other terms and conditions that their counterparts in England and Wales, for example, had negotiated away as part of other pay settlement discussions over there. They were not prepared to do that, and, in those circumstances, I was not prepared to wait any longer without giving some certainty to staff.

I greatly value the contributions that our nurses make to the health service. I am scheduled to engage with the Royal College of Nursing in the not-too-distant future, and I look forward to working with it, not just on this issue. As we move into the future, I want to look at not only the pay issue but other issues that have been raised at Question Time on the shortage of nurses and the need to have training in place, what we can do with bursaries and how we retain staff. I want to work with our nurses, and I want to work with the Royal College of Nursing to get a positive outcome on those issues and, indeed, on future pay.

Mr Principal Deputy Speaker: Question 3 has been withdrawn.

Human Transplantation Bill: Clinical Evidence

T4. **Mr Easton** asked the Minister of Health, Social Services and Public Safety whether he has any views on the evidence submitted by clinicians to the Health Committee during its scrutiny of the Human Transplantation Bill. (AQT 3384/11-16)

Mr Hamilton: I know that the Committee has been scrutinising the Bill for the past few weeks, and I thank the Committee for the work that it has done. It has been useful scrutiny of this legislation. Since I came into this post, others have encouraged me, and I have made it crystal clear that I will always be guided by

science, the evidence and the views of our clinicians. It is significant that with this legislation — the Human Transplantation Bill — the clinical voice has almost been as one. In fact, it has been as one in respect of the concerns that many have about the Bill as it is drafted. There is no certainty that it would have the desired effect of increasing organ donation rates in Northern Ireland, and there is a real concern among the transplant surgeons and ICU clinicians who gave evidence to the Committee that it could have a detrimental effect on organ donation. I do not think there is anybody in the House who wants to see legislation going through that is to the detriment to something that is so important.

It is significant too that we, as legislators, are faced with any number of organisations, even in the health sphere, and people who are on the clinical front line coming to us and saying, "You need to make a change in the law here, because that will improve things". It is significant that not one clinician has come to me and said that they want us to make the change that has been suggested in this legislation. Whilst I know that the intentions of the legislation are good, we need to be incredibly careful and listen to what the clinicians are saying clearly and with one voice before rushing to make what could be bad legislation.

Mr Easton: I thank the Minister for his answers so far. What discussions has he had with clinicians about improving transplant services across Northern Ireland?

Mr Hamilton: As you would expect, I speak with clinicians in this field and others on a regular basis about how we can improve whatever the services might be. Particularly in respect of transplant services in Northern Ireland, we have a real success story to tell about how live donor rates in particular have increased significantly over the past number of years. That is testimony to everybody in the system, but particularly the team operating in the transplant centre in the City Hospital. They are an impressive group of people who openly tell you that they want to be the best in the world at what they do. That is not something that we in Northern Ireland are prone to say, but they are very clear that that is their ambition. I have had discussions with them, followed by discussions with the Irish Health Minister, around the possibility of opening up transplantation into something that could happen more on a cross-border basis. There are opportunities to address — I have to be careful with my language — deficiencies, perhaps, in the Irish system that could be addressed by some of the successes in

Northern Ireland and to do so in a way that enhances the experience of patients on both sides of our border. Anything like that that will improve the service is worth exploring. It is something that I have already had a conversation with the Irish Health Minister about and want to see followed up at official level in the not too distant future.

Health Budget: BMA Comments

T5. **Mr Weir** asked the Minister of Health, Social Services and Public Safety for his views on the budget settlement for his Department for 2016-17 in light of the BMA's recent comments about the scale of the health budget. (AQT 3385/11-16)

Mr Hamilton: I thank the Member for his question. I noticed the comments of the BMA, and I think it is probably understandable that it will always push for more investment in health. The settlement that my Department receives, which is an increase of £130 million — nearly a 3% increase in expenditure for the Department next year — is an incredibly good settlement in very challenging budgetary circumstances. Could we spend more? Yes, we could. We could spend double, triple or quadruple what we have got, but that is not the point. We live in very confined, very difficult financial circumstances.

For my Department to get a 3% increase means that other Departments have to make much bigger sacrifices. The Member will be well aware of the sacrifices that many Departments are making, some facing 5% reductions in their budgets. Even in those very difficult circumstances, for the Executive to agree a Budget that increases health expenditure by 3% underscores the commitment that this Executive have made to health over the last number of years, where we have seen huge additional injections of resources into the Department, at a time when there have been immense pressures elsewhere in the system.

Mr Weir: I thank the Minister for his response. Moving beyond simply the current financial year to the more strategic direction of the next Assembly mandate, what level of increase in funding does the Minister believe needs to happen during the next Assembly?

Mr Hamilton: I think there needs to be a significant increase in expenditure in the Department of Health over the next five years, but we have to be mindful of the fact that other Departments will have to make sacrifices to

allow that to happen. I see my colleague the Minister for Social Development looking at me worriedly when I talk about sacrifices in other Departments. I think we need to be mindful of that fact. I think that some within the system are not quite mindful enough of it. We can talk about demand rising by huge percentages every year, but it is very difficult to meet that level of demand without commensurate increases in resources.

We also have to be driving forward with reforms and transformation to make the system more efficient and also more sustainable; that is incredibly important. If I, or whoever is the Health Minister in the future, goes to the Finance Minister to make a case for more money for Health, they have to do so on the basis that it is going to improve outcomes for people in Northern Ireland — that is the most important thing — and that it is also going into a system that is going to be more efficient and it will help to make that system more efficient. I think that is the sort of argument that any sensible Health Minister should be making to a Finance Minister.

Having looked at the system, looked at demand and where it is increasing and also at the need for investment in the front line and in reform and transformation, I have already been on public record as saying that, over the next five years, the Department of Health needs another £1 billion to be spent on it. We have already got £130 million of that. I, or whoever the next Minister is, will be making bids in the June monitoring round for further moneys to go into that system. We need that level of investment to ensure that services are maintained at their current level and that we are also spending money, which is sometimes difficult to do, on transforming our services. We have some experience of that being difficult in the past, but I want to make sure that there is a ring-fenced amount of money going specifically into transformation and change every year, so that we can make the service more sustainable in the future.

Downe Hospital: Temporary Emergency Closure

T6. **Mr Rogers** asked the Minister of Health, Social Services and Public Safety what steps are being taken to address the temporary closure of emergency care at Downe Hospital and to alleviate the fears of the people in south Down, given that, in December 2013, the trust told us that any proposed reduction in emergency care at Downe Hospital would be temporary; on 30 September 2015, he asked

for an update on those services — an answer he has not received, which does not worry him, albeit that it is an answer that the 20,000 people who stood on the streets of Downpatrick a year ago this February would like to hear. (AQT 3386/11-16)

Mr Hamilton: I will follow up on why the Member has not been given the answer to the question that he has asked.

Sometimes, the issue of the Downe Hospital is characterised as a south Down issue because of where the hospital is located, but the Member will be well aware that it serves many constituents of mine. I have family from the area and family still in it, and I know the special place that the Downe Hospital — the old one, in particular, but also the new one — has in the hearts of local people.

The Member will be aware of the issues that there have been, not just in Northern Ireland but UK-wide, in recruiting and retaining emergency department consultants and staff. It is something that has affected other hospitals that serve his constituency. Every effort is made to ensure that we keep staff. I know, from speaking to trust chief executives in all parts of Northern Ireland that they make every effort to retain staff, but it is incredibly difficult to retain staff in some of our smaller hospitals that are further away from Belfast.

I do not think that that is an acceptable position to be in; you always hear this argument about it being closer to Belfast, but sometimes we have difficulty even in recruiting for the two emergency departments in Belfast as well, and we have seen some examples of that in recent times. So, every effort is being made to try to retain staff and recruit new staff into those areas.

2.45 pm

The Downe Hospital is not under threat. I have made it absolutely clear that it has an incredibly important role to play in the trust area. Some in the area — maybe even the Member — might want it to provide services at a particular level, but we have to provide services of the highest quality while ensuring patient safety. I do not want to do anything that would compromise the quality or, indeed, the safety of the service that people receive.

Environment

Building Preservation: Funding

1. **Mr Ó hOisín** asked the Minister of the Environment to outline the funding currently in place for the preservation and restoration of important and historic buildings, such as the 18th-century thatched cottages at Magilligan and Garvagh. (AQO 9479/11-16)

Mr Durkan (The Minister of the Environment): I organised a conference on the historic environment that was held at the Playhouse in Derry last month. At the conference, I reaffirmed my belief that a well-understood and well-used historic environment reinforces the distinctiveness of our places and delivers a character that is attractive to investors and visitors. It also gives pride to our population and helps to encourage our young people to remain and make a life here and contribute to the vibrancy of our society. Investment in our heritage, through its continued use, therefore creates a virtuous circle.

I have, therefore, consistently attempted to fund investments in heritage to turn this circle. This, as Members will appreciate, has been difficult in the context of the constraints on departmental budgets. My Department's budget for 2015-16 was reduced by the highest percentage of any Department. Undaunted, I bid in the June 2015 monitoring round for funding for investment in heritage, but the Executive did not agree to it. This meant that I was not in a position to allocate any moneys to new or increased letters of offer for listed building grant aid in this financial year. I was, however, able to allocate £585,000 in funding from the carrier bag levy scheme during this financial year, to assist with repairs to and maintenance of listed buildings that provide facilities for community access and use.

My officials have been engaged with the owners of the thatched building at Magilligan since 2006, advising of the Department's grant aid funding — new funding offers were available until August 2014 — and, more recently, with the council and the Housing Executive to address the owners' situation.

The owner of the thatched house in Garvagh received grant aid of almost £4,000 in 2014 for works to replace roof timbers. A further application was received in March last year for assistance to rethatch the roof. However, due to funding unavailability, no new letters of offer have been made since August 2014.

Mr Principal Deputy Speaker: Before we move on, I remind the Minister of the two-minute rule.

Mr Ó hOisín: Go raibh maith agat, a Phríomh LeasCheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagra. I thank the Minister for his answer. I know that he is aware of the Magilligan case, because he visited there last year just before the election. He will also be aware of the human side of the case: an elderly couple living in a house that should really be condemned. Is the Minister cognisant that, because of the lack of funding, we run a real risk of losing vernacular buildings, including houses, mills, schools, stables and the like?

Mr Durkan: Gabhaim buíochas leis an Chomhalta as a cheist. I thank the Member for his question. He referred to the cottage on Seacoast Road in Magilligan. I am familiar with it, having visited and received one or two letters about the property. As I said, my officials continue to work with other agencies, most notably and recently, the Housing Executive, in an attempt to assist the owners. They are an elderly brother and sister, and it is imperative that all agencies do what they can to improve their living conditions.

The Member's wider concern about the prospect of our retaining and maintaining these valuable built structures is one that I share, along with other Members of the House and the wider community. It is imperative that we not only look to restore the budget in my Department, or the new Department that will have responsibility for this, namely, the Department for Communities, but that we look, and continue to look, for other sources of funding to restore and maintain this type of property.

Under the new Department for Communities, which will also have responsibility for local government, there will be an opportunity to create and explore new synergies. Local government is well placed to identify built heritage in its area and to spot opportunities to improve that heritage and maximise the benefit to the local economy. It has been proven that every £1 spent by government on the restoration of heritage buildings generates a further £7 spend in the wider economy.

It is important that we do all that we can to re-establish funding for listed buildings.

Mr Dallat: Does the Minister agree with me that the incoming Executive will face a mammoth task in acknowledging that, in the past, much of our built heritage was lost through unapproved demolition, bombing campaigns, pure neglect and a lack of appreciation that that built heritage is very much part of our history? Will

he ensure that, when he closes the books of his Department, he places a memo on the top of the file marking this as a priority?

Mr Durkan: I thank Mr Dallat for that question. I agree that there is a mammoth task ahead for whatever Minister takes over and, indeed, for the Executive and us as an Assembly, in retaining, maintaining and promoting our built heritage to, as I said, maximise its potential for today's economy. We can look at other jurisdictions and learn from best practice in this regard. Despite the setbacks that we have suffered here, despite the years of bombing that got rid of many of our buildings, and despite the inability of government over a number of years to invest in restoring and retaining that built heritage, we have had success over the past number of years, excluding last year when the cupboard was bare and there was no money to put into it. In the financial year previous to that, DOE spent £4.5 million on built heritage, and we saw tremendous results as a consequence. It is something that should be prioritised. That is why I think that local government has a central role to play. They will prioritise and drive this and they will need Executive support to do so.

Mr Allister: On the Magilligan case, does the Minister accept that, at a time when funding was still available, it was feet-dragging by a departmental official that caused the deadline to be missed and, therefore, the Department itself has responsibility for the state of neglect into which that property is fast falling?

Mr Durkan: I thank Mr Allister for that question. As I said in my original answer to Mr Ó hOisín, my officials have been engaging with the owners of 360 Seacoast Road since 2006, including advising them to apply for listed buildings grant aid funding. There was a failure by officials — Mr Allister is quite correct to identify it — during the summer of 2013 to reply within a reasonable timescale to some emails and, indeed, to make the area architect available by phone. This fell short of our high customer service standards. My officials have reviewed the reasons for this and taken steps to improve procedures and ensure that nothing like this happens again. However, I do not believe that this materially impacted on the owners' ability to submit an application for grant aid prior to my Department ceasing to issue letters of offer in August 2014. As I said, my officials had been advising the owners for some eight years prior to that date of their potential to be successful should they choose to apply.

Ms Lo: Is the list of the historic buildings at risk back online on the DOE website? An article last November detailed that it had been taken off the website.

Mr Durkan: I thank Ms Lo for that question. I do not think that she will be surprised to know that I am unable to answer right now. I will establish whether it is back on the website and, if it is not, ascertain why it is not and when it will be, and make sure that it is back up as soon as possible. It is important that all these things are accessible to as many people as possible and that what we do as a Department and a Government is as transparent as possible.

Snares: Legislative Update

2. **Mr Lyttle** asked the Minister of the Environment for an update on legislation on the use of snares. (AQO 9480/11-16)

Mr Durkan: In November 2015, I decided to put a hold on the Snares Order because I was aware that many are opposed to the idea of using snares in any situation due to concerns about animal welfare. However, I am also conscious that there are two sides to the debate. Those who support the use of snares consider their use to be essential in assisting countryside management practices such as farming, game management and reducing pressure on ground-nesting bird species. The order would supplement existing regulatory controls and would place new technical requirements on snares and how they should be used. All snares would be required to be fitted with permanent safety stops. All snares would need to be fitted with swivels to facilitate twisting action by the animal caught by the snare without causing damage to the animal. The order would require that snares should not be set in a place or in a manner where an animal is likely to become fully or partially suspended or be at risk of drowning, for example, over watercourses. Snare users would be required, when conducting their daily checks, to ensure that the snare remains free-running and to remove or repair the snare if it is not in such a state. Lastly, the use of drag snares would be prohibited. It would be a requirement that snares must be firmly staked into the ground or firmly anchored to an object in an appropriate manner so that the snare could not be dragged away by an animal caught in it.

I am in the process of meeting groups that hold very strong views on both sides of the issue. I will use this process to decide the next steps.

Mr Lyttle: The Environment Committee voted to ban the use of snares in 2009. Polls have found that 87% of UK vets believe that snaring is inhumane, and three out of four people in Northern Ireland support a ban. Why has the Minister, therefore, failed to introduce a ban on the use of snares in Northern Ireland?

Mr Durkan: I thank the Member for that question on my failure. While the Member points to a vote by the Environment Committee in 2009, it is my understanding that the Assembly voted in 2010 not to ban snares. As I said, there are groups on both sides of the argument with strong and valid views. I am in the process of meeting those groups and listening to them. That is what will dictate my next steps on the matter.

I think that all Members will be aware of some of the harrowing images that those opposed to the use of snares have put out there. They are very impactful; indeed, they had such an impact on me that they led to me deciding not to move the order in November. I do not think that those groups view that as a failure on my part. However, some of those who advocate the use of snares will point to the order as actually making more humane snares par for the course. The bad practice highlighted in some of those harrowing pictures is something that they also want to see eradicated.

It is not an easy decision to make. My personal instinct is that I would like to see them banned. However, these decisions have to be evidence-based. I am in the process of gathering more evidence.

Mr Kennedy: The Minister is wise to avoid all traps and snares; he will understand that. Given that there was a substantial consultation period with stakeholders over a number of years, why has the Minister taken cold feet on this one?

Mr Durkan: I thank Mr Kennedy for that question. I am not sure whether I have taken cold feet or whether I am just careful about where I am putting my feet on this one.

There has been extensive consultation. I have not been the beneficiary of such a consultation, in personally hearing the views of individuals and groups on the subject. It is a very interesting subject. Indeed, I had a very interesting meeting recently with a group that advocates and supports the use of snares and has serious concerns about what it would describe as my failure to move the Snares Order in the first place.

I found that meeting quite enlightening and informative. I am not sure that I found it 100% persuasive, mind you, but, like I said, I will consider all the arguments put forward, and that is how I will decide how to proceed.

3.00 pm

Mrs D Kelly: Is the Minister minded to bring forward legislation to prevent cruelty to circus animals?

Mr Durkan: I thank the Member for that question. Animal welfare is a matter for the Department of Agriculture and Rural Development. My Department is, however, responsible for the legislation that governs entertainment licensing. That legislation has been in place for approximately 30 years and, in July 2014, I announced a review of that legislation.

The Entertainment Licensing Review Group carried out the review and reported its findings late last year. It made 36 recommendations for a future system, which were subsequently issued for consultation. Twenty-six responses to the consultation have been received. The review group's report included a recommendation in relation to circuses. In response to the consultation, comments were received about the misuse of live animals for entertainment purposes and the suggestion was made that entertainment licences should require applicants to comply with the Welfare of Animals Act (Northern Ireland) 2011.

Following the consultation, I met a representative of Northern Ireland Says No To Animal Cruelty in November to discuss circuses with animal acts and entertainment licences. I subsequently asked my officials to liaise with the Department of Agriculture and Rural Development about circuses with animal acts.

More detailed proposals for the future entertainment licensing regime are being developed, taking into account the comments received during the consultation.

Mr Kennedy: What about this circus?
[Laughter.]

Mr Durkan: Where are the animals? *[Laughter.]*

Road Safety

3. **Mr Givan** asked the Minister of the Environment to outline the action his Department is taking to reduce the number of

people killed and seriously injured in road traffic incidents. (AQO 9481/11-16)

Mr Durkan: My Department continues to take a range of actions to reduce deaths and serious injuries on our roads. We focus on the key causes of road casualties and on groups that are over-represented in the casualty figures. The Road Traffic (Amendment) Bill, which recently completed its passage through the Assembly, makes provision for a new drink-driving regime and a new graduated driver licensing scheme. We will develop and consult on a significant package of subordinate legislation to implement the new arrangements.

The principal objectives of road safety advertising and the associated public relations activity are to contribute to reducing the number of people killed or seriously injured on our roads and support the achievement of road safety targets by researching and targeting the main causation factors that contribute to road traffic collisions, thereby raising public awareness of those main causes and changing road users' attitudes and behaviours.

I also recently commissioned two new campaigns. The first will be a social media campaign that specifically addresses the various issues in relation to mobile phone use while driving. The second campaign will deal with young driver distraction, particularly when carrying passengers. Both campaigns will be launched in the coming months. My Department also continues to provide a range of resources and schemes to be used by teachers to allow them to improve road safety behaviours in children and young people.

I recognise the continuing challenges of preventing road deaths and serious injuries and, as such, my Department will continue to address those issues through various activities. I remain fully committed to continuing to work with my Executive colleagues, the PSNI and other stakeholders to improve road safety and reduce casualties.

Mr Givan: It goes without saying that one death is one too many and that every effort needs to be made to try to reduce the number of people who lose their lives and, of course, those who are seriously injured. So, I welcome the legislative developments in this area. Obviously, public awareness will be key to that having an effect.

In respect of the 20 mph issue that has been debated publicly recently, can the Minister assure the public that roads are identified for 20 mph limits to save lives and prevent injuries as

opposed to revenue raising? Does he accept that we need to make sure that the public support the proposals because roads are being targeted due to road safety issues and not for revenue raising?

Mr Durkan: I thank the Member for that question. While my Department and I retain responsibility for road safety policy, when it comes to matters such as speed limits and road safety measures, it is the Department for Regional Development that retains responsibility. That is not to say that we do not liaise on those issues. Indeed, the Regional Development Minister is a very valued member of my ministerial working group on road safety. We will meet again at the end of next month. We already have a pretty full agenda.

The issue of 20 mph zones is one that I welcome, but the Member is quite right: they have to be in areas where they can work, where they are needed and where we need to encourage, or force on these occasions, motorists to slow down. As things are, they are posing a risk to the lives of other road users, be they pedestrians or children going to school etc. A similar situation applies, I suppose, to speed cameras. The location of speed cameras is something that I have raised with the PSNI on numerous occasions. I believe that they should be located on dangerous roads, as opposed to just busy roads, where many members of the public with, I believe, some justification, view them as cash generators. That is not what they should be there for. They should be put in places to save lives, reduce collisions and reduce the carnage on our roads.

Mr Boylan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I take this opportunity to record my sincere sympathy and condolences to the families of Andrew Gass and Mark Hutcheson and, indeed, the families of those involved in the seven fatalities on our roads this year to date. Minister, is the message getting out? I appreciate that we are bringing forward new legislation, but does the Minister believe that the message on road safety is getting out? Will he consider working with other Departments to try to introduce a driving simulator into the colleges? Clearly, we have a major problem. There are families, extended families and communities out there who are suffering, and we need to try to eradicate road fatalities.

Mr Durkan: Gabhaim buíochas leis an Chomhalta as an cheist sin. I thank the Member for that question. I would never rule out anything in what I would do to make our

roads even safer, and I am happy to work with anyone to do so, even Executive colleagues. As I said, we work closely with other Departments, and I work closely with other road safety partners, such as those in the emergency services. The Member's suggestion is, indeed, a good one and might perhaps be worth exploring further. It is certainly not something I would rule out.

The Member asked whether the message is getting out. We have done, and will continue to do, all that we can by way of TV advertising campaigns, back-of-bus advertising campaigns and other initiatives, such as giving a toolkit to teachers to educate children, sending our departmental officials out to schools and funding community groups, including even the GAA and young farmers' clubs, to do their things with young people in rural areas to promote road safety. A lot has been spent on getting that message out there, but I do not know what could get the message out more effectively about the need for road users to be more careful than those harrowing figures that show that seven people have lost their life on our roads already this year — this month. Any death on the road is tragic, but when there are young people involved, as there have been many times this year, it hits home even harder. I think that should be enough to make other road users sit up, be aware and take more responsibility for their behaviour on the roads.

Mr McCarthy: I thank the Minister for his very detailed response. The Minister will be aware that, in my constituency last week we lost Joshua Kelly, a six-year-old schoolboy, outside a school in Newtownards.

The question that I ask the Minister is this: why does it take a serious accident, or indeed fatality in the case of Joshua Kelly this week, before any Department — not just Mark's — does anything to prevent such a thing from happening again? The public perception is that nothing will happen until somebody loses their life. We have it here, unfortunately. I ask the Minister: why, why, why?

Mr Durkan: I thank the Member for that question. I extend my sympathies to the family of that young victim. One can only imagine the pain that they are going through at this time. People will ask why something was not done before. I know that, time after time, when I am remonstrating still with Transport NI officials about the need to implement or introduce traffic calming in areas, I will often ask — and residents of that area will ask — whether we have to wait until someone loses their life

before something is done. I see Mr Allister behind the Member. I know of his experience of making representations for a constituent about a school bus route's being cancelled. Sadly, life was lost that, perhaps, could have been saved had that not happened.

Therefore, while we recognise Departments' budgetary constraints, real efforts must be made to prioritise spend in areas where there is a real threat or risk to life.

Mr McCrossan: Living on a busy stretch of the A5 between Strabane and Omagh, I have witnessed first-hand the consequences of dangerous roads and driving, with a number of fatalities having happened just a few minutes from my front doorstep. Can the Minister outline the impact of cuts to his budget on road safety expenditure?

Mr Durkan: I thank the Member for that question. In my previous answer, I was cognisant of the cuts and pressures facing all Departments with regard to what they can spend and where they can spend it. Severe cuts have been made to my Department's budget allocation. This has meant that, in allocating the remaining DOE budget for 2015-16, I had to review all elements of spend, including road safety advertising and educational budgets, to ensure that resources were allocated in line with my priorities.

Despite the extremely challenging financial position, I have been able to allocate just over £1 million to road safety communications grants and educational materials. I was then able to supplement that further through subsequent monitoring rounds, securing funds for two new campaigns that I referred to earlier. I identify those as priorities. However, there is still a significant reduction in my Department's road safety budget. That is most regrettable, given the rise in road deaths last year and recent analysis indicating that the economic recovery that we hear about — some of us do not see that much of it — will make our work to reduce road deaths even more challenging.

Japanese Knotweed

4. **Mr Douglas** asked the Minister of the Environment what steps his Department is taking to help landowners affected by Japanese knotweed. (AQO 9482/11-16)

Mr Durkan: My Department's role is largely limited to the provision of advice and guidance to members of the public on dealing with Japanese knotweed on their land. My

Department has no legal powers to force a landowner to undertake control of Japanese knotweed on their land. However, I recognise that there is an increasing problem presented by the spread of Japanese knotweed. I have therefore tasked my officials with carrying out an analysis of the scale of the problem and outlining options for further discussion with Executive colleagues. That is to be completed by the end of January.

Mr Principal Deputy Speaker: I call Mr Douglas for a quick supplementary.

Mr Douglas: I thank the Minister for his answer so far. He may be aware that England and Wales have attempted to deal with the failure to control the spread of invasive non-native plants using antisocial behaviour orders (ASBOs). Does the Minister feel that the current legislation is strong enough to deal with this problem right across Northern Ireland?

Mr Principal Deputy Speaker: I call the Minister for a quick answer.

Mr Durkan: I thank the Member for that question. While Japanese knotweed, and indeed other invasive species, is hard to control and quite unruly, I found it quite interesting that, in England, they had introduced ASBOs to deal with them.

They have that so that they can bring landowners to book, should they not take measures to control the spread of Japanese knotweed to a neighbouring property. In addition to that ASBO power, they have a species control order (SCO), which gives power to relevant authorities to enter into agreements with landowners to eradicate invasive species. In extreme circumstances, SCOs provide powers to certain bodies to undertake work themselves and then recoup the costs. As I said, my officials are looking at a range of options, and I will certainly encourage them to ensure that that is one of them.

3.15 pm

Mr Principal Deputy Speaker: That ends the period for listed questions. We will move on to 15 minutes of topical questions.

Flooding: Additional Resources

T1. **Mr McCartney** asked the Minister of the Environment, in light of recent flooding incidents, particularly focusing on damage and prevention, whether he has any plans to seek

additional resources and, if so, where those resources might come from. (AQT 3391/11-16)

Mr Durkan: I thank the Member for that question. Flooding has been an extremely topical issue for a number of weeks. Just yesterday, I took the opportunity to visit flooding victims in my colleague Mrs Kelly's constituency, which, as of yesterday, ceased to be under water. Those were businesses that were impacted by the flooding.

My Department retains responsibility for the emergency financial assistance scheme for victims of floods, which is administered through the councils. That offers a £1,000 emergency payment to householders who have been badly impacted by flooding. In the latest bout of flooding, if you want to call it that, since the start of December, 112 households right across the North have been impacted and have been in receipt of that payment. That enables people to make their property habitable again as soon as possible without having to wait for an insurance claim to go through.

The Member is quite right: I have sought to extend the available assistance not only to householders but to businesses, community facilities and churches, because there is no legislative cover to do that in the scheme as it is. I submitted a paper seeking to do so to the Executive in November 2014 and was delighted when, last week, the Executive decided to explore the possibility of extending the emergency financial assistance scheme to businesses. We now have to ensure that that also extends to churches and community facilities.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for that comprehensive answer. In relation to additional resources, will the Minister examine using the plastic bag levy that he has used for environmental projects in the past for preventative measures in the future?

Mr Durkan: I thank the Member for that question. Again, the fragmented approach between Departments causes a slight problem. However, there is a tremendous opportunity, given that the restructuring of Departments post the election will put DOE and DARD functions largely together. DARD is currently the lead for flood prevention measures. Indeed, I commend Minister O'Neill for the scheme that she launched on individual property protection, which will enable homeowners and — I believe

that it is to be extended to businesses — business owners to avail themselves of a grant to make their properties more flood-proof. It is imperative that we look at prevention rather than response, and the more we spend on prevention or mitigation and the earlier we spend it, the less will need to be spent on response, clean-up and any type of compensation or what might be perceived as compensation.

In legislation, there are strict enough parameters on what the carrier bag levy can be spent on. It has to be spent on projects that benefit the environment directly, and, while flood mitigation measures would certainly benefit one's environment if one lives in a house that is prone to flooding, I am not sure that it would tick the boxes to be eligible for funding from the carrier bag levy scheme.

Mr Principal Deputy Speaker: Question 2 has been withdrawn.

Greenway: Carryduff

T3. **Mr McKinney** asked the Minister of the Environment to reflect on the value of developing a greenway in the Carryduff area, given that he will be aware of the greenways in Belfast, which afford people opportunities for recreation and alternative access to the city, either walking or cycling, and a community group, the Carryduff regeneration forum, is suggesting that such capacity could exist in that part of Belfast. (AQT 3393/11-16)

Mr Durkan: I thank the Member for that question. It is another one that would probably be best directed towards another Minister or Department, given that the Department for Regional Development is responsible for greenways. However, that will not prevent me — nor should it prevent me — from speaking about the benefits of greenways because they are so cross-cutting and wide-ranging.

First and foremost, greenways provide a safe environment for people to get about and live an active lifestyle — to go walking, running and cycling — which has huge benefits for mental as well as physical health. They also work wonders for social engagement opportunities. It is amazing, if you walk along the newish greenway in my constituency, how many people you meet and how many you have to stop and chat to. At least, that is my excuse for taking so long to run a lap of it. The benefits go even further. If a greenway is constructed, managed and marketed correctly, it can have real tourism benefits for an area. We have not seen much

of that here in the North yet, but look at Mayo in the west of Ireland: a real tourism industry has built up along the greenway, which provides opportunities for small businesses such as coffee shops, bars and restaurants.

There are many benefits of greenways, and I would be happy enough to meet any group proposing to establish one and see what assistance we could offer.

Mr McKinney: I am delighted to hear that the Minister knows the value of them. Of course, it is about capacity building as well, in how an organisation starts with the germination of an idea and develops it. In that context, will he also consider allowing his officials to liaise with the Carryduff regeneration forum to at least step them through the process?

Mr Durkan: I thank the Member for that question as well. I said that I would be happy enough to meet the group; if I can get away with my officials doing it, even better. As I said, it is primarily an issue, function and responsibility associated with another Department. I do not want to speak for her, but I am sure that the Minister for Regional Development would be happy enough for her officials to engage in such discussions as well. This was an area where her predecessor Danny Kennedy, when he was Minister, wanted to see huge advances and where he concentrated a lot of his time and efforts.

Mr Principal Deputy Speaker: Question 4 has been withdrawn.

Arc21: Planning Appeals Commission's Decision

T5. **Ms P Bradley** asked the Minister of the Environment for an update on the Planning Appeals Commission's (PAC) decision on the Arc21 residual waste treatment facility at the Hightown quarry. (AQT 3395/11-16)

Mr Durkan: I thank the Member for that question. I have not had an Arc21 question in a wee while. The case is still with the Planning Appeals Commission. That was the decision of the applicant, who, I believe with the support of the composite councils, was to appeal my decision to refuse that incinerator. I have to say it was a decision that was met with, I would not say acclaim, but it was positively received by the public in the constituencies of the Members opposite. It will be up to the PAC to determine whether I made the correct decision. Ultimately, it will make a report, which will come

back to me, or whoever will be Minister after me, to make the final decision on it.

Ms P Bradley: I thank the Minister for his answer, in which he said that he believed that support had been given by the composite councils. That is not what I have been led to believe, but I could be wrong. Maybe he does not have the information on him, and, if he does not, can he possibly get the information to us on which councils did lend their support to this appeal?

Mr Durkan: I thank the Member for that question. I was under the impression that it would not have proceeded without some modicum of support from the composite councils. I do not have that information at hand, and I will certainly find it. As I said, it came as a bit of a surprise to me when the appeal materialised, given the strength of feeling among the public, which I am sure will have been reflected to, and then by, elected Members in all the affected council areas.

Mr Principal Deputy Speaker: Mr Campbell is not in his place.

Flooding: Practical Help for Victims

T7. **Mrs Cameron** asked the Minister of the Environment, continuing the previous question about flooding, and given that nothing is more topical than the weather and we have a yellow alert for rain in Northern Ireland today, and the fact that the Minister has been on the ground to see the flooding devastation for himself, what practical help — he mentioned financial help — will be given to the victims of severe flooding in Northern Ireland. (AQT 3397/11-16)

Mr Durkan: I thank the Member for that question. First and foremost, it is important that we recognise that, finally, some help is to be given to victims that will go beyond the £1,000 that is available in my emergency financial assistance scheme. The detail of what that will be has yet to be decided. I know that the Minister of Agriculture and Rural Development and the Minister of Finance and Personnel are working up details on that, which I am sure they will be keen to finalise and share as early as possible. I am also involved in that, and I will use, I suppose, my own experience or the feedback that I have been hearing from people on the ground to input into that and, hopefully, help to shape their response.

Yesterday, I visited some businesses in the Upper Bann constituency, although it is not just those businesses that are affected. They felt

particularly let down by all of us collectively as government. I got that message pretty loud and clear yesterday. We need to look at other jurisdictions and see how they have responded to flooding crises in their areas, and I think that we might have a lot to learn from them.

Mrs Cameron: I thank the Minister for his answer. Can the Minister give his assurance that listed buildings that are affected by flooding will receive urgent and adequate assistance from his Department to ensure that our built heritage is preserved for future generations?

Mr Durkan: I thank the Member for that question. It is quite pertinent, given the series of questions asked during Question Time proper around the importance of our built heritage. Reference was made earlier by a couple of Members to a building in Magilligan, on Seacoast Road, which is now in an awful state of repair. It is a thatched cottage that is and should be of tremendous value. I visited a similar 300-year-old cottage in Upper Bann yesterday that has been severely flooded. I think that it is important that we look at what measures could be taken to ensure that it will be protected from any such incident in the future. It is important that we do everything that we can to protect all homeowners or dwellers, but I think that it is particularly important that we take what steps we can to protect buildings of that age and historic importance.

Mr Principal Deputy Speaker: Question 8 has been withdrawn.

Climate Change Legislation

T9. **Mr Lyttle** asked the Minister of the Environment why Northern Ireland is the only region in these islands without climate change legislation. (AQT 3399/11-16)

Mr Durkan: I thank the Member for that question. He was probably not expecting that we would get there, so he dug out an old one. I was not expecting another question either.

It is a cause of some regret to me that we here in the North do not have climate change legislation. I said previously on a radio interview that we should be a wee bit embarrassed about the fact that we do not.

I said that in advance of going to the COP21 negotiations in Paris, where I took the opportunity to speak to Ministers and people from other jurisdictions about climate change legislation in their respective jurisdictions or

countries. I think that that was a very valuable thing to do. It made me come back with quite a different view on this. In some areas where there is climate change legislation, people point to it and say, "If we were to do it again, we would do it differently". So, sometimes, there might be an advantage in going last, in that we will be able to cherry-pick from other jurisdictions what works well where and what does not work.

3.30 pm

Of course, we will then face the challenge of getting the Executive and then the Assembly to agree on climate change legislation. That will not be an easy task, and I am sure that the Member has sat in on numerous debates on the topic here. However, I do not think that it will be an impossible task. We just have to look at the success of the COP21 conference in securing a historic agreement. People with views — much more disparate even than those of Steven Agnew and Sammy Wilson — sat down and were able to reach an agreement for the common and greater good.

Mr Principal Deputy Speaker: Time is up. That concludes Question Time. I invite Members to take their ease while we change the top Table.

Mr McCarthy: On a point of order, Mr Principal Deputy Speaker. I have been in the House for 18 years, and I think that this is the first time that I have had to complain. It is in relation to the performance of the Health Minister today. Despite your efforts to remind him that he had two minutes, he managed to answer only three questions. That is a disgrace. I ask you to go to the deputy First Minister and First Minister and tell them to advise Ministers to waffle less, give more answers and get through the business.

Mr Principal Deputy Speaker: I took the appropriate action at the time, and, undoubtedly, the Speaker will be aware of it.

(Mr Speaker in the Chair)

Executive Committee Business

Shared Education Bill: Consideration Stage

Debate resumed on amendment No 1, which amendment was:

In page 1, line 3, leave out paragraph (a) and insert "(a) *this Act; and*".— *[Mr Weir (The Chairperson of the Committee for Education).]*

The following amendments stood on the Marshalled List:

No 2: In page 1, line 7, leave out subsection (2) and insert

"(2) *"Shared education" means the education together of—*

(a) children or young persons from different religious, cultural or ethnic backgrounds; and

(b) those who are experiencing socio-economic deprivation and those who are not.

(2A) Shared education may be provided by—

(a) the working together and co-operation of two or more relevant providers from different educational sectors or with different governance arrangements; or

(b) a single relevant provider which is representative of the wider community in Northern Ireland in terms of its staff and its board of governors or governance structure.".— [Mr McCallister.]

No 3: In page 1, line 8, after "belief" insert "or none".— *[Mr Weir (The Chairperson of the Committee for Education).]*

No 4: In page 1, line 8, leave out from "including" to "Catholic" on line 9 and insert

"or none;

(aa) reasonable numbers of Protestant, Roman Catholic and other".— [Mr Lunn.]

No 5: In page 1, line 13, at end insert

"(2B) The purpose of shared education is to—

(a) deliver educational benefits to participants;

(b) promote the efficient and effective use of resources;

(c) promote equality of opportunity;

(d) promote good relations; and

(e) promote respect for identity, diversity and community cohesion."— [Mr McCallister.]

No 6: In page 1, line 18, at beginning insert

"In this section—

(a) "religious belief" includes an absence of religious belief; and

(b) ".— [Mr O'Dowd (The Minister of Education).]

No 7: In page 1, line 19, leave out "in this section".— [Mr O'Dowd (The Minister of Education).]

No 8: After clause 1 insert

"Duty to promote, encourage and facilitate shared education

1A.It is the duty of the Department of Education to promote, encourage and facilitate shared education."— [Mr Weir (The Chairperson of the Committee for Education).]

No 9: At end insert

"(2) The Department of Education must consider shared education when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering educational services."— [Mr McCallister.]

No 10: After clause 1 insert

"Regulations on shared education

1A.—(1) The Department of Education must by regulation prescribe criteria, including a minimum number of participant hours, to be met by relevant providers of shared education.

(2) "Participant hours" means the number of hours of shared education to which a participant is entitled.

(3) No shared education funds may be given to relevant providers that fail to meet the criteria set out in regulations.

(4) Regulations under this section shall not be made unless a draft of the regulations has been

laid before and approved by a resolution of the Assembly."— [Mr Lunn.]

No 11: In clause 2, page 2, line 2, leave out paragraph (a).— [Mr Weir (The Chairperson of the Committee for Education).]

No 12: In clause 2, page 2, line 6, at end insert"(e) any sectoral body.

(3) In this section, "sectoral body" means a body—

(a) which is recognised by the Department of Education as representing the interests of grant-aided schools of a particular description; and

(b) to which grants are paid under Article 115 of the Education and Libraries (Northern Ireland) Order 1986, Article 64 of the Education Reform (Northern Ireland) Order 1989, or Article 89 of the Education (Northern Ireland) Order 1998."— [Mr Weir (The Chairperson of the Committee for Education).]

No 13: After clause 2 insert

"Power to form company

2A.—(1) For the purposes of its functions under section 2, the Department of Education may form, or participate in the formation of, a company under the Companies Act 2006.

(2) For the purposes of its functions under section 2(3) of the Education Act (Northern Ireland) 2014, the Education Authority may form, or participate in the formation of, a company under the Companies Act 2006."— [Mr O'Dowd (The Minister of Education).]

No 14: After clause 2 insert

"Review

2A.—(1) The Department of Education must—

(a) not later than two years after the date on which this Act receives Royal Assent; and

(b) at intervals of not more than two years thereafter, review, and prepare a report on, the operation of this Act and section 2(3) of the Education Act (Northern Ireland) 2014 ("the 2014 Act").

(2) The Department of Education must lay any report under this section before the Assembly.

(3) A report under this section must include statements on the following matters, so far as relating to the reporting period—

(a) the extent to which the bodies listed in section 2(2) have exercised their powers under that section;

(b) the extent to which the Education Authority has complied with its duty under section 2(3) of the 2014 Act;

(c) the level of participation in shared education and the extent to which there has been any increase or decrease in participation;

(d) efficiency in the use of resources allocated for the purposes of shared education, including information and communications technology infrastructure;

(e) the impact of shared education on—

(i) educational attainment;

(ii) good relations between participating children or young persons;

(iii) attitudes of participating children or young persons towards persons from backgrounds other than their own.— [Mr Weir (The Chairperson of the Committee for Education).]

No 15: After clause 2 insert

"Duty of education bodies to consider shared education

2A.—(1) Education bodies must consider shared education when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering public services.

(2) The education bodies are—

(a) the Department of Education;

(b) the Education Authority;

(c) the Council for Catholic Maintained Schools;

(d) the Northern Ireland Council for the Curriculum, Examinations and Assessment; and

(e) the Youth Council."— [Mr Hazzard.]

Mr McCallister: I welcome the debate and have always welcomed and supported the Bill. Indeed, I have been broadly supportive of the Minister's overall approach to shared education. The first of my two primary reasons for tabling amendments was to look at how to deepen and broaden the meaning and context of shared education. The second was to look at how we take this beyond being much more than a concept — Mr Hazzard commented on it being a concept — and, as Mr Rogers said, put it in the DNA of our education system, so that this is not just about projects that end when the funding dries up; it is the long-term vision for our education system.

If you read the points made by various experts such as those from Queen's and the Rural Centre for Shared Education, you see a big difference in how they would move forward. In talking about how to broaden the context, I quote the Queen's centre:

"We would argue that the term 'community background' references a broader social identity, that moves beyond the confines of individual religiosity and more accurately addresses self-categorisation within a divided society, encompassing religious, cultural and political elements, among others."

It goes on to say:

"The term 'community background' reaches across multiple domains and, moreover, takes into account the changing demography of Northern Ireland".

It is important that we look at broadening that out, particularly in relation to amendment No 2, standing in my name. It got much debate; I appreciate that some colleagues referred to it. Some were more supportive than others and some are still open-minded about it. I say to those who are concerned about it that some of the concerns that were raised were around the words:

"children or young persons from different religious, cultural or ethnic backgrounds; and (b) those who are experiencing socio-economic deprivation and those who are not".

That does not tell you that you have to get people from all those backgrounds. It says that, if they are there, let us bring them in, but it is not a requirement. There is no limit set. There

is no bar or test that says that you have to have 20% from one group; there is no box-ticking exercise like that.

The last line of amendment No 2 caused much debate. It mentions:

"a single relevant provider which is representative of the wider community in Northern Ireland in terms of its staff and its board of governors or governance structure".

That goes to the heart of it, and I am surprised that others are not more supportive. Mr Newton talked about that diversity. In fact, I think that his old school is Methody, which is now described as a super-mixed school, as is Dominican College up on the north coast. Those types of schools have done and achieved so much organically, not with any great support from anywhere else. They have done it organically, built in huge success and are not only achieving in educational terms but are benefiting our society. That, to me, is key to have in here. If the amendment is accepted, it does not mean that you have to give them the same level of support as two schools together. You can band it. The Minister has the power to shift and move that about in whatever framework he wants to have, but it should be included in the Bill.

Mrs Overend talked about it in two contexts. If I recall correctly, she talked about a single provider. She represents a large rural constituency, as do I, and if two schools had to come together, this would allow them to do that. It would also encourage them to make sure that their boards and staff intake are representative. On all the points that you have consistently made over a number of years around ideally moving to a single education system, this would allow you to do that and to support that in that context.

What is surprising about Sinn Féin's opposition to the amendment is that it is actually in the Minister's own policy document, 'Sharing Works: A Policy for Shared Education'. I quote:

"Indeed, by supporting Shared Education, it is envisaged that a proportion of schools may move along the continuum to a more fully integrated model".

It is in your own policy, Minister. Why not put it into the legislation as well?

I say to Mr Lunn and his Alliance colleagues that this applies to integrated education as well.

As I said earlier, you might vary the rates of funding that you put into it, but this allows the integrated sector to be brought into shared education.

For too long, if you are very supportive of the integrated sector, shared education has been viewed as somehow being second best — the two cannot sit side by side — or, in some cases, integrated education is almost driving the agenda forward and saying, "This is how we do it".

I am a supporter of a faith ethos education. Some of the results that schools get, whether it is because of the pastoral care or whatever else, are pretty impressive, not just in a Northern Ireland context but in comparison with the rest of the UK.

Mr Hazzard: Will the Member give way?

Mr McCallister: I will in a second. That is something that we should support, tap into and make available to as many kids as possible.

Mr Hazzard: I thank the Member for giving way. Without naming the schools, we have heard about the super-mixed school type a few times today. Would the Member acknowledge that, if we look at social deprivation or social class in some of the super-mixed schools, we see that the number of pupils on free schools meals is sometimes negligible? It is 1% or 2% or maybe as high as 5%. If we are talking about community background, it is fair enough to say that they are super-mixed schools, but there is a bigger scheme to go on.

Will you outline how a single provider or school can share? What exactly would be shared if it was just a single school taking part in the process?

Mr McCallister: There are schools like Methody that have maybe a 60:40 split or schools like Down High School in our constituency that have intakes from both of our main community backgrounds and from no religious background at all. That is happening organically on the ground, and we should be very thankful and supportive of that. I am not saying that they should get the same funding as two other schools.

You made the point that, in Methody for example, not enough pupils come from a diverse socio-economic background. That is the very point that I made in an intervention on your colleague Pat Sheehan. The amendment

includes socio-economic background, as it does:

"different religious, cultural or ethnic backgrounds".

It does not mean that you have to always achieve a certain level. The fact that Methody, Dominican College and other schools like Down High School are achieving that from our community backgrounds in Northern Ireland is something that we should be thankful for and that we should try to replicate throughout Northern Ireland. We should make sure that that happens.

I do not see any of the negativity about having a single provider. The Minister has the power to set the funding for it, and the Minister's policy states that:

"it is envisaged that a proportion of schools will move along a continuum to a more fully integrated model."

It is in the Minister's policy document. That is something that he should follow. He should live up to his policy document. I agree with the Minister's broad policy and the direction of travel on shared education. On religion and community background, that policy document also states that the Department has:

"in consultation with the Catholic Trustees and Transferors Representative Council, brought forward guidance for a jointly managed school model that will provide an alternative model for educating pupils from different community backgrounds together at the same school (i.e. one that will provide shared education with a Christian ethos managed by a Board of Governors with balanced community representation)."

It is in the Minister's policy. That is why I feel strongly about amendment No 2 and why I feel that it should be getting more support from around the Chamber. It is in the Minister's policy, and it helps to move in the direction of the DUP and UUP around that single education system. Mr Craig was very critical of the five sectors and the almost artificial competition in some. He did not name the schools involved, although I think that Mr Lunn may have helped on that one. Mr Agnew is supportive of the amendment, but for people like Mr Lunn who are supportive of an integrated model this brings integrated schools into the shared education debate. It brings them in and says "You too can be part of it. You too can do this. You can apply for it in what you are doing,

share with other schools and think of other models". It answers not only the Minister's point about jointly managed schools in his policy but Mrs Overend's point about what happens if we have to look at different models for schools. This would apply particularly in rural areas where numbers might be a problem.

5.45 pm

Mr Lunn: I thank Mr McCallister for giving way. He sort of invites integrated schools to share with other schools: that is already provided for by subsection (2A)(a) in his amendment. That does not preclude integrated schools from sharing. Integrated schools do share, and I am sure they are quite willing to share with schools from different sectors. To me, the argument is around the single relevant provider and whether shared education funding should go to a single school and provide funding for sharing within that school that is already going on anyway. As I said, I am not convinced about that, but I would not go to the stake on it.

Mr McCallister: I am grateful for the intervention. The question about it is this: if schools are doing it, why should we punish them? Why should they not, at least, be eligible to apply for some of the funding? It might not be at as high a level, but why should they be excluded from it? If they have, in Mr Newton's words, a diverse board of governors, a diverse teaching staff and representation, why would we not want to encourage that? The question I would put back to Mr Lunn is this: how is it that, after over 30 years, integrated education has not broken the 7% barrier? If he wants to answer that I will give way. With everything and every part of it written into education Acts and Orders over the years about how it must be promoted, it has never got above 7% of our education intake.

Mr Lunn: Interventions are not supposed to be two hours long, Mr Speaker, so I will not answer that question directly. I agree with Mr McCallister when he quotes the Minister's policy that integrated should be at the end of the continuum that starts with shared education. That is absolutely valid. One of the things that I hope might flow from this process eventually is that schools will see the sense of transformation or of coming together. It might break down the barriers that you are talking about. The reasons why integrated has not prospered are completely separate from the discussion around the Bill.

Mr McCallister: I am not sure that I entirely agree with that, but I am grateful for the

intervention. Throughout the amendments that I have tabled to the Bill and even during the Second Stage debate on it, my concern has been about how we take this from just being a project or a concept and put it into the DNA of our education system.

This is one of the few broad policy areas stemming from the Executive on which there is broad agreement by the Executive and the Assembly that it is a good thing and that this is the direction in which to travel. We may debate some of the finer points of how we get there, but there is broad agreement in the House on the Minister's broad policy intent. What I seek to do with the amendments is to make sure that this is in the DNA; that it will last longer than the funding; that we look at the cost and resources and take them into account so that this lasts longer than when the money runs out and schools are no longer interested in it; that they have actually set up a system and have schools working together; and, indeed, that many of the cases in which the Shared Education Bill — the Shared Education Act, as it will hopefully become — and all the regulations and work that will flow from it will become very close partners with area-based planning and the entitlement framework and that all of those policy areas link in together somehow.

That is why this is so important to get right.

On the other amendments, I am grateful that there seems to be broad support for amendment No 5, which is in my name. There has been other debate on amendment No 4, but I am not totally convinced by it. I think it is probably a better amendment than the Minister's, which really does the same thing. Amendment No 9 is my amendment to the Committee's amendment No 8. I am supportive of amendment No 8, and I am relatively relaxed about amendment Nos 9 or 15 being made. I am probably more tempted to support amendment No 15, which is in Mr Hazzard's name, but I am supportive of amendment No 8 as well.

Going through those amendments, I still make the case that Members consider amendment No 2. I think it meets very well the policy that is set out by the Minister, and it ties in better with some of the party policies and positions on education that have been laid out in the past. Why would we stop schools that come together, particularly in rural areas, and that want to work together from doing so? Maybe over time and over a continuum, as the Minister's policy would say, they could move to an integrated model, so why would we preclude that from being in the Bill? That is why I think it is important to have it

in the Bill. I am grateful to others for supporting my other amendment.

Mr O'Dowd (The Minister of Education): Go raibh maith agat, a Cheann Comhairle. D'éist mé go cúramach agus chuir mé an-suim i ndíospóireacht an lae inniu agus cuirim fáilte roimh spéis na gComhaltaí san oideachas comhroinnte. I listened with interest to today's debate, and I welcome Members' interest in the Shared Education Bill. I will say at the outset that my intention in bringing forward the Bill is to enable as many children and young people as possible to access shared education. I will address each of the amendments in turn.

Amendment Nos 1, 8 and 11 would amend the Bill to replace the "power" on my Department:

"to encourage and facilitate shared education"

with a:

"Duty to promote, encourage and facilitate shared education".

The Bill covers a very wide range of educational providers, including early years, schools and youth work. Within those sectors, educational establishments are at very different stages. Some have not yet had any engagement in shared education, while others have been delivering this form of education for many years. Some are in communities that are open and welcoming to this type of delivery, while others require time and support within their communities to address any concerns or misperceptions.

A power provides the freedom for my Department to support a flexible approach that will suit the circumstances of the individual setting and the community that it serves. Crucially, a power provides the necessary discretion to manage the educational budget to advance shared education but without having a significant adverse impact on other educational areas. It allows the Department of Education to prioritise key areas of spend and activity at any given time without the diversion and risk of an excessive number of legal proceedings that a duty to encourage and facilitate at such a number and range of settings could bring.

While Members quite rightly say that institutions can still move forward at their own pace, the Department of Education is still open to legal challenge. That may include claims that the Department has not been bearing down heavily enough on individual institutions to bring

forward shared education solutions to their areas. So Members need to think very carefully about including a duty in the Bill. It is not simply another clause in another piece of legislation. It is quite a definitive piece of legislation that you are being asked to pass, and that definitive piece of legislation will have implications for every sector of education. I encourage Members to think carefully before they vote today. The implications for the education budget of such a challenge could be significant. I therefore urge Members again to consider the implications of the amendment, including the budgetary implications.

A statutory duty to encourage and facilitate is appropriate for relatively small developing sectors, such as the integrated and Irish-medium sectors. A duty supports continued embedding and growth by providing for targeted earmarked funding schemes or reasonable adjustments to wider policies. Shared education is neither a sector nor a particular type of school but a relatively new and evolving concept of partnership to be embraced by all our existing schools, youth and early years providers.

We need to accrue good practice learning before imposing on my Department the legal obligation that a duty would require and which would entail mandatory action. My Department's public consultation on the Bill shows that there are mixed views as to the relevance of power versus duty. Similar mixed views were apparent in responses to the Education Committee calls for views on the Bill. A power would allow a balanced approach for those who strongly advocate consensus, building over legislation as a way forward.

Some are concerned that a power will enable my Department to give shared education a low priority or even ignore it altogether. If that was my intent or, indeed, the intent of the Executive, we would not have given shared education as much priority as we have. Thus far, we have brought forward a ministerial advisory group report, we have brought forward a policy, and today we are before the Chamber discussing legislation. It is also worth noting that the recent Peace IV announcement included €35 million towards shared education. That is not the sign of a Department, or an Administration, giving low priority to shared education; that is, in fact, a sign that the Administration and the Department of Education take shared education very seriously. The positive implications of placing a duty are in my opinion, negated by the failures that such a duty would bring about.

One proposal that Members might consider before voting is whether further on, perhaps as part of the two-year report into shared education — I have my views on the two-year report, but I suspect that it will pass as an amendment today — a duty is the most appropriate way forward when they see its actions and outworkings.

I urge the House to oppose amendment Nos 1, 8 and 11, which could do more harm than good to the advancement of shared education. Since amendment No 9 seeks to amend an amendment that I am opposed to, naturally it follows that I cannot support it. However, amendment No 15 is similar, so I will return to what amendment No 9 seeks to do later.

Returning to amendment No 2, I stand again opposed to this amendment, which seeks to revise the definition of shared education. The effect of amendment No 2 in amending clause 1(2)(a) would be to exclude from shared education partnerships that cannot provide a mix of religious, cultural or ethnic backgrounds. It would have a detrimental effect, and limit the opportunity, particularly for small and rural schools, early years and youth settings, from participating in shared education.

For example, in 2014-15, around 20% of schools, particularly small rural schools, did not have pupils enrolled from non-white ethnic backgrounds. A partnership between two or more of those schools would be legally excluded as a result of this amendment. Amendment No 2 would place a significant additional administrative burden on schools, youth and the early years settings together, and record the religious, cultural and ethnic background of every participant. Time spent on additional, possibly unnecessary, administration by teachers is time lost to the classroom and to achieving those practical outcomes. Moreover, there are no simple mechanisms for determining and monitoring cultural background. Ways of doing this may emerge as part of the creative and exploratory work that our educational organisations undertake, but prescribing such measures at this stage would be entirely inappropriate.

4.00 pm

Shared education has the dual aims of improving educational outcomes and reconciliation outcomes. The key to improving educational outcomes is the opportunity that shared education offers to share good practice between partner schools. Proposed subsection (2A)(b) effectively allows a single provider, such as an integrated or naturally mixed school, to

be regarded as providing shared education. The key benefits to improving educational outcomes from working in partnership simply cannot be achieved through a single school. The effect of amendment No 2 would be that schools that already have an inclusive ethos, including integrated schools, would be unlikely to partner with another school. Consequently, the experience that such schools could bring to creating partnerships with other schools would be lost. Shared education funding is provided to meet the cost of collaboration, such as transport or teacher substitution. Single schools or providers would not incur those costs and, consequently, could receive additional funding to continue the work that they should be taking forward as an integral part of the curriculum. I urge the House to oppose amendment No 2 for the reasons I outlined.

Amendment Nos 3, 4, 6 and 7 would provide clarity that the term "religious belief" includes those with no religious belief. Amendment Nos 6 and 7 are of a minor technical nature to make explicit reference to children and young people of no religious belief. There is no policy intent or desire to exclude those of no religious belief. I am content to support the Committee's proposal for clarification, and the amendment of this clause has tested the best legal minds in the Building and beyond to bring forward a wording that is legally defensible and deliverable, and understandable.

On the way down the stairs to the Chamber, I was talking to officials about a meeting — I remember it well — when it was put to me that the term "religious belief" includes those with no religious belief. I said that I looked forward to explaining that one on 'Good Morning Ulster' at 7.15 am. However, it has been brought forward in a legal framework, and I will outline why we are doing that. There may be cause for an amendment at Further Consideration Stage to reference other legislation in order to ensure that the Assembly is satisfied of the intent of my amendment and that it can be more easily understood by the wider public and, indeed, by Ministers such as me.

I am advised that, in legal terms, a requirement to bring together:

"those of different religious belief or none"

as proposed by the Committee, is regarded as syntactically unclear. The wording of my amendment originates in the Fair Employment (NI) Act 1976 and is currently found in the Fair Employment and Treatment (NI) Order 1989, where it forms the basis of the law on discrimination on grounds of religious belief. I

suggest that, if the House is content to pass my amendment today, perhaps at Further Consideration Stage, as I said, we should bring forward reference to the Fair Employment (NI) Act 1976 so that there is a reference point in the Shared Education Bill to where the wording has come from and that it has further legal definition elsewhere.

As I said, the wording of amendment No 6 is consistent with approaches taken in other legislation. I appreciate that all Members have approached this from the point of view of how we solve the problem. Unfortunately, trying to solve it in legalistic terms has proven very difficult, and I think that the amendment proposed by my Department and me is the best approach yet to a legal definition, because that legal definition has history in legislation elsewhere. That legislation, as Members will be aware, has been well tested through tribunals and courts, so it has a firm basis. For the reasons I outlined, I encourage Members to accept my amendment Nos 6 and 7 in place of amendment No 3.

I oppose amendment No 4, which seeks to provide similar clarification on the question of religious belief by including the word "other". While I appreciate the point the proposers are seeking to make, amendment No 4 is unnecessary, given that "other" is already included in "religious belief". The qualifying statement in the Bill:

"including reasonable numbers of both Protestant and Roman Catholic children or young persons"

reflects the historical divisions in our society, which are also reflected in our education system. I assure Members that the definition and approach to this will be adopted in a flexible manner.

No one is looking to place unnecessary bureaucracy or restrictions upon our schools in relation to shared education.

The addition of "other" would effectively render this qualifying amendment meaningless, and the purpose for its inclusion would be lost. Indeed, the specific reference to "other" in the Bill risks excluding shared education partnerships where only children identified as either Protestant or Roman Catholic are enrolled. I therefore urge the House to oppose amendment No 4.

Mr Weir: I thank the Minister for giving way. Just to clarify his point about taking a flexible

approach, this was obviously an issue that was raised in Committee in terms of the flexible interpretation of "reasonable numbers" so that it does not act as some level of unnecessary exclusion of projects, particularly when dealing with small rural schools coming together, where the overall numbers may be relatively low. Can the Minister give an assurance that a relatively flexible approach will be taken by the Department in its interpretation of that?

Mr O'Dowd: I can assure the Member that the intention is for the practice of that to be adopted flexibly. We are not here to place obstacles in the way of schools involved in shared education projects; we want to encourage them. The approach will be flexible.

I turn to amendment No 5, which sets out the purpose of shared education. I have no objection to the amendment, other than that I do not believe it necessary to reference the purpose of shared education in the legislation. Although the proposed wording reflects the current policy position, it is conceivable that the key purpose of shared education may change and evolve over time in line with wider societal changes. The purpose as set out in legislation might, therefore, become out of date and require to be changed. However, I am relaxed about its inclusion.

I understand that Mr Lunn is not going to move amendment No 10, and there may be some discussions with other parties. It would be helpful from my point of view, and perhaps that of other Members, if I reflected my concerns about the current amendment No 10, which could then be taken into account when rewording it. I have already stressed that the Bill is designed to encourage high-quality practice and avoid unnecessary bureaucracy. Quantity, as reflected in participant hours, in no way guarantees high-quality educational experiences. Amendment No 10 as currently drafted is highly prescriptive and removes flexibility from school partnerships to develop and expand their relationships as appropriate to local circumstances. It takes a top-down, one-size-fits-all approach and gives no consideration to local circumstances or practical issues for schools, including timetabling and travelling.

The appropriate level of participation varies between education providers and age groups, depending on their starting position, which will be reflective of community readiness. There are already assessment arrangements in place to ensure the appropriate level of sharing between partnerships. Indeed, setting a prescribed level of sharing is likely to lead to a

tick-box approach that takes no account of the specific needs of the partnership community background, the quality of provision or the need to encourage the embedding of shared education. Currently, the amendment also risks giving undue focus to participant hours to the detriment of other necessary elements, such as capacity building, high-quality teaching and learning, leadership and strong community connections. It also, as currently worded, might exclude some of the projects from Peace IV funding. It has been well rehearsed in the debate, and I welcome the fact that Mr Lunn has decided not to move the amendment. I look forward to seeing the refreshed amendment. If I or my officials can be of assistance, I will be happy to offer our facilities.

I oppose amendment No 12, which would place powers on non-statutory sectoral bodies. There are a number of reasons for my opposition to the amendment. As it stands, the bodies referenced in clause 2 of the Bill are statutory bodies; other sectoral bodies, such as NICIE, CnaG and the Controlled Schools Support Council, are non-statutory limited companies.

As a general principle of law, a statutory body only has the powers conferred on it by statute. I have already made it clear that I fully expect all my Department's arm's-length bodies, both statutory and non-statutory, to play an important constructive role in facilitating and supporting shared education. If, however, for some reason, the relevant sectoral bodies do not already have these powers, the correct solution is for the body to amend its constitution. It is not appropriate, nor is it sensible lawmaking, to confer statutory powers on non-statutory bodies.

Leaving aside the question of the appropriateness of amendment No 12, I also have concerns that the suggested definition of a sectoral body is not robust and could have wider legal implications. There is currently no definition of "sectoral body" in legislation. Critically, the proposed wording of this definition was set in the context of the 2012 Education Bill that did not progress to Consideration Stage and was underpinned by wider RPA proposals, none of which were implemented. In the absence of these wider proposals, I do not believe that this definition is suitable. Indeed, as currently drafted, subsection (3) would effectively give powers to a range of organisations that would not be regarded as sectoral bodies but would meet the proposed definition. I therefore strongly urge Members to oppose this amendment.

Amendment No 13 is to provide the Department and the Education Authority with the power to form or participate in a company. The need for this amendment has arisen as a result of the development of new shared education campuses. This includes the commencement of 10 shared education campuses, a key commitment in the Executive's 'Together: Building a United Community' strategy document, and the Strule shared education campus. Shared campuses are pioneer projects in how school buildings and facilities will be provided. They have posed new issues in the purchase and ownership of land, and management and governance arrangements. A key issue is the purchase and ownership of land that is to be jointly occupied by two or more schools from two or more school management sectors.

In exploring possible options, the establishment of a company formed equally by the Education Authority and the school trustees, as owners of the schools involved, has emerged as a possible option for the purchase and ownership of land for shared education campuses. However, there is currently no specific legislation that allows the Department of Education or the Education Authority to establish and participate in such a company. My proposed amendment will rectify this position. As it will be within the scope of the Shared Education Bill, the ability to form such a company would be restricted to shared education purposes. I note the Chair of the Education Committee's concern that it does not grow legs, and I agree with him on that. It is specifically for this purpose and this place in the legislation. Amendment No 13 was considered by the Education Committee. In its report, the Committee agreed to recommend this amendment to the Assembly. I urge the House to do likewise and support amendment No 13.

My concern about amendment No 14 is not on the basis of the need to report progress, but rather that such provision in the Bill is unnecessary, as there are already comprehensive reporting arrangements in place. There are already robust monitoring and reporting arrangements for both the Programme for Government and Together: Building a United Community commitments to advance shared education.

My Department's Sharing Works policy already commits to the chief inspector's biennial report, making specific comment on the current range and extent of shared education activities. This commitment includes highlighting good practice and making recommendations regarding how practice could be extended and improved.

It is my intention that existing reporting mechanisms would not only cover the two groups referenced in the Bill but consider the impact on all the section 75 categories as reflected in the Sharing Works policy. A duplication or even triplication of reporting arrangements would place unnecessary administrative requirements on my Department and its arm's-length bodies. This would inevitably lead to additional administration costs, which would be better served in addressing educational priorities. Shared education is not a cross-cutting issue, and there is already ample provision in place for scrutiny of the Department's responsibilities by both the Education Committee and the Assembly.

In general, I have concerns around the Assembly including in more and more legislation report-back mechanisms to the Assembly. I have no difficulty whatsoever with the Assembly holding Ministers or Departments to account, but we have, within the structures of these institutions, mechanisms to do exactly that. We have our Committees, which are there to scrutinise the role of Departments and Ministers; and also to support them in that role, an element that is often forgotten about. The Assembly is there to hold Ministers and Departments to account for their work programmes. We have the Public Accounts Committee, which regularly reports on the work programmes in our various Departments. We also have other more financial aspects, such as the Audit Committee etc.

So, this is a general concern and not one that is specific to this Bill. I can understand the mindset behind it. I understand why Assembly Members will be keen to ensure that shared education progresses as outlined, but my concern is that we are duplicating unnecessarily at a time when we need to remove layers of bureaucracy and administration rather than increase them. However, again, the Assembly will make a judgement on this matter when the vote comes forward.

4.15 pm

I turn finally to amendment No 15, which would require education bodies, including my Department, to consider shared education in their policies, strategies and delivery of education services. 'Sharing Works', my policy for advancing shared education, already identifies the critical need for coherent and effective alignment across educational policies. The policy makes commitments to ensure that alignment. Consequently, amendment No 15, which seeks to achieve similar aims to amendment No 8, would generally align with

that policy intent. I would have no major objection to the amendment should the House decide to accept it.

The tone of the debate today reflects the commitment from all sides of the House to advance the shared education policy. It is only natural that there are different points of view on how you best deliver that policy, what the main points are to ensure that the delivery is effective and where the journey of shared education is taking not only our schools but our society, but everyone remained focused on the commitment to shared education. We have advanced the debate much further than, I suspect, many observers or commentators around the Assembly thought possible. While I have encouraged Members to vote against a significant number of the amendments today, what progress the Bill makes is a decision of the Assembly. I do not see any of the amendments being fatal to the journey of the Bill. If the amendments are made, the Bill will still be a worthy one that can deliver significant change in our society and the shared education objective. I thank Members for their contributions thus far.

Mr Weir: I echo the Minister's comments by thanking all who took part in the debate. I said at the outset that I expected the contributions to be able and eloquent throughout. They have been focused. I will perhaps leave it to posterity to judge whether the debate generated any eloquence. That might be a matter of opinion, ultimately.

When focusing on the issues, there was, as the Minister said, broad consensus. There will be a range of opinions on specific aspects. We find ourselves, after three hours of debate, in such vigorous agreement that we may have narrowed the number of Divisions from eight or nine to six or seven. Eventually, progress has been made.

Like the Minister, I will avoid reciting a long list of "He said" and "She said" as often happens in this place in a winding-up speech, but I want to single out one element before going into greater detail. On behalf of the Committee, I welcome the Minister's remarks in response to the assurance sought, not by way of an amendment but by way of a ministerial assurance, on reasonable numbers and the flexibility of approach. That is critical to how well this will work.

I think that everybody is agreed that they want to see, as a result of the Bill, a change in our society and our education. We unite on community relations, educational attainment,

efficiencies and resources. A number of buzzwords sum up what people see as the benefit or otherwise of the amendments. They want a system that is flexible, they want to see a commitment to shared education that is empowering and they want this to complement the other work going on. I suspect that the different opinions on the amendments arise because, where one Member sees an amendment as increasing flexibility; another sees it as increasing inflexibility. Some see an amendment as empowering; others as restricting the Department. Particularly on integrated education, some Members saw amendments as complementary to what is being provided; others saw them as encroaching on that. However, the broad theme of what people want to achieve through the amendments has remained the same.

If, as an Assembly, we are failing to play exactly the same tune, to slightly paraphrase Eric Morecambe, we are playing exactly the same notes but not necessarily in the same order. That has meant that there has been a divergence of opinion on the impact of a number of the amendments.

Turning to each of the amendments —

Mr Lunn: Will the Member give way?

Mr Weir: I will give way briefly, yes.

Mr Lunn: I thank Mr Weir for giving way. He talked about us singing from the same hymn sheet but not quite singing the same notes. The Minister has indicated that he is prepared to take another look at amendment No 6. I am certainly prepared to have another look at amendment No 4. Before voting on those, we will have to vote on the Chair's amendment No 3. Would it be worthwhile if we all agreed to not move those amendments today and put our heads together to try to come up with something that combines them properly? They are all on the same wavelength; there is very little difference in them.

Mr Weir: Very much like the football game that broke out at Christmas during World War I, I am certainly open to that suggestion. If the Minister is happy to give an assurance that he will not move amendment No 6, I am happy to not move amendment No 3. We could reach that situation, because amendment Nos 3, 4, 6 and, consequently, 7, come from a similar angle. I appreciate that amendment No 2 is in a slightly different category, although I still have some concerns. If the Minister indicates that he will not move amendment No 6 and that we can

find something for Further Consideration Stage, I am happy to not move amendment No 3.

Mr O'Dowd: I thank the Chair for giving way. I am more than happy to not move amendment No 6 if the other amendments in regard to this matter are not moved. We can then have a discussion on these matters and see if we can come forward with an amendment that makes sense to everyone involved.

Mr Weir: A note of harmony. Mr Lunn, as we were talking about religion and no religion, I avoided using the phrase, "singing from the same hymn sheet", because of the connotations in that. It strikes me that, whereas there are different levels of emphasis and different levels of what is considered to be the right or wrong move in some of the other amendments, there was a slightly false argument over the issues in amendment Nos 3, 4, 6 and 7, because their intentions and what they hoped to bring about were more or less the same. On that basis, I will not move —

Mr Kennedy: Will the Member give way?

Mr Weir: Yes. I do not which one you are about to concede on, Danny.

Mr Kennedy: I thank the Chairman of the Committee for giving way. A spirit of reconciliation is evident. Normally, these things are done in what used to be called smoke-filled rooms or back rooms. It is nice to see political horse-trading taking place on the Floor of the Assembly. Some of us are keen that we, too, get involved in the horse-trading, so I assume that, in any consultation, the Chair will take the collection of voices from the entire Committee.

Mr Weir: I am happy to proceed on that basis. Obviously, because it is a Committee amendment, I will be guided by the Committee. In light of what seems to have been offered in terms of the Minister's position and the position of the Alliance Party, if anyone has a dissenting voice with regard to us not moving amendment No 3 today, on the understanding that we will find a formula for Further Consideration Stage, I am more than happy to give way to them. I take the silence as a sign that no one does, but I appreciate the point that was made.

Just in case anyone is concerned that we are lapsing into eternal harmony across the Chamber, there are some areas where there is at least some level of division. Turning to the first interlinked set of amendments, the substantive amendment in terms of the duty is amendment No 8, although there are obviously

technical amendments that relate to that, namely amendment Nos 1 and 11.

I have listened to what the Minister and others have said and I am still not convinced about why a duty being placed on the Department is such an appalling prospect. Why do I say that? The Committee felt that there needed to be some greater level of empowerment than a power simply being transferred and that there needed to be greater impetus. The argument that that will skewer everything so much in the Department that there will be a massive impact on budgets and all considerations is undermined by two things.

First, there is already a pre-existing duty in relation to integrated and Irish-medium education. However, that has not meant that the Department has interpreted that in such a way that all money is given to the integrated sector, for example, or, indeed, that all schools are effectively told, "We are forcing you to go integrated". Albeit, some Members might be sorry that that is not the case. There have been sensible ways of doing that. The argument has been used, and it is right that there is an argument, that there are different speeds in different parts of the country. This is not imposing a duty on individual schools or individual areas in that regard; it is a wider duty on the Department and, potentially, its arm's-length bodies. So, I am not convinced of that situation. Again, it seems to be something that can be, from that point of view, reconciled. To impose what is being proposed in amendment No 8 is, I think, a reasonable step forward. Consequently, from a Committee point of view and a party point of view, we are happy to go with that.

Amendment No 2 is in the name of Mr McCallister. Again, this is something that has been repeated on a number of occasions. Let me place on record that very good work is being done on a range of levels, in integrated schools and in the super-mixed schools, in this regard. Integrated schools are clearly there by a definition, but there is more of a question about super-mixed schools. If you are talking about super-mixed schools, we can identify some of them. Where you draw the line on what a school is, where there is a reasonable level of mix, and what might be super mixed is, perhaps, a little bit more of an artificial barrier. Again, I say that none of this is actually precluding any of those schools.

I have listened to all the evidence in this debate and during the Committee Stage. I had a reasonably open mind towards the issue when I came in. I find myself, for once — maybe the

second time — being in agreement with Mr Lunn in this regard. If we are talking about trying to show sharing or innovative work, we should ask, as Mr Hazzard put it, "Sharing with whom?". If you simply have it that it can be counted as being within a school, it might, in many ways, create a situation where schools that perhaps would have most to offer to shared education are not sharing their experiences. Again, a definition of sharing has to be about sharing between providers, and those providers can be from within the same sector. An integrated or shared education school is almost at an advanced stage in meeting the criteria of what counts as sharing as part of an overall process, because their mix of Protestant and Roman Catholic pupils will already tick the box, generally speaking. So, I do not see that as a barrier in that regard, but I think that it would create a situation where we would effectively move the goalposts on what counts as shared education in a way that, I think, goes beyond what the intention is there.

Amendment Nos 3, 4, 6 and 7 will not be moved today, so there is probably no point in saying a great deal more on them, other than to say that we need to find some form of solution. I appreciate what the Minister has said about technical certainty. It might be a moot point now, but, to my mind, simply saying "or none" provides a certain level of certainty. It would be preferable to find something that we can find common agreement on.

Mr McCallister can be happy that amendment No 5 seems to be one area on which there is complete agreement. There was one issue, which, I think, was dealt with at times by the Education Committee. From that point of view, I do not think that we had any problem with an amendment of this nature. The only issue on it, which was considered at Committee level, was whether it was absolutely necessary, but I think that it is reasonably desirable. Indications of a purpose subsection in this clause seems to be a reasonably sensible way forward.

Amendment No 9 is dependent upon amendment No 8. The contrast between amendment No 9 and amendment No 15 has been used. Again, broadly speaking, I could live with either of those amendments. I think that the Member has conceded that amendment No 15 goes a little bit wider. It perhaps slightly undermines the argument of some opposite on amendment No 8 that amendment No 15 then imposes a duty on the Department, albeit of an admittedly lesser nature than what is being put forward in amendment No 8.

To my mind, though, the idea that it would be horrific if the duty were to be imposed on the Department is slightly undermined by the fact that there will be support for amendment No 15.

4.30 pm

Mr O'Dowd: Will the Member give way?

Mr Weir: I will give way briefly, yes.

Mr O'Dowd: The Member would accept, however, that there is a distinct difference between "duty" and "to consider".

Mr Weir: The two are of a different nature, but they are both indeed entitled as a duty, because it is duty on education bodies. I think that, if this were a boxing match, even the proposer of amendment No 9 would have thrown in the towel a little bit earlier, when he said that, having looked at them again, he regarded amendment No 15 as the slightly better one. On that basis, and in the spirit of growing harmony that is ascending across the Chamber, I suspect that the Member may not move amendment No 9. I understand that the amendments are mutually exclusive. In any event, amendment No 15 is slightly more widely drawn and is certainly the one with which I would find greater favour.

There is a reasonable level of belief, certainly in my view and Mr Lunn's, that amendment No 10 is a sensible way forward but that its wording is not right. I think we have got to ensure that we do not box ourselves in entirely while ensuring that we have something that shows that there is a sufficient level of participation. It cannot simply be a tick-box exercise. We need to ensure that we do not have words that would facilitate a tick-box exercise. I am certainly happy to work with the Member if there is broader consensus that a better form of words could come forward at Further Consideration Stage. It would be one that I would be willing to support.

Amendment No 11 is obviously tied in with amendment Nos 1 and 8. I appreciate that amendment No 12 comes from the wording of a piece of draft legislation that did not make it the full way. The amendment is drawn very directly from that draft legislation. From that point of view, we want to see more of a level playing field and equality in education. The distinction is sometimes drawn between a statutory body and a non-statutory body. We need to see in what way that can be broken down. I think that this is quite a clever form of words. The concern expressed that this would simply lead

to Pandora's box being opened and that we would be left with a wide range of bodies suddenly appearing under this seems to somewhat ignore the provision under subsection 3(a) in the amendment, which means that any of these bodies has to be recognised by the Department of Education as such. Therefore, there is a filter mechanism.

On amendment No 13, again, we have dealt with the specific situation involved. Obviously, it is to deal with the specific situation of the shared campus. I acknowledge the legal and technical reasons why this amendment needs to be brought forward, and I have no issue with that.

On amendment No 14, we probably came relatively close to consensus, at least. Reservations were perhaps more about the need for it. When the Committee brought this amendment forward, we indicated that we did not want to add to the layers of bureaucracy. As regards timescales, we felt that there were ones that could fit in with reports that would be produced by the Education and Training Inspectorate anyway, but this amendment gives specific focus. I appreciate the Minister's argument that we do not want to have review mechanisms on everything, because that would overburden things, but one complaint that is sometimes made about the House is that we pass legislation and do not have enough regard for its implementation or to ensure that it meets the needs that are there. We had looked at this at one stage, in particular, but we think that this is a different way of doing it. I indicated in my opening speech that, ideally, the Committee would like to have seen a definition that reflected what was in its report. The definition in the proposed legislation is shorter and may be less widely drawn. We felt it was important to place in the Bill a level of review around things like educational attainment, good relations and a range of other issues. It was important that, perhaps, this was an alternative way to ensure that focus was maintained on those issues. Therefore, I believe that, largely speaking, the House can unite around amendment No 14.

Finally, on amendment No 15, which I have already dealt with, I think it is a positive step forward and I welcome it.

As we look forward to the Further Consideration Stage and to teasing out the couple of remaining issues, there seems to be at least a greater consensus, albeit that we will divide on some aspects of this. I think that the Consideration Stage has been worthwhile. I certainly commend all those who contributed to

the debate and to the consultation and, indeed, who gave evidence to the Committee. I reiterate our thanks to them, because I think that it helped to focus our minds on a range of issues and that it has improved the legislation. I believe that, whatever the outcome of the various amendments, there is nothing that will be, in the Minister's words, "fatal" to the Bill. I also believe that, depending upon what views the House takes on the amendments, we will have an improved process that has refined the good work of the Second Stage through the Consideration Stage.

Question put, That amendment No 1 be made.

The Assembly divided:

Ayes 52; Noes 30.

AYES

Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCreagh, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Newton, Mrs Overend, Mrs Pengelly, Mr Poots, Mr Rogers, Mr Ross, Mr Storey, Ms Sugden, Mr Weir.

Tellers for the Ayes: Mr Craig and Mr Kennedy

NOES

Mr Agnew, Mr Boylan, Mrs Cochrane, Mr Dickson, Mr Flanagan, Mr Hazzard, 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 McElduff, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Sheehan.

Tellers for the Noes: Ms Maeve McLaughlin and Mr Sheehan

Question accordingly agreed to.

Amendment No 2 proposed:

In page 1, line 7, leave out subsection (2) and insert

"(2) "Shared education" means the education together of—

(a) children or young persons from different religious, cultural or ethnic backgrounds; and

(b) those who are experiencing socio-economic deprivation and those who are not.

(2A) Shared education may be provided by—

(a) the working together and co-operation of two or more relevant providers from different educational sectors or with different governance arrangements; or

(b) a single relevant provider which is representative of the wider community in Northern Ireland in terms of its staff and its board of governors or governance structure."—
[Mr McCallister.]

Mr Speaker: Before I put the Question on amendment No 2, I remind Members that amendment Nos 2, 3, 4 and 6 are each mutually exclusive with the others.

Question, That amendment No 2 be made, put and negatived.

Mr Speaker: Amendment No 3 has already been debated. I call the Chairperson to move formally amendment No 3.

Mr Weir: In the spirit of the outbreak of harmony: not moved.

Amendment No 3 not moved.

Amendment No 4 not moved.

Amendment No 5 made:

In page 1, line 13, at end insert

"(2B) The purpose of shared education is to—

(a) deliver educational benefits to participants;

(b) promote the efficient and effective use of resources;

(c) promote equality of opportunity;

(d) promote good relations; and

(e) promote respect for identity, diversity and community cohesion."— [Mr McCallister.]

Amendment No 6 not moved.

Mr Speaker: I will not call amendment No 7 as it is consequential to amendment No 6, which has not been moved.

Clause 1, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 8 proposed:

After clause 1 insert

"Duty to promote, encourage and facilitate shared education

1A.It is the duty of the Department of Education to promote, encourage and facilitate shared education."— [Mr Weir (*The Chairperson of the Committee for Education*).]

Mr Speaker: As amendment No 9 is an amendment to amendment No 8, we need to dispose of amendment No 9 before putting the Question on amendment No 8. Amendment No 9 has already been debated. Members should note that amendment No 9 is mutually exclusive to amendment No 15. Therefore, if amendment No 9 is made, I will not call amendment No 15.

Amendment No 9 not moved.

Mr Speaker: We now return to amendment No 8.

Question put, That amendment No 8 be made.

Mr Speaker: I have been advised by the party Whips that, in accordance with Standing Order 27(1)(a) and (b), there is an agreement that we can dispense with the three minutes and move straight to the Division.

The Assembly divided:

Ayes 51; Noes 30.

AYES

Mr Allister, Mr Anderson, Mr Attwood, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Dallat, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood,

Mr Frew, Mr Gardiner, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Lord Morrow, Mr Newton, Mrs Overend, Mrs Pengelly, Mr Poots, Mr Rogers, Mr Ross, Mr Storey, Ms Sugden, Mr Weir.

Tellers for the Ayes: Mr Craig and Mr Rogers

NOES

Mr Agnew, Mr Boylan, Mrs Cochrane, Mr Dickson, Mr Flanagan, Mr Hazzard, 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 McElduff, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr Sheehan.

Tellers for the Noes: Mr Hazzard and Ms Maeve McLaughlin

Question accordingly agreed to.

New clause ordered to stand part of the Bill.

Amendment No 10 not moved.

Clause 2 (Power to encourage and facilitate shared education)

Amendment No 11 made:

In page 2, line 2, leave out paragraph (a).— [Mr Weir (The Chairperson of the Committee for Education).]

Amendment No 12 made:

In page 2, line 6, at end insert "(e) any sectoral body.

(3) In this section, "sectoral body" means a body—

(a) which is recognised by the Department of Education as representing the interests of grant-aided schools of a particular description; and

(b) to which grants are paid under Article 115 of the Education and Libraries (Northern Ireland) Order 1986, Article 64 of the Education Reform (Northern Ireland) Order 1989, or Article 89 of

the Education (Northern Ireland) Order 1998."— [Mr Weir (The Chairperson of the Committee for Education).]

Clause 2, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 13 made:

After clause 2 insert

"Power to form company

2A.—(1) For the purposes of its functions under section 2, the Department of Education may form, or participate in the formation of, a company under the Companies Act 2006.

(2) For the purposes of its functions under section 2(3) of the Education Act (Northern Ireland) 2014, the Education Authority may form, or participate in the formation of, a company under the Companies Act 2006."— [Mr O'Dowd (The Minister of Education).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 14 made:

After clause 2 insert

"Review

2A.—(1) The Department of Education must—

(a) not later than two years after the date on which this Act receives Royal Assent; and

(b) at intervals of not more than two years thereafter, review, and prepare a report on, the operation of this Act and section 2(3) of the Education Act (Northern Ireland) 2014 ("the 2014 Act").

(2) The Department of Education must lay any report under this section before the Assembly.

(3) A report under this section must include statements on the following matters, so far as relating to the reporting period—

(a) the extent to which the bodies listed in section 2(2) have exercised their powers under that section;

(b) the extent to which the Education Authority has complied with its duty under section 2(3) of the 2014 Act;

(c) the level of participation in shared education and the extent to which there has been any increase or decrease in participation;

(d) efficiency in the use of resources allocated for the purposes of shared education, including information and communications technology infrastructure;

(e) the impact of shared education on—

(i) educational attainment;

(ii) good relations between participating children or young persons;

(iii) attitudes of participating children or young persons towards persons from backgrounds other than their own."— [Mr Weir (The Chairperson of the Committee for Education).]

New clause ordered to stand part of the Bill.

New Clause

Amendment No 15 made:

After clause 2 insert

"Duty of education bodies to consider shared education

2A.—(1) Education bodies must consider shared education when—

(a) developing, adopting, implementing or revising policies, strategies and plans; and

(b) designing and delivering public services.

(2) The education bodies are—

(a) the Department of Education;

(b) the Education Authority;

(c) the Council for Catholic Maintained Schools;

(d) the Northern Ireland Council for the Curriculum, Examinations and Assessment; and

(e) the Youth Council."— [Mr Hazzard.]

New clause ordered to stand part of the Bill.

Clauses 3 and 4 ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Shared Education Bill. The Bill stands referred to the Speaker.

Health and Social Care (Control of Data Processing) Bill: Further Consideration Stage

Mr Speaker: I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move the Further Consideration Stage of the Health and Social Care (Control of Data Processing) Bill.

Moved. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in my provisional grouping of amendments selected list. There are two amendments, which will be debated in a single group. Both amendments deal with information processing. I remind Members intending to speak that they should address their comments only to the amendments. If that is clear, we shall proceed.

Clause 1 (Control of information of a relevant person)

Mr Speaker: We now come to the single group of amendments for debate. With amendment No 1, it will be convenient to debate amendment No 2. I call the Chairperson of the Committee for Health, Social Services and Public Safety, Ms Maeve McLaughlin, to move amendment No 1 and to address the other amendment in the group.

Amendment No 1 not moved.

Clause 2 (Establishment of committee to authorise processing of confidential information and to disseminate information)

Mr Speaker: Do you wish to address the amendment? You bluffed me there.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services

and Public Safety): I beg to move amendment No 2: In page 3, line 33, at end insert

"(2A) The circumstances in which the committee may authorise the processing of confidential information of a relevant person shall not include circumstances where that person has made representations to the committee that the relevant person's confidential information should not be disclosed or processed."

Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I welcome the Further Consideration Stage of the Bill.

Throughout Committee Stage, members raised significant concerns that the Bill did not provide a mechanism to allow individuals to opt out of having their personal information shared for secondary processing purposes. These concerns were echoed by the Information Commissioner's Office and the Law Centre. We have to remember that we are talking about information about somebody's medical condition, their prognosis and treatment and so on, and it was the Committee's view that there needed to be clear and robust mechanisms to allow people who do not want their information shared under any circumstances to be able to have that wish complied with.

The Committee was not satisfied with the Department's response to our concern, which was simply that opt-out mechanisms were already available under the Data Protection Act 1998. The Committee therefore tabled an amendment at Consideration Stage that was aimed at strengthening an individual's ability to opt out. However, on 5 January, the Minister wrote to the Committee advising that he believed that there were problems with the Committee's amendment and that it was likely to impact on the Data Protection Act 1998, which is a reserved matter.

The Committee considered the letter and took evidence from a departmental official at its meeting on 7 January, but, in the end, members did not have enough information to be able to form a view on whether the Committee's amendment might impact on the Data Protection Act 1998. The Committee felt that it was prudent to exercise caution and, therefore, sought legal advice on the issue. Members agreed not to move the amendment at Consideration Stage and to consider whether to move it at Further Consideration Stage after we had considered the legal advice. However, in order to meet the deadline for amendments for Further Consideration Stage, amendment No 1

had to be tabled before the legal advice was received.

The legal advice was provided to the Committee at its meeting on 20 January, some hours after the deadline for tabling amendments had passed. After considering the legal advice, the Committee had concerns that its original amendment, which is amendment No 1 on the Marshalled List, as drafted, was likely to impact on the Data Protection Act 1998. However, we were able to agree on an alternative amendment, which fulfils our original policy intention around opt-out and which will not impact on the Data Protection Act 1998. As such, we believe that our alternative amendment does not pose a risk to the progress of the Bill.

The Committee received correspondence from the Minister yesterday, advising that he may oppose our alternative amendment, and we welcome his comments in that regard. However, our alternative amendment is before the House today as amendment No 2, and I thank the Speaker for accepting the late amendment for debate. I now want to spend some time talking through the detail of the amendment and what it is designed to achieve.

The Committee and the Department are both well aware that a provision already exists in section 10 of the Data Protection Act 1998 to allow individuals to opt out of having their personal information shared if it would cause them unwarranted damage or distress. This would, presumably, apply in cases where the personal information in question was about somebody's medical condition. However, the provisions in section 10 of the 1998 Act are not absolute and there are scenarios when they can be overruled, for example, if the processing of the information is necessary for compliance with any legal obligation to which the data controller is subject.

5.15 pm

It is clear therefore, that the protections afforded to individuals under the Data Protection Act are not equivalent to those that exist in common law. Under the common law duty of confidence, a person can opt out of having their personal information shared, full stop. The Committee firmly believes that this Bill should not create a situation whereby, potentially, an individual's common law right to opt out of having their confidential information shared is lost. We have therefore brought this amendment forward, which means that the committee will not be able to authorise the processing of a person's confidential

information if the person has made representations to it. So the Health Committee hopes that other Members can see the importance and merit of the proposed amendment and will give their support to it.

Mr McKinney: I welcome the opportunity to contribute to today's Further Consideration Stage of the Health and Social Care (Control of Data Processing) Bill, and I do so as a member of the Health Committee and as SDLP Health spokesperson.

To go over some of the ground again; during the Committee's deliberations on the Bill, it became clear that major concerns existed regarding an individual's right to opt out and its implications on an individual's right to a private life. The Committee sought clarification on the issue, and the Minister wrote to the Committee, as has been explained, stating that such an opt-out provision existed in section 10 of the Data Protection Act, and that the inclusion of such an opt-out provision in the Bill is — I stress — likely to interfere with this legal provision, which was a reserved matter for Westminster.

Departmental officials attended the Committee on 7 January 2016 to brief members on the implications of having the opt out in the Bill. However, the impact that such a provision would have on the DPA remained unclear, and we then sought the legal advice, which we are relying on, as well as receiving legal advice from an expert in social policy at Queen's University. Both documents revealed that the Committee's initial concerns, and the rationale behind today's amendment have been warranted, and they reflect our view that privacy rights under section 10 of the DPA exist only where the process is causing — and I think it important to stress this too — unwarranted substantial damage or substantial distress. So, the DPA operates in a different category or framework to what the Committee is proposing around the health data.

The briefings to the Committee state that the processing of patients' data is unlikely to engage this provision and, importantly, that section 10 does not adequately provide for a right to opt out of processing. I think that this ultimately speaks for itself; that the DPA is only engaged in the most extreme of circumstances and does not offer a wide ambit of protection for most cases. This only reinforces the need for support, and I encourage support in the House for today's Committee amendment.

As I said, this reinforces that need and calls into question the Minister's assertion that the amendment would impact on the operation of

the DPA. We believe that the evidence received by the Committee proves otherwise, and, in this context, the SDLP supports today's amendment, as we believe that it affords greater protection and safeguards for patients who do not want their medical data to be released.

I would like to raise one other issue in relation to a letter that we received from the Minister, where he refers to the process of relevant persons applying to the committee in relation to regulations, and yet — if I understand his letter correctly — he calls into question that very same process in relation to our opt-out proposal. So I ask him just to clarify some detail on that.

Mrs Dobson: I have also said that this is an important Bill and broadly well-intentioned. However, given that it also extends to the very sensitive issue of handling patients' private information, it was also clear that a cautious approach to it was necessary. It is essential that this new legislation continues to have the trust of patients and all the bodies that would likely benefit from improved sharing of information. Whilst I note that an opt-out provision exists in the Data Protection Act, many people, including Members of the House, would have been unaware of that.

That is why the Committee unanimously tried to place a clear opt-out in the Bill. It is disappointing that the Minister felt that was not achievable, and I have to express my disappointment at the reluctance of his officials to provide us with a form of wording that they felt would be achievable. That is why we are in the unfortunate position of having now to move only amendment No 2. Whilst I recognise its difficulties, I believe that it is better than the Minister's alternative of nothing. Thank you.

Mr McCarthy: As a member of the Health Committee, I support the Chairperson, her submission and, indeed, other members of the Committee on this very important topic. A lot of time and effort were put into discussing it. I am somewhat disappointed that the Minister has not seen fit to give it his support. On this occasion, I think it is very important simply to support what has been said by the Chair of the Committee and other members.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): Most of the debate on the amendment centres on the ability and absolute right of people, consistent with the Data Protection Act 1998, to opt out from their information being used and shared. Nothing in

the Bill has ever sought to move away from that principle, which is contained and enshrined in the DPA.

I understand and, in many respects, agree with the concerns that the Committee has. We have to be very careful that information about people is not shared inappropriately, inadvertently or unwittingly. I do not accept the argument made by some that, given that there is the capacity to opt out in the Data Protection Act, somehow, by inserting anything on an opt-out to this piece of legislation, will suddenly make people aware of that right. The argument goes that people are unaware of the capacity to opt out under the Data Protection Act and that inserting any sort of clause or amendment to this legislation will suddenly mean that everybody is aware of their right to opt out.

If my maths is right, I think that there are 13 of us in the Chamber at this moment in time. I am not sure how many of the other 90 or so Members understand that there is this ability to opt out, and I am sure that there are probably not more than 13 other people watching proceedings. So I am not sure how awareness is increased by including any amendment on this, but I understand completely the points that Members are making.

Amendment No 2, as far as I understand it, seeks to compel the committee — I do not mean the Assembly Committee, but the committee that will be established by regulations through an amendment that was passed to that effect at Consideration Stage — to exclude an individual's information from any authorisation given in response to an application to access health and social care information if that individual has asked the committee not to process his or her information.

As far as we understand from the amendment, its operation would require the individual to be aware of each application that is made to access his or her health and social care information, so that they could register an objection to that information being disclosed or processed. I think it is fair to say that that might pose bureaucratic problems, because if you need to do that, it is going to involve some degree of hassle for the individual, unless they have, of course, a blanket opt-out for all their information to be shared. However, in some cases it might be that they say, "In this area, I do not want it shared, but in that area I am perfectly content for it to be shared." That will have to be clarified.

Mr McKinney: Will the Minister give way?

Mr Hamilton: I am happy to give way to the Member.

Mr McKinney: Can I clarify one particular point? The Minister appears to be saying that, in the processing of the information, the individual would have to be alerted because of each request from an external body. Surely it is the other way around, in that an individual, aware that they can have their data not shared, makes that clear and, therefore, it is not shared.

Mr Hamilton: You are asking me about it, but I am trying to interpret your amendment. It is not my amendment that has come forward, so you tell me how it operates. I am trying to look at ways in which it might operate. The point I am making is that you could have a generic opt-out. An individual could register a generic opt-out for their information in every set of circumstances. That is obviously much simpler to administer than someone saying, "I don't want my information about this condition that I had treatment for to be used, but I am happy otherwise." There might be crossover in some areas; treatments might have been simultaneous.

This is not my amendment; I am not trying to explain how it would operate. I am happy to give way to the Chair or to the Member if either wants to explain exactly how they see it operating. I am just trying to work it out and highlight some of the problems associated with it, because it is not clear to me, from reading the amendment, exactly how it would operate. However, the individual could register a generic opt-out with the committee that would then be acted on as each application was considered. That is one way in which it could be done.

The objective of the Bill was to establish a clear statutory framework with robust and stringent safeguards to enable the use of identifiable health and social care information for health and social care purposes in the public interest without the consent of the individuals whose information may be used. It was never the intention that the committee would have access to individuals' identifiable information, and this amendment — I am happy to give way to the Members if they can explain it better — would require, as I and my Department read it, the committee to obtain, hold and maintain identifiable information and to share it with data controllers and requesters who may have no previous relationship with the individual concerned. Sufficient personal information would be required to enable data controllers to identify the individual and to ensure that they do not process the individual's confidential information should they hold it.

Let me explain my concern by way of an illustration. The committee's starting position would be that it does not want personal information shared where people do not want it to be shared. Then, if somebody makes a request for information and is told, "We do not want Joe Blogg's or John Smith's information to be shared", it is not sufficient just to say, "We don't want Joe Blogg's information to be shared" — or Maeve McLaughlin's or Fearghal McKinney's or Kieran McCarthy's or Simon Hamilton's as the case may be. People might be very grateful that there is only one of us, but I suspect that there are others in the country who have our name.

You would need to be crystal clear that, in excluding my information — or the Chair's or Mr McKinney's or Mr McCarthy's — you are excluding the right person's information. To do that, you would have to provide the requester, with whom the individual does not want their information to be shared, with identifiable information on date of birth, where they live, when they have had treatments and all that. You would be starting to get into the realm of breaching the Data Protection Act. You would, potentially, be giving away personal information to people whom the subject of the information did not want it to go to in order to stop them getting other personal information. I am not clear as to how you would otherwise exclude them or make sure that mistakes do not happen. Surely, we do not want mistakes. The risk is that, by attempting to protect people's personal information, you actually start to reveal their personal information.

Mr McKinney: Will the Minister give way?

Mr Hamilton: I am happy to give way to the Member.

Mr McKinney: Surely the person, in circumstances such as these, would identify themselves as an individual who does not want their information shared. Of course they will share the initial bit of their information, such as, "Fearghal McKinney, 1 Acacia Avenue", pro forma sort of information. It is a simple process, but it is the person who will say, "I do not want my information to be shared." They are handing that piece of information over and saying, "Do not share it."

Mr Hamilton: I get that; that is easy. Let us say that a cancer charity requests the information. How does it know that it is excluding the right person? There could be several people of the same name on a list, so the charity would need to be absolutely certain

that it was excluding the right person. You would have to give the charity the name to tell so that you could tell it to exclude it from the list. This is information that is not to be identified to the charity.

What I am saying is that I have concerns about how this has been drafted and what might be its unintended consequences.

I am not saying that I do not understand the points that the Committee is making or that I do not have sympathy with its desire to reinforce people's ability and capacity to opt out of having their information shared.

5.30 pm

Incidentally, I would have been content to accept amendment No 1, which has not been moved by the Committee Chair, and not accept amendment No 2. However, in the spirit of trying to accommodate the Committee's concerns, I am prepared to have regulations to ensure that the Committee is given its place and that other aspects of the Bill have to come forward to the House at a future date via draft affirmative resolutions and legislation. I am prepared to make a commitment that the Department will work with the Committee to seek to strengthen opt-out provisions via secondary legislation.

I have some concerns about this amendment. I understand the intentions behind it. As evidenced by the debate, it is not entirely clear how it might operate. If there is a lack of clarity as to how it might operate and there may be inadvertent consequences, surely we are better taking our time to get it right. I make the offer again that the Department will work with the Committee to try to include in the regulations some way to strengthen the opt-out provisions that does not have unintended consequences. I am happy to make that offer if the House will accept it. However, I will put on the record that, if the offer is not accepted, I will oppose amendment No 2, which is on the Marshalled List.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank Committee members for their commentary. This legislation, which started off by being unclear about what it was setting out to do, has been significantly altered. It is important to reflect on the fact that the Minister and the Department have shifted from the position that opt-out appearing in the Bill would be likely to impact on data protection. I welcome that shift. Nonetheless, it is part of where we are today in

trying to make patient protection uppermost in the Bill. I welcome the comments from Fearghal, Jo-Anne and Kieran. It is right that the Committee took a cautious approach, did proper scrutiny and ensured that we followed the correct process on ensuring patient protection.

I listened carefully to the Minister's concerns about amendment No 2. I remain to be convinced that this is simply operational and can be addressed or tidied up in regulations that may come forward. I am certainly willing to take up the Minister's offer about looking at that. However, I am mindful that the original advice was that we simply could not do this because it was likely to impact on the Data Protection Act. We have moved from that position. I am very clear that opt-out will provide better patient protection. Having that in the Bill, as suggested in amendment No 2, is the appropriate way forward. I am willing, and I am sure that the Committee as a whole will be willing, to explore how those processes and operational issues would be addressed through regulations. However, at this point, I stress that it is a substantial amendment that will allow individuals to exercise their common law right to opt out of having their confidential information shared, which is clearly an emotive issue. I hope that the House can support the amendment.

Amendment No 2 made:

In page 3, line 33, at end insert

"(2A) The circumstances in which the committee may authorise the processing of confidential information of a relevant person shall not include circumstances where that person has made representations to the committee that the relevant person's confidential information should not be disclosed or processed."— [*Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety).*]

Mr Speaker: That concludes the Further Consideration Stage of the Health and Social Care (Control of Data Processing) Bill. The Bill stands referred to the Speaker.

Members should take their ease while we change the top Table.

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

Environmental Better Regulation Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call the Minister of the Environment, Mr Mark Durkan, to move the Bill.

Moved. — [Mr Durkan (The Minister of the Environment).]

Mr Deputy Speaker (Mr Dallat): As no amendments have been tabled, there is no opportunity to discuss the Environmental Better Regulation Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Legal Complaints and Regulation Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call the Minister of Finance and Personnel, Mr Mervyn Storey, to move the Bill.

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Deputy Speaker (Mr Dallat): One amendment has been tabled. Members will have received a copy of the Marshalled List of amendments, which provides details of the amendment. The amendment concerns an order-making power in relation to the review process. I remind Members intending to speak that they should address their comments only to the amendment. If that is clear, we shall proceed.

Mr Storey (The Minister of Finance and Personnel): I beg to move the following amendment: In page 26, line 37, leave out "Regulations under this section shall" and insert

"The Department must by order subject to negative resolution".

This amendment comes as a result of the earlier provision tabled by the Committee for Finance and Personnel and passed by the House last week at Consideration Stage, which will see the appointment, within three years of the commencement of this legislation, of an independent person who will undertake a statutory review of its implementation. I opposed this amendment at Consideration Stage for the reasons that I set out then and which I will not rehearse, but I am content to accept the will of the House going forward. The clause as drafted, however, requires a little tidying up.

The amendment that I have tabled seeks to do that, and my officials have liaised with the Committee on that point. The amendment simply makes clear the type of secondary legislation that is most appropriate to effect the terms of the review and the most appropriate form of Assembly control. It does not impact on the policy in any way. Accordingly, I recommend that the amendment is made.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a LeasCheann Comhairle. As we have heard, the amendment flows from last week's Consideration Stage, during which the House supported the Committee's amendment. The Department helpfully provided the Committee with a copy of the amendment, together with the revised explanatory and financial memorandum, in time for members to consider them at their meeting last week.

Members noted that DFP considers that it is more appropriate that the terms of an independent review will be set by way of an order that is subject to negative resolution rather than by regulation. The Committee agreed that it was content with that technical improvement and that, as DFP stated, it would not change the effect of the Committee's amendment.

On behalf of the Committee, I therefore support the amendment.

Mr Storey: I thank the Chair of the Committee for his help in regard to this. I also thank the Committee. I appreciate the collaborative work that has been done on this issue, and I am satisfied that we have come to a conclusion on it.

Mr Deputy Speaker (Mr Dallat): I cannot put the Question until we have a quorum.

Notice taken that 10 Members were not present.

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

Upon 10 Members being present —

Mr Deputy Speaker (Mr Dallat): I am pleased to announce that we have a quorum.

Amendment agreed to.

Mr Deputy Speaker (Mr Dallat): That concludes the Further Consideration Stage of

the Legal Complaints and Regulation Bill. The Bill stands referred to the Speaker.

Adjourned at 5.43 pm.

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